

File No. 200809

Committee Item No. _____

Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: August 18, 2020

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
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OTHER

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Appeal Letter - 03/20/20 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Planning Department Response - 08/10/20 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Appellant Supplemental Information - 08/07/20 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project Sponsor Brief - 08/07/20 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Hearing Notice - 08/04/20 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Clerical Documents |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: Lisa Lew

Date: August 14, 2020

Prepared by: _____

Date: _____

From: Carlos Bocanegra <cebocanegra@dons.usfca.edu>
Sent: Friday, March 20, 2020 9:57 AM
To: BOS Legislation, (BOS)
Cc: Gibson, Lisa (CPC)
Subject: Re: Filing Appeal During Shelter in Place Order
Attachments: 2300 Harrison BOS_FeeWaiver.pdf; 2300 Harrison Authorization Letter.pdf; 2300 Harrison CEQA Initial Filing.pdf; 2300 Harrison Motion no attachments.pdf; CPE Certificate 2.19.20 - 2300 Harrison Street.pdf; CPE Initial Study 2.19.20 - 2300 Harrison Street.pdf; MMRP 2.19.20 - 2300 Harrison Street.pdf

Good Afernoon Brent,

Thank you for the updates and support. I am attaching the CEQA materials to this email. I don't have a scanner here at home so I can't send the document as a single pdf unfortunately.

There was a fee waiver form online that was a fillable form on Adobe. I have filled out the form and will attach it in case it helps. Otherwise, I would like to wait to submit the filing fee check and waiver after I receive notification that your office is ready to once again resume appeal business.

Thank you again for yours and the entire staff's work and support for our communities during this time of crisis.

Best Regards,
Carlos Bocanegra



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On Thu, Mar 19, 2020 at 5:35 PM BOS Legislation, (BOS) <bos.legislation@sfgov.org> wrote:

Good afternoon Carlos,

I just received word that City Hall Offices are shut down and is closed to the public through April 7, 2020. The Clerk's Office will accommodate your filing by receiving it electronically at bos.legislation@sfgov.org; we will treat the email message as the time stamp of submitted material.

While we are accepting filings, the scheduling of hearings are suspended until after the emergency. As such, you may either mail your filing fee check and waiver to our office, or wait to submit them when we notify you that we are ready to resume appeal business.

Please do not hesitate to contact us with any questions; we will do our best to answer them.

Best,

Brent Jalipa

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



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From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Sent: Thursday, March 19, 2020 4:15 PM

To: Carlos Bocanegra <cebocanegra@dons.usfca.edu>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>

Subject: RE: Filing Appeal During Shelter in Place Order

Good afternoon Carlos,

Right now we are responding to the [Governor's Executive Order N-25-20](#); the point of your interest would be No. 11 that suspends portions of the [Brown Act](#). Please also review the President's remarks at the 2:00 mark of the Board's regular meeting on [March 17, 2020](#) where he addresses teleconferencing for the Board Members.

The issues you bring up are sound and valid and we endeavor to address your concerns by the time your hearing will be considered. We appreciate your patience as we develop interim procedures in response to orders from the State and Mayoral level in this time of a public health emergency.

Regards,

Brent Jalipa

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

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From: Carlos Bocanegra <cebocanegra@dons.usfca.edu>

Sent: Thursday, March 19, 2020 2:08 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>

Subject: Re: Filing Appeal During Shelter in Place Order

Hi Brent,

Thank you again for your response. Understood regarding the filing, but the latter part regarding scheduling of these hearings is deeply concerning. I understand the Board's meeting regularly during the crisis but not sure how they can

do so for these appeals without raising issues of discrimination. What is the public's opportunity for participation? Particularly those who are historically marginalized, low-income, and/or without access to the internet?

Could you please direct me to the section within the Administrative Code that the Board of Supervisors is using to justify allowing appeals to be heard via teleconference please? Or to the section(s) that detail hearing procedures should in-person public hearings become suspended?

Appreciate your help and support. Thank you!

Best Regards,

Carlos Bocanegra

On Wed, Mar 18, 2020 at 12:39 PM BOS Legislation, (BOS) <bos.legislation@sfgov.org> wrote:

Hi Carlos,

Yes. As of this moment, filing deadlines are still in effect because our office is still open to receive said appeals. Same goes for hearing scheduling pursuant to the Administrative Code because the Board is still meeting regularly--given that Supervisor Yee moved to allow the Board to meet in teleconference.

We do apologize for the fluidity of our procedures at the moment, we do endeavor to keep everyone safe, as well as informed, during the health emergency.

Best,

Brent Jalipa

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

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From: Carlos Bocanegra <cebocanegra@dons.usfca.edu>
Sent: Wednesday, March 18, 2020 12:12 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>
Subject: Re: Filing Appeal During Shelter in Place Order

Hi Brent,

I also wanted to check in regarding filing for projects in the current crisis we find ourselves in and postponement of current BoS hearing. Are the filing deadlines for appeals still in effect as of this moment?

Thank you.

Best Regards,

Carlos Bocanegra



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On Wed, Mar 18, 2020 at 10:49 AM Carlos Bocanegra <cebocanegra@dons.usfca.edu> wrote:

Hi Brent,

Thank you for your response and help. Sounds good. Please let me know if the Clerk's office becomes subject to limited hours and I will be sure to reach out and coordinate.

Appreciate any updates you can provide regarding any developments that may affect your ability to file this Friday, March 20 in the meantime.

Thanks again! Hope you are all staying healthy and safe.

Best Regards,

Carlos Bocanegra



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On Wed, Mar 18, 2020 at 10:18 AM BOS Legislation, (BOS) <bos.legislation@sfgov.org> wrote:

Good morning Mr. Bocanegra,

As of this writing, we have skeletal staff at the Clerk's Office and ensuring that there is a Legislative Clerk available to process appeals should a filing arrive. In the event we are subject to limited hours, kindly provide a proposed time in which you anticipate coming to our office. Otherwise, will be sure to keep you apprised of any developments that may affect your ability to file this Friday, March 20.

Regards,

Brent Jalipa

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



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From: Carlos Bocanegra <cebocanegra@dons.usfca.edu>

Sent: Wednesday, March 18, 2020 9:21 AM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>

Subject: Re: Filing Appeal During Shelter in Place Order

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I was an appellant for a project located at 2300 Harrison. The CPE and Initial Study for the project were withdrawn and my appeal was as well. The deadline for refiling this appeal is this Friday. I know there is a shelter in place order and that several offices have closed.

I would like to know how this current order affects the filing for this CEQA appeal. Is the Clerk's office still open and available to receive these appeals?

Thank you.

Best Regards,

Carlos Bocanegra



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March 20, 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.

San Francisco Board of Supervisors

- 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,

Carlos Bocanegra

Exhibit A



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Community Plan Evaluation

Case No.: 2016-010589ENV
Project Address: 2300 Harrison Street/3101 19th 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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The 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.



Lisa Gibson
Environmental Review Officer



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 19th 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 site¹; 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

¹ 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 Planning Commission approved~~ the large project authorization ~~would be the approval action~~ for the project on December 12, 2019. The ~~approval action date~~ reissuance of this community plan evaluation 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 19th Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR).² Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

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

² 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 19th Street.

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

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

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

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 19th 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 19th Street is consistent with and was encompassed within the analysis

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

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

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 19th Street project, and identified the mitigation measures applicable to the 2300 Harrison Street/3101 19th Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{5,6} Therefore, no further CEQA evaluation for the 2300 Harrison Street/3101 19th 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 19th streets in the Mission neighborhood. Harrison and 19th 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 19th 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 19th 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 19th Street. Further to the southwest, south of 20th 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 20th 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

⁵ San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 2300 Harrison Street/3101 19th 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.

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

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

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 19th 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 19th 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		

⁷ 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.

Mitigation Measure	Applicability	Compliance
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
G. Air Quality		
G-1: Construction Air Quality	Not applicable <u>Applicable: the project site is not located within an Air Pollutant Exposure Zone and the requirements of the Dust</u>	Not applicable <u>The project sponsor has agreed to implement construction air quality mitigation measures (Project Mitigation Measure 4).</u>

Mitigation Measure	Applicability	Compliance
	Control Ordinance supersede the dust control provisions of PEIR Mitigation Measure C 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
J. Archeological Resources		
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
K. Historical Resources		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by Planning Department	Not applicable
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (EastSoMa)	Not Applicable: plan-level mitigation completed by Planning Commission	Not applicable

Mitigation Measure	Applicability	Compliance
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission	Not applicable
L. Hazardous Materials		
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).
E. Transportation		
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 Checklist⁸:

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

⁸ 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

Initial Study – Community Plan Evaluation

Case No.: **2016-010589ENV**
Project Address: **2300 Harrison Street/3101 19th 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.¹ 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 19th 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

¹ 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 site²; 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 19th and Harrison streets. In addition, a new elevator serving the office space would be accessible from the basement garage,

² 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 19th Street frontage, a 74-foot-long dual use³ loading zone is proposed east of Treat Avenue and near the existing office entry along 19th 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.⁴ 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).

³ 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.

⁴ 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 was approved by the Planning Commission on December 12, 2019. The ~~approval action date~~ reissuance of the community plan evaluation 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).⁵ 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).

⁵ 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.⁶

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

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,

⁶ 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.⁷ 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.^{8,9} 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.

⁷ Preserve Poway v. City of Poway, 245 Ca1.App.4~ 560.

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

⁹ 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>
2. POPULATION AND HOUSING— Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

One of the objectives of the Eastern Neighborhoods area plans is to identify appropriate locations for housing in the City's industrially zoned land to meet the citywide demand for additional housing. The PEIR 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.¹⁰ 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).^{11,12}

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 2040.¹³

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

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

¹¹ 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].

¹² 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.

¹³ 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.^{14,15} 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.¹⁶ The pipeline also includes projects with land uses that would result in an estimated 94,600 new employees.^{17,18} 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

¹⁴ 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.

¹⁵ 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.

¹⁶ San Francisco Planning Department, 2018 Q4. Housing Development Pipeline. Available online at:

<https://sfplanning.org/project/pipeline-report>. Accessed April 10, 2019.

¹⁷ Ibid.

¹⁸ 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.

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

Historic Architectural Resources

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

The existing office building was determined to not be a historic resource in the Showplace Square/Northeast Mission Historic Resource Survey.¹⁹ 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

¹⁹ 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.²⁰

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.²¹ 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.

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

²¹ 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.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
4. TRANSPORTATION AND CIRCULATION—Would the project:				
a) Conflict with 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.²² Accordingly, this initial study does not evaluate the project’s impact on automobile delay or transit capacity. The planning department

²² 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.²³

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.²⁴ 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.²⁵

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

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

²⁴ 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.

²⁵ 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. 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.²⁶ 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 19th 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

²⁶ 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.²⁷

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.²⁸ Existing commercial loading activities occur within the parking spaces along the building's Harrison Street frontage or in the parking spaces along 19th 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.²⁹ The project sponsor would request that the SFMTA install a 74-foot-long loading zone along the building's 19th 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 19th 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

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

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

²⁹ 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., 7th, 8th, 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, 19th, and Mistral streets and among Muni routes 12 Folsom and 27 Bryant in addition to 22 Fillmore, 33 Ashbury-18th Street, and 55 16th 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.

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

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

projects.³⁰ 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 19th 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.³¹ 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.

³⁰ 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).

³¹ 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.³² An increase of less than 3 dBA is generally not perceptible outside of controlled laboratory conditions.³³ 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.

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

³³ 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. 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.³⁴ 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 2015,³⁵ 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

³⁴ 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/chapter116compatibilityandprotectionfor?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_116.2](http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter116compatibilityandprotectionfor?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_116.2). Accessed on April 10, 2019.

³⁵ *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.³⁶ 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 19th Street, respectively.³⁷ 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>
6. AIR QUALITY—Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

³⁶ 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.

³⁷ 793 South Van Ness Avenue (Case No. 2015-001360ENV) and 2750 19th Street (Case No. 2014.0999ENV).

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses³⁸ 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.³⁹

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

³⁸ 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.

³⁹ 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.”⁴⁰ The BAAQMD’s *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria⁴¹ 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_{2.5}) concentration, cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project’s activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality. 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.

Projects located within the air pollutant exposure zone, such as the proposed project, must provide filtration to protect occupants from PM_{2.5}. Health Code Article 38 requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (health department) that achieves protection from PM_{2.5} equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. The building department will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

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~~

⁴⁰ 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.

⁴¹ 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. Accessed April 25, 2019. See pp. 3-2 to 3-3.

is not applicable to the proposed project. Thus, PEIR Mitigation Measure G-1 would be required and included as **Project Mitigation Measure 4** to implement portions of Eastern Neighborhoods PEIR Mitigation Measure G-1 related to emissions exhaust by requiring construction equipment with lower emissions. This measure would reduce diesel particulate matter exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.⁴² Therefore, impacts related to construction health risks would be less than significant through implementation of **Project Mitigation Measure 4** Construction Air Quality, as described in the Mitigation Measures section below.

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, for project operations, 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 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.⁴³ 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.

As discussed above, the project site is located in an area that already experiences poor air quality. The proposed project would add new sources of TACs from construction activities to an area already adversely affected by poor air quality, resulting in a considerable contribution to cumulative health risk impacts on nearby sensitive receptors. This would be a significant cumulative impact. The proposed project would be required to implement **Project Mitigation Measure 4**, Construction Air Quality, which could reduce construction period emissions by as much as 94 percent. Implementation of this mitigation measure would reduce the project's contribution to cumulative localized health risk impacts to a less-than-significant level.

⁴² PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the U.S. Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

⁴³ BAAQMD, CEQA Air Quality Guidelines, May 2017, page 2-1.

Furthermore, compliance with Article 38 would ensure that new sensitive receptors are not substantially affected by existing or proposed sources of toxic air contaminants.

Conclusion

The Eastern Neighborhoods PEIR determined that implementation of the Eastern Neighborhoods Area Plans and Rezoning would result in significant air quality impacts during construction activities. For the above reasons, ~~none of the Eastern Neighborhoods PEIR air quality mitigation measures are applicable to the proposed project and~~ with the implementation of **Project Mitigation Measure 4** (implementation Eastern Neighborhoods PEIR Mitigation Measure G-1), the proposed project would not result in new or more severe significant air quality impacts that were not identified in the PEIR.

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

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from rezoning of the Mission Area Plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B, and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO₂E⁴⁴ per service population,⁴⁵ respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

The BAAQMD has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project's GHG emissions and allow for projects that are consistent with an adopted GHG reduction strategy to conclude that the project's GHG impact is less than significant. San Francisco's *Strategies to Address Greenhouse Gas Emissions*⁴⁶ 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

⁴⁴ CO₂E, defined as equivalent Carbon Dioxide, is a quantity that describes other greenhouse gases in terms of the amount of Carbon Dioxide that would have an equal global warming potential.

⁴⁵ 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.

⁴⁶ 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, accessed November 8, 2018.

have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,⁴⁷ exceeding the year 2020 reduction goals outlined in the BAAQMD's 2017 *Clean Air Plan*,⁴⁸ Executive Order S-3-05⁴⁹, and Assembly Bill 32 (also known as the Global Warming Solutions Act).^{50,51} In addition, San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05⁵² and B-30-15.^{53,54} 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 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.

⁴⁷ ICF International, Technical Review of the 2012 Community-wide Inventory for the City and County of San Francisco, January 21, 2015.

⁴⁸ 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.

⁴⁹ 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.

⁵⁰ California Legislative Information, *Assembly Bill 32*, September 27, 2006. Available at http://www.leginfo.ca.gov/pub/05-06/bill_asm_ab_0001-0050/ab_32_bill_20060927_chaptered.pdf, accessed March 3, 2016.

⁵¹ 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.

⁵² Executive Order S-3-05 sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million MTCO₂E); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO₂E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO₂E).

⁵³ 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.

⁵⁴ 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 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.⁵⁵ 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 energy⁵⁶ 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).⁵⁷ Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.⁵⁸

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

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

⁵⁵ Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

⁵⁶ Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

⁵⁷ 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.

⁵⁸ San Francisco Planning Department, Greenhouse Gas Analysis: Compliance Checklist for 2300 Harrison Street, February 7, 2019.

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.⁵⁹ The shadow fan modeled both the 75-foot-tall proposed building and the additional 10 feet of roof 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.⁶⁰

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,

⁵⁹ San Francisco Planning Department, Shadow Fan, 2300 Harrison Street, July 3, 2018.

⁶⁰ 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, accessed February 1, 2019.

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.

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

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

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.⁶¹ Six routes identified within the Green Connections Network cross the Eastern Neighborhoods Plan area: Mission to Peaks (Route 6); Noe Valley to Central Waterfront (Route 8), a portion of which has been conceptually designed; Tenderloin to Potrero (Route 18); Downtown to Mission Bay (Route 19); Folsom, Mission Creek to McLaren (Route 20); and Shoreline (Route 24). As shown on Map 7 of the ROSE, the project site is not located in an area with a greater need of open spaces.⁶²

There are three open space and recreation facilities in the project vicinity including Jose Coronado Playground at 21st and Folsom streets, Alioto Park at 20th and Capp streets, and In Chan Kaajal Park at 17th 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 21st 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

⁶¹ San Francisco Planning Department. Green Connections. <https://sfplanning.org/project/green-connections>. Accessed April 10, 2019.

⁶² San Francisco General Plan Recreation and Open Space Element, *Map 07 High Needs Areas: Priority Acquisition & Renovation Areas*, April 2014.

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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
10. UTILITIES AND SERVICE SYSTEMS— Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<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) 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.⁶³ 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 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

⁶³ 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.

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.

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

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in 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 19th 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.⁶⁴ 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.^{65,66} Thus, even with increasing enrollment, school district currently has more classrooms district-wide than needed.⁶⁷ 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.⁶⁸

⁶⁴ This analysis was informed, in part, by a Target Enrollment Survey the San Francisco Unified School District performed of all schools in 2010.

⁶⁵ 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.

⁶⁶ 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.

⁶⁷ 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, accessed October 5, 2018.

⁶⁸ Lapkoff & Gobalet Demographic Research, Inc., Demographic Analyses and Enrollment Forecasts for the San Francisco Unified School District, February 16, 2018, p. 2,

Lapkoff & Gobalet Demographic Research, Inc. conducted a study in 2010 for the school district that projected student enrollment through 2040.⁶⁹ 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.⁷⁰ 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.⁷¹ The school district currently has capacity to accommodate this minor increase in demand without 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.

<http://www.sfusd.edu/en/assets/sfusd-staff/about-SFUSD/files/demographic-analysis/enrollment-forecast.pdf>, accessed October 5, 2018.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ 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.

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

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

The project site is 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.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
13. GEOLOGY AND SOILS—Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.⁷² 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 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.⁷³ 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).⁷⁴

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

⁷² Rockridge Geotechnical, Preliminary Geotechnical Report, Proposed Mixed-Use Building 2300 Harrison Street, San Francisco, California, October 5, 2017.

⁷³ 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.

⁷⁴ 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.*

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 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.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
14. HYDROLOGY AND WATER QUALITY— Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<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) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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.⁷⁵ 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

⁷⁵ San Francisco Public Utilities Commission, Wastewater Discharge Permits, <https://sfwater.org/index.aspx?page=498>, accessed on April 25, 2019.

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.⁷⁶ 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,⁷⁷ 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.

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.⁷⁸

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.

⁷⁶ 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.

⁷⁷ 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.

⁷⁸ 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.

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>
15. HAZARDS AND HAZARDOUS MATERIALS—Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.⁷⁹ 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.^{80,81} 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. 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.

⁷⁹ Golder Associates Inc., Phase I Environmental Site Assessment, Commercial Property, 2300 Harrison Street, San Francisco, California. October 2000.

⁸⁰ San Francisco Department of Public Health, *Maher Ordinance Application*, 2300 Harrison Street, October 15, 2018.

⁸¹ Golder Associates Inc., Phase I Environmental Site Assessment, Commercial Property, 2300 Harrison Street, San Francisco, California. October 2000.

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

The Eastern Neighborhoods PEIR determined that the area 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 2045.⁸²

⁸² California Energy Commission, California Renewable Energy Overview and Programs. Available at: <https://www.energy.ca.gov/renewables/>. Accessed April 24, 2019.

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.⁸³ 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.

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>
17. AGRICULTURE AND FOREST RESOURCES:—Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

⁸³ 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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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 archeological consultants on the QACL. The archeological 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 site⁸⁴ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative⁸⁵ 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 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

⁸⁴ The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

⁸⁵ 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.

- 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 reinternment 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.

Project Mitigation Measure 4 – Construction Air Quality (Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR) Mitigation Measure G-1). The project sponsor or the project sponsor's Contractor shall comply with the following:

A. Engine Requirements

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe

- operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. Waivers

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

<u>Table – Off-Road Equipment Compliance Step-down Schedule</u>		
<u>Compliance Alternative</u>	<u>Engine Emission Standard</u>	<u>Emissions Control</u>
<u>1</u>	<u>Tier 2</u>	<u>ARB Level 2 VDECS</u>
<u>2</u>	<u>Tier 2</u>	<u>ARB Level 1 VDECS</u>
<u>3</u>	<u>Tier 2</u>	<u>Alternative Fuel*</u>
<p><u>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</u></p> <p><u>** Alternative fuels are not a VDECS</u></p>		

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

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

Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL				
Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FROM THE EASTERN NEIGHBORHOODS AREA PLAN EIR				
<p>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 archeological consultants on the QACL. The archeological 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).</p> <p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site¹ associated with descendant Native Americans, the Overseas Chinese, or</p>	Project sponsor/archeological consultant at the direction of the ERO	Prior to issuance of any permit for soil-disturbing activities and during construction activities	Project sponsor/archeological consultant and ERO	Considered complete upon ERO's approval of FARR

¹ The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL				
Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>other potentially interested descendant group an appropriate representative² 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.</p> <p><i>Archeological Testing Program.</i> 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.</p> <p>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 may be undertaken include additional</p>				

² 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.

Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL				
Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>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:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>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.</p> <p><i>Archeological Monitoring Program.</i> 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:</p> <ul style="list-style-type: none"> ▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the 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 				

Attachment A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL				
Mitigation Measures Adopted as Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</p> <ul style="list-style-type: none"> ▪ The 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. 				

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<p>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.</p> <p><i>Archeological Data Recovery Program.</i> 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.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. 				

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<ul style="list-style-type: none"> ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> 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. <p><i>Human Remains, Associated or Unassociated Funerary Objects.</i> 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</p>				

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<p>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 reinternment 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).</p> <p><i>Final Archeological Resources Report.</i> 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.</p> <p>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.</p>				

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<p>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:</p> <ul style="list-style-type: none"> • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and • Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed. 	Project sponsor along with project contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.	During construction	Each project sponsor to provide Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of construction.
<p>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</p>	Project sponsor, contractor(s)	Prior to demolition of structures	Planning Department, in consultant with DPH;	Considered complete when

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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.			where Site Mitigation Plan is required, Project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	equipment containing PCBs or DEHP or other hazardous materials is properly disposed.
<p><u>Project Mitigation Measure 4 – Construction Air Quality (Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR) Mitigation Measure G-1).</u> The project sponsor or the project sponsor's Contractor shall comply with the following:</p> <p>A. <u>Engine Requirements</u></p> <ol style="list-style-type: none"> <u>All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</u> <u>Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</u> <u>Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road</u> 	<u>Project sponsor and construction contractor(s)</u>	<u>During demolition and construction activities</u>	<u>Planning Department; Construction contractor(s) shall submit quarterly reports to ERO documenting compliance with the plan</u>	<u>Considered complete when final report summarizing construction activities is submitted to the ERO</u>

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<p><u>equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.</u></p> <p>4. <u>The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</u></p> <p>B. <u>Waivers</u></p> <p>1. <u>The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</u></p> <p>2. <u>The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.</u></p>				
<div>Table – Off-Road Equipment Compliance Step-down Schedule</div>				

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<u>Compliance Alternative</u>	<u>Engine Emission Standard</u>	<u>Emissions Control</u>				
<u>1</u>	<u>Tier 2</u>	<u>ARB Level 2 VDECS</u>				
<u>2</u>	<u>Tier 2</u>	<u>ARB Level 1 VDECS</u>				
<u>3</u>	<u>Tier 2</u>	<u>Alternative Fuel*</u>				
<u>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</u> <u>** Alternative fuels are not a VDECS</u>						
<u>C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</u> <u>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model</u>						

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<p><u>year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</u></p> <p><u>2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</u></p> <p><u>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</u></p> <p><u>D. Monitoring. After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the</u></p>				

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<u>start and end dates and duration of each construction phase, and the specific information required in the Plan.</u>				



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20595

HEARING DATE: DECEMBER 12, 2019

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

Reception:
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Planning
Information:
415.558.6377

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
Staff Contact: Linda Ajello Hoagland, AICP – (415) 575-6823
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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 Commissions review as well as public review.

