



# SAN FRANCISCO PLANNING DEPARTMENT

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## Appeal of Community Plan Exemption 1515 South Van Ness Avenue Project

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**DATE:** October 17, 2016

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** Lisa M. Gibson, Acting Environmental Review Officer – (415) 575-9032  
Chris Kern, Senior Environmental Planner – (415) 575-9037  
Melinda Hue, Environmental Coordinator – (415) 575-9041

**RE:** File No. 161001, Planning Department Case No. 2014.1020ENV – Appeal of the Community Plan Exemption for the 1515 South Van Ness Avenue Project. Block/Lot: 6571/008, 001, and 001A

**PROJECT SPONSOR:** Peter Schellinger, LMC San Francisco Holdings, LLC – (415) 975-4982

**APPELLANT:** J. Scott Weaver, Law Office of J. Scott Weaver, on behalf of the Calle 24 Latino Cultural District Community Council – (415) 317-0832

**HEARING DATE:** October 25, 2016

**ATTACHMENTS:** A – September 12, 2016 appeal letter from J. Scott Weaver  
B – Planning Commission Motion 19727 (Adoption)  
C – Eastern Neighborhoods Capital Projects

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### 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 Exemption (CPE) under the *Eastern Neighborhoods Rezoning and Area Plan Final*

*Environmental Impact Report* (“Eastern Neighborhoods PEIR or PEIR”)<sup>1</sup> in compliance with the California Environmental Quality Act (“CEQA”) for the 1515 South Van Ness Avenue Project (the “Project”).

The Department, pursuant to CEQA, the CEQA Guidelines, 14 Cal. Code of Reg. Sections 15000 *et seq.*, 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 (the “Eastern Neighborhoods Area Plans”) for the project site, for which a Programmatic EIR was certified, and issued the CPE for the Project on July 12, 2016. The Department determined that the Project would not result in new significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the PEIR, and that the Project is therefore exempt from further environmental review beyond what was conducted in the CPE Checklist under CEQA in accordance with CEQA Section 21083.3 and CEQA Guidelines Section 15183.

The decision before the Board is whether to uphold the Planning Department’s determination that the Project is exempt from further environmental review (beyond what was conducted in the CPE Checklist) 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.

## PROJECT DESCRIPTION

The project site is located on the northern portion of a block bordered by South Van Ness Avenue, 26th Street, Shotwell Street, and Cesar Chavez Street in San Francisco’s Mission neighborhood. The project site currently includes a two-story, 34-foot-tall, 31,680-square-foot, production, distribution, repair (PDR) building (constructed in 1948) with a surface parking lot. The building was vacated in December 2015 by McMillan Electric, an electrical contractor business that has since moved to a new location at 1950 Cesar Chavez Street in San Francisco. The proposed project would include the demolition of the existing building and the construction of a five- to six-story, 55- to 65-foot-tall (up to 75 feet tall with roof-top equipment), approximately 180,300-square-foot mixed-use building.

The proposed building would consist of 157 residential dwelling units and approximately 1,080 square feet of retail uses. The proposed project would also include six ground floor trade shop spaces ranging from 630 to 760 square feet each (approximately 4,200 square feet total). The spaces are anticipated to be retail units with some reserved space for goods production (e.g., jewelry making, bag making, ceramics). Usable open space would be provided in a courtyard, roof terrace and private patios. The proposed

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<sup>1</sup> The Eastern Neighborhoods Rezoning and Area Plan Final EIR (Planning Department Case No. 2004.0160E), State Clearinghouse No. 2005032048) was certified by the Planning Commission on August 7, 2008. The project site is within the Eastern Neighborhoods Rezoning and Area Plan project area.

project would include a basement parking garage that would be accessed via an existing curb cut on Shotwell Street. The garage would include 79 parking spaces, two carshare spaces, and 150 Class I bicycle spaces. The proposed project would include eight Class II bicycle spaces provided on the sidewalks in front of the building entrances on South Van Ness Avenue and on 26th Street.

Proposed streetscape improvements would include planting of 23 street trees, installation of corner bulb-outs on the southeast corner of South Van Ness Avenue and 26th Street and on the southwest corner of Shotwell Street and 26th Street, and the removal of a curb cut on South Van Ness Avenue. A new 40-foot-long on-street loading space is also proposed on 26th Street to accommodate larger delivery vehicles. Two service vehicle parking spaces would be located in the garage to accommodate smaller delivery vehicles.

Construction of the proposed project is expected to last 23 months. Construction of the proposed project would require excavation of up to approximately six feet and the removal of about 4,800 cubic yards of soil.

## SITE DESCRIPTION

The project site is approximately 35,714 square feet (sf) in size (about 0.8 acre) and consists of three lots bounded by 26th Street to the north, Shotwell Street to the east, South Van Ness Avenue to the west, and existing one- to two-story buildings to the south. The project site currently includes a two-story, 34-foot-tall, 31,680-square-foot, production, distribution, repair (PDR) building (constructed in 1948) with a surface parking lot. The building was vacated in December 2015 by McMillan Electric, an electrical contractor business that has since moved to a new location at 1950 Cesar Chavez Street in San Francisco.

The uses immediately south of the project site include auto repair and supply shops located within single-story buildings. A project is currently proposed at 1296 Shotwell Street, directly southeast of the project site, involving the demolition of the existing building and construction of a nine-story building with 96 senior affordable housing residential units. Uses further south, across Cesar Chavez Street, include two- to four-story residential uses.

The areas to the west of the project site, across South Van Ness Avenue, include auto-related uses (gas station, auto repair), ground-floor retail and residential uses. Buildings range from one to three stories. A project is currently proposed at 3314 Cesar Chavez Street, west of the project site, involving the demolition of the existing building and the construction of a six-story building with 52 residential units and 1,740 square feet of commercial space.

The areas north of the project site, across 26th Street, include auto repair and residential uses. Buildings range from one to three stories as well. The areas east of the project site, across Shotwell Street, include a four-story residential development. The project site is within the Calle 24 Latino Cultural District (LCD), which was established by Board of Supervisors Resolution, File No. 140421 in May 2014. The project site is located within a half-mile of the 24th Street BART Station and Muni bus lines 14-Mission, 49-Van Ness/Mission, 12-Folsom/Pacific, and 27-Bryant.

## ENVIRONMENTAL REVIEW PROCESS

The environmental evaluation application (Case No. 2014.1020ENV) for the Project was filed by the sponsor, Peter Schellinger of LMC San Francisco Holdings, LLC, on December 3, 2014. On July 12, 2016, the Department issued a CPE Certificate and Checklist, 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 Plans;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

The Project was considered by the Planning Commission on August 11, 2016. On that date, the Planning Commission adopted the CPE with approval of the Project under Planning Code Sections 121.1 and 304 (Planned Unit Development), which constituted the Approval Action under Chapter 31 of the Administrative Code.

A Conditional Use Authorization was also approved under Planning Code Section 303 under the Mission 2016 Interim Zoning Controls. In accordance with the Mission 2016 Interim Zoning Controls, which require additional information and analysis regarding the economic and social effects of the proposed project such as housing affordability, displacement, and loss of PDR, the project sponsor prepared such additional analysis, which the Planning Commission reviewed and considered before approving the Conditional Use Authorization.<sup>2</sup> Prior to the Planning Commission hearing, the Project Sponsor revised the Project to increase the project's on-site affordable housing to 25 percent (resulting in 39 on-site affordable units). The Project was approved with the conditions that the Project Sponsor work with the Planning Department on the building design (Condition 7) and incorporate trade shop and other Code

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<sup>2</sup> Mission 2015 Interim Controls Additional Findings for 1515 South Van Ness Ave. Case No. 2014.1020CUA, submitted to Doug Vu, San Francisco Planning Department.

compliant uses consistent with the Latino Cultural District (Condition 8). (See Attachment B to this Appeal Response - Planning Commission Motion No. 19727)

On September 12, 2016, an appeal of the CPE determination was filed by J. Scott Weaver, Law Office of J. Scott Weaver, on behalf of the Calle 24 Latino Cultural District Community Council (Appellant). The four page appeal letter from the Appellant is included as Attachment A to this appeal response. The Appellant's letter also included 591 pages of materials that are provided with the appeal letter which are included as "Appeal Ltr 091216.pdf" on the cd disk or online as part of Board of Supervisors File No. 161001.

## CEQA GUIDELINES

### Community Plan Exemptions

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 except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site and that were not disclosed as significant effects in the prior EIR. Guidelines 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 significant effects which, as a result of substantial information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Guidelines Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

### Significant Environmental Effects

In determining the significance of environmental effects caused by a project, CEQA Guidelines Section 15064(f) states that the decision as to 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 15064(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 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.”

San Francisco 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.”

## CONCERNS RAISED AND PLANNING DEPARTMENT RESPONSES:

The four-page appeal letter from the Appellant (Attachment A to this appeal response) incorporated previous letters from the Appellant that were submitted to the Planning Commission (August 3, 2016) and to Planning Staff (June 3, 2016 and October 23, 2015), and a variety of studies and reports in support of the appeal. These three letters are attached as Exhibit D to the Appellant’s appeal letter and may be found on pages 46 through 56, 484 through 486, and 588 through 589 of the pdf file named “Appeal Ltr 091216.pdf” on the cd disk or online as part of Board of Supervisors File No. 161001<sup>3</sup>. The extensive additional materials attached to the Appellant’s appeal letter are also included on “Appeal Ltr 091216.pdf” on the cd disk or online as part of Board of Supervisors File No. 161001. The four-page appeal letter contains seven bulleted items expressing the general basis for the appeal. These seven general concerns are listed in order below as Concerns 1 through 4 (the second, fourth, and fifth bulleted item is included under the discussion for Concern 1).

**Concern 1:** The Project does not qualify for a Community Plan Exemption 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 analyses and determinations can no longer be relied upon to support the claimed exemption in the areas of, inter alia, direct, indirect, and cumulative impacts to: land use, consistency with area plans and policies, recreation and open space, traffic and circulation, transit and transportation, health and safety, and impacts relative to the Calle 24 Latino Cultural District.

**Response 1:** The appeal does not identify new substantial information that was not known at the time the Eastern Neighborhoods PEIR was certified establishing that the Project would result in significant impacts that were not discussed in the Eastern Neighborhoods PEIR or in more severe adverse impacts than discussed in the PEIR. Therefore, under CEQA Guidelines Section 15183, an additional EIR shall not be

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<sup>3</sup> <https://sfgov.legistar.com/View.ashx?M=F&ID=4683206&GUID=55290F2D-1FD9-4195-8879-B039110E778C>

prepared for the project. Additionally, absent a change in the Eastern Neighborhoods Rezoning and Area Plans, reopening the Eastern Neighborhoods PEIR is neither warranted nor required under CEQA.

The Appellant alleges that the Department's determination to issue a CPE for the Project is invalid because substantial changes have occurred with respect to the circumstances under which the Eastern Neighborhoods Area Plans were approved due to the involvement of new significant environmental effects and a substantial increase in the severity of previously identified significant effects in the Eastern Neighborhoods PEIR. Bullet four of the Appellant's appeal letter states:

"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."

In order to provide context for the response to this concern, a brief review of the Eastern Neighborhoods PEIR and discussion of CEQA's requirements for when a certified EIR must be revised is provided, before addressing the appeal's concerns with significant new environmental effects and increased severity of significant effects that were previously identified in the Eastern Neighborhoods PEIR.

#### Eastern Neighborhoods PEIR and the Project CPE

##### *Eastern Neighborhoods PEIR*

As discussed on pages 3 and 4 of the CPE Certificate, the Eastern Neighborhoods PEIR is a comprehensive programmatic report 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 alternatives. According to CEQA Guidelines Section 15168, a program EIR:

... is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in the chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

Use of a program EIR: (1) provides an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action; (2) ensures consideration of cumulative impacts that might be slighted in a case-by-case analysis; (3) avoids duplicative reconsideration of basic policy considerations; (4) allows the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and (5) allows reduction in paperwork.

Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

The Eastern Neighborhoods PEIR 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.

As discussed on page 5 of the CPE 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 that reduced all impacts to less than significant, except for those related to land use (cumulative impacts on PDR use), transportation (program-level and cumulative traffic impacts at nine intersections; program-level and cumulative transit impacts on seven SFMTA lines), cultural resources (cumulative impacts from demolition of historical resources), and shadow (program-level impacts on parks).

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 Sec 15162(c) establishes that once a project, in this case the Eastern Neighborhoods Rezoning and Area Plans, 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.]

Thus, even if the Appellant’s unsubstantiated claims that the build-out of development consistent with the adopted rezoning and area plans somehow constituted new information or changed circumstances resulting in new or more severe impacts on the physical environment than previously disclosed (i.e., the conditions described in subdivision (a) of CEQA Guidelines section 15162), the Eastern Neighborhoods PEIR would remain valid under CEQA. Simply stated, unless and until the Eastern Neighborhoods Rezoning and Area Plans themselves are amended or revised, the reopening of the Eastern Neighborhoods PEIR is neither warranted nor required under CEQA.

#### *Project CPE*

As discussed above, under the Community Plan Exemptions section, CEQA Guidelines Section 15183 limits future environmental review for projects consistent with the development density established by



the Eastern Neighborhoods Rezoning and Area Plans, and lead agencies shall not require 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 and that were not disclosed as significant effects in the prior EIR. Per CEQA Guidelines Section 15183, “this streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.” That is, lead agencies are not to reanalyze impacts that are attributable to the project site being developed consistent with the Eastern Neighborhoods Rezoning and Area Plans.

In accordance with CEQA Guidelines Section 15183, a project-level environmental review was undertaken as documented in the CPE Checklist to determine if the 1515 South Van Ness project would result in additional impacts specific to the development proposal, the project site, and if the proposed development would be within the development projections and the 20-year timeframe that the Eastern Neighborhoods PEIR analyzes, so as to assess whether further environmental review is required.

The CPE Checklist fully described the proposed project (consistent with CEQA Guidelines Section 15124), its environmental setting (consistent with CEQA Guidelines Section 15125), and its potential impacts to the environment (consistent with CEQA Guidelines Section 15126). Consistent with CEQA Guidelines Section 15183, the CPE Checklist evaluated 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 Eastern Neighborhoods 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.

Impacts to the environment that might result with implementation of the Project were analyzed in the CPE Checklist according to the project’s potential impacts upon the specific setting for each environmental topic, clearly stated significance criteria, and substantial evidence in the form of topic-specific analyses. Consistent with CEQA Guidelines Section 15130, the CPE Checklist also includes analysis of the proposed project’s potential cumulative impacts for each environmental topic. The CPE Checklist prepared for the Project evaluates its potential project-specific environmental effects and incorporates by reference information contained in the Eastern Neighborhoods PEIR. Project-specific studies related to historical resources, transportation, noise, and wind were prepared for the Project to determine if it would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

The CPE Checklist determined that the proposed project would not have a significant impact that was not previously identified in the Eastern Neighborhoods PEIR for all CEQA Guidelines Appendix G environmental topics. The CPE Checklist identified (and updated as needed to conform with current Planning Department practices) five Mitigation Measures from the Eastern Neighborhoods PEIR to be applied to the Project to avoid impacts previously identified in the PEIR with regard to archeological resources, noise, and hazardous materials. Additionally, per CEQA Guidelines 15183, “(a)n effect of a

project on the environment shall not be considered peculiar to the project or the parcel...if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects.”

