



TENTATIVE MAP DECISION

Date: April 30, 2019

Department of City Planning
 1650 Mission Street, Suite 400
 San Francisco, CA 94103

Project ID: 9902			
Project Type: A Merger and Subdivision, 38 Residential and 1 Commercial Mixed Use New Condominium			
Address#	StreetName	Block	Lot
349	08TH ST	3755	054
349	08TH ST	3755	065
349	08TH ST	3755	066
Vesting Tentative Map Referral			

Attention: Mr. Corey Teague.

Please review* and respond to this referral within 30 days in accordance with the Subdivision Map Act.

(*In the course of review by City agencies, any discovered items of concern should be brought to the attention of Public Works for consideration.)

Sincerely,

James Ryan Digitally signed by James Ryan
 Date: 2019.04.30 12:38:45 -07'00'

for, Bruce R. Storrs, P.L.S.
 City and County Surveyor

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from California Environmental Quality Act (CEQA) environmental review as categorically exempt Class , CEQA Determination Date , based on the attached checklist.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the attached conditions.

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code due to the following reason(s):

PLANNING DEPARTMENT

Signed **Kimberly Durandet** Digitally signed by Kimberly Durandet
 Date: 2019.08.21 14:53:50 -07'00'

Date

Planner's Name
 for, Corey Teague, Zoning Administrator

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:)
And When Recorded Mail To:) **CONFORMED COPY** of document recorded
Name: John C. Kevlin) **06/28/2017, 2017K470717**
Address: One Bush Street, Ste. 600) on _____ with document no _____
City: San Francisco) This document has not been compared with the original
State: California Zip: 94104) **SAN FRANCISCO ASSESSOR-RECORDER**
Space Above this Line For Recorder's Use

I, (We) RODGERS STREET LLC, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows: (or see attached sheet marked "Exhibit A" on which property is more fully described):

BEING ASSESSOR'S BLOCK: 3755, **LOT(S):** 054, 065 & 066 ;
COMMONLY KNOWN AS: 349 8th Street ;

hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to the Large Project Authorization Application No. **2015-004085ENX** approved by the Planning Commission of the City and County of San Francisco on **May 18, 2017**, as set forth in Planning Commission Motion No. **19923**.

The restrictions and conditions of which notice is hereby given are:

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

AUTHORIZATION

This authorization is for a Large Project Authorization to allow demolition of the surface vehicular parking lot and construction of a five-story, 55-foot tall, 40,457 square feet (sf), mixed-use residential building with 38 residential dwelling units and 926 sf of ground floor commercial space located at 349 8th Street, 3755, 054, 065 & 066 pursuant to Planning Code Section(s) 329 within the WMUG District and a 55-X Height and Bulk District; in general conformance with plans, dated (**not dated**), and stamped "EXHIBIT B" included in the docket for Case No. **2015-004085ENX** and subject to conditions of approval reviewed and approved by the Commission on **May 18, 2017** under Motion No. 19923. 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 **May 18, 2017** under Motion No. **19923**.

Printing of conditions of approval on plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19923 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.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Conditions of Approval, Compliance, Monitoring, and Reporting

Performance

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

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415-575-6863, www.sf-planning.org

6. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

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

7. **Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2015-004085ENV) 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

Monitoring

8. **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

Design

9. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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 building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

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

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:

- a. 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;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. 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;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

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>

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Parking and Traffic

13. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than **42** bicycle parking spaces (**38** Class 1 spaces for the residential portion of the Project and **4** Class 2 spaces for the residential and commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

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

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

Provisions

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

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

16. **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

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

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

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18. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
19. **Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Operation

20. **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>
21. **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/>*
22. **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

Entertainment Commission – noise Attenuation Conditions

23. **Chapter 116 Residential Projects.** The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

were recommended by the Entertainment Commission on August 25, 2015. These conditions state:

- a) **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
- b) **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
- c) **Design Considerations.**
 - i. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - ii. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.
- d) **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
- e) **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

INCLUSIONARY HOUSING REQUIREMENTS

24. **Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.
 - a) **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 14.5% of the proposed dwelling units as affordable to qualifying households. The Project contains 38 units; therefore, 6 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 6 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD"). *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.*

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

- b) **Unit Mix.** The Project contains 1 studios, 21 one-bedroom, 15 two-bedroom, and 1 three-bedroom units; therefore, the required affordable unit mix is 1 studios, 3 one-bedroom, 2 two-bedroom, and 0 three-bedroom units. 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 or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- c) **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 or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- d) **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fourteen and one half percent (14.5%), 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 or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

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

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

- f) **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 MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

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

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction 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.
- ii. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households. The affordable unit shall be affordable to low-income households, as defined in the Planning Code and Procedures Manual. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

- vi. 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 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.
- vii. 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.
- viii. 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.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code. This document would no longer be in effect and would be null and void.

RODGERS STREET LLC



(Signature)

K. CYRUS SAVANDAJI

(Print Name)

Dated: JUNE, 27th, 2017 at SAN FRANCISCO, California.
(Month, Day) (City)

(Signature)

(Print Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ACKNOWLEDGMENT

State of California
County of San Francisco

On June 27, 2017 before me, Julian Lyndon Arce, Notary Public
(insert name and title of the officer)

personally appeared Kaveh Cyrus Samandaji,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



Escrow No.: 13-35516904-KT
Locate No.: CACTI7738-7738-2355-0035516904
Title No.: 13-35516904-RM

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEGINNING at a point on the northeasterly line of Eighth Street distant thereon 185 feet southeasterly from the southeasterly line of Folsom Street; running thence southeasterly along said line of Eighth Street 60 feet; thence at a right angle northeasterly 120 feet; thence at a right angle northwesterly 60 feet; thence at a right angle southwesterly 120 feet to the point of beginning.

Being a part of 100 VARA BLOCK NO. 409.

PARCEL TWO:

BEGINNING at a point on the southwesterly line of Rodgers Street distant thereon 225 feet southeasterly from the southeasterly line of Folsom Street; running thence southeasterly along said line of Rodgers Street 25 feet; thence at a right angle southwesterly 62 feet and 6 inches; thence at a right angle northwesterly 25 feet; thence at a right angle northeasterly 62 feet and 6 inches to the point of beginning.

Being a part of 100 VARA BLOCK NO. 409.

PARCEL THREE:

BEGINNING at a point on the southwesterly line of Rodgers Street distant thereon 250 feet southeasterly from the southeasterly line of Folsom Street; running thence southeasterly along said southwesterly line of Rodgers Street 25 feet; thence at a right angle southwesterly 62 feet and 6 inches; thence at a right angle northwesterly 25 feet; thence at a right angle northeasterly 62 feet and 6 inches to the point of beginning.