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

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

On 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 19th 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 19th 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 19th Street, between Harrison and Folsom Streets and John O'Connell Technical High School occupies the entire block on Harrison Street, between Mistral and 20th 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 5th 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 19th 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 19th and Mistral Streets in excess of 200 feet in length. The existing building on the site occupies the entire length of the lot along 19th

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, façade 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 5th 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. Iorin
Commission Secretary

AYES: Diamond, Fung, Johnson, Koppel, Melgar
NAYS: Moore
ABSENT: Richards
ADOPTED: December 12, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a Large Project Authorization to allow the demolition of an existing surface parking lot and the construction of a six-story over basement garage, 75-foot tall, 78,096 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 located at 2300 Harrison Street, Block 3593, and Lot 001, pursuant to Planning Code Sections 329, within the UMU Zoning District and a 68-X Height and Bulk District; in general conformance with plans, dated September 24, 2019, and stamped "EXHIBIT B" included in the docket for Record No. 2016-010589ENX and subject to conditions of approval reviewed and approved by the Commission on December 12, 2019 under Motion No. 20595. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on October 10, 2019 under Motion No. 20595.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20595 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

6. **Additional Project Authorization.** The Project Sponsor must obtain an Office Development Authorization under Sections 321 and 322 to allocate office square footage. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
7. **Development Timeline - Office.** Pursuant to Planning Code Section 321(d) (2), construction of the office development project shall commence within 18 months of the effective date of this Motion. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this office development authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
9. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

11. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

12. **Transformer Vault Location. Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: if an electrical transformer is required, SDAT recommends it be located within the project's property line along the setback in the existing off-street parking area on the Harrison Street frontage. This location has the following design considerations: this location is within the project's property line and SDAT does not support a transformer be installed within the public ROW at this location. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

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

13. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

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

14. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

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

PARKING AND TRAFFIC

15. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site

Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 415-558-6377, www.sf-planning.org.

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

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

17. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 43 bicycle parking spaces (24 Class 1 spaces for the residential portion of the Project and 19 Class 1 spaces for the non-residential portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

18. **Parking Maximum.** Pursuant to Planning Code Section 151 or 151.1, the Project shall provide no more than 41 off-street parking spaces (10 residential and 31 non-residential).

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

19. **Car Share.** Pursuant to Planning Code Section 166, no fewer than one (1) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

20. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

PROVISIONS

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

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

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

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

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

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

24. **Jobs-Housing Linkage.** The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.

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

25. **Child-Care Requirements for Office and Hotel Development.** In lieu of providing an on-site child-care facility, the Project has elected to meet this requirement by providing an in-lieu fee, as applicable, pursuant to Planning Code Section 414.

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

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

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

INCLUSIONARY HOUSING REQUIREMENTS

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

1. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 16.6% of the proposed dwelling units as affordable to qualifying households. The area represented by the allowable base density accounts for 80% of the total project, or 18 of the proposed 24 units; therefore, the Inclusionary rate is applied to 18 units, and 3 affordable units are required. The Project Sponsor also elected to provide a total of 33% of the units as Inclusionary Units by adding three additional affordable units beyond what's required by Section 415. The Project Sponsor requested that the additional units be subject to the requirements of the Inclusionary Affordable Housing Program under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual") for ease of implementation. Accordingly, all affordable units will be subject to the same requirements and the Procedures Manual. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

2. **Voluntary Affordable Units.** The Project Sponsor elected to provide a total of 33% of the proposed units as Inclusionary Units by adding three additional affordable units beyond what's required by Section 415. The additional units are subject to the requirements of the Inclusionary Affordable Housing Program under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual").

3. **Unit Mix.** The Project contains 14 one-bedroom and 10 two-bedroom units; therefore, the required affordable unit mix is two one-bedroom units and one two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from the Planning Department in consultation with MOHCD.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
4. **Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 16.6% of the proposed dwelling units as affordable to qualifying households at a rental rate of 55% of Area Median Income. As required for the project to achieve a 35% density bonus under the State Density Bonus Law, the project sponsor is providing the required three units as affordable for a term of 55 years to households earning less than 50% of the area median income and, upon the expiration of the 55-year term, shall thereafter be affordable to qualifying households at a rental rate of 55% of Area Median Income. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
5. **Minimum Unit Sizes.** Pursuant to Planning Code Section 415.6(f)(2), the affordable units shall meet the minimum unit sizes standards established by the California Tax Credit Allocation Committee (TCAC) as of May 16, 2017. One-bedroom units must be at least 450 square feet, two-bedroom units must be at least 700 square feet, and three-bedroom units must be at least 900 square feet. Studio units must be at least 300 square feet pursuant to Planning Code Section 415.6(f)(2). The total residential floor area devoted to the affordable units shall not be less than the applicable percentage applied to the total residential floor area of the principal project, provided that a 10% variation in floor area is permitted.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
6. **Conversion of Rental Units:** In the event one or more of the Rental Units are converted to Ownership units, the project sponsor shall either (A) reimburse the City the proportional amount of the inclusionary affordable housing fee, which would be equivalent to the then-current inclusionary affordable fee requirement for Owned Units, or (B) provide additional on-site or off-site affordable units equivalent to the difference between the on-site rate for rental units approved at the time of entitlement and the then-current inclusionary requirements for Owned Units. The additional units shall be apportioned among the required number of units at various income levels in compliance with the requirements in effect at the time of conversion. Should the project sponsor convert rental units to ownership units, a greater number of on-site affordable units may be required, as Inclusionary

Affordable Housing Units in ownership projects are priced at higher income levels and would not qualify for a 35% density bonus.

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

7. **Notice of Special Restrictions.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the architectural addenda. The designation shall comply with the designation standards published by the Planning Department and updated periodically.

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

8. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project shall have designated not less than 16.6 percent of each phase's total number of dwelling units as on-site affordable units.

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

9. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6 must remain affordable to qualifying households for the life of the project.

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

10. **Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. 20595, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.

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

11. **Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the project sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission.

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

12. **Regulatory Agreement.** Pursuant to Planning Code Section 206.6(f), recipients of a density bonus must enter into a Regulatory Agreement with the City prior to issuance of the first construction document.

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

13. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

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

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction document by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building floor plates; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- ii. If the units in the building are offered for rent, the three (3) affordable units that satisfy both the Density Bonus law and the Inclusionary Affordable Housing Program shall be rented to very low-income households, as defined as households earning 50% of AMI in the California Health and Safety Code Section 50105 and or California Government Code Sections 65915-65918, the State Density Bonus Law. The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant rent or income levels at 50% AMI under the table required by the State Density Bonus Law are higher than the rent and income levels at 55% of AMI under the

Inclusionary Affordable Housing Program, the rent and income levels shall default to the maximum allowable rent and income levels for affordable units under the Inclusionary Affordable Housing Program. After such Density Bonus units have been rented for a term of 55 years, the subsequent rent and income levels of such units may be adjusted to 55% of Area Median Income under the Inclusionary Affordable Housing Program, using an income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco" and shall remain affordable for the remainder of the life of the project. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. The remaining unit(s) being offered for rent shall be rented to qualifying households, as defined in the Planning Code and Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

- iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- vi. If the Project fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.

28. **Eastern Neighborhoods Affordable Housing Requirements for UMU.** The Project is subject to the Eastern Neighborhoods Affordable Housing Requirements for UMU, as applicable, pursuant to Planning Code Section 419.3. Pursuant to Planning Code Section 419 the current Inclusionary

Affordable Housing Program requirement for the On-site Affordable Housing Alternative for on-site rental projects in the UMU Zoning District for Tier B is to provide sixteen-point six percent (16.6%) of the proposed dwelling units as affordable.

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

29. **Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.

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

MONITORING - AFTER ENTITLEMENT

30. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

31. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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

32. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

33. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

34. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

35. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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



March 19, 2020

To Whom It May Concern:

I, Rick Hall, president of Cultural Action Network, hereby authorize Carlos Bocanegra to file an appeal of the December 12, 2019 Planning Commission decision for the project located at 2300 Harrison Street, San Francisco, CA.

Sincerely,

Rick Hall, President
Cultural Action Network



BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

INFORMATIONAL AND APPLICATION PACKET

Pursuant to Planning Code Section 350(j)(3) and Ordinance No. 149-16, Section 4, the Planning Director shall consider and make determinations regarding applications for the authorization of a Board of Supervisors Appeal Fee Waiver.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, San Francisco, where planners are available to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

WHAT IS AN APPLICATION FOR A BOARD OF SUPERVISORS APPEAL FEE WAIVER?

Planning Code Section 350(j)(3) and Ordinance No. 149-16, Section 4, establishes a waiver from the Board of Supervisor Appeal fees if the appeal is filed by a neighborhood organization that has been in existence for 24 months prior to the filing date of the request, is on the Planning Department's neighborhood organization notification list and can demonstrate to the Planning Director or his/her designee that the organization is substantially affected by the proposed project.

WHO MAY APPLY FOR A DISCRETIONARY REVIEW FEE WAIVER?

Any individual or neighborhood group can file for a Board of Supervisors Appeal. Exact criteria for neighborhood group organizations in order to qualify for a fee waiver are specified below:

- the appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization;
- the appellant is appealing on behalf of the organization that is registered with the Planning Department and that appears on the Planning Department's current list of neighborhood organization. To determine if the neighborhood group organization is registered with the Planning Department, visit <http://sf-planning.org/neighborhood-groups-map>;
- the appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, website or roster; and
- the appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

HOW DO I SUBMIT THE APPLICATION?

If the requirements above are met, complete the following application, along with any necessary supporting materials, and submit it to the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, CA 94103.

A check must be made for the correct amount per the [Planning Department Fee Schedule](#), payable to San Francisco Planning Department. Once the Department determines that the requestor is eligible for the fee waiver, the Department will mail the check back to the entity.



BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

APPLICATION

Appellant's Information

Name: _____

Address: _____

Email Address: _____

Telephone: _____

Neighborhood Group Organization Information

Name of Organization: _____

Address: _____

Email Address: _____

Telephone: _____

Property Information

Project Address: _____

Project Application (PRJ) Record No: _____

Building Permit No: _____

Date of Decision (if any): _____

Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

REQUIRED CRITERIA	YES	NO
The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.		
The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.		
The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.		
The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.		

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Submission Checklist:

☐ APPELLANT AUTHORIZATION

☐ CURRENT ORGANIZATION REGISTRATION

☐ MINIMUM ORGANIZATION AGE

☐ PROJECT IMPACT ON ORGANIZATION

☐ WAIVER APPROVED

☐ WAIVER DENIED

From: [BOS Legislation, \(BOS\)](#)
To: [Carlos Bocanegra](#); [Tuija Catalano](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Shum, Ryan \(CPC\)](#); [Ajello Hoagland, Linda \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Calpin, Megan \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: PLANNING DEPARTMENT RESPONSE - Appeal of CEQA Community Plan Evaluation - Proposed 2300 Harrison Street Project - Appeal Hearing on August 18, 2019
Date: Monday, August 10, 2020 2:16:46 PM
Attachments: [image001.png](#)

Good afternoon,

The Office of the Clerk of the Board received the following appeal response from the Planning Department, regarding the appeal of the Community Plan Evaluation under the California Environmental Quality Act for the proposed project at 2300 Harrison Street.

[Planning Department Response - August 10, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200809](#)

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.



Community Plan Evaluation Appeal

2300 Harrison Street

DATE: August 10, 2020
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer – (415) 575-9032
Ryan Shum, Environmental Planner – (415) 575-9021
RE: Board File Number 200809, Planning Case Nos. 2016-010589ENV
and 2016-010589APL
Appeal of Community Plan Evaluation for 2300 Harrison Street Project
HEARING DATE: August 18, 2020
ATTACHMENT(S): A – Fehr & Peers, *Eastern Neighborhoods / Mission District Transportation and Demographic Trends*, January 12, 2017 and *Updated Eastern Neighborhood Traffic Counts*, April 17, 2017
B – Fehr & Peers, *2918 Mission Analysis Memorandum*, June 4, 2018

PROJECT SPONSOR: Tuija Catalano, Reuben, Junius, & Rose, LLP, (415) 567-9000
APPELLANT(S): Carlos Bocanegra, (760) 822-9677

DEPARTMENT'S RECOMMENDATION: Uphold the community plan evaluation determination and reject the appeal.

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the board of supervisors (the board) regarding the Planning Department's (the department) issuance of a community plan evaluation (CPE) for the proposed 2300 Harrison Street project under the Eastern Neighborhoods Rezoning and Area Plans Programmatic Final Environmental Impact Report in compliance with the California Environmental Quality Act.

As described below, the CPE conforms to the requirements of CEQA for a community plan evaluation pursuant to CEQA section 21083.3 and CEQA Guidelines section 15183. Accordingly, based upon its review of the information presented by the appellant, the planning department recommends that the board of supervisors uphold the department's determination for the CPE and reject the appeal.

The department, pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, determined that the project is consistent with the development density established by zoning, community plan, and general plan policies in the Eastern Neighborhoods Rezoning and Area Plans for the project site, for which a programmatic EIR (PEIR) was certified, and issued the CPE for the

project on February 20, 2020. Under the circumstances, CEQA limits the city's review to consideration of the environmental effects of the proposed project that:

1. Are peculiar to the project or its parcel;
2. Were not analyzed as significant effects in the PEIR, with which the project is consistent;
3. Are potentially significant off-site or cumulative impacts that were not discussed in the PEIR; or
4. Are previously identified significant effects which, as the result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than was discussed in the PEIR.

If an impact is not peculiar to the project, has been addressed as a significant impact in the PEIR, or can be substantially mitigated by imposition of uniformly applied development policies or standards, then CEQA provides that an additional EIR need not be prepared for the project and that a CPE is the appropriate environmental process and document.

Accordingly, the department conducted project-specific analysis to evaluate whether the project would result in new significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the PEIR. As part of this process, site-specific technical analysis was conducted based on the project site's location and context. This included updating the cumulative analysis with respect to physical effects of the project that have the potential to combine with or contribute to effects of other projects. Based on this analysis, the department determined that the project is exempt from further environmental review beyond what was conducted in the CPE initial study and the Eastern Neighborhoods PEIR in accordance with CEQA section 21083.3 and CEQA Guidelines section 15183.

This analysis is presented in the project-specific CPE initial study and is supported by substantial evidence in the record. In summary, the CPE initial study found that the proposed project would result in significant impacts to archeological resources, construction noise, construction air quality, and hazardous building materials. These significant impacts were found to be less than significant with application of mitigation measures identified in the Eastern Neighborhoods PEIR. All other environmental impacts from the project were found to be less than significant.

The decision before the board is whether to uphold the planning department's determination that the project is not subject to further environmental review beyond that conducted in the CPE initial study and the PEIR pursuant to CEQA section 21083.3 and CEQA Guidelines section 15183 and deny the appeal, or to overturn the department's CPE determination for the project and return the CPE to the department for additional environmental review. The board's decision must be based on substantial evidence in the record. (See CEQA Guidelines section 15183(b) and (c).)

SITE DESCRIPTION AND EXISTING USE

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 that was constructed in 1913. The site also includes a 14,000-square-foot surface parking lot with 61 parking spaces, and 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 bicycle racks for 27 bicycles. There are nine class 2 bicycle parking spaces in the existing parking lot.¹ Adjacent to the project site, there are an additional 14 class 2 bicycle parking spaces on the east side of Treat Avenue.

Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates the following bus lines: 12-Folsom/Pacific and 27-Bryant. In addition, the 14/14R-Mission, 22-Filmore, 33-Ashbury/18th Street, 49-Van Ness/Mission, and 55-16th Street bus routes are within 0.35 miles of the project site along 16th Street. These Muni bus routes also provide service to the 16th Street and 24th Street Mission BART stations.

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. The closest existing residential uses are directly across Harrison Street south of 19th Street. North of 19th Street is a mix of PDR, mixed-use with and without residential use, recreation, and office uses. Further to the southwest, south of 20th 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 20th Street, the land uses are largely residential, with some commercial and institutional/educational uses. In addition, there are office uses within a 0.5 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.

PROJECT DESCRIPTION

The proposed project includes 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. The new building would connect to the existing building at the second and third levels to expand the existing office uses on those floors. 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 proposed addition would replace the existing 25-space surface parking lot to construct 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 site²; 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.

Upon completion of the proposed project, 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 (41 parking spaces consisting of 10 spaces for residential use and 31

¹ 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.

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

spaces for office use), and 6,176 square feet of open space. The proposed project also includes new street trees, five class 2 bicycle parking spaces on the sidewalk, 14 new street trees, curb cut changes, sidewalk widening and improvements, and color curb changes, including commercial and passenger loading zones and no-parking zones.

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 seeks 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 of 68 feet.

BACKGROUND

On December 20, 2017, Tuija Catalano, Reuben, Junius, & Rose, LLP (hereinafter project sponsor) on behalf of 562 Mission Street, LLC filed an environmental application with the planning department for a CEQA determination. On April 30, 2019, the department issued a CPE certificate and initial study, based on the following determinations:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plan;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

The planning commission considered the project on December 12, 2019. On that date, the planning commission adopted the CPE, made CEQA findings, and approved with conditions the (1) Office Development Authorization and (2) Large Project Authorization for the project (planning commission resolution numbers 20595 and 20596), which constituted the approval action under Chapter 31 of the Administrative Code.

On January 13, 2020, Carlos Bocanegra (hereinafter appellant) filed an appeal of the CPE determination. The project approval actions, which include the CEQA findings, were appealed to the Board of Appeals and were scheduled to be heard on March 4, 2020, but this hearing did not occur and has been rescheduled as indicated below. However, on February 7, 2020, the Department of Public Health issued an update to the city's Air Pollutant Exposure Zone map. As a result of this update, the project site is now within the Air Pollutant Exposure Zone, which was not the case in 2019 when the CPE determination was issued. Based on this information, the Planning Department determined that the PEIR construction air quality mitigation measure is applicable to the project. The CPE was rescinded, and the initial CPE appeal was moot. The project's construction air quality analysis was revised to include the construction air quality mitigation

measure. The CPE was reissued on February 19, 2020, initiating a new appeal period. The appellant subsequently refiled their appeal on March 20, 2020. The appeal hearing is scheduled for August 18, 2020. In addition, the Large Project Authorization and Office Allocation project approvals are currently scheduled to be heard by the Board of Appeals on August 26, 2020.

The CEQA findings are part of the approval actions, and therefore, they are not addressed in the CPE appeal response. Nonetheless, any concerns regarding the CEQA findings related to the physical environmental effects of the project are addressed in this response.³

CEQA GUIDELINES

Community Plan Evaluations

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. CEQA Guidelines section 15162(c) establishes that, once a project is approved:

“[T]he lead agency’s role in that approval is completed unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any.” [Emphasis added.]

There are currently no discretionary approvals before the board concerning the Eastern Neighborhoods Rezoning and Area Plans.

As discussed in the Introduction above, CEQA section 21083.3 and CEQA Guidelines section 15183 mandate that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, shall not require additional environmental review unless there are project-specific effects that are peculiar to the project or its site and that were not disclosed as significant effects in the prior EIR.

Significant Environmental Effects

CEQA Guidelines section 15064(f) provides that the determination of whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines 15604(f)(5) offers the following guidance: “Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

SAN FRANCISCO ADMINISTRATIVE CODE

Section 31.16(e)(3) of the San Francisco Administrative Code states: “The grounds for appeal of an exemption determination shall be limited to whether the project conforms to the requirements of CEQA for an exemption.”

³ The appellant does not specify the basis for an appeal of the CEQA Findings other than to indicate that his assertion that the department’s use of a community plan evaluation based on the Eastern Neighborhoods EIR is improper.

Administrative code section 31.16(b)(6) provides that, in reviewing an appeal of a CEQA decision, the board of supervisors “shall conduct its own independent review of whether the CEQA decision adequately complies with the requirements of CEQA. The Board shall consider anew all facts, evidence and issues related to the adequacy, accuracy and objectiveness of the CEQA decision, including, but not limited to, the sufficiency of the CEQA decision and the correctness of its conclusions.”

PLANNING DEPARTMENT RESPONSES

The concerns raised in appellant’s March 20, 2020 appeal letter are addressed in the responses below. The appellant filed a supplemental letter on Friday, August 7, 2020. The department is currently reviewing the letter and may supplement these responses in writing, if determined necessary.

RESPONSE 1: CEQA Guidelines section 15183 mandates that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review unless there are significant effects peculiar to the project or its site that were not disclosed as significant effects in the prior EIR. The department has conducted a thorough project-specific and cumulative environmental analysis of the proposed project and determined that the project would not result in new or more severe adverse impacts than disclosed in the Eastern Neighborhoods PEIR. The department’s determination is based on substantial evidence; the appellant has not demonstrated otherwise.

The appellant states that the proposed project does not qualify for a CPE under CEQA Guidelines section 15183 because the approval is based on 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 direct, indirect, and cumulative impacts to: land use, consistency with area plans and policies, traffic and circulation, and transit and transportation.

For the CPE initial study process, the department analyzed whether or not the project would result in any significant impacts not identified in the programmatic EIR for the area plan that are either peculiar to the project site or project or are due to substantial new information. As a point of clarification, the department follows the same technical analysis regardless of whether the project qualifies for a CPE or some other environmental document. As a result, the mitigation measures identified for the project in the CPE initial study to reduce environmental impacts to less than significant are the same as those that would have resulted if the department had reviewed the project without a CPE. For each topic area, the department follows the same evaluation procedures and applies the same screening, analysis methodologies, and significance thresholds regardless of the type of environmental document prepared. For projects whose significant impacts may be mitigated to less than significant, the outcome of the environmental analysis (in terms of measures applied to the project to provide environmental protection) is the same under a CPE as it would have been if a mitigated negative declaration were issued.

The conclusions of the CPE initial study with respect to significant environmental impacts that can be mitigated to less than significant would not change had environmental review been conducted under an initial study process that concluded with issuance of a mitigated negative declaration. A difference occurs when the project would result in a significant and unavoidable project-specific impact. In that case, the question to address is whether or not the PEIR identified the significant and unavoidable impact and whether the project would result in a significant and unavoidable impact that is more severe than identified

in the PEIR. That was not the case for this project where all significant environmental impacts that were identified are able to be mitigated to less than significant.

Furthermore, as discussed in the CEQA Guidelines section above, the Eastern Neighborhoods PEIR need not reexamine the environmental effects disclosed in the PEIR unless a subsequent discretionary approval is required for the Plan. However, for subsequent projects being evaluated under a CPE, CEQA Guidelines section 15183 requires additional analysis if there is new information presented which was not known at the time of the certification of the PEIR that indicates the subsequently proposed project would result in a new or more severe adverse impact than was discussed in the Eastern Neighborhoods PEIR. The CPE initial study for the 2300 Harrison project contains a comprehensive project-specific and cumulative analysis for each environmental topic addressed under CEQA. The cumulative horizon year in the CPE analyses is 2040. As noted above, the CPE initial study found that the proposed project would result in significant impacts to archeological resources, construction noise, construction air quality, and hazardous building materials. These significant impacts were found to be less than significant with application of mitigation measures identified in the Eastern Neighborhoods PEIR. All other environmental impacts from the project were found to be less than significant based upon project-specific analyses.

The discussion below addresses each of the appellant's concerns regarding perceived new information and provides substantial evidence that the proposed project would not result in a new or more severe impact than previously identified in the Eastern Neighborhoods PEIR or that the project would result in a considerable contribution to any such impact.

Eastern Neighborhoods PEIR Housing Projections

The appellant alleges the department's determination to issue a CPE for the project is invalid because the amount of residential development that has been constructed, entitled, or is in the development pipeline has exceeded the residential development assumptions upon which the cumulative analyses of the PEIR are based on. This is a claim that has been made in previous appeals of the Eastern Neighborhoods PEIR for residential projects in the Mission District, including the following projects: 344 14th Street (Board file no. 190891), 2750 19th Street (Board file no. 180975), 901 16th Street/1200 17th Street (Board file no. 160684), 1296 Shotwell Street (Board file no. 170025), and 2918 Mission Street (Board file no. 180718). In each of these cases, the board of supervisors found that the PEIR was, in fact, adequate and that the use of a CPE relying on the Eastern Neighborhoods PEIR was appropriate. Moreover, that claim was made and expressly rejected by the First District Court of Appeal in litigation challenging the department's determination regarding 901 16th Street/1200 17th Street.⁴

As in the other cases, the appellant portrays the PEIR as outdated because housing production appears to be on track to exceed the housing projections used in the Eastern Neighborhoods PEIR to analyze physical environmental effects of the plan. The appellant provides no evidence of any significant environmental impacts related to the project or otherwise and, as discussed above, significant impacts must be based on substantial evidence in the record. Furthermore, the question to be addressed for the purpose of CEQA is whether the proposed project would result in significant environmental effects not disclosed in the PEIR, not whether the PEIR's analysis of environmental effects remain valid.

⁴ Save the Hill et al. v. City and County of San Francisco et al., Court of Appeals case A153549, (2019)

The growth projections included in the Eastern Neighborhoods PEIR are based upon the best estimates of foreseeable development that could occur under the Plan available at the time the Eastern Neighborhoods PEIR was prepared. The growth projections informed the analysis of some, but not all, of the environmental analyses in the PEIR. For the reasons described below, the proposed project would not result in new significant environmental effects not disclosed in the PEIR.

1) The CPE prepared for the proposed project does not rely solely on the growth projections considered in the Eastern Neighborhoods PEIR in examining whether the project would have significant impacts that are peculiar to the project or site.

The project- and site-specific analysis contained in the CPE is based on updated growth projections and related modelling, and updated analysis methodology, to evaluate project-level and cumulative impacts. Each environmental topic contains a project-level and cumulative impact analysis. Specifically, the population and housing topic contains a cumulative analysis that considers all cumulative projects within the department's residential pipeline. In another example, the CPE initial study cumulative transportation analysis is based on a 2040 horizon year; in other words, it uses an updated cumulative growth projection. San Francisco 2040 cumulative conditions were projected using the San Francisco County Transportation Authority's ("Transportation Authority") San Francisco Activity Model Process ("SF-CHAMP") and includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040.