As discussed on page 8 of the CPE Checklist, 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 have or will implement mitigation measures or further reduce less-than-significant impacts identified in the PEIR. These include, but are not limited to:

- State statute regarding Aesthetics, Parking Impacts, effective January 2014, and state statute and Planning Commission resolution regarding automobile delay, and vehicle miles traveled, (VMT) effective March 2016 (see CPE checklist page 10);
- The adoption of 2016 interim controls in the Mission District requiring additional information and analysis regarding housing affordability, displacement, loss of PDR and other analyses, effective January 2016;
- 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, the Transportation Sustainability Program process, and state statute and Planning Commission resolution regarding automobile delay, and vehicle miles traveled (VMT) effective March 2016 (see CPE Checklist section “Transportation and Circulation” starting on page 18);
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses Near Places of Entertainment effective June 2015 (see Checklist section “Noise”);
- San Francisco ordinances establishing Construction Dust Control, effective July 2008 (see CPE Checklist section “Air Quality” starting on page 32) and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014;
- 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 CPE Checklist section “Recreation” starting on page 38);
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see CPE Checklist section “Utilities and Service Systems” starting on page 40);
- Article 22A of the Health Code amendments addressing soil and groundwater contamination, effective August 2013 (see CPE Checklist section “Hazardous Materials” starting on page 45); and
- San Francisco’s “Strategies to Address Greenhouse Gas Emissions”, a greenhouse gas (GHG) emissions reduction strategy prepared November 2010 (See CPE Checklist section “Greenhouse Gas Emissions” starting on page 34).

In summary, project-level environmental review was conducted, as documented in the CPE Checklist, in accordance with CEQA Guidelines 15183, which limits any further environmental review for projects, like 1515 South Van Ness Avenue, 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 and that were not disclosed as significant effects in the prior EIR. The environmental analysis in the CPE Checklist concluded that, with the incorporation of mitigation measures from the Eastern Neighborhoods PEIR and implementation of uniformly applied development policies and standards, there would not be any project-specific effects that are peculiar to the project or its site and that were not disclosed as significant effects in the Eastern Neighborhoods PEIR. Therefore, per CEQA Guidelines Section 15183, no further environmental review may be required, and a Community Plan Exemption was issued based on the environmental analysis in the CPE Checklist.

Per CEQA Guidelines Section 15183, if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR *or* can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR **shall not** be prepared for the project solely on the basis of that impact.

Concern 1 alleges that substantial changes with respect to the circumstances under which the Eastern Neighborhoods Area Plans has been undertaken have occurred, including growth that has exceeded that which was considered in the Eastern Neighborhoods PEIR, the pace of that growth, impacts associated with displacement of existing residents and businesses, and the establishment of the Calle 24 Latino Cultural District. Concern 1 also alleges that there have been substantial increases in the severity of previously identified significant effects including (as noted above), in relation to traffic and transit, parking, air quality, loss of PDR space, hazardous materials, and cultural resources. These concerns are responded to as follows:

#### Population and Housing

In its assertion that the Eastern Neighborhoods PEIR no longer fully discloses the cumulative impacts of Eastern Neighborhood projects, the Appellant states on page 2 of his Appeal Letter (Attachment A):

“The PEIR's projections for housing, including this project and those in the pipeline, have been exceeded when cumulative impacts are considered, i.e., ‘past, present, and reasonably foreseeable probable future projects.’(Guidelines, § 15355)”

The Appeal Letter incorporates by reference a letter submitted by the Appellant to the Planning Commission on August 3, 2016, which states:

“The cumulative housing production in the Mission (built and in the pipeline) now exceeds projections under any of the three scenarios envisioned when the Eastern Neighborhoods Plan [was] created. According to Planning Department Data projects containing 2,451 housing units have either been completed or are under environmental review as of 2/23/16. Option A of the PEIR envisioned 782 units, Option B 1,118 units and

Option C 2[,]054 units, with a Preferred Project at 1[,]696 units.” (page 51 in file “Appeal Ltr 091216.pdf” on the cd disk or online as part of Board of Supervisors File No. 161001)

“The proposed project at 1515 South Van Ness Avenue consists of approximately 159 units, of which 19, [are below] "market rate". These units will cater to residents earning 200% AMI, as compared to the 50% AMI of the residents of the immediate area. There are numerous other market rate projects currently in the pipeline within the LCD that will likewise impact the neighborhood. They are: 2675 Folsom Street (98 "market rate" units), 3314 Cesar Chavez (52 units), 2600 Harrison St. (20), 2799 24th St. (8), and 3357 26th St. (8). Proposed projects immediately adjacent to the LCD are: 1198 Valencia St. (52 units), 2918 Mission St. (38), 1298 Valencia St. (35), 2600 Mission (20). Two blocks from the LCD is 2000-2070 Bryant Street (195 units), giving a total of 666 "market rate" units in the immediate area. Proper assessment of the proposed project therefore requires examination of the cumulative impacts of the above listed projects.” (page 46 in file “Appeal Ltr 091216.pdf” on the cd disk or online as part of Board of Supervisors File No. 161001)

The status of development and population growth under in the Eastern Neighborhoods Plans and the Mission Plan Area as of February 23, 2016 is discussed under “Changes in the Physical Environment” on pages 8 and 10 of the CPE Checklist. The discussion begins by noting that the Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plans could result in an increase of approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) through the year 2025, resulting in a total population increase of approximately 23,900 to 33,000 people.

Nowhere in the Eastern Neighborhoods PEIR is it stated or implied that the projections were intended as a cap or limit to growth within the areas that would be subject to the Eastern Neighborhoods Plans. The growth projections were based upon the best estimates available at the time the Eastern Neighborhoods PEIR was prepared. Regardless, and as discussed below, growth under the Eastern Neighborhoods Plans to date has not exceeded the growth projections used to support the environmental impact analysis in the Eastern Neighborhoods PEIR. As of February 23, 2016, projects containing 9,749 dwelling units and 2,807,952 square feet of non-residential space (excluding PDR loss) have completed environmental review or are currently undergoing environmental review within the Eastern Neighborhoods plan areas, corresponding to an overall population increase of approximately 23,760 to 25,330 persons. Of the 9,749 dwelling units that are under review or have completed environmental review, building permits have been pulled for 4,829 dwelling units,<sup>4</sup> or approximately 50 percent of those units (information is not

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<sup>4</sup> This number includes all units approved under CEQA for projects anticipated by the Eastern Neighborhoods PEIR (including CPEs and other types of CEQA documents). Once a project has been approved under CEQA, the building permit process must still

available regarding building permits for non-residential square footage). Thus, the number of units approved, let alone constructed, is well below the PEIR projection. The discussion in the CPE Checklist notes that the Eastern Neighborhoods PEIR projected that implementation of the Mission Area Plan could result in an increase of 800 to 2,100 net dwelling units and 700,000 to 3,500,000 sf of non-residential space (excluding PDR loss), corresponding to an overall population increase of approximately 4,720 to 12,210 persons. As of February 23, 2016, projects containing 2,451 dwelling units and 355,842 square feet of non-residential space (excluding PDR loss), including the 1515 South Van Ness Avenue project, had been completed, approved or are proposed to complete environmental review within the Mission Plan Area, corresponding to an overall population increase of 8,765 to 10,650 persons. Of the 2,451 dwelling units that are under review or have completed environmental review, building permits have been pulled for 1,340 dwelling units, or approximately 55 percent of those units, well below the PEIR projection.

The growth projections were used as analytical tool in the PEIR to contextualize the potential environmental impacts of the Eastern Neighborhoods Area Plans. The PEIR assumed a total amount of development resulting from the Eastern Neighborhoods Area Plans consisting of all development types (residential, commercial, etc.) and analyzed impacts based on this total development amount. Although the number of foreseeable dwelling units in the Mission plan area may exceed the range of residential development anticipated by the Eastern Neighborhoods PEIR by approximately 350 dwelling units (should all proposed projects be approved and constructed), the total amount of foreseeable non-residential space is well below the maximum evaluated in the Eastern Neighborhoods PEIR, as is the overall population increase. Therefore, while more residential development has occurred, less non-residential development has occurred, and the total development amount and estimated population increase assumed in the PEIR has not been exceeded.

The CPE Checklist on page 10 correctly concluded:

“In summary, projects proposed within the Eastern Neighborhoods Plan Areas have not exceeded the overall population growth that was projected in the Eastern Neighborhoods PEIR; therefore, foreseeable growth within the plan areas do not present substantial new information that was not known at the time of the PEIR and would not result in new significant environmental impacts or substantially more severe adverse impacts than discussed in the PEIR.”

As pointed out on page 10 of the CPE Checklist, the Eastern Neighborhoods PEIR utilized growth projections to analyze the physical environmental impacts that could result from development under the Eastern Neighborhoods Plan on Land Use; Population, Housing, Business Activity, and Employment;

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be completed. When used in the context of a building permit, the term “pulled” encompasses the different levels of review a permit undergoes from when it is filed (application accepted) to complete (project has been constructed). According to Current Planning staff, projects that are under construction can take up to two years before they are completed and ready for occupancy.

Transportation; Noise; Air Quality; Parks, Recreation, and Open Space; Utilities/Public Services; and Water.

However, the CPE checklist 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 checklist is based on updated growth projections and related modelling to evaluate project-level and cumulative impacts on traffic and transportation, air quality, and greenhouse gases.

For example, as discussed on page 19 of the CPE Checklist, the projected transportation conditions and cumulative effects of project buildout analyzed in the Eastern Neighborhoods PEIR were based on a 2025 horizon year. However, in 2015, the Planning Department updated its cumulative transportation impact analysis for all projects to use a 2040 horizon year. Therefore, the project-specific cumulative transportation impact analysis presented in the CPE Checklist conducted to determine whether the proposed project would result in new or substantially more severe significant impacts than previously disclosed is based on updated growth projections through year 2040. San Francisco 2040 cumulative conditions were projected using a run of 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.

As another example, as discussed on page 33 of the CPE Checklist, the Project's air quality impacts were screened using screening criteria established by the Bay Area Air Quality District in 2011 and screened using the City's Air Pollutant Exposure Zone mapping. The exposure zone mapping is based on modeling in 2012 of all known air pollutant sources, provides health protective standards for cumulative PM2.5 concentration and cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. As discussed on page 35 of the CPE Checklist, the Project's greenhouse gas emissions impacts were evaluated against consistency with San Francisco's GHG Reduction Strategy, a strategy that has resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels, exceeding the year 2020 reduction goals outlined in the BAAQMD's 2010 Clean Air Plan

#### Loss of PDR

The Appeal incorporates by reference a letter submitted by the Appellant to Planning Staff on October 23, 2015, which includes a reference to the "excessive conversion of PDR uses" not anticipated by the Eastern Neighborhoods PEIR (page 486 in file "Appeal Ltr 091216.pdf" on the cd disk or online as part of Board of Supervisors File No. 161001).

"Accordingly, there is significant new information that was not anticipated at the time the Programmatic EIR was prepared. This includes, but is not limited to: ...5) The excessive conversion of PDR."

The loss of PDR space resulting from implementation of the Eastern Neighborhoods Plans was found to be a significant and unavoidable impact in the Eastern Neighborhoods PEIR. The Eastern Neighborhoods

PEIR analyzed a range of potential rezoning options and considered the effects of losing between approximately 520,000 to 4,930,000 square feet of PDR space in the Plan Area through the 2025 (compared to an estimated loss of approximately 4,620,000 square feet of PDR space in the Plan Area under the No Project alternative). As of February 23, 2016, projects resulting in the removal of 1,715,001 and 273,073 net square feet of PDR space within the Eastern Neighborhoods and Mission Plan areas, respectively, have completed or are proposed to complete environmental review. Therefore, the potential loss of PDR space from development completed and proposed since adoption of the Eastern Neighborhoods Plan is well within the range assumed in the PEIR of 520,000 to 4,930,000 square feet.

Moreover, neither the Eastern Neighborhoods Area Plans nor the Eastern Neighborhoods PEIR caps the conversion of PDR at 4,930,000 square feet. The loss of 520,000 to 4,930,000 square feet of PDR loss assumed in the PEIR is a projection that the Planning Department used to evaluate whether adoption of the Plan would have a significant impact on land use. The validity of the PEIR does not depend on actual build out under the adopted plan precisely tracking with the growth projections underlying the analysis. For the purposes of CEQA, it is sufficient that the PEIR disclosed that adoption of the plan would have a significant and unavoidable cumulative impact on land use due to the loss of PDR space. The loss of PDR space was the central issue of the Eastern Neighborhoods PEIR and adoption of the Eastern Neighborhoods Area Plans. It was the subject of substantial public comment and review, and of lengthy public hearings before the Planning Commission and the Board of Supervisors. Even if PDR loss exceeded the projections used to evaluate land use impacts in the PEIR, which is not the case, it would not follow that major revisions to the Eastern Neighborhoods PEIR would be required in order to inform the public and decision-makers about the impacts of the Eastern Neighborhoods Area Plans on land use due to the loss of PDR.

As discussed on page 12 of the CPE Checklist, development of the proposed project would result in the net loss of approximately 31,680 square feet of PDR building space. The Project site was zoned NC-3 (Moderate-Scale Neighborhood Commercial District) prior to the rezoning of Eastern Neighborhoods, which did not encourage PDR uses and was rezoned to Mission Street NCT (Neighborhood Commercial Transit), which does not allow PDR uses. Moreover, the PDR business that vacated the Project site in December 2015, McMillan Electric a local electrical contractor, has relocated to a new location at 1950 Cesar Chavez Street in San Francisco, which means the existing PDR business remains in operation within San Francisco, and in close proximity to its prior location. The Project would also include six ground floor trade shop spaces ranging from 630 to 760 square feet each (approximately 4,200 square feet total). The spaces are anticipated to be retail units with some reserved space for goods production (e.g., jewelry making, bag making, ceramics). As determined on page 13 of the CPE Checklist, the conversion of the existing PDR use to a mixed-use residential use would not contribute to the significant and unavoidable cumulative land use impact identified in the Eastern Neighborhoods PEIR.

Housing Prices, Changing Economic Conditions and Displacement

The Appellant asserts that the high cost of housing and consequent displacement of residents and businesses represent substantial changes to the circumstances considered in the Eastern Neighborhoods PEIR. In his August 3, 2016, letter to the Planning Commission (Appeal Letter Exhibit D), the Appellant states: (see page 49 in file "Appeal Ltr 091216.pdf" on the cd disk or online as part of Board of Supervisors File No. 161001)

"Unfortunately, circumstances have rendered the 2008 PEIR out of date and it cannot be a reliable measure of environmental impacts of market rate development in the Mission. It is well recognized that the Mission has already experienced extensive displacement of its residents, so much so, that it is now in an advanced stage [of] gentrification."

In his August 3, 2015 letter, the Appellant also provides a bullet list of seven items as evidence of changing demographics and economic conditions in the Eastern Neighborhoods and Mission Plan areas purported to represent changed circumstances not considered by the Eastern Neighborhoods PEIR. The Appellant states on page 3 of his Appeal letter (Attachment A):

"...Potential impacts due to gentrification and displacement to businesses, residents, and nonprofits within the LCD, including impacts to cultural and historic resources, health and safety and increased traffic due to reverse commutes and shuttle buses have not been considered."

A number of studies and reports are attached to the Appellant's letter relating to gentrification and displacement in the Mission District<sup>5</sup> and to issues such as the health effects of gentrification,<sup>6</sup> the effects

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<sup>5</sup> For example, "Displacement in the Mission District," City and County of San Francisco Board of Supervisors, Budget and Legislative Analyst, October 27, 2015 (pages 439 through 482 or Mr. Weaver's letter on cd disk); "Analysis of Small Business Displacement," City and County of San Francisco Board of Supervisors, Budget and Legislative Analyst, October 10, 2014 (pages 206 through 224); "Case Study on Gentrification and Displacement Pressures in the Mission District of San Francisco, CA," Center for Community Innovation, University of California, Berkeley, June 2015 (pages 298 through 340); and "Housing Production, filtering and Displacement: Untangling the Relationships," Institute of Governmental Studies, University of California, Berkeley, May 2016 (pages 341 through 352).