Being a part of 100 VARA BLOCK NO. 409.

APN: Block 3755, Lots 54, 65 & 66

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: John Kevlin
Reuben, Junius & Rose, LLP
Address: One Bush St., Ste. 600
San Francisco
City:
State: CA **ZIP:** 94104

CONFORMED COPY of document recorded
on 11/15/2018, 2018K695115
This document has not been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

(Space Above This Line For Recorder's Use)

RODGERS STREET LLC

I (We), _____, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows:

(LEGAL DESCRIPTION AS ON DEED ATTACHED – Exhibit A)

BEING ASSESSOR'S BLOCK: 3755, LOT: 054, 065, & 066

COMMONLY KNOWN AS: 349 8th STREET;

hereby give notice that there are special restrictions on the use of said property under the Planning Code.

Said Restrictions consist of conditions attached to Large Project Authorization Application No. 2015-004085ENX authorized by the Planning Commission of the City and County of San Francisco on May 18, 2017 as set forth in Planning Commission Motion No. 19923 pursuant to section 329 of the Planning Code to construct a five-story, fifty-five foot tall, approximately 40,457 square feet, mixed-use residential building with 38 residential units and 926 square feet of ground floor commercial space, within the WMUG (Western Soma Mixed-Use, General) Zoning District, Western Soma Special Use District, and a 55-X Height and Bulk District.

The approved dwelling unit mix of the project was 1 studio, 21 one-bedroom units, 15 two-bedroom units and 1 three-bedroom unit, for a total of 38 dwelling units.

The following units in the Project have been designated as affordable to satisfy the requirements of Planning Code Section 415 et. al. the Inclusionary Affordable Housing Program. The unit numbers listed below are reflected in the reduced set of plans, dated September 11, 2018, which are attached to this document.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

UNIT NUMBER (PLANS)	UNIT TYPE	UNIT SIZE
102	Two-Bedroom	952 square feet
105	One-Bedroom	730 square feet
303	One-Bedroom	576 square feet
307	One-Bedroom	554 square feet
404	Two-Bedroom	811 square feet
407	One-Bedroom	554 square feet

The restrictions and conditions of which notice is hereby given are:

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

- 1. Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 14.5% of the proposed dwelling units as affordable to qualifying households. The Project contains 38 units; therefore, six (6) affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the six affordable units on-site. 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").
- 2. Unit Mix.** The Project contains 1 studio unit, 21 one-bedroom units, 15 two-bedroom units, 1 three-bedroom unit; therefore, the required affordable unit mix is 4 one-bedroom units and 2 two-bedroom units. 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.
- 3. Unit Location.** The affordable unit(s) 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 (Exhibit B).
- 4. Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 14.5% of each phase's total number of dwelling units as on-site affordable units.
- 5. 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.
- 6. 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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.


- 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, (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 sale, the affordable unit(s) shall be sold to Qualified Buyer households, as defined in the Procedures Manual, including but not limited to a First-time Homebuyer requirement. The units shall be priced to be affordable to households whose gross annual income, adjusted for household size, does not exceed ninety (90) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and, (v) procedures for inheritance apply 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 initial buyers or 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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Planning Department 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.

- 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.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.


(Signature)

K. CYRUS SANANDAJI
(Printed Name) Rodgers Street LLC

Dated: November 15, 2018 at San Francisco, California.
(Month, Day) (City)

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Francisco

Subscribed and sworn to (or affirmed) before me on this 15th day of November,
2018 by Kareh Cyrus Sanandaji

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Sergio A. Galvez
Signature (Seal)



OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Notice of Special Restrictions
(Title or description of attached document)

for 349 8th Street
(Title or description of attached document continued)

Number of Pages 7 Document Date 11-15-18

Additional information

INSTRUCTIONS

The wording of all Jurats completed in California after January 1, 2015 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one which does contain the proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and county information must be the state and county where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of the document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
 - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document with a staple.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

(Signature) (Printed Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

(Signature) (Printed Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT A

The property referred to in this Notice of Special Restrictions is situated in the State of California, City and County of San Francisco, and is described more particularly as follows:

Escrow No.: 13-35516904-KT
Locate No.: CACTI7738-7738-2355-0035516904
Title No.: 13-35516904-RM

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEGINNING at a point on the northeasterly line of Eighth Street distant thereon 185 feet southeasterly from the southeasterly line of Folsom Street; running thence southeasterly along said line of Eighth Street 60 feet; thence at a right angle northeasterly 120 feet; thence at a right angle northwesterly 60 feet; thence at a right angle southwesterly 120 feet to the point of beginning.

Being a part of 100 VARA BLOCK NO. 409.

PARCEL TWO:

BEGINNING at a point on the southwesterly line of Rodgers Street distant thereon 225 feet southeasterly from the southeasterly line of Folsom Street; running thence southeasterly along said line of Rodgers Street 25 feet; thence at a right angle southwesterly 62 feet and 6 inches; thence at a right angle northwesterly 25 feet; thence at a right angle northeasterly 62 feet and 6 inches to the point of beginning.

Being a part of 100 VARA BLOCK NO. 409.

PARCEL THREE:

BEGINNING at a point on the southwesterly line of Rodgers Street distant thereon 250 feet southeasterly from the southeasterly line of Folsom Street; running thence southeasterly along said southwesterly line of Rodgers Street 25 feet; thence at a right angle southwesterly 62 feet and 6 inches; thence at a right angle northwesterly 25 feet; thence at a right angle northeasterly 62 feet and 6 inches to the point of beginning.

Being a part of 100 VARA BLOCK NO. 409.