2) The appellant has not provided evidence that significant physical environmental impacts not already disclosed in the Eastern Neighborhoods PEIR would occur, much less that the project would have a considerable contribution to an undisclosed significant environmental impact.

The appellant provides no information about how the claim of residential growth exceeding the PEIR projections has or would result in direct, indirect, and/or cumulative significant environmental impacts not already disclosed in the PEIR. Further, the appellant has provided no evidence that the 2300 Harrison Street project, with its 24 dwelling units, addition of 27,017 square feet of office, 1,117 square feet of arts activity and retail uses, and 2,483 square feet of retail, would have a considerable contribution to a significant cumulative environmental impact not disclosed in the PEIR.

Transportation Analysis: Traffic and circulation including transit, TNCs, reverse commutes, deliveries, and shuttle buses

The appellant asserts that the transportation analysis is inadequate. In particular, the appellant asserts that the prevalence of shuttle buses and transportation network companies (TNCs), which includes on-demand delivery services, and the popularity of e-commerce has resulted in increased traffic conditions, and that these conditions were not considered in the Eastern Neighborhoods PEIR. However, the appellant does not demonstrate what is significantly different from the transportation circumstances disclosed in the PEIR.

At the time that the Eastern Neighborhoods PEIR was certified in 2008, the department used the level of service (LOS) metric to assess traffic congestion, which at the time was considered a physical environmental effect under CEQA. However, as discussed on page 7 of the CPE Initial Study, automobile delay, as described solely by LOS or similar measures of traffic congestion, is no longer considered a significant

impact on the environment under CEQA in accordance with CEQA section 21099 and Planning Commission Resolution 19579. Instead, the CPE evaluates whether the proposed project would result in significant impacts with regards to vehicle miles traveled (VMT). Accordingly, based on the project site location and the characteristics of the proposed project, the CPE found that the proposed project would not have significant impacts either individually or cumulatively related to increased VMT.

Nonetheless, the department has conducted additional transportation analyses based on updated local and regional transportation modeling, census data, and traffic counts at intersections in the Mission neighborhood. The analyses were undertaken as part of the department's response to previous CEQA appeals filed for two projects in the Mission District: 2675 Folsom Street (board of supervisors file no. 190890) and 2918-2924 Mission Street (board of supervisors file no. 180019).

The additional analyses include a 2016 transportation study and April 2017 traffic counts conducted for 2675 Folsom Street (Attachment A), and 2018 traffic counts conducted for 2918-2914 Mission Street (Attachment B). Overall, the studies found that observed traffic volumes were generally lower than what was expected compared to the amount of estimated development completed as of the date of the studies (2017 and 2018).⁵ In other words, traffic data collected by the department indicates that current traffic volumes are similar to or slightly below PEIR projections, and the Eastern Neighborhoods PEIR overestimated the volume of vehicle trips that would be generated by development that could occur as a result of the Eastern Neighborhoods rezoning. The analyses provide evidence that TNC use, automobile ownership rates, and the purported increased reverse commute distances by families that no longer live in the Mission are not causing significant cumulative transportation impacts beyond those anticipated under the Eastern Neighborhoods PEIR.

Separately, the department revised its transportation analysis guidelines in 2019 to, among other things, update project trip generation and mode split assumptions for proposed projects. This revision relies on observational and intercept survey data collected from recently completed projects in the Mission and elsewhere in San Francisco. The updated trip generation rates are supported by data collected in 2016 and 2017 when TNCs were widely in use and, therefore, take into account estimates of the number of for-hire vehicles (e.g. taxis/TNCs) from new development. The updated trip generation rates were applied to the proposed project and included in the project analysis, as discussed on page 17 of the CPE Initial Study. As stated in the CPE, the proposed project would generate approximately 32 p.m. peak hour person trips (24 vehicle trips) and 5 for-hire person trips (4 vehicle trips).⁶ In addition, the proposed project includes a new 45-foot-long passenger loading zone along Harrison Street that would be installed in coordination with the San Francisco Municipal Transportation Agency (SFMTA). The proposed passenger loading zone would facilitate passenger loading at the project site and decrease the potential for unsafe loading activities, which could lead to hazardous traffic conditions.

As discussed on page 4 of the CPE initial study, the cumulative analysis performed for the proposed project is project-specific and based on reasonably foreseeable projects that are currently proposed, entitled, or approved. In other words, the projects that were considered as cumulative development projects in the project CPE reflect present-day conditions. Furthermore, the cumulative impact analysis for the proposed

⁵ Traffic volumes were estimated using the Eastern Neighborhoods PEIR trip generation methodology.

⁶ Based on vehicle occupancy data, the number of vehicle trips may be lower than the number of person trips as multiple person trips may be accommodated in the same vehicle, therefore requiring fewer vehicles to travel to and from the site.

project 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 the Eastern Neighborhoods PEIR relied on 2025 cumulative transportation projects while the 2300 Harrison CPE cumulative transportation analysis is based on projected 2040 cumulative conditions. Based on the estimated trip generation and in conjunction with additional analysis presented in the CPE, the department concluded that the proposed project would not result in new or more severe transportation impacts than already disclosed in the PEIR. The department's conclusion is supported by substantial evidence; the appellant has not demonstrated otherwise.

Land Use, Recreation and Open Space, Noise, Shadow, and Health and Safety

The appellant contends that the department's determination to issue a CPE for the project is invalid because the amount of development that has been constructed, entitled, or is in the development pipeline has exceeded the development assumptions upon which the land use, noise, shadow, and recreation and open space cumulative analyses of the PEIR are based on.

As discussed above, the analysis for cumulative land use, recreation and open space, noise, and shadow impacts were updated as needed in the CPE initial study. The updated cumulative analysis also accounted for the potential for the project to cumulatively combine with reasonably foreseeable nearby projects to result in significant cumulative impacts for localized effects. Based on the analysis and as described in the CPE initial study, no significant cumulative impacts would occur under the proposed project. Moreover, the appellant has not demonstrated that the PEIR conclusions regarding cumulative land use, noise, shadow, and recreation and open space impacts are no longer valid as a result of significant new information or changed circumstances. The appeal letter provides no evidence or analysis that the proposed project would have a cumulatively considerable contribution to any such effects.

As stated in sections 1 – Land Use and Land Use Planning, 5 – Noise, 8 – Wind and Shadow, and 9 – Recreation of the initial study, the proposed project would not result in new or more severe cumulative impacts with respect to land use, noise, shadow, and recreation that were not identified in the Eastern Neighborhoods PEIR. The department's conclusion is supported by substantial evidence; the appellant has not demonstrated otherwise.

Health and safety concerns are discussed across various topics in the CPE Initial Study: pedestrian safety, noise, air quality, seismic and geologic hazards, flooding risks, and hazards and hazardous materials. The CPE Initial Study found that the proposed project would have less than significant health and safety impacts and includes mitigation measures to reduce health and safety impacts related to construction noise, hazardous building materials, and construction air quality to a less than significant level. The appellant neither describes the health and safety impact analyses in the Eastern Neighborhoods PEIR that can no longer be relied upon, nor provides any evidence to substantiate this assertion. The department's conclusion is supported by substantial evidence; the appellant has not demonstrated otherwise.

RESPONSE 2: The status of the provision of community benefits does not demonstrate that the project would result in significant physical effects on the environment not disclosed in the Eastern Neighborhoods PEIR and does not support a basis for an appeal of the CPE.

The appellant's contentions concerning the funding and implementation of community benefits do not demonstrate that the project would result in significant environmental effects that are peculiar to the project or its site that were not disclosed in the Eastern Neighborhoods PEIR, nor do they demonstrate substantial new information showing that environmental impacts would be more significant than described in the PEIR. Therefore, these contentions do not present a valid ground for an appeal of the determination that the project qualifies for a CPE.

For informational purposes, however, the department provides the following discussion about the status of the community benefits identified in the CEQA findings and Statement of Overriding Consideration for the adoption of the Eastern Neighborhoods Area Plans.

The appellant does not specify which community benefits "have not been fully funded, implemented or are underperforming..." or which findings and determinations for the Project "rely on the claimed benefits to override impacts outlined in the PEIR." Regardless, as the following discussion indicates, community benefits are being provided under the Eastern Neighborhoods Plan through an established process.

The Eastern Neighborhoods Plan included a Public Benefits Program detailing a framework for delivering infrastructure and other public benefits as described in an Implementation Document titled Materials for Eastern Neighborhoods Area Plans Initiation Hearing.⁷ The Public Benefits Program consists of:

1. An Improvements Program that addresses needs for open space, transit and the public realm, community facilities and affordable housing;
2. A Funding Strategy that proposes specific funding strategies and sources to finance the various facilities and improvements identified in the Improvements Plan, and matches these sources to estimated costs; and
3. A section on Program Administration that establishes roles for the community and City agencies, provides responsibilities for each, and outlines the steps required to implement the program.

In terms of the process for implementing the Public Benefits Program, new development within the Eastern Neighborhoods Plan area, including the proposed project, are required to pay development impact fees upon issuance of the "first construction document" (either a project's building permit or the first addendum to a project's site permit). These fees are collected to fund approximately 30 percent of the infrastructure improvements planned within the Eastern Neighborhoods Plan area. Examples of fees that are collected under Planning Code section 423 (Eastern Neighborhoods Community Infrastructure Impact Fee) include: "Transit", "Complete Streets", "Recreation and Open Space", "Child Care", and in some portions of the Mission District and the South of Market Area, "Affordable Housing". Other benefits were to be funded by fees accrued with development and through other sources of funding. The Public Benefits Program was not intended to be a static list of projects; rather, it was designed to be modified by a Citizens Advisory Committee as needs were identified through time.

⁷ San Francisco Planning Department, *Materials for Eastern Neighborhoods Area Plans Initiation Hearing*, Case No. 2004.0160EMTUZ. April 17, 2008. Available at: http://sf-planning.org/sites/default/files/FileCenter/Documents/1507-VOL3_Implementation.pdf, accessed January 31, 2020.

Additional funding mechanisms for infrastructure improvements are identified through the City's 10-year Capital Plan, which stipulates that 80 percent of development impact fees must go towards Eastern Neighborhoods priority projects until those priority projects are fully funded. The fees are dispersed to fund infrastructure improvements within the entirety of the Eastern Neighborhoods Plan area, on a priority basis established by the Eastern Neighborhoods Citizen Advisory Committee (CAC) and the City's Interagency Plan Implementation Committee (IPIC).

The IPIC works with the CAC to prioritize future infrastructure improvements. Furthermore, the Planning Department and Capital Planning Program are working with the implementing departments to identify additional state and federal grants, general fund monies, or other funding mechanisms such as land-secured financing or infrastructure finance districts to fund the remaining emerging needs. Impact fees are distributed among the following improvement categories: open space, transportation and streetscape, community facilities, childcare, library, and program administration. As stated in the latest January 2020 Planning Department's Interagency Plan Implementation Committee Annual Report,⁸ the City expects to collect \$393 million in impact fees through the year 2025. Infrastructure projects that are currently underway are also listed in the Planning Department's Interagency Plan Implementation Committee Annual Report. These include various streetscape, roadway, park, and childcare facility improvements.

Additionally, a Transportation Sustainability Fee was adopted in November 2015 (BOS File Number 150790) and expenditures of the revenue generated through this fee are allocated according to Table 411A.6A in the Ordinance, which gives priority to specific projects identified in different area plans. These processes and funding mechanisms are designed to provide for implementation of infrastructure improvements to keep pace with development and associated needs of existing and new residents and businesses within the area. The CPE Initial Study provides further information regarding improvements within the Eastern Neighborhoods Plan Area. Regarding transit, as discussed on page 20 the CPE Initial Study, Mitigation Measures E-5 through E-11 in the Eastern Neighborhoods PEIR were adopted as part of the Eastern Neighborhoods Area Plans with uncertain feasibility to address significant transit impacts. While these plan-level measures are not applicable to the Project, each is in some stage of implementation. Regarding recreation, the funding and planning for several Eastern Neighborhoods parks and open space resources are discussed on pages 33 and 34 of the CPE Initial Study.

Thus, based on the available evidence, the project is in the process of providing the public benefits required by the Public Benefits Program. As is generally the case with development fee-based provision of community benefits, capital facilities are constructed as fees are collected and are rarely provided in advance of development.

RESPONSE 3: The proposed project is consistent with the development density established under the Eastern Neighborhoods Area Plan and would not result in significant impacts on the physical environment due to conflicts with the General Plan or the Mission Area Plan that are peculiar to the project or the project site.

The appellant alleges that the proposed project is both individually and cumulatively inconsistent with the General Plan, Mission Area Plan, and Section 101.1(b) Priority Policies. However, the appellant's appeal

⁸ City and County of San Francisco, *Interagency Plan Implementation Committee Annual Report, January 2020*. Available at <https://sfplanning.org/project/implementing-our-community-plans-ipic#monitoring-plan-success>, accessed February 3, 2020.

letter provides no specific information regarding how the project is inconsistent such that there would be a significant physical environmental effect, nor does the appellant provide evidence in support of this claim.

Topic 1(b) in the “Land Use and Land Use Planning” section of the CPE Initial Study limits review of the Project’s conflicts with any applicable land use plan, policy, or regulation to those “adopted for the purpose of avoiding or mitigating an environmental effect.” Project-related policy conflicts and inconsistencies do not constitute, in and of themselves, impacts on the physical environment under CEQA.

Through the Eastern Neighborhoods Plan rezoning process, the project site was rezoned from industrial use 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. It also allows for residential use. The proposed project is consistent with the UMU zoning district.⁹ As discussed in the CPE Initial Study, implementation of the proposed project would limit and may preclude development of production, distribution, and repair (PDR) space on the project site in the future. The Initial Study further notes that 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, the loss of 14,000 square feet would not be considered considerable. This loss would not result in new or more severe impacts than were disclosed in the PEIR and, therefore, the project’s contribution to this cumulative impact is not considerable and would not require additional environmental review beyond the analysis provided in the Eastern Neighborhoods PEIR and project-specific Initial Study.

The project is also consistent with the Priority Policies as established in section 101.1(b) of the San Francisco Planning Code. The Priority Policies guide General Plan policies within the city and are broadly related to housing, transportation, safety, preservation, recreation, and economic development. The appellant has not demonstrated that there is any conflict with the Priority Policies.

Additionally, the proposed project is consistent with the Mission Plan. In particular, it is consistent with 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 project is consistent with the development density established in the Eastern Neighborhoods Area Plans specifically the Mission Area Plan, and thus implementation of the proposed project would not conflict with applicable land use plans or policies adopted for the purpose of avoiding or mitigating an environmental effect.

While not relevant to this appeal, for informational purposes, it should also be noted that the consistency of the proposed project with those General Plan and Mission Area Plan policies that do not relate to physical environmental effects were considered by the Planning Commission as part of its determination of whether to approve, modify, or disapprove the project.

⁹ Ordinance 200143 is pending legislation that is currently under consideration by the Board of Supervisors. If approved, the Ordinance would amend the Planning Code to prohibit office uses in the upper levels of certain developments within Urban Mixed Use (UMU) zoning districts.

Ongoing City Efforts Regarding Socioeconomic Impacts of Development

Further, the department is aware that large projects in the Eastern Neighborhoods, including in the Mission District, raise concerns with members of the public and the board alike. While not relevant to this CEQA appeal, the department notes the following ongoing efforts to address the socioeconomic impacts of development in these areas of the city.

The department is working with the community, Planning Commission, elected leaders, and city partners to undertake a series of policy and implementation efforts aimed at addressing socioeconomic issues. While economic displacement is a citywide phenomenon, the department recognizes the heightened effects are acutely felt by families and in communities of color, and neighborhoods that have historically been havens for immigrants and others seeking opportunity or freedom. The department is at work on its Racial and Social Equity Initiative Action Plan, which aims to proactively advance equity in the department's internal and external processes such as community planning, policy development, resource allocation and process improvements. The department's focus on racial and social equity was also reaffirmed by the Planning Commission on June 11, 2020 by Resolution No. 20738, which centers the department's work program and resource allocation on racial and social equity and directs the department to develop proactive strategies to address structural and institutional racism in collaboration Black and American Indian communities and communities of color. Internally, the department has established a Community Equity Division to elevate, prioritize and expand racial and social equity work within the department and in the community. This effort also applies to the Environmental Planning division, which is reviewing its internal and external processes and environmental analysis procedures to address racial and social equity in environmental review.

In addition, the department has been especially engaged in efforts in the Mission, working with former District 9 Supervisor Campos, current District 9 Supervisor Ronen, and the Mayor's Office to preserve the viability of the Latino community in the Mission. Efforts specific to the Mission District include the 2016 Mission Interim Controls for Restaurants and Storefront Mergers in the Mission Interim Controls Area, the Mission Action Plan 2020 ("MAP2020"), the Calle 24 Special Use District, and the Calle 24 Special Area Design Guidelines, which were adopted by the Planning Commission on November 21, 2019 and became effective December 1, 2019.

MAP2020 is one of the most robust Planning Department efforts to date regarding anti-displacement and is an unprecedented collaboration between the City family and Mission community organizations and residents. The department has taken an innovative approach to building a set of broad strategies to preserve, strengthen and protect existing residents, community services, local businesses, and the Mission's unique character. Most strategies in the MAP2020 are currently under implementation, including tenant business and nonprofit protection programs, process improvement measures, prioritization of affordable housing projects in the pipeline, and more. More information on the MAP2020 and updates on current implementation efforts can be found in the second annual status report, which was released in December 2019 and available on the department website.¹⁰

¹⁰ San Francisco Planning Department, *Mission Action Plan 2020 – Annual Status Report*, December 2019. Available at: https://default.sfplanning.org/Citywide/Mission2020/MAP2020_Status_Report_2019.pdf, accessed January 31, 2020.

Other ongoing department efforts include development of a Community Stabilization Initiative, incorporation of Environmental Justice policies into the General Plan, the Cultural Districts Initiative, and the Housing Affordability Strategies project. The Community Stabilization Initiative is a multi-agency effort to assess the City's existing portfolio of tools, unify fragmented efforts into one comprehensive inventory, and identify priorities for the future. The initiative seeks to mitigate the impacts of ongoing displacement and help vulnerable populations thrive and contribute to the City's economy and culture. The city's efforts to integrate Environmental Justice into the General Plan elements is still in the early stages of development but, once adopted, would guide future city policies and decisions and potentially tie in with other General Plan policy updates. The department is also supporting the City's Cultural Districts Initiative, led by the Mayor's Office of Housing and Community Development. The program's stated purpose is to: "formalize a collaborative partnership between the City and communities and bring resources and help in order to stabilize vulnerable communities facing or at risk of displacement or gentrification. and to preserve, strengthen and promote our cultural assets and diverse communities. so that individuals, families, businesses that serve and employ them, nonprofit organizations, community arts, and educational institutions are able to live, work and prosper within the City."¹¹ Additionally, the department is developing the Housing Affordability Strategies project which will provide a framework to help City staff, policymakers and the public evaluate how our housing policies and plans work together to address housing affordability for our diverse population. The project will inventory and assess current and potential policy tools in relation to metrics for improved housing affordability with a focus on outcomes for low- and moderate-income households in relation to the broader housing market. The Housing Affordability Strategies project has been ongoing since 2018, and a report is anticipated for later this spring.

Economic and social effects of a project shall not be treated as effects on the environment but may be used to determine the significance of a physical effect. Such an analysis is beyond the scope of environmental review under CEQA. Again, city staff acknowledge the concerns of the community and the appellant raised in the appeal. The above information is to summarize for the public and decision-makers that the Planning Department, in collaboration with community and City-agency partners, is working to address the socioeconomic issues of racial and social equity, affordability, economic displacement, and gentrification through land use planning and policy efforts.

CONCLUSION

The planning department's determination that the proposed project qualifies for a community plan evaluation pursuant to CEQA section 21083.3 and CEQA Guidelines section 15183 is supported by substantial evidence in the record. The planning department conducted necessary studies and analyses and provided the planning commission with the information and documents necessary to make an informed decision at a noticed public hearing in accordance with the planning department's CPE initial study and standard procedures, and pursuant to CEQA and the CEQA Guidelines. Therefore, the planning department respectfully recommends that the board of supervisors uphold the department's determination that the CPE conforms with the requirements of CEQA and reject the appeal.

¹¹ San Francisco Board of Supervisors, Cultural Districts Program legislation, May 2018: <https://sfbos.org/sites/default/files/o0126-18.pdf>

Attachment A

1. Fehr & Peers, Eastern Neighborhoods /
Mission District Transportation and
Demographic Trends, January 12, 2017

2. Fehr & Peers, Updated Eastern
Neighborhoods Traffic Counts,
April 17, 2017



January 12, 2017

Chris Kern
Senior Environmental Planner
1650 Mission Street, Suite 400
San Francisco, CA 94103

Subject: Eastern Neighborhoods / Mission District Transportation and Demographic Trends

Dear Chris:

Fehr & Peers has prepared this letter summarizing key transportation trends that have occurred since the adoption of the Eastern Neighborhoods Plan in August 2008, focusing on the Mission District. Specifically, San Francisco Planning staff identified three key questions regarding the transportation analysis prepared for the Eastern Neighborhoods Plan environmental review process and subsequent effects on the transportation network due to new development:

- If new construction based on the Eastern Neighborhoods Plan results in displacement of lower income workers, do these workers then move to distant suburbs and increase the number of automobile commute trips and regional VMT compared to the Eastern Neighborhoods Plan EIR?
- Does new housing in the Eastern Neighborhoods plan area attract higher income residents, who own more cars and are therefore adding additional automobile trips than were accounted for in the Eastern Neighborhoods Plan EIR?
- Do commuter shuttles have transportation impacts not considered in the Eastern Neighborhoods Plan EIR?

Overall, Fehr & Peers has found that the Eastern Neighborhoods Plan EIR took a fairly conservative approach to transportation analysis and findings. The EIR generally estimated that a slightly higher percentage of new trips would be made by private vehicles than recent traffic counts as well as census travel survey data would suggest are occurring. On a more detailed level, Fehr & Peers found that while the Mission has undergone significant demographic and economic



change, residents on average still appear to own around the same number of vehicles, and use non-auto modes at similar rates as in the period from 2000 – 2009.¹

With regards to the effects of potential displacement of lower-income households, data tracking individuals or households who move out of the neighborhood is not available, limiting our ability to state with certainty whether displacement of lower income workers is leading those same workers to increase their vehicle travel. Collecting this data would require a long-term focused survey effort on a different horizon that which is available for the preparation of this letter report .

In absence of this data, Fehr & Peers has conducted an analysis and review of the regional models used to develop the travel demand estimates for the Eastern Neighborhoods Plan EIR and, more generally, the role that they play in planning/CEQA efforts. This review of the travel model focuses on available data, and how that data can be used to answer the questions posed above. The regional model uses available data, such as existing mode share, trends in travel time to work, and current research on travel behavior to assess how changes in population or employment affect vehicle travel on our transportation facilities. The growth in households and jobs included in the model is based on regional and local planning efforts such as Plan Bay Area, City general plans, and specific plans such as the Eastern Neighborhoods Plan.

The growth in the share of households and jobs located in dense, urban areas (as planned for in Plan Bay Area and the Eastern Neighborhoods Plan) is expected to generally decrease regional vehicle miles traveled per capita between now and 2040. In the short term, the distance between Bay Area residents and their places of employment has increased slightly from 2004 to 2014; this has not, however, been accompanied by a similar increase in the share of regional commuting by single-occupant vehicle.

In addition to these demographic and economic variables, several new technologies and programs have affected transportation in the Eastern Neighborhoods area. Commuter shuttles to campuses in the Peninsula and South Bay have grown in amount and ridership, and some members of the community are concerned they may be negatively affecting traffic or public transit operations. Fehr & Peers has not found any evidence that their effects have not been contained in the envelope of traffic effects analyzed in the Eastern Neighborhoods Plan EIR.

¹ Fehr & Peers has attempted to maintain consistency across data sources. Census data is used from the 2000 decennial census, and from the 2004 – 2009 and 2009 – 2014 five-year average reports of the American Community Survey. Non-Census data may use other base years.



With regards to non-automotive travel, Planning and SFMTA have both undertaken substantial citywide efforts to encourage non-auto modes of travel, including MuniForward and Planning's Transportation Sustainability Program (TSP); these provide mechanisms for encouraging shifts to sustainable modes of travel, although it is still too early in their implementation to provide detailed analysis on their efficacy. These programs would be expected to have the effect of decreasing overall vehicular travel, and perhaps increasing transit ridership.

Background and Literature on Factors Surrounding Travel Behavior

While this letter focuses on the interplay between jobs and housing and the effect that relationship has on local and regional travel patterns, these elements are only one potential factor in individual travel behavior. Regional traffic and travel patterns are the combination of many different factors that influence individual decisions; these factors include items related to the built environment, local land use, regional distributions of housing and jobs, household socioeconomic factors, roadway network design and capacity, and availability of alternative transportation services such as transit.

When used in travel demand models, these variables can be sorted into four groups: socioeconomic characteristics, travel options, local land use characteristics, and regional land use characteristics, all of which influence total regional travel². The below narrative discusses how these complicated factors are reflected in the variables selected for use in the regional model; these variables rely on data that is readily available, and broad enough for regional use. Many other individual circumstances are not reflected in the model, even though they may influence decisions with respect to residential location, employment, and household formation. Instead, the model focuses on the outcomes of these decisions, and uses past trends to predict future changes in variables that can more easily be included in the model. The following is a summary of some of the factors used in modeling travel behavior, and definitions or explanations of each for reference.