<sup>6</sup> For example, "The Public Health Costs of Traffic Congestion," Harvard School of Public Health, 2010 (pages 279 through 297 of Mr. Weaver's letter on the cd disk ).



of long-distance commuting,<sup>7</sup> and an examination as to whether wealthier individuals own more cars and drive more.<sup>8</sup>

While the studies relating to gentrification and displacement in the Mission District present a discussion of whether or not displacement is occurring, it presents no information tying the cause of displacement to the 1515 South Van Ness Avenue Project or to the Eastern Neighborhoods Rezoning and Area Plans, nor do they demonstrate that displacement has resulted in new or substantially more severe significant impacts on the physical environment than were disclosed in the Eastern Neighborhoods PEIR.

Citing CEQA Guidelines Section 15064(e) the Appellant argues: “Should the project proceed, it will cause significant economic and social changes in the immediate area that will result in physical changes, not the least of which is displacement of residents and business which will affect air quality, traffic and transportation as negative impacts on the Cultural District (See CEQA guidelines, 15604(e)).”

Pursuant to CEQA Guidelines Sections 15131 and 15064(e), economic and social impacts are separate from environmental impacts and generally not studied in environmental analyses unless there is substantial evidence of related physical impacts on the environment. Section 15064(e) states in part:

Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project.

Substantial evidence is not provided in the Appeal as to how and in what way displacement results in a physical impact on the Project’s environmental setting. Nor is substantial evidence provided to support the assertion that the development of new housing units pursuant to the Eastern Neighborhoods or Mission Area Plans are causing displacement. In particular, the Appellant does not establish a causal link between gentrification and displacement and the Project, or to a significant environmental impact that would result with implementation of the Project that was not previously considered in the Eastern Neighborhoods PEIR. Regardless, the Appellant alleges that impacts upon air quality, greenhouse gases, traffic and transportation will result. The Project’s potential impacts with regard to each of these topics are analyzed in the CPE Checklist on the basis of information and data prepared by qualified consultants

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<sup>7</sup> For example, “*Transit Oriented Development and Affordable Housing*,” Association of Bay Area Governments, No Date (pages 243 through 278 of Mr. Weaver’s letter on the cd disk ).

<sup>8</sup> “*Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy*,” California Housing Partnership Corporation, No Date (pages 226 through 240 of Mr. Weaver’s letter on the cd disk).

and the Appellant provides no substantial evidence to support his claim. Mitigation measures from the Eastern Neighborhoods PEIR and uniformly applied development standards and policies have been imposed on the project as determined appropriate.

In regards to the Appellant's comment that displaced businesses merit consideration under CEQA, the CPE Checklist provides a complete analysis of the effects of removing the existing structures at the project site, including potential impacts with regards to hazardous materials, loss of historic resources, and construction traffic and noise, and air quality. The CPE imposes mitigation measures from the Eastern Neighborhoods PEIR as appropriate for control of hazardous materials during and after demolition and construction noise.

Finally, Section IV.D of the Eastern Neighborhoods PEIR provides an analysis of potential impacts related to population, housing, business activity and employment according to whether the rezoning options would:

- Induce substantial growth or concentration of population,
- Displace a large number of people (involving either housing or employment), or
- Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply.

As discussed above, the Eastern Neighborhoods PEIR notes that economic or social effects of a project are not treated as significant effects on the environment unless social or economic changes brought about by a project result in substantial adverse physical changes. The Eastern Neighborhoods PEIR evaluates the potential of the proposed rezoning options to displace existing residents and businesses (see pages 243 through 249 of the PEIR). On page 249, the Eastern Neighborhoods PEIR concludes that "the increase in population that would be expected to occur as a secondary effect of the proposed rezoning and adoption of the proposed area plans would not, in itself result in adverse physical effects, and would serve to advance some key City policy objectives..." With regard to residential displacement, the Eastern Neighborhoods PEIR states on page 250 that:

"none of the proposed project options would directly result in displacement of residents...each of the proposed rezoning options would result in less displacement as a result of housing demand than otherwise expected under the No-Project scenario, because the addition of more new housing in the Eastern neighborhoods would provide some relief for housing market pressures without directly affecting existing residents."

With regards to the displacement of businesses, the Eastern Neighborhoods PEIR similarly concludes on page 250 that

"none of the proposed project options would directly result in displacement of businesses or employment. However, all of the proposed rezoning options would reduce

the land supply otherwise available under existing zoning and No-Project conditions for PDR uses, contributing to eventual displacement of some existing PDR business activity and employment.”

Thus, the Eastern Neighborhoods PEIR disclosed potential impacts with regards to residential and business displacement with the rezoning options but determined they would be less-than-significant in terms of the three criteria noted above.

### Traffic

In his October 23, 2015 letter to the Planning Department, incorporated in Exhibit D in the Appeal Letter, the Appellant states: (see page 486 in file “Appeal Ltr 091216.pdf” on the cd disk or online as part of Board of Supervisors File No. 161001)

“Traffic and parking are also a significant issue. The project site is one half block away from Cesar Chavez Street, a major thoroughfare used by commuters going to or from Highways 101, 280 and Bayshore Boulevard. South Van Ness Avenue is also a major thoroughfare for those traveling in a northerly or southerly direction. The addition of 160 new households will significantly increase traffic along these corridors, and exacerbate parking in the neighborhood. The Department should also consider alternative measures for mitigation of these impacts.”

Additionally, as discussed above, the Appellant notes several “transportation scenarios” not anticipated by the Eastern Neighborhoods PEIR, including “increased traffic due to reverse commutes and shuttle buses” and “upper income residents” who allegedly “are twice as likely to own a car and half as likely to use public transit.” No substantial evidence was presented in support of these allegations.

The travel demand analysis methodology employed in the Eastern Neighborhoods PEIR is provided on pages 267 through 269 of the PEIR. Briefly, the analysis relied upon the San Francisco County Transportation Authority (SFCTA) countywide travel demand forecasting model to develop forecasts for development and growth under the No Project and three zoning options (A, B and C) through the year 2025 in the Eastern Neighborhoods study area. This approach took into account both future development expected within the boundary of the Eastern Neighborhoods Area Plans and the expected growth in housing and employment for the remainder of San Francisco and the nine-county Bay Area. Growth forecasts were prepared for each traffic analysis zone (or TAZ) in the Eastern Neighborhoods study area and the remainder of the City. As the Eastern Neighborhoods PEIR points out on page 268,

“[n]o separate cumulative model run was undertaken, because, as noted, the 2025 forecasts developed by the Planning Department include growth in the remainder of San Francisco, as well as in the rest of the Bay Area. Thus, each rezoning option effectively is [sic] represents a different cumulative growth scenario for the year 2025, including growth from development that would occur with implementation of the proposed

Eastern Neighborhoods Rezoning and Area Plans, as well as other, non-project-generated growth accounted for in the 2025 No-Project scenario.”

As pointed out on page 19 of the CPE Certificate for the Project, significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for transportation and circulation (specifically, traffic and transit).<sup>9</sup> The Appellant provides no evidence that traffic conditions in the area of the Project today represent “changed circumstances” necessitating further environmental review beyond what was conducted in the CPE Checklist, nor does he identify specific significant transportation and circulation impacts that would result from the Project that were not already analyzed in the PEIR.

As stated on page 23 of the CPE Checklist, the Project’s potential impacts with respect to transportation and circulation were analyzed and presented in a comprehensive Transportation Impact Study (see footnote 26 on page 23). As discussed on page 19 of the CPE Checklist, the projected transportation conditions and cumulative effects of project buildout analyzed in the Eastern Neighborhoods PEIR were based on a 2025 horizon year. However, in 2015, the Planning Department updated its cumulative transportation impact analysis for all projects to use a 2040 horizon year. Therefore, the project-specific cumulative transportation impact analysis presented in the CPE Checklist conducted to determine whether the proposed project would result in new or substantially more severe significant impacts than previously disclosed is based on updated growth projections through year 2040. San Francisco 2040 cumulative conditions were projected using a SF-CHAMP model run and includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040.

The potential transportation and circulation impacts of the Project are evaluated under Topic 4 of the CPE Checklist (pages 18 through 29). As discussed on page 10-11 and 19 of the CPE Checklist, the City (with the Planning Commission’s adoption of resolution 19579 on March 3, 2016) no longer considers automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, to be a significant impact on the environment under CEQA. Consistent with resolution 19579, the CPE Checklist provides an analysis of the Project’s anticipated project-specific and cumulative contribution to Vehicle Miles Travelled (VMT) and induced automobile travel. In both instances, the analysis determined that the Project would not result in a significant project-specific or cumulative impact. Similarly and as also discussed on page 10 of the CPE Checklist (under Aesthetics and Parking), the Project qualifies as an infill project: it is in a transit priority area, it is on an infill site, and it is a mixed-use residential project. Consistent with CEQA Section 21099, aesthetics and parking are not considered as significant environmental effects for such infill projects.

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<sup>9</sup> In other words, the Eastern Neighborhoods PEIR did anticipate significant and unavoidable impacts related to traffic congestion and transit (see pages S-17 through S-22).

The Transportation and Circulation section provides a comprehensive analysis of the Project's anticipated trip generation and its potential effects on transit, pedestrians, bicyclists, loading, and construction traffic. The analysis is based upon the Transportation Impact Study (TIS) prepared for the proposed project (as stated above) and the analysis and conclusions presented in the Eastern Neighborhoods PEIR. On the basis of the substantial evidence provided by the TIS and an analysis of the Project's potential transportation and circulation effects in relation to the Eastern Neighborhoods PEIR, the CPE Checklist concluded (on page 29) that the Project "would not result in significant 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."

the Appellant's contention that the environmental analysis in the CPE Checklist is flawed because the Eastern Neighborhoods PEIR did not consider traffic and transportation effects resulting from displacement is not based upon substantial evidence; the various reports and studies included with the Appellant's letter do not provide specific technical analysis connecting displacement in the Mission District with observable traffic and transportation effects (noting again that traffic congestion is no longer considered an impact under CEQA).

#### Calle 24 Latino Cultural District

The Appellant states on page 2 of his Appeal Letter (Attachment A):

"The CEQA findings did not take into account the potential impacts of the Proposed Project on the Calle 24 Latino Cultural District (LCD), which was not designated at the time the PEIR was prepared.

Pages 15 through 17 of the CPE checklist provide a comprehensive analysis of the Project's potential impacts with respect to Historic Architectural Resources. The analysis is based on the Historic Resources Evaluation (HRE) prepared by Bridget Maley, a qualified historic resource consultant and additional research conducted by Planning Department Preservation staff (See footnotes 13 and 14 on page 15 of the CPE Checklist). Substantial evidence provided by the HRE and Preservation Team Review forms an analysis of the Project's potential historic architectural resources effects in relation to the Eastern Neighborhoods PEIR. Based on that evidence, the CPE Checklist correctly concluded (on page 17) that the Project "would not result in significant impacts on historic architectural resources that were not identified in the Eastern Neighborhoods PEIR."

As discussed on page 16-17 of the CPE Checklist, the Project is located within the Calle 24 Latino Cultural District. The Calle 24 Latino Cultural District Report on the Community Planning Process Report (Calle 24 LCD Report) (incorporated in Exhibit D in the Appeal Letter, page 179 in file "Appeal Ltr 091216.pdf" on the cd disk or online as part of Board of Supervisors File No. 161001) defines a cultural district as a region and community linked together by similar cultural or heritage assets, and offering a visitor experiences that showcase those resources. The Calle 24 LCD Report in Appendix L identifies a number

of cultural assets and art within the LCD. The list of these cultural assets fall under the following themes: (1) Cultural Events; (2) Arts and Culture - Installations and Public Art, Organizations and Venues, and Retail; (3) Religion; Services and Non-Profits; (4) Food and Culinary Arts; and (5) Parks.

The purpose of the Calle 24 LCD is to recognize, promote, and preserve cultural assets of the LCD. However, the Calle 24 LCD is not a historic district and, as such, is not a historic resource as defined by CEQA. Unlike historic districts that are locally designated or listed on the National or State registers, the LCD was not established through a formal survey by a consultant or Planning Department staff member meeting the Secretary of the Interior's Professional Standards. The LCD Report does not include a statement of significance addressing eligibility for listing on either the California or National Registers, nor was the LCD adopted as a historic district by the Historic Preservation Commission. While there may be properties within the LCD that may qualify as historic resources, either individually or as part of smaller potential historic districts, under CEQA the Calle 24 LCD is not a historic district under CEQA.

The South Mission Historic Resource Survey (adopted in 2011) surveyed the area within the LCD and did identify several smaller potential historic districts within the LCD boundaries that include the national register-eligible Shotwell Street Victoriana and the following California register-eligible historic districts: South Mission Avenues and Alleys; East Mission Florida-to-Hampshire Streets; Horner's Addition East; Gottlieb Knopf Block; Von Schroeder-Welsh Block; 23rd Street Shops and Row-Houses; Alabama Street Pioneers; Hampshire Street False-Fronts; Juri Street; Olsen's Queen Anne Cottages; O'Donnell-Fowler Homes; and Orange Alley Stables and Lofts. The project site is not located within or near any of those national register-eligible or California register-eligible historic districts and as such, will not cause an impact to these historic districts.

As discussed on page 17 of the CPE Checklist, the existing building was vacated in December 2015 by McMillan Electric, an electrical contractor business that has since moved to a new location at 1950 Cesar Chavez Street in San Francisco. The existing building and its use are not listed as cultural assets in the Calle 24 LCD Report nor do the uses fall under any of the cultural asset themes presented in the Calle 24 LCD Report. Therefore, even if displacement of a cultural asset would result in a significant impact on the environment under CEQA, the proposed project would not displace a cultural asset.

In its August 3, 2016 letter to the Planning Commission (see page 50 of file "Appeal Ltr 091216.pdf" on the cd disk or online as part of Board of Supervisors File No. 161001), the Appellant states:

"Notably with respect to this proposed project, the PEIR did not, nor could it have considered the impact of a project on the LCD because the LCD did not exist at the time. Where, as here, the offsite or cumulative impacts were not discussed in the prior PEIR, the exemption provided by Section 15183 does not apply. (See 15183(j))"

First, because the LCD is not a historic resource, as noted above, the creation of the LCD has no impact on the PEIR analysis and is not new information. Second, CEQA Guidelines Section 15183 limits the Project's

environmental review, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. CEQA Guidelines Section 15183(j) states that:

Section 15183 does not affect any requirement to analyze potentially significant offsite or cumulative impacts if these impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.

The environmental analysis in the CPE Checklist was undertaken in accordance with Section 15183, including subsection 15183(j) as cited by the Appellant. The CPE Checklist includes project-specific environmental review, as summarized above, and determines that the project would not result in significant historic architectural resources impacts that: (1) are peculiar to the project or parcel; (2) were not analyzed as significant effects in the Eastern Neighborhoods PEIR; (3) are off-site or cumulative impacts that weren't addressed in the Eastern Neighborhoods PEIR; or (4) are substantially more severe significant impacts than discussed in the Eastern Neighborhoods PEIR. Therefore, per CEQA Guidelines 15183, a Community Plan Exemption was issued and further environmental review shall not be required for the project.

