



## TENTATIVE MAP DECISION

Date: June 13, 2016

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

<b>Project ID:</b> 9072			
<b>Project Type:</b> 326 Residential Units New Construction Condominium Project			
<b>Address#</b>	<b>StreetName</b>	<b>Block</b>	<b>Lot</b>
800	INDIANA ST	4105	009
<b>Tentative Map Referral</b>			

Attention: Mr. Scott F. Sanchez

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

Sincerely,

 James Ryan  
 2016.06.13 16:26:45 -08'00'

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 Andrew W. Perry Digitally signed by Andrew W. Perry  
 DN: dc=org, dc=slgov, dc=cityplanning, ou=CityPlanning,  
 ou=Current Planning, cn=Andrew W. Perry,  
 email=Andrew.Perry@slgov.org  
 Date: 2016.07.08.15:00:01 -07'00'

Date 07/08/2016

Planner's Name Andrew Perry  
 for, Scott F. Sanchez, Zoning Administrator



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 19303 HEARING DATE: JANUARY 8, 2015

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*Date:* January 8, 2015  
*Case No.:* 2011.1374EKK  
*Project Address:* 800 Indiana Street  
*Zoning:* UMU (Urban Mixed-Use) Zoning District  
58-X Height and Bulk District  
*Block/Lot:* 4105/009  
*Project Sponsor:* Joe Kirchofer, AvalonBay Communities, Inc.  
455 Market Street, Ste. 1650  
San Francisco, CA 94105  
*Staff Contact:* Richard Sucre – (415) 575-9108  
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ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT IMPACTS AND SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO APPROVALS FOR THE PROJECT, LOCATED AT 800 INDIANA STREET, TO DEMOLISH THE EXISTING BUILDING AND CONSTRUCT A 5-STORY RESIDENTIAL BUILDING CONTAINING UP TO 338 RESIDENTIAL UNITS AND A BELOW-GRADE PARKING FOR 260 VEHICLES.

### PREAMBLE

The Project Sponsor (AvalonBay Communities) submitted an application for a project located at 800 Indiana Street for a Large Project Authorization under Planning Code Section 329 and a Shadow Analysis under Planning Code Section 295 to demolish the existing building and construct a five-story, approximately 441,183 gross square foot residential building with 326 residential units and a below-grade parking area for 260 vehicles.

The Project is within the Eastern Neighborhoods Area Plan area, the environmental impacts of which were examined in the Eastern Neighborhoods Programmatic EIR (Eastern Neighborhoods PEIR). The Planning Commission (hereafter referred to as "Commission") certified the Eastern Neighborhoods PEIR on August 7, 2008.

Section 15183 of the CEQA Guidelines provides 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 EIR has been certified, except as may be necessary to examine whether an project-specific effects are peculiar to the project or project site. Under this exemption, 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 the prior EIR for the underlying zoning or plan; c) are potentially significant off-site or cumulative impacts that were not discussed in the underlying EIR; or d) were previously identified as significant effects in the underlying EIR, but that have been determined to have a more severe adverse impact than that discussed in the underlying EIR.

Because this Project is within the Eastern Neighborhoods Plan Area, a Community Plan Exemption ("CPE") Checklist was prepared for the project to analyze whether it would result in an peculiar, project-specific environmental effects that were not sufficiently examined in the Eastern Neighborhoods PEIR. the CPE Checklist (Appendix A to the Draft EIR) concluded that with the exception of historic architectural resources and shadow, the proposed project would not result in any new significant environmental impacts or impacts of greater severity than were analyzed in the Eastern Neighborhoods PEIR. Thus, a focused EIR was prepared to examine the Project's potential impacts on historic architectural resources and shadow.

The Commission reviewed and considered the Final Environmental Impact Report (FEIR) for the Project and found the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) ("CEQA"), the CEQA Guidelines (14 Cal. Code Reg. section 15000 *et seq.*), and Chapter 31 of the San Francisco Administrative Code.

The Commission found the FEIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31 by its Motion No. 19284.

The Commission, in certifying the FEIR, found that the project described in the FEIR will have the following significant and unavoidable environmental impacts: (1) the demolition of the existing building located at 800 Indiana Street will cause a substantial adverse change in the significance of historic architectural resources.

The Planning Department, Jonas P. Ionin, is the custodian of records for the Planning Department materials, located in the File for Case No. 2011.1374EKX, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On January 8, 2015, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.1374EKX to consider the approval of the Project. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants and other interested parties.

This Commission has reviewed the entire record of this proceeding, the Environmental Findings, attached to this Motion as Attachment A, regarding the alternatives, mitigation measures, environmental

Motion No. 19303  
January 8, 2015

CASE NO 2011.1374E  
800 Indiana Street

impacts analyzed in the FEIR and overriding considerations for approving the Project, and the proposed MMRP attached as Attachment B, which material was made available to the public.

MOVED, that the Planning Commission hereby adopts findings under the California Environmental Quality Act, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, and adopts the MMRP attached as Attachment B, based on the findings attached to this Motion as Attachment A as though fully set forth in this Motion, and based on substantial evidence in the entire record of this proceeding.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of January 8, 2015.

Jonas Ionin  
Commission Secretary

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

NOES:

ABSENT:

EXCUSED:

ACTION: Adoption of CEQA Findings

## Attachment A

### PREAMBLE

In determining to approve the project described in Section I, below, the ("Project"), the San Francisco Planning Commission (the "Commission") makes and adopts the following findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopts these findings in conjunction with the Approval Actions described in Section I(c), below, as required by CEQA.

These findings are organized as follows:

Section I provides a description of the proposed project at 800 Indiana Street, the environmental review process for the Project, the City approval actions to be taken, and the location and custodian of the record.

Section II lists the Project's less-than-significant impacts that do not require mitigation.

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures.

Section IV identifies significant project-specific or cumulative impacts that would not be eliminated or reduced to a less-than-significant level and describes any applicable mitigation measures as well as the disposition of the mitigation measures. The Final EIR identified mitigation measures to address these impacts, but implementation of the mitigation measures will not reduce the impacts to a less than significant level.

Sections III and IV set forth findings as to the mitigation measures proposed in the Final EIR. (The Draft EIR and the Comments and Responses document together comprise the Final EIR, or "FEIR.") Attachment B to the Planning Commission Motion contains the Mitigation Monitoring and Reporting Program ("MMRP"), which provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report that is required to reduce a significant adverse impact.

Section V identifies the project alternatives that were analyzed in the EIR and discusses the reasons for their rejection.

Section VI sets forth the Planning Commission's Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

The MMRP for the mitigation measures that have been proposed for adoption is attached with these findings as Attachment B to this Motion. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. Attachment B provides a table setting forth each mitigation measure listed in the FEIR that is required to reduce a significant adverse impact. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in Attachment B.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report ("Draft EIR" or "DEIR") or the Comments and Responses document ("C&R") in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

## I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND

### A. Project Description

The Project Sponsor proposes to demolish an existing 78,240-gsf, steel-frame industrial warehouse that is owned by the San Francisco Opera, and construct a five-story, approximately 58-foot-tall (excluding a 12-foot-tall mechanical penthouse), multi-family residential development at 800 Indiana Street in San Francisco, composed of three separate buildings (totaling 273,743 gsf of residential uses). The proposed project would include a maximum of 338 residential units, ground-floor residential amenities, and a one-level 11-foot-tall underground parking garage, for a total of approximately 441,183 gsf of development on the project site. The proposed project also includes two streetscape improvement variants as options that could be implemented by the City in cooperation with the Project Sponsor and other property owners along Indiana Street; these variants include the Hybrid Streetscape Plan, and the Linear Park Streetscape Plan. A third variant includes a plaza/dog park.