Socioeconomic Characteristics

For modeling purposes, several variables are used as proxies for socioeconomic characteristics that influence travel. These variables include the number of workers and non-workers in each

² Hu, H., Choi, S., Wen, F., Walters, G., & Gray, C. J. (2012, February). Exploring the Methods of Estimating Vehicle Miles of Travel. In *51th Annual Meeting of the Western Regional Science Association*.



household, the age of household members, and median household income. Generally, larger households make more trips by all modes; people between ages 16 – 64 are more likely to drive, and higher income individuals are more likely to own a car; as such, analysis areas with populations meeting these characteristics tend to generate a larger number of vehicle trips in the model. Other individual traits, including English proficiency, ability to obtain a driver's license, and ability or disability may also influence travel decisions at this level, but are too generalized to be included in a regional travel demand model, despite their importance to individual decisions.

Travel Options

Travel options variables include considerations of transit access, transit quality, and access to a vehicle. Each of these factors can determine the mode an individual chooses to make a given trip. Generally, individuals will choose the most efficient mode among those that they have access to. Efficiency can include considerations such as cost, estimated travel time, comfort, wait times, or convenience, among other concerns. In travel models, these factors are considered through proxy variables such as car ownership, distance from transit, and the frequency at which nearby transit operates.

Local Land Use and Built Environment

Local land use variables include variables often referred to as "the D's": density of jobs and housing, diversity of land uses, design of roadway facilities and the urban environment, and similar elements. These factors help to create urban environments that are more walkable, and tend to have a lower automobile modeshare³. The academic literature surrounding the effects of land use on transportation choices has shown fairly consistently that dense, mixed-use neighborhoods with strong regional access have the lowest levels of vehicle trip-making.⁴ When used in travel models, these are usually translated into measures of density for a given area, such as the number of dwelling units or jobs per acre.

Regional Land Use and Built Environment

Regional land use patterns determine travel patterns mostly as a function of where people live versus places they typically travel to; the most common example of this is the relationship

³ Cervero, R., & Kockelman, K. (1997). Travel demand and the 3Ds: density, diversity, and design. *Transportation Research Part D: Transport and Environment*, 2(3), 199-219.

⁴ Ewing, R., & Cervero, R. (2010). Travel and the built environment: a meta-analysis. *Journal of the American planning association*, 76(3), 265-294.



between a person's home and workplace. Regional accessibility, such as the availability of longer distance transportation options (including regional transit such as BART and Caltrain, as well as freeways and major arterials) also plays a key role in transportation decisions. Ongoing jobs-housing imbalances have been shown to have a substantial effect on the distance households travel to work, while regional accessibility (as measured by the mix of destinations easily accessible by a household) also tends to encourage non-auto trips^{5,6,7}.

Number of Long-Distance Commute Trips

In addressing the question of whether the new residential construction in the Eastern Neighborhoods plan displaces lower income workers and therefore leads to longer commute trips from distant suburbs, Fehr & Peers focused on available data which includes regional data on inter-county commutes, and data showing the regional distance between a worker's home and workplace. While speculation exists that individuals that move out of the Mission commute longer distances to existing jobs, the literature on job change following residential relocation is very limited. As such, it cannot be ascertained whether individuals moving from the Mission to outlying areas keep or change their job location.

In addition to the potential for longer commute trips, households moving from the Mission to areas with fewer non-auto transportation options may increase their use of private vehicles for non-work trips. This increase in trips may be offset by individuals who move into denser neighborhoods and then use private vehicles less often, particularly if new housing growth is concentrated in these denser neighborhoods.

As an example of how residential location affects commute patterns, **Table 1** summarizes the number of commuters who both live and work in the same Bay Area County, the number who live and work in different counties and drive alone to work, and the median rent by county to serve as a proxy for cost of living. Counties that have a lower than average share of residents who drive alone to work in another county are Santa Clara County, Sonoma County, and San Francisco County, while counties with the largest share of residents who drive alone to work in another county are San Mateo, Contra Costa, and Solano Counties.

⁵ Ewing, R. (1995). Beyond density, mode choice, and single-purpose trips. *Transportation Quarterly*, 49(4), 15-24.

⁶ Levinson, D. M. (1998). Accessibility and the journey to work. *Journal of Transport Geography*, 6(1), 11-21.

⁷ Cervero, R. (1996). Jobs-housing balance revisited: trends and impacts in the San Francisco Bay Area. *Journal of the American Planning Association*, 62(4), 492-511.



Based on these figures, we would assume that a net movement of households from San Francisco to counties such as Contra Costa County and Solano County without a corresponding movement in jobs would result in a higher share of individuals driving longer distances to work. However, job and housing growth projections prepared by ABAG indicate that population growth will be concentrated in areas that, in general, have fewer individuals driving alone to work across county lines.⁸

TABLE 1: COMMUTERS LIVING AND WORKING IN DIFFERENT COUNTIES, 2010 ¹						
County	Employed Residents	Residents Working in Same County	Percentage Working in Same County	Drove Alone to Another County for Work	Percentage Drive Alone to Another County	2010 Median Rent ²
Santa Clara	817,000	712,000	87%	85,000	10%	\$1,471
Sonoma	226,000	188,000	83%	29,000	13%	\$1,227
San Francisco	432,000	331,000	77%	68,000	16%	\$1,446
Napa	62,000	48,000	77%	12,000	19%	\$1,218
Alameda	693,000	468,000	68%	142,000	20%	\$1,233
Marin	121,000	79,000	65%	29,000	24%	\$1,563
Contra Costa	466,000	281,000	60%	121,000	26%	\$1,311
San Mateo	349,000	205,000	59%	101,000	29%	\$1,525
Solano	184,000	109,000	59%	55,000	30%	\$1,199
Grand Total	3,350,000	2,421,000	72%	642,000	19%	\$1,353

1. VitalSigns does not provide data prior to 2010.

2. Median rents are based on self-reported rents paid by current residents across a variety of unit types, and do not reflect the rent accepted by new residents. Amounts shown are adjusted for inflation to 2014 dollars.

Source: Metropolitan Transportation Commission VitalSigns, 2016; Fehr & Peers, 2016

To study the total *future* change in vehicle trips and vehicle miles traveled due to demographic shifts and changing development patterns, a travel model is typically employed studying conditions both with and without a demographic change.

⁸ ABAG projections are taken from Plan Bay Area 2013.



Fehr & Peers performed a brief review of the model data used in developing the future year VMT and travel forecasts used for CEQA purposes, and found that they do account for changes in the number of households by income level, as well as changes in the number of jobs throughout the region. Travel models are used to forecast future year conditions, as well as changes in traffic due to major land use changes (such as the adoption of the Eastern Neighborhoods Plan). These models are designed to use research on current travel patterns to estimate how changes in roadway configurations, population locations, and jobs can affect vehicle travel as well as travel by other modes. The San Francisco specific model, SF-CHAMP, uses the same data as the regional model, but reassigns growth within San Francisco to reflect local planning efforts. Individual model runs can provide estimates of traffic levels on individual roadways, and as noted above are often used for portions of the traffic and VMT analyses prepared for CEQA purposes.

In order to provide these estimates, SF-CHAMP estimates travel behavior at the level of transportation analysis zones (TAZs). There are 981 TAZs within San Francisco that vary in size from single city blocks in the downtown core, to multiple blocks in outer neighborhoods, to even larger geographic areas in historically industrial areas like the Hunters Point Shipyard. It also includes zones outside of San Francisco, for which it uses the same geography as the current MTC Model: "Travel Model One". For each TAZ, the model estimates the travel demand based on TAZ population and employment assumptions developed by the Association of Bay Area Governments (ABAG). Essentially, the model does its best to represent average travel choices and patterns of "people" (the daytime service population) that represent all travelers making trips to and from each TAZ the entire day⁹.

Neither SF-CHAMP nor the regional travel model explicitly link low-income workers living in one area with lower paying jobs in another area, or high-income workers with high-paying jobs for that matter; this level of analysis is generally considered to be more fine-grained than is appropriate for regional travel forecasts. Instead, household-job links are established using existing research on typical commute patterns and distances, including the distribution of workers living in a given area who travel longer distances to work, and so forth. Future concentrations of jobs and housing are based on the most recent regional planning documents prepared by ABAG.

Regardless of the model assumptions, some households will move from San Francisco and have increased commute distances, while others may change jobs and have decreased commute

⁹ Kosinski, Andy. (2016, April). VMT Analysis for 2675 Folsom Street, Case No 2014-000601. 2675 Folsom Street Transportation Impact Analysis Project Record



distances. However, the model does indicate that overall aggregate regional growth is expected to help reduce the average distance that a typical worker travels between home and work. The SFCTA has estimated that existing average VMT per household is 17.2 for the region and 8.4 in San Francisco. The regional VMT per household is expected to decrease to approximately 16.7 by the year 2040¹⁰. Employment data shows that the share of Bay Area residents living more than ten miles from their employer increased from 2004 to 2014 (See **Table 2**); over the same period, the absolute number of individuals living more than ten miles from their employer also increased. As such, a larger number of individuals are likely driving alone to work across longer distances. This does not, however, translate into a higher share of individuals driving alone to work; the regional drive alone commute modes share is at its lowest point since 1960, based on census data.

TABLE 2: DISTANCE FROM HOME CENSUS BLOCK TO WORK CENSUS BLOCK¹, BAY AREA RESIDENTS, 2004 - 2014

Distance	2004 ²		2014	
	Number of Workers	Share of Workers	Number of Workers	Share of Workers
Less than 10 miles	1,507,000	52%	1,600,000	47%
10 to 24 miles	800,000	27%	944,000	28%
25 to 50 miles	351,000	12%	445,000	13%
Greater than 50 miles	255,000	9%	390,000	12%
Drive-Alone Commute Modeshare	79%		76%	

1. LEHD data uses payroll and other labor information; distances may not represent an employee's typical workplace, but rather the location of their employer's office for labor reporting purposes.

2. 2004 base year is used due to data from 2000 not being available

Source: Longitudinal Employer-Household Dynamics, 2016; MTC VitalSigns, 2016; Fehr & Peers, 2016

Vehicle Trip Rates and Demographics of New Residents

While data are unavailable for households moving away from the Mission, a look at ACS data shows some insight on households that have recently moved to the Mission from elsewhere.

¹⁰ Schwartz, Michael, Coper, Drew. (2016, February). Quantification of Impacts under CEQA following new guidelines from the Governor's Office of Planning and Research. And Kosinski, Andy. (2016, April). VMT Analysis for 2675 Folsom Street, Case No 2014-000601. 2675 Folsom Street Transportation Impact Analysis Project Record



Around 15 percent of Mission residents had moved within the past year; of these, around half moved to the Mission from outside of San Francisco (**Table 3**). New residents, particularly those moving from outside of California, tend to have higher incomes than existing residents.

TABLE 3: MIGRATION STATUS OF MISSION RESIDENTS¹ IN PAST YEAR AND MEDIAN INDIVIDUAL INCOME

Year		Did not move in past year	Moved; within San Francisco	Moved; from different county in CA	Moved; from different state	Moved; from abroad
2004-2009	% of Residents	86%	9%	2%	2%	1%
	Median Income (2014 Dollars)	\$37,000	\$40,000	\$32,000	\$40,000	\$15,000
2009 -2014	% of Residents	86%	8%	3%	2%	1%
	Median Income (2014 Dollars)	\$35,000	\$43,000	\$32,000	\$76,000	\$46,000

1. Census data for Mission residents includes Census tracts 177, 201, 202, 207, 208, 209, 210, 228.01, 228.03, 229.01, and 229.02.

Source: ACS Table S0701, 5-year averages, 2004-2009, 2009-2014; Fehr & Peers, 2016

Generally, higher income households tend to have more vehicles per household, and also tend to drive more (See **Table 4**). However, a preliminary look at trends studied in the Census and American Community Survey (ACS) indicate that this effect has had a minimal effect on overall vehicular use in the Mission district from 2000 to 2014.

TABLE 4: DRIVE ALONE MODESHARE BY INCOME GROUP, MISSION RESIDENTS¹ (2009- 2014)

Worker Earnings	% Driving Alone to Work
<\$15,000	16%
\$15,000 – \$25,000	21%
\$25,000 - \$50,000	24%
\$50,000 – \$75,000	28%
>\$75,000	29%
Average, All Incomes	27%

1. Census data for Mission residents includes Census tracts 177, 201, 202, 207, 208, 209, 210, 228.01, 228.03, 229.01, and 229.02.

Source: ACS Table S1901, 5-year averages, 2009-2014; Fehr & Peers, 2016



Partially due to the in-migration of higher income earners shown in **Table 3**, the median household living in the Mission in 2014 has a significantly higher income than the median household living there in 2000 (see **Table 5**). Median annual income increased from around \$67,000 to around \$74,000 during that time period (in 2014 inflation-adjusted dollars). This reflects the migration patterns partially discussed above, as well as some level of general increases in incomes over that time. The same pattern can be seen by examining the share of all households with incomes above \$100,000, which has more than doubled from 2000 to 2014.

However, although the typical household has a higher income, vehicles per households has not increased over the same time period. The same percentage of households have zero cars (39 – 40 percent of households), and the average number of vehicles per household has remained nearly constant over that same period. Similarly, the share of Mission residents commuting to work by driving alone has also remained steady, at 25 – 29 percent. Due to population growth, this does result in more vehicles and more people driving alone compared to in 2000; however, this growth is in line with past trends, and does not exceed the level of vehicle travel projected in the Eastern Neighborhoods EIR, as discussed below.

In addition to census data, Planning has conducted three case studies at residential developments built in the past ten years in the Mission Neighborhood. These sites are located at 2558 Mission Street, 555 Bartlett Street, and 1600 15th Street. Each building consists of newer, largely market-rate housing, although 555 Bartlett Street and 1600 15th Street each have between 15 and 20 percent of units set aside as below market rate housing. Surveys at these sites were conducted during the extended AM and PM peak hours, and consisted of intercepting individuals at all project entrances and exits to inquire about their mode choice. In addition, person counts and vehicle counts were conducted at all entrances. Results from these surveys are shown by site in

Table

6.



TABLE 5: COMPARISON OF SHIFTS IN INCOME AND AUTOMOBILE TRAVEL INDICATORS, MISSION RESIDENTS¹

Year	Median Household Income (2014 Dollars)	Average Household Income (2014 Dollars)	Share of Households with Income Above \$100,000 (nominal)	Share of Commuters Driving Alone to Work	Share of Households with Zero Cars Available	Vehicles Available per Household
2000	\$67,000	\$81,000	15%	29 %	39%	.85
2004 - 2009	\$70,000	\$98,000	31%	25 %	40%	.82
(% Change from 2000)	+ 4%	+21%	+ 106%	- 14%	<1%	-3%
2009 – 2014	\$74,000	\$109,000	40%	27 %	40%	.82
(% Change from 2000)	+ 10%	+35%	+ 166%	- 7%	<1%	-3%

1. Census data for Mission residents includes Census tracts 177, 201, 202, 207, 208, 209, 210, 228.01, 228.03, 229.01, and 229.02.

Source: American Community Survey, Tables B25044, B08130, S1901, 5-year averages, 2004 – 2009 and 2009 - 2014 ; Decennial Census, Tables H044, P030, DP3, 2000; Fehr & Peers, 2016

**TABLE 6: OBSERVED MODE SPLITS AT RESIDENTIAL DEVELOPMENTS IN THE MISSION**

Address	Drive Alone	Carpool	Walk	Taxi / TNC	Bike	SF Muni	BART	Private Shuttle
1600 15th St (162 market rate units, 40 BMR units, 596 total person trips)	19%	15%	33%	4%	5%	7%	16%	2%
555 Bartlett Street (49 market rate units, 9 BMR units, 183 total person trips)	25%	28%	19%	3%	6%	4%	14%	1%
2558 Mission Street (114 market rate units, 288 total person trips)	13%	13%	38%	8%	1%	7%	17%	4%

Based on trips made between 7AM – 10AM and 3PM – 7PM on a typical weekday in the summer. Total number of trips represented all counted person trips; response rates to survey varied between sites. Final percentages are imputed from survey responses and vehicle counts.

Source: SF Planning, 2015; Fehr & Peers, 2016

The three sites showed a drive alone modeshare that ranged from 13 percent to 25 percent, all of which are below the average drive alone commute mode for the area (of around 27 percent; see **Table 5**). The total auto modeshare (drive alone + carpool + taxi/TNC) ranges from 34 percent to 56 percent of all trips, which is similar to the total auto modeshare for all trips as modeled by SF-CHAMP (ranging from 31 percent to 53 percent for key transportation analysis zones in the Mission).¹¹

Transit Modeshare Over Time

The share of Mission residents commuting via transit has remained fairly steady from 2000 to 2014, based on ACS journey to work data (see **Table 7**). Transit modeshare has decreased slightly in recent years, from a high of 46 percent in 2004 – 2009; most of this shift has been to bicycling and “other means” (which may include trips made by TNC). This fluctuation is well within a typical margin of error, and includes a period of decreased Muni transit service during the Great Recession; service was restored in 2015.

¹¹ SF-CHAMP auto modeshare is based on the Central SoMa 2012 Baseline model run; the presented modeshares are for the analysis zones where each of the case study developments are located.



TABLE 7: MISSION RESIDENT TRANSIT MODESHARE TRENDS, 2000 – 2014 (COMMUTE TRIPS ONLY)

Year	Total Transit Modeshare	Muni Bus or Rail ¹	BART ²	Caltrain ³
2000	42%	24%	16%	1%
2004 – 2009	46%	29%	16%	1%
2009 – 2014	44%	24%	18%	3%

1. "Bus or trolley bus" and "Streetcar or trolley car" categories

2. "Subway or elevated" category

3. "Railroad" category

Source: ACS 2014; Fehr & Peers, 2016

Expected and Observed Peak Hour Vehicle Traffic Growth

The Eastern Neighborhoods Transportation Impact Study (TIS) and EIR analyzed several intersections within the Mission District. Fehr & Peers worked with Planning to select four of these intersections and conduct one-day PM peak hour turning movement counts in December 2016¹²; these intersection counts do not include Mission Street due to the installation of bus-only lanes (which act to divert some private vehicle traffic from Mission Street) in 2015. These counts were then compared to the expected level of traffic growth based on the total change in housing units constructed in the Mission from 2011 – 2015. Full turning movement volumes and estimated calculations are included in **Attachment A**.

Overall, the current level of reported development from the Eastern Neighborhoods Monitoring Report was estimated to represent around 65 percent of background, no project growth (based on progress from 2000 baseline year to 2016 relative to the 2025 projections), and around 10 percent complete¹³ for the growth projected under EIR Option C. While the preferred alternative does not precisely match any of the three options set forth in the EIR, Fehr & Peers selected Option C for comparison purposes as it showed the highest level of residential growth in the Mission. **Table 8** shows a summary of observed and estimated traffic volumes for the intersections analyzed.

¹² While vehicle counts are typically not taken in December due to changes in travel patterns during that time, schedule constraints necessitated immediate counts. Counts were collected on a weekday with average weather, while area schools were still in session.

¹³ Estimate of 10 percent complete includes 25 percent of estimated increase in housing units and 4 percent of estimated increase in non-residential square footage from the 2000 baseline. This does not include the reduction in total PDR square footage.



On average, observed traffic volumes in 2016 were around 5 - 10 percent lower than expected based on the Eastern Neighborhoods EIR and the percentage of estimated development complete¹⁴. At three of the four intersections counted, total traffic volume had in fact decreased from the 2000 baseline count data. The exception is at 16th Street and South Van Ness, where there was an increase in traffic volume traveling northbound and southbound. This likely reflects shifts from other north/south streets such as Mission Street that have seen changes in their roadway configurations that were not anticipated by the analysis in the Eastern Neighborhoods Plan. The observed traffic counts also include only one day of count data, which introduces a chance that the observations are not representative; however, traffic volumes at urban intersections tend to be fairly stable with respect to the amount of peak hour traffic. Overall, this reflects that the Eastern Neighborhoods TIS and EIR took a fairly conservative approach to modeling the levels of local traffic generated by the changes in land use allowed by the Plan.

TABLE 8: COMPARISON OF OBSERVED AND ESTIMATED TRAFFIC VOLUMES AT MISSION INTERSECTIONS

Intersection	2000 Baseline Total Volume	2025 Option C Projected Volume	2016 To Date Projected Volume¹	2016 Observed Volume	Net Difference (2016 Observed – 2016 Projected)	% Difference
Guerrero / 16 th	2,704	2,895	2,729	2,628	-101	-4%
S. Van Ness / 16 th	2,513	2,682	2,534	2,692	158	6%
Valencia / 16 th	1,848	2,168	1,885	1,572	-313	-17%
Valencia / 15 th	2,287	2,438	2,311	1,913	-398	-17%
Average					-164	-7%

1. 2016 to date projected volume is derived from the 2000 baseline volume plus 10 percent of Option C added project trips. Actual completed development analyzed in Option C amounts to 25% of studied residential units, and 4% of non-residential new development.

Source: Fehr & Peers, 2016; Eastern Neighborhoods TIS, 2008

¹⁴ While not shown in Table 8, projected traffic volumes for EIR Option A (at 30% complete) and the No Project scenario were similar to those for Option C, and were on average higher than the observed 2016 traffic volumes.



Policy and Program Changes since Adoption of Eastern Neighborhoods Plan

The above analysis represents a look at how 2016 compares to conditions considered in the Eastern Neighborhoods Plan TIS and EIR. However, since the adoption of the Eastern Neighborhoods Plan, the City has embarked on several projects and programs designed to better accommodate sustainable growth. Future transportation investments are anticipated to align with these goals, and include a focus on transit capital and operational investments, bicycle infrastructure, and pedestrian safety. Many of these improvements may be financed by fees collected from new developments.

San Francisco Bicycle Plan

The 2009 San Francisco Bicycle Plan was adopted shortly after the adoption of the Eastern Neighborhoods Plan. It identifies specific bicycle route improvement projects, and is intended to foster a safe and interconnected bicycle network that supports bicycling as an attractive alternative to driving. This plan identified sixty total bicycle projects and bicycle route improvements, several of which are located within the Eastern Neighborhoods Plan area. In the Mission, this includes facilities on 17th Street and 23rd Street, as well as potential long-term improvements on Shotwell Street and Capp Street.

Better Streets Plan

The Better Streets Plan, adopted in 2010, includes streetscape policies and guidelines that outline streetscape requirements for new development, as well as generally guide the design of new street improvement projects. It seeks to enhance the pedestrian environment, and includes guidelines for width and design of sidewalks, crosswalks, and general enhancements to the pedestrian environment, including street trees, lighting, and other elements. New developments are expected to bring relevant streetscape elements near their project into compliance with the Better Streets Plan as part of the development review process.

Muni Forward

Muni Forward is an adopted plan following the findings of the Transit Effectiveness Project (TEP). The TEP was an in-depth planning process that sought to evaluate and enhance the Muni system; in 2014, the SFMTA Board of Directors adopted many of these recommendations, which included an overall 12 percent increase in Muni service citywide. Major projects affecting the Mission include the installation of red bus-only lanes on Mission Street, as well as service improvements



on the 14 and 14R buses, which provide a key connection for Mission residents to sites along the Mission Street corridor.

Vision Zero

Vision Zero, adopted in 2014, represents an action plan for building better and safer streets, with the goal of having zero traffic fatalities by the year 2024. This goal utilizes a “safe systems” approach to protect people from serious injury or death when a crash occurs by creating safe roads, slowing speeds, improving vehicle design, educating people, and enforcing existing laws. Part of this process includes identifying high injury corridors, where people are more likely to experience serious injury or death as a result of automobile collisions. Guerrero Street, Valencia Street, Mission Street, South Van Ness Avenue, Harrison Street, 15th Street, 16th Street, 17th Street, 24th Street, Cesar Chavez Street, and segments of 18th Street and Dolores Street are all included in the Vision Zero High Injury Network. High priority projects to address these issues in the Mission include the installation of bus-only lanes on Mission Street, as well as installation of pedestrian countdown signals at key intersections on Guerrero Street and S. Van Ness Avenue.

Propositions A and B (2014)

In 2014, San Francisco voters passed Propositions A and B, both of which provided additional funding for transportation projects, almost all of which was designated for transit, pedestrian, and bicycle improvements. Proposition A authorized \$500 million in general obligation bonds for transportation infrastructure needs citywide. Funds were earmarked for specific project types that focused on transit, bicycle, and pedestrian improvements, including construction of transit-only lanes and separated bikeways, transit boarding islands, escalator upgrades, new pedestrian signals, sidewalk improvements, and Muni maintenance facilities. Proposition B required that the City’s contributions to SFMTA increase based on population growth, including both the daytime and night-time populations. Additionally, Proposition B required the 75 percent of any population-based increase be used to improve Muni service, and 25 percent be used for improving street safety.

Transportation Sustainability Program

The Transportation Sustainability Program (TSP) reflects plans to adopt smart planning and investment practices to improve and expand on the existing transportation system. They include requiring new developments to adopt comprehensive transportation demand management (TDM) programs (anticipated to be in effect early 2017) in order to reduce the number of trips



made by automobile, as well as adoption of the new Transportation Sustainability Fee for new developments, and environmental review guidance that prioritizes smart growth in the form of infill development near quality transit service.