Substantial evidence is not provided in the Appeal to show that the LCD is a historical resource under CEQA, and how and in what way the Project would result in a significant offsite historic architectural resources impact. Nor is substantial evidence provided to support that the Project would result in a significant cumulative impact not discussed in the Eastern Neighborhoods PEIR. The Project's potential impacts with regard to these impacts are analyzed in the CPE Checklist on the basis of information and data prepared by qualified consultants and the Appellant provides no substantial evidence to support his claim.

### Conclusion

On page 3 of the Appeal Letter, the Appellant states: "The City is engaging in a pattern and practice of approving residential projects in the Mission based on 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 is incorrect. The Planning Department properly relies upon CEQA Guidelines Section 15183 to determine if additional environmental review is required for projects that are consistent with the development density established under existing zoning, community plans, or general plan policies, including the Eastern Neighborhoods Plan, for which an EIR was certified. In accordance with this provision of the CEQA Guidelines, additional environmental review **shall not** be required for such projects except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. The project-level environmental review in the CPE Checklist determined that the Project would not result in significant effects which are peculiar to the project or its site that were not previously disclosed in the Eastern Neighborhoods PEIR.

The Appellant does not provide substantial evidence to support the contention that the Project would result in significant effects which are peculiar to the project or its site and that were not previously disclosed in the Eastern Neighborhoods PEIR. The Eastern Neighborhoods PEIR did consider the effects of displacement of residents and businesses as a result of the rezoning options considered and found those impacts to be less-than-significant. Contrary to the Appellant's assertion, growth in the Eastern Neighborhoods and Mission Plan areas (as measured by dwelling units and population) do not represent a new significant environmental effect or increased severity of an environmental effect analyzed in the Eastern Neighborhoods PEIR, such that a project-specific EIR would need to be prepared.

**Concern 2:** 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.

**Response 2:** The Appellant's contentions concerning community benefits are not valid grounds for an appeal of the CPE because they do not demonstrate that the Project would result in significant effects which are peculiar to the project or its site that were not disclosed in the Eastern Neighborhoods PEIR.

As stated above, CEQA Section 21083.3 and CEQA Guidelines Section 15183 mandate that projects that are consistent with the development density established under existing zoning, community plans, or general plan policies for which an EIR was certified shall not require 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. The Appellant's contentions concerning the funding and implementation of community benefits do not demonstrate that the project would result in significant effects which are peculiar to the project or its site that were not disclosed in the Eastern Neighborhoods PEIR. Therefore, these contentions do not form a valid ground for an appeal of the determination that the project qualifies for a CPE. For informational purposes, however, 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 is provided.

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, as an informational item considered by the Planning Commission at the time of the original Eastern Neighborhoods Plans approvals in 2008, 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*.<sup>10</sup>  
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.

Some of the benefits were to be provided through requirements that would be included in changes to the Planning Code. For example, Planning Code Section 423 (Eastern Neighborhoods Community Infrastructure Impact Fee) fees are collected for “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.

The current list of public benefit projects are is provided as Attachment C to this Appeal Response. The Appellant’s assertion that “the claimed benefits to override impacts outlined in the PEIR are not supported,” stating that benefits have not been have not been fully funded, implemented, or are underperforming, is incorrect. The Attachment C list shows that of the 66 capital projects that currently comprise the Public Benefits Program, 10 are complete, 16 are under construction, six are fully funded and awaiting construction, and the remaining 34 are in various stages of planning.

In terms of the process for implementing the Public Benefits Program, new development within the Eastern Neighborhoods Plan area, including the 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), which are collected to fund approximately 30 percent of the infrastructure improvements planned within the Eastern Neighborhoods Plan area. Additional funding mechanisms for infrastructure improvements are identified through the City’s 10-year Capital Plan. Eighty 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

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<sup>10</sup> San Francisco Planning Department, *Materials for Eastern Neighborhoods Area Plans Initiation Hearing*, Case No. 2004.0160EMTUZ. April 17, 2008. Accessed August 22, 2016 at: <http://sf-planning.org/sites/default/files/FileCenter/Documents/1507VOL3 - Implementation.pdf>

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. Additionally, 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 January 2015 Planning Department's Interagency Plan Implementation Committee Annual Report,<sup>11</sup> the Planning Department forecasts that pipeline projects, including the proposed project, would contribute approximately \$79.6 million in impact fee revenue within the Eastern Neighborhoods Plan area between 2016 and 2020.

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 this will shall be 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 intended 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 Checklist provides further information regarding improvements within the Eastern Neighborhoods Plan Area. In regards to transit, as discussed on page 24 of the CPE Checklist, 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 (see discussion on page 24 of the CPE Checklist). In regards to recreation, the funding and planning for several Eastern Neighborhoods parks and open space resources is discussed on page 39 of the CPE Checklist.

Thus, based on the evidence provided, the public benefits included in the Public Benefits Program are in the process of being provided under the Eastern Neighborhoods Area Plans. 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. The Appellant's assertion that the provision of community benefits is so deficient as to render the environmental determinations in the Eastern Neighborhoods PEIR invalid is not supported by substantial evidence. As described above, the CPE does provide an up-to-date description of the provision of transportation and recreation community

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<sup>11</sup> City and County of San Francisco, Interagency Plan Implementation Committee Annual Report, website: [http://www.sf-planning.org/ftp/files/plans-and-programs/plan-implementation/2011\\_IPIC%20Report\\_FINAL.pdf](http://www.sf-planning.org/ftp/files/plans-and-programs/plan-implementation/2011_IPIC%20Report_FINAL.pdf), January 2015.

benefits. For these and other impact analyses, the CPE properly concludes that the Project would not result in a significant impact not previously identified in the Eastern Neighborhoods PEIR.

**Concern 3:** The CEQA findings are inadequate and incomplete, fail to adequately describe the Project's components and are not supported by substantial evidence.

**Response 3:** The CEQA findings adopted by the Planning Commission on August 11, 2016 as part of the Commission's approval of the Conditional Use Authorization and Planned Unit Development for the Project are not subject to appeal under San Francisco Administrative Code Section 31.16(e)(3).

Per San Francisco Administrative Code Section 31.16(e)(3), the grounds for appeal of a CEQA exemption determination are limited to whether the project conforms to the requirements of CEQA for an exemption. The CEQA findings are a part of the Project approval action, which is not before the Board of Supervisors in this appeal of the Community Plan Exemption. Regardless, neither state law nor Chapter 31 of the Administrative Code requires that any findings be made for an exemption determination, including a Community Plan Exemption. Detailed CEQA findings are required to be made only when an EIR has been prepared, there are significant unmitigated environmental impacts associated with the project, and the agency decides to approve the project despite those impacts, pursuant to CEQA Guidelines Section 15091.

**Concern 4:** The Project is inconsistent with the General Plan and the Mission Area Plan.

**Response 4:** The 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.

On page 3 of the Appeal Letter (Attachment A), the Appellant states "The Proposed Project is inconsistent with the General Plan and the Mission Area Plan." In the Appellant's August 3, 2016 letter to the Planning Commission (see page 53-54 in file "Appeal Ltr 091216.pdf" on the cd disk or online as part of Board of Supervisors File No. 161001), he states:

"In evaluating the desirability of the proposed project, the Commission should evaluate it in light of its inconsistency with the objectives of the Eastern Neighborhoods and Mission Plans. The EIR for the Eastern Neighborhoods Plan reflected the Eastern Neighborhood objectives as follows:

- *Reflect Local Values:* To develop a rezoning proposal that reflects the land use needs and priorities of each neighborhoods' stakeholders and that meets citywide goals for residential and industrial land use.
- *Increase Housing:* To identify appropriate locations for housing in the City's industrially zoned land to meet a citywide need for more housing, and affordable housing in particular. (emphasis supplied)

- *Maintain Some Industrial Land Supply:* To retain an adequate supply of industrial land to meet the current and future needs of the City's production, distribution, and repair businesses and the city's economy.
- *Improve the Quality of All Existing Areas with Future Development:* To improve the quality of the residential and nonresidential places that future development will create over that which would occur under the existing zoning.

The Mission Area Plan was even more specific in its land use policy: to protect "established areas of residential, commercial, and PDR, and ensuring that areas that have become mixed-use over time develop in such a way that they contribute positively to the neighborhood. A place for living and working also means a place where affordably priced housing is made available, a diverse array of jobs is protected, and where goods and services are oriented to the needs of the community."

- Mission-wide goals include:
- Increase the amount of affordable housing.
- Preserve and enhance the existing Production, Distribution and Repair businesses.
- Preserve and enhance the unique character of the Mission's distinct commercial areas.
- Minimize displacement."

Topic 1(b) (Land Use and Land Use Planning) of the CPE Checklist 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, significant environmental impacts. The consistency of the Project with those General Plan and Mission Area Plan policies that do not relate to physical environmental issues or result in physical environmental effects (such as those cited above by the Appellant), were considered by the Planning Commission as part of its determination of whether to approve, modify, or disapprove the Project.

As discussed above under Concern 1, the loss of PDR space resulting from implementation of the Eastern Neighborhoods Plan was found to be a significant and unavoidable impact in the Eastern Neighborhoods Plan PEIR. To address that impact, the City created PDR zones in the Eastern Neighborhoods Plan Area, including the Mission Area, in which PDR uses would be protected and competing uses, including residential and office developments, are not permitted, and made findings that the loss of PDR uses and space outside the PDR zoning districts was acceptable and overridden by the other benefits of the Plan.

The Project's contribution to loss of PDR space is disclosed under Topic 1(b) of the CPE Checklist, which provides an analysis of the anticipated loss of PDR evaluated in the Eastern Neighborhoods Plan PEIR on page 12, observing that as of February 23, 2016, projects resulting in the removal of 1,715,001 and 273,073 net square feet of PDR space within the Eastern Neighborhoods Plan and Mission District subarea, respectively, have completed or are proposed to complete environmental review.

As discussed on page 12 of the CPE Checklist, development of the proposed project would result in the net loss of approximately 31,680 square feet of PDR building space. The project site was zoned NC-3 (Moderate-Scale Neighborhood Commercial District) prior to the rezoning of Eastern Neighborhoods, which did not encourage PDR uses and was rezoned to Mission Street NCT (Neighborhood Commercial Transit), which does not permit PDR uses. The Project site was not included as part of the long-term PDR land supply loss in the Eastern Neighborhoods PEIR. The PDR business located on the Project site, McMillan Electric, a local electrical contractor vacated the building in December 2015 and has since moved to a new location at 1950 Cesar Chavez Street in San Francisco. The existing PDR business, therefore remains in operation within San Francisco. The proposed project would also include six ground floor trade shop spaces ranging from 630 to 760 square feet each (approximately 4,200 square feet total). The spaces are anticipated to be retail units with some reserved space for goods production (e.g., jewelry making, bag making, ceramics). The conversion of the existing PDR use to a mixed-use residential use would not contribute considerably to the significant and unavoidable cumulative land use impact identified in the Eastern Neighborhoods PEIR.

The Planning Department's Citywide Planning and Policy Analysis Division determined that the Project was consistent with the General Plan and with the bulk, density, and land uses as envisioned in the Mission Area Plan. The determination further states:

"The Mission Area Plan calls for maximizing development potential in keeping with neighborhood character in Objective 1.2, and strengthening the Missions neighborhood commercial areas in Objective 1.8. The proposed project is consistent with these objectives by providing 157 dwelling units and ground floor retail space. The project also includes 2 bedroom, 1 bedroom, and studio units to satisfy a unit mix, consistent with Objective 2.3. As well, the project provides 150 bicycle parking spaces, which supports Objective 4.7 of the plan, to improve and expand infrastructure for bicycling as an important mode of transportation. As a primarily residential development that includes bicycle parking, and ground floor retail space, the proposed project is consistent with the designation."

The Citywide determination concludes:

"For the purposes of the Citywide Planning and Policy Analysis division, the project is eligible for consideration of a Community Plan Exemption under California Public Resources Code Sections 21159.21, 21159.23, 21159.24, 21081.2, and 21083.3, and/or Section 15183 of the California Environmental Quality Act (CEQA) Guidelines."

As a general matter, the determination of whether a project is consistent with a specific plan or policy can be subjective, and is best made with a broad understanding of the often-competing policy objectives in a planning document. Consequently, policy consistency determinations are ultimately made by the City's decision-making bodies such as the Planning Commission and the Board of Supervisors independent of the environmental review process, as part of the decision to approve or reject the project. In its approval of the Project's Planned Unit Development, the Planning Commission determined that the project is generally consistent with the objectives and policies of the General Plan, including the Mission Area Plan.

Accordingly, the Project would not result in significant impacts on the physical environment due to inconsistent with the General Plan, the Eastern Neighborhoods Plan, or the Mission Subarea Plan that are peculiar to the project or the project site.

**CONCLUSION:**

The Appellant has not demonstrated nor provided substantial evidence to support a claim that the CPE fails to conform to the requirements of CEQA for a community plan exemption pursuant to CEQA Section 21083.3 and CEQA Guidelines Section 15183. The Planning Department conducted necessary studies and analyses, and provided the Commission with the information and documents necessary to make an informed decision, based on substantial evidence in the record, at a noticed public hearing in accordance with the Planning Department's CPE Checklist and standard procedures, and pursuant to CEQA and the CEQA Guidelines. Therefore, the Planning Department respectfully recommends that the Board uphold the Department's determination for the CPE and reject Appellant's appeal.

**ATTACHMENT A**

**J. Scott Weaver**

**Appeal Letter**

**September 12, 2016**

2016 SEP 12 PM 3:27

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September 12, 2016

Clerk, San Francisco Board of Supervisors  
Environmental Review Officer, Bill Wycko  
#1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**Re: Case No. 2014.1020 CUA - 1515 South Van Ness Avenue  
Appeal of the August 11, 2016 Planning Commission Decisions**

Dear Members of the Board of Supervisors and Bill Wycko:

The Calle 24 Latino Cultural District Community Council appeals the following decisions of the Planning Commission made on August 11, 2016 regarding the project proposed for 1515 South Van Ness Avenue ("Proposed Project" hereafter) proposed by applicant Peter Schellenger, LMC San Francisco Holdings, LLC.

- 1) Adoption of a Community Plan Exemption and CEQA findings under Section 15183 of the CEQA guidelines and Public Resources Code Section 21083.3.1

The Final Motion for the relevant appeals is attached as **Exhibit A**. Evidence in support of the appeals is attached as **Exhibits B-D** and is also contained in the letters submitted to the Planning Department objecting to the approval of the Project and the Community Plan Exemption, incorporated here by reference. **Exhibit E** contains the \$578 appeal fee for the CEQA appeal.

- 1. Appeal of the adoption of the Community Plan Exemption and CEQA Findings**



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 Exemption 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 to: land use, consistency with area plans and policies, land use, recreation and open space, traffic and circulation, transit and transportation, health and safety, and impacts relative to the Calle 24 Latino Cultural District.
- The PEIR's projections for housing, including this project and those in the pipeline, have been exceeded when cumulative impacts are considered, i.e., "past, present, and reasonably foreseeable probable future projects." (Guidelines, § 15355)
- 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 CEQA findings did not take into account the potential impacts of the Proposed Project on the Calle 24 Latino Cultural District (LCD), which was

not designated at the time the PEIR was prepared. Potential impacts due to gentrification and displacement to businesses, residents, and nonprofits within the LCD, including impacts to cultural and historic resources, health and safety and increased traffic due to reverse commutes and shuttle busses have not been considered.

- The CEQA findings are inadequate and incomplete and are not supported by substantial evidence.
- The Proposed Project is inconsistent with the General Plan and the Mission Area Plan.