The project site is within the Urban Mixed-Use (UMU) Zoning District. Per the *San Francisco General Plan* (General Plan), UMU is a land use designation intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrial-zoned area. This designation is also intended to serve as a buffer between residential uses and Production, Distribution, and Repair (PDR) uses in the Eastern Neighborhoods. The project site is located within the Central Waterfront Area of the *Eastern Neighborhoods Area Plan*.

The project site is a generally level and irregularly shaped parcel, measuring approximately 140 feet in width and 730 feet in length, with a less than 1 percent grade from north to south, and totaling approximately 2.49 acres (108,386 square feet), with a frontage of approximately 606 linear feet along Indiana Street. The site is fully developed, occupied primarily by a 78,240-gsf, approximately 50-foot-tall warehouse built in 1926, which consists of an eastern warehouse section, western warehouse section, and office that are all connected as one building. The warehouse is a steel-frame and metal clad structure that is used by the San Francisco War Memorial Opera House (Opera House) for storage and costume/stage design. One off-street Americans with Disabilities Act (ADA)-accessible parking space is on the project

site, four loading entrances for Opera House storage access are along Indiana Street, and five existing curb cuts are in front of the warehouse.

The southernmost curb cut/driveway also provides truck access to the rear of the building. There are approximately 27 trees along the Indiana Street frontage of the project site, mostly clusters of small trees (4 to 8 inches in diameter). Of these trees, five are larger in diameter (16 to 22 inches), including four Monterey pine trees and one river birch grove tree. Little to no vegetation and no open space exist on the project site. The property at 998 Indiana Street, the adjacent parcel to the south, has a fence line that encroaches onto the project site. The area inside this fence line is used as a driveway and parking spot for the triangular-shaped warehouse on the 998 Indiana site. The 998 Indiana Street property has its own vehicular access, via a curb cut and driveway; however, from time to time, vehicles accessing either 800 Indiana Street or 998 Indiana Street drive across the property line to access one of the properties, or to perform turning maneuvers.

## **B. Project Objectives**

The Project Sponsor has developed the following objectives for the proposed project:

- ▶ Build high-quality, mainly market-rate apartments that would strongly tie into the existing contextual fabric of the Dogpatch neighborhood. Maximize residential density by building to the allowable zoning envelope and creating as many new residential units as reasonably possible within this envelope.
- ▶ Provide an economically feasible project that maximizes the utility of the land and increases the City's housing supply.
- ▶ Include future streetscape improvements and connections to open space that serves neighborhood residents and workers, and enlivens pedestrian activity in the Dogpatch neighborhood during both daytime and evening hours.
- ▶ Activate the neighborhood edge condition by connecting the residences at 800 Indiana Street with the immediate surroundings and broader Eastern Neighborhood community. The project envisions providing a strong connection to Esprit Park and enhancing 22nd Street by offering public amenity spaces in the form of upgraded public sidewalks and accessible plazas.
- ▶ Provide a project to meet Leadership in Energy and Environmental Design (LEED®) Silver standards to meet the requirements adopted by the City and County of San Francisco, thereby reducing the project's carbon footprint, maximizing the energy efficiency of the building and establishing a sustainable development in the neighborhood.

## **C. Project Approvals**

The Project requires the following approvals:

- ▶ Findings of General Plan and Priority Policies consistency
- ▶ Large Project Authorization
- ▶ Exceptions to the following Planning Code standards:
  - Planning Code Section 134 for the required rear yard
  - Planning Code Section 135 for open space
  - Planning Code Section 136 for permitted obstructions over the street, yard or useable open space
  - Planning Code Section 140 for the required dwelling unit exposure
  - Planning Code Section 152.1 for the required loading zones
  - Planning Code Section 270.1 for the horizontal mass reduction

*Actions by Other City Departments*

- ▶ Planning Code Section 295 approval (San Francisco Recreation & Park Commission)
- ▶ Demolition and building permits (Department of Building Inspection)
- ▶ Approval of construction within the public right-of-way (e.g., bulbouts and sidewalk extensions) (San Francisco Department of Public Works and San Francisco Municipal Transportation Agency)

**D. Environmental Review**

The Project is within the Eastern Neighborhoods Area Plan area, the environmental impacts of which were examined in the Eastern Neighborhoods Programmatic EIR (Eastern Neighborhoods PEIR). The Planning Commission (hereafter referred to as "Commission") certified the Eastern Neighborhoods PEIR on August 7, 2008.

Section 15183 of the CEQA Guidelines provides 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 EIR has been certified, except as may be necessary to examine whether an project-specific effects are peculiar to the project or project site. Under this exemption, 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 the prior EIR for the underlying zoning or plan; c) are potentially significant off-site or cumulative impacts that were not discussed in the underlying EIR; or d) were previously identified as significant effects in the underlying EIR, but that have been determined to have a more severe adverse impact than that discussed in the underlying EIR.

Because this Project is within the Eastern Neighborhoods Plan Area, a community plan exemption ("CPE") Checklist was prepared for the project to analyze whether it would result in an peculiar, project-specific environmental effects that were not sufficiently examined in the Eastern Neighborhoods PEIR. the CPE Checklist (Appendix A to the Draft EIR) concluded that, with the exception of historic architectural resources and shadow, the proposed project would not result in any new significant



environmental impacts or impacts of greater severity than were analyzed in the Eastern Neighborhoods PEIR.

Thus, the Department determined that a focused Environmental Impact Report (hereinafter "EIR") should be prepared with and published a NOP with a Community Plan Exemption (CPE) Checklist under the Eastern Neighborhoods PEIR on May 21, 2014. Topics analyzed in the EIR were Cultural and Paleontological Resources (Historic Architectural Resources only) and Shadow.

On August 13, 2014, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by the Project Sponsor on August 13, 2014.

On August 13, 2014, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on August 13, 2014.

The Commission held a duly advertised public hearing on said DEIR on September 11, 2014, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on September 29, 2014.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 45 day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Responses to Comments document, published on November 5, 2014, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document all as required by law. Additionally, the CPE Checklist is included as Appendix A to the DEIR and is incorporated by reference thereto.

Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.

On December 4, 2014, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

### **E. Content and Location of Record**

The record upon which all findings and determinations related to the adoption of the proposed project are based include the following:

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the CPE Checklist prepared under the Eastern Neighborhoods PEIR;
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the FEIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the FEIR;
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the FEIR, or incorporated into reports presented to the Planning Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the project or the FEIR;
- All applications, letters, testimony, and presentations presented to the City by the Project Sponsor and its consultants in connection with the project;
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the project and the EIR;
- The MMRP; and,
- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco. The Planning Department, Jonas P. Ionin, is the custodian of these documents and materials.

### **F. Findings about Environmental Impacts and Mitigation Measures**

The following Sections II, III and IV set forth the Commission's findings about the Final EIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding

the environmental impacts of the Project and the mitigation measures included as part of the FEIR and adopted by the Commission as part of the Project. To avoid duplication and redundancy, and because the Commission agrees with, and hereby adopts, the conclusions in the FEIR, these findings will not repeat the analysis and conclusions in the FEIR but instead incorporate them by reference and rely upon them as substantial evidence supporting these findings.

In making these findings, the Commission has considered the opinions of staff and experts, other agencies, and members of the public. The Commission finds that (i) the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; (ii) the significance thresholds used in the FEIR are supported by substantial evidence in the record, including the expert opinion of the FEIR preparers and City staff; and (iii) the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the Commission is not bound by the significance determinations in the FEIR (see Public Resources Code, Section 21082.2, subdivision (e)), the Commission finds them persuasive and hereby adopts them as its own.