APN: Block 3755, Lots 54, 65 & 66

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT B

PLANS OF PROJECT INDICATING LOCATION OF AFFORDABLE UNITS

BMR AREA CALCULATION

349 8th Street											
# of Units	38										
BMR Rate	15%										
# of BMR's	6										
STUDIO		1		BMR MIX		0					
1 BD		21				4					
2 BD		15				2					
3 BD		1				0					
		38				6					
Unit #	STUDIO		1BD		2BD		3 BD		BMR SELECTION		
	NET	GROSS	NET	GROSS	NET	GROSS	NET	GROSS			
101			853	946							
102					952	1080				YES	
103			883	1007							
104					1091	1231				YES	
105			730	844							
106			780	873							
107			780	899							
301					815	888					
302			576	637							
303			572	630						YES	
304					802	892					
305			486	539							
306					911	1005					
307			554	620						YES	
308					1027	1109					
401					815	888					
402			572	634							
403			570	633							
404					811	892				YES	
405			487	543							
406					911	1001					
407			554	620						YES	
408					1027	1109					
501					815	888					
502			574	634							
503			573	633							
504					806	892					
505			486	543							
506					912	1000					
507			554	620							
508					1027	1109					
601					798	888					
602			573	634							
603			552	611							
604	425	486									
605							1029	1135			
606			588	650							
607			640	712							
AVERAGE			616	689	901	991				COMPLIES	
BMR min			554	620	811	892				COMPLIES	

NOTE: BMR Min. Area Required = :
 1B: 616 NSF x 90% = 554 NSF
 2B: 901 NSF x 90% = 811 NSF