Commuter Shuttle Program

The SFMTA implemented a formal Commuter Shuttle Program in 2014 to regulate how long-distance commuter shuttles utilize public roadways and public curb space, including bus stops. An October 2015 review found that the program was eligible for a categorical exemption (Case No. 2015-007975ENV). The analysis used for this determination also examined the total number of shuttles and shuttle stop incidents. This study found that shuttle vehicles would remain less than 10 percent of vehicles traveling on arterials with shuttle stop locations, and that this increase was not expected to substantially affect traffic operations on arterial roadways. As shown in **Table 8**, current levels of traffic within the Mission remain below expected volumes based on the amount of development completed under the Eastern Neighborhoods Plan.

On-Demand Smartphone Ride Companies

At the time of the Eastern Neighborhoods EIR, transportation network companies (TNCs) such as Lyft, Uber, and Chariot did not exist. In recent years, this method of transportation has grown significantly. However, many details regarding how these companies fit into the larger transportation picture in San Francisco is unclear. To date, no holistic study has examined whether TNC users are making trips they would not otherwise make, or substituting a Lyft or Uber ride for either a public transit trip or private vehicle trip. Based on the surveys conducted at newer residential developments, the combination of Taxi and on-demand / smartphone-based transportation represents between three and eight percent of all trips. These trips have not led to growth in traffic at Eastern Neighborhoods study intersections that exceed what was predicted, based on actual intersection-level counts, and can reasonably be considered to fall within the envelope of transportation effects identified in the Eastern Neighborhoods EIR.



Sincerely,

FEHR & PEERS

A handwritten signature in black ink, appearing to read 'ehw'.

Eric Womeldorff, P.E.
Principal

A handwritten signature in black ink, appearing to read 'Teresa Whinery'.

Teresa Whinery
Transportation Planner

Attached:

Attachment A

Attachment A - Percent Complete

Option A Percent Complete

	CIE	Medical	Office	PDR	Retail	Visitor	Residential
Net Change, 2011 - 2015	-25,211	15,200	108,400	-206,311	40,119	0	506
EN Option A Plan Total (Delta from Baseline)	104,400	37,200	422,021	-448,753	114,000	0	782
Progress	-24%	41%	26%	46%	35%	100%	65%
Progress: Non-Residential & Non-PDR	20%						
Progress: Residential	65%						
Percent Complete, Option A	40%						

Option C Percent Complete

	CIE	Medical	Office	PDR	Retail	Visitor	Residential
Net Change, 2011 - 2015	-25,211	15,200	108,400	-206,311	40,119	0	506
EN Option C Plan Total (Delta from Baseline)	609,480	49,448	2,214,011	-3,370,350	598,323	10,274	2,054
Progress	-4%	31%	5%	6%	7%	0%	25%
Progress: Non-Residential & Non-PDR	4%						
Progress: Residential	25%						
Percent Complete, Option C	10%						

No Project Percent Complete

	CIE	Medical	Office	PDR	Retail	Visitor	Residential
Net Change, 2011 - 2015	-25,211	15,200	108,400	-206,311	40,119	0	506
EN CNP Total (Delta from Baseline)	134,700	36,900	551,400	-513,185	144,000	1	420
Progress	-19%	41%	20%	40%	28%	100%	120%
Progress: Non-Residential & Non-PDR	16%						
Progress: Residential	120%						
Rounded Estimate Complete, No Project	70%						
Time Estimate Complete, No Project (2016 - 2000) / (2025 - 2000)	64%						

Attachment A - Turning Movement (Option A)

		2000 Baseline	2025 NP	2025 Option A	2016 NP Estimate	2016 Option A To Date Estimate	Intersection Level Total Estimate	2016 Count	Intersection Level Observed	Change from To-Date Estimate	% of Estimated Traffic
16th & Guerrero	NBL	73	81	86	78	78	2,789	16	2,628	-161	80%
	NBT	649	721	761	695	694		599			
	NBR	60	67	72	64	65		52			
	SBL	50	52	53	51	51		10			106%
	SBT	748	784	760	771	753		815			
	SBR	43	45	44	44	43		76			
	EBL	16	17	18	17	17		8			95%
	EBT	301	314	305	309	303		291			
	EBR	61	64	68	63	64		64			
	WBL	81	87	87	85	83		55			97%
	WBT	537	572	571	559	551		521			
	WBR	85	91	91	89	87		121			
S. Van Ness & 16th	NBL	0	0	0	0	0	2,591	70	2,692	101	123%
	NBT	530	578	567	561	545		656			
	NBR	96	104	104	101	99		67			
	SBL	0	0	0	0	0		65			126%
	SBT	575	587	616	583	591		689			
	SBR	39	40	42	40	40		44			
	EBL	0	0	0	0	0		9			72%
	EBT	448	476	474	466	458		295			
	EBR	52	64	74	60	61		71			
	WBL	0	0	0	0	0		7			91%
	WBT	674	727	728	708	696		653			
	WBR	99	106	105	103	101		66			

Attachment A - Turning Movement (Option A)

Valencia & 16th	NBL	59	63	71	62	64	2,018	39	1,572	-446	84%
	NBT	442	480	535	466	479		417			
	NBR	0	0	0	0	0		0			
	SBL	0	0	0	0	0		2			75%
	SBT	549	553	557	552	552		407			
	SBR	199	218	224	211	209		162			
	EBL	0	0	0	0	0		0			100%
	EBT	0	0	0	0	0		0			
	EBR	0	0	0	0	0		0			
	WBL	73	104	108	93	87		54			76%
WBT	443	632	655	564	528	396					
WBR	83	118	123	105	99	95					
Valencia & 15th	NBL	49	50	51	50	50	2,376	40	1,913	-463	77%
	NBT	398	433	497	420	438		323			
	NBR	73	74	78	74	75		71			
	SBL	70	74	77	73	73		43			71%
	SBT	499	530	535	519	513		364			
	SBR	50	53	54	52	52		48			
	EBL	28	30	29	29	28		36			84%
	EBT	318	336	334	330	324		272			
	EBR	65	69	67	68	66		44			
	WBL	58	62	63	61	60		52			89%
WBT	604	647	645	632	620	549					
WBR	75	80	81	78	77	71					

Sources:

2000 Baseline: Eastern Neighborhoods Plan TIS
 2025 NP: Eastern Neighborhoods Plan TIS
 2025 + Opt. A: Eastern Neighborhoods Plan TIS
 2025 + Opt. B: Eastern Neighborhoods Plan TIS
 2016 NP Estimate: $= (2000 \text{ Baseline}) + [(2025 \text{ NP}) - (2000 \text{ Baseline})] * [(2016 - 2000) / (2025 - 2000)]$

2016 Opt. A Estimate: $= (2000 \text{ Baseline}) + [(2025 \text{ Opt. A}) - (2000 \text{ Baseline})] * (\text{Opt. A \% Complete})$

2016 Opt. C Estimate: $= (2000 \text{ Baseline}) + [(2025 \text{ Opt. C}) - (2000 \text{ Baseline})] * (\text{Opt. C \% Complete})$

Attachment A - Turning Movement (Option C)

		2000 Baseline	2025 NP	2025 Option C	2016 NP Estimate	2016 Option C To Date Estimate	Intersection Level Total Estimate	2016 Count	Intersection Level Total Count	Change from To-Date Estimate	% of Estimated Traffic
16th & Guerrero	NBL	73	81	87	78	74	2,729	16	2,628	-101	84%
	NBT	649	721	776	695	662		599			
	NBR	60	67	72	64	61		52			
	SBL	50	52	52	51	50		10			107%
	SBT	748	784	772	771	750		815			
	SBR	43	45	44	44	43		76			
	EBL	16	17	18	17	16		8			96%
	EBT	301	314	301	309	301		291			
	EBR	61	64	70	63	62		64			
	WBL	81	87	88	85	82		55			98%
WBT	537	572	585	559	542	521					
WBR	85	91	92	89	86	121					
S. Van Ness & 16th	NBL	0	0	0	0	0	2,534	70	2,692	158	125%
	NBT	530	578	589	561	536		656			
	NBR	96	104	107	101	97		67			
	SBL	0	0	0	0	0		65			130%
	SBT	575	587	598	583	577		689			
	SBR	39	40	41	40	39		44			
	EBL	0	0	0	0	0		9			74%
	EBT	448	476	457	466	449		295			
	EBR	52	64	78	60	55		71			
	WBL	0	0	0	0	0		7			93%
WBT	674	727	741	708	681	653					
WBR	99	106	108	103	100	66					

Attachment A - Turning Movement (Option C)

Valencia & 16th	NBL	59	63	69	62	60	1,885	39	1,572	-313	89%
	NBT	442	480	518	466	450		417			
	NBR	0	0	0	0	0		0			
	SBL	0	0	0	0	0		2			76%
	SBT	549	553	583	552	552		407			
	SBR	199	218	230	211	202		162			
	EBL	0	0	0	0	0		0			100%
	EBT	0	0	0	0	0		0			
	EBR	0	0	0	0	0		0			
	WBL	73	104	99	93	76		54			88%
WBT	443	632	603	564	459	396					
WBR	83	118	113	105	86	95					
Valencia & 15th	NBL	49	50	53	50	49	2,311	40	1,913	-398	82%
	NBT	398	433	477	420	406		323			
	NBR	73	74	79	74	74		71			
	SBL	70	74	77	73	71		43			73%
	SBT	499	530	550	519	504		364			
	SBR	50	53	55	52	51		48			
	EBL	28	30	29	29	28		36			85%
	EBT	318	336	326	330	319		272			
	EBR	65	69	67	68	65		44			
	WBL	58	62	63	61	59		52			90%
WBT	604	647	657	632	609	549					
WBR	75	80	82	78	76	71					

Sources:

2000 Baseline: Eastern Neighborhoods Plan TIS

2025 NP: Eastern Neighborhoods Plan TIS

2025 + Opt. A: Eastern Neighborhoods Plan TIS

2025 + Opt. B: Eastern Neighborhoods Plan TIS

2016 NP

Estimate: = (2000 Baseline) + [(2025 NP) - (2000 Baseline)] * [(2016 - 2000) / (2025 - 2000)]

2016 Opt. A

Estimate: = (2000 Baseline) + [(2025 Opt. A) - (2000 Baseline)] * (Opt. A % Complete)

2016 Opt. C

Estimate: = (2000 Baseline) + [(2025 Opt. C) - (2000 Baseline)] * (Opt. C % Complete)



MEMORANDUM

Date: April 17, 2017
To: Chris Kern, San Francisco Planning Department
From: Teresa Whinery and Eric Womeldorff, Fehr & Peers
Subject: **Updated Eastern Neighborhoods Traffic Counts**

SF16-0908

Fehr & Peers recently contracted with a traffic count firm to perform additional vehicle counts at key intersections studied in the Eastern Neighborhoods Plan Environmental Impact Report (EIR). These counts were used for analysis of transportation trends presented in a January 12, 2017 letter discussing Eastern Neighborhoods / Mission District Transportation and Demographic Trends.

Traffic counts were originally performed on Tuesday, December 13, 2016 due to the need to provide analysis prior to the appeal hearing for 2675 Folsom Street. While traffic counts are not generally conducted in December, care was taken to perform the counts while local schools were in session, on a day with average weather. The additional counts, taken on Tuesday, April 4, 2017 and on Tuesday, April 11, 2017 are intended to supplement the original counts, and provide a second data point taken in a typical spring month. San Francisco schools were in session on both of the April count dates.

The amended **Table 8** below shows the vehicle counts collected in April. Three of the four intersections are within three percent of PM peak hour traffic volumes collected in December. At the fourth intersection (Valencia / 16th), total PM peak hour vehicle volumes were around eight percent higher, though still within an industry-accepted daily fluctuation level of 10 percent during peak hours. Updating the prior analysis concerning contributions and expected vehicle volumes with these new April counts does not result in any substantive differences in findings presented in Fehr & Peers' January 2017 letter.



TABLE 1: COMPARISON OF OBSERVED AND ESTIMATED TRAFFIC VOLUMES AT MISSION INTERSECTIONS

Intersection	2000 Baseline Total Volume	2025 Option C Projected Volume	2017 To Date Projected Volume¹	2017 Observed Volume²	Net Difference (2017 Observed – 2017 Projected)	% Difference
Guerrero / 16 th	2,704	2,895	2,729	2,652	-77	-3%
S. Van Ness / 16 th	2,513	2,682	2,534	2,688	154	6%
Valencia / 15 th	1,848	2,168	1,885	1,616	-269	-14%
Valencia / 16 th	2,287	2,438	2,311	2,089	-222	-10%
Average					-104	-4%

1. 2017 to date projected volume is derived from the 2000 baseline volume plus 10 percent of Option C added project trips. Actual completed development analyzed in Option C amounts to 25% of studied residential units, and 4% of non-residential new development.

2. Observed volumes are from traffic counts conducted at three intersections on April 4, 2017, and at Guerrero/16th on April 11 2017. Counts at Guerrero were rescheduled due to vandalism of the count equipment.

Source: Fehr & Peers, 2017; Eastern Neighborhoods TIS, 2008

Attachment B

Fehr & Peers

2918 Mission St Analysis Memorandum

June 5, 2018



MEMORANDUM

Date: June 5, 2018
To: Manoj Madhavan, San Francisco Planning Department
From: Jesse Cohn & Eric Womeldorff, Fehr & Peers
Subject: **2918 Mission Transportation Analysis**

SF18-0978

Introduction

On November 30, 2017, the San Francisco Planning Commission approved the Community Plan Evaluation for the proposed development at 2918 Mission Street (Proposed Project). An appeal was filed by Calle 24 Latino Cultural District Council on January 1, 2018, based on concerns that the Eastern Neighborhoods Area Plan and subsequent 2008 EIR analysis are outdated, and that their determination of limited impacts to transit, traffic, and circulation is no longer accurate.

This memo summarizes new data collection in the Mission District, including vehicle volumes at key intersections in the neighborhood, and transit reliability as a result of new development. These observations reveal the following key findings:

- Intersection volumes at key locations in the Mission District do not exceed forecasts from the Eastern Neighborhoods Area Plan EIR, and in some cases are lower than the 2000 baseline.
- Transit speeds have improved along Mission Street in the past 10 years.

Project Description

The Proposed Project Site, 2918 Mission Street, is located on the west side of Mission Street between 25th and 26th Streets in the Mission Street Neighborhood Commercial Transit (NCT) Zoning District. The property is currently developed with a single-story, 5,200 square foot commercial building (a laundromat) and an associated surface parking lot. In total, the site is approximately 11,653 square feet. With the exception of two spaces that are rented to the adjacent bank, all spaces in the surface parking lot are for customers of the laundromat (and there is a sign posting this parking restriction). Laundromat staff watch for people using the parking lot and not visiting the laundromat, and warn them if observed.



The Proposed Project would include the demolition of the existing building and new construction of an eight-story, 67,314 square foot mixed-use building with 75 dwelling units and 6,724 square feet of ground floor retail. The Proposed Project would not include any off-street vehicle parking, but would include 76 Class I bicycle parking spaces and 14 Class 2 bicycle parking spaces. The dwelling unit mix includes 18 studios, 27 one-bedroom units, and 30 two-bedroom units. The Proposed Project would include 9,046 square feet of usable open space.

Buildings immediately adjacent to the project site are the Zaida T. Rodriguez Early Education School to the south and to the west across Osage Alley, Chase Bank to the north at the corner of Mission and 25th Street, and a mix of two- and three-story buildings used for a variety of uses including automobile repair, retail stores, residences, restaurants, and the Instituto Familiar de la Raza across Mission Street to the east.

The project site is well served by public transportation. The Bay Area Rapid Transit (BART) 24th Street station is located one block north of the project site. Several MUNI bus lines including the 14-Mission, 14R-Mission Rapid (both 14 Muni lines run in their own exclusive travel lane), 48-Quintara/24th Street, 49-Van Ness/Mission and the 67-Bernal Heights are within one quarter mile.

Intersection Volumes

The Eastern Neighborhoods EIR analyzed several intersections within the Mission District. Fehr & Peers worked with the Planning Department to select three of these intersections and conduct one-day PM peak hour turning movement counts in April 2018: Potrero Street/23rd Street, Mission Street/24th Street, and South Van Ness Avenue/26th Street. These counts were then compared to the Eastern Neighborhoods EIR expected level of traffic growth based on the total change in housing units constructed in the Mission from 2011 to 2018. In addition, traffic counts were compared to observed traffic volumes collected in 2015 included in the 1515 South Van Ness Avenue Transportation Impact Study (TIS).

The Eastern Neighborhoods PEIR included growth forecasts under Options A, B, C, and the B/C preferred alternative. The Preferred Alternative included fewer estimated households than the maximum analyzed under Option C. These forecasts represented projections of likely, anticipated development through the year 2025, using best available information at the time that the PEIR was certified, rather than “caps” on permissible development or estimates of maximum capacity at buildout under the rezoning. The Eastern Neighborhoods PEIR projected that implementation of the Mission Area Plan could result in an increase of up to 2,054 net dwelling units and 700,000 to 3,500,000 sf of non-residential space (excluding PDR loss).



Overall, the current level of reported development from the Eastern Neighborhoods Monitoring Report was estimated to represent around 65 percent of background, no project growth (based on progress from 2000 baseline year to 2018 relative to the 2025 projections), and around 10 percent complete¹ for the growth projected under EIR Option C. While the preferred alternative does not precisely match any of the three options set forth in the EIR, Fehr & Peers selected Option C for comparison purposes as it showed the highest level of residential growth in the Mission.

Table 1 shows a summary of observed and estimated traffic volumes from the Eastern Neighborhoods EIR for the intersections analyzed. On average, observed traffic volumes in 2018 were around 25 percent lower than expected based on the Eastern Neighborhoods EIR and the percentage of estimated development complete². At two of the three intersections counted, total traffic volume had in fact decreased from the 2000 baseline count data. The observed traffic counts include only one day of count data, which introduces a chance that the observations are not representative; however, traffic volumes at urban intersections tend to be fairly stable with respect to the amount of peak hour traffic. Overall, this reflects that the Eastern Neighborhoods TIS and EIR took a fairly conservative approach to modeling the levels of local traffic generated by the changes in land use allowed by the Plan.

Table 1. Comparison of Observed and Estimated Volumes (Eastern Neighborhoods EIR)

Intersection	2000 Baseline Volume	2025 Option C Projected Volume	2018 Projected Volume ¹	2018 Observed Volume	Difference (2018 Observed – 2018 Projected)	% Diff.
Potrero / 23 rd	2,663	2,837	2,680	2,546	-134	-5%
Mission / 24 th	1,615	1,935	1,647	1,142	-505	-44%

1. 2018 to date projected volume is derived from the 2000 baseline volume plus 10 percent of Option C added project trips. Actual completed development analyzed in Option C amounts to 25% of studied residential units, and 4% of non-residential new development.

Source: Fehr & Peers, 2018; Eastern Neighborhoods TIS, 2008

Table 2 shows a summary of observed traffic volumes from the 1515 South Van Ness TIS compared with these 2018 traffic counts for the intersections analyzed. On average, observed traffic volumes in 2018 were around 8 percent lower than the observed volumes in the 1515 South Van Ness TIS. At Mission Street/24th Street, total traffic volume decreased from the 2015 observed volumes. At 26th Street and South Van Ness, there was an increase in traffic volume traveling northbound and

¹ Estimate of 10 percent complete includes 25 percent of estimated increase in housing units and 4 percent of estimated increase in non-residential square footage from the 2000 baseline. This does not include the reduction in total PDR square footage.

² Projected traffic volumes for EIR Option A (at 30% complete) and the No Project scenario were similar to those for Option C, and were on average higher than the observed 2016 traffic volumes.



southbound. This likely reflects shifts from other north/south streets such as Mission Street that have seen changes in their roadway configurations with the installation of bus-only lanes in 2015.

Table 2. Comparison of Observed Volumes (1515 South Van Ness TIS)

Intersection	2015 Observed Volume	2018 Observed Volume	Net Difference (2018 Observed – 2015 Observed)	% Difference
Mission / 24 th	1,476	1,142	-334	-29%
S. Van Ness / 26 th	1,534	1,759	225	13%

Source: Fehr & Peers, 2018; 1515 South Van Ness TIS, 2017

Transit Effects

Three bus routes run along Mission Street past the Proposed Project Site: 14 Mission, 14R Mission Rapid, and 49 Van Ness/Mission. Increased development and density throughout the Mission District has resulted in an increase in demand for transit in the neighborhood, and the 2918 Mission Street appeal cites concerns about transit reliability. In addition, the increased prevalence of on-demand transportation, such as Uber and Lyft, has resulted in an increase in passenger loading. When curb space is unavailable, loading and unloading vehicles may stand in the transit-only lane or travel lane, potentially delaying transit vehicles.

Table 3 shows transit speeds between 2007 and 2017, along Mission Street between 14th Street and Cesar Chavez. Transit travel speeds have generally increased. Speeds increased from 7.8 miles per hour (mph) to 9.3 mph (19 percent) in the southbound direction during the AM peak period, and from 5.2 mph to 7.3 mph (35 percent) in the southbound direction during the PM peak period. Transit travel speeds decreased from 8.5 mph to 8.1 (5 percent) in the northbound direction during the AM peak period between 2011 and 2017, and increased from 7.1 mph to 7.9 mph (11 percent) in the northbound direction during the PM peak period. It should be noted that transit-only lanes were implemented on Mission Street during this time (in 2015), which has contributed to the increase in speed noted between 2015 and 2017.



Table 3. Transit Travel Speeds Along Mission Street (14th Street to Cesar Chavez)

Time Period	AM Peak Period		PM Peak Period	
Direction	Southbound	Northbound	Southbound	Northbound
2007	7.8	N/A	5.4	7.1
2009	8.4	N/A	6.6	7.1
2011	8.8	8.5	6.9	7
2013	8.6	8.3	6.6	6.8
2015	8.9	8.3	6.7	6.8
2017	9.3	8.1	7.3	7.9
% Change (2007-2017)	19%	-5%	35%	11%

Source: SFCTA Congestion Management Program, 2018

From: [BOS Legislation, \(BOS\)](#)
To: [Carlos Bocanegra](#); [Tuija Catalano](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Shum, Ryan \(CPC\)](#); [Ajello Hoagland, Linda \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Calpin, Megan \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: APPELLANT SUPPLEMENTAL INFORMATION- Appeal of CEQA Community Plan Evaluation - Proposed 2300 Harrison Street Project - Appeal Hearing on August 18, 2019
Date: Friday, August 7, 2020 4:50:51 PM

Good afternoon,

The Office of the Clerk of the Board received the following appeal response from the Appellant, Carlos Bocanegra, regarding the appeal of the Community Plan Evaluation under the California Environmental Quality Act for the proposed project at 2300 Harrison Street.

[Appellant Supplemental Information - August 7, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200809](#)

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org

From: [Carlos Bocanegra](#)
To: [BOS Legislation. \(BOS\)](#)
Subject: Fwd: Additional Document for Appeal of CEQA Community Plan Evaluation - Proposed 2300 Harrison Street Project - Appeal Hearing on August 18, 2019
Date: Friday, August 7, 2020 4:37:57 PM
Attachments: [Documentation for CEQA Appeal of 2300 Harrison.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

Forwarding this message to this address as well to ensure the document attached is received. Please reply with confirmation.

Thank you.

Best Regards,
Carlos Bocanegra

----- Forwarded message -----

From: **Carlos Bocanegra** <cebocanegra@dons.usfca.edu>
Date: Fri, Aug 7, 2020 at 4:31 PM
Subject: Additional Document for Appeal of CEQA Community Plan Evaluation - Proposed 2300 Harrison Street Project - Appeal Hearing on August 18, 2019
To: <Board.of.Supervisors@sfgov.org>
Cc: <brent.jalipa@sfgov.org>

To Whom it May Concern,

Please find attached an additional document I am sending for the Board of Supervisors' review and for inclusion into the record.

Thank you.

Carlos Bocanegra



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August 7, 2020

Hon. Norman Yee, President
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 President Yee and Members of the Board of Supervisors:

Please accept this submission appealing the decision of the Planning Commission made on December 12, 2019 regarding the proposed project at 2300 Harrison Street (hereafter “proposed project”).

The current proposed project will build an additional 27,017 square feet of office, and *connect* these office floors with the existing building. In essence, it will create 95,555 square feet of unified office space. The proposed project is inconsistent with both the General Plan and Mission Area Plan policies and therefore does not qualify for review pursuant to CEQA Guideline Section 15183.

The project directly conflicts with core guidelines of the Mission Area Plan and General Plan policies. Including our Mission Area Plan policies which precisely prescribe protecting a diverse economic base and protecting the Mission’s industrial service sectors from displacement by commercial office development, and creating resident opportunities for employment and ownership. It is also in direct conflict with the General Plan Priority Policy of maintaining a diverse economic base by protecting our industrial service sectors from displacement due to commercial office development, and that future opportunities for resident and employment and ownership in these sectors be enhanced.

The project is also demonstrably inconsistent with the Mission Area Plan Objectives. This is a project with minimal housing and an extremely high concentration of office use which does nothing to either preserve and protect PDR space or limit office space as prescribed in Objectives Mission Area Plan. The overabundance of office use also fails to protect a diverse array of jobs as prescribed within the plan.

With an abundance of evidence that this project is fully inconsistent with these Area Plans, Policies, and Objectives, this project's adoptions of its Community Plan Exemption and Initial Study are invalidated under CEQA Guidelines Section 15183.