These findings do not attempt to describe the full analysis of each environmental impact contained in the FEIR. Instead, a full explanation of these environmental findings and conclusions can be found in the FEIR, and these findings hereby incorporate by reference the discussion and analysis in the FEIR supporting the determination regarding the project impact and mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the Commission adopts and incorporates the applicable mitigation measures found in the Eastern Neighborhoods PEIR and all of the mitigation measures set forth in the Project FEIR, which are set forth in the attached MMRP, to reduce the significant and unavoidable impacts of the Project. The Commission intends to adopt the mitigation measures proposed in the FEIR as well as the applicable mitigation measures proposed in the Eastern Neighborhoods PEIR. Accordingly, in the event a mitigation measure recommended in the FEIR or Eastern Neighborhoods PEIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the FEIR or Eastern Neighborhoods PEIR due to a clerical error, the language of the policies and implementation measures as set forth in the FEIR or Eastern Neighborhoods PEIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the FEIR and Eastern Neighborhoods PEIR.

In Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance is

the Commission rejecting the conclusions of the FEIR or the Eastern Neighborhoods PEIR or the mitigation measures recommended in the FEIR or in the Eastern Neighborhoods PEIR for the Project.

These findings are based upon substantial evidence in the entire record before the Planning Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

## **II. LESS-THAN-SIGNIFICANT IMPACTS**

The CPE Checklist (Appendix A to the DEIR) and the Final EIR find that implementation of the Project would result in less-than-significant impacts in the following environmental topic areas: Land Use and Land Use Planning; Population and Housing; Transportation and Circulation; Air Quality; Greenhouse Gas Emissions; Wind and Shadow; Recreation; Utilities and Service Systems; Public Services; Biological Resources; Geology and Soils; Hydrology and Water Quality; Hazards and Hazardous Materials; Mineral Resource and Energy Resources; and Agricultural and Forestry Resources.

Note: Senate Bill (SB) 743 became effective on January 1, 2014. Among other things, SB 743 added §21099 to the Public Resources Code and eliminated the requirement to analyze aesthetics and parking impacts for certain urban infill projects under CEQA. The proposed project meets the definition of a mixed-use residential project on an infill site within a transit priority area as specified by Public Resources Code §21099. Accordingly, the FEIR did not discuss the topic of Aesthetics, which can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA. The EIR nonetheless provided visual simulations for informational purposes. Similarly, the FEIR included a discussion of parking for informational purposes. This information, however, did not relate to the significance determinations in the FEIR.

## **III. FINDINGS OF SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH MITIGATION AND THE DISPOSITION OF THE MITIGATION MEASURES**

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible. The findings in this section concern three potential impacts and mitigation measures proposed in the Eastern Neighborhoods PEIR and the CPE Checklist for this project. These mitigation measures are included in the MMRP. A copy of the MMRP is included as Attachment B to the Planning Commission Motion adopting these findings. The CPE Checklist found that three mitigation measures identified in the Eastern Neighborhoods PEIR would be required for this project to eliminate or reduce to a less-than-significant level potential noise impacts of the Project, as set forth below. The CPE Checklist also found that a mitigation measure proposed in the Eastern Neighborhoods PEIR would be required for this project to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). Finally, the CPE Checklist found that a mitigation measure proposed in the Eastern Neighborhoods PEIR would be

required for this project to reduce to a less than significant level a hazardous materials impact due to the demolition of the existing warehouse.

The Project Sponsor has agreed to implement the following mitigation measures to address a potential noise and archeological impacts identified in the CPE Checklist. As authorized by CEQA Section 21081 and CEQA Guidelines Section 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Planning Commission finds that, unless otherwise stated, the Project has been required to incorporate mitigation measures identified in the FEIR and the Eastern Neighborhoods PEIR into the project to mitigate or to avoid significant or potentially significant environmental impacts. Except as otherwise noted, these mitigation measures will reduce or avoid the potentially significant impacts described in the Final EIR, and the Commission finds that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

Additionally, the required mitigation measures are fully enforceable and are included as conditions of approval in the Planning Commission's Planning Code Section 323 approval or will be enforced through inclusion as conditions of approval in any building permits issued for the Project by the San Francisco Department of Building Inspection. With the required mitigation measures, all potential project impacts, except for those associated with historical architecture resource impacts, would be avoided or reduced to a less-than-significant level (see Section IV, below). The Planning Commission finds that the mitigation measures presented in the MMRP are feasible and shall be adopted as conditions of project approval.

The following mitigation measures would be required to reduce noise impacts identified in the Eastern Neighborhoods PEIR to a less-than-significant level:

**Project Mitigation M-NO-1: Construction Noise (Implementing Eastern Neighborhoods PEIR Mitigation Measure F-1)**

The proposed project would be in proximity to noise-sensitive receptors and would include pile-driving and other particularly noisy construction procedures; therefore, Eastern Neighborhoods PEIR Mitigation Measure F2 Construction Noise is required to reduce this impact to a less than significant level.

**Project Mitigation M-NO-2: Construction Noise (Implementing Eastern Neighborhoods PEIR Mitigation Measure F-2)**

- ▶ The proposed project would be in proximity to noise-sensitive receptors and would include pile-driving and other particularly noisy construction procedures; therefore, Eastern Neighborhoods PEIR Mitigation Measure F2 Construction Noise is required to reduce this impact to a less than significant level.

**Project Mitigation Measure M-NO-3: Open Space in Noise Environments (Implementing Eastern Neighborhoods PEIR Mitigation Measure F-6)**

The proposed project would be located along streets with noise levels above 65 dBA (Ldn), which would be addressed by implementation of Eastern Neighborhoods PEIR Mitigation Measure F-6 Open Space in Noisy Environments.

The following mitigation measure would be required to reduce potential archeological impacts identified in the Eastern Neighborhoods PEIR to a less-than-significant level:

**Project Mitigation Measure M-CP-1: Archeological Resources Accidental Discovery (Implementing Eastern Neighborhoods PEIR Mitigation Measure J-2: Properties with No Previous Studies)**

Because the project would require excavation for a subterranean parking garage, Eastern Neighborhoods PEIR Mitigation Measure J-2, Properties with No Previous Studies, is applicable to the proposed project in the event of accidental discovery of archaeological resources.

The following mitigation measure would be required to reduce the potential hazardous building materials impact identified in the Eastern Neighborhoods PEIR to a less-than-significant level::

**Project Mitigation Measure M-HZ-1 - Hazardous Building Materials (Implementing Eastern Neighborhoods PEIR Mitigation Measure L-1)**

The proposed project would include demolition of the existing warehouse; therefore, Eastern Neighborhoods PEIR Mitigation Measure L-1 Hazardous Building Materials, addressing the removal of hazardous building materials prior to demolition is required.

**IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL**

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that there are significant project-specific and cumulative impacts that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. The FEIR identifies a significant and unavoidable impact on historical architectural resources related to the demolition of the building at 800 Indiana Street.

The Project would additionally result in a net loss of Production, Distribution, and Repair (PDR) uses, however, because the significant and unavoidable impact was identified previously in the Eastern Neighborhoods PEIR, the proposed project would not result in any significant individual cumulative impacts specific to the proposed project that were not identified previously. With regard to significant and unavoidable impacts related to traffic and transit, project-generated automobile and transit trips would not contribute considerably to significant and unavoidable traffic and transit impacts and would not constitute a substantial portion of the overall additional traffic and transit volumes anticipated to be generated by Eastern Neighborhoods Area Plan projects.

CEQA requires agencies to adopt mitigation measures that would lessen a project's identified significant impacts if such measures are feasible. The findings in this section concern mitigation measures discussed in the FEIR and presented in the MMRP, included as Attachment B to the Planning Commission Motion adopting these findings. The FEIR includes mitigation measures that have been identified that would reduce the significant and unavoidable environmental impacts of the Project listed in this section. All of the mitigation measures set forth in the FEIR that are needed to reduce these significant and unavoidable environmental impacts are contained in the MMRP.