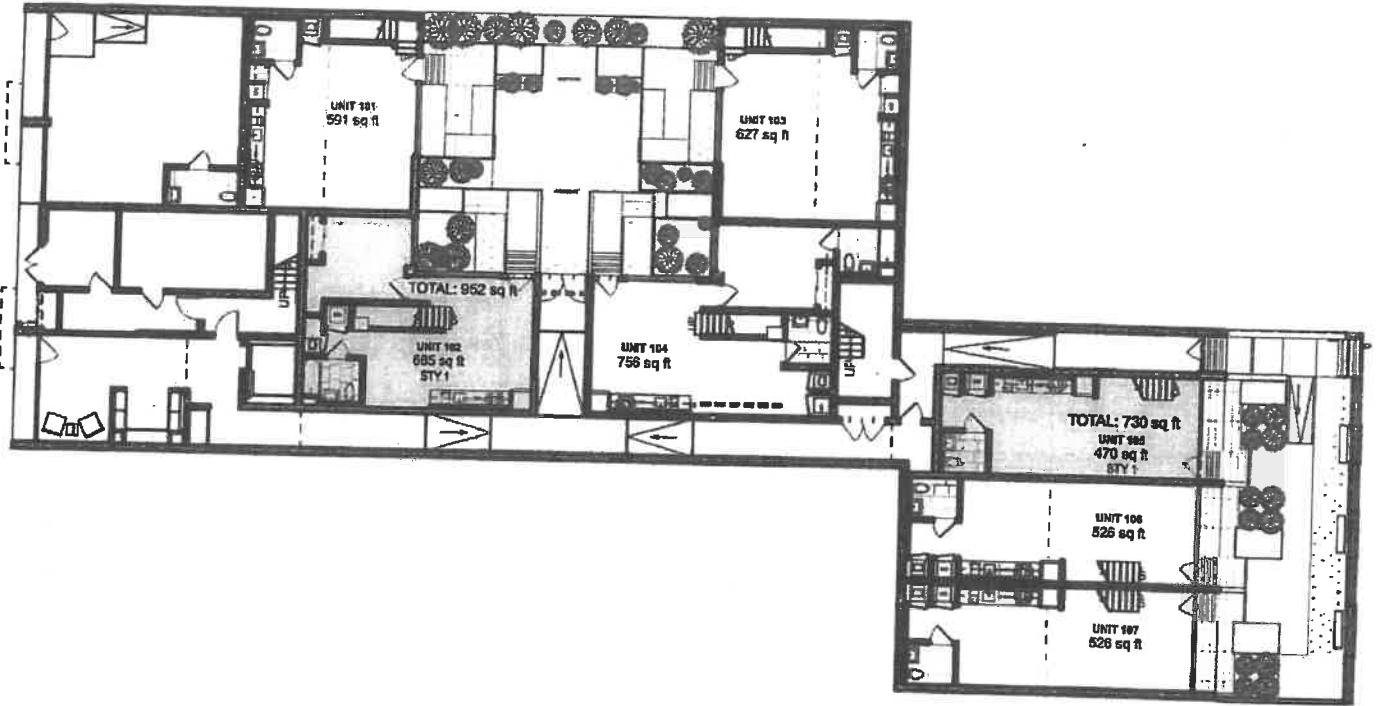
BMR UNITS



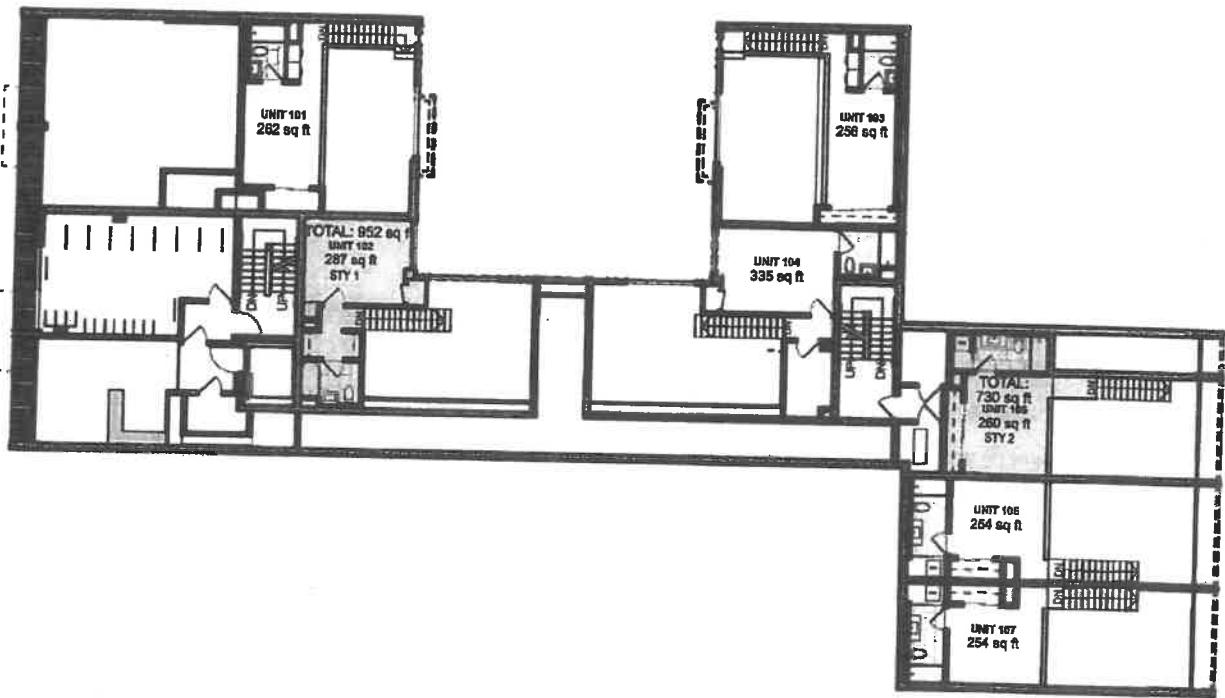
2BD UNITS



1BD UNITS

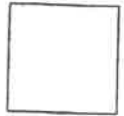


FIRST FLOOR PLAN



SECOND FLOOR PLAN

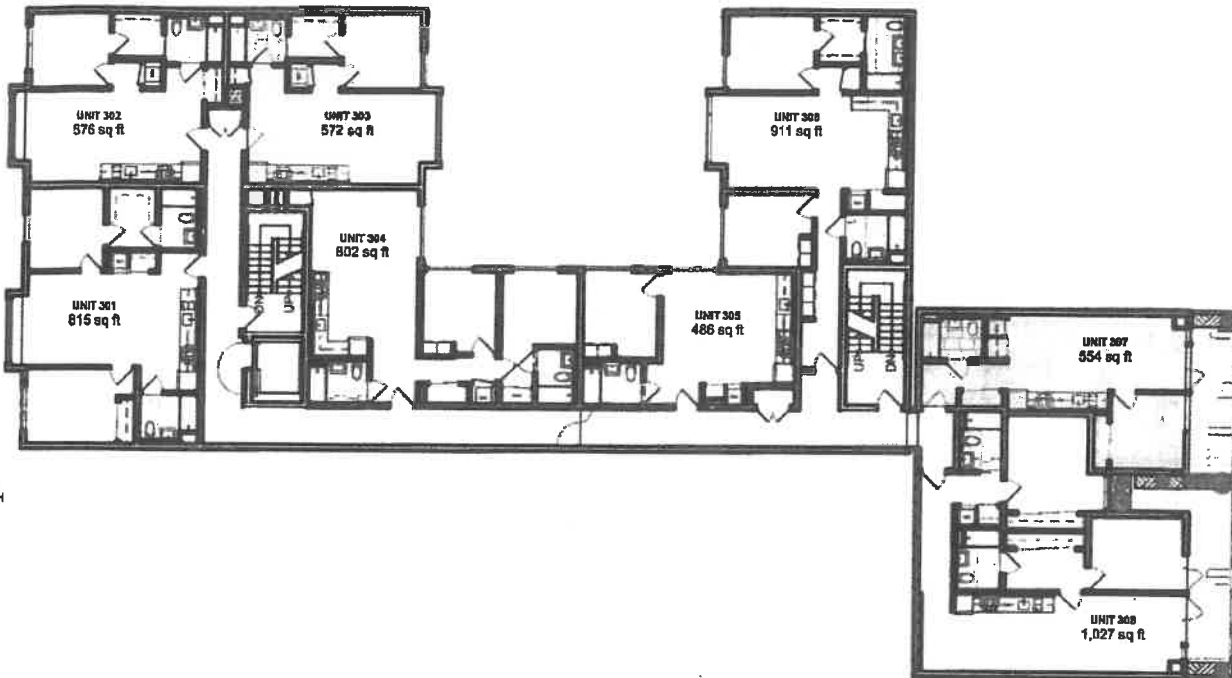
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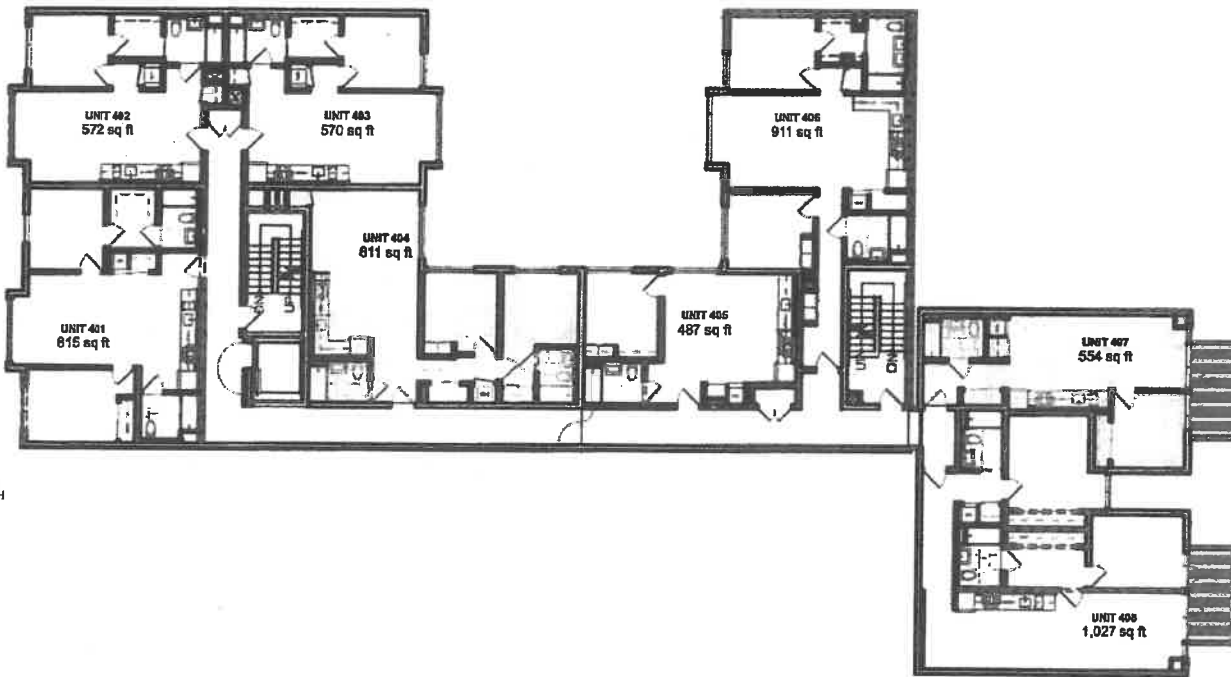
2BD UNITS