## **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.

## **3. Attempted CU Appeal**

From September 7 to September 12, 2016, Calle 24 Latino Cultural District Community Council (LCDCC) members presented the "Notice to Board of Supervisors of Appeal from Action of the City Planning Commission Form for Conditional Uses" to the members of the Board of Supervisors for their signature pursuant to Planning Code Section 308.1 (b)(ii) and explained the reasons for the appeal. As of September 12, 2016, the due date for the submission of the filing of the Conditional Uses appeal and CEQA appeal, LCDCC did not receive sufficient signatures under Planning Code Section 308.1 (b)(i). Therefore, the LCDCC does not qualify under the alternative method for appealing the Conditional Uses approval under Planning Code Section 308.1 (b). Since neither method of appeal is available to LCDCC and LCDCC objected to the Planning Commission's approval of the Conditional Uses, LCDCC has exhausted administrative remedies as to the challenge to the Conditional Uses and do not include their objections as part of this appeal. Should the Board of Supervisors later authorize the appeal of the Conditional Uses, LCDCC

will include their objections in a follow up letter.

**Exhibits (Attached)**

**Exhibit A:** Planning Commission Motion No. 19727.

**Exhibit B:** Link to Video of August 11, 2016 Planning Commission hearing.

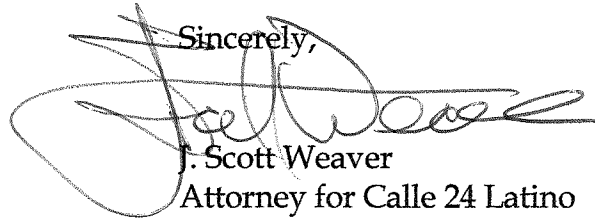
**Exhibit C:** Link to Eastern Neighborhoods Plan EIR, Motion 17661 of the Planning Commission, which adopted CEQA findings for the Plan EIR, and the Mitigation Monitoring Report

**Exhibit D:** Evidence in support of the Appeal

**Exhibit E:** CEQA Fee

~~**Exhibit F:** Notice to Board of Supervisors of Appeal from the City Planning Commission Form re: Conditional Uses.~~

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Weaver", is written over the typed name and title.

J. Scott Weaver  
Attorney for Calle 24 Latino  
Cultural District Council

**ATTACHMENT B**

**Planning Commission Motion 19727**

**Planned Unit Development**

**Conditional Use Authorization**

**for the**

**1515 South Van Ness Avenue Project**



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414A)
- Other (EN Impact Fees, Sec 423; TSF, Sec 411A)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion No. 19727

HEARING DATE: AUGUST 11, 2016

*Case No.:* **2014.1020CUA**

*Project Address:* **1515 SOUTH VAN NESS AVENUE**

*Zoning:* Mission Street NCT (Neighborhood Commercial Transit) Zoning District  
Mission Street Formula Retail Restaurant Subdistrict  
Mission Alcoholic Beverage Restricted Use Subdistrict  
Fringe Financial Service Restricted Use District  
55/65-X Height and Bulk District

*Block/Lot:* 6571/001, 001A and 008

*Project Sponsor:* Peter Schellinger, LMC San Francisco Holdings, LLC  
492 9<sup>th</sup> Street Suite 300  
Oakland, CA 94607

*Staff Contact:* Doug Vu – (415) 575-9120  
[Doug.Vu@sfgov.org](mailto:Doug.Vu@sfgov.org)

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 303 UNDER THE MISSION 2016 INTERIM ZONING CONTROLS AND PLANNING COMMISSION RESOLUTION NO. 19548, AND A PLANNED UNIT DEVELOPMENT PURSUANT TO PLANNING CODE SECTIONS 121.1 AND 304 TO ALLOW DEMOLITION OF THE EXISTING BUILDING AND NEW CONSTRUCTION OF A 55 TO 65 FEET TALL, FIVE- TO SIX-STORY DEVELOPMENT WITH A TOTAL OF AREA OF 180,277 SQUARE FEET THAT INCLUDES 138,922 SQUARE FEET OF RESIDENTIAL USES FOR UP TO 157 DWELLING UNITS, 5,241 SQUARE FEET OF COMMERCIAL SPACE AND A 32,473 SQUARE FEET PARTIALLY UNDERGROUND GARAGE FOR 82 AUTOMOBILE AND 150 BICYCLE PARKING SPACES ON A LOT MORE THAN 10,000 SQUARE FEET IN AREA, AND TO ALLOW MODIFICATIONS TO THE REQUIREMENTS FOR REAR YARD PURSUANT TO PLANNING CODE SECTION 134, DWELLING UNIT EXPOSURE PURSUANT TO PLANNING CODE SECTION 140, GROUND FLOOR STREET FRONTAGE PURSUANT TO PLANNING CODE SECTION 145.1 AND OFF-STREET LOADING REQUIREMENT PURSUANT TO PLANNING CODE SECTION 152, FOR THE PROPERTIES LOCATED AT 1515 SOUTH VAN NESS AVENUE, LOTS 001, 001A AND 008 IN ASSESSOR'S BLOCK 6571, WITHIN THE MISSION STREET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT AND THE 55/65-X HEIGHT AND BULK DISTRICTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On January 28, 2015, Peter Schellinger of LMC San Francisco Holdings, LLC (hereinafter "Project Sponsor") filed Application No. 2014.1020CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to demolish the existing building and construct a new five to six-story 55 to 65 feet tall, mixed use building with 5,241 square feet of commercial space and 157 dwelling units at 1515 South Van Ness Avenue (Block 6571 Lots 001, 001A and 008) in San Francisco, California.

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

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

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

On July 12, 2016, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial

importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

The Planning Department Commission Secretary is the custodian of records, located in the File for Case No. 2014.1020CUA at 1650 Mission Street, Fourth Floor, San Francisco, California.

On August 11, 2016, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2014.1020CUA.

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 Conditional Use Authorization for a Planned Unit Development requested in Application No. 2014.1020CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project is located on three lots with a total area of approximately 35,714 sq. ft. that have approximately 172 ft. of frontage along South Van Ness Avenue, 245 ft. along 26<sup>th</sup> Street and 145 ft. along Shotwell Street. The project site is currently improved with a 31,680 sq. ft. two-story industrial building that was constructed in 1948 and most recently occupied by the McMillan Electric Company until early 2015.
3. **Surrounding Properties and Neighborhood.** The Project is located in the southernmost area of the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and within the boundaries of the Mission Area Plan. The immediate context is mixed in character with residential, commercial and industrial uses. The neighborhood includes automotive repair uses to the north and west, three to four-story residential development to the north and east and commercial uses to the south that include a fuel station and automotive parts store. Within the broader vicinity are the Primera Iglesia Bautista Hispano Americana Church and Garfield Square Recreation Center. The project site is also located within the boundaries of the proposed Calle 24

Special Use District, which was established as part of the interim controls by the Board of Supervisors per Ordinance No. 133-15, and the Calle 24 Latino Cultural District, which was established by Board of Supervisors Resolution, File No. 140421 in May 2014. Other zoning districts in the vicinity of the project site include P (Public), RTO-M (Residential, Transit Oriented - Mission), RM-1 (Residential, Mixed-Low Density) and the 24th-Mission NCT (Neighborhood Commercial Transit) Zoning District.

4. **Project Description.** The proposed Project includes demolition of the existing building on the project site and new construction of a 55 to 65 feet tall, five- to six-story Planned Unit Development (PUD) with a total area of approximately 180,277 square feet that includes 138,922 square feet of residential uses for 157 dwelling units, approximately 5,241 square feet of commercial space in the form of one retail storefront and six trade shops on the ground floor, approximately 32,473 square feet dedicated to vehicular parking for 82 cars and 150 secure bicycle parking spaces in a partially underground garage. The proposed dwelling units would range in size from approximately 399 to 1,254 square feet and would include 88 studios, five one-bedroom units and 64 two-bedroom units. Private open space would be provided for ten units, and a total of 15,508 square feet of common open space would be provided through an internal courtyard and roof deck. The Project would also include a lot merger of Lots 001, 001A and 008 on Block 6571.
  
5. **Public Comment.** The Department has received a petition of support signed by nineteen residents and nearby businesses, nineteen support letters from residents and organizations including from the San Francisco Housing Action Coalition, S.F. Electrical Contractors Association/Electrical Workers Local 6, and the recent owner and tenant (McMillan Electric Company). The Department also received four letters opposing the project, and two letters stating concerns about the development's proposed height and environmental impacts that were not analyzed in the Eastern Neighborhoods EIR.

In addition to the required pre-application meeting that was held on December 15, 2014 at City College on 1125 Valencia Street, the Project Sponsor has conducted additional public outreach that included the following meetings:

DATE	ORGANIZATION / EVENT	LOCATION / ADDRESS
3/11/2015	Mission Economic Development Agency	2301 Mission Street
3/12/2015	Jamestown Community Center	3382 26 <sup>th</sup> Street
4/7/2015	Mission Asset Fund	3269 Mission Street
5/13/2015	Town Hall Meeting #1	1500 South Van Ness Avenue
6/5/2015	Town Hall Meeting #2	1500 South Van Ness Avenue
10/22/2015	Town Hall Meeting #3	1500 South Van Ness Avenue
2/2/2016	CAST	70 Otis Street
2/24/2016	SF Housing Action Coalition (SFHAC)	95 Brady Street
4/4/2016	SFMade	926 Howard Street
4/12/2016	Open House #1	Mission Cultural Center - 2868 Mission



		Street
6/9/2016	La Cocina	2948 Mission Street
6/22/2016	Town Hall Meeting #4	Mission Cultural Center - 2868 Mission Street
6/30/2016	Open House #2	Mission Cultural Center - 2868 Mission Street

The Department acknowledges that numerous meetings were organized and facilitated by residents and stakeholder groups, but does not have a record of when they were held and at which locations.

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. **Non-Residential Floor Area Ratio.** Planning Code Sections 124 and 736.20 permit a maximum floor to area ratio of 3.6 to 1 for the subject 35,714 sq. ft. project site.

*The Project proposes 5,241 sq. ft. of commercial space that is equal to a ratio of 0.14 to 1 and therefore complies with Planning Code Sections 124 and 736.20.*

B. **Rear Yard.** Pursuant to Planning Code Section 134(a)(1)(C), a 25% rear yard or an area equal to that provided via inner courtyards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. The proposed project requires a rear yard of at least 8,929 sq. ft. at every residential level.

*The Project proposes an inner courtyard that is approximately 8,687 sq. ft., which is 242 sq. ft. less than the required area; therefore, the Project requests a modification to this requirement as permitted under Planning Code Section 304 for Planned Unit Developments for the following reasons: 1) the Project includes residential uses with a comparable amount of usable open space totaling 16,506 sq. ft. at the inner courtyard and at the sixth floor of the building that will be more accessible to residents; 2) the Project is located on a block that includes an automotive parts store and two automotive repair shops and will not significantly impede the access of light and air to the adjacent properties; and 3) the Project will not adversely affect the block's interior open space because interior open space does not exist on the subject block.*

C. **Usable Residential Open Space.** Planning Code Sections 135 and 736.93 require a minimum of 80 sq. ft. of private open space per dwelling unit, or 100 sq. ft. of common open space per dwelling unit. Private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sq. ft. if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sq. ft. if located on open ground, a terrace or the surface of an inner or outer court. Common usable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum area of 300 sq. ft. Further, inner courts may be credited as common usable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 sq. ft. in area, and if the

height of the walls and projections above the court on at least three sides is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

*The Project provides 6,853 sq. ft. of usable common open space through a ground floor inner courtyard that measures 130 feet by 110 feet at its widest point to allow the minimum required amount of sunlight penetration. An additional 8,655 sq. ft. of common open space is provided by a roof deck at the sixth floor of the building. The Project also provides a combined 1,000 sq. ft. of private open space for ten ground floor units that open onto the inner courtyard. Although the Project also provides an additional 842 sq. ft. of non-compliant open space, the 15,508 sq. ft. of common usable open space exceeds the 14,700 sq. ft. that are required by the remaining 147 units. Therefore, the Project complies with Planning Code Sections 135 and 736.93.*

- D. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires a streetscape plan, which includes elements from the Better Streets Plan, for new construction on a lot greater than a half-acre in size.

*The Project will include a streetscape plan that will comply with the City's Better Streets Plan and include new street trees, landscape planters, sidewalk and other pedestrian improvements in compliance with Planning Code Section 138.1. This includes maintaining the sidewalk width at 12-ft. on 26<sup>th</sup> Street and 15-ft. on Shotwell Street, a new 2-ft. courtesy strip between the curb and sidewalk plantings, a corner bulb-out at South Van Ness Avenue and 26<sup>th</sup> Street that extends down 26<sup>th</sup> Street, potentially another bulb-out at 26<sup>th</sup> and Shotwell Streets, street trees, plantings, bicycle parking and other site furniture as needed. South Van Ness Avenue is a Vision Zero Corridor, and will receive a signal timing upgrade, new curb ramps, crosswalks and other pedestrian safety enhancements. Therefore, the Sponsor will coordinate with MTA on these design changes as it constructs the new bulb-out at 26<sup>th</sup> Street and South Van Ness Avenue to be consistent with other improvements planned for this intersection.*

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

*The Project is not located in close proximity to an Urban Bird Refuge and meets the requirements of feature-related standards by not including any unbroken glazed segments 24 sq. ft. and larger in size. Therefore, the Project complies with Planning Code Section 139.*

- F. **Dwelling Unit Exposure.** Planning Code Section 140 requires the windows of at least one room in each dwelling unit to face directly on an open area that includes a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, rear yard meeting the requirements of the Planning Code, or an inner court or a space between separate buildings on the same lot) which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

*The Project organizes all of the dwelling units to face South Van Ness Avenue, 26<sup>th</sup> Street, Shotwell Street or the inner courtyard. Due the "L" shape of the Project site and the reduced horizontal dimension of the courtyard at both ends of the building, three units on the fifth floor and two units on the sixth floor do not meet the exposure requirement. The encroachment of these units into the required open air space at the fifth and sixth floors is minimal. Therefore, the Project is seeking a modification to the dwelling unit exposure requirements for five dwelling units as part of the Planned Unit Development.*

- G. Street Frontages in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires the following for street frontages in Neighborhood Commercial Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in shall have a floor-to-floor height of 14-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views

*The Project meets the following requirements of Section 145.1: (1) the only automobile access to the Project is located at the portion of Shotwell Street that runs diagonal to the remainder of the street where a single 18-ft. wide garage door is proposed that is equal to 12.4 percent of the 145 feet of the Shotwell Street frontage; (2) the Project site decreases approximately ten feet in elevation from the front to the rear of the property and all proposed parking is located below grade at the basement level garage; (3) active uses including a corner commercial storefront, six trade shops, a residential amenity room and dwelling units with elevated stoops that have direct access to the public street are proposed along all three frontages of the building; (4) the corner commercial space at the ground floor will have a generous floor-to-ceiling height of 20-feet; and (5) significantly more than two-thirds of the total street frontages are fenestrated with transparent windows.*

*However, the six trade shops along 26th Street will each have a floor-to-ceiling height of 11-feet, which is less than the minimum required 14-feet. To mitigate this impact and promote an attractive, clearly defined street frontage that is pedestrian-oriented and fine-grained, the trade shops will be designed with wide openings that incorporate roll-up doors to provide direct access to the shops by the public during business hours. Therefore, the Project seeking a modification to the 14-foot minimum clear ceiling height requirement for the street-fronting trade shops units as part of the Planned Unit Development.*

- H. Off-Street Parking.** Planning Code Section 151 principally permits 0.5 parking spaces per dwelling unit, and up to 0.75 spaces with Conditional Use authorization. Additionally, one off-street space for every 500 square-feet of occupied general retail uses is also permitted. The Project is principally permitted to have 79 residential spaces and ten commercial spaces, for a total of 89 spaces.

*The Project proposes a total of 79 residential parking spaces in addition to three car-share spaces, and no accessory commercial parking. Therefore, the Project complies with Planning Code Section 151.1.*

- I. **Off-Street Freight Loading.** Planning Section 152 requires one off-street loading space for residential buildings that are between 100,001 and 200,000 gross square feet in area.

*The Project includes approximately 138,922 sq. ft. of residential uses and requires at least one off-street freight loading space. The Project provides two off-street service vehicle spaces at the basement level garage near South Van Ness Avenue and is requesting an exception to this requirement for one on-street freight loading space on 26<sup>th</sup> Street as part of the Planned Unit Development.*

- J. **Bicycle Parking.** Planning Code Section 155.2 requires one Class 1 bicycle parking space for each dwelling unit up to 100 units, and one Class 1 space for every four units above a density of 100 dwelling units. Additionally, one Class 2 space for every 20 units is required, and each 2,500 sq. ft. of occupied commercial floor area. The Project is required to have a minimum of 114 Class 1 and ten Class 2 bicycle parking spaces.

*The Project includes a total of 150 Class 1 spaces located in two separate rooms at the basement level that have independent access to/from Shotwell Street and South Van Ness Avenue and eight Class 2 parking spaces at the corner of 26<sup>th</sup> Street and South Van Ness Avenue. Therefore, the Project complies with Planning Code Section 155.2.*

- K. **Curb Cuts.** Planning Code Section 155(l) limits driveways crossing sidewalks to be no wider than necessary for ingress and egress, and shall be arranged to minimize the width and frequency of curb cuts to maximize on-street parking spaces and minimize conflicts with pedestrian and transit movements.

*The Project will utilize an existing 20-ft. wide curb cut along the portion of Shotwell Street that runs diagonal to the remainder of the street to provide ingress/egress to the basement level garage, will not eliminate any on-street parking spaces and will not result in any conflicts with pedestrians or transit movement in compliance with Planning Code Section 155.*

- L. **Car Share Requirements.** Planning Code Section 166 requires one car-share parking space for projects with 50 to 200 residential units.

*The Project provides three car share spaces at the basement level garage to serve the 157 dwelling units and complies with Planning Code Section 166.*

- 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 in compliance with Planning Code Section 167.*

- N. **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.

*The Project provides 88 studios, five one-bedroom and 64 two-bedroom units that are equal to 41 percent of the unit mix, which meets the requirements of Planning Code Section 207.6.*

- O. **Shadow Analysis.** Pursuant to Planning Code Section 295, projects over 40 feet in height that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission requires approval by the Planning Commission pursuant to the provisions of Section 295.

*A preliminary shadow analysis conducted by the Planning Department based on the plans submitted indicates that there would be no shadows cast on properties under the jurisdiction of the Recreation and Park Department. Therefore, the Project complies with Planning Code Section 295.*

- P. **Transportation Sustainability Fee.** Planning Code Section 411A imposes a Transportation Sustainability Fee ("TSF") that would apply to large projects such as 1515 South Van Ness Avenue. The TSF (Ordinance No. 200-15) that was adopted and went into effect on December 25, 2015 provides that residential, non-residential and PDR uses shall pay the TSF to address the burden that new development will create on the City's transportation network, including all modes of transportation. The TSF will provide revenue that is significantly below the costs that SFMTA and other transit providers will incur to mitigate the transportation infrastructure and service needs resulting from the development.

*The Project includes approximately 147,804 gross sq. ft. of new development that is subject to the Transportation Sustainability Fee, as outlined in Planning Code Section 411A. However, the Project will receive a credit for the existing 31,680 sq. ft. of PDR use on the Project site. These fees must be paid prior to the issuance of the building permit application.*

- Q. **Child Care Requirement for Residential Projects.** Planning Code Section 414A requires the Department to determine the applicability of Section 414A to any development project requiring a First Construction Document and, if Section 414A is applicable, the number of gross square feet of space subject to its requirements, and shall impose these requirements as a condition of approval for issuance of the First Construction Document for the development project to mitigate the impact on the availability of child-care facilities that will be caused by the residents attracted to the proposed development project.

*The Project proposes 157 new dwelling units totaling 138,922 sq. ft. and will be required to pay a fee for each net new gross square feet of residential development. These fees must be paid prior to the issuance of the building permit application.*

- R. **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 would apply to projects that consist of 10 or

more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the current Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable. This requirement is subject to change under a proposed Charter amendment and pending legislation if the voters approve the Charter Amendment at the June 7, 2016 election. Recently adopted Ordinance No. 76-16 (File No. 160255) will become effective after the election is certified and includes grandfathering provisions for projects that were submitted to the Planning Department prior to January 12, 2016.

*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 a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on January 16, 2016 and a draft of the Costa Hawkins agreement on July 11, 2016. The EE application was submitted on December 3, 2014. Pursuant to Planning Code Section 415.3 and 415.6 the current on-site requirement is 12%. Nineteen (19) units [ten (10) studios, one (1) one-bedroom and eight (8) two-bedroom] of the 157 units provided will be affordable rental units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. The Project must execute the Costa Hawkins agreement prior to Planning Commission approval or must revert to payment of the Affordable Housing Fee.*

- S. **Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project in the Eastern Neighborhoods Program Area which results in at least one net new residential unit or the new construction of a non-residential use.

*The Project includes the construction of approximately 138,922 gross sq. ft. of new residential space and 5,241 gross sq. ft. of commercial use. These uses are subject to Eastern Neighborhood*

*Infrastructure Impact Fees as outlined in Planning Code Section 423 and must be paid prior to the issuance of the building permit.*

7. **Conditional Use Authorization for Development of Large Lots.** Planning Code Section 121.1 establishes the following additional criteria the Planning Commission shall consider for new construction on lots of the same size or larger than 10,000 sq. ft. in the Mission Street NCT District:

- A. The mass and façade of the proposed structure are compatible with the existing scale of the district.

*The proposed structure includes a mass and façade that takes cues from the existing structure and surrounding neighborhood with a combination of residential, commercial and industrial uses that are two to four stories in height to create a building that is the scale envisioned for this large site. The proposed development breaks up the massing by creating three distinct frontages and building features to visually break up the massing. Modulation is also incorporated on all floors and all sides of the structure to present a façade that is varied and interesting on a pedestrian level as well as on a larger scale.*

- B. The façade of the proposed structure is compatible with the design features of adjacent facades that contribute to the positive visual quality of the district.

*The Project's design reflects the influences of the surrounding neighborhood and the site, and takes cues from the existing structure. The design integrates the rhythm of the existing bays in the commercial unit at the corner of South Van Ness Avenue and 26<sup>th</sup> Street and includes pedestrian scale walk-up units along 26<sup>th</sup> Street, across from the existing residential uses. Along South Van Ness Avenue, the design and façade reflects the more commercial and vibrant nature of the frontage, whereas along 26<sup>th</sup> Street and Shotwell Street, a more residential and smaller scale design is proposed to coincide with the more residential character of those streets. By breaking the design and massing into three distinct parts the building integrates well into the neighborhood and creates a positive visual addition to the neighborhood and district.*

8. **Conditional Use Authorization.** Planning Code Section 303 establishes criteria for the Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The surrounding neighborhood is comprised of a mix of residential and commercial buildings. To the west across South Van Ness Avenue are two story structures consisting of residential over ground floor automotive and retail uses. To the north across 26<sup>th</sup> Street are a two to three story multi-family residential development and a single-story automotive repair use. Across Shotwell Street to the east are several four story multi-family dwelling units and immediately adjacent to the Project site, to the*

*south, are retail and automotive repair uses. In general, the Project Site is surrounded by predominately single- and multi-family residential uses to the north and south and commercial and industrial uses to the east and west.*

*The primarily residential use of the Project is consistent with the goals and objectives of the Mission Area Plan of the Eastern Neighborhoods Planning Area. In addition, the proposed commercial ground floor retail would activate the street level and serve the adjacent residential neighborhood. All building frontages will include improved pedestrian amenities such as landscaping and sidewalk improvements to create a pedestrian scale that is compatible with the surrounding neighborhood. The 0.8 acre Project site is large and the density and intensity proposed is compatible with the surrounding neighborhood and is desired given 1515 South Van Ness Avenue's location along major roadways and transit corridors. The use of the Project site for residential uses is also compatible with the surrounding character of the neighborhood and community.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

1. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project site consists of an irregularly-shaped 35,714 sq. ft. lot with frontages along South Van Ness Avenue, 26th Street and Shotwell Street. A 31,680 square foot structure and associated surface parking lot currently exists on the Project site and would be demolished as part of the Project. Given the irregular lot shape, the Project proposes a single structure that maintains the street wall along all frontages but also provides an interior courtyard adjacent to the properties to the south to establish a mid-block pattern of open space for future block development.*

*The proposed structure conforms to the Planning Code requirements for height and bulk and steps down in height from South Van Ness Avenue to Shotwell Street. The Project site is also within two height districts and the proposed development complies with these 55- and 65-foot districts, which bisect along 26th Street, and provides a transition in vertical and horizontal massing where the height district change occurs.*

2. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Project includes 157 new dwelling units on a site adjacent to South Van Ness Avenue and just north of Cesar Chavez Street, which two major arterial roadways providing vehicular and transit access throughout the City. The Project proposes 82 off-street parking spaces including three dedicated car share spaces in a 32,473 sq. ft. underground garage accessed through an 18-ft. wide drive aisle off Shotwell Street. The proposed parking ratio is 0.50 spaces per dwelling unit and the Project includes one on-street loading space along 26th Street. The Project also includes 150 Class 1 bicycle parking spaces at the basement level and ten Class 2 bicycle parking spaces adjacent to the residential entry. Pedestrian access to the Project will be via the main lobby along*



*26th Street and secondary access will be provided via the leasing office along South Van Ness Avenue.*

*The Project is adjacent to an established street network of north-south and east-west arterials, and will not impact the accessibility or traffic patterns in the surrounding roadways. For these reasons, the Project will not result in parking or traffic that would be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity.*

3. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The Project would not create any noxious or offensive emissions such as noise, glare, dust and odor during construction or operation. All construction activities will comply with the San Francisco Building Code requirements for construction, which includes compliance with air quality control measures for dust and odor. The design of the façade will include non-reflective materials and will not result in or create glare. Operation of the Project site as a primarily residential development will not generate noxious or offensive emissions such as noise or odor.*

4. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

*The Project will comply with the City's Better Streets Plan and will include active ground floor uses and significant new landscaping and streetscape improvements. The structure will be set back along South Van Ness Avenue to provide additional landscaping and interest at a pedestrian scale along this frontage. Along 26th Street, walk-up dwelling units are proposed that include small landscaped porches and other green areas. New street trees are proposed along all frontages as well as landscape planters and other pedestrian improvements.*

*The Project includes significant open areas for use by the residents including 1,000 sq. ft. of private open space through at-grade private yards and 15,508 sq. ft. of common open space through a 6,853 sq. ft. ground floor patio courtyard and an 8,655 sq. ft. rooftop deck. In addition, there is 842 sq. ft. of other non-code compliant open space. In total, the Project is proposing 17,350 square feet of open areas for future residents. All parking facilities are located off-street and screened, as applicable, with adjacent landscaping enhancements. Additional lighting is also provided adjacent to these areas for pedestrian safety and to indicate the location of vehicular ingress and egress.*

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The procedures for Planned Unit Developments under Planning Code Section 304 are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary to the design and values of*

*the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in this Code. As discussed above, the Project requests modifications from the minimum rear yard, dwelling unit exposure, ground floor frontages and off-street loading requirements of Planning Code Sections 134, 140, 145.1 and 152, respectively. Otherwise, the Project meets all of the applicable provisions of the Planning Code and the General Plan.*

- D. Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District; and

*The Project is located within the Mission Street NCT Zoning District that has controls designed to permit moderate-scale buildings. New neighborhood-serving commercial development is encouraged mainly at the ground story with most commercial uses prohibited above the second story. A continuous retail frontage is promoted by requiring ground floor commercial uses in new developments and prohibiting curb cuts. Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by physical envelope controls. The Project conforms to the stated purpose of this district and is an appropriate in-fill development that will add 157 new dwelling units to the City's housing stock and 5,241 square feet of commercial space in an area that encourages the development of high-density, mid-rise housing and continuous ground floor commercial frontage with pedestrian-oriented retail activities.*

- E. The use or feature satisfies any criteria specific to the use or feature in Subsections (g), et seq. of this Section.

*The Project does not require Conditional Use Authorization for any use or feature listed in Subsection (g) et seq.*

9. **Planned Unit Development.** Planning Code Section 304 establishes that in addition to the criteria applicable to conditional uses stated in Section 303, the proposed development shall also meet the following criteria:

- A. Affirmatively promote applicable objectives and policies of the General Plan;

*The Project promotes the applicable objectives and policies of the General Plan as described below.*

- B. Provide off-street parking adequate for the occupancy proposed;

*The Project would provide 79 private accessory residential parking spaces, that is equal to 0.5 parking spaces per dwelling unit, which is consistent with the principally permitted parking under the Planning Code.*

- C. Provide open space usable by the occupants and, where appropriate by the general public, at least equal to the open spaces required by this Code;

*The Project includes significant open areas for use by the residents including 1,000 sq. ft. of private open space through at-grade private yards and 15,508 sq. ft. of common open space through a 6,853 sq.*

*ft. ground floor patio courtyard and an 8,655 sq. ft. rooftop deck. In addition, there is 842 sq. ft. of other non-code compliant open space. In total, the Project is proposing 17,350 square feet of open areas for future residents.*

- D. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of the Code for a district permitting a greater density, so that the Planned Unit Development would not be substantially equivalent to a reclassification of property;

*The Project Site is located in the Mission Street NCT District where there is no defined limit on residential density. Rather, limits to density are restricted by physical envelope controls and Urban Design Guidelines of the Planning Code. In addition, density is limited by Planning Code Section 207.6, which provides that 40 percent of the total number of dwelling units must be two plus bedroom units or 30 percent of the total number of dwelling units must be three plus bedroom units. The Project is proposing that 64 of the 157 dwelling units (40.8%) would be two bedroom units. Thus, the proposed PUD for the Project is not equivalent to a reclassification of the property*

- E. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code;

*The Project does not exceed the applicable height limits in which it is located. The Project maintains a height of 55-ft within the 55-X portion of the site, and a height of 65-ft within the 65-X portion of the site.*

- F. In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code;

*The Project proposes 5,241 sq. ft. of commercial space that is equal to a floor ratio of 0.14 to 1 and therefore complies with Planning Code Sections 124 and 736.20.*

- G. In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code;

*The proposed Project complies with this criterion because commercial and other residential accessory active uses will occupy the ground floor and residential uses will occupy the upper floors, consistent with the use limitations of the Mission Street NCT District pursuant to Planning Code Section 736.*

- H. In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys;

*The Project site is an irregularly shaped lot located just north of Cesar Chavez Street along South Van Ness Avenue within the Mission Street NCT District, which is not subject to the mid-block alley controls under Section Planning Code Section 270.2. Additionally, the lot tapers from 26th Street to Shotwell Street and does not provide the width, depth or location on the block for an appropriate mid-block cut through or access.*

- I. Provide street trees as per the requirement of Section 138.1 of the Code;

*The Project will comply with this criterion by providing the minimum required street trees as an element of the streetscape plan the Sponsor will develop and construct in collaboration with the Planning Department to be consistent with the Better Streets Plan.*

- J. Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

*The Project will comply with this criterion by providing landscaping and permeable surfaces as part of the streetscape plan that the Sponsor will develop and construct in collaboration with the Planning Department to be consistent with the Better Streets Plan.*

10. **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.