As authorized by CEQA Section 21081 and CEQA Guidelines Section 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Planning Commission finds that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

Additionally, the required mitigation measures are fully enforceable and are included as conditions of approval in the Planning Commission's Planning Code Section 329 proceeding or will be enforced through inclusion as conditions of approval in any building permits issued for the Project by the San Francisco Department of Building Inspection. With the required mitigation measures, the significant and unavoidable impacts associated with historical architecture resource impacts would be reduced but not eliminated. The Planning Commission finds that the mitigation measures presented in the MMRP are feasible and shall be adopted as conditions of project approval.

The FEIR identifies mitigation measures to address the impacts on historic resources, identified in the FEIR as:

**Impact CP-1:** Project construction would result in the removal of an existing building that is eligible for listing in the CRHR, and thus would cause a substantial adverse change in the significance of a historical resource, as defined in Section 15064.5 of the CEQA Guidelines.

**Mitigation Measure M-CP-1a Complete HABS Documentation**

To partially offset the loss of the historical resource onsite, the Project Sponsor shall prepare a Historic American Building Survey (HABS) before demolition of the structure onsite. Implementation of this mitigation measure would not reduce the impact to the historical resource to a less than significant level. Therefore, the impacts related to the demolition would remain significant and unavoidable even with the incorporation of mitigation.

**Mitigation Measure M-CP-1b Salvage Program**

The Project Sponsor shall undertake a salvage program to save and promote reuse of the on-site warehouse building's historically significant materials and features to the extent reasonably feasible. Implementation of this mitigation measure would not reduce the impact to the historical resource to a less than significant level. Therefore, the impacts related to the demolition would remain significant and unavoidable even with the incorporation of mitigation.

**Mitigation Measure M-CP-1c Interpretive Program**

The Project Sponsor shall install a permanent on-site interpretive display in a publicly-accessible outdoor location, such as in one of the plazas along Indiana Street or within the open space area of the variants. Implementation of this mitigation measure would not reduce the impact to the historical resource to a less than significant level. Therefore, the impacts related to the demolition would remain significant and unavoidable even with the incorporation of mitigation.

The Commission considers these mitigation measures feasible, but their implementation would not reduce the impacts to historical architectural resources to less-than-significant levels.

## V. EVALUATION OF PROJECT ALTERNATIVES

### A. Alternatives Analyzed in the FEIR

This section describes the alternatives analyzed in the Project FEIR and the reasons for rejecting the alternatives as infeasible. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

The Planning Department considered a range of alternatives in Chapter 6 of the FEIR. The FEIR analyzed the No Project Alternative, a Full Preservation Alternative, and a Partial Preservation Alternative. Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter 6 of the FEIR. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the FEIR and in the record. The FEIR reflects the Planning Commission's and the City's independent judgment as to the alternatives. The Planning Commission finds that the Project provides the best balance between satisfaction of Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the FEIR, and adopts a statement of overriding considerations.

### B. Reasons for Approving the Project

- To increase the City's supply of housing in an area designated for higher density pursuant to the Eastern Neighborhoods Plan.
- To construct a high-quality project with superior design and a sufficient number of dwelling units to produce a reasonable return on investment for the Project Sponsor and investors and attract investment capital and construction financing.
- To construct streetscape improvements that encourage and enliven pedestrian activity.
- To improve the architectural and urban design character of the project site by replacing run-down structures with a high-quality residential project incorporating a superior design.
- To provide adequate parking and vehicular access to serve the needs of project residents and their visitors.

### C. Evaluation of Project Alternatives

CEQA provides that alternatives analyzed in an EIR may be rejected if "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible . . . the project alternatives identified in the EIR." (CEQA Guidelines § 15091(a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the



Final EIR that would reduce or avoid the impacts of the Project and finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make these Alternatives infeasible, for the reasons set forth below.

In making these determinations, the Planning Commission is aware that CEQA defines "feasibility" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." The Commission is also aware that under CEQA case law the concept of "feasibility" encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project, and (ii) the question of whether an alternative is "desirable" from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

### **1. No Project Alternative**

Under the No Project Alternative, the Project Site would remain in its existing condition. The existing buildings would likely continue to remain in their current condition for the foreseeable future. Baseline conditions described in detail for each environmental topic in Chapter 4, Environmental Setting, Impacts and Mitigation Measures, would remain and none of the impacts associated with the Project would occur.

The existing use of the site (warehouse) would likely continue. Overall, this alternative would result in the development of no residential units and the retention of approximately 74,847 square feet of vacant or underutilized space.

The No Project Alternative would be inconsistent with key goals of the Eastern Neighborhood Plan with respect to housing production. With no new housing created here and no construction, the No Project Alternative would not increase the City's housing stock of both market rate and affordable housing, would not create new job opportunities for construction workers, and would not expand the City's property tax base. This alternative would also fail to serve any of the Project Objectives, as described in the EIR, including the construction of a preeminent building with a superior level of design in an area of San Francisco that is accessible to local and regional transit, as well as cultural amenities and attractions or the provision of housing in an urban infill location to help alleviate the effects of suburban sprawl.

For the foregoing reasons, the Planning Commission rejects the No Project Alternative as infeasible.

### **2. Full Preservation Alternative**

The FEIR identified both the No Project Alternative and the Full Preservation Alternative as the environmentally superior alternatives.

The Full Preservation Alternative (Alternative B) would result in a 58-foot building, including three floors of residential uses over a one-level subterranean garage, as compared to the proposed project that would include five floors of residential uses over a one-level subterranean garage. The Full Preservation Alternative would include a total of 187 dwelling units, 131 vehicle parking spaces, and 122 bicycle parking spaces, compared to the proposed project's 338 dwelling units, 230 vehicle parking spaces, and

177 bicycle parking spaces. The Full Preservation Alternative also would include 13,000 square feet of residential amenity space and 22,800 square feet of open space, compared to 15,660 square feet of amenity space and 34,900 square feet of open space under the proposed project.

Under this alternative, the existing warehouse would not be demolished and the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (Secretary of the Interior's Standards) would be implemented. This alternative would retain the existing parallel warehouse structure and two-story office portions of this building, which are both character-defining features. A self-supporting, fully insulated, three-story structure would be constructed within the shell of the existing warehouse sections of the building; and a three-story wood-frame addition would be constructed on the south end of the existing warehouse. The historic context of the existing structure would be retained by preserving as much of the exterior façade as possible, especially as viewed from Indiana Street. Similar to the proposed project, Variants 1, 2 and/or 3 could be included with this alternative.

The Planning Commission rejects the Preservation Alternatives as infeasible because it would fail to meet the Project Objectives for reasons including, but not limited to, the following:

- 1) The Preservation Alternative would limit the project to 187 dwelling units; whereas the proposed project would provide 338 units to the City's housing stock. The proposed density would be consistent with other mixed-use residential developments in the vicinity, and the proposed project will maximize the creation of new residential units, enliven the surrounding streets, contribute to a safe, active neighborhood, while meeting the demands of the expanding San Francisco economy and growth in the project area.
- 2) The Full Preservation Alternative would not activate the neighborhood edge condition or improve the urban and pedestrian fabric of the neighborhood. The Project connects the residences at 800 Indiana Street with the immediate surroundings and broader Eastern Neighborhood community. The project envisions providing a strong connection to Esprit Park and enhancing 22nd Street by offering public amenity spaces in the form of upgraded public sidewalks and accessible plazas.
- 3) The Preservation Alternative would create a project that would not fully utilize this site for housing production, thereby not fully satisfying General Plan policies such as Housing Element Policies 1.1 and 1.4, among others. While the Preservation Alternative would preserve the existing historical resource, the alternative would not create a project that is consistent with and enhances the existing scale and urban design character of the area or furthers the City's housing policies to create more housing, particularly affordable housing opportunities.
- 4) The Full Preservation Alternative is also economically infeasible. Large development projects are capital-intensive and depend on obtaining financing from equity investors to cover a significant portion of the project's costs, obtain a construction loan for the bulk of construction costs, and provide significant costs out-of-pocket. Equity investors require a certain profit margin to finance

development projects and must achieve established targets for their internal rate of return and return multiple on the investment. Because the Preservation Alternative would result in a project that is significantly smaller than the Project, and contains 151 fewer residential units, the total potential for generating revenue is lower while the construction cost per square foot is higher due to restoration efforts, lower economies of scale and the impact of fixed project costs associated with development. The reduced unit count would not generate a sufficient economic return to obtain financing and allow development of the proposed project and therefore would not be built.

- 5) The Full Preservation Alternative would create a project with fewer housing units in an area well-served by transit, services and shopping as well adjacent to employment opportunities which would then push demand for residential development to other sites in the City or the Bay Area. This would result in the Preservation Alternative, not meeting, to the same degree, the City's *Strategies to Address Greenhouse Gas Emissions* or CEQA and the Bay Area Air Quality Management District's ("BAAQMD") requirements for a GHG reductions, by not maximizing housing development in an area with abundant local and region-serving transit options.

For the foregoing reasons, the Planning Commission rejects the Full Preservation Alternative as infeasible.

### **3. Partial Preservation Alternative**

The Partial Preservation Alternative (Alternative C) would result in three floors of residential uses within the existing eastern section of the warehouse, and a 58-foot building, including five floors of residential uses over a podium-level garage on the remainder of the site, compared to five floors of residential uses over a one-level subterranean garage under the proposed project.

The Partial Preservation Alternative would include a total of 280 dwelling units, 196 vehicle parking spaces, and 145 bicycle parking spaces, compared to the proposed project's 338 dwelling units, 230 vehicle parking spaces, and 177 bicycle parking spaces. The Partial Preservation Alternative also would include 13,000 square feet of residential amenity space and 30,850 square feet of open space, compared to 15,660 square feet of amenity space and 34,900 square feet of open space under the proposed project.

Under this alternative, the first 200 feet of the southern portion of the eastern section of the warehouse would be retained, including the existing gable façade and some of the ribbon steel frame windows, both of which are character-defining features. The rest of the building would be demolished and a new five-story wood-frame building would be constructed over a raised parking podium on the remainder of the parcel. The two southern bays of the existing eastern warehouse section would be left open on the interior to preserve the open volume of the interior space, which is also a character-defining feature of the warehouse. The main entrance lobby, leasing office, and centralized mailroom would be located within this portion of the building. New façades at the northern gable end of the western building's line, facing the new courtyard would be necessary. The eastern warehouse section would be retained and a new three-story wood-frame residential structure would be constructed within the existing shell of this

section of the building. Similar to the proposed project, Variants 1, 2 and/or 3 could be included with this alternative.

- 1) The Partial Preservation Alternative would limit the project to 280 dwelling units; whereas the proposed project would provide 338 units to the City's housing stock. The proposed density would be consistent other mixed-use residential developments in the vicinity, and the proposed project will maximize the creation of new residential units, enliven the surrounding streets, contribute to a safe, active neighborhood, while meeting the demands of the expanding San Francisco economy and growth in the project area.
- 2) The Partial Preservation Alternative would not activate the neighborhood edge condition or improve the urban and pedestrian fabric of the neighborhood to the same degree as the Project. The Project connects the residences at 800 Indiana Street with the immediate surroundings and broader Eastern Neighborhood community. The project envisions providing a strong connection to Esprit Park and enhancing 22nd Street by offering public amenity spaces in the form of upgraded public sidewalks and accessible plazas.
- 3) The Partial Preservation Alternative is also economically infeasible. Large development projects are capital-intensive and depend on obtaining financing from equity investors to cover a significant portion of the project's costs, and obtain a construction loan for the bulk of construction costs. Equity investors require a certain profit margin to finance development projects and must achieve established targets for their internal rate of return and return multiple on the investment. Because the Partial Preservation Alternative would result in a project that includes less rentable or saleable floor area than the Project, and contains 58 fewer residential units, the total potential for generating revenue is lower while the construction cost per square foot is higher due to restoration efforts, lower economies of scale and the impact of fixed project costs associated with development. The reduced unit count would not generate a sufficient economic return to obtain financing and allow development of the proposed project and therefore would not be built.
- 4) The Partial Preservation Alternative would create a project with fewer housing units in an area well-served by transit, services and shopping as well adjacent to employment opportunities which would then push demand for residential development to other sites in the City or the Bay Area. This would result in the Preservation Alternative, not meeting, to the same degree, the City's *Strategies to Address Greenhouse Gas Emissions* or CEQA and the BAAQMD requirements for a GHG reductions, by not maximizing housing development in an area with abundant local and region-serving transit options.

For the foregoing reasons, the Planning Commission rejects the Partial Preservation Alternative as infeasible.

## VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission finds that, notwithstanding the imposition of all feasible mitigation measures and alternatives, significant impacts related to Historic Resources will remain significant and unavoidable. Pursuant to CEQA section 21081 and CEQA Guideline Section 15093, the Planning Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the record, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specifically finds that there are significant benefits of the Project to support approval of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approval, significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures proposed in the EIR and MMRP are adopted as part of the Approval Actions described in Section I, above.

Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

The Project will have the following benefits:

1. The Project would add up to 338 dwelling units to the City's housing stock.
2. The project site is currently underused and the construction of up to 338 new housing units at this underutilized site will directly help to alleviate the City's housing shortage and lead to more affordable housing. A primary objective of the Eastern Neighborhood Area Plan is to increase housing locally through the build out of the plan area. The Project develops the project site in a manner envisioned by the Plan in its density and design.
3. The Project promotes a number of General Plan Objectives and Policies, including Housing Element Policy 1.1, which provides that "Future housing policy and planning efforts must take into account the diverse needs for housing; and policies 11.1, 11.3 and 11.6, which "Support and respect the diverse and distinct character of San Francisco's Neighborhoods." San Francisco's housing policies and programs should provide strategies that promote housing at each income level, and furthermore identify sub-groups, such as middle income and extremely low income households that require specific housing policy. In addition to planning for affordability, the City should plan for housing that serves a variety of household types and sizes." The Project will

provide a mix of housing types at this location, including 110 studios, 87 one bedroom, 120 two bedroom and 9 three bedroom units, increasing the diversity of housing types in this area of the City.

4. The Project meets the City's *Strategies to Address Greenhouse Gas Emissions* and the BAAQMD requirements for a GHG reductions by maximizing development on an infill site that is well-served by transit, services and shopping and is suited for dense residential development, where residents can commute and satisfy convenience needs without frequent use of a private automobile and is adjacent to employment opportunities, in an area with abundant local and region-serving transit options.
5. The Project's innovative design furthers Housing Element Policy 11.1, which provides that "The City should continue to improve design review to ensure that the review process results in good design that complements existing character."
6. The Project would construct a development that is in keeping with the scale, massing and density of other structures in the immediate vicinity.
7. The Conditions of Approval for the Project include all the mitigation and improvement measures that would mitigate the Project's potentially significant impact to insignificant levels, except for its impact on Historic Resources.
8. The Project will create temporary construction jobs and permanent jobs in the retail sector. These jobs will provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City.
9. The Project will substantially increase the assessed value of the Project Site, resulting in corresponding increases in tax revenue to the City.