1BD UNITS



THIRD FLOOR PLAN



FOURTH FLOOR PLAN

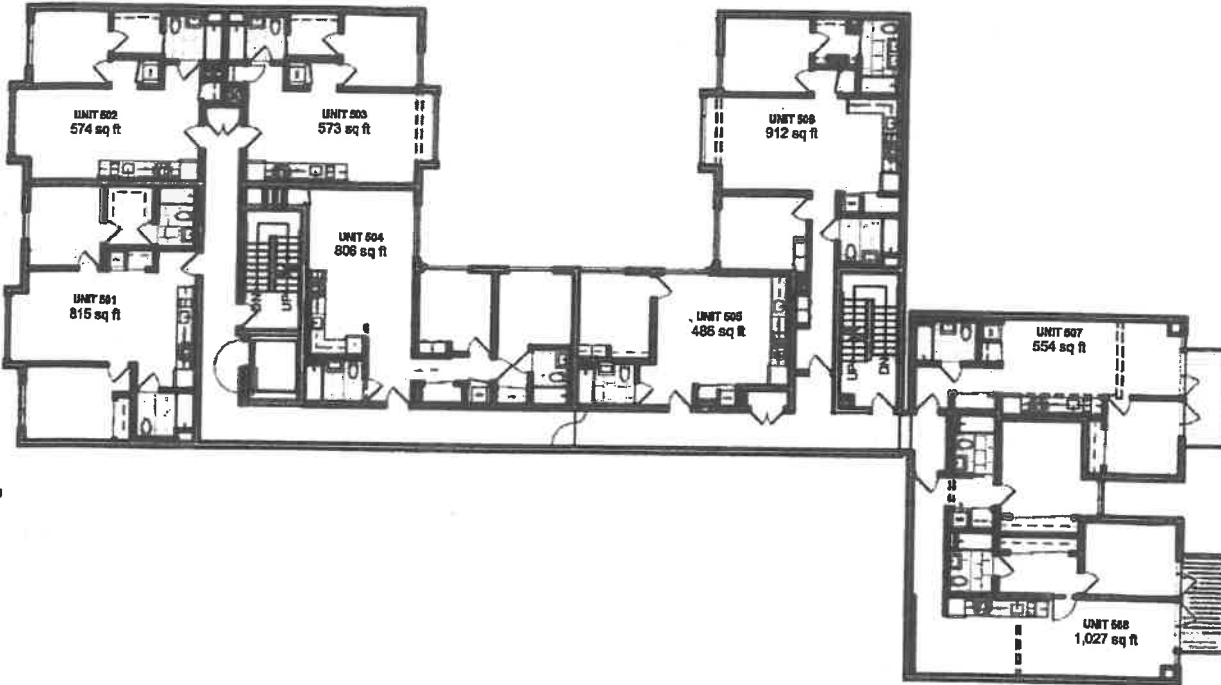
BMR UNITS



2BD UNITS

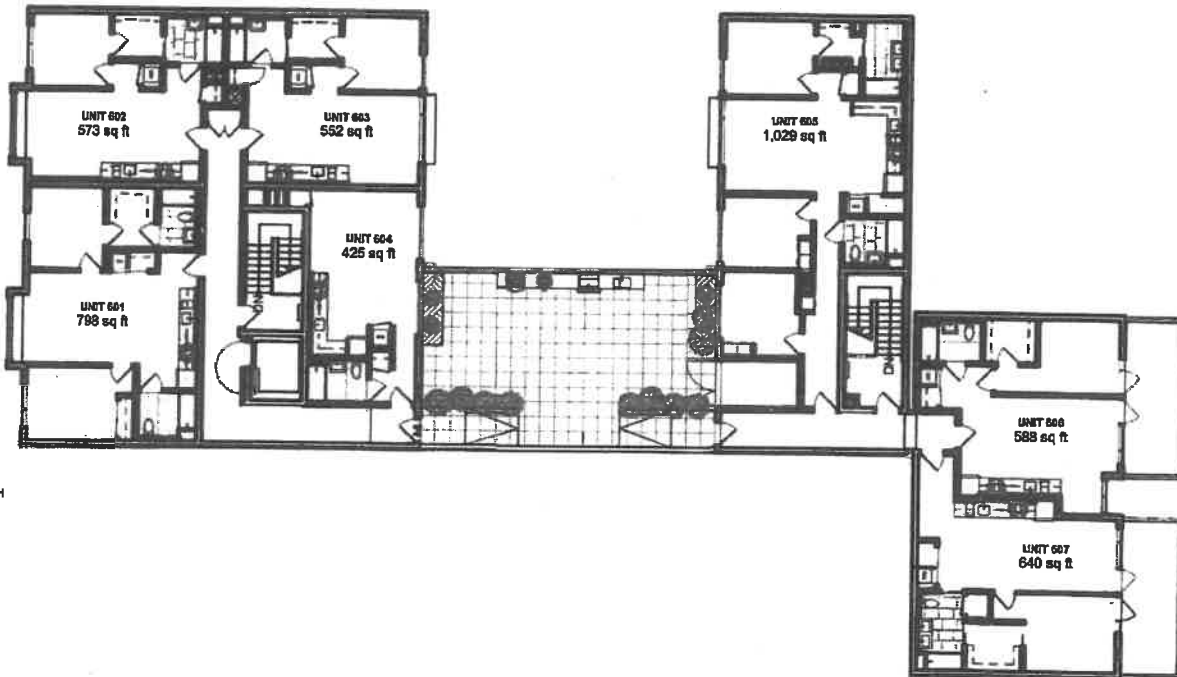


1BD UNITS



PLAN NORTH

FIFTH FLOOR PLAN



PLAN NORTH

SIXTH FLOOR PLAN

BMR UNITS



2BD UNITS



1BD UNITS



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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

Case No.: 2015-004085ENV
Project Address: 349 8th Street
Zoning: WMUG (Western SoMa Mixed Use District-General)
Western SoMa Special Use District
55-X Height and Bulk District
Block/Lot: 3755/054,065,006
Lot Size: 10,325 square feet
Plan Area: Western SoMa Community Area Plan
Project Sponsor: Rodgers Street, LLC, (760) 214-8753
Staff Contact: Alana Callagy, (415) 575-8734, alana.callagy@sfgov.org

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The 349 Eighth Street Project (proposed project) would merge three lots (054, 065, and 066) on Block 3755 used as a surface vehicular parking lot with a total of approximately 30 spaces and construct a five-story, 55-foot tall (65 feet tall with rooftop structures), mixed-use residential building with 38 residential units (approximately 40,880 square feet (sf)) and approximately 1,240 sf of ground floor commercial space. The 10,325 sf project site is located midblock between Folsom and Harrison streets, extends from Eighth Street to Rodgers Street in San Francisco's South of Market (SoMa) neighborhood, and is within the Western SoMa Mixed Use (WMUG) Zoning District and the 55-X Height and Bulk District.

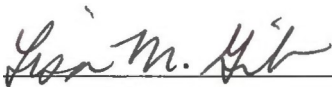
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EXEMPT STATUS

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

DETERMINATION

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


LISA M. GIBSON
Acting Environmental Review Officer

12/7/16
Date

cc: Riyadh Ghannam, Project Sponsor; Supervisor Jane Kim, District 6; Marvis J. Philips, Alliance for Better District 6; Kimberly Durandet, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The proposed mixed-use building's residential lobby and commercial space would share a frontage on Eighth Street. In addition to the lobby and commercial space, the first floor (which includes a ground floor with a Mezzanine level) would contain seven one-bedroom units. The second through fourth floors of the proposed project would contain four one-bedroom and four two-bedroom units, each. The fifth floor would contain one studio, three one-bedroom, two two-bedroom, and one three-bedroom units.