Summary

The project sponsor proposes to construct a 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.. Notably, it is also adjacent to the campus of John O'Connell Technical High School whose mission is to *maintain an equitable community* for its school. The only environmental review for the project consisted of a Community Plan Evaluation Certificate of Evaluation¹ (hereafter "CPE") and Initial Study that tiered off the 2008 Eastern Neighborhoods Plan Environmental Impact Report (PEIR)². The project would accompany and conjoin an existing tech office space of 67,000 sq. ft. of industrial space that was illegally converted to office space before being legalized in 2011.

Standard of Review

The Board must use the following standard of review under CEQA:

The proposed project incorporated the Eastern Neighborhoods PEIR through CEQA Guideline 15183 and the assertion that the proposed project is consistent with and encompassed within the analysis in the Eastern Neighborhoods PEIR, including its consistency with the Mission Area Plan and General Plan.

CEQA Guideline 15064 guides Agency decisions as to the significance of the environmental effects caused by a project. CEQA Guideline 15064(a)(1) states, "if there is substantial evidence, in light of the whole record before a lead agency, that a project *may* have a significant effect on the environment, the agency shall prepare a draft EIR." (italics added)

Further, CEQA Guideline 15064(b) cautions, "the determination of whether a project may have a significant effect on the environment calls for *careful judgment* on the part of the public agency." (italics added)

¹ Exhibit A

² Exhibit B

Further, CEQA Guideline 15064(c) states, “[i]n determining whether an effect will be adverse or beneficial, the *Lead Agency shall consider the views held by members of the public* in all areas affected as expressed in the whole record before the agency.” (italics added)

In making this determination CEQA Guideline 15063(f) subsections (1) establishes: “(1).... if a lead agency is presented with a *fair argument* that a project *may* have a significant effect on the environment, the lead agency shall prepare an EIR *even though* it may also be presented with other substantial evidence that the project will not have a significant effect.” *No Oil, Inc. v. City of Los Angeles* (1974)13 Cal. 3d 988) (italics added)

As noted by the Supreme Court, “[i]f there is substantial evidence that the proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it [can] be ‘fairly argued’ that the project *might* have a significant environmental impact.” *Berkeley Hillside Preservation v. City of Berkeley* 60 Cal.4th 1086, 1112 (2015).

Additionally, the Court affirmed, “we observed in *No Oil* that ‘the word ‘*may*’ connotes a ‘*reasonable possibility*.’” (italics added) *Id.* at 1115. One of the factors cited in reaching their conclusion was the Court’s determination that, “the Legislature intended that CEQA be interpreted to afford the fullest protection to the environment within the reasonable scope of the statutory language.” *Id.* at 1111.

Finally, the Court in *Gentry v. City of Murrieta* also established that an, “agency [will] not be allowed to hide behind its own failure to gather relevant data.... CEQA places the burden of environmental investigation on the government rather than the public. If the local agency has failed to study an area of possible environmental impact, a fair argument may be based *on the limited facts in the record*. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” 36 Cal.App. 4th 1359, 1379 (1995).

We trust that the Board will take these standards of review to heart in making their decision.

A. THE PROPOSED PROJECT IS INCONSISTENT WITH THE COMMUNITY PLAN, ZONING ACTION, AND GENERAL PLAN AND DOES NOT QUALIFY FOR REVIEW UNDER CEQA GUIDELINE 15183

CEQA Guideline 15183 creates, “a streamlined review for qualifying projects that are consistent with a general plan for which an EIR was certified.” *Wal-Mart Stores Inc. v. City of Turlock*, 138 Cal.App. 4th 273, 286 (2006).

More explicitly, CEQA Guideline 15183(d) states that the Section, “*shall only apply to projects* which meet the following conditions: (1) The project is consistent with: (A) A community plan

adopted as part of a general plan, (B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or (C) A general plan of a local agency.” (italics added) The proposed project is inconsistent with these conditions and therefore did not qualify for review pursuant to CEQA Guideline Section 15183.

1. The Proposed Project is Inconsistent with the Mission Area Plan which was Incorporated as Part of the General Plan

As part of the condition that the proposed project qualify for review under CEQA Guideline 15183, *it must be consistent with the Mission Area Plan* which was adopted as part of the Eastern Neighborhoods Plan and incorporated into the General Plan.³

Before examining the inconsistencies of the project with the Mission Area Plan, it is useful to first delineate the community as it was identified in the Eastern Neighborhoods Environmental Impact Report (hereafter referred to as “EN EIR”) and Mission Area Plan. The EN EIR identified several unique characteristics for the communities living in the Eastern Neighborhoods and Mission, particularly, as well as the importance of PDR to these communities:

“At just under three persons per household, the average household in the Mission is 30 percent larger than the average household in San Francisco... Over 90 percent of the children in the plan area under the age of 18 live in the Mission and in Showplace Square/Potrero Hill... The Eastern Neighborhoods have a greater racial and ethnic mix that varies among neighborhoods... Almost 30 percent of the City’s Latino residents live in the Eastern Neighborhoods, almost all (90 percent) of them live in the Mission-- an established Latino cultural hub for San Franciscans and the entire Bay Area... [in] the Mission, 40-45 percent of the population are foreign-born... Non-citizens are concentrated in the Mission, where 65 percent of the foreign-born are not citizens... A high percentage (46 percent) of the people living in the Eastern Neighborhoods do not speak English at home... a relatively large segment of the adult population has not graduated from highschool... The percentage is highest in the Mission, where almost 30 percent do not have a high school diploma... The generally lower educational attainment for some residents of the Eastern Neighborhoods translates to a higher proportion of workers in lower-wage jobs that do not require college degree... A disproportionate share of the City’s residents holding occupations with lower skills requirement and lower wages lives in the Eastern Neighborhoods... The Mission is the only neighborhood where construction trades workers (occupations that garner mid-level wages) rank in the top ten... PDR businesses account for almost half (45 percent) of all jobs in the Eastern Neighborhoods... Just under one-half (45 percent) of all PDR employment in San Francisco is located in the Eastern Neighborhoods... Wage levels in production distribution, and repair occupations are consistently higher than wage levels in

³ <https://generalplan.sfplanning.org/Mission.htm>

sales and service occupations... Furthermore, these type of jobs have historically relied upon the immigrant labor pool.”⁴

It is also important to note that the EN EIR identified that the “density of the business activity also influences sensitivity to space costs... PDR businesses that require large floor areas for vehicles, equipment, inventory, or production processes can afford relatively low rent on a per square basis and are vulnerable to competition from higher-rent paying uses.”⁵

Finally, in describing the Mission community and importance of blue-collar space (PDR) to the Mission, the Mission area plan states,

“The Mission is a neighborhood of strong character and sense of community developed over decades. This area is home to almost 60,000 people, with Latinos comprising over half the population... many in households substantially larger and poorer than those found elsewhere in the City... the *mix* of uses makes it possible for many residents to live and work in the same general area... PDR businesses, concentrated in the *Northeast Mission*, provide jobs for about 12,000 people, making PDR businesses the largest employers in the Mission... the following *community-driven* goals were developed specifically for the Mission, over the course of many public workshops: Preserve diversity and vitality of the Mission... Preserve and enhance the existing Production, Distribution, and Repair businesses.”⁶ (italics added)

We would respectfully ask the Supervisors to keep these unique characteristics of the Mission community and importance of PDR in maintaining both *economic and cultural diversity* within the district in mind while determining this proposed project’s inconsistency with the Mission Area Plan.

a. The proposed project is inconsistent with Objective 1 of the Mission Area Plan

Objective 1 of the Mission Area Plan, “presents the vision for the use of land in the Mission. It identifies activities that are important to protect or encourage and establishes their pattern in the neighborhood. This pattern is based on the need to increase opportunities for new housing development, *particularly affordable housing, retain space for production distribution and repair (PDR) activities...*”⁷ (italics added)

This objective was established to,

⁴ https://archives.sfplanning.org/documents/4001-EN_Final-EIR_Part-6_PopHousEmploy.pdf

⁵ https://archives.sfplanning.org/documents/4001-EN_Final-EIR_Part-6_PopHousEmploy.pdf

⁶ <https://generalplan.sfplanning.org/Mission.htm>

⁷ <https://generalplan.sfplanning.org/Mission.htm>

“ensure the Mission remains a center for immigrants, artists, and innovation, the established land use pattern should be reinforced. This means protecting established areas of *residential, commercial, and PDR*, and ensuring that areas have become *mixed-use* over time to develop in such a way that they *contribute positively* to the neighborhood. A place for living and working also means a place where... a *diverse array of jobs is protected*, and where goods and services are oriented to *serve the needs of the community*. For the Mission to continue to function this way, land *must be designated for such uses and controlled* in a more *careful fashion*”⁸ (italics added)

Objective 1.1 identifies the, “challenge in the Mission is to strengthen the neighborhood’s mixed-use character, while taking clear steps to *protect and preserve* PDR businesses, which provide jobs and services essential for this city[,]”⁹ maintaining the neighborhood as a place to live and work for our immigrant families and families of color. The Plan’s approach to land use controls established two key elements for the former Northeast Mission Industrial Zone (hereinafter referred to as “NEMIZ”) both of which included, “establishing new controls that would limit new office and retail development.”¹⁰

Policy 1.1.2 called for the creation of a mixed-use zone within the NEMIZ that would allow, “mixed income housing as a principle use, as well as *limited* amounts of retail, *office*, and research and development uses, while protecting against the wholesale displacement of PDR uses.” (italics added)

In these objectives and policies there is a clear directive *to protect PDR and limit new office*. This project proposal is clearly inconsistent with these objectives and policies.

Since the Mission Action Plan 2020 (hereinafter referred to as “MAP 2020”) process first began, this City has been tracking the net loss and gain of PDR and office within the Mission. In its most recent 2019 report, MAP 2020 reported that since 2011, the Mission has gained **235,840** square feet of office space while losing a staggering **481,988** square feet of PDR.¹¹

Rather than promote development that protects or strengthens PDR and mixed-uses the City has up until this point allowed predatory market forces intent on maximizing their profits to become the guiding principles of the vision of development. That must end. Both the General Plan and the Mission Area Plan demand this equitable change.

The current proposed project will build an additional 27,017 square feet of office, and connect these office floors with the existing building. In essence, it will create 95,555 square feet of

⁸ <https://generalplan.sfplanning.org/Mission.htm>

⁹ <https://generalplan.sfplanning.org/Mission.htm>

¹⁰ <https://generalplan.sfplanning.org/Mission.htm>

¹¹ https://default.sfplanning.org/Citywide/Mission2020/MAP2020_Status_Report_2019.pdf

unified office space. PDR uses are vulnerable to competition from higher-rent paying uses, and permitting over 95,000 square feet of high-end office space will substantially contribute to the alarming displacement of PDR businesses.

This is a project with minimal housing and an extremely high concentration of office use. The housing and PDR component of this project combined (21,052 sq. ft.) are not enough to overcome the overabundance of office that was permitted (27,017 sq. ft.). The City has acknowledged that PDR loss is a problem, so how does adding close to 100,000 square feet of unified high-end tech office, with potential “tenants [who] are willing to pay well over twice what PDR commands — creative tech space goes for \$70 a square foot in SoMa or the Inner Mission[–]”¹² this agency would be undermining the goals of objective 1.7 of the Mission Area Plan in, “retaining the Mission’s role as an important location for....(PDR) activities[,]” in affirming this proposed project’s consistency with the Mission Area Plan. A failure to uphold the objectives and policies of the Mission Area Plan will be one more nail in the coffin for the northeast Mission’s identity as an important center for PDR as well as assuring a diversity and availability of jobs across all economic sectors and, “providing a wide range of employment opportunities for San Francisco’s diverse population.”¹³

The objectives and policies listed above are the guiding principles that should inform agency decision-making. The northeast Mission is a delicate ecosystem with a diverse population, many of whom are immigrants and without college education, who depend on City officials to ensure that projects moving toward entitlement are consistent with the objectives and policies of the Mission Area Plan. This proposed project is anything but consistent with the objectives and policies of the Mission Area Plan. Community Plans are vitally important to a city, yet they can only meaningfully create the co-created vision of Community and City insofar as you empower the words of the Mission Area Plan to hold any meaning.

The area in which this project is proposed is one of urban mixed-use, not urban homogenous-use. The citizens and residents of the Mission have entrusted the Board of Supervisors as caretakers of the Mission ecosystem (from housing, to commerce, to transit) and guardians of their needs and the needs of the area. The proposed project is inconsistent with the Mission Area Plan. Office is incompatible in this area because an overabundance of it, 68,538 sq. ft., already exists on site. To permit any additional office will only exacerbate the pattern of inflated commercial prices, displacement of PDR from UMU, and further inconsistency with the Mission Area Plan. This proposed project is inconsistent with this Community Plan and therefore does not qualify for the review process established in CEQA Guideline 15183.

¹² <https://www.sfchronicle.com/bayarea/article/Offices-intruding-on-SF-space-zoned-for-6889809.php>

¹³ <https://generalplan.sfplanning.org/Mission.htm>

b. The proposed project is inconsistent with the general plan, the section 101.1(b) priorities in particular, and therefore does not qualify for review pursuant to CEQA Guideline 15183

The General Plan is, “intended to be an integrated, internally consistent and compatible statement of objectives and policies and its objectives and policies are to be construed in a manner which achieves that intent.”¹⁴ Priority Policies guide the General Plan and are prescribed as , “they shall be included in the preamble to the General Plan and *shall be the basis upon which inconsistencies in the General Plan are resolved.*” (italics added) In particular, the proposed project is inconsistent with the following:

The proposed project is inconsistent with Priority Policy 5 which states that, “a diverse economic base be maintained by protecting our industrial service sectors from displacement due to commercial office development, and that future opportunities for resident and employment and ownership in these sectors be enhanced.”¹⁵

It was also acknowledged in the EN PEIR, “density of the business activity also influences sensitivity to space costs... PDR businesses that require large floor areas for vehicles, equipment, inventory, or production processes can afford relatively low rent on a per square basis and are vulnerable to competition from higher-rent paying uses.”¹⁶

Permitting 95,555 square feet of high-end office in one location will undoubtedly influence sensitivity to space costs and displace vulnerable PDR businesses who will be unable to compete with the higher-rents that will result. This outcome is inconsistent with this Priority Policy.

Further, Priority Policy 1 states, “That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in ownership of such businesses be served.”¹⁷

The proposed project is one that would not provide opportunities for resident employment. As mentioned above, the Mission is characterized as an area with a community that is primarily of latinx and/or of immigrant origin. Many of whom are either monolingual or have not obtained a college degree. With 95,555 sq. ft. of high-end office, and the lucrative nature of office space, it is a reasonable possibility that the proposed project and its adjacent building will be occupied by one or more tech firms. A former occupant and master tenant of the existing office area was Lyft. This tech company is indicative of the lack of opportunity that will exist for resident

¹⁴ <https://generalplan.sfplanning.org/>

¹⁵ <https://generalplan.sfplanning.org/>

¹⁶ <https://generalplan.sfplanning.org/>

¹⁷ <https://generalplan.sfplanning.org/>

employment (as defined by the EN PEIR). In 2019, their inclusion and diversity report showed that Latinx individuals were only 5.2% of their tech operations and a dismal 3.3% of their tech leadership. (Exhibit C, p.9). Considering the existing residents of the Mission as described by the EN PEIR, a high-end tech office will not provide any future opportunities for Mission resident employment for both immigrants and people of color. The proposed addition of office is inconsistent with this policy.

Finally, Priority Policy 2 states, “That existing housing and neighborhood character *be conserved and protected* in order to preserve the cultural and economic diversity of our neighborhoods.”¹⁸

A unified 95,555 square feet of office space can be expected to have harmful impacts on the existing neighborhood character, its most vulnerable residents, and will only contribute to increasing displacement of PDR, while only adding a trivial 1,117 square feet of arts activities and 2,483 square feet of retail. In this regard, the proposed building cannot be looked at in isolation of the existing building as both the 2nd and 3rd stories of the proposed and existing building will be connected. This leads to the conclusion that the building as proposed will have only 3,600 square feet of arts activities/ retail while retaining 95,555 square feet of reasonably foreseeable high-end office. This imbalance will only exacerbate the growing income inequality that exists in this part of the Mission, contribute to further displacement of PDR, and is therefore inconsistent with this Priority Policy.

Further as noted above, tech companies like Lyft have extremely low Latinx employment and , therefore, do not serve to preserve a diverse array of jobs for our Latinx community and other communities of color. Rather, it further destabilizes it in a way that is inconsistent with the Mission Area Plan. The Mission Area Plan specifically acknowledges that the area has an overriding Latino identity, and this office space will not enhance either their future opportunity or employment.

Due to this project’s inconsistency with the General Plan, as detailed in numerous clear examples above, this project is disqualified from the review process of CEQA Guideline 15183, should be denied by this Board, and mandate a detailed and meaningful EIR to ensure consistency with the General Plan and proper environmental review.

Conclusion

In conclusion, this project is inconsistent with the Community Plan, General Plan, and Zoning action which zoned or designated the parcel on which the project is located. As such, it was ineligible for environmental review through CEQA Guideline 15183 as was attempted by the Lead Agency. CEQA Guideline 15183 is inapplicable to this proposed project and it’s EIR

¹⁸ <https://generalplan.sfplanning.org/>

should be denied for further meaningful review. Failure to conduct this environmental review and ensure the proposed project's consistency with the General and Mission Area Plans requires that the proposed project go back until it is made consistent with the General Plan and Mission Area Plan, particularly through a racial and social equity analysis for the communities of colors and immigrant communities established in the Mission Area Plan. This action also finds itself in alignment with the recent Race and Social Equity Resolution made by the Planning Commission.¹⁹

Respectfully,

Carlos Bocanegra

¹⁹ https://sfplanning.org/sites/default/files/documents/admin/R-20738_Centering_Planning_on_Racial_and_Social_Equity.pdf

From: [BOS Legislation, \(BOS\)](#)
To: [Carlos Bocanegra](#); [Tuija Catalano](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Shum, Ryan \(CPC\)](#); [Ajello Hoagland, Linda \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Calpin, Megan \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: PROJECT SPONSOR RESPONSE: Appeal of CEQA Community Plan Evaluation - Proposed 2300 Harrison Street Project - Appeal Hearing on August 18, 2019
Date: Friday, August 7, 2020 11:39:30 AM
Attachments: [image001.png](#)

Hello,

The Office of the Clerk of the Board received the following appeal response from the Project Sponsor, Tuija Catalano of Reuben, Junius & Rose, LLP, on behalf of the owner, 562 Mission Street, LLC, regarding the appeal of the Community Plan Evaluation under the California Environmental Quality Act for the proposed project at 2300 Harrison Street.

[Project Sponsor Brief - August 7, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200809](#)

Best regards,

Lisa Lew
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(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

REUBEN, JUNIUS & ROSE, LLP

Tuija Catalano
tcatalano@reubenlaw.com

August 7, 2020

Delivered Via Messenger and E-Mail (bos.legislation@sfgov.org)

President Norman Yee and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

**Re: 2300 Harrison Street
Opposition to Appeal of Community Plan Evaluation
BOS File No.: 200809
BOS Hearing Date: August 18, 2020
Planning Department Case No.: 2016-010589ENV
Our File No.: 1447.01**

Dear President Yee and Supervisors:

Our office represents 562 Mission Street, LLC (the “Project Sponsor”) the owner of the property at 2300 Harrison Street (the “Property”). The Project Sponsor proposes to convert an underutilized existing surface parking lot with construction of a 6-story mixed-use building and vertical addition, adjacent to an existing 3-story office building, resulting in a building with twenty-four (24) dwelling units, including ten family-sized units, ground floor retail space and arts activities/retail space, and 27,017 square feet of office space (the “Project”). The Project utilizes the State Density Bonus Program to increase the residential density at the site while also providing six on-site affordable housing units (33% of the base project; 25% of overall project). The Project Sponsor is voluntarily doubling the amount required by San Francisco’s Inclusionary Affordable Housing Program, and providing the following:

Bedroom type	No. of Units	AMI Level	Required vs. Voluntary?
1 BR	2	50%	Required BMR units
2 BR	1	50%	Required BMR units
2 BR	3	80%	Voluntary BMR units

As detailed in the Planning Department’s response to the appeal of the Community Plan Evaluation (“CPE”), for the CPE itself, and technical studies prepared for the Project, substantial evidence demonstrates that the City’s use of a CPE based on the Eastern Neighborhoods Area Plan EIR (“EN EIR”) is proper for the Project, and that the CPE is legally sufficient under CEQA.

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The appellant fails to show that (1) the EN EIR is stale for purposes of the Community Plan Evaluation, (2) any new information would result in new or more severe significant impacts than what was identified in the EN EIR, or (3) that the analysis in the CPE is inadequate. Past precedent makes clear that the use of the EN EIR for CPEs is proper. Therefore, this appeal is without merit and should be dismissed.

A. PROJECT BENEFITS AND CHANGES SINCE 2016

The Project was first proposed in 2016. Since then, the Project has gone through repeated modifications based on feedback from Planning Department staff, community members, and the Planning Commission. In the past four years, the Project Sponsor has engaged community groups, local businesses, and neighbors by holding a number of community meetings and conducting considerable follow-up correspondence and meetings, particularly with United to Save the Mission (“USM”) beginning with an introductory meeting in February 2018. From February 2018 through July 2019, the Project Sponsor participated in nine meetings and ongoing communications with USM representatives.

Project Sponsor solicited feedback, listened to concerns, and made significant changes in response to these community meetings, as well as incorporated feedback from the Planning Commission and Planning Department staff, including: (a) voluntarily doubling the number of on-site affordable units from three to six with the voluntary units subject to the same requirements applicable to the required inclusionary units and administered by the Mayor’s Office of Housing and Community Development; (b) agreeing to lease approximately 1,117 sf of ground floor arts activity/retail space at reduced rate to a community-based arts organization or artist-in-residence for a term of ten years with two five-year options; (c) agreeing to fund a muralist to develop a mural along two areas in the Project’s Mistral Street façade; and (d) incorporating various design modifications to the Project’s ground floor storefronts, including many requests by USM, i.e., adding horizontal mullions to office windows, providing additional balconies for several dwelling units, and adjusting the design of the fourth floor amenity space. **Exhibit A** provides a visual of the changes that were made to the Project in direct response to USM’s design feedback.

Some of the merchant neighbors along Treat Avenue, across the Project site, had asked if the building could be “flipped” in its orientation so that the vehicular and pedestrian entrances would be along Harrison, instead of at the Treat/Mistral corner. This request was thoroughly vetted by the Project team, as well as Planning Department staff and the Commission. Because Harrison Street is a Vision Zero Street and also part of an existing bicycle network and SFMTA designated bike route, the City is not supportive of creating any conflict with pedestrians and bicyclists along Harrison, and thus the vehicular entrance to the below-grade garage cannot be added onto the Harrison façade.

Since the Project was first proposed, construction costs have skyrocketed. In 2019, San Francisco became the world’s costliest place to build, which has drastically decreased the odds

for project sponsors to obtain financing to build approved projects.¹ As noted in a San Francisco Chronicle article, it is increasingly difficult to build moderate-sized and smaller residential projects. In addition, increases in impact fees have been adopted since the Project was first proposed and affordability requirements have increased significantly.

Under this significantly changed development landscape, the Project still provides substantial benefits to the Mission and the City at large, including twenty-four (24) new housing units, with six (33% of base project; 25% of overall project) permanently affordable units at AMI levels as low as 50% up to 80%, local employment opportunities, and over \$3.5M in impact fee payments that will fund infrastructure, schools, childcare, and other programs. A table outlining the impact fees to be generated by the Project is included below.

Project's Impact Fees	Residential Fee	Non-Resid. Fee	Total Fee
Transportation Sustainability Fee	\$266,322	\$649,999	\$916,321
EN Infrastructure Fee	\$350,808	\$459,255	\$810,063
Child Care Fee	\$62,853	\$49,981	\$112,834
School Impact Fee	\$110,797	\$18,626	\$129,423
Jobs-Housing Linkage Fee	n/a	\$1,365,235	\$1,365,235
Inclusionary In Lieu Fee on Bonus Units	\$246,462	n/a	\$246,462
TOTALS	\$1,037,242	\$2,543,096	\$3,580,338

The Project was always envisioned as a true mixed-use project. In order to fully appreciate the value of a mixed-use project it is helpful to consider how the City would view a stand-alone 27,000 sf office project, and how any housing impacts from the office-only project would be considered to have been mitigated. A 27,000 sf office-only project in San Francisco would be deemed to generate a housing demand of 21.84 units² and would be considered to have mitigated its housing impacts by payment of the JHLP fee alone, which in the case of 27,000 sf of office is approx. \$1.3M. This Project will not only pay the JHLP fee, but also produce 24 units of new housing, 3 required and 3 voluntary affordable units, all of which will be constructed on-site (due to the State Density Bonus Program requirements). Because of the State Density Bonus Program, the Project will additionally pay a 20% Affordable Housing fee on the six bonus units.

B. STANDARD OF REVIEW

Under San Francisco Administrative Code Section 31.16, the Board of Supervisors is required to affirm the exemption determination if it finds that the project conforms to the requirements for exemptions set forth in CEQA.

Under CEQA, projects that are consistent with development density established by an area plan EIR such as the EN EIR, do not require additional environmental review except as

¹ Roland Li, *San Francisco Passes New York to Become World's Costliest Place to Build*, S.F. CHRON., April 11, 2019.