Having considered the above, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the Final EIR, and that those adverse environmental effects are therefore acceptable.

800 INDIANA STREET - MITIGATION MONITORING AND REPORTING PROGRAM (Including Improvement Measures)

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>					
<b>CULTURAL RESOURCES</b>					
<b>Mitigation Measure M-CP-1 – Archeological Resources Accidental Discovery (Implements Eastern Neighborhoods FEIR Mitigation Measure J-2: Properties with No Previous Studies).</b>					
The following mitigation measure will be taken to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, and pile driving firms); or utilities firm involved in soils disturbing activities within the project site. Before any soils disturbing activities are undertaken, each contractor shall be responsible for ensuring that the "ALERT" sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (i.e., prime contractor, subcontractor(s), and utilities firm) to the ERO, confirming that all field personnel have received copies of the "ALERT" Sheet.	Project sponsor, contractor(s)	Prior to construction	Distribute the Planning Department "ALERT" sheet to prime and subcontractors, or utilities firms involved in soil disturbing activities.	Project sponsor, contractor(s) to provide ERO with a signed affidavit from responsible parties	Considered complete upon receipt of signed affidavit
If any indication of an archeological resource is encountered during any soil disturbing activity of the proposed project, the Head Foreman and/or project sponsor shall notify the ERO immediately and shall suspend any soil disturbing activities immediately in the vicinity of the discovery until the ERO has determined what additional measures need to be undertaken.	Project sponsor, contractor(s)	During construction	Suspend soil disturbing activity in the immediate vicinity of the discovery and notify the ERO	Project sponsor, contractor(s)	Considered complete upon receipt of final monitoring report at completion of construction

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>These measures may include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it will be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO also may require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p>	<p>Project Sponsor/ Archaeological consultant, at the direction of the ERO</p>	<p>During construction</p>	<p>Project sponsor to retain archeological consultant to evaluate the archeological resource, implement additional measures if warranted by the ERO</p>	<p>Project Sponsor, Archaeological consultant and ERO</p>	<p>Considered complete upon receipt of final monitoring report at completion of construction</p>
<p>The project archeological consultant shall submit a 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 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>Project Sponsor/ Archeological consultant at the direction of the ERO</p>	<p>After completion of archeological data recovery, inventory, analysis and interpretation</p>	<p>Submit a Draft Final Archeological Resources Report (FARR)</p>	<p>Archaeological consultant and ERO</p>	<p>Considered complete on submittal of FARR</p>



MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: the 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 copy, one unbound copy, and one unlocked, searchable PDF copy on CD, and three copies 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project Sponsor/ Archeological consultant at the direction of the ERO</p>	<p>After approval of FARR by ERO</p>	<p>Distribute FARR</p>	<p>Archaeological consultant and ERO</p>	<p>Considered complete upon distribution of FARR</p>
<p><b>Mitigation Measure M-CP-1a Complete HABS Documentation.</b> Implementation of this mitigation measure would not reduce the impact to the historical resource to a less than significant level. Therefore, the impacts related to the demolition would remain significant and unavoidable even with the incorporation of mitigation. To partially offset the loss of the historical resource onsite, the project sponsor shall at a minimum, prepare a Historic American Building Survey (HABS) before demolition of the structure onsite. The documentation shall be prepared by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The documentation shall consist of the following:</p> <ul style="list-style-type: none"> <li>■ HABS-Level Photography: Archival photographs of the interior and the exterior of the subject property. Large format negatives are not required. The scope of the archival photographs should be reviewed by Planning Department Preservation staff for concurrence. The photography shall be</li> </ul>	<p>Project Sponsor/qualified historic preservation professional, at the direction of the Planning Department Preservation Technical Specialist</p>	<p>Prior to construction</p>	<p>Prepare a HABS documentation consisting of HABS-level photography and HABS historical report</p>	<p>Project Sponsor/ qualified historic preservation professional, and Planning Department Preservation Technical Specialist</p>	<p>Considered complete upon approval of the HABS documentation and dissemination to Planning Department, San Francisco Library History Room, Northwest Information Center-California Historical Resource Information System and San Francisco Architectural Heritage</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>undertaken by a qualified professional with demonstrated experience in HABS Photography, and shall be labeled according to HABS Photography Standards; and</p> <ul style="list-style-type: none"> <li>HABS Historical Report: Preparation of a written historical narrative and report, per HABS Historical Report Guidelines.</li> </ul>					
<p>The professional shall prepare the documentation and submit it for review and approval by the Planning Department's Preservation Technical Specialist. The final documentation shall be disseminated to the Planning Department, San Francisco Library History Room, Northwest Information Center-California Historical Resource Information System and San Francisco Architectural Heritage.</p>					
<p><b>Mitigation Measure M-CP-1b Salvage Program.</b> The project sponsor shall undertake a salvage program to save and promote reuse of the on-site warehouse building's historically significant materials and features to the extent reasonably feasible, namely any unpainted steel-sash industrial windows throughout, and the sheet metal entablature on the office building. Salvage allows for the removal of individual architectural elements for potential reuse. Salvaged elements can be reused at the proposed project site, or can be given to an architectural salvage company. Salvage will have the added benefit of landfill and waste diversion. The salvage program shall be reviewed and approved by a Planning Department Preservation Technical Specialist.</p>	<p>Project Sponsor/contractor(s) at the direction of the Planning Department Preservation Technical Specialist</p>	<p>Prior to and during construction</p>	<p>Prepare and implement a salvage program</p>	<p>Project Sponsor/contractor(s) and Planning Department Preservation Technical Specialist</p>	<p>Considered complete upon approval of the salvage program and receipt of final monitoring report at completion of construction</p>
<p><b>Mitigation Measure M-CP-1c Interpretive Program.</b> The project sponsor shall install a permanent on-site interpretive display in a publicly-accessible outdoor location, such as in one of the plazas along Indiana Street or within the open space area of the variants. The display shall focus on the history of the 800 Indiana Street site, including the Ralston Iron Works and the A.M. Castle &amp; Co. that were previously located on the site. The primary goal</p>	<p>Project Sponsor/qualified historic preservation professional, at the direction of the Planning Department Preservation Technical Specialist</p>	<p>Prior to occupancy</p>	<p>Prepare and install interpretive program on-site</p>	<p>Project Sponsor/qualified historic preservation professional, and Planning Department Preservation Technical Specialist</p>	<p>Considered complete upon approval of the interpretive program and receipt of final monitoring report</p>

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>shall be to educate visitors about the property's historic themes, associations, and lost character-defining features within broader historical, social, and physical landscape contexts. The project sponsor shall work with a historic preservation professional so that the historical information provided in the HRE and supporting documentation and in the HABS report are used as a basis for the interpretive display onsite. The interpretive display shall be reviewed and approved by a Planning Department Preservation Technical Specialist.</p>	Specialist				at completion of construction
<b>NOISE</b>					
<p><b>Mitigation Measure M-NO-1 – Construction Noise (Implements Eastern Neighborhoods FEIR Mitigation Measure F-1: Construction Noise).</b> For subsequent development projects within proximity to noise-sensitive uses that would include pile-driving, individual project sponsors shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors would be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. Individual project sponsors shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.</p>	Project sponsor, contractor(s)	During construction	Pre-drill piles wherever feasible, use noise-shielding and muffling devices on pile-driving equipment, schedule pile-driving activity for times of day that would minimize disturbance.	Project sponsor, contractor(s), DBI to provide Planning Department with monthly reports during construction period	Considered complete upon receipt of final monitoring report at completion of construction
<p><b>Mitigation Measure M-NO-2 – Construction Noise (implements Eastern Neighborhoods FEIR Mitigation Measure F-2: Construction Noise).</b> Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent</p>	Project sponsor, contractor(s)	During construction	Identify a set of site-specific noise attenuation measures/control strategies under the supervision of a qualified acoustical consultant	Project sponsor, contractor(s), DBI to provide Planning Department with monthly reports during construction period	Considered complete upon receipt of final monitoring report at completion of construction

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p>					
<ul style="list-style-type: none"> <li>■ Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses.</li> <li>■ Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site.</li> <li>■ Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses.</li> <li>■ Monitor the effectiveness of noise attenuation measures by taking noise measurements.</li> <li>■ Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.</li> </ul>					

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p><b>Mitigation Measure M-NO-3 – Open Space in Noise Environments (implements Eastern Neighborhoods FEIR Mitigation Measure F-6).</b> To minimize effects on development in noisy areas, for new development including noise sensitive uses, the Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure F-4, require that open space required under the <i>Planning Code</i> for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.</p>	Project sponsor, contractor(s)	Prior to issuance of grading or building permits	Project Sponsor to demonstrate that residential open space is protected to maximum feasible extent from existing ambient noise levels	San Francisco Planning Department and Department of Building Inspection (DBI)	Considered complete after DBI approval of final construction documents
<b>HAZARDOUS MATERIALS</b>					
<p><b>Mitigation Measure M-HZ-1 – Hazardous Building Materials (implements Eastern Neighborhoods FEIR Mitigation Measure L-1).</b> The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEHP, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	Project sponsor, contractor(s)	Prior to demolition of structures	Ensure equipment containing PCBs or DEHP and other hazardous materials is properly disposed	Project sponsor, contractor(s), DPH, various federal and state agencies	Considered complete when equipment containing PCBs or DEHP or other hazardous materials is properly disposed

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
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IMPROVEMENT MEASURES AGREED TO BY PROJECT SPONSOR

TRANSPORTATION AND CIRCULATION

<p><b>Improvement Measure I-TR-1 – Residential Transportation Demand Management Program.</b> The Project Sponsor shall implement Transportation Demand Management (TDM) measures to reduce traffic generated by the proposed project and to encourage the use of rideshare, transit, bicycle, and walk modes for trips to and from the proposed project. In addition, prior to issuance of a temporary permit of building occupancy, the project sponsor must execute an agreement with the Planning Department for the provision of TDM services. The TDM program shall have a monitoring component to ascertain its effectiveness. A monitoring program is included as Improvement Measure TR-2: TDM Monitoring. Recommended components of the TDM program include the following:</p>	<p>Project sponsor, TDM Coordinator, and/or Planning Department staff (with possible assistance from City-hired consultant), as detailed for each TDM program component</p>	<p>Prior to and during occupancy</p>	<p>Implement TDM measures and enter into agreement for the provision of TDM services; carry out TDM program components as specified in Improvement Measure language</p>	<p>Project sponsor and Planning Department</p>	<p>Ongoing, specific for each TDM program component (refer to Improvement Measure language)</p>
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**TDM Program**

The project sponsor should implement the following TDM measures at a minimum:

- **TDM Coordinator:** Provide TDM training to property managers/coordinators. The TDM coordinator should be the single point of contact for all transportation-related questions from residents and City staff.
- **Transportation Information:**
  - Move-in packet:** Provide a transportation insert for the move-in packet that includes information on transit service (Muni and BART lines, schedules and fares), information on where transit passes may be purchased, and information on the 511 Regional Rideshare Program.
  - Current transportation information:** Provide ongoing local and regional transportation information (e.g., transit maps and schedules, maps of bicycle routes, internet links) for

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>new and existing tenants. Other strategies may be proposed by the Project Sponsor and should be approved by City staff.</p>					
<p><b>Ride Board:</b> Provide a "ride board" (virtual or real) through which residents can offer/request rides, such as on the Homeowners Association website and/or lobby bulletin board. Other strategies may be proposed by the Project Sponsor and should be approved by City staff.</p>					
<p>■ <b>Bicycle Access:</b> <b>Signage:</b> Ensure that the points of access to bicycle parking through elevators on the ground floor and the garage ramp include signage indicating the location of these facilities.</p>					
<p><b>Tenant Cooperation:</b> Encourage retail tenants to allow bicycles in the workplace.</p>					
<p><b>Safety:</b> Ensure that bicycle access to the site is safe, avoiding conflicts with automobiles, transit vehicles and loading vehicles, such as those described in Improvement Measure I-TR-2, Queue Abatement Condition of Approval.</p>					
<p>■ <b>Car Share Access:</b> Ensure that points of access to car share spaces are made convenient and easy to use (e.g., signage from public right-of-way and internal lobbies).</p>					
<p><b>Improvement Measure I-TR-2 –Transportation Demand Management (TDM) Monitoring Program.</b> The Planning Department shall provide the TDM Coordinator with a clearly formatted "Resident Transportation Survey" (online or in paper format) to facilitate the collection and presentation of travel data from residents at the following times: (a) One year after 85 percent occupancy of all dwelling units in the new building; and (b) every two years thereafter, based on a standardized schedule prepared and circulated by the Planning Department staff to the TDM Coordinator.</p>	<p>Project Sponsor, TDM Coordinator, and Planning Department (with possible assistance from City-hired consultant)</p>	<p>One year after 85 percent occupancy of all dwelling units in the new building; and every two years thereafter, based on a standardized schedule</p>	<p>Coordinate, distribute and collect the Residential Transportation Survey and the Building Transportation Survey. Allow trip counts and intercept surveys to be conducted on the premises by City staff or a City-hired consultant.</p>	<p>Project sponsor, TDM Coordinator and Planning Department</p>	<p>Ongoing; considered complete upon conclusion of all required surveys</p>
<p>The TDM Coordinator shall collect responses from no less than</p>					

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>33 percent of residents within the newly occupied dwelling units within ninety (90) days of receiving the Resident Transportation Survey from the Planning Department. The Planning Department shall assist the TDM Coordinator in communicating the purpose of the survey, and shall ensure that the identities of individual resident responders are protected. The Department shall provide professionally prepared and easy-to-complete online (or paper) survey forms to assist with compliance.</p>					
<p>The Planning Department shall also provide the TDM Coordinator with a separate "Building Transportation Survey" that documents which TDM measures have been implemented during the reporting period, along with basic building information (e.g., percent unit occupancy, off-site parking utilization by occupants of building, loading frequency, etc.). The Building Transportation Survey shall be completed by the TDM Coordinator and submitted to City staff within thirty (30) days of receipt.</p>					
<p>The Project Sponsor shall also allow trip counts and intercept surveys to be conducted on the premises by City staff or a City-hired consultant. Access to residential lobbies, garages, etc. shall be granted by the Project Sponsor and facilitated by the TDM Coordinator. Trip counts and intercept surveys are typically conducted for 2 to 5 days between 6 AM and 8 PM on both weekdays and weekends.</p>					
<p><b>Improvement Measure I-TR-3 –Enhanced TDM Program – Car Share</b></p> <ul style="list-style-type: none"> <li>■ Project sponsor shall provide Car Share membership and on-site car-share spaces beyond Planning Code requirements.</li> <li>■ Car Share Membership: Offer a 50 percent subsidy for one (1) annual car-share membership per unit, per year, on request. Include information in the move-in packet. Resident would be responsible for the cost of 50 percent of the annual</li> </ul>	<p>Project Sponsor, TDM Coordinator, and Planning Department (with possible assistance from City-hired consultant)</p>	<p>Prior to and during occupancy</p>	<p>Implement TDM measures and enter into agreement for the provision of TDM services; carry out TDM program components as specified in Improvement Measure language</p>	<p>Project sponsor, TDM Coordinator and Planning Department</p>	<p>Ongoing, specific for each TDM program component (refer to Improvement Measure language)</p>



MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
membership as well as usage charges.					
<ul style="list-style-type: none"> <li>Car Share Fleet: Increase the number of on-site car-share spaces beyond Planning Code requirements). These car share spaces will be hosted for a minimum of 8 years starting at 85 percent project occupancy.</li> </ul>					
<p><b>Improvement Measure I-TR-4: Queue Abatement Condition of Approval.</b> The owner/operator of the off-street parking facility shall ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.</p>	Owner/operator of off-street parking facility	Upon operation of off-street parking facility	Ensure a vehicle queue does not block any portion of public street, alley, or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis	Owner/operator; Planning Department	Ongoing during operation
<p>If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; or travel demand management strategies such as additional bicycle parking.</p>					
<p>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.</p>					

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p><b>Improvement Measure I-TR-5: Construction Management.</b> To minimize the construction-related disruption of the general traffic flow on adjacent streets during the AM and PM peak periods, truck movements and deliveries should be limited during peak hours (generally 7:00 to 9:00 AM and 4:00 to 6:00 PM, or other times, as determined by SFMTA and its Transportation Advisory Staff Committee [TASC]).</p>	Project sponsor, contractor(s)	During construction	Limit truck movements and deliveries during peak hours	Project sponsor, contractor(s)	Considered complete upon receipt of final monitoring report at completion of construction
<b>AIR QUALITY</b>					
<p><b>Improvement Measure I-AQ-1 – Enhanced Ventilation System (Eastern Neighborhoods FEIR Mitigation Measure G-2: Air Quality for Sensitive Land Uses).</b> Because the project site is located in proximity to Interstate 280, which is identified as a freeway in the San Francisco General Plan, Transportation Element, the project sponsor should incorporate upgraded ventilation systems to minimize exposure of future residents to DPM and other pollutant emissions, as well as odors.</p>	Project sponsor/engineer	Prior to issuance of grading or building permits	Submit enhanced ventilation and maintenance plans for the building(s)	Project sponsor/engineer and DBI	Considered complete after DBI approval of ventilation and maintenance plans
<p><i>Air Filtration and Ventilation Requirements for Sensitive Land Uses.</i> Prior to receipt of any building permit, the project sponsor shall submit an enhanced ventilation plan for the proposed building(s). The enhanced ventilation plan shall be prepared and signed by, or under the supervision of, a licensed mechanical engineer or other individual authorized by the California Business And Professions Code Sections 6700-6799. The enhanced ventilation plan shall show that the building ventilation system will be capable of achieving protection from particulate matter (PM2.5) equivalent to that associated with a Minimum Efficiency Reporting Value (MERV) 13 filtration, as defined by American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standard 52.2. The enhanced ventilation plan shall explain in detail how the project will meet the MERV-13 performance standard identified in this measure.</p>					
<p><i>Maintenance Plan.</i> Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing</p>					

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
maintenance for the ventilation and filtration systems.					
<i>Disclosure to buyers and renters.</i> The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.	Project sponsor	Prior to occupancy	Ensure disclosure to buyers and renters	Project sponsor	Ongoing

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY: )  
And When Recorded Mail To: )  
Name: Andrew J. Junius )  
c/o Reuben, Junius & Rose, LLP )  
Address: One Bush Street, Ste. 600 )  
City: San Francisco )  
State: California Zip: 94104 )



San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
DOC- 2015-K012847-00  
Check Number 4430  
Tuesday, JAN 27, 2015 11:37:16  
Ttl Pd \$48.00 Rcpt # 0005092543  
okc/KC/1-12

) Space Above this Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

I, (We) SAN FRANCISCO OPEN ASSOCIATION, 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):

See Exhibit A

BEING ASSESSOR'S BLOCK: 4105, LOT: 009;  
COMMONLY KNOWN AS: 800 Indiana 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. **2011.1374KX** approved by the Planning Commission of the City and County of San Francisco on **January 8, 2015**, as set forth in Planning Commission Motion No. **19305**.

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 for the new construction of a five-story residential building with 326 dwelling units, and a modification to the requirements for rear yard, open space, permitted obstructions over the street, yard and useable open space, dwelling unit exposure, off-street loading, and horizontal mass reduction, located at 800 Indiana Street, Lot 009 in Assessor's Block 4105, pursuant to Planning Code Section 329 within the UMU (Urban Mixed-Use) Zoning District, and a 58-X Height and Bulk District; in general conformance with plans, dated December 1, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1374X and subject to conditions of approval reviewed and approved by the Commission on January 8, 2015 under Motion No. 19305. 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 January 8, 2015 under Motion No. 19305.

### ***Printing of conditions of approval on plans***

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19305 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 Office Development 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 authorization.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

### Conditions of Approval, Compliance, Monitoring, and Reporting

#### **Performance**

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

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

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

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

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

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

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

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

**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

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

effect at the time of such approval.

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

**Mitigation Measures.** Mitigation measures described in the MMRP attached as "Attachment B" to the CEQA Findings Motion No. 19303 are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of approval.

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

**Additional Project Authorization.** The Project Sponsor must obtain an authorization under Planning Code Section 295 for a project which would cast shadow upon a property under the jurisdiction of the Recreation and Parks Commission, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

### **DESIGN – compliance at plan stage**

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

**Final Design-West Facade.** The Project Sponsor shall continue to work with the Planning Department on the design of the west façade facing the freeway. The Project Sponsor shall refine the design to be more expressive of the building's organization and layout.

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

**Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

**Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

**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 for each building. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

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

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

### **Parking and Traffic**

**Unbundled Parking.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made



## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

**Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 260 off-street parking spaces for the 326 dwelling units contained therein.

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

**Car Share.** Pursuant to Planning Code Section 166, no fewer than two (2) car share spaces shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

**Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than **195** Class 1 bicycle parking spaces and **16** Class 2 bicycle parking spaces.

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

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

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

### ***provisions***

**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

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

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

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

### **Monitoring**

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

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

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

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

### **Operation**

**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>*

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

**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>*

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

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

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

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

### **INCLUSIONARY HOUSING**

1. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. Per Planning Code Section 419.3(b)(1)(A), the applicable percentage for this project is twenty-three percent (23%).

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

2. **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 the terms of the 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

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing ("MOH") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

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

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

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- c. If project applicant 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 Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

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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.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

  
(Signature)

SAN FRANCISCO OPERA ASSOC.  
(Print Name)

Dated: JAN 26, 2015 at SAN FRANCISCO, California.  
(Month, Day) (City)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

Dated: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, California.\*  
(Month, Day) (City)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print 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) below.**

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**LEGAL DESCRIPTION**

**EXHIBIT "A"**

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

All of Lot 9, as shown on Map entitled "Parcel Map of a Portion of New Potrero Blocks 337 and 338, also being a Portion of Assessor's Block 4105, San Francisco, California", said Map filed March 5, 1987, as Document No. D954299 in Book 35 of Parcel Maps, at Page 1 of the Records of said County.

APN: Block 4105, Lot 009



# CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

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 }

On 1-26-15 before me, Linda C. Rodriguez Notary Public,

Date

(here insert name and title of the officer)

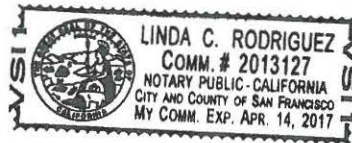
personally appeared Michael Simpson

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)



OPTIONAL

Description of Attached Document

Title or Type of Document: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Document Date: \_\_\_\_\_ Other: \_\_\_\_\_