The project proposes a 1,400-sf inner courtyard, a 770-sf outer courtyard fronting Rodgers Street, and a 1,000-sf skybridge connecting portions of the fifth floor. Three of the seven one-bedroom units on the first floor would have private patios facing the inner courtyard and another three units would have balconies over the outer courtyard. The project proposes balconies for four of the units on the second floor, with two balconies over the inner courtyard and two over the outer courtyard. The project proposes balconies for two units on each of the third through fifth floors, with these balconies over the outer courtyard.

The project proposes 38 Class I bicycle parking spaces on the ground floor in the center of the building and two Class II bicycle parking spaces along both Eighth and Rodgers streets. The project would remove the existing curb cuts on Eighth and Rogers streets. No vehicle parking, below-grade levels, garage/basement, or curb-cuts are proposed.

Construction of the proposed project would occur over approximately 16 to 18 months. Construction equipment to be used would include backhoes, excavators, and construction cranes. The entire project site would be excavated to a depth of approximately four feet to accommodate the foundation with additional depths of two to three feet beyond (total depths of six to seven feet) for soil improvement measures. The total amount of excavation for the project would be approximately 1,530 cubic yards of soil.

PROJECT APPROVAL

The proposed project would require the following approvals:

- **Large Project Authorization** (Planning Commission)
- **Building Permit** (Department of Building Inspection)

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

COMMUNITY PLAN EXEMPTION OVERVIEW

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

at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 349 Eighth Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eight Street Project (PEIR).¹ Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Western SoMa PEIR.

The Western SoMa PEIR included analyses of the following environmental issues: land use; aesthetics; population and housing; cultural and paleontological resources; transportation and circulation; noise and vibration; air quality; greenhouse gas emissions; wind and shadow; recreation; public services, utilities, and service systems; biological resources; geology and soils; hydrology and water quality; hazards and hazardous materials; mineral and energy resources; and agricultural and forest resources.

As a result of the Western SoMa rezoning process, the project site was rezoned from SLR (Service/Light-Industrial/Residential) to WMUG (Western SoMa Mixed Use District – General). The WMUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood. As currently presented, the proposed project meets the development density for the project site as proposed under the Western SoMa Community Plan.

Individual projects that could occur in the future under the Western SoMa Community Plan will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 349 Eighth Street is consistent with and was encompassed within the analysis in the Western SoMa PEIR. This determination also finds that the Western SoMa PEIR adequately anticipated and described the impacts of the proposed 349 Eighth Street project, and identified the mitigation measures applicable to the 349 Eighth Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{2,3} Therefore, no further CEQA evaluation for the 349 Eighth Street project is required. In sum, the Western SoMa PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

¹ Planning Department Case Nos. 2008.0877E and 2007.1035E, State Clearinghouse No. 2009082031. Available: <http://www.sf-planning.org/index.aspx?page=1893>.

² Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 349 8th Street, July 25, 2016. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2015-004085ENV.

³ Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 349 8th Street, June 13, 2016.

PROJECT SETTING

The 10,325 square-foot project site is located midblock between Folsom and Harrison streets and extends from Eighth Street to Rodgers Street. The site contains three parcels (349 Eighth Street and 54 and 60 Rodgers Street) used as a surface vehicular parking lot. The site is located in Block 3755, bound by Folsom, Seventh, Harrison, and Eighth streets.

The properties adjacent to the project site consist of one- to three-story buildings occupied by furniture and carpet/rug retail spaces and design services.

The project vicinity is characterized by a mix of residential, retail, office, light industrial, and entertainment uses in an area of land use transition. The closest residential uses to the proposed project are live/work condominiums and condominiums to the east, across Rodgers Street, and to the west, across Eighth Street (350 Eighth Street). Two entertainment uses, a bar (Driftwood at 1225 Folsom Street) and a club (Cat Club at 1190 Folsom Street), occur within 300 feet of the proposed project to the north on Folsom Street.

Development projects within two blocks of the project site include the remaining phases of the L Seven Development (350 Eighth Street), a multi-building, mixed-use development with 410 apartments and townhouses, commercial, and production, distribution, and repair, across Eighth Street from the project site; and a six story mixed-use building with 42 studios (1174-1178 Folsom), approximately 350 feet north of the project site. The scale of development in the project vicinity along Eighth Street varies from one- to seven-stories.

Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates the following transit service: the 12-Folsom/Pacific, 19-Polk, 27-Bryant, and 47 Van Ness bus lines.

POTENTIAL ENVIRONMENTAL EFFECTS

The proposed 349 Eighth Street project is in conformance with the height, use, and density for the site described in the Western SoMa PEIR and would represent a small part of the growth that was forecast for the Western SoMa Community Plan. Thus, the project analyzed in the Western SoMa PEIR considered the incremental impacts of the proposed 349 Eighth Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Western SoMa PEIR.

Significant and unavoidable impacts were identified in the Western SoMa PEIR for the following topics: historic resources, transportation and circulation, noise, air quality, and shadow. The Western SoMa PEIR identified feasible mitigation measures to address significant impacts related to cultural and paleontological resources, transportation and circulation, noise and vibration, air quality, wind, biological resources, and hazards and hazardous materials. Table 1, below, lists the mitigation measures identified in the Western SoMa PEIR and states whether each measure would apply to the proposed project.

Table 1 – Western SoMa PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
D. Cultural and Paleontological Resources		
M-CP-1a: Documentation of a Historical Resource	Not applicable: site is not a historic resource	Not applicable

Mitigation Measure	Applicability	Compliance
M-CP-1b: Oral Histories	Not applicable: site is not a historic resource	Not applicable
M-CP-1c: Interpretive Program	Not applicable: site is not a historic resource	Not applicable
M-CP-4a: Project-Specific Preliminary Archeological Assessment	Applicable: soil disturbing activities proposed	The project sponsor shall retain an archeological consultant, submit an Archeological Testing Plan (ATP) for review, implement the ATP prior to soil disturbance, and, as needed, implement an Archeological Monitoring Program (AMP) with all soil-disturbing activities. Project sponsor and archeologist shall notify and mitigate the finding of any archeological resource in coordination with the Environmental Review Officer (ERO).
M-CP-4b: Procedures for Accidental Discovery of Archeological Resources	Not applicable: negated by implementation of M-CP-4a/ archeological testing	Not applicable
M-CP-7a: Protect Historical Resources from Adjacent Construction Activities	Applicable: adjacent historic resources present	The project sponsor shall incorporate into construction specifications a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings.
M-CP-7b: Construction Monitoring Program for Historical Resources	Applicable: adjacent historic resources present	The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a pre-construction survey of historical resource(s) identified by the San Francisco Planning Department within 125 feet of planned construction to document and photograph the buildings' existing conditions.

Mitigation Measure	Applicability	Compliance
E. Transportation and Circulation		
M-TR-1c: Traffic Signal Optimization (8 th /Harrison/I-80 WB off-ramp)	Not applicable: automobile delay removed from CEQA analysis	Not applicable
M-TR-4: Provision of New Loading Spaces on Folsom Street	Not applicable: project would not remove loading spaces along Folsom Street	Not applicable
M-C-TR-2: Impose Development Impact Fees to Offset Transit Impacts	Not applicable: transit ridership generated by project would not considerably contribute to impact	Not applicable; however, project is subject to Transportation Sustainability Fee (effective December 2015)
F. Noise and Vibration		
M-NO-1a: Interior Noise Levels for Residential Uses	Not applicable: impacts of the environment on the project no longer a CEQA topic	Not applicable
M-NO-1b: Siting of Noise-Sensitive Uses	Not applicable: impacts of the environment on the project no longer a CEQA topic	Not applicable
M-NO-1c: Siting of Noise-Generating Uses	Not applicable: project is not proposing a noise-generating use	Not applicable
M-NO-1d: Open Space in Noisy Environments	Not applicable: impacts of the environment on the project no longer a CEQA topic	Not applicable
M-NO-2a: General Construction Noise Control Measures	Applicable: project includes construction activities	The project sponsor shall require the general contractor to ensure that equipment and trucks used for project construction use the best available noise control techniques; locate stationary noise sources as far from adjacent or nearby sensitive receptors as possible; use hydraulically or electrically powered impact tools; and include noise control requirements to construction contractors. The project sponsor shall submit to the San Francisco Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise.
M-NO-2b: Noise Control Measures During Pile Driving	Applicable: project could potentially include pile-driving activities	Not applicable

Mitigation Measure	Applicability	Compliance
G. Air Quality		
M-AQ-2: Transportation Demand Management Strategies for Future Development Projects	Not applicable: project would not generate more than 3,500 daily vehicle trips	Not applicable, but project could be subject to the Transportation Demand Management Ordinance, if effective at the time of project approval.
M-AQ-3: Reduction in Exposure to Toxic Air Contaminants for New Sensitive Receptors	Not applicable: superseded by Health Code Article 38	Not applicable
M-AQ-4: Siting of Uses that Emit PM _{2.5} or other DPM and Other TACs	Not applicable: project-related construction and operation would not introduce substantial emissions	Not applicable
M-AQ-6: Construction Emissions Minimization Plan for Criteria Air Pollutants	Not applicable: project does not exceed the BAAQMD screening criteria	Not applicable
M-AQ-7: Construction Emissions Minimization Plan for Health Risks and Hazards	Applicable: project includes construction in an area of poor air quality	The project sponsor shall include all requirements in the Construction Emissions Minimization Plan in contract specifications.
I. Wind and Shadow		
M-WS-1: Screening-Level Wind Analysis and Wind Testing	Not applicable: project would not exceed 80 feet in height	Not applicable
L. Biological Resources		
M-BI-1a: Pre-Construction Special-Status Bird Surveys	Not applicable: project site does not contain shrubs	Not applicable
M-BI-1b: Pre-Construction Special-Status Bat Surveys	Not applicable: project does not include removal of buildings or other habitat for roosting bats	Not applicable
O. Hazards and Hazardous Materials		
M-HZ-2: Hazardous Building Materials Abatement	Not applicable: project does not include demolition of a pre-1970s building	Not applicable
M-HZ-3: Site Assessment and Corrective Action	Not applicable: superseded by Health Code Article 22A (Maher Ordinance)	Not applicable

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

PUBLIC NOTICE AND COMMENT

A “Notification of Project Receiving Environmental Review” was mailed on May 3, 2016 to adjacent occupants and owners of properties within 300 feet of the project site. Only one comment was received and the commenter requested a hard copy of the CPE. No other comments were received.

CONCLUSION

As summarized above and further discussed in the CPE Checklist:⁴

1. The proposed project is consistent with the development density established for the project site in the Western SoMa Community Plan;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Western SoMa Community PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Western SoMa Community 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 Western SoMa 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 Western SoMa PEIR to mitigate project-related significant impacts.

Therefore, the proposed project is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

⁴ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2015-004085ENV.

EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM					
Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
CULTURAL AND PALEONTOLOGICAL RESOURCES					
<i>Project Mitigation Measure 1 - Protect Historical Resources from Adjacent Construction Activities (Mitigation Measure M-CP-7a of the Western SoMa PEIR)</i>					
The project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings. Such methods may include maintaining a safe distance between the construction site and the historic building at 20 Heron, 301, 333, and 335 Eighth, 1197 Folsom, and 6 Rodgers streets, using construction techniques that reduce vibration, appropriate excavation shoring methods to prevent movement of adjacent structures, and providing adequate security to minimize risks of vandalism and fire.	Project sponsor.	Prior to any site prep or construction activities.	Incorporate into construction specifications that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings.	Project Sponsor; contractor..	Considered complete upon ERO's approval of construction specifications
<i>Project Mitigation Measure 2 - Construction Monitoring Program for Historical Resources (Mitigation Measure M-CP-7b of the Western SoMa PEIR)</i>					
The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program, which shall apply within 25 feet, shall include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a pre-construction survey of historical resource(s) identified by the San Francisco Planning Department within 125 feet of planned construction to document and photograph the buildings' existing conditions. Based on the construction and condition of the resource(s), the consultant shall also establish a maximum vibration level that shall not be exceeded at each building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 inch per second, peak particle velocity). To ensure that vibration levels do not exceed the established standard, the project sponsor shall monitor vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard.	Project sponsor, contractor, qualified historic preservation professional, and ERO.	Prior to the start of and during demolition, earth moving, or construction activities proximate to a designated historical resource.	A Planning Department Preservation Technical Specialist shall review and approve the construction monitoring program.	Project Sponsor; contractor..	During demolition, earth-moving, or construction activities.

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>Should vibration levels be observed in excess of the standard, construction shall be halted and alternative construction techniques put in practice, to the extent feasible. (For example, pre-drilled piles could be substituted for driven piles, if feasible based on soils conditions; smaller, lighter equipment might be able to be used in some cases.) The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its pre-construction condition at the conclusion of ground-disturbing activity on the site.</p>					
<p><i>Project Mitigation Measure 3 – Archeological Testing Program (Mitigation Measure M-CP-4a of the Western SoMa PEIR)</i></p>					
<p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant’s work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).</p>	Project sponsor	Prior to issuance of grading or building permits	Project Sponsor to retain archaeological consultant to undertake archaeological monitoring program in consultation with ERO.	Project sponsor, archaeologist and Environmental Review Officer (ERO)	Complete when Project Sponsor retains qualified archaeological consultant.

MONITORING AND REPORTING PROGRAM					
Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site¹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p>	Project sponsor.	Discovery of an archeological site associated with descendant group/communities	Consultation with descendant communities	Project sponsor, descendant group representative(s), and ERO	After production of the Final Archaeological Resources Report.
<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p>	Project sponsor and archaeological consultant, at the direction of the ERO	Prior to any soils disturbance	Consultation with ERO on scope of ATP	Project sponsor, archaeologist and ERO	After consultation with and approval by ERO of AMP.
<p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO</p>	Project sponsor and archaeological consultant, at the direction of the ERO	After completion of the Archeological Testing Program	Submit report to ERO of the findings of the Archeological Testing Program.	Archaeological consultant and ERO	Considered complete on submittal to ERO of report on ATP findings.

¹ By the term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

² An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p>					
<p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>					
<p><i>Archeological Monitoring Program.</i> If the ERO in consultation with archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p>	<p>Project Sponsor/ Archeological Consultant/ Archeological Monitor/ Contractor(s), at the direction of the ERO</p>	<p>ERO and Archeological Consultant meet prior to commencement of soil-disturbing activity. If ERO determines that an Archeological Monitoring Program is necessary, monitor throughout all soil-disturbing activities.</p>	<p>Consultation with ERO on scope of AMP</p>	<p>Archaeological consultant and ERO</p>	<p>Considered the complete on finding by ERO that AMP implemented.</p>
<ul style="list-style-type: none"> • The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; • The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; • The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; • The archeological monitor shall record and be authorized to 					

MONITORING AND REPORTING PROGRAM					
Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>collect soil samples and artifactual/ecofactual material as warranted for analysis;</p> <ul style="list-style-type: none"> If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p>	<p>Archaeological consultant in consultation with ERO</p>	<p>After determination by ERO that an archaeological data recovery program is required</p>	<p>Consultation with ERO on scope of ADRP</p>	<p>Archaeological consultant and ERO</p>	<p>Considered complete upon approval of ADRP by ERO.</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 	<p>Project Sponsor/Archeological Consultant in consultation with the San Francisco Coroner, NAHC and MLD.</p>	<p>Discovery of human remains and/or funerary objects.</p>	<p>Notify San Francisco coroner. Implement regulatory requirements, if applicable, regarding discovery of Native American human remains and associated/unassociated funerary objects.</p>	<p>Project sponsor, archaeologist and ERO</p>	<p>Considered complete on notification of the San Francisco County Coroner. and NAHC, if necessary..</p>
<p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State</p>					

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</p>	<p>Project sponsor and archeological consultant at the direction of the ERO</p>	<p>Completion of archeological data recovery, inventoring, analysis and interpretation.</p>	<p>Prepare and submit FARR.</p>	<p>Archaeological consultant and ERO</p>	<p>Considered complete on submittal of FARR.</p>
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p>	<p>Archeological Consultant at the direction of the ERO</p>	<p>Written certification submitted to ERO that required FARR distribution has been completed</p>	<p>Distribute FARR</p>	<p>Archaeological consultant and Environmental Review Officer (ERO)</p>	<p>Considered as complete on distribution of FARR.</p>
<p>Once approved by the ERO, copies of the FARR shall be distributed follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>					
<p>Project Mitigation Measure 4 - General Construction Noise Control Measures (Mitigation Measure M-NO-2a of the Western SoMa PEIR) To ensure that project noise from construction activities is minimized to the maximum extent feasible, the sponsor of a subsequent development project shall undertake the following:</p> <ul style="list-style-type: none"> The sponsor of a subsequent development project shall require the general contractor to ensure that equipment and trucks used for project construction use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible). 	<p>Project sponsor and construction contractor.</p>	<p>Prior to issuance of a building permit and during construction activities.</p>		<p>The project sponsor shall prepare and submit monthly noise reports during construction</p>	<p>During construction activities.</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<ul style="list-style-type: none"> The sponsor of a subsequent development project shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible. The sponsor of a subsequent development project shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA. The sponsor of a subsequent development project shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to: performing all work in a manner that minimizes noise to the extent feasible; undertaking the noisiest activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible. Prior to the issuance of each building permit, along with the submission of construction documents, the sponsor of a subsequent development project shall submit to the San Francisco Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the 					

MONITORING AND REPORTING PROGRAM					
Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise-generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.</p>					
<p><i>Project Mitigation Measure 5 – Construction Emissions Minimization Plan for Health Risks and Hazards (Mitigation Measure M-AQ-7 of the Western SoMa PEIR).</i></p>					
<p>The project sponsor or the project sponsor’s Contractor shall comply with the following:</p>	<p>Project sponsor, contractor(s).</p>	<p>Prior to construction activities requiring the use of off-road equipment.</p>	<p>Submit certification statement</p>	<p>Project sponsor, contractor(s), and the ERO.</p>	<p>Considered complete upon submittal of certification statement.</p>
<p>A. Engine Requirements</p>					
<p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</p>					
<p>2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</p>					
<p>3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p>					
<p>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p>					

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
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B. Waivers.

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

Table – Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

** Alternative fuels are not a VDECS.

C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail,	Project sponsor/contractor(s).	Prior to issuance of a permit specified in	Prepare and submit a Plan.	Project sponsor/contractor(s) and the ERO.	Considered complete on findings by ERO that Plan
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MONITORING AND REPORTING PROGRAM					
Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>how the Contractor will meet the requirements of Section A.</p> <ol style="list-style-type: none"> 1. The Plan shall include estimates of the construction timeline phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. 2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan. 3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way. 			<p>Section 106A.3.2.6 of the Francisco Building Code.</p>		<p>is complete.</p>
<p>D. Monitoring. After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>	<p>Project sponsor/ contractor(s).</p>	<p>Quarterly.</p>	<p>Submit quarterly reports.</p>	<p>Project sponsor/ contractor(s) and the ERO.</p>	<p>Considered complete on findings by ERO that Plan is being/was implemented.</p>