² Per the May 2019 Keyser Marston nexus study included in the 2019 JHLP legislation, office uses are deemed to generate a demand of 0.8 units per 1,000 sf of office, i.e. 21.84 units for 27,000 sf of office).

necessary to determine whether project-specific effects not identified in the area plan EIR exist.³ In fact, CEQA “*mandates*” that projects consistent with development density established through an area plan EIR “*shall not*” require additional environmental review except in limited circumstances.⁴ Such limited circumstances include when it is necessary to examine whether the project will result in:

- (1) significant effects that are peculiar to the project or its site,
- (2) new significant impacts that were not analyzed under the prior area plan EIR,
- (3) potentially significant off-site impacts and cumulative impacts which were not discussed in the prior area plan EIR, or
- (4) increased severity of significant impacts discussed in the prior area plan EIR.⁵

In other words, if an impact is not peculiar to the project site or to the project, or has been addressed as a significant effect in the prior area plan EIR, or can be substantially mitigated, then a CPE is appropriate.⁶

When it comes to the adequacy of the environmental analysis itself, the question is whether the determination is supported by substantial evidence in light of the whole record.⁷ Substantial evidence means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”⁸ CEQA does not require technical perfection, scientific certainty, or an exhaustive analysis of all potential issues or all information that is available on an issue.⁹ Nor is a lead agency required to conduct every recommended test and perform all recommended research in evaluating a project's environmental impacts.¹⁰ The standard is whether the environmental document, when looked at as a whole, provides a reasonable, good faith disclosure and analysis of the project's environmental impacts.¹¹

C. THE CPE’S RELIANCE ON THE EN EIR IS APPROPRIATE

Similarly to other CEQA appeals on housing projects, appellant’s main argument is with the EN EIR itself, and specifically that the EN EIR is stale and cannot be used for *any* housing project going forward.

The standard under CEQA is not whether circumstances have changed since the area plan EIR was drafted, but whether those changes have led to new or more severe significant environmental impacts. Appellant alleges changed circumstances regarding gentrification,

³ CEQA Guidelines, Section 15183(b).

⁴ *Id.*

⁵ *Id.*

⁶ CEQA Guidelines, Section 15183(c).

⁷ Public Resources Code, Section 21168.

⁸ CEQA Guidelines, Section 15384(a).

⁹ *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.

¹⁰ CEQA Guidelines, Section 15204(a).

¹¹ CEQA Guidelines, Section 15151.

traffic, pedestrian and bicycle safety, community benefits delivery, and the production of more housing than anticipated under the EN EIR. However, appellant does not allege or present any evidence about new or more severe significant impacts, the standard under CEQA for tiering off of an area plan EIR.

The EN Plan EIR itself does not need to be updated unless the City were to re-approve or re-examine the EN Plan itself. The CEQA review for any project within EN Plan Area can be accomplished with a CPE if new information after the publication of the Plan EIR indicates that the proposed project (i.e. in this case 2300 Harrison) would cause a new or substantially more severe impact as compared to what was discussed in the Plan EIR.

This appeal mirrors a number of CEQA-based objections to housing projects in the EN filed in recent years, which tend to repeat the same arguments about the EN EIR. Appellants' goal with each individual project appears to be to indirectly impose a moratorium on all new construction within Eastern Neighborhoods by convincing the Board of Supervisors to throw out a CEQA document for an individual project. Four recent examples provide clear precedent for the Board to reject this appeal because it does not raise any germane CEQA issues.

1. 1296 Shotwell Street – EN CPE Appeal Rejected by BOS

In February 2017, the Board unanimously rejected the appeal of a 9-story, 69,500 square foot, 94-unit density bonus project at 1296 Shotwell Street in the Mission that demolished an approximately 11,000 square foot PDR building.

Like the appellant here, that project's opponent claimed the EN EIR was "woefully out of date," and that an Eastern Neighborhoods CPE could not be used to address cumulative conditions, transportation and circulation, socioeconomic impacts, land use, aesthetics, and significance findings.

In rejecting that appeal, this Board made findings that the density bonus project at 1296 Shotwell was eligible for a CPE. Its potential environmental effects were properly analyzed in the EN EIR, and the appeal did not identify new or substantially greater effects than those discussed in the EN EIR. This Board rejected all other Eastern Neighborhoods-specific grounds for overturning the CPE, including indirect impacts allegedly caused by gentrification such as cumulative growth impacts, transportation impacts, community benefits delivery, and inconsistency with the Mission Area Plan.¹²

The Project is smaller, shorter, has fewer dwelling units, and will not replace a desirable use like PDR. Although 1296 Shotwell Street was a 100% affordable project and the Project is mixed-income, affordability is not a CEQA issue. There is no evidence in the record that a mixed-income residential project, as opposed to a 100% affordable project, results in heightened impacts to the physical environment such as health and safety, construction impacts, or transportation.

¹² Board of Supervisors Motion No. M17-018, attached as **Exhibit B**.

2. 901 16th Street/1200 17th Street – EN CPE Appeal Rejected by Court

In October 2017, the San Francisco Superior Court in *Save the Hill and Grow Potrero Responsibly v. City and County of San Francisco*¹³ upheld an Eastern Neighborhoods CPE and focused EIR in a lawsuit filed by opponents of the 901 16th Street/1200 17th Street project at the base of Potrero Hill. The Board of Supervisors previously affirmed the CEQA clearance document unanimously, in July of 2016.¹⁴ Relevant to the Project at issue here, the opponents of that project claimed the EN EIR was outdated, that residential growth outpaced the EN EIR's forecasts, and that cumulative impacts—and in particular traffic—were inadequately analyzed.

The Superior Court rejected each of these grounds. The EN EIR does not have an expiration date or chronological limits; instead, a CPE is appropriate if a project's impacts were addressed in the plan-level EIR, such as the EN EIR.¹⁵ Exceeding growth forecasts—or presenting evidence that growth forecasts may eventually be exceeded at some indeterminate point in the future—does not render the area plan EIR or a CPE based on the area plan EIR moot. Instead, the appellants were required to point to evidence that this exceedance would actually cause or contribute to significant environmental effects that were not addressed as significant impacts in the prior EN EIR.¹⁶ There was none in the record, and so this argument failed. And the Court of Appeals upheld the trial court's ruling.¹⁷

Here, appellant has similarly not identified any evidence showing new or more significant environmental impacts due to growth projections, much less any that the Project would make a considerable contribution to. Simply pointing out that development patterns in the Eastern Neighborhood produce somewhat more housing or changes in traffic from what was originally analyzed is insufficient to invalidate the CPE.

3. 2750 19th Street – EN CPE Appeal Rejected by BOS

In October 2018, the Board of Supervisors considered an appeal of a CPE based on the EN EIR for a 6-story, 60-unit, mixed-use project in the Mission. The Board of Supervisors upheld the CPE and the use of the EN EIR, finding that the project was consistent with the EN EIR and that it would not result in new significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the EN EIR.¹⁸

Appellants of the 2750 19th Street CPE argued deficiencies with the EN EIR and with tiering project-specific review of that plan-level EIR. The appellants of this Project's CPE make the same baseless arguments that have been consistently rejected by this Board. In denying the appeal on the 2750 19th Street CPE, which is a larger than the Project, this Board found that it “would not result in new significant environmental effects, or effects of greater severity than

¹³ Case No. CPF-16-515238.

¹⁴ Board of Supervisors Motion No. M16-097, attached as **Exhibit C**.

¹⁵ *Save the Hill and Grow Potrero Responsibly v. City and County of San Francisco*, Order Denying Petition for Writ of Mandamus (Case No. CPF-16-515238), p. 21.

¹⁶ *Id.* at pp. 24-25.

¹⁷ *Save the Hill, et al. v. City and County of San Francisco, et al.* (Sept. 30, 2019) Case No. A153549.

¹⁸ Board of Supervisors Motion No. M18-148, attached as **Exhibit D**.

were already analyzed and disclosed in the [EN EIR]; and therefore does not require further environmental review in accordance with CEQA.”¹⁹ Because the present appellant has not indicated that the Project would result in any new or more severe significant impacts than already analyzed in the EN EIR, these arguments must be rejected.

4. 344 14th Street – EN CPE Appeal Rejected by BOS

Most recently, in October 2019, the Board of Supervisors again considered an appeal of a CPE based on the EN EIR for a 7-story, 62-unit, mixed-use project in the Mission. The Board of Supervisors upheld the CPE and the use of the EN EIR, finding that the project was consistent with the EN EIR and that it would not result in new significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the EN EIR.²⁰

In that case, like in the present, the pace of development with respect to the EN EIR’s growth projections did not, in itself, constitute new or more severe adverse environmental impact than disclosed in the EN EIR. And that project’s CPE did not rely solely on growth projections considered in the EN EIR in examining whether the project would have significant impacts that are peculiar to the project or the project site. Rather, for each environmental topic, the department conducted a project-specific impact analysis and an updated cumulative impact analysis to determine whether the proposed project would result in new significant impact not previously disclosed in the EN EIR.

Because the appellant’s argument that the EN EIR is stale mimics the arguments made in these prior appeals, and because the appellant has not indicated that the Project would result in any new or more severe significant impacts, these arguments must be rejected.

D. APPELLANT’S ARGUMENTS REGARDING EN EIR

The appellant incorrectly further argues that the use of the EN EIR was improper based on six arguments. The discussion below addresses each of the appellant’s six arguments regarding perceived new information and provides substantial evidence that the proposed Project would not result in a new or more severe impact than previously identified in the EN EIR or that the Project would result in a considerable contribution to any such impact.

1. Cumulative Impact Analysis

Appellant Concern: “The Project’s cumulative impact was not considered because the EN EIR 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).”

Project Sponsor Response: The EN EIR set forth projections for housing, but it did not establish inelastic limits. The appellant’s argument has already been rejected, on multiple

¹⁹ *Id.*

²⁰ Board of Supervisors Motion No. M19-144, attached as **Exhibit E**.

occasions, not only by this Board, but also by the Superior Court and the First District Court of Appeal²¹ in the appeals for the other, above-referenced projects. In the prior appeals, this Board found that the EN EIR was, in fact, adequate and that the use of a CPE relying on the EN EIR was appropriate. The appellant has not stated any information (let alone substantial evidence) for any significant impacts based on the fact that the EN EIR housing production have been exceeded, or any evidence that the 24 units in the Project would result in a considerable contribution to a significant cumulative impact.

2. Analysis of Increased Traffic Conditions, Deliveries, and Shuttle Busses

Appellant Concern: “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 EN Area Plan EIR.”

Project Sponsor Response: The EN EIR considered increased traffic congestion as measured by the level of service metric to be a physical environmental impact under CEQA. As discussed on page 7 in the Project’s CPE Initial Study, pursuant to CEQA Section 21099 and Planning Commission Resolution 19579, automobile delay, as described by level of service or similar measures of traffic congestion is no longer considered a significant impact on the environment under CEQA. Rather analysis focuses on whether a project would result in significant impacts on vehicle miles traveled (“VMT”). In response to CEQA appeals for two projects in the Mission, 2675 Folsom Street²² and 2918-2924 Mission Street,²³ additional transportation analysis was conducted by Planning Department Staff in 2017 and 2018 when ride-sharing and delivery services were widely in use. And based on those additional analysis, staff observed traffic volumes were generally lower than what would be expected using the EN EIR trip generation methodology compared to the amount of estimated development completed as of the date of the study.

3. EN Plan Community Benefits Not Fully Funded or Implemented

Appellant Concern: “The claimed community benefits of the Eastern Neighborhoods Area Plan, outlined in the 2008 PEIR, its approvals and the Statement of Overriding Consideration 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 adoption of the 2008 plan and did not.”

Project Sponsor Response: Similar to the present appeal, the 344 14th Street appellants argued that because the EN EIR’s community benefits have not been fully realized, the determinations and findings for the Project that rely on the claimed benefits to override impacts

²¹ In the litigation for the 901 16th Street / 1200 17th Street project.

²² Board of Supervisors File No. 161146.

²³ Board of Supervisors File No. 180019.

outlined in the EN EIR are not supported. However, the EN EIR's community benefits are not a static set of mitigation measures. There are no impacts identified in the EN EIR determined to be less than significant based on the adoption of the community benefits program. And the EN EIR's conclusions would not change if none of the community benefits were implemented. As such, the perceived lack of funding of the public benefits program is not evidence that there are new or more severe environmental impacts than were identified in the EN EIR.

4. Substantial Changes in Circumstances

Appellant Concern: "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."

Project Sponsor Response: Appellant provides no evidence regarding what substantial changes in circumstances have occurred or what new information of substantial importance has been identified. Appellant has not provided any link as to how the purported changes and new information affected the conclusions of the EN EIR. The Project would not result in new significant environmental effects, and CEQA does not require the EN EIR to be updated unless the City is re-evaluating the Eastern Neighborhoods Plan (which is not the case).

5. Project Inconsistency with General Plan and Mission Area Plan

Appellant Concern: "The Proposed Project, considered both individually and cumulatively, is inconsistent with the General Plan and Mission Area Plan."

Project Sponsor Response: Project-related policy conflicts and inconsistencies do not constitute, in and of themselves, impacts on the physical environment under CEQA. That said, the Project is, in fact and contrary to the appellant's claim, consistent with the development density established under the EN EIR, and therefore implementation of the Project will not result in significant impacts on the physical environment due to conflicts with the General Plan or the Mission Area Plan that were not identified in the EN EIR.

6. Project Inconsistency with Priority Policies

Appellant Concern: "The Proposed Project, considered both individually and cumulatively, is inconsistent with Section 101.1(b) Priority Policies."

Project Sponsor Response: Contrary to the appellant's argument, the Project will not result in significant impacts on the physical environment due to inconsistency with the Section 101.1(b) Priority Policies that are peculiar to the Project or project site. Policy consistency determinations are made by the City's decision-making bodies, including the Planning Commission, independent of the environmental review process, as part of the decision to approve or reject the project. In its approval of the Project's Large Project Authorization and

Office Allocation, the Planning Commission determined that the Project is generally consistent with the objectives and policies of the Priority Policies.

E. CONCLUSION

Requiring further environmental review to be conducted for the Project is unnecessary and contrary to CEQA law. The appellant has not provided any evidence that the analysis in the CPE was flawed or inadequate. Overturning the CPE on the basis of its reliance on the EN Plan EIR would not only go against established precedent but would also discourage this beneficial housing project and similar projects in any part of the City that conduct CEQA review using a Community Plan Evaluation. And in turn, further exacerbating the shortage of housing of all income types in San Francisco. Appellant has not provided substantial evidence to meet its burden to overturn the City's decision to issue a CPE for the Project. Therefore, we respectfully request that you deny the appeal.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Tuija Catalano

Exhibits:

- Exh. A – BAR Architects' drawing summarizing USM requested design changes
- Exh. B – BOS Motion No. M17-018 (denial of CPE appeal for 1296 Shotwell)
- Exh. C – BOS Motion No. M16-097 (denial of CPE appeal for 901 16th / 1200 17th Streets)
- Exh. D – BOS Motion No. M18-148 (denial of CPE appeal for 2750 19th Street)
- Exh. E – BOS Motion No. M19-144 (denial of CPE appeal for 344 14th Street)

cc: Supervisor Sandra Lee Fewer
Supervisor Catherine Stefani
Supervisor Aaron Peskin
Supervisor Gordon Mar
Supervisor Dean Preston
Supervisor Matt Haney
Supervisor Rafael Mandelman
Supervisor Hillary Ronen
Supervisor Shamann Walton
Supervisor Ahsha Safai
Angela Calvillo, Clerk of the Board
Ryan Shum, Environmental Planner, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department

EXHIBIT A



F. COMMENT:
CREATE MASSING/MATERIAL CHANGE AT SOUTHWEST CORNER

RESPONSE:
KEEP EXISTING DESIGN AS IS. MASSING AND ARTICULATION CONSISTENT WITH COMMERCIAL BLDGS IN THE NEIGHBORHOOD. SCALE IS APPROPRIATE IN RELATION TO EXISTING BLDG. PLANNING APPROVES CURRENT DESIGN DIRECTION.

E. COMMENT:
PROVIDE ADDITIONAL AMENITY OUTDOOR SPACE

RESPONSE:
PROVIDED OPERABLE DOORS AT AMENITY SPACE TO MAXIMIZE USE OF INDOOR AND OUTDOOR SPACE (460 SF INDOOR + 638 SF OUTDOOR = 1,068 SF TOTAL)

MISTRAL ST. ELEVATION - REVISED
(REVISED 9/27/18 - PER PLANNING COMMENTS)

D. COMMENT:
CREATE MORE DEPTH ON RESIDENTIAL FACADE

RESPONSE:
ADDED BALCONIES AT RECESSED FACADES TO CREATE MORE DEPTH AND RESIDENTIAL CHARACTER

C. COMMENT:
ADD ADDITIONAL MULLION AT COMMERCIAL FACADE TO FURTHER REDUCE SCALE OF GLASS

RESPONSE:
ADDED HORIZONTAL MULLION



A. COMMENT:
PROVIDE BULKHEAD/BASE AT ARTISAN SPACES CONSISTENT WITH GROUND FLOOR RETAIL IN THE NEIGHBORHOOD

RESPONSE:
PROVIDED 18" BULKHEAD/BASE (PER PLANNING) AND RECESSED ENTRY DOORS 3' FROM PROPERTY LINE

B. COMMENT:
PROVIDE BULKHEAD/BASE AT RETAIL SPACE CONSISTENT WITH GROUND FLOOR RETAIL IN THE NEIGHBORHOOD

RESPONSE:
PROVIDED 18" BULKHEAD/BASE (PER PLANNING) AT RETAIL STOREFRONT. CREATED HEAVIER BANDING TO BREAK STOREFRONT INTO SMALLER COMPONENTS.

MISTRAL ST. ELEVATION - REVISED
(REVISED 3/12/19 - PER USM COMMENTS)

EXHIBIT B

1 [Affirming the Determination of Infill Project Environmental Review - Proposed Project at 1296
2 Shotwell Street]

3 **Motion affirming the determination by the Planning Department that a proposed infill**
4 **project at 1296 Shotwell Street is eligible for streamlined environmental review under**
5 **the California Environmental Quality Act.**

6
7 WHEREAS, On November 21, 2016, the Planning Department issued a Certificate of
8 Determination for an Infill Project under the Eastern Neighborhoods Rezoning and Area Plan
9 Final Environmental Impact Report (FEIR), finding that the proposed project located at 1296
10 Shotwell Street ("Project") is eligible for streamlined environmental review as an infill project
11 under the California Environmental Quality Act (CEQA), Public Resources Code,
12 Section 21000 et seq., (specifically, Public Resources Code, Section 21094.5), and the CEQA
13 Guidelines, 14 California Code of Regulations, Section 15000 et seq., (specifically, CEQA
14 Guidelines Section 15183.3) (Infill Determination); and

15 WHEREAS, The proposed project involves the demolition of an existing one-story
16 industrial building and construction of a 100 percent-affordable senior housing project,
17 encompassing a total of approximately 69,500 gross square feet with 94 dwelling units (93
18 affordable units plus one unit for the onsite property manager), including 20 units for formerly
19 homeless seniors; and

20 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on
21 December 30, 2016, J. Scott Weaver, on behalf of the Inner Mission Neighbors Association
22 (Appellant) appealed the Infill Determination, and provided a copy of Planning Commission
23 Motion No. 19804, adopted on December 1, 2016, approving a 100% Affordable Housing
24 Bonus Program Authorization under Planning Code, Sections 206 and 328, which constituted
25 the approval action for the proposed project; and

1 WHEREAS, The Planning Department's Environmental Review Officer, by
2 memorandum to the Clerk of the Board dated January 3, 2017, determined that the appeal
3 had been timely filed; and

4 WHEREAS, On February 14, 2017, this Board held a duly noticed public hearing to
5 consider the appeal of the Infill Determination filed by Appellant and, following the public
6 hearing, affirmed the Infill Determination; and

7 WHEREAS, In reviewing the appeal of the Infill Determination, this Board reviewed and
8 considered the determination, the appeal letter, the responses to the appeal documents that
9 the Planning Department prepared, the other written records before the Board of Supervisors
10 and all of the public testimony made in support of and opposed to the Infill Determination
11 appeal; and

12 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
13 affirmed the determination that the project qualified for streamlined environmental review as
14 an infill project based on the written record before the Board of Supervisors as well as all of
15 the testimony at the public hearing in support of and opposed to the appeal; and

16 WHEREAS, The written record and oral testimony in support of and opposed to the
17 appeal and deliberation of the oral and written testimony at the public hearing before the
18 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
19 the Infill Determination is in the Clerk of the Board of Supervisors File No. 170024 and is
20 incorporated in this motion as though set forth in its entirety; now, therefore, be it

21 MOVED, That the Board of Supervisors of the City and County of San Francisco
22 hereby adopts as its own and incorporates by reference in this motion, as though fully set
23 forth, the Infill Determination; and, be it

24 FURTHER MOVED, That after carefully considering the appeal of the determination,
25 including the written information submitted to the Board of Supervisors and the public

1 testimony presented to the Board of Supervisors at the hearing on the Infill Determination, this
2 Board concludes that the project is eligible for streamlined environmental review under CEQA
3 Guidelines, Section 15183.3 and Public Resources Code, Section 21094.5 because the
4 project site has been previously developed and is located in an urban area, the Project
5 satisfies the performance standards provided in Appendix M of the CEQA Guidelines, and the
6 Project is consistent with the Sustainable Communities Strategy; and, be it

7 FURTHER MOVED, That this Board finds that the effects of the proposed infill project
8 were analyzed in the Eastern Neighborhoods FEIR, and no new information shows that the
9 significant adverse environmental effects of the infill project are substantially greater than
10 those described FEIR, the proposed project would not cause any significant effects on the
11 environment that either have not already been analyzed in the FEIR or that are substantially
12 greater than previously analyzed and disclosed, or that uniformly applicable development
13 policies would not substantially mitigate potential significant impacts; and, be it

14 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
15 record before it there are no substantial project changes, no substantial changes in project
16 circumstances, and no new information of substantial importance that would change the
17 conclusions set forth in the Infill Determination by the Planning Department that the proposed
18 project is eligible for streamlined environmental review; and, be it

19 FURTHER MOVED, That this Board finds that, as set forth in Planning Commission
20 Motion No. 19804, the project sponsor will undertake feasible mitigation measures specified in
21 the Eastern Neighborhoods FEIR to mitigate project-related significant impacts.
22
23
24
25



City and County of San Francisco

Tails

Motion: M17-018

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 170025

Date Passed: February 14, 2017

Motion affirming the determination by the Planning Department that a proposed infill project at 1296 Shotwell Street is eligible for streamlined environmental review under the California Environmental Quality Act.

February 14, 2017 Board of Supervisors - APPROVED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170025

I hereby certify that the foregoing Motion was APPROVED on 2/14/2017 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in black ink, appearing to read "Angela Calvillo", written over a horizontal line.