*The Project is a higher density residential development, which provides up to 157 new dwelling units in a mixed-use area that was recently rezoned as part of a long range planning goal to create a cohesive residential and mixed-use neighborhood. The Project will provide nineteen on-site affordable housing units for rent, which assist in meeting the City's affordable housing goals. The Project is also in close proximity to numerous public transportation options.*

#### **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.

*The Project will add 157 dwelling units to the City's housing stock, and meets the affordable housing requirements by providing for nineteen on-site permanently affordable units for rent.*

**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.

**OBJECTIVE 13**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

**Policy 13.1**

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

**Policy 13.1**

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

*The Project responds to the site's mixed-character by providing new dwelling units, which appropriately address the adjacent residential, light industrial and retail commercial uses. The Project appropriately responds to the varied character of the larger neighborhood, and the building's facades provide a unique expression not commonly found within the surrounding area, while providing for a contrasting material palette. The Project site is ideally situated with easy access to transit routes along Mission Street and Cesar Chavez Street, and is within walking distance to the 24th Street Bay Area Regional Transit (BART) station that promotes "smart" regional growth.*

**COMMERCE AND INDUSTRY ELEMENT**

**OBJECTIVE 6. MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.**

**Policy 6.9**

Regulate uses so that traffic impacts and parking problems are minimized.

*The project proposes 79 off-street parking spaces and three designated car-share spaces in an underground garage that are accessed by a single 20-foot wide vehicular driveway and curb cut along Shotwell Street. Two service vehicle loading spaces are also located in the garage and one on-street freight loading space is also proposed on 26<sup>th</sup> Street. The location of the basement level parking entrance/exit is the most appropriate for the project, ensures active uses are located along all the street frontages, and minimizes any conflicts with the pedestrian and transit movements.*

**RECREATION AND OPEN SPACE ELEMENT**

**Objectives and Policies**

**OBJECTIVE 4:**

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

**Policy 4.5:**

Require private usable outdoor open space in new residential development.

**Policy 4.6:**

Assure the provision of adequate public open space to serve new residential development.

*The Project provides 6,853 sq. ft. of usable common open space through a ground floor inner courtyard that measures 130-ft. by 110-ft. at its widest point to allow the minimum required amount of sunlight penetration. An additional 8,655 sq. ft. of common open space is provided by a roof deck at the sixth floor of the building. The Project also provides a combined 1,000 sq. ft. of private open space for ten ground floor units that open onto the inner courtyard. Although the Project also provides an additional 842 sq. ft. of non-compliant open space, the 15,508 sq. ft. of common usable open space exceeds the 14,700 sq. ft. that are required by the remaining 147 units. Therefore, the Project complies with Planning Code Sections 135 and 736.93.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 24:**

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

**Policy 24.2:**

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

**Policy 24.3:**

Install pedestrian-serving street furniture where appropriate.

**Policy 24.4:**

Preserve pedestrian-oriented building frontages.

*The Project includes active uses including a corner commercial storefront with a generous floor-to-ceiling height of 20-feet, six trade shops that will have large roll-up doors, a residential amenity room and dwelling units with elevated stoops that have direct access to the public street along all three frontages of the building that would also be more than two-thirds fenestrated with transparent windows. The Project will include a streetscape plan that will comply with the City's Better Streets Plan and include new street trees, landscape planters, sidewalk and other pedestrian improvements to further activate the building frontages.*

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.1:**

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

**Policy 28.3:**

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

*The Project includes 150 Class 1 bicycle parking spaces and ten Class 2 bicycle parking spaces in secure, convenient locations, thus meeting the amount required by the Planning Code.*

**OBJECTIVE 34:**

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

**Policy 34.1:**

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

**Policy 34.3:**

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

**Policy 34.5:**

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

*The Project adheres to the principally permitted parking amounts within the Planning Code. The 82 proposed parking spaces are adequate for the Project that are accessed by one access point using an existing driveway that will not eliminate any existing on-street parking spaces.*

**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.

**OBJECTIVE 3:**

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

**Policy 3.1:**

Promote harmony in the visual relationships and transitions between new and older buildings.

**Policy 3.3:**

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

**Policy 3.4:**

Promote building forms that will respect and improve the integrity of open spaces and other public areas

**OBJECTIVE 4:**

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

**Policy 4.5:**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

*The Project's design reflects the influences of the surrounding neighborhood and the site, taking cues from the existing structure. The Project site includes three very distinct frontages and the building design responds to this unique context by breaking the building into three separate parts creating different visual experiences across the Project frontage. This change also affords the opportunity to create a different pedestrian experience at ground floor level on all three streets. The Project site includes a unique signature element at the corner of 26th Street and South Van Ness Avenue, and the building's massing is broken down and modulated with elements such as ground floor setbacks, bay windows, private patios and decks, and window variation. The exterior cladding is also varied with an expanded color palette to add to the scale and diversity of the building, integrating it into uniquely vibrant neighborhood.*

**MISSION AREA PLAN**

**Objectives and Policies**

Land Use

**OBJECTIVE 1.1**

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK

**Policy 1.1.8**

While continuing to protect traditional PDR functions that need large, inexpensive spaces to operate, also recognize that the nature of PDR businesses is evolving gradually so that their production and distribution activities are becoming more integrated physically with their research, design and administrative functions.

**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.

Housing

**OBJECTIVE 2.1**

ENSURE THAT A SIGNIFICANT PERCENTAGE OF NEW HOUSING CREATED IN THE MISSION IS AFFORDABLE TO PEOPLE WITH A WIDE RANGE OF INCOMES

**Policy 2.1.1**

Require developers in some formally industrial areas to contribute towards the City's very low-, low-, moderate- and middle-income needs as identified in the Housing Element of the General Plan.

**OBJECTIVE 2.3**

ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES

**Policy 2.3.3**

Require that a significant number of units in new developments have two or more bedrooms, except Senior Housing and SRO developments unless all Below Market Rate units are two or more bedrooms.

**Policy 2.3.5**

Explore a range of revenue-generating tools including impact fees, public funds and grants, assessment districts, and other private funding sources, to fund community and neighborhood improvements.

**Policy 2.3.6**

Establish an impact fee to be allocated towards an Eastern Neighborhoods Public Benefit Fund to mitigate the impacts of new development on transit, pedestrian, bicycle, and street improvements, park and recreational facilities, and community facilities such as libraries, child care and other neighborhood services in the area.

**Built Form**

**OBJECTIVE 3.1**

PROMOTE AN URBAN FORM THAT REINFORCES THE MISSION'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER

**Policy 3.1.1**

Adopt heights that are appropriate for the Mission's location in the city, the prevailing street and block pattern, and the anticipated land uses, while preserving the character of its neighborhood enclaves.

**Policy 3.1.8**

New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located.

**OBJECTIVE 3.2**

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

**Policy 3.2.1**

Require high quality design of street-facing building exteriors.

**Policy 3.2.3**

Minimize the visual impact of parking.

**Policy 3.2.4**

Strengthen the relationship between a building and its fronting sidewalk.

**Policy 3.2.6**

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

**Transportation**

**OBJECTIVE 4.7**

**IMPROVE PUBLIC TRANSIT TO BETTER SERVE EXISTING AND NEW DEVELOPMENT IN THE MISSION**

**Policy 4.7.2**

Provide secure, accessible and abundant bicycle parking, particularly at transit stations, within shopping areas and at concentrations of employment.

**OBJECTIVE 4.8**

**ENCOURAGE ALTERNATIVES TO CAR OWNERSHIP AND THE REDUCTION OF PRIVATE VEHICLE TRIPS**

**Policy 4.8.1**

Continue to require car-sharing arrangements in new residential and commercial developments, as well as any new parking garages.

**Streets & Open Space**

**OBJECTIVE 5.3**

**CREATE A NETWORK OF GREEN STREETS THAT CONNECTS OPEN SPACES AND IMPROVES THE WALKABILITY, AESTHETICS AND ECOLOGICAL SUSTAINABILITY OF THE NEIGHBORHOOD.**

**Policy 5.3.1**

Redesign underutilized portions of streets as public open spaces, including widened sidewalks or medians, curb bulb-outs, "living streets" or green connector streets.

**Policy 5.3.2**

Maximize sidewalk landscaping, street trees and pedestrian scale street furnishing to the greatest extent feasible.

*The Project includes the demolition of 35,714 sq. ft. of PDR space that served as the headquarters for the locally based McMillan Electric Company. This light industrial and commercial use is encouraged to be retained within the Mission, as it provides blue-collar jobs, assists in diversifying the neighborhood economy and provides a valued community resource. Although the Project results in a loss of PDR space, the development at 1515 South Van Ness Avenue includes a significant amount of new housing, including on-site BMR units as well as a diversity of housing types from small studios to larger family-sized units. The Project is made possible as the result of the sale of the subject parcels by the McMillan Electric Company which has already re-located to another location 1.5 miles away on Cesar Chavez Street. Overall,*

*the Project includes appropriate uses encouraged by the Area Plan for this location. The Project provides 157 new dwelling units that will be available for rent. In addition, the Project is designed to meet the prescribed height and bulk limits, and includes the appropriate dwelling unit mix with more than 40% or 64 units having two bedrooms. The Project introduces a contemporary architectural vocabulary that is sensitive to the prevailing scale and neighborhood fabric and provides a high quality designed exterior that features a variety of materials, colors and textures including fiber cement board vertical siding, smooth cement plaster, durable wood tone solid composite paneling, metal siding, aluminum storefronts, iron and glass railings, and dark bronze frame aluminum windows. The Project provides ample private and common open space and also improves the public rights-of-way with new streetscape improvements, street trees and landscaping. The Project minimizes the impact of off-street parking in an underground garage and is in proximity to numerous public transit options. The Project is also compatible with the surrounding residential, commercial and light industrial land uses. The Project will also pay the appropriate development impact fees, including the Eastern Neighborhoods Impact Fees. Despite the loss of PDR space, on balance, the Project meets the Objectives and Policies of the Mission Area Plan.*

11. **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 does comply 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.

*The Project Site is currently occupied by a commercial building and associated parking lot for McMillan Electric Company, an electrical contractor. The Project would demolish this building and develop a new mixed-use residential building with 157 dwelling units, six trade shops and 1,074 square-feet of ground floor commercial space. Thus, the Project would provide new, commercial retail space for the residents and adjacent residential neighborhood. In addition, the new residents of the project would frequent the nearby existing retail uses.*

- 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 is located in a mixed-use neighborhood that proposes to provide 157 new, high quality residences, a corner retail storefront and six trade shop spaces for local artisans and makers. The Project embraces the character of the existing neighborhood in its design and quality of craftsmanship and is providing unit sizes compatible with the location.*

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

*The Project does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program by providing nineteen below-market rate dwelling units for rent. Therefore, the Project will increase 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 is primarily a residential project that will create minimal, if any, new commuter traffic that could over burden local streets or impact neighborhood parking. The Project would provide 81 off-street parking spaces including two car share spaces that is equal to 0.5 spaces per dwelling unit.*

- 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 does not include commercial office development. The Project proposes a mixed-use residential and retail commercial development that will be consistent with the existing character of the Mission neighborhood. The previous owner and occupant, McMillan Electric Company has relocated to 1950 Cesar Chavez Street, which is located approximately 1.1 miles from 1515 South Van Ness Avenue. Its new location is more easily served by large trucks and is located in a predominately industrial and commercial neighborhood that is more compatible with its light industrial use. The Project will not result in the loss of a locally owned company or the displacement of any jobs.*

- 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 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.

*The Project site does not currently 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 Project will not cast new shadows on property under the jurisdiction of the Recreation and Park Commission, and is a distance away that it will not impact parks or open spaces or their sunlight or vistas.*

9. **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.*

10. 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.
11. The Commission hereby finds that approval of the Conditional Use 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 Conditional Use Application No. 2014.1020CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 21, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.


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

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Section 303 and 304 Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19727. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

**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 August 11, 2016.



Jonas P. Ionin  
Commission Secretary

AYES: Antonini, Fong, Hillis, Moore, Richards and Johnson



**Motion No. 19727**  
**August 11, 2016**

**CASE NO. 2014.1020CUA**  
**1515 South Van Ness Avenue**

NAYS:           None

ABSENT:       Wu

ADOPTED:     August 11, 2016

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use to allow demolition of the existing structures and construction of a 188,277 gross square feet, 55 to 65 feet tall and five- to six-story building that includes 138,922 square feet of residential uses for up to 157 dwelling units, 5,241 square feet of commercial spaces including one retail commercial storefront and six trade shops and a 32,473 square feet partially underground garage for 82 accessory automobile and 150 bicycle parking spaces on a development site more than 10,000 square feet in area, and to allow modifications to the requirements for rear yard pursuant to Planning Code Section 134, dwelling unit exposure pursuant to Planning Code Section 140, ground floor street frontages in Neighborhood Commercial districts pursuant to Planning Code Section 145.1 and off-street freight loading pursuant to Planning Code Section 152, for the property located at 1515 South Van Ness Avenue, Block 6571 and Lots 001, 001A and 008, pursuant to Planning Code Sections 121.1, 303 and 304 within the Mission Street Neighborhood Commercial Transit (NCT) Zoning District and the 55/65-X Height and Bulk Districts; in general conformance with plans, dated July 27, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2014.1020CUA and subject to conditions of approval reviewed and approved by the Commission on August 4, 2016, under Motion No. 19727. 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 August 11, 2016 under Motion No. 19727.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19727 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](http://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](http://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](http://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](http://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](http://www.sf-planning.org)*

6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2014.1020ENV) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

7. **Final Materials.** The Project Sponsor shall continue to work with the 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](http://www.sf-planning.org)*

8. **Commercial Uses.** The Project Sponsor shall continue to work with the Planning Department to incorporate trade shop and other Code compliant uses consistent with the Latino Cultural District.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

9. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with the Department of Public Works and the Metropolitan Transportation Agency, to refine the design and programming of the Streetscape Plan so that the plan generally will meet 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](http://www.sf-planning.org)*

10. **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 architectural addenda. 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](http://www.sf-planning.org)*

11. **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](http://www.sf-planning.org)*

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

- On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- On-site, in a driveway, underground;
- On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- On-site, in a ground floor façade.
- Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- Public right-of-way, underground; and based on Better Streets Plan guidelines;
- Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

## **PARKING AND TRAFFIC**

13. **Unbundled Parking.** 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](http://www.sf-planning.org)*

14. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 79 off-street accessory residential spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

15. **Car Share Requirement.** Pursuant to Planning Code Section 166, the Project shall provide at least two, and not more than five additional dedicated car-share parking spaces. The required car-share spaces shall be made available, at no cost, to a certified car-share organization for purposes of providing car-share services for its car-share service subscribers.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
16. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 150 Class 1 bicycle parking spaces and ten (10) Class 2 bicycle parking spaces for the 157 dwelling units and 5,241 sq. ft. of commercial space.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
17. **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](http://www.sf-planning.org)*
18. **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](http://www.sf-planning.org)*

## PROVISIONS

19. **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 Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
20. **Transportation Sustainability Fee.** Pursuant to Planning Code Section 411A, the Project Sponsor shall pay the Transit Sustainability Fee (TSF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

21. **Residential Childcare Impact Fee.** Pursuant to Planning Code Section 414A, the Project Sponsor shall comply with the Residential Childcare Impact Fee provisions through payment of an Impact Fee pursuant to Article 4.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

22. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

23. **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](http://www.onestopSF.org)*

## MONITORING

24. **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](http://www.sf-planning.org)*

25. **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](http://www.sf-planning.org)*

## OPERATION

26. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being

serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

27. **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>*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

29. **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](http://www.sf-planning.org)*

## **INCLUSIONARY AFFORDABLE HOUSING PROGRAM**

30. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is currently required to provide 12% of the proposed dwelling units as affordable to qualifying households, but is subject to change under a proposed Charter amendment and pending legislation if the voters approve the Charter Amendment at the June 7, 2016 election. Recently adopted Ordinance No. 76-16 (File No. 160255) will become effective after the election is certified and includes grandfathering provisions for projects that were submitted to the Planning Department prior to January 12, 2016. The Project contains 157 units; therefore, 19 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 19 affordable units on-site. If the Project is subject to a different requirement if the Charter Amendment is approved and new legislative requirements take effect, the Project will comply with the applicable requirements at the time of compliance. 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- 1) **Unit Mix.** The Project contains 88 studios, 5 one-bedroom, and 64 two-bedroom units. Therefore, the required affordable unit mix is 10 studios, 1 one-bedroom, and 8 two-bedrooms, or the unit mix that may be required if the inclusionary housing requirements change as discussed above. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

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

- 2) **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

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

- 3) **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

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

- 4) **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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- 5) **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average 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," but these income levels are subject to change under a proposed Charter amendment and pending legislation if the voters approve the Charter Amendment at the June 7, 2016 election. If the Project is subject to a different income level requirement if the Charter Amendment is approved and new legislative requirements take effect, the Project will comply with the applicable requirements. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.

- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

**ATTACHMENT C**

**Eastern Neighborhoods**

**List of Capital Projects**

**August, 2016**

Eastern Neighborhoods  
List of Capital Projects

IPIC Category	Capital Plan Sub-Category	Project Title	Scope	Status
Complete Streets	Green Connections	22nd Street (Pennsylvania to Illinois)	Streetscaping, including but not limited street trees, landscaping, and pedestrian lighting.	Planned: fully funded, final design underway.
Complete Streets	Green Connections	CalTrain bridge lighting	Lighting of CalTrain bridges with artistic lighting.	Planned - fully funded.
Complete Streets	Green Connections	Blue Greenway (24th to Cove)		Planned
Complete Streets	Green Connections	Blue Greenway (Illinois)		Planned
Open Space		Angel Alley Improvements (CCG Recipient)	Creation of a community gather space at Tennessee and 22nd Street	Complete
Open Space		Tunnel Top Park (CCG Recipient)	Creation of a mini-park at 25th and Pennsylvania Streets.	Phase I Complete; Phase II to begin summer 2016
Open Space	Open Space New	New Park(s) Central Waterfront	Placeholder for one or more new parks, open space, or recreational facility for the Central Waterfront.	Planning underway. Not fully funded. CW/D Public Realm Plan expected to be completed by summer 2016, which will inform how to move forward with both new parks and rehabilitation of parks in CW.
Open Space	Open Space New	Dogpatch Art Plaza	Located at the dead-end portion of 19th Street, the plaza envisions a pedestrian space of 8,000 sf designed to accommodate special events and rotating art exhibits, bulb-outs, café and other movable seating and bleacher seating.	Planned and underway: to be under construction soon.
Open Space	Open Space Rehab	Park Rehab: Central Waterfront	Though not yet scoped out, funds have been set aside to establish new parks and/or improve Esprit Park.	Planning underway. Not fully funded. CW/D Public Realm Plan expected to be completed by summer 2016, which will inform how to move forward with both new parks and rehabilitation of parks in CW.
Open Space	Open Space Rehab	Warm Water Cove Park	Improvement to and expansion of Warm Water Cover Park.	Planning underway as part of the Dogpatch Public Realm Plan
Complete Streets		Dogpatch and Potrero Sidewalk Landscaping (CCG Recipient)	Installation of sidewalk landscaping in the Dogpatch and Potrero Hill neighborhoods.	Complete
Complete Streets	Green Connections	22nd Street Steps (Missouri to Texas)	Stairs and open space landscaping, along 22nd Street alignment between Texas and Missouri.	Planned: fully funded; to be constructed by adjacent Project Sponsor.
Complete Streets	Green Connections	22nd Street (Pennsylvania to Texas )	One block of landscaping between Pennsylvania (where the Green Connections project will end) and the 22nd Street stair.	Conceptual - not currently funded.
Complete Streets	Streetscape Projects	6th Street Streetscape	Pedestrian safety improvements on 6th Street from Market to Howard Streets. Project could sidewalk widening on both sides of 6th Street, vehicle travel lane reduction, "flex" zone and textured median with raised refuges, pedestrian scale lighting, new street furnishings and tree grates as well	Planned and underway: community engagement currently underway.
Complete Streets	Vision Zero	6th and Minna (traffic signal)	6th and Minna (traffic signal)	Complete
Complete Streets	Vision Zero	King St (Bike lanes between 2nd/3rd)	King St (Bike lanes between 2nd/3rd)	Planned - not complete.
Complete Streets	Streetscape Projects	SoMa Alleyways Phase II	Alley improvements that include raised crosswalks, stamped asphalt, traffic calming, chicanes, street trees, among other features. Minna and Natoma Streets, from 6th Street to Mary Street; Tehama, Clementina, Shipley, and Clara streets, from 6th Street to 5th Street	Complete
Open Space	Open Space Rehab	South Park Rehabilitation	Park features are proposed to include a variety of different programmatic spaces, including a children's play area, a large open meadow, plazas of varying scales, and a variety of areas designed for sitting and/or picnicking to increase park capacity.	Planned and underway: under construction.

Eastern Neighborhoods  
List of Capital Projects

IPIC Category	Capital Plan Sub-Category	Project Title	Scope	Status
Complete Streets	Vision Zero	5th Street (green backed sharrows)	Green back sharrows from Market to Townsend on 5th St.	Complete
Complete Streets	Streetscape Projects	2nd Street Streetscape	Includes sidewalk widening, curbside bikeways with floating parking and bus boarding islands, vehicle lane reduction and traffic signal modifications	Planned and underway: fully funded; construction expected fall 2016.
Open Space	Open Space New	Brannan Street Warf		Complete
Complete Streets	Streetscape Projects	7th Street Streetscape	Includes streetscape improvements on Seventh Street between Market and Harrison Streets. Elements include: Reducing the amount of traffic lanes from four to three; the addition of a buffer separated bike lane or "cycle track"; corner bulbs and bus bulbs at intersections reducing pedestrian	Planned: (update coming soon)
Complete Streets	Major Projects	Folsom Streetscape	Includes streetscape improvements on Folsom Street between Fifth Street and 11th Street. Improvements include: the addition of an improved separated bi-directional bike lane "cycle track" with a buffer using either parking or raised traffic islands; corner bulbs and bus bulbs at intersections	Planned - Partially Funded, EIR to be complete by winter 2016-17. Community engagement and design planned for 2017, approvals 2018, construction 2019 or after.
Complete Streets	Major Projects	Howard Streetscape	Streetscape improvements on Folsom Street between Fifth Street and 11th Street and start construction. Improvements include: The current four lane one way street will be converted to one eastbound and two westbound traffic lanes and a planted median; the existing Howard Street bike	Planned - Partially Funded, EIR to be complete by winter 2016-17. Community engagement and design planned for 2017, approvals 2018, construction 2019 or after.
Complete Streets	Streetscape Projects	SoMa Alleyways (Minna, Shipley, Clara, Natoma, Clementina)	Alley improvements that include raised crosswalks, stamped asphalt, traffic calming, chicanes, street trees, among other features.	Complete
Complete Streets	Streetscape Projects	7th and 8th Street Restriping	Remove one travel lane on 7th Street between Harrison and Market Streets and study the operation of the new lane configuration. The lane reduction will help inform the environmental review for the preferred design of the ENTRIPS 7th Street Streetscape.	Complete
Open Space	Open Space New	New Park(s) Soma	Placeholder for one or more new parks, open space, or recreational facility for the South of Market.	Planned and underway, Rec and Park actively seeking acquisition; not fully funded.
Open Space	Open Space Rehab	Gene Friend/SOMA Recreation Center Reconstruction	Plans for the rehabilitation of Gene Friend currently include demolishing the existing structure and rebuilding a larger, more flexible and attractive facility.	Planned and underway: completed initial phase of community engagement; currently in planning phase.
Complete Streets	Streetscape Projects	Bartlett Street / Mission Mercado	Streetscape improvements to make the street segment double as a plaza. Interventions include widened sidewalks, raised shared surface, new street trees and landscaping, and pergola structures.	Planned and underway: under construction.
Complete Streets	Streetscape Projects	Potrero Ave.	Repaving and utility upgrades from Alameda to 25th Street. Bus bulbs, ped and bike improvements throughout. Focused streetscaping between 21st and 25th including median, widened sidewalks and pedestrian lighting.	Planned and underway: currently under construction.
Complete Streets	Streetscape Projects	Mission District Traffic Calming	In Mission Streetscape Plan (Hampshire, Shotwell, 20, 26)	Conceptual - not currently funded.
Complete Streets	Vision Zero	16th and Capp (traffic signal)	16th and Capp (traffic signal)	Complete
Open Space	Open Space Rehab	Mission Rec Center	The project is currently being scoped with the goal of completely rebuilding the enclosed Recreation Center.	Planned: seed funding provided through IPIC; planning to begin mid 2016.
Open Space	Open Space New	17th and Folsom Street Park	A new park at 17th and Folsom that will include a children's play ara, demonstration garden, outdoor amphitheater and seating, among other amenities.	Planned and underway: under construction.
Open Space	Open Space Rehab	Franklin Square	The smaller near-term project is to install a exercise course at the park.	Planned: athletic course project fully funded; beginning design with construction 2016.
Open Space	Open Space Rehab	Jose Coronado Playground	The project could include playing field resurfacing and new fencing.	Planned: - additional scoping exected.

Eastern Neighborhoods  
List of Capital Projects

IPIC Category	Capital Plan Sub-Category	Project Title	Scope	Status
Open Space	Open Space Rehab	Juri Commons (Playground)	This smaller near-term project looks to reconstruct the playground at this small park.	Planned, fully funded.
Open Space		Fallen Bridge Park (CCG Recipient)	Further improvement of Fallen Bridge Park, a community-created park, located at the base of the I-101 pedestrian bridge on its west side.	Complete
Open Space	Open Space Rehab	Garfield Square Aquatics Center	This project includes enhancing the facility to a higher capacity Aquatics Center, which, besides refurbishing the pool, would also include adding additional amenities such as a multi-purpose room and a slide.	Planned and underway: currently completing community engagement for final design.
Transit	Major Projects	Mission Street (Muni Forward) - Mission		Planned and underway. Frequency increase in 2015. Construction scheduled for 2016.
Transit	Major Projects	16th Street Multimodal Corridor Project		Planned and underway: fully funded, phased implementation to begin soon; hard construction to begin 2018.
Complete Streets	Streetscape Projects	Cesar Chavez (Hairball short term improvements)		Conceptual - not currently funded.
Complete Streets	Vision Zero	11th/13th/Bryant (bicycle intersection improvements)	11th/13th/Bryant (bicycle intersection improvements)	Planned.
Complete Streets		Hope SF Potrero Street Safety improvements	[need to check]	Planned and underway.
Complete Streets	Green Connections	22nd Street Steps (Arkansas to Missouri)	Stairs along the north side of Potrero Recreation center along the 22nd Street right-of-way and alignment.	Conceptual - not currently funded.
Complete Streets	Green Connections	17th Street (phased with Loop OS)	Streetscape improvements to activate the portion of 17th Street that crosses under the 101.	Planned; funding being sought.
Complete Streets	Green Connections	17th Street Green Street	Green connection streetscape interventions along 17th Street within Showplace Square.	Conceptual - not currently funded.
Complete Streets	Green Connections	Wisconsin @ Jackson Playground	Green connection streetscape interventions Wisconsin Street between Jackson Playground and 16th Street.	Conceptual - not currently funded.
Complete Streets	Streetscape Projects	Cesar Chavez (East)		Conceptual - not currently funded.
Open Space	Open Space Rehab	Jackson Playground	Scope for the rehabilitation of Jackson Playground is currently being developed between Rec and Park, Friends of Jackson Playground, Live Oak School and other interested parties.	Planned: Planning underway. Funding actively being sought.
Open Space	Open Space New	Daggett Park	A new park on the former Daggett right-of-way.	Near Complete.
Open Space		Connecticut Friendship Garden Outdoor Classroom (CCG Recipient)	Creation of a community outdoor classroom at the Connecticut Street Friendship Garden immediately adjacent to Potrero Recreation Center.	Planned and underway.
Open Space	Open Space New	The Loop	A series of open space and streetscape interventions at the intersections of 17th Street and Highway 101 that would activate and enliven the underutilized space along and under the freeway.	Conceptual; actively seeking funding.
Open Space	Open Space New	Irwin Plaza	Plaza improvements at the intersection of 16th Street and Irwin.	Conceptual - not currently funded.

Eastern Neighborhoods  
List of Capital Projects

IPIC Category	Capital Plan Sub-Category	Project Title	Scope	Status
Transit	Transit	New bus routing in Showplace/Potrero and Central Waterfront.		Community consultation underway.
Complete Streets	Streetscape Projects	8th Street Streetscape	Streetscape improvements on Eighth Street between Market and Harrison Streets. Elements include: The addition of an improved buffer separated bike lane "cycle track" using either parking or raised traffic islands; corner bulbs and bus bulbs at intersections reducing pedestrian crossing distances and	Planned: (update coming soon)
Complete Streets	Streetscape Projects	Ringold Alley	Streetscape improvements that include enhanced lighting, landscaping, paving, furnishings, and undergrounding utility lines.	Planned and underway. Construction to begin soon.
Complete Streets	Streetscape Projects	Western SOMA Gateway Treatments at highway off-ramps		Conceptual - not currently funded.
Open Space	Open Space New	12th Street Greening (Eagle Plaza adjacent)	Possible improvements between Folsom and Betrice that would include a "living streets" treatment that would include widened sidewalks, landscaping and some programmed uses.	Conceptual - not yet officially proposed
Open Space	Open Space New	12th Street Greening (Eagle Plaza)	Eagle Plaza envisions are share surface treatment between Betrice and Harrison, with a single south bound travel lanes, plaza plantings, seating, lighting and other amenities to allow the space to be used for both active and passive recreational use and for events.	Planned and underway through in-kind.
Complete Streets	Streetscape Projects	7th Street from Townsend to 16th Street	Conceptual placeholder for extending streetscaping and complete streets treatment for southern portion of 7th Street.	Conceptual - not currently funded. Awaiting RAB.
Complete Streets	Green Connections	GC Segments: Basic Signage and Wayfinding	General low-level low-cost interventions for all portions of identified "Green Connections" within Eastern Neighborhoods.	General placeholder
Complete Streets	Streetscape Projects	Infill Street Tree Planting		General placeholder
Complete Streets	Streetscape Projects	EN Streetscape Improvements through 2025		general placeholder
Complete Streets	Vision Zero	Walk First Long-Term, Comprehensive Improvements	All WalkFirst Phase 2 improvements in Eastern Neighborhoods.	Conceptual - not currently funded.
Open Space	Open Space - Other	Community Challenge Grant Projects		Ongoing. Third funding cycle recently opened.