Angela Calvillo
Clerk of the Board

EXHIBIT C

1 [Affirming Final Environmental Impact Report Certification - 901-16th Street and 1200-17th
2 Street Project]

3 **Motion affirming the Planning Commission's certification of the Final Environmental**
4 **Impact Report prepared for the proposed project located at 901-16th Street and**
5 **1200-17th Street.**

6
7 WHEREAS, The proposed project is located on a 3.5-acre site consisting of four
8 parcels bounded by 16th Street to the north, Mississippi Street to the east, 17th Street to the
9 south, and residential and industrial buildings to the west; and

10 WHEREAS, The project site currently contains four existing buildings: two metal shed
11 industrial warehouse buildings (102,500 square feet), a vacant brick office building (1,240
12 square feet), and a modular office structure (5,750 square feet), and an open surface parking
13 lot that is also used for access by the University of California, San Francisco to its on-site
14 storage; and

15 WHEREAS, The proposed project would merge four lots into two lots, demolish two
16 metal shed warehouses and the modular office structure, preserve the brick office building,
17 and construct two new mixed use buildings on site; and

18 WHEREAS, The "16th Street Building" at 901-16th Street would consist of a new six-
19 story, approximately 402,943 gross square foot residential mixed-use building with 260
20 dwelling units and 20,318 gross square feet of retail on the northern lot; and

21 WHEREAS, The "17th Street Building" at 1200-17th Street would consist of a new four-
22 story, approximately 213,509 gross square foot residential mixed use building with 135
23 dwelling units and 4,650 gross square feet of retail on the southern lot, and

24 WHEREAS, The historic brick office building would be rehabilitated for retail or
25 restaurant use; and

1 WHEREAS, Combined, the two new buildings would contain a total of 395 dwelling
2 units and approximately 24,698 gross square feet of retail space, with a total of 388 vehicular
3 parking spaces, 455 off-street bicycle parking spaces, and approximately 14,669 square feet
4 of public open space, 33,149 square feet of common open space shared by project
5 occupants, and 3,114 square feet of open space private to units; and

6 WHEREAS, CEQA State Guidelines, Section 15183, provides an exemption from
7 environmental review for projects that are consistent with the development density established
8 by existing zoning, community plan, or general plan policies for which an EIR was certified,
9 except as might be necessary to examine whether there are project-specific effects which are
10 peculiar to the proposed project or its site; and

11 WHEREAS, The project site is located within the Showplace Square/Potrero Subarea
12 of the Eastern Neighborhoods Rezoning and Area Plan (Eastern Neighborhoods Plan), for
13 which a comprehensive program-level EIR was prepared and certified (Eastern
14 Neighborhoods PEIR); and

15 WHEREAS, The proposed project was initially evaluated under a Community Plan
16 Exemption (CPE) Checklist (published on February 11, 2015, and included as Appendix A to
17 the draft EIR); and

18 WHEREAS, The CPE Checklist determined that the proposed project would not result
19 in new, project-specific environmental impacts, or impacts of greater severity than were
20 already analyzed and disclosed in the Eastern Neighborhoods PEIR for the following issue
21 topics: land use and land use planning; aesthetics; population and housing; paleontological
22 and archeological resources; noise; air quality; greenhouse gas emissions; wind and shadow;
23 recreation; utilities and service systems; public services; biological resources; geology and
24 soils; hydrology and water quality; hazards and hazardous materials; mineral and energy
25 resources; and agriculture and forest resources; and

1 WHEREAS, The CPE Checklist incorporated seven Mitigation Measures from the
2 Eastern Neighborhoods PEIR to avoid impacts previously identified in the PEIR with regard to
3 archeological resources, air quality, noise, and hazardous materials; and

4 WHEREAS, The CPE Checklist further determined that a focused EIR would be
5 prepared to address potential project-specific impacts to transportation and circulation and
6 historic architectural resources that were not identified by the Eastern Neighborhoods PEIR;
7 and

8 WHEREAS, The San Francisco Planning Department, as lead agency, published and
9 circulated (with the CPE Checklist) a Notice of Preparation ("NOP") on February 11, 2015,
10 that solicited comments regarding the scope of the EIR for the proposed project; and

11 WHEREAS, The Planning Department held a public scoping meeting on March 4,
12 2015, at the Potrero Hill Neighborhood House, 953 De Haro Street, San Francisco to receive
13 comments on the scope and content of the EIR; and

14 WHEREAS, On August 12, 2015, the Planning Department published a draft EIR for
15 the proposed project; and

16 WHEREAS, On October 1, 2015, the Planning Commission held a duly noticed public
17 hearing on the draft EIR, and then prepared a Responses to Comments (RTC) document,
18 published on April 28, 2016, to address environmental issues raised by written and oral
19 comments received during the public comment period and at the public hearing for the draft
20 EIR; and

21 WHEREAS, The Planning Department prepared a Final Environmental Impact Report
22 ("FEIR") for the Project, consisting of the CPE Checklist, the DEIR, any consultations and
23 comments received during the review process, any additional information that became
24 available and the Comments and Responses document, all as required by law; and
25

1 WHEREAS, On May 12, 2016, the Planning Commission reviewed and considered the
2 FEIR and CPE and, by Motion No. 19643, found that the contents of said report and the
3 procedures through which the FEIR and CPE were prepared, publicized and reviewed
4 complied with the provisions of the California Environmental Quality Act ("CEQA"), the State
5 CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code; and

6 WHEREAS, By Motion No. 19643 the Commission found the FEIR and the CPE to be
7 adequate, accurate and objective, reflected the independent judgment and analysis of the
8 Department and the Commission and that the Comments and Responses document
9 contained no significant revisions to the DEIR, adopted findings relating to significant impacts
10 associated with the Project and certified the completion of the FEIR in compliance with CEQA
11 and the State CEQA Guidelines, and Chapter 31; and

12 WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 10, 2016,
13 from Rachel Mansfield-Howlett, on behalf of Save the Hill and Grow Potrero Responsibly
14 ("Appellant") filed an appeal of the CPE and FEIR to the Board of Supervisors; and

15 WHEREAS, On July 26, 2016, this Board held a duly noticed public hearing to consider
16 the appeal of the CPE and FEIR certification filed by Appellant and, following the public
17 hearing, affirmed the exemption determination; and

18 WHEREAS, In reviewing the appeal of the exemption determination, this Board has
19 reviewed and considered the CPE and FEIR, the appeal letters, the responses to concerns
20 documents that the Planning Department prepared, the other written records before the Board
21 of Supervisors, and heard testimony and received public comment regarding the adequacy of
22 the CPE and FEIR; and

23 WHEREAS, The CPE and FEIR files and all correspondence and other documents
24 have been made available for review by this Board and the public; and

1 WHEREAS, These files are available for public review by appointment at the Planning
2 Department offices at 1650 Mission Street, and are part of the record before this Board by
3 reference in this Motion; now, therefore, be it

4 MOVED, That this Board of Supervisors hereby affirms the decision of the Planning
5 Commission in its Motion No. 19643 to certify the FEIR together with the CPE and finds the
6 CPE and FEIR to be complete, adequate, and objective, and reflecting the independent
7 judgment of the City and in compliance with CEQA, the State CEQA Guidelines, and Chapter
8 31.

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City and County of San Francisco

Tails

Motion: M16-097

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160684

Date Passed: July 26, 2016

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project located at 901-16th Street and 1200-17th Street.

July 26, 2016 Board of Supervisors - APPROVED

Ayes: 9 - Avalos, Breed, Campos, Farrell, Kim, Mar, Tang, Wiener and Yee

Noes: 1 - Peskin

Excused: 1 - Cohen

File No. 160684

I hereby certify that the foregoing Motion was APPROVED on 7/26/2016 by the Board of Supervisors of the City and County of San Francisco.

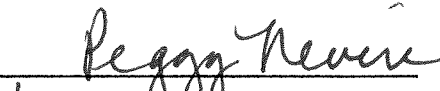

for Angela Calvillo
Clerk of the Board

EXHIBIT D

1 [Affirming the Community Plan Evaluation - 2750-19th Street]

2
3 **Motion affirming the determination by the Planning Department that a proposed project**
4 **at 2750-19th Street is exempt from further environmental review under a Community**
5 **Plan Evaluation.**

6
7 WHEREAS, On May 30, 2018, the Planning Department issued a Community Plan
8 Evaluation ("environmental determination"), pursuant to CEQA, the CEQA Guidelines, 14 Cal.
9 Code of Reg., Sections 15000 et seq., and Chapter 31 of the San Francisco Administrative
10 Code, finding that the proposed project at 2750-19th Street ("Project") is consistent with the
11 development density established by zoning, community plan, and general plan policies in the
12 Eastern Neighborhoods Rezoning and Area Plan (the "Area Plan") for the project site, for
13 which a Programmatic EIR (the "PEIR") was certified; and

14 WHEREAS, The Project consists of the demolition of the three existing industrial
15 buildings on the project site, retention of the principal two-story façade along 19th and Bryant
16 streets, and construction of a six-story, 68-foot-tall (77-foot, 7-inch tall with rooftop equipment)
17 mixed-use building with approximately 10,000 square feet of ground-floor PDR, 60 residential
18 units (35 one-bedroom units and 25 two-bedroom units) above and bicycle and vehicle
19 parking in a basement; and

20 WHEREAS, The Project would include 3,200 sf of common open space on the second
21 floor and a 4,800 sf roof deck; a residential lobby entrance located on Bryant Street and
22 basement vehicle parking entry located on 19th Street; 26 vehicle parking spaces and 60
23 Class 1 bicycle parking spaces in the basement, and three Class 2 bicycle parking spaces
24
25

1 along 19th Street; remove an existing curb cut on Bryant Street and would retain an existing
2 10-foot curb cut on 19th Street that would be used for the proposed garage entrance; and

3 WHEREAS, On August 23, 2018, the Planning Commission adopted the CPE and
4 approved the Large Project Authorization for the Project (Planning Commission Resolution
5 No. 20264), which constituted the Approval Action under Chapter 31 of the Administrative
6 Code; and

7 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on
8 September 24, 2018, Larisa Pedroncelli and Kelly Hill, on behalf of Our Mission No Eviction
9 ("Appellant"), appealed the environmental determination; and

10 WHEREAS, The Planning Department's Environmental Review Officer, by
11 memorandum to the Clerk of the Board dated October 1, 2018, determined that the appeal
12 had been timely filed; and

13 WHEREAS, On October 30, 2018, this Board held a duly noticed public hearing to
14 consider the appeal of the environmental determination filed by Appellant and, following the
15 public hearing, affirmed the environmental determination; and

16 WHEREAS, In reviewing the appeal of the environmental determination, this Board
17 reviewed and considered the environmental determination, the appeal letter, the responses to
18 the appeal documents that the Planning Department prepared, the other written records
19 before the Board of Supervisors and all of the public testimony made in support of and
20 opposed to the environmental determination appeal; and

21 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
22 affirmed the determination that the Project does not require further environmental review
23 based on the written record before the Board of Supervisors as well as all of the testimony at
24 the public hearing in support of and opposed to the appeal; and
25

1 WHEREAS, The written record and oral testimony in support of and opposed to the
2 appeal and deliberation of the oral and written testimony at the public hearing before the
3 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
4 the environmental determination is in the Clerk of the Board of Supervisors File No. 180956
5 and is incorporated in this motion as though set forth in its entirety; now, therefore, be it

6 MOVED, That the Board of Supervisors of the City and County of San Francisco
7 hereby adopts as its own and incorporates by reference in this motion, as though fully set
8 forth, the environmental determination; and, be it

9 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
10 record before it there are no substantial project changes, no substantial changes in project
11 circumstances, and no new information of substantial importance that would change the
12 conclusions set forth in the environmental determination by the Planning Department that the
13 Project does not require further environmental review; and, be it

14 FURTHER MOVED, That after carefully considering the appeal of the environmental
15 determination, including the written information submitted to the Board of Supervisors and the
16 public testimony presented to the Board of Supervisors at the hearing on the environmental
17 determination, this Board concludes that the Project is consistent with the development
18 density established by the zoning, community plan, and general plan policies in the Eastern
19 Neighborhoods Area Plan project area, for which the PEIR was certified; would not result in
20 new significant environmental effects, or effects of greater severity than were already
21 analyzed and disclosed in the PEIR; and therefore does not require further environmental
22 review in accordance with CEQA, Section 21083.3 and CEQA Guidelines, Section 15183.



City and County of San Francisco

Tails

Motion: M18-148

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 180957

Date Passed: October 30, 2018

Motion affirming the determination by the Planning Department, that the proposed project at 2750-19th Street is exempt from further environmental review under a Community Plan Evaluation.

October 30, 2018 Board of Supervisors - APPROVED

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

File No. 180957

I hereby certify that the foregoing Motion was APPROVED on 10/30/2018 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board

EXHIBIT E

1 [Affirming the Community Plan Evaluation - 344-14th Street]

2
3 **Motion affirming the determination by the Planning Department that a proposed project**
4 **at 344-14th Street is exempt from further environmental review under a Community**
5 **Plan Evaluation.**

6
7 WHEREAS, On May 30, 2019, the Planning Department issued a Community Plan
8 Evaluation and an Initial Study ("environmental determination"), pursuant to California
9 Environmental Quality Act ("CEQA"), the CEQA Guidelines, 14 Cal. Code of Reg. sections
10 15000 et seq., and Chapter 31 of the San Francisco Administrative Code, finding that the
11 proposed project at 344-14th Street ("Project") is consistent with the development density
12 established by zoning, community plan, and general plan policies in the Eastern
13 Neighborhoods Rezoning and Area Plans (the "Area Plan") for the project site, for which a
14 Programmatic Environmental Impact Report (the "PEIR") was certified; and

15 WHEREAS, The project site consists of a surface parking lot located on the block
16 bounded by 14th Street to the south, Stevenson Street to the west, Duboce Avenue to the
17 north and Woodward Street to the east in San Francisco's Mission neighborhood; the lot is a
18 15,664-square foot (sf) lot that occupies the entire 14th Street frontage of the subject block
19 and also has frontages on Stevenson and Woodward streets; and

20 WHEREAS, The proposed project includes the construction of a seven-story, 78-foot
21 tall (83 feet tall with elevator penthouse) mixed-use residential building; and

22 WHEREAS, The building would include 62 residential units, approximately 5,775 sf of
23 ground floor retail space, and 63 class one bicycle parking spaces; the proposed project
24 includes no vehicle parking; and

1 WHEREAS, The mixed-use residential building would include 1,800 sf of residential
2 common open space on the ground floor, 3,210 sf of residential common open space on the
3 seventh floor, and private residential open space on floors five and seven; and

4 WHEREAS, The project would require waivers, concessions, and/or incentives from
5 the planning code's physical development limitations pursuant to California Government
6 Code, Section 65915, commonly known as the state density bonus law, including for a
7 building height that is 20 feet above the 58-foot height limit for the project site; and

8 WHEREAS, The proposed project would remove both an existing 22-foot curb cut on
9 14th Street and an existing 18-foot curb cut on Stevenson Street; and

10 WHEREAS, Construction is estimated to last 18 months and would include 2,320 cubic
11 yards of excavation to a depth of up to four feet below grade; there would be no excavation,
12 shoring or construction work for a below-grade foundation within ten feet of the project's
13 interior property lines which abut properties to the north of the project site on Woodward
14 Street (82/84 Woodward Street); and

15 WHEREAS, The proposed project would include the removal of four trees on the
16 project site and the planting of 21 street trees on Stevenson, Woodward and 14th streets; and

17 WHEREAS, On May 30, 2019, the Planning Commission adopted the environmental
18 determination and approved the large project authorization for the project (Planning
19 Commission Motion M-20492), which constituted the approval action under Chapter 31 of the
20 Administrative Code; and

21 WHEREAS, By letter to the Clerk of the Board, dated August 26, 2019, Lisa Pedroncelli
22 and Kelly Hill on behalf of Our Mission No Eviction ("Appellant"), appealed the environmental
23 determination; and
24
25

1 WHEREAS, The Planning Department's Environmental Review Officer, by
2 memorandum to the Clerk of the Board dated August 28, 2019, determined that the appeal
3 had been timely filed; and

4 WHEREAS, On October 8, 2019, this Board held a duly noticed public hearing to
5 consider the appeal of the environmental determination filed by Appellant and, following the
6 public hearing, affirmed the environmental determination; and

7 WHEREAS, In reviewing the appeal of the environmental determination, this Board
8 reviewed and considered the environmental determination, the appeal letter, the responses to
9 the appeal documents that the Planning Department prepared, the other written records
10 before the Board of Supervisors and all of the public testimony made in support of and
11 opposed to the environmental determination appeal; and

12 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
13 affirmed the determination that the Project does not require further environmental review
14 based on the written record before the Board of Supervisors as well as all of the testimony at
15 the public hearing in support of and opposed to the appeal; and

16 WHEREAS, The written record and oral testimony in support of and opposed to the
17 appeal and deliberation of the oral and written testimony at the public hearing before the
18 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
19 the environmental determination is in the Clerk of the Board of Supervisors File No. 190890
20 and is incorporated in this motion as though set forth in its entirety; now therefore be it

21 MOVED, That the Board of Supervisors of the City and County of San Francisco
22 hereby adopts as its own and incorporates by reference in this motion, as though fully set
23 forth, the environmental determination; and be it

24 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
25 record before it there are no substantial project changes, no substantial changes in project

1 circumstances, and no new information of substantial importance that would change the
2 conclusions set forth in the environmental determination by the Planning Department that the
3 Project does not require further environmental review; and be it

4 FURTHER MOVED, That after carefully considering the appeal of the environmental
5 determination, including the written information submitted to the Board of Supervisors and the
6 public testimony presented to the Board of Supervisors at the hearing on the environmental
7 determination, this Board concludes that the Project is consistent with the development
8 density established by the zoning, community plan, and general plan policies in the Area Plan,
9 for which the PEIR was certified; would not result in new significant environmental effects, or
10 effects of greater severity than were already analyzed and disclosed in the PEIR; and
11 therefore does not require further environmental review in accordance with CEQA Section
12 21083.3 and CEQA Guidelines Section 15183.

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City and County of San Francisco

Tails

Motion: M19-144

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 190891

Date Passed: October 08, 2019

Motion affirming the determination by the Planning Department that a proposed project at 344-14th Street is exempt from further environmental review under a Community Plan Evaluation.


October 08, 2019 Board of Supervisors - APPROVED

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani and Yee

Excused: 2 - Haney and Walton

File No. 190891

I hereby certify that the foregoing Motion was APPROVED on 10/8/2019 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

From: [BOS Legislation, \(BOS\)](#)
To: [Carlos Bocanegra](#); [Tuija Catalano](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Shum, Ryan \(CPC\)](#); [Ajello Hoagland, Linda \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: HEARING NOTICE: Appeal of CEQA Community Plan Evaluation - Proposed 2300 Harrison Street Project - Appeal Hearing on August 18, 2019
Date: Tuesday, August 4, 2020 9:08:24 AM
Attachments: [image001.png](#)

Hello,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **August 18, 2020, at 3:00 p.m.**, to hear an appeal of a Community Plan Evaluation under the California Environmental Quality Act, for the proposed project of 2300 Harrison Street.

Please find the following link to the hearing notice for the matter.

[Public Hearing Notice - August 4, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 200809](#)

Regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

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Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO Sent via Email and/or U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a remote public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, August 18, 2020

Time: 3:00 p.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26 once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: **File No. 200809.** Hearing of persons interested in or objecting to a Community Plan Evaluation by the Planning Department under the California Environmental Quality Act issued on December 12, 2019, for the proposed project at 2300 Harrison Street, approved on February 19, 2020, to allow 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 two-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, 30 additional Class 1 bicycle parking spaces, five Class 2 bicycle parking spaces, and a total of 41 off-street parking spaces within the UMU (Urban Mixed-Use) Zoning District and a 68-X Height and Bulk District. (District 9) (Appellant: Carlos Bocanegra) (Filed March 20, 2020)

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

PUBLIC COMMENT CALL-IN

WATCH: SF Cable Channel 26, once the meeting starts, and the telephone number and Meeting ID will be displayed on the screen; or

VISIT: <https://sfbos.org/remote-meeting-call>

Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

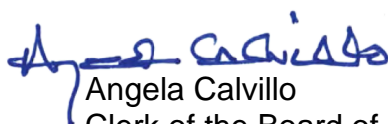
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, August 14, 2020.

For any questions about this hearing, please contact one of the Legislative Clerks:

Lisa Lew (lisa.lew@sfgov.org) ~ (415) 554-7718)

Jocelyn Wong (jocelyn.wong@sfgov.org) ~ (415) 554-7702)

Please Note: The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

PROOF OF MAILING

Legislative File No. 200809

Description of Items: Hearing - Appeal of Community Plan Evaluation - 2300 Harrison Street - **XX Notices Mailed**

I, **John Bullock**, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: August 4, 2020

Time: 3:30 p.m.

USPS Location: Repro Pick-up Box in Building Management's Office (Rm 8)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

7 MAILINGS

From: [BOS Legislation, \(BOS\)](#)
To: [Carlos Bocanegra](#); [Tuija Catalano](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Shum, Ryan \(CPC\)](#); [Ajello Hoagland, Linda \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: Appeal of CEQA Community Plan Evaluation - Proposed Project at 2300 Harrison Street - Appeal Hearing on August 18, 2020
Date: Wednesday, July 29, 2020 1:52:15 PM
Attachments: [image001.png](#)

Greetings,

The Office of the Clerk of the Board has scheduled for a remote hearing Special Order before the Board of Supervisors on August 18, 2020, at 3:00 p.m. Please find linked below a letter of appeal filed regarding the proposed project at 2300 Harrison Street, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

[Appeal Letter - March 20, 2020](#)
[Planning Department Memo - July 27, 2020](#)
[Clerk of the Board Letter - July 29, 2020](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 200809](#)

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T: 415.554.7702 | F: 415.554.5163
jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services



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the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

July 29, 2020

Carlos Bocanegra
72 Woodward Street
San Francisco, California 94103

Subject: File No. 200809 - Appeal of CEQA Community Plan Evaluation - 2300 Harrison Street

Dear Mr. Bocanegra:

The Office of the Clerk of the Board is in receipt of a memorandum dated July 27, 2020, from the Planning Department regarding their determination on the timely filing of appeal of the CEQA Community Plan Evaluation for the proposed project at 2300 Harrison Street.

The Planning Department has determined that the appeal was filed in a timely manner (copy attached).

Pursuant to Administrative Code, Section 31.16, a remote hearing date has been scheduled for **Tuesday, August 18, 2020, at 3:00 p.m.**, at the Board of Supervisors meeting.

Please provide to the Clerk's Office by noon:

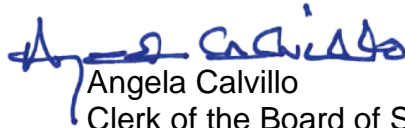
15 days prior to the hearing: names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and
Monday, August 3, 2020

11 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.
Friday, August 7, 2020

For the above, the Clerk's office requests electronic files be sent to bos.legislation@sfgov.org.

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702, or Brent Jalipa at (415) 554 7712.

Very truly yours,



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

- c: Tuija Catalano of Reuben, Junius & Rose, LLP, Project Sponsor
Anne Pearson, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
Rich Hillis, Director, Planning Department
Corey Teague, Zoning Administrator, Planning Department
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Devyani Jain, Deputy Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Don Lewis, Environmental Planning, Planning Department
Adam Varat, Acting Director of Citywide Planning, Planning Department
Dan Sider, Director of Executive Programs, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
AnMarie Rodgers, Legislative Affairs, Planning Department
Ryan Shum, Staff Contact, Planning Department
Linda Ajello Hoagland, Staff Contact, Planning Department
Debra Dwyer, Staff Contact, Planning Department
Julie Rosenberg, Executive Director, Board of Appeals
Katy Sullivan, Legal Assistant, Board of Appeals
Alec Longaway, Legal Process Clerk, Board of Appeals



Community Plan Exemption Appeal Timeliness Determination

DATE: July 27, 2020
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer
RE: Appeal Timeliness Determination – 2300 Harrison Street
Community Plan Evaluation;
Planning Department Case No. 2016-010589ENV

On March 20, 2020 Carlos Bocanegra (Appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of the Community Plan Evaluation (CPE) for the proposed project at 2300 Harrison Street. As explained below, the appeal is timely.

Date of Approval Action	30 Days after Approval Action	Appeal Deadline (Must Be Day Clerk of Board's Office Is Open)	Date of Appeal Filing	Timely?
Wednesday, February 19, 2020	Friday, March 20, 2020	Friday, March 20, 2020	Friday, March 20, 2020	Yes

Approval Action: On April 30, 2019, the Planning Department issued a CPE for the proposed project. The Approval Action for the project was a Large Project Authorization from the City Planning Commission, which occurred on December 12, 2019. Subsequently, new information came to light requiring a revision and reissuance of the CPE. The original CPE was rescinded. The CPE was revised and reissued on February 19, 2020. Reissuance of the CPE initiated a 30-day appeal period.

Appeal Deadline: Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal an exemption determination (including a CPE) to the Board of Supervisors during the time period beginning with the date of the exemption determination (including a CPE) and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Friday, March 20, 2020.

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on Friday, March 20, 2020, prior to the end of the Appeal Deadline. Therefore, the appeal is timely.

From: [BOS Legislation, \(BOS\)](#)
To: [Hillis, Rich \(CPC\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Shum, Ryan \(CPC\)](#); [Ajello Hoagland, Linda \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: Appeal of CEQA Exemption Determination - Proposed Project - 2300 Harrison Street
Date: Friday, July 24, 2020 5:37:31 PM
Attachments: [COB Ltr 072420.pdf](#)
[Appeal Ltr 032020.pdf](#)
[image001.png](#)

Dear Director Hillis,

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Exemption Determination for the proposed project at 2300 Harrison Street. The appeal was filed Carlos Bocanegra.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board. Kindly review for timely filing determination. It would be greatly appreciated if we could receive the determination as soon as possible. If the appeal is timely, we are looking to send out public hearing notices by August 4. Thank you.

Regards,

Jocelyn Wong

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T: 415.554.7702 | F: 415.554.5163
jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

July 24, 2020

To: Rich Hillis
Planning Director

From:  Angela Calvillo
Clerk of the Board of Supervisors

Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - 2300 Harrison Street

An appeal of the CEQA Determination of Exemption from Environmental Review for the proposed project at 2300 Harrison Street was filed with the Office of the Clerk of the Board on March 20, 2020, by Carlos Bocanegra.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner.

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702, or Brent Jalipa at (415) 554-7712.

c:

Anne Pearson, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
Corey Teague, Zoning Administrator, Planning Department
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Devyani Jain, Deputy Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Don Lewis, Environmental Planning, Planning Department
Adam Varat, Acting Director of Citywide Planning, Planning Department
Dan Sider, Director of Executive Programs, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
AnMarie Rodgers, Legislative Affairs, Planning Department
Ryan Shum, Staff Contact, Planning Department
Linda Ajello Hoagland, Staff Contact, Planning Department
Debra Dwyer, Staff Contact, Planning Department
Julie Rosenberg, Executive Director, Board of Appeals
Katy Sullivan, Legal Assistant, Board of Appeals
Alec Longaway, Legal Process Clerk, Board of Appeals

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☒ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Hearing of persons interested in or objecting to a Community Plan Evaluation by the Planning Department under the California Environmental Quality Act issued on December 12, 2019, for the proposed project at 2300 Harrison Street, approved on February 19, 2020, to allow 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 two-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, 30 additional Class 1 bicycle parking spaces, five Class 2 bicycle parking spaces, and a total of 41 off-street parking spaces within the UMU (Urban Mixed-Use) Zoning District and a 68-X Height and Bulk District. (District 9) (Appellant: Carlos Bocanegra) (Filed March 20, 2020)

Signature of Sponsoring Supervisor: