



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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Case No.: **2014.0832E**
Project Address: **988 Harrison Street (377 6th Street)**
Zoning: MUO (Mixed Use-Office) Zoning District
85-X Height and Bulk District
Youth and Family Special Use District
Block/Lot: 3753/148
Lot Size: 12,668 square feet
Plan Area: Eastern Neighborhoods Area Plan (East SoMa)
Project Sponsor: Will Mollard, Workshop 1, (415) 523-0304
Staff Contact: Don Lewis – (415) 575-9168
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PROJECT DESCRIPTION

The rectangular-shaped project site is located on the northwest corner of Harrison and 6th Streets in the East SoMa neighborhood. The project site is occupied by a former gasoline station with a fuel island canopy, an attendant’s booth, and an accessory storage shed. Four underground fuel storage tanks were removed from the project site in 2008 when the gasoline station closed. The project site has frontages on Harrison, 6th, and Clara Streets, and is currently surrounded on three sides by an 8-foot-tall, chain-link fence with two locked gates. The project sponsor proposes the demolition of the gasoline station and its related structures and construction of a new 83-foot-tall (95 feet including elevator penthouse), eight-story, mixed-use building approximately 96,700 square feet in size. The proposed building would include 112 residential units, 6,915 square feet of ground-floor retail use, and 73 off-street parking spaces (utilizing a car elevator system) located in the one-level underground garage. The proposed mix of units would be 54 studios, 13 one-bedroom units, and 45 two-bedroom units. The proposed project includes a

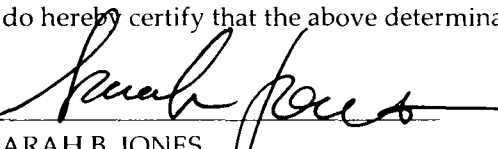
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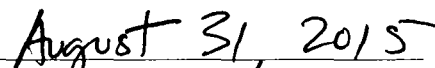
EXEMPT STATUS

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

DETERMINATION

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


SARAH B. JONES
Environmental Review Officer


Date

PROJECT DESCRIPTION (continued)

5,560 square-foot common roof deck and a 2,660-square-foot common courtyard at the second level. The proposed project would also include 120 Class I bicycle parking spaces at the ground-floor level, and six Class II bicycle parking spaces outside at the front of the building on 6th Street. A total of 15 new street trees would be planted along Harrison, 6th, and Clara Streets. During the approximately 20-month project construction, the proposed project would require approximately 13 feet of excavation and 523 cubic yards of soil would be removed from the project site. Vehicular access would be from a new curb cut located on Clara Street. The proposed project would remove the two existing curb cuts on 6th Street and the one existing curb cut on Harrison Street. The project site is located within the East SoMa area of the Eastern Neighborhoods Plan Area and the proposed Central SoMa Plan area.

PROJECT APPROVAL

The proposed project at 988 Harrison Street would require the following approvals:

Actions by the Planning Commission

- Approval of a Large Project Authorization from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 75 feet in height and 25,000 gross square feet in size. The approval of the Large Project Authorization would be the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Actions by other Departments

- Approval of a Site Mitigation Plan from the San Francisco Department of Public Health prior to the commencement of any excavation work.
- Approval of Building Permits from the San Francisco Department of Building Inspections for demolition and new construction.

COMMUNITY PLAN EXEMPTION OVERVIEW

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

This determination evaluates the potential project-specific environmental effects of the 988 Harrison Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)¹. Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods Rezoning and Area Plans were adopted in December 2008. The Eastern Neighborhoods Rezoning and Area Plans were adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods Rezoning and Area Plans also included changes to existing height and bulk districts in some areas, including the project site at 988 Harrison Street.

The Planning Commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.^{2,3}

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

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR. The Eastern Neighborhoods PEIR estimated that implementation of the Eastern Neighborhoods Plan could result in approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) built in the Plan Area throughout the lifetime of the Plan (year 2025).

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

¹ Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

² San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed June 29, 2015.

³ San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed June 29, 2015.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned from RSD (Residential/Service Mixed Use) to MUO (Mixed Use-Office) District. The MUO District is intended to encourage office uses and housing, as well as small-scale light industrial and arts activities. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Land Use section of the Community Plan Exemption (CPE) Checklist. The 988 Harrison Street site, which is located in the East SoMa District of the Eastern Neighborhoods, was designated as a site with a building up to 85 feet in height.⁴

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 988 Harrison Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR, including the Eastern Neighborhoods PEIR development projections. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 988 Harrison Street project, and identified the mitigation measures applicable to the 988 Harrison Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{5,6} Therefore, no further CEQA evaluation for the 988 Harrison Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project site is located on flat terrain on the northwest corner of Harrison and 6th Street and has frontages on Harrison, 6th, and Clara Streets in the East SoMa neighborhood. The project site is occupied by a former gasoline station with an attendant's booth and an accessory storage shed that were constructed in 1972. The surrounding area around the project site is characterized by a variety of uses, including light-industrial (primarily auto repair services), commercial, residential, and hotel uses. Immediately adjacent to the project site to the west along Harrison Street is a two-story industrial building constructed in 1926 (Robert's Tires and Wheels), a three-story, three-unit residential building constructed in 1913, a two-story industrial building constructed in 1926 (Ed's Autohaus), a two-story, four-unit residential building constructed in 1909, a two-story, four-unit residential building constructed in 1911, a two-story, single-family residential building constructed in 1914, a two-story, 23-room, motel (Bay Bridge Inn) constructed in 1955, and a five-story, four-unit residential building constructed in 2011. Across Harrison Street from the project site from 6th Street to Morris Street is a three-story, 31-room hotel with ground-floor commercial building (The EndUp nightclub) constructed in 1912, a one-story industrial building (Venetian Natural Marble Co.) constructed in 1945 with parking lot. Immediately adjacent to the north of the project site along 6th Street is a two-story office building (occupied by City Life Church) constructed in 1920. There is a proposed project (Case No. 2011.0586E, 363 6th Street) that involves the demolition of the two-story office building and construction of a nine-story, mixed-use building. Immediately adjacent to the east of the project site along Clara Street is the parking lot that is used by

⁴ The Eastern Neighborhood rezoning did not increase the height of the project site.

⁵ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 988 Harrison Street, June 10, 2015. This document, and other cited documents, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0485E.

⁶ Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 988 Harrison Street, August 8, 2015.

Robert's Tires and Wheels, and a five-story building with eight live/work units constructed in 1996. Across 6th Street to the west of the project site is a Chevron gasoline station, and a three-story building with 19 live/work units constructed in 2001.

Victoria Manalo Draves Park is located approximately 400 feet west of the project site, and Gene Friend Recreation Center is located approximately 480 feet northwest of the project site. Bessie Carmichael Elementary School is located approximately 700 feet west of the project site. The San Francisco Police Department and County Jail, located at 850 Bryant Street, is approximately 1,000 feet south of the project site. There is a proposed project (Case No. 2014.0198E) that involves the demolition of three buildings and construction of a new 110-foot-tall Rehabilitation and Detention Facility to be built as a maximum security facility.

The project site is located one-half block north of Interstate 80, and the nearest freeway ramp is the westbound off-ramp approximately 850 feet east of the project site. Harrison Street is a multi-lane one-way westbound street while 6th Street is a multi-lane two-way street, and both are major arterials streets. The surrounding parcels are either within the Mixed Use-Residential (MUR), Service/Arts/Light Industrial (SALI), or Mixed Use-General (MUG) zoning district. Height and bulk districts within a one block radius include 30-X, 45-X, 65-X, and 85-X.

POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 988 Harrison Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 988 Harrison Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would not contribute to the significant land use impact identified in the Eastern Neighborhoods PEIR because it would not result in the removal of PDR space, and while the project would preclude an opportunity for PDR, the relatively small size of the project site would not contribute considerably to any impact related to loss of PDR uses. In addition, the project would not result in an adverse effect to any on-site or off-site historic resources, would not result in significant transportation impacts, and would not result in net new shadow on any public open spaces.

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

Table 1 – Eastern Neighborhoods PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
F. Noise		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving is not required	N/A
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Applicable: noise-sensitive uses (dwelling units) proposed	The project sponsor has conducted and submitted a detailed analysis of noise reduction requirements.
F-4: Siting of Noise-Sensitive Uses	Applicable: noise-sensitive uses (dwelling units) proposed	The project sponsor has conducted and submitted a detailed analysis of noise reduction requirements.
F-5: Siting of Noise-Generating Uses	Not Applicable: no noise-generating uses proposed	N/A
F-6: Open Space in Noisy Environments	Applicable: project includes open space in a noisy environment	The project sponsor provided an environmental noise report that demonstrates that the proposed open space is adequately protected from the existing ambient noise levels.
G. Air Quality		
G-1: Construction Air Quality	Applicable: only the construction exhaust emissions portion of this mitigation measure is applicable because construction would occur within an Air Pollutant Exposure Zone	The project sponsor has agreed to comply with the construction exhaust emissions reduction requirements.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: superseded by applicable Article 38 requirements	N/A

Mitigation Measure	Applicability	Compliance
G-3: Siting of Uses that Emit DPM	Not Applicable: proposed residential and retail uses would not emit substantial levels of DPM, and no backup diesel generator would be required	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed residential and retail uses would not emit substantial levels of DPM	N/A
J. Archeological Resources		
J-1: Properties with Previous Studies	Not Applicable: project site is not within this mitigation area	N/A
J-2: Properties with no Previous Studies	Applicable: soil disturbance to approximately 13 feet below ground surface proposed in this mitigation area	The project sponsor has agreed to implement the Planning Department's Standard Mitigation Measure #1 (Accidental Discovery).
J-3: Mission Dolores Archeological District	Not Applicable: project site is not within this mitigation area	N/A
K. Historical Resources		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by Planning Department	N/A
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
L. Hazardous Materials		
L-1: Hazardous Building Materials	Applicable: project includes demolition of a structure (attendant's booth) that was constructed in circa 1972.	The project sponsor has agreed to ensure that any equipment containing polychlorinated biphenyls (PCBs) or mercury, such as fluorescent light ballasts,

Mitigation Measure	Applicability	Compliance
		are removed and properly disposed, and that any fluorescent light tube fixtures, which could contain mercury, are similarly removed intact and properly disposed of.
E. Transportation		
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA	N/A
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA	N/A
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA	N/A
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	N/A
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA	N/A
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA	N/A
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA	N/A

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

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on May 13, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis.

- One commenter stated that the environmental review should identify potential safety issues for all road users, and that safety performance considerations include any queue that exceeds its available storage or any queue on a freeway off-ramp that may conflict with approaching high-speed freeway traffic. *The transportation impacts of the proposed project, including the potential for traffic hazards, are discussed in the Transportation and Circulation section of the CPE Checklist. The amount of new p.m. peak hour vehicle trips generated by the proposed project would not substantially increase traffic volumes at nearby intersections, would not substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or would not substantially increase average delay at intersections that currently operate at unacceptable LOS. The project site is located one-half block north of Interstate 80, and the nearest freeway ramp is the westbound off-ramp approximately 850 feet east of the project site. The proposed project would not result in any significant traffic impacts.*
- Another commenter inquired regarding what the projected addition of housing in the East SoMa area would be, how much has already been built or approved since the projections of PEIR, and what were the projected rent levels in East SoMa Area Plan. *As discussed in the Population and Housing section of the CPE Checklist, the proposed project would create 112 new dwelling units which is within the scope of the population and housing growth anticipated under the East SoMa Area Plan and evaluated in the Eastern Neighborhoods Plan Area PEIR. For informational purposes, the East SoMa Area Plan acknowledged that the area is becoming less affordable as rents are rising, and the new housing being added to the area has been almost exclusively market-rate and owner-occupied. One of the objectives of the East SoMa Area Plan is to encourage and maximize the production of housing and to ensure that a significant percentage of new housing created is affordable.*
- The same commenter asked whether the proposed project addresses the goals of the Youth and Family Special Use District, what fees are required, and what the projected rent levels would be. *These comments are related to socioeconomic issues that would not result in a physical impact upon the environment, and would be considered by the Planning Commission when they hear the Large Project Authorization. For informational purposes, the project site falls within the Youth and Family Special Use District (SUD). This SUD requires a conditional use authorization for a variety of uses, and also requires certain projects to provide a larger amount of affordable housing. The project site is not within an area that triggers this requirement to provide a larger amount of affordable housing; however, the project would be subject to the affordability requirements of Section 415. The project sponsor would be required to pay the East SoMa Area Plan Impact Fee, the Transit Impact Development Fee, and the Eastern Neighborhoods Impact Fee. At this time, the project sponsor does not know what the projected rent levels would be for the proposed units. These comments have been noted in the project record.*

The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

CONCLUSION

As summarized above and further discussed in the CPE Checklist⁷:

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

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

⁷ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2014.0832E.

MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

MITIGATION MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
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ARCHEOLOGICAL RESOURCES				
<p><i>Project Mitigation Measure 1 – Properties With No Previous Studies (Eastern Neighborhoods Mitigation Measure J-2)</i></p> <p>This mitigation measure is required to avoid any potential adverse effect on accidentally discovered buried or submerged historical resources as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c).</p> <p>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, pile driving, etc. firms); and to utilities firms involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is 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 (prime contractor, subcontractor(s), and utilities firms) to the ERO confirming that all field personnel have received copies of the "ALERT" sheet.</p> <p>Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project head foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <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 archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist. 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>Measures might include preservation in situ of the archeological resource, an</p>	<p>Project sponsor, contractor, Planning Department's archeologist or qualified archaeological consultant, and Planning Department's Environmental Review Officer</p>	<p>Prior to issuance of any permit for soil-disturbing activities and during construction.</p>	<p>Project Sponsor; ERO; archeologist.</p>	<p>Considered complete upon ERO's approval of FARR..</p>

MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

MITIGATION MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archeological monitoring program, or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also 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>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>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: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one 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 a CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution from that presented above.</p>				
NOISE				
<p><i>Project Mitigation Measure 2 – Construction Noise (Eastern Neighborhoods Mitigation Measure F-2)</i></p> <p>Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing</p>	<p>Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.</p>	<p>During construction</p>	<p>Each Project Sponsor to provide Planning Department with monthly reports during construction period.</p>	<p>Considered complete upon receipt of final monitoring report at completion of construction.</p>

MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

MITIGATION MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and • Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed. 				
<p><i>Project Mitigation Measure 3 – Interior Noise Levels (Eastern Neighborhoods Mitigation Measure F-3)</i></p> <p>For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in EIR Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible.</p>	<p>Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.</p>	<p>Design measures to be incorporated into project design and evaluated in environmental/building permit review, prior to issuance of a final building permit and certificate of occupancy</p>	<p>San Francisco Planning Department and the Department of Building Inspection</p>	<p>Considered complete upon approval of final construction drawing set.</p>
<p><i>Project Mitigation Measure 4 – Siting of Noise-Sensitive Uses (Eastern Neighborhoods Mitigation Measure F-4)</i></p> <p>To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses,</p>	<p>Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant</p>	<p>Design measures to be incorporated into project design and evaluated in environmental/</p>	<p>San Francisco Planning Department and the Department of Building Inspection</p>	<p>Considered complete upon approval of final construction drawing set.</p>

MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

MITIGATION MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.</p>	<p>to the Eastern Neighborhoods Rezoning and Area Plans Project.</p>	<p>building permit review, prior to issuance of a final building permit and certificate of occupancy</p>		
<p><i>Project Mitigation Measure 5 – Open Space in Noisy Environments (Eastern Neighborhoods Mitigation Measure F-6)</i></p> <p>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 Planning Code 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>	<p>Project Architect of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project</p>	<p>Design measures to be incorporated into project design and evaluated in environmental/building permit review</p>	<p>San Francisco Planning Department and the Department of Building Inspection</p>	<p>Considered complete upon approval of final construction drawing set.</p>

MITIGATION MONITORING AND REPORTING PROGRAM
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MITIGATION MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
AIR QUALITY				
<p>Project Mitigation Measure 6 – Construction Air Quality (Eastern Neighborhoods Mitigation Measure G-1)</p> <p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p> <p><i>A. Engine Requirements</i></p> <ol style="list-style-type: none"> All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications. 	Project sponsor/ contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Project sponsor / contractor(s) and the ERO.	Considered complete on submittal of certification statement.
<p><i>B. Waivers</i></p> <ol style="list-style-type: none"> The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of 				

**MITIGATION MONITORING AND REPORTING PROGRAM
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MITIGATION MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</p> <p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.</p> <p align="center">Table – Off-Road Equipment Compliance Step-down Schedule</p> <table border="1" data-bbox="142 873 835 1036"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table> <p>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3. ** Alternative fuels are not a VDECS.</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
3	Tier 2	Alternative Fuel*														
<p>C. <i>Construction Emissions Minimization Plan.</i> Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment</p>	Project sponsor/ contractor(s).	Prior to issuance of a permit specified in Section 106A.3.2.6 of	Project sponsor/ contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is complete.												

MITIGATION MONITORING AND REPORTING PROGRAM
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MITIGATION MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p>		the Francisco Building Code.		
<p><i>D. Monitoring.</i> After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>	Project sponsor/contractor(s).	Quarterly	Project sponsor/contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is being/was implemented.
HAZARDOUS MATERIALS				
<p><i>Project Mitigation Measure7 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)</i></p> <p>The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or</p>	Project Sponsor/project archeologist of each subsequent development project undertaken pursuant	Prior to approval of each subsequent project, through Mitigation Plan.	Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor	Considered complete upon approval of each subsequent project.

MITIGATION MONITORING AND REPORTING PROGRAM
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MITIGATION MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light 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>	<p>to the Eastern Neighborhoods Areas Plans and Rezoning</p>		<p>shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction.</p>	



SAN FRANCISCO PLANNING DEPARTMENT

Community Plan Exemption Checklist

Case No.: **2014.0832E**
Project Address: **988 Harrison Street (377 6th Street)**
Zoning: MUO (Mixed Use-Office) Zoning District
85-X Height and Bulk District
Youth and Family Special Use District
Block/Lot: 3753/148
Lot Size: 12,668 square feet
Plan Area: Eastern Neighborhoods Area Plan (East SoMa)
Project Sponsor: Will Mollard, Workshop 1, (415) 523-0304
Staff Contact: Don Lewis – (415) 575-9168
don.lewis@sfgov.org

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CA 94103-2479

Reception:
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Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The rectangular-shaped project site is located on the northwest corner of Harrison and 6th Streets in the East SoMa neighborhood. The project site is occupied by a former gasoline station with a fuel island canopy, an attendant's booth, and an accessory storage shed. Four underground fuel storage tanks were removed from the project site in 2008 when the gasoline station closed. The project site has frontages on Harrison, 6th, and Clara Streets, and is currently surrounded on three sides by an 8-foot-tall, chain-link fence with two locked gates. The project sponsor proposes the demolition of the gasoline station and its related structures and construction of a new 83-foot-tall (95 feet including elevator penthouse), eight-story, mixed-use building approximately 96,700 square feet in size. The proposed building would include 112 residential units, 6,915 square feet of ground-floor retail use, and 73 off-street parking spaces (utilizing a car elevator system) located in the one-level underground garage. The proposed mix of units would be 54 studios, 13 one-bedroom units, and 45 two-bedroom units. The proposed project includes a 5,560 square-foot common roof deck and a 2,660-square-foot common courtyard at the second level. The proposed project would also include 120 Class I bicycle parking spaces at the ground-floor level, and six Class II bicycle parking spaces outside at the front of the building on 6th Street. A total of 15 new street trees would be planted along Harrison, 6th, and Clara Streets. During the approximately 20-month project construction, the proposed project would require approximately 13 feet of excavation and 523 cubic yards of soil would be removed from the project site. Vehicular access would be from a new curb cut located on Clara Street. The proposed project would remove the two existing curb cuts on 6th Street and the one existing curb cut on Harrison Street. The project site is located within the East SoMa area of the Eastern Neighborhoods Plan Area and the proposed Central SoMa Plan area.

PROJECT APPROVAL

The proposed project at 988 Harrison Street would require the following approvals:

Actions by the Planning Commission

- Approval of a Large Project Authorization from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 75 feet in height and 25,000 gross square feet in size. The approval of the Large Project Authorization would be the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Actions by other Departments

- Approval of a Site Mitigation Plan from the San Francisco Department of Public Health prior to the commencement of any excavation work.
- Approval of Building Permits from the San Francisco Department of Building Inspections for demolition and new construction.

EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption (CPE) Checklist evaluates whether the environmental impacts of the proposed project are addressed in the Programmatic Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans (Eastern Neighborhoods PEIR).¹ The CPE Checklist indicates whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such impacts are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

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

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

¹ San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed July 23, 2015.

Figure 1. Project Location

988 Harrison Street

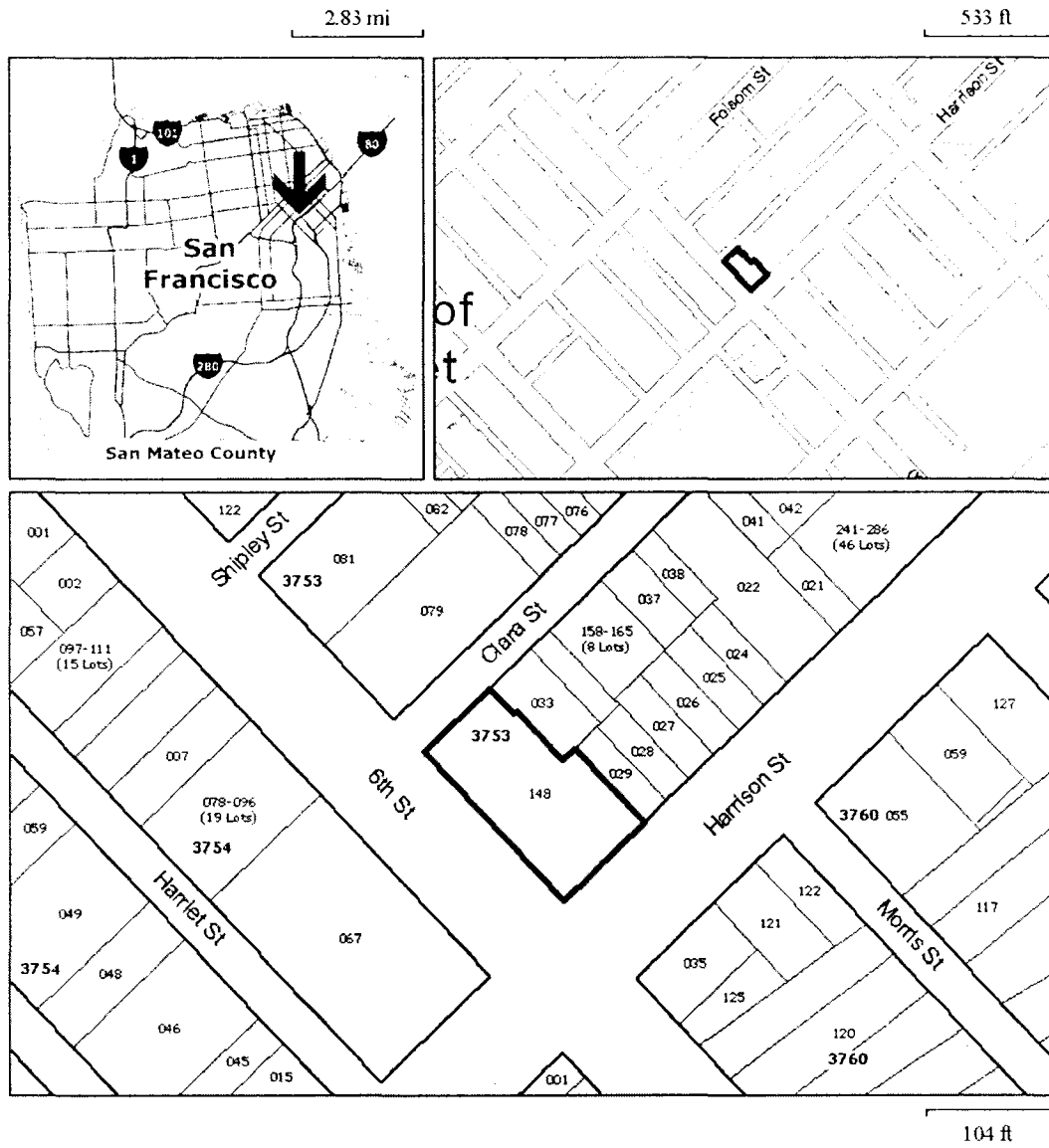


Figure 2: Site Plan

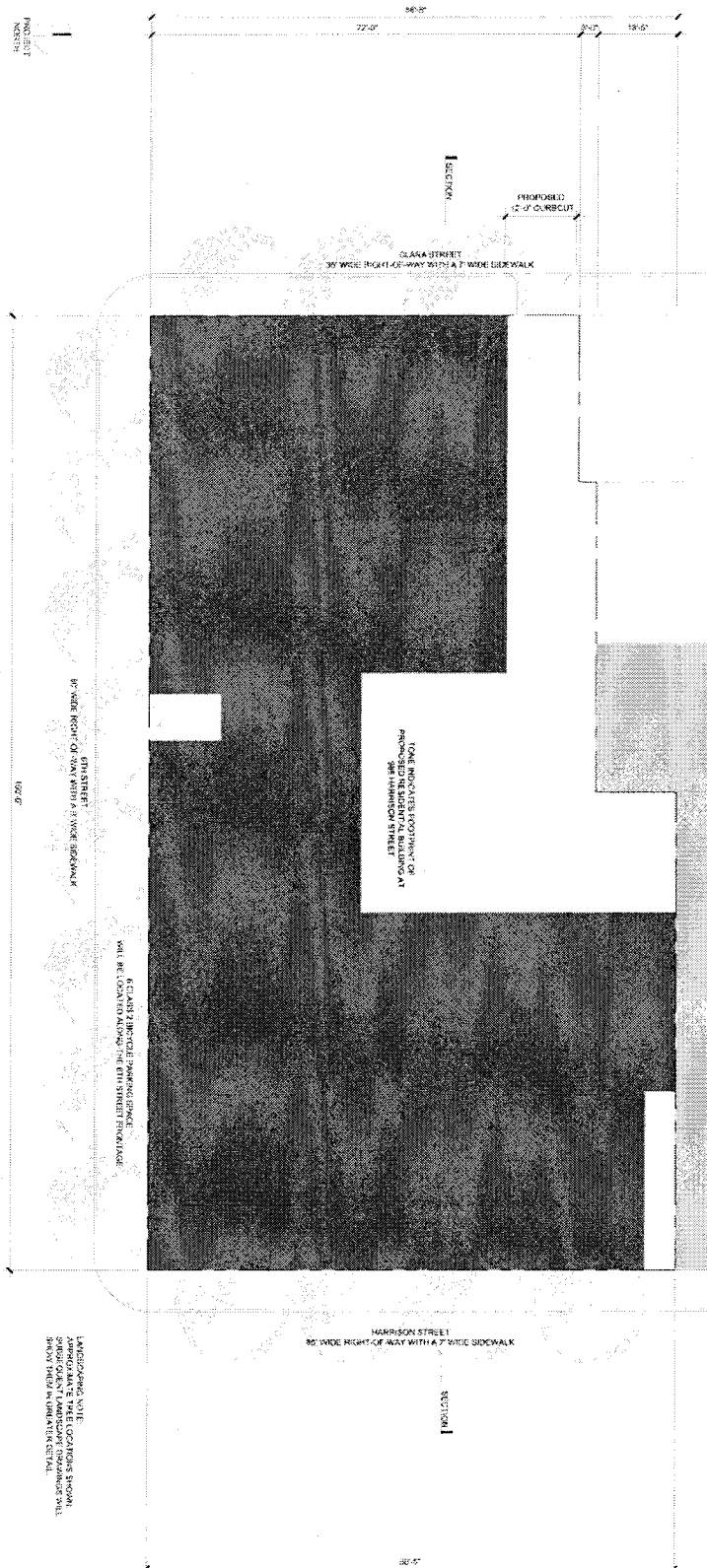


Figure 5. Proposed Upper Floor Plan

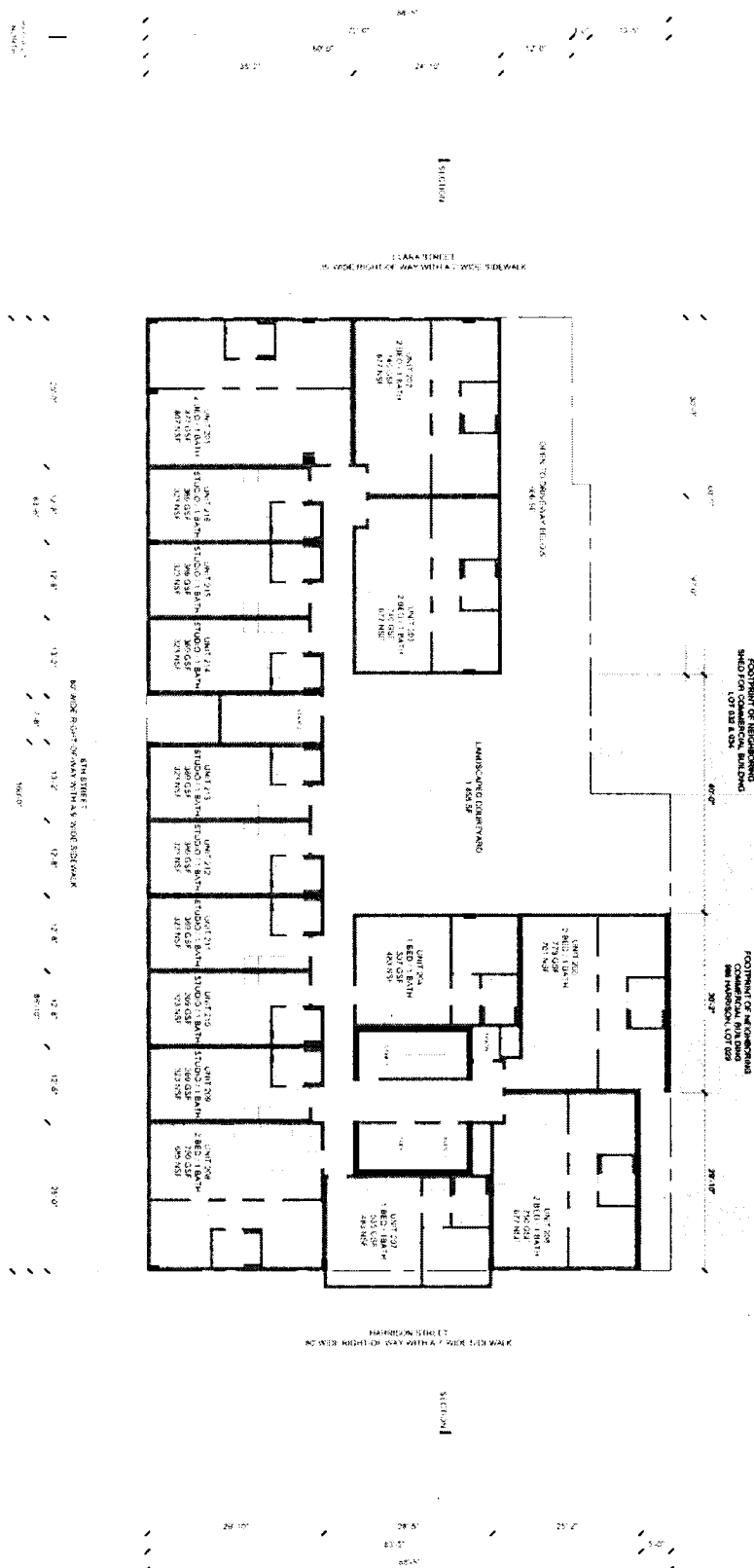


Figure 6. Proposed Roof Level

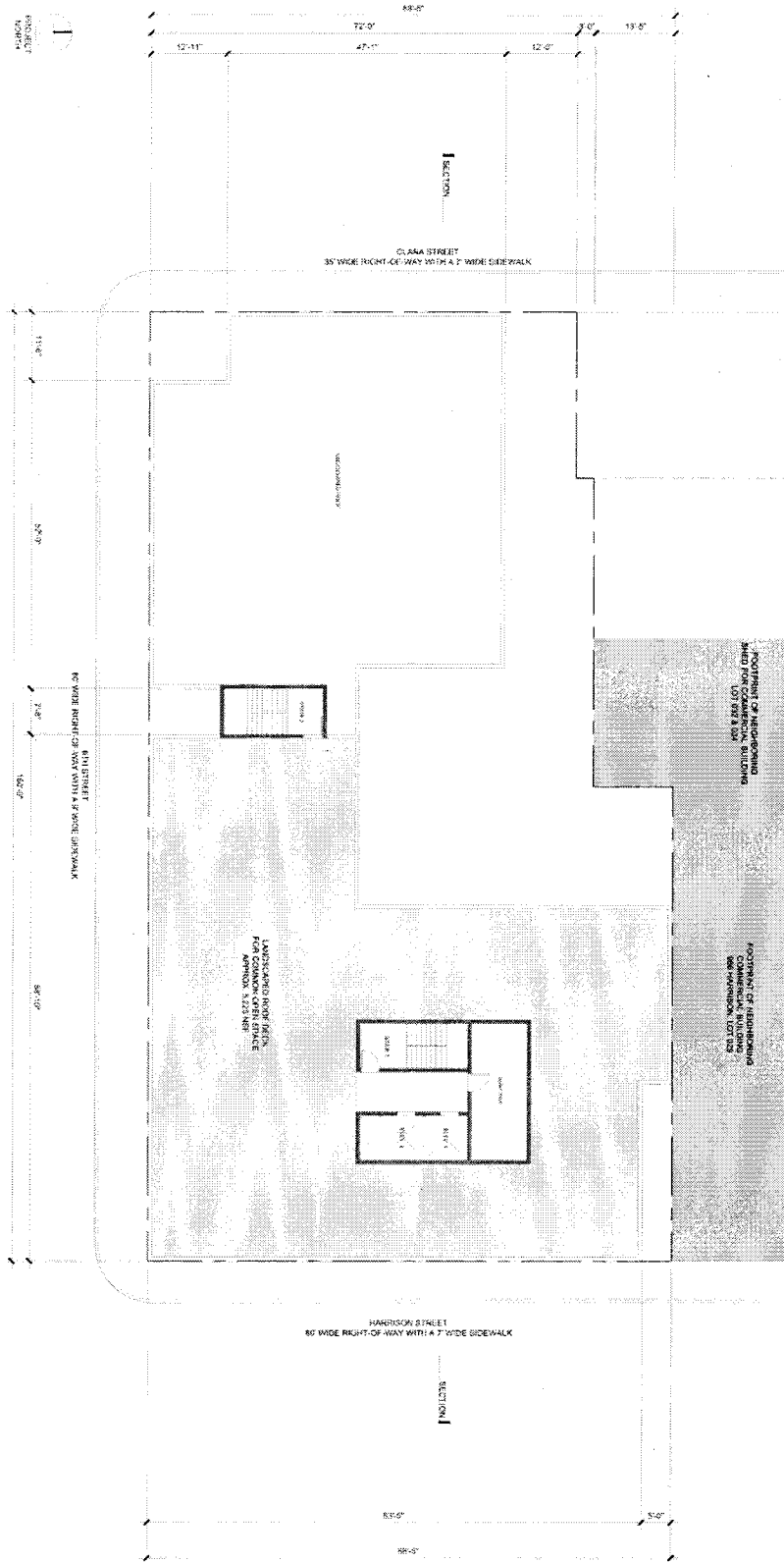


Figure 7. Proposed 6th Street Elevation

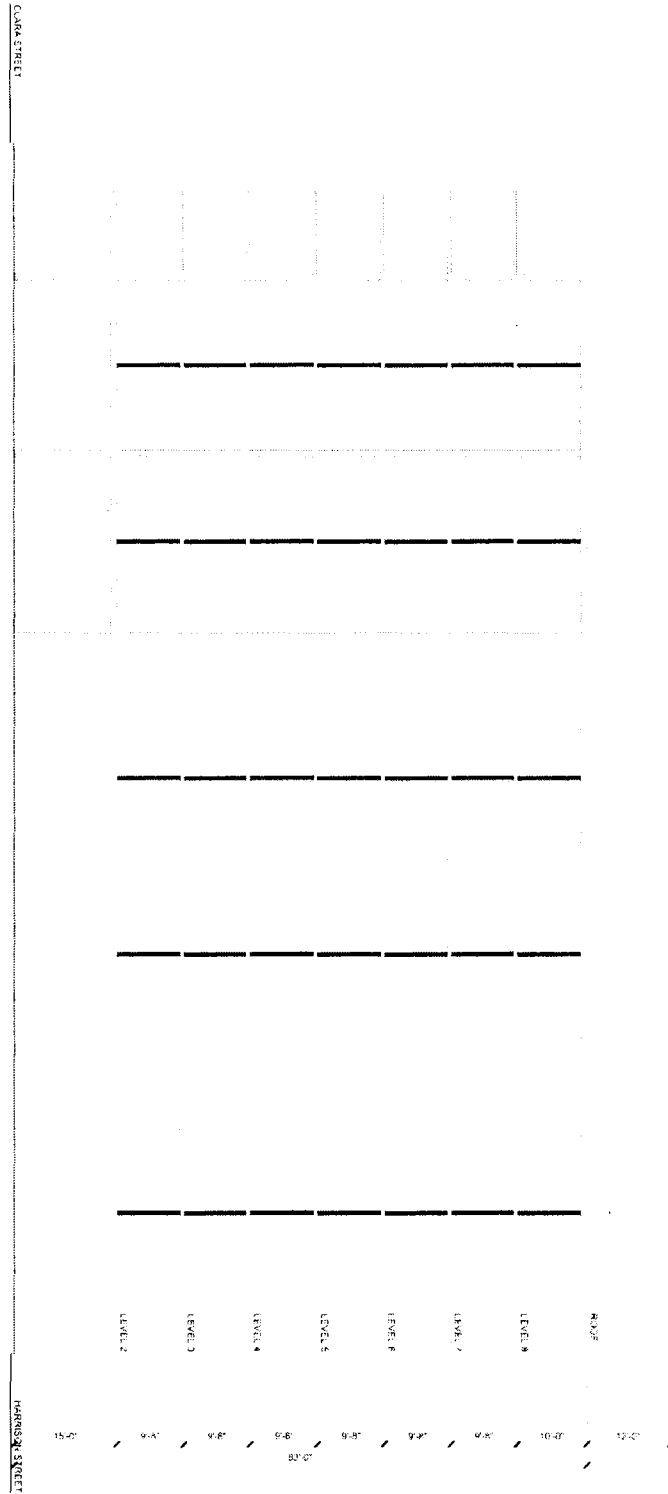
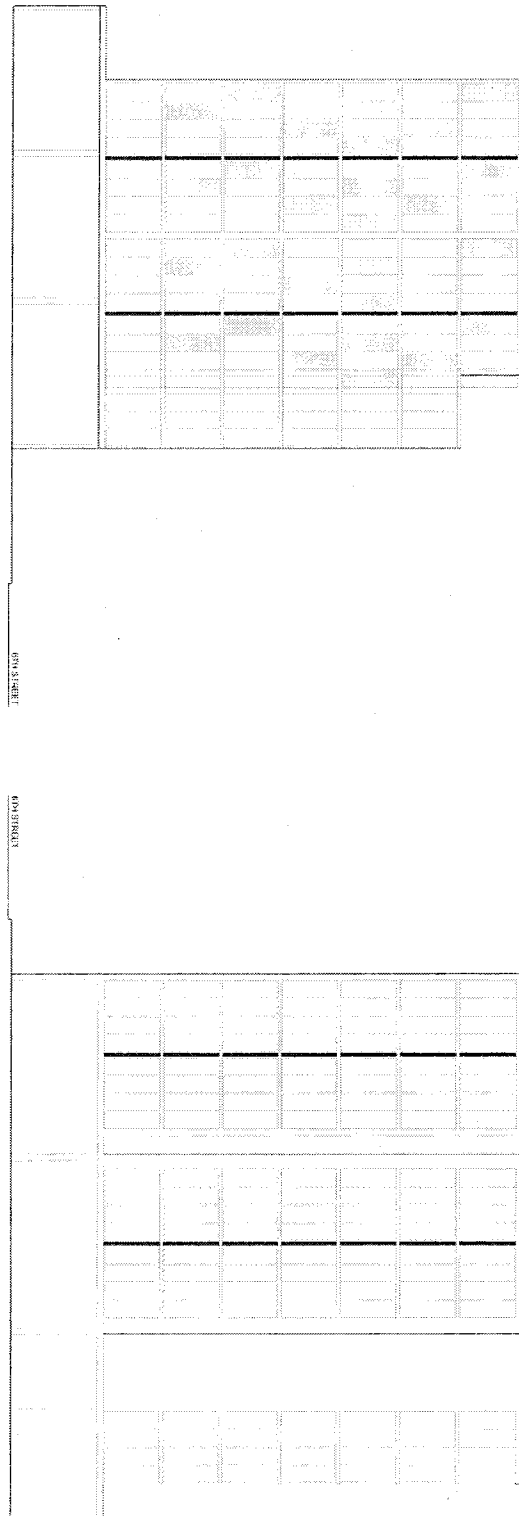


Figure 8. Proposed Harrison Street and Clara Street Elevations



The proposed project would demolish the gas station and its related structures and construct an 83-foot-tall, eight-story-over-basement, mixed-use building approximately 96,700 square feet in size with 112 residential units and 6,915 square feet of ground-floor retail use. The proposed project would include 73 off-street parking spaces in the basement garage and 120 Class I bicycle parking spaces on the ground-floor level. As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

CHANGES IN THE REGULATORY ENVIRONMENT

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

- State statute regulating Aesthetics and Parking Impacts for Transit Priority Infill, effective January 2014 (see associated heading below);
- San Francisco Bicycle Plan update adoption in June 2009, Better Streets Plan adoption in 2010, Transit Effectiveness Project (aka "Muni Forward") adoption in March 2014, Vision Zero adoption by various City agencies in 2014, Proposition A and B passage in November 2014, and the Transportation Sustainability Program process (see Checklist section "Transportation");
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses Near Places of Entertainment effective June 2015 (see Checklist section "Noise");
- San Francisco ordinances establishing Construction Dust Control, effective July 2008, and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, effective December 2014 (see Checklist section "Air Quality");
- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see Checklist section "Recreation");
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see Checklist section "Utilities and Service Systems"); and
- Article 22A of the Health Code amendments effective August 2013 (see Checklist section "Hazardous Materials").

CHANGES IN THE PHYSICAL ENVIRONMENT

Since the certification of the Eastern Neighborhoods PEIR in 2008, as evidenced by the volume of development applications submitted to the Planning Department since 2012, the pace of development activity has increased in the Eastern Neighborhoods plan areas. The Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plan could result in a substantial amount of growth within the Eastern Neighborhoods Plan area, resulting in an increase of approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding

PDR loss) through throughout the lifetime of the Plan (year 2025).² The growth projected in the Eastern Neighborhoods PEIR was based on a soft site analysis (i.e., assumptions regarding the potential for a site to be developed through the year 2025) and not based upon the created capacity of the rezoning options (i.e., the total potential for development that would be created indefinitely).³

As of July 31, 2015, projects containing 8,559 dwelling units and 2,231,595 square feet of non-residential space (excluding PDR loss) have completed or are proposed to complete environmental review⁴ within the Eastern Neighborhoods Plan area. These estimates include projects that have completed environmental review (4,885 dwelling units and 1,472,688 square feet of non-residential space) and foreseeable projects, including the proposed project (3,674 dwelling units and 758,907 square feet of non-residential space). Foreseeable projects are those projects for which environmental evaluation applications have been submitted to the San Francisco Planning Department. Of the 4,885 dwelling units that have completed environmental review, building permits have been issued for 3,710 dwelling units, or approximately 76 percent of those units (information is not available regarding building permit non-residential square footage). An issued building permit means the buildings containing those dwelling units are currently under construction or open for occupancy.

Within the East SoMa subarea, the Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plan could result in an increase of 2,300 to 3,100 net dwelling units and 962,000 to 1,580,000 net non-residential space (excluding PDR loss) through the year 2025. As of July 31, 2015, projects containing 2,114 dwelling units and 1,041,289 square feet of non-residential space (excluding PDR loss) have completed or are proposed to complete environmental review within the East SoMa subarea. These estimates include projects that have completed environmental review (808 dwelling units and 713,271 square feet of non-residential space) and foreseeable projects, including the proposed project (1,306 dwelling units and 328,018 square feet of non-residential space). Of the 808 dwelling units that have completed environmental review, building permits have been issued for 745 dwelling units, or approximately 92 percent of those units.

Growth that has occurred within the Plan area since adoption of the Eastern Neighborhoods PEIR has been planned for and the effects of that growth were anticipated and considered in the Eastern Neighborhoods PEIR. Although the reasonably foreseeable growth in the residential land use category is approaching the projections within the Eastern Neighborhoods PEIR, the non-residential reasonably foreseeable growth is between approximately 34 and 69 percent of the non-residential projections in the Eastern Neighborhoods PEIR. The Eastern Neighborhoods PEIR utilized the growth projections to analyze the physical environmental impacts associated with that growth for the following environmental

² Tables 12 through 16 of the Eastern Neighborhoods Draft EIR and Table C&R-2 in the Comments and Responses show projected net growth based on proposed rezoning scenarios. A baseline for existing conditions in the year 2000 was included to provide context for the scenario figures for parcels affected by the rezoning, not projected growth totals from a baseline of the year 2000. Estimates of projected growth were based on parcels that were to be rezoned and did not include parcels that were recently developed (i.e., parcels with projects completed between 2000 and March 2006) or have proposed projects in the pipeline (i.e., projects under construction, projects approved or entitled by the Planning Department, or projects under review by the Planning Department or Department of Building Inspection). Development pipeline figures for each Plan Area were presented separately in Tables 5, 7, 9, and 11 in the Draft EIR. Environmental impact assessments for these pipeline projects were considered separately from the Eastern Neighborhoods rezoning effort.

³ San Francisco Planning Department, Community Planning in the Eastern Neighborhoods, Rezoning Options Workbook, Draft, February 2003. This document is available at: <http://www.sf-planning.org/index.aspx?page=1678#background>.

⁴ For this and the Population and Housing section, environmental review is defined as projects that have or are relying on the growth projections and analysis in the Eastern Neighborhoods PEIR for environmental review (i.e., Community Plan Exemptions or Focused Mitigated Negative Declarations and Focused Environmental Impact Reports with an attached Community Plan Exemption Checklist).

impact topics: Land Use; Population, Housing, Business Activity, and Employment; Transportation; Noise; Air Quality; Parks, Recreation, and Open Space; Utilities/Public Services; and Water. The analysis took into account the overall growth in the Eastern Neighborhoods and did not necessarily analyze in isolation the impacts of growth in one land use category, although each land use category may have differing severities of effects. Therefore, given the growth from the reasonably foreseeable projects have not exceeded the overall growth that was projected in the Eastern Neighborhoods PEIR, information that was not known at the time of the PEIR has not resulted in new significant environmental impacts or substantially more severe adverse impacts than discussed in the PEIR.

AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

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

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.⁵ The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this determination presents a parking demand analysis for informational purposes, in the Transportation and Circulation Section.

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

⁵ San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist for 988 Harrison Street, May 13, 2015. This document, and other cited documents, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2014.0832E.

The Eastern Neighborhoods PEIR determined that adoption of the Area Plans would result in an unavoidable significant impact on land use due to the cumulative loss of PDR. The proposed project would not remove any existing PDR uses⁶ and would therefore not contribute to any impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR. In addition, the project site was zoned Residential/Service Mixed Use (RSD)⁷ prior to the rezoning of Eastern Neighborhoods, which did not encourage PDR uses and the rezoning of the project site did not contribute to the significant impact.

The Eastern Neighborhoods PEIR determined that implementation of the Area Plans would not create any new physical barriers in the Easter Neighborhoods because the rezoning and Area Plans do not provide for any new major roadways, such as freeways that would disrupt or divide the project area or individual neighborhoods or subareas.

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the MUO District and is consistent with the bulk, density, and land uses envisioned in the East SoMa Area Plan. The project falls within the "Mixed Use" district, which encourages a mix of uses including PDR, small office, and residential development. As a mixed use project with residential uses and small-scale retail, the proposed project is consistent with this designation.^{8,9}

In addition, the project is located within the ongoing Central SoMa Plan (formerly Central Corridor Plan). The draft Central SoMa Plan proposes changes to the allowed land uses and building heights, and includes a strategy for improving the public realm in this area. The EIR, the Plan, and the proposed rezoning and affiliated Code changes are anticipated to be before decision-makers for approval in late 2015. The proposed project at 988 Harrison Street is consistent with the Draft Plan in regards to the proposed zoning and heights outlined in the Central SoMa Plan.

For these reasons, implementation of the proposed project would not result in either project-level or cumulative significant impacts that were not identified in the Eastern Neighborhoods PEIR related to land use and land use planning, and no mitigation measures are necessary.

Topics:	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
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**2. POPULATION AND HOUSING—
Would the project:**

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

⁶ A gasoline station that does not include auto repair is not considered a PDR use.
⁷ The district controls are intended to facilitate the development of high-density, mid-rise housing, including residential hotels, while also encouraging the expansion of retail, business service and commercial and cultural arts activities.
⁸ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 988 Harrison Street, June 10, 2015.
⁹ Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 988 Harrison Street, August 5, 2015.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

One of the objectives of the Eastern Neighborhoods Area Plans is to identify appropriate locations for housing in the City’s industrially zoned land to meet the citywide demand for additional housing. The PEIR concluded that an increase in population in the Plan Areas is expected to occur as a secondary effect of the proposed rezoning and that any population increase would not, in itself, result in adverse physical effects, but would serve to advance key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the City’s Transit First policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the Area Plan neighborhoods. The Eastern Neighborhoods PEIR determined that the anticipated increase in population and density would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

The proposed project would demolish the gas station and its related structures and construct an 83-foot-tall, eight-story-over-basement, mixed-use building approximately 96,700 square feet in size with 112 residential units and 6,915 square feet of ground-floor retail use. With implementation of the proposed project, 112 new dwelling units would be added to San Francisco’s housing stock. The project would comply with the City’s Inclusionary Affordable Housing Ordinance by paying a 20 percent in-lieu fee. As stated in the “Changes in the Physical Environment” section above, these direct effects of the proposed project on population and housing are within the scope of the population and housing growth anticipated under the East SoMa Area Plan and evaluated in the Eastern Neighborhoods Plan Area PEIR.

For the above reasons, the proposed project would not result in either project-level or cumulative significant impacts on population and housing that were not identified in the Eastern Neighborhoods PEIR.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
3. CULTURAL AND PALEONTOLOGICAL RESOURCES— Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Historic Architectural Resources

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

The PEIR identified three mitigation measures that were tasked to the Planning Department that could reduce the severity of impacts to historic resources as a result of development enabled under the Plan Areas (Mitigation K-1 to K-3). These mitigation measures were the responsibility of the Planning Department and do not apply to subsequent development projects. Demolition or substantial alteration of a historic resource typically cannot be fully mitigated; therefore, the PEIR concluded that the Eastern Neighborhoods Area Plan would have a significant and unavoidable impact on historic resources.

The project site contains a former gasoline station with related structures that were constructed in 1972. The project site was evaluated in the *South of Market Area Historic Resource Survey*, and was given a rating of "6Z", which defines the property as "ineligible for National Register, California Register, or Local designation through survey evaluation."¹⁰ As such, the subject property would not be considered a historic resource pursuant to CEQA and its demolition would not result in a significant impact. In addition, the project site is not located within a historic district.

Immediately adjacent to the east of the project site is the 986 Harrison Street building which was constructed in 1926. This building was evaluated in the *South of Market Historic Resource Survey*, and was given a rating of "5S3," which designates the property as "appears to be individually eligible for local listing or designation through survey evaluation."¹¹ A "substantial adverse change" on a historical resource is defined by CEQA Guidelines Section 15064.5 as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." While the proposed project would be constructed adjacent to a

¹⁰ The South of Market Area Historic Resource Survey is available online at: <http://www.sf-planning.org/index.aspx?page=2530>, accessed July 23, 2015.

¹¹ Ibid.

building that is considered a historic resource, project construction would involve conventional excavation and construction equipment and methods that would not be considered to exceed acceptable levels of vibration in an urban environment. Construction adjacent to historic resources is a common occurrence in San Francisco, and the Department of Building Inspection (DBI) permit procedures adequately address this situation. In light of the above, the proposed project would not materially impair the adjacent contributing resource and there would be no impacts to off-site historic resources. Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

Archeological Resources

The Eastern Neighborhoods PEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to less than significant levels. Eastern Neighborhoods PEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the Planning Department. Mitigation Measure J-2 applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA. Mitigation Measure J-3, which applies to properties in the Mission Dolores Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology.

The proposed project at 988 Harrison would involve approximately 13 feet of below ground surface (bgs) excavation and approximately 523 cubic yards of soil disturbance within an area where no archeological assessment report has been prepared. Therefore, the proposed project would be subject to Mitigation Measure J-2 (Project Mitigation Measure 1). In accordance with Mitigation Measure J-2, a Preliminary Archaeological Review (PAR) was conducted by Planning Department staff archeologists, which determined that the proposed project would be subject to the Planning Department's first standard archeological mitigation measure to reduce potential impacts from accidental discovery of buried archeological resources during project construction to a less than significant level.¹² The project sponsor has agreed to implement Eastern Neighborhoods PEIR Mitigation Measure J-2, including the requirements of the Planning Department's Accidental Discovery mitigation measure, as Project Mitigation Measure 1 (full text provided in the "Mitigation Measures" section below).

For the above reasons, the proposed project would not result in significant project-level or cumulative impacts on archeological resources that were not identified in the Eastern Neighborhoods PEIR.

¹² Randall Dean, Staff Archeologist, San Francisco Planning Department. Archeological Review Log.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
4. TRANSPORTATION AND CIRCULATION—Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction. As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on pedestrians, bicyclists, loading, emergency access, or construction beyond those analyzed in the Eastern Neighborhoods PEIR.

However, the Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership, and identified 11 transportation mitigation measures, which are described further below in the Traffic and Transit sub-sections. Even with mitigation, however, it was anticipated that the significant adverse cumulative traffic impacts and the cumulative impacts on transit lines could not be fully mitigated. Thus, these impacts were found to be significant and unavoidable.

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, the Community Plan Exemption Checklist topic 4c is not applicable.

Trip Generation

The proposed project would demolish the gas station and its related structures and construct an 83-foot-tall, eight-story-over-basement, mixed-use building approximately 96,700 square feet in size with 112 residential units and 6,915 square feet of ground-floor retail use. The proposed project would include 73

off-street parking spaces in the basement garage and 120 Class I bicycle parking spaces on the ground-floor level. Pedestrian access for the residential and retail component would be from Harrison, 6th, and Clara streets, and vehicular access would be from a new curb cut located on Clara Street. The proposed project would remove the two existing curb cuts located on 6th Street and the one curb cut located on Harrison Street.

Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.¹³ The proposed project would generate an estimated 1,935 person trips (inbound and outbound) on a weekday daily basis, consisting of 645 person trips by auto, 383 transit trips, 658 walk trips and 249 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 57 vehicle trips (accounting for vehicle occupancy data for this Census Tract).

Traffic

Mitigation Measures E-1 through E-4 in the Eastern Neighborhoods PEIR were adopted as part of the Plan with uncertain feasibility to address significant traffic impacts. These measures are not applicable to the proposed project, as they are plan-level mitigations to be implemented by City and County agencies. Since certification of the PEIR, SFMTA has been engaged in public outreach regarding some of the parking-related measures identified in Mitigation Measures E-2 and E-4: Intelligent Traffic Management, although they have not been implemented. Measures that have been implemented include traffic signal installation at Rhode Island/16th streets as identified in Mitigation Measure E-1 and enhanced funding as identified in Mitigation Measure E-3 through San Francisco propositions A and B passed in November 2014. Proposition A authorized the City to borrow \$500 million through issuing general obligation bonds in order to meet some of the transportation infrastructure needs of the City. These funds are allocated for constructing transit-only lanes and separated bikeways, installing new boarding islands and escalators at Muni/BART stops, installing sidewalk curb bulb-outs, raised crosswalks, median islands, and bicycle parking and upgrading Muni maintenance facilities, among various other improvements. Proposition B, which also passed in November 2014, amends the City Charter to increase the amount the City provided to the SFMTA based on the City's population, with such funds to be used to improve Muni service and street safety. Some of this funding may be applied to transportation projects within the Eastern Neighborhoods Plan area.

The proposed project's vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. The intersections near the project site (within approximately 2,500 feet) that were analyzed in the Eastern Neighborhoods PEIR include Brannan Street/Second Street and Sixth Street/Brannan Street. Table 1 provides existing and cumulative LOS data gathered for these intersections, per the *Eastern Neighborhoods Rezoning and Area Plans Transportation Study*.¹⁴

¹³ San Francisco Planning Department, Transportation Calculations for 988 Harrison Street, June 1, 2015.

¹⁴ The *Eastern Neighborhoods Rezoning and Area Plans Transportation Study* is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2004.0160E.

Table 1: Existing and Cumulative Intersection LOS (PM Peak Hour)

<u>Intersection</u>	<u>Existing LOS (2007)</u>	<u>Cumulative LOS (2025)</u>
Brannan St./Second St.	B	B
Sixth St./Brannan St.	E	F

Sources: *Eastern Neighborhoods Rezoning and Area Plans Transportation Study (2007)*

The proposed project would generate an estimated 57 new p.m. peak hour vehicle trips that could travel through surrounding intersections. This amount of new p.m. peak hour vehicle trips would not substantially increase traffic volumes at these or other nearby intersections, would not substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or would not substantially increase average delay at intersections that currently operate at unacceptable LOS.

The proposed project would not contribute considerably to LOS delay conditions as its contribution of an estimated 57 new p.m. peak-hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods' Plan projects. The proposed project would also not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative traffic impacts.

For the above reasons, the proposed project would not result in significant impacts on traffic that were not identified in the Eastern Neighborhoods PEIR.

Transit

Mitigation Measures E-5 through E-11 in the Eastern Neighborhoods PEIR were adopted as part of the Plan with uncertain feasibility to address significant transit impacts. These measures are not applicable to the proposed project, as they are plan-level mitigations to be implemented by City and County agencies. In compliance with a portion of Mitigation Measure E-5: Enhanced Transit Funding, the City adopted impact fees for development in Eastern Neighborhoods that goes towards funding transit and complete streets. In addition, the City is currently conducting outreach regarding Mitigation Measures E-5: Enhanced Transit Funding and Mitigation Measure E-11: Transportation Demand Management as part of the Transportation Sustainability Program.¹⁵ In compliance with all or portions of Mitigation Measure E-6: Transit Corridor Improvements, Mitigation Measure E-7: Transit Accessibility, Mitigation Measure E-9: Rider Improvements, and Mitigation Measure E-10: Transit Enhancement, the SFMTA is implementing the Transit Effectiveness Project (TEP), which was approved by the SFMTA Board of Directors in March 2014. The TEP (now called Muni Forward) includes system-wide review, evaluation, and recommendations to improve service and increase transportation efficiency. Examples of transit priority and pedestrian safety improvements within the Eastern Neighborhoods Plan area as part of Muni Forward include the 14 Mission Rapid Transit Project, the 22 Fillmore Extension along 16th Street to Mission Bay (expected construction between 2017 and 2020), and the Travel Time Reduction Project on Route 9 San Bruno (initiation in 2015). In addition, Muni Forward includes service improvements to various routes with the Eastern Neighborhoods Plan area; for instance the implemented new Route 55 on 16th Street.

¹⁵ <http://tsp.sfplanning.org>

Mitigation Measure E-7 also identifies implementing recommendations of the Bicycle Plan and Better Streets Plan. As part of the San Francisco Bicycle Plan, adopted in 2009, a series of minor, near-term, and long-term bicycle facility improvements are planned within the Eastern Neighborhoods, including along 2nd Street, 5th Street, 17th Street, Townsend Street, Illinois Street, and Cesar Chavez Boulevard. The San Francisco Better Streets Plan, adopted in 2010, describes a vision for the future of San Francisco's pedestrian realm and calls for streets that work for all users. The Better Streets Plan requirements were codified in Section 138.1 of the Planning Code and new projects constructed in the Eastern Neighborhoods Plan area are subject to varying requirements, dependent on project size. Another effort which addresses transit accessibility, Vision Zero, was adopted by various City agencies in 2014. Vision Zero focuses on building better and safer streets through education, evaluation, enforcement, and engineering. The goal is to eliminate all traffic fatalities by 2024. Vision Zero projects within the Eastern Neighborhoods Plan area include pedestrian intersection treatments along Mission Street from 18th to 23rd streets, the Potrero Avenue Streetscape Project from Division to Cesar Chavez streets, and the Howard Street Pilot Project, which includes pedestrian intersection treatments from 4th to 6th streets.

The project site is located within a quarter mile of several local transit lines including Muni lines 9A/9B/9X-San Bruno Express, 12-Folsom, 14X-Mission Express, 16A-Noriega A Express, 19-Polk, 27-Bryant, and 47-Van Ness. The proposed project would be expected to generate 383 daily transit trips, including 52 during the p.m. peak hour. Given the availability of nearby transit, the addition of 52 p.m. peak hour transit trips would be accommodated by existing capacity. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts on transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines: 9-San Bruno, 22-Fillmore, 26-Valencia¹⁶, 27-Bryant, 33-Stanyan, 48-Quintara/24th Street, 49-Mission/Van Ness. Of those lines, the project site is located within a quarter-mile of Muni lines 9-San Bruno and 27-Bryant.

The proposed project would not contribute considerably to these conditions as its minor contribution of 52 p.m. peak hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. Thus, the proposed project would not contribute considerably to 2025 cumulative transit conditions and would not result in any significant cumulative transit impacts.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to transit and would not contribute considerably to cumulative transit impacts that were identified in the Eastern Neighborhoods PEIR.

¹⁶ This line was eliminated by Muni in 2009.

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

The Eastern Neighborhoods PEIR identified potential conflicts related to residences and other noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. In addition, the Eastern Neighborhoods PEIR noted that implementation of the Eastern Neighborhoods Area Plans and Rezoning would incrementally increase traffic-generated noise on some streets in the Eastern Neighborhoods plan areas and result in construction noise impacts from pile driving and other construction activities. The Eastern Neighborhoods PEIR therefore identified six noise mitigation measures that would reduce noise impacts to less-than-significant levels.

Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 relate to construction noise. Mitigation Measure F-1 addresses individual projects that include pile-driving, and Mitigation Measure F-2 addresses individual projects that include particularly noisy construction procedures (including pile-driving). The proposed building could be supported by a deep foundation system that would include auger pressure grouted piles and a structure slab supported on the piles. Since pile driving is not required Mitigation Measure F-1 is not applicable. Since heavy equipment would be required during excavation and construction of the proposed building, Mitigation Measures F-2 is applicable to the proposed project. The project sponsor has agreed to implement Eastern Neighborhoods PEIR Mitigation Measure F-2 as Project Mitigation Measure 2 (full text provided in the “Mitigation Measures” section below).

In addition, all construction activities for the proposed project (approximately 20 months) would be subject to and would comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco

Police Code) (Noise Ordinance). Construction noise is regulated by the Noise Ordinance. The Noise Ordinance requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 20 months, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance.

Eastern Neighborhoods PEIR Mitigation Measures F-3 and F-4 require that a detailed analysis of noise reduction requirements be conducted for new development that includes noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn) or near existing noise-generating uses. Since certification of the PEIR, San Francisco adopted Noise Regulations Relating to Residential Uses Near Places of Entertainment (Ordinance 70-15, effective June 19, 2015). The intent of the regulations is to address noise conflicts between residential uses and in noise critical areas, such as in proximity to highways, country roads, city streets, railroads, rapid transit lines, airports, nighttime entertainment venues or industrial areas. Residential structures to be located where the day-night average sound level (Ldn) or community noise equivalent level (CNEL) exceeds 60 decibels shall require an acoustical analysis with the application of a building permit showing that the proposed design will limit exterior noise to the 45 decibels in any habitable room. Furthermore, the regulations require the Planning Department and Planning Commission to consider the compatibility of uses when approving residential uses adjacent to or near existing permitted places of entertainment and take all reasonably available means through the City's design review and approval processes to ensure that the design of such new residential development projects take into account the needs and interests of both the places of entertainment and the future residents of the new development.

The regulations and procedures set forth by the San Francisco Noise Regulations Relating to Residential Uses Near Places of Entertainment are consistent with the provisions of PEIR Mitigation Measure F-3 and F-4. In accordance with PEIR Mitigation Measure F-3 and F-4, the project sponsor has conducted an environmental noise study demonstrating that the proposed project can feasibly attain acceptable interior noise levels.¹⁷ The study concluded that outdoor noise levels reach 77 dBA (Ldn) along the Harrison Street frontage of the project site. To meet the 45 dBA interior noise level, the noise study calculated that the residential units would require windows and doors with a minimum Sound Transmission Class

¹⁷ Illingworth & Rodkin, Inc., 988 Harrison/377 6th Street Mixed Use Project, Environmental Noise Assessment, San Francisco, California, May 8, 2015.

(STC) rating of 38 and an additional ventilation system. The noise study demonstrated that the proposed project can feasibly attain an acceptable interior noise level of 45 dBA in all dwelling units.

Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include new noise-generating uses that would be expected to generate noise levels in excess of ambient noise in the proposed project site vicinity. The proposed mixed-use project would introduce new noise sensitive uses, but is not expected to generate excessive noise levels. In addition, any noise generated by the project including mechanical equipment would be subject to noise control requirements pursuant to the Noise Ordinance. Thus, Mitigation Measure F-5 is not applicable.

Mitigation Measure F-6 addresses impacts from existing ambient noise levels on open space required under the Planning Code for new development that includes noise sensitive uses. The proposed project includes an approximately 5,560-square-foot roof deck and a 2,660-square-foot courtyard. Mitigation Measure F-6 is therefore applicable to the proposed project, and has been agreed to by the project sponsor as Project Mitigation Measure 5 (full text provided in the "Mitigation Measures" section below). The noise study prepared in accordance with Mitigation Measure F-4 (Project Mitigation Measure 4) addressed noise levels for the proposed roof deck and courtyard, and concluded that ambient noise levels would not limit the enjoyment of the open space.¹⁸

The project site is not located within an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, topic 12e and f from the CEQA Guidelines, Appendix G is not applicable.

For the above reasons, the proposed project would not result in significant project-level or cumulative noise impacts that were not identified in the Eastern Neighborhoods PEIR.

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

¹⁸ Ibid.

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses¹⁹ as a result of exposure to elevated levels of diesel particulate matter (DPM) and other toxic air contaminants (TACs). The Eastern Neighborhoods PEIR identified four mitigation measures that would reduce these air quality impacts to less-than-significant levels and stated that with implementation of identified mitigation measures, the Area Plan would be consistent with the Bay Area 2005 Ozone Strategy, the applicable air quality plan at that time. All other air quality impacts were found to be less than significant.

Eastern Neighborhoods PEIR Mitigation Measure G-1 addresses air quality impacts during construction, PEIR Mitigation Measure G-2 addresses the siting of sensitive land uses near sources of TACs and PEIR Mitigation Measures G-3 and G-4 address proposed uses that would emit DPM and other TACs.

Construction Dust Control

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

The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of PEIR Mitigation Measure G-1. Therefore, the portion of PEIR Mitigation Measure G-1 Construction Air Quality that addresses dust control is no longer applicable to the proposed project.

Criteria Air Pollutants

While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that "Individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD's quantitative thresholds for individual projects."²⁰ The BAAQMD's *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria²¹ for determining whether a project's criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the Air Quality Guidelines, projects that

¹⁹ The Bay Area Air Quality Management District (BAAQMD) considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, condominiums, 2) schools, colleges, and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

²⁰ San Francisco Planning Department, Eastern Neighborhood's Rezoning and Area Plans Final Environmental Impact Report. See page 346. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=4003>. Accessed June 4, 2014.

²¹ Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011. See pp. 3-2 to 3-3.

meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria, as the proposed project involves the construction of an eight-story, mixed-use building with 112 dwelling units and 6,915 square feet of retail use which is well below the criteria air pollutant screening sizes for an Apartment, Low-Rise Building (451 dwelling units for operational and 240 dwelling units for construction). Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

Construction

The project site is located within an Air Pollutant Exposure Zone as defined by Article 38 of the San Francisco Health Code. The proposed project would require heavy-duty off-road diesel vehicles and equipment during three months of the anticipated 20-month construction period. Thus, Project Mitigation Measure 6 Construction Air Quality has been identified to implement the portions of Eastern Neighborhoods PEIR Mitigation Measure G-1 related to emissions exhaust by requiring engines with higher emissions standards on construction equipment. Project Mitigation Measure 6 Construction Air Quality would reduce DPM exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.²² Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure 6 Construction Air Quality. The full text of Project Mitigation Measure 6 Construction Air Quality is provided in the Mitigation Measures Section below.

Siting Sensitive Land Uses

For sensitive use projects within the Air Pollutant Exposure Zone as defined by Article 38, such as the proposed project, the Ordinance requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM_{2.5} (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with Article 38, the project sponsor has submitted an initial application to DPH.²³ The regulations and procedures set forth by Article 38 would ensure that exposure to sensitive receptors would not be significant. These requirements supersede the provisions of Eastern Neighborhoods PEIR Mitigation Measure G-2. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-2 Air Quality for Sensitive Land Uses is no longer applicable to the proposed project, and impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

²² PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

²³ Application for Article 38 Compliance Assessment, 988 Harrison Street, June 3, 2015.

Siting New Sources

The proposed project would not generate 100 trucks per day or 40 refrigerated trucks per day. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-3 is not applicable. The project would not include a backup diesel generator; therefore, Eastern Neighborhoods PEIR Mitigation Measure G-4 Best Available Control Technology for Diesel Generators is not applicable.

Conclusion

For the above reasons, only the construction exhaust emissions portion Eastern Neighborhoods PEIR air quality Mitigation Measure G-1 is applicable to the proposed project, and the project would not result in significant air quality impacts that were not identified in the PEIR.

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

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from rezoning of the Mission Area Plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B, and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO₂E²⁴ per service population,²⁵ respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

Regulations outlined in San Francisco’s Strategies to Address Greenhouse Gas Emissions have proven effective as San Francisco’s GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. The proposed project was determined to be consistent with San Francisco’s GHG Reduction Strategy.²⁶ Other existing regulations, such as those implemented through AB 32, will continue to reduce a proposed project’s contribution to climate change. Therefore, the proposed project’s GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and thus the proposed project’s contribution to GHG emissions would not be

²⁴ CO₂E, defined as equivalent Carbon Dioxide, is a quantity that describes other greenhouse gases in terms of the amount of Carbon Dioxide that would have an equal global warming potential.

²⁵ Memorandum from Jessica Range to Environmental Planning staff, Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods, April 20, 2010. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods PEIR and provides an analysis of the emissions using a service population (equivalent of total number of residents and employees) metric.

²⁶ Greenhouse Gas Analysis: Compliance Checklist, 988 Harrison Street, June 1, 2015.

cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on greenhouse gas emissions (including cumulative impacts) beyond those analyzed in the Eastern Neighborhoods PEIR.

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

Wind

Based upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. Since the proposed project would involve construction of a new 83-foot-tall building (up to 95 feet including the elevator penthouse), a wind assessment was completed for the proposed project which concluded that it is unlikely to cause a new wind hazard or aggravate an existing hazard.²⁷ There appears to be no adverse effect on the pedestrian wind environment that could result from the development of the proposed project because wind speeds at the pedestrian levels near the project site are anticipated to change by approximately two miles per hour in ten percent of exceeded wind speeds on nearby sidewalks. The ability of this project to have an effect on the wind environment is not substantial, and the proposed project would not cause a new wind hazard or aggravate an existing hazard. In addition, there is no reason to conclude that modification of the design of the project would improve the existing wind conditions that occur in the vicinity of the project site. Given the size and location of the proposed project, it would be unlikely that the proposed project would alter wind in a manner that would substantially affect public areas. For the above reasons, the proposed project is not anticipated to cause significant project-level or cumulative impacts related to wind that were not identified in the Eastern Neighborhoods PEIR.

Shadow

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Under the Eastern Neighborhoods Rezoning and Area Plans, sites surrounding parks could be redeveloped with taller buildings without triggering Section 295 of the Planning Code because certain parks are not subject

²⁷ Environmental Science Associates, Potential Wind Effects of Mixed-Use Residential Project, 988 Harrison Street/377 6th Street, San Francisco, CA, May 19, 2015.

to Section 295 of the Planning Code (i.e., under jurisdiction of departments other than the Recreation and Parks Department or privately owned). The Eastern Neighborhoods PEIR could not conclude that the rezoning and community plans would result in less-than-significant shadow impacts because the feasibility of complete mitigation for potential new shadow impacts of unknown proposed proposals could not be determined at that time. Therefore, the PEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the PEIR.

The proposed project would construct an approximately 83-foot-tall building (up to 95 feet including the elevator penthouse). Therefore, the Planning Department prepared a preliminary shadow fan analysis to determine whether the proposed project would have the potential to cast new shadow on nearby parks.²⁸ In the absence of intervening buildings, the proposed project would have the potential to cast new shadow on two parks, Gene Friend Recreation Center and Victoria Manalo Draves Park, under the jurisdiction of the Recreation and Park Department. Due to this potential shadow, a shadow study was completed which determined that the proposed project, as currently designed, would not produce net new shadows on either Gene Friend Recreation Center and Victoria Manalo Draves Park.²⁹ Therefore, the proposed building is not expected to cast any new shadow on any Section 295 or non-Section 295 open spaces.

The proposed project would shade portions of nearby streets and sidewalks and private property at times within the project vicinity. Shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

For the above reasons, the proposed project would not result in significant project-level and cumulative impacts related to shadow that were not identified in the Eastern Neighborhoods PEIR.

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

The Eastern Neighborhoods PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in substantial or accelerated deterioration of existing

²⁸ San Francisco Planning Department, Shadow Analysis, 988 Harrison Street, July 24, 2014.

²⁹ CADD, 988 Harrison Street (377 6th Street) Shadow Analysis, June 25, 2015.

recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Eastern Neighborhoods PEIR.

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

An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies areas within the Eastern Neighborhoods Plan area for acquisition and the locations where proposed new open spaces and open space connections should be built, consistent with PEIR Improvement Measure H-2: Support for New Open Space. Two of these open spaces, Daggett Park and at 17th and Folsom, are set to open in 2015 and 2016, respectively. In addition, the amended ROSE identifies the role of both the Better Streets Plan (refer to "Transportation" section for description) and the Green Connections Network in open space and recreation. Green Connections are special streets and paths that connect people to parks, open spaces, and the waterfront, while enhancing the ecology of the street environment. Six routes identified within the Green Connections Network cross the Eastern Neighborhoods Plan area: Mission to Peaks (Route 6); Noe Valley to Central Waterfront (Route 8), a portion of which has been conceptually designed; Tenderloin to Potrero (Route 18); Downtown to Mission Bay (Route 19); Folsom, Mission Creek to McLaren (Route 20); and Shoreline (Route 24).

As the proposed project would not degrade recreational facilities and is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on recreation beyond those analyzed in the Eastern Neighborhoods PEIR.

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

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

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact to the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified in the PEIR.

Since certification of the PEIR, the San Francisco Public Utilities Commission (SFPUC) adopted the 2010 Urban Water Management Plan (UWMP) in June 2011. The UWMP update includes City-wide demand projections to the year 2035, compares available water supplies to meet demand and presents water demand management measures to reduce long-term water demand. Additionally, the UWMP update includes a discussion of the conservation requirement set forth in Senate Bill 7 passed in November 2009 mandating a statewide 20% reduction in per capita water use by 2020. The UWMP includes a quantification of the SFPUC's water use reduction targets and plan for meeting these objectives. The UWMP projects sufficient water supply in normal years and a supply shortfall during prolonged droughts. Plans are in place to institute varying degrees of water conservation and rationing as needed in response to severe droughts.

In addition, the SFPUC is in the process of implementing the Sewer System Improvement Program, which is a 20-year, multi-billion dollar citywide upgrade to the City's sewer and stormwater infrastructure to ensure a reliable and seismically safe system. The program includes planned improvements that will serve development in the Eastern Neighborhoods Plan area including at the Southeast Treatment Plant, the Central Bayside System, and green infrastructure projects, such as the Mission and Valencia Green Gateway.

As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on utilities and service systems beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
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11. PUBLIC SERVICES – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact to public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional project-level or cumulative impacts on public services beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
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12. BIOLOGICAL RESOURCES – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The project site is located within East SoMa Plan area of the Eastern Neighborhoods Area Plan and therefore, does not support habitat for any candidate, sensitive or special status species. As such, implementation of the proposed project would not result in significant impacts to biological resources not identified in the Eastern Neighborhoods PEIR.

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

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

A geotechnical investigation was prepared for the proposed project.³⁰ The project site is underlain with up to 20 feet of fill, which is underlain by Young Bay Mud deposits to a depth of 66 feet. Since the project site is located within a liquefaction zone, the most suitable foundation type for the proposed building would be auger pressure grouted piles and a structural slab supported on the piles. Construction of auger pressure grouted piles involves advancing a hollow-stem continuous flight auger into the ground, and upon reaching the final depth, the bottom plug is removed and grout is pumped into the ground through the augers while they are being withdrawn. Steel reinforcement is placed after the holes are completely filled with grout. The project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. DBI will review the project-specific geotechnical report during its review of the building permit for the project. In addition, DBI may require additional site specific soils report(s) through the building permit application process, as needed. The DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI's implementation of the Building Code would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

In light of the above, the proposed project would not result in a significant impact related to seismic and geologic hazards and would not result in significant project-level or cumulative impacts related to geology and soils that were not identified in the Eastern Neighborhoods PEIR. No mitigation measures are necessary.

³⁰ BAGG Engineers, *Geotechnical Engineering Investigation, Proposed 8-Level Residential Building, 377 6th Street, San Francisco, California*. July 2, 2014.

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

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

The amount of impervious surface coverage on the site would not change with implementation of the proposed project. As a result, the proposed project would not increase stormwater runoff beyond what was studied in the Eastern Neighborhoods PEIR.

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

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
15. HAZARDS AND HAZARDOUS MATERIALS— Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Hazardous Building Materials

The Eastern Neighborhoods PEIR determined that future development in the Plan Area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, as outlined below, would reduce impacts to less-than-significant levels. Because the proposed development includes demolition of an existing gasoline station with related structures on the project site, Mitigation Measure L-1 would apply to the proposed project. See full text of Mitigation Measure L-1, as Project Mitigation Measure 7, in the Mitigation Measures Section below.

Soil and Groundwater Contamination

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, mitigation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within Eastern Neighborhoods Plan area are subject to this ordinance.

The proposed project is located within the Article 22A (Maher) area of the San Francisco Health Code, known as the Maher Ordinance, and would involve excavation of up to approximately 13 feet below ground surface and 523 cubic yards of soil is proposed to be removed. Therefore, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

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

In compliance with the Maher Ordinance, the project sponsor submitted a Maher Application and a Phase I ESA³¹ to DPH³². According to the Phase I ESA, the project site was developed in 1887 with a block of two- to three-story buildings that were identified as stores and other commercial businesses, including plumbing and painting businesses, with residential flats and lodging rooms on the upper floors. The project site lies within an area that was mostly destroyed by the 1906 San Francisco earthquake and fire. In 1911, the project site was redeveloped with a three-story hotel building with ground floor commercial businesses that covered approximately two-thirds of the block between Clara and Harrison Streets. The remaining one-third of the block, at the northwest corner of 6th and Harrison Streets, remained vacant until 1936 when a gasoline station was constructed. In 1971, all structures were cleared from the project site and the project site was redeveloped with a new gasoline station. In 2008, the gasoline station closed and the USTs, fuel dispensers and product piping were removed. The Phase I ESA revealed the following evidence of Recognized Environmental Conditions (RECs) in connection with the project site: historical long-term use of onsite gasoline stations with residual soil and groundwater contamination and no assessment of potential volatile organic compounds (VOC) impacts and a potential vapor intrusion concern; the project site is underlain with fill of unknown origin; and offsite, potential and documented up-gradient sources of contamination associated with long-term historical industrial uses in the vicinity of the project site.

Since the project site is located in the Maher area and the proposed project would require more than 50 cubic yards of soil disturbance, the proposed project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

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

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

³¹ Bureau Veritas North America, Inc., *Phase I Environmental Site Assessment*, 377 6th Street, San Francisco, CA, August 26, 2014.

³² Stephanie Cushing, San Francisco Department of Public Health, *Phase 2 and Work Plan Request for 988 Harrison Street*, San Francisco, CA, February 5, 2015.

The Eastern Neighborhoods PEIR determined that the Area Plan would facilitate the construction of both new residential units and commercial buildings. Development of these uses would not result in use of large amounts of fuel, water, or energy in a wasteful manner or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by DBI. The Plan Area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the Area Plan would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on mineral and energy resources beyond those analyzed in the Eastern Neighborhoods PEIR.

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

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

Because the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Eastern Neighborhoods PEIR.

MITIGATION MEASURES**Project Mitigation Measure 1 – Procedures for Accidental Discovery of Archeological Resources (Eastern Neighborhoods Mitigation Measure J-2)**

This mitigation measure is required to avoid any potential adverse effect on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c).

The project sponsor shall distribute the San Francisco Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); and to utilities firms involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is 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 ERO with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firms) to the ERO confirming that all field personnel have received copies of the “ALERT” sheet.

Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project head foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the San Francisco Planning Department archeologist. 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.

Measures might include preservation in situ of the archeological resource, an archeological monitoring program, or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also 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.

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.

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

Project Mitigation Measure 2 – Construction Noise (Eastern Neighborhoods Mitigation Measure F-2)

Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;
- Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;
- Monitor the effectiveness of noise attenuation measures by taking noise measurements;
- Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

Project Mitigation Measure 3 – Interior Noise Levels (Eastern Neighborhoods Mitigation Measure F-3)

For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in EIR Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation

features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible.

Project Mitigation Measure 4 – Siting of Noise-Sensitive Uses (Eastern Neighborhoods Mitigation Measure F-4)

To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

Project Mitigation Measure 5 – Open Space in Noisy Environments (Eastern Neighborhoods Mitigation Measure F-6)

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 Planning Code 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.

Project Mitigation Measure 6: Construction Air Quality (Implementing Eastern Neighborhoods PEIR Mitigation Measure G-1)

The project sponsor or the project sponsor's Contractor shall comply with the following

A. *Engine Requirements.*

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission

standards automatically meet this requirement.

2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. *Waivers.*

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

Table – Off-Road Equipment Compliance Step-down Schedule

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

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

Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

** Alternative fuels are not a VDECS.

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

Project Mitigation Measure 7 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)

The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light 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.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY And When

Recorded Mail To:

Name: 988 Harrison Street

Address: 2044 Fillmore Street, 3rd Floor

City: San Francisco

State: CA

ZIP: 94115



Doc # 2022065687

City and County of San Francisco

Joaquin Torres, Assessor – Recorder

7/5/2022	1:33:01 PM	Fees	\$56.00
Pages 15	Title 394	Taxes	\$0.00
Customer 001	AM	Other	\$0.00
		SB2 Fees	\$75.00
		Paid	\$131.00

(Space Above This Line For Recorder's Use)

I, (We) Sean Sullivan, (the "Project Sponsor"), the owner 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):

(LEGAL DESCRIPTION AS ON DEED ATTACHED – EXHIBIT A)

BEING ASSESSOR'S BLOCK: 3753, LOT: 148;

COMMONLY KNOWN AS: 988 Harrison St;

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 Large Project Authorization Application No. **2014.0832** authorized by the Planning Commission of the City and County of San Francisco on **February 25, 2016** as set forth in Planning Commission **Motion No. 19574** for a Large Project Authorization under Planning Code Section 329 to allow the construction of an eight-story building with 90 dwelling units, 73 parking spaces, and approximately 6,845 square feet of ground floor commercial space within an MUR (Mixed Use-Residential) Zoning District and the SoMa Youth and Family Special Use District as well as the 85-X Height and Bulk District.

The approved dwelling unit mix of the project under Motion No. 19574 was 29 studios, 27 one-bedroom units, and 44 two-bedroom units for a total of 100 dwelling units. After the Motion was executed, Planning reviewed and approved a modified dwelling unit mix that includes 5 studios, 49 one-bedroom units, 34 two-bedroom units, and 2 two-bedroom townhome units, for a total of 90 dwelling units.

The following units in the Project have been designated as affordable to satisfy the requirements of Planning Code Section 415 et. al. the Inclusionary Affordable Housing Program. The unit numbers listed below are reflected in the reduced set of plans, dated January 17, 2022, which are attached to this document as Exhibit B.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Unit #	Unit Type	Unit Size (square feet)	AMI Level
203	1BR/1BA	551	90%
207	2BR/2BA	849	90%
214	Studio/1BA	401	90%
301	2BR/2BA	789	90%
305	2BR/2BA	840	90%
309	1BR/1BA	619	90%
408	1BR/1BA	622	90%
410	1BR/1BA	621	90%
413	2BR/2BA	835	90%
502	2BR/2BA	853	90%
503	1BR/1BA	551	90%
511	1BR/1BA	615	90%

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

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

1. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide thirteen and one half percent (13.5%) of the proposed dwelling units as affordable to qualifying households. The Project contains ninety (90) units; therefore, twelve (12) affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the twelve (12) affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").
For information about compliance, contact the Planning Department at 628-652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

2. **Unit Mix.** The Project contains five (5) studios, forty-nine (49) one-bedroom units, 34 two-bedroom units, and 2 two-bedroom townhome units; therefore, the required affordable unit mix is one (1) studio unit, six (6) one-bedroom units, and five (5) two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

For information about compliance, contact the Planning Department at 628-652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

3. **Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 13.5% of the proposed dwelling units as affordable to qualifying households at a sales price of 90% of Area Median Income. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.
For information about compliance, contact the Planning Department at 628-652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.
4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 13.5% of each phase's total number of dwelling units as affordable on-site units.
For information about compliance, contact the Planning Department at 628-652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.
5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6 must remain affordable to qualifying households for the life of the Project.
For information about compliance, contact the Planning Department at 628-652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.
6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"), as amended from time to time. The Procedures Manual is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <https://sfmohcd.org/inclusionary-housing-program-manuals>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.
For information about compliance, contact the Planning Department at 628-652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.
 - a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building floor plates; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Planning Code and Procedures Manual.

- b. When the units in the building are offered for sale, the affordable unit(s) shall be sold to Qualified Buyer Household, as defined in the Procedures Manual, including but not limited to First-time Homebuyer requirement. The affordable unit shall be priced to be affordable to households whose gross annual income, adjusted for household size, does not exceed ninety (90) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are forth in the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least eight months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the architectural addenda for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval, satisfied through the recordation of this Notice. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Planning Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415 to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until MOHCD notifies the Director of compliance. A Project's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.**

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.

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)

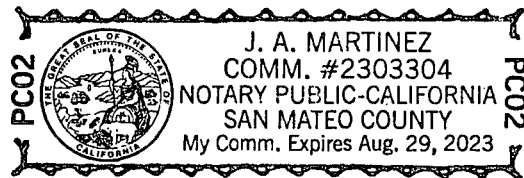
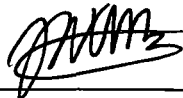
On July 1st, 2022 before me, J A Martinez - Notary Public
(insert name and title of the officer)

personally appeared Sean Sullivan
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)

EXHIBIT "A"
DESCRIPTION OF REAL PROPERTY

This Exhibit "A" is attached to that certain Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing (Construction Trust Deed) dated May 11, 2022, executed by HARRISON STREET SF LLC, a Delaware limited liability company, as Trustor.

LEGAL DESCRIPTION:

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

PARCEL ONE:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHWESTERLY LINE OF HARRISON STREET AND THE NORTHEASTERLY LINE OF 6TH STREET, RUNNING THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF 6TH STREET 57 FEET, THENCE AT RIGHT ANGLES NORTHEASTERLY AND PARALLEL WITH HARRISON STREET 75 FEET, THENCE AT RIGHT ANGLES NORTHWESTERLY AND PARALLEL WITH 6TH STREET 23 FEET, THENCE AT RIGHT ANGLES NORTHEASTERLY AND PARALLEL WITH HARRISON STREET 13 FEET 5 INCHES, AND THENCE AT RIGHT ANGLES SOUTHEASTERLY AND PARALLEL WITH 6TH STREET 80 FEET TO THE NORTHWESTERLY LINE OF HARRISON STREET, AND THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF HARRISON STREET 88 FEET AND 5 INCHES TO THE NORTHEASTERLY LINE OF 6TH STREET AND THE POINT OF COMMENCEMENT.

PARCEL TWO:

COMMENCING AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY LINE OF CLARA STREET WITH THE NORTHEASTERLY LINE OF SIXTH STREET; RUNNING THENCE NORTHEASTERLY ALONG SAID LINE OF CLARA STREET 72 FEET; THENCE AT RIGHT ANGLE SOUTHEASTERLY 28 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 3 FEET; THENCE AT RIGHT ANGLE SOUTHEASTERLY 75 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 75 FEET TO SAID NORTHEASTERLY LINE OF SIXTH STREET; THENCE NORTHWESTERLY ALONG SAID LINE OF SIXTH STREET 103 FEET TO THE POINT OF COMMENCEMENT.

BEING PART OF 100 VARA BLOCK NO. 383.

EXCEPTING THEREFROM:

ALL RIGHT, TITLE AND INTEREST, IF ANY, IN AND TO ANY OIL, GAS, AND OTHER MINERALS (INCLUDING, WITHOUT LIMITATION, HELIUM, LIGNITE, SULFUR, PHOSPHATE AND OTHER SOLID, LIQUID AND GASEOUS SUBSTANCES), REGARDLESS OF THE NATURE THEREOF AND WHETHER SIMILAR OR DISSIMILAR BUT ONLY TO THE EXTENT ANY OF THE FORGOING IS IN ITS NATURAL STATE AND NATURAL LOCATIONS AND NOT SUBJECT TO THE DOMINION AND CONTROL OF ANY PERSON, AND, UPON THIRTY (30) DAYS PRIOR WRITTEN NOTICE TO GRANTEE, THE RIGHT TO EXPLORE FOR, DEVELOP AND PRODUCE SAME, AS WELL AS THE RIGHT TO LEASE SUCH PORTION OF THE PROPERTY HEREBY EXCEPTED FOR SUCH PURPOSES, AND ALL MINERAL AND ROYALTY RIGHTS WHATSOEVER IN, ON, UNDER AND PERTAINING TO THE PROPERTY BUT GRANTOR, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE NO RIGHT TO USE, OR RIGHT OF INGRESS TO OR EGRESS FROM ANY PART OF THE SURFACE OF THE PROPERTY FOR EXPLORATION AND PRODUCING PURPOSES, EXCEPT WITH RESPECT TO (I) CURRENT ACTIVITIES AT AND ANY EXISTING CONTRACTUAL OR LEASEHOLD RIGHTS GRANTED TO THIRD PARTIES AND (II) ANY ADDITIONAL ACTIVITIES WHICH HAVE BEEN CONSENTED TO IN WRITING BY GRANTEE, WHOSE CONSENT SHALL NOT BE UNREASONABLY WITHHELD, EXCEPT AS SET FORTH IN THE PRECEDING SENTENCE, ANY OIL AND GAS DRILLING OPERATIONS, SHALL BE CONDUCTED BY MEANS OF WELLS, THE SURFACE LOCATIONS OF WHICH ARE ON OTHER LANDS AND WHICH MAY BE DRILLED INTO AND BOTTOMED IN OR UNDER THE PROPERTY. GRANTOR SHALL EXERCISE ITS RIGHTS UNDER THE FOREGOING MINERAL, OIL AND GAS RESERVATION

SO AS NOT TO DISTURB ANY IMPROVEMENTS, INSTALLATIONS, PETROLEUM OR OTHER PRODUCTS CONTAINED IN SUCH IMPROVEMENTS OR INSTALLATIONS OR SURFACE ACTIVITIES ON THE PROPERTY. GRANTOR IS TO RECEIVE AND RETAIN ALL BONUSES, RENTALS AND ROYALTIES PAYABLE UNDER ANY SUCH MINERAL, OIL AND GAS LEASE OR LEASES. GRANTOR MAY ASSIGN, TRANSFER, SELL OR CONVEY SUCH OIL, GAS AND MINERAL RESERVATION TO ANY PERSON, CORPORATION, PARTNERSHIP OR OTHER ENTITY AS RESERVED BY SHELL OIL COMPANY BY GRANT DEED RECORDED JULY 1, 1998, INSTRUMENT NO. 98-380524, OFFICIAL RECORDS.

Assessor's Lot: 148, Block: 3753

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT B

PLANS OF PROJECT INDICATING LOCATION OF AFFORDABLE UNITS

[INTENTIONALLY LEFT BLANK]

RATED PROTECTIVE OPENINGS:

AT 1-HOUR WALLS
20-MINUTE FIRE RATED DOORS - CORRIDORS / UNIT ENTRY

AT 2-HOUR WALLS
10-MINUTE FIRE RATED DOORS - STAIR ENCLOSURES / TRASH CHUTE

NOTES

- EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH CBC 903.1.1 AND AN APPROVED EMERGENCY VOICED ALARM COMMUNICATION SYSTEM IN ACCORDANCE WITH CBC 903.2.2.
- SHEAR WALLS SHOWN FOR REFERENCE ONLY; SEE STRUCTURAL DRAWINGS.
- PER CBC 204 SEC. 1009.2.1, EX. 1: ELEVATOR SHALL NOT BE CONSIDERED PART OF AN ACCESSIBLE MEANS OF EGRESS. STANDBY POWER SHALL NOT BE PROVIDED IN ACCORDANCE WITH CBC SECTION 27, AS IT IS NOT A PART OF AN ACCESSIBLE MEAN OF EGRESS.
- PER CBC 204 SEC. 1009.4, EALL ELEVATORS ARE NOT REQUIRED TO BE ACCESSED FROM AN AREA OF REFUGE IN CONSULTATION WITH A HORIZONTAL EXIT.
- PROVIDE TWO-WAY COMMUNICATION DEVICE AT ELEVATOR AT ALL LEVELS ABOVE LEVEL OF DISCHARGE, PER CBC 1008.6.
- ELEVATOR SHAFT ENCLOSURE TO COMPLY WITH CBC 713.4.
- SMOKE DOORS ON MAGNETIC HOLD-OPEN HARDWARE PROVIDED AT THE HOISTWAY OPENINGS ON ALL FLOORS EXCEPT GROUND FLOOR AND ROOF.
- CLASS I DRY STANDPIPE, PER NFPA 14 & CBC SECTION 905, TYP., LOCATIONS INDICATED ON PLANS AS PER 6 TO COMPLY WITH SFDD 48.06.
- FOR PENETRATIONS THROUGH RATED WALLS, CEILING, OR ROOF, SEE 904.05(4).

rg-architecture
428 SOUTH VAN NESS AVENUE
SAN FRANCISCO, CA 94110
415.448.8272
info@rg-architecture.com



REVISED DATE

REVISIONS NO.	DATE	ISSUE
08/19/20		PLAN CHECK
11/18/22		SFFD PLAN CHECK
11/19/20		50% CD
04/17/22		100% CD
01/26/22		ADDENDA 2

ISSUE
01/26/22 ADDENDA 2

OWNER
988 HARRISON SF LLC
2044 Filmore Street, 3rd Floor
San Francisco, CA 94103

PROJECT NAME
988 Harrison St / 377 6th St.
San Francisco, CA 94107

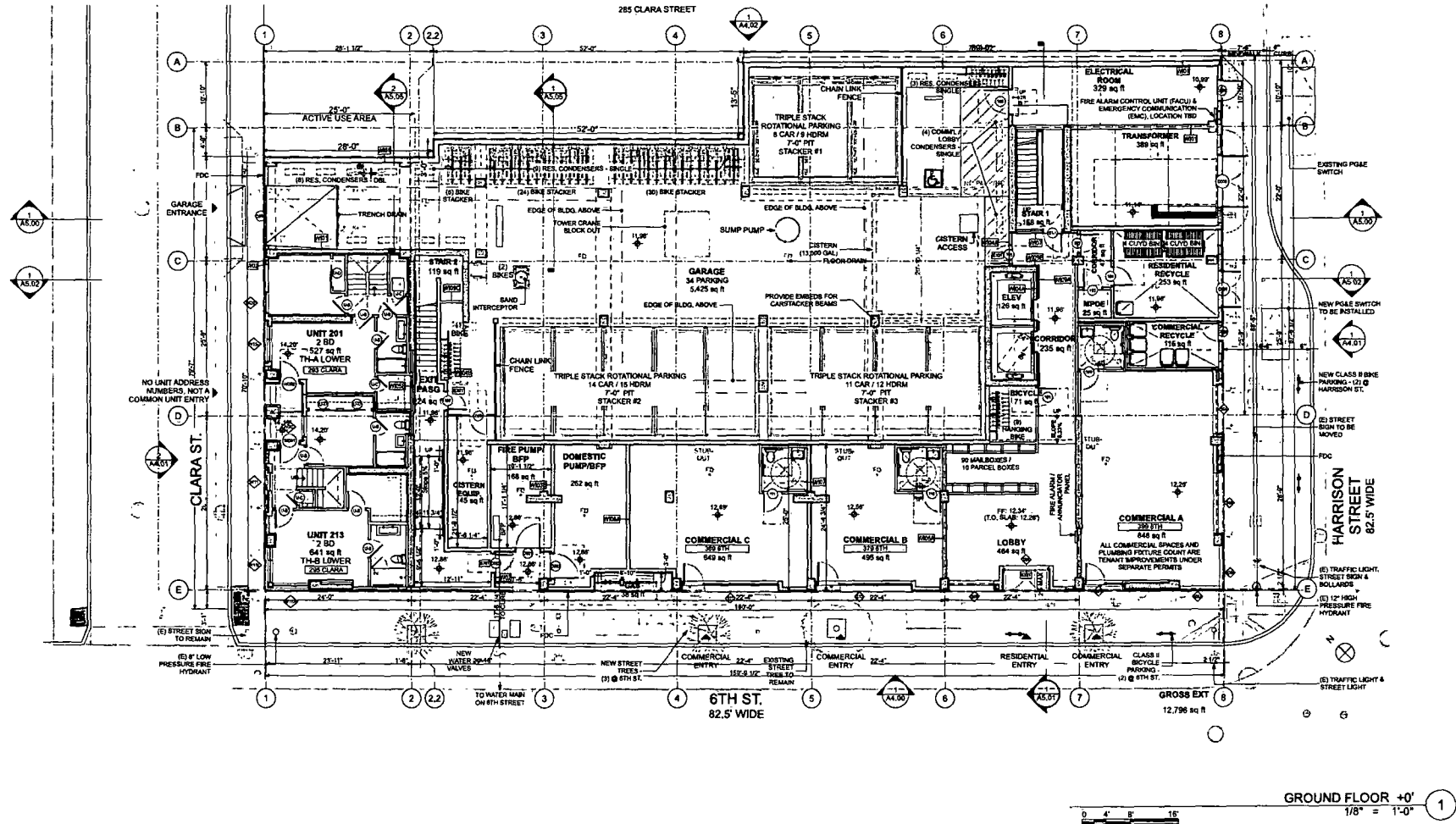
BLOCK/LOT
3753/148

SCALE
AS NOTED
DRAWN BY
SK
CHECKED BY
RG
PROJECT NO.
2019/2
DATE OF PUBLICATION
1/26/22

GROUND FLOOR PLAN

DRAWING NO. 24 OF 100

A2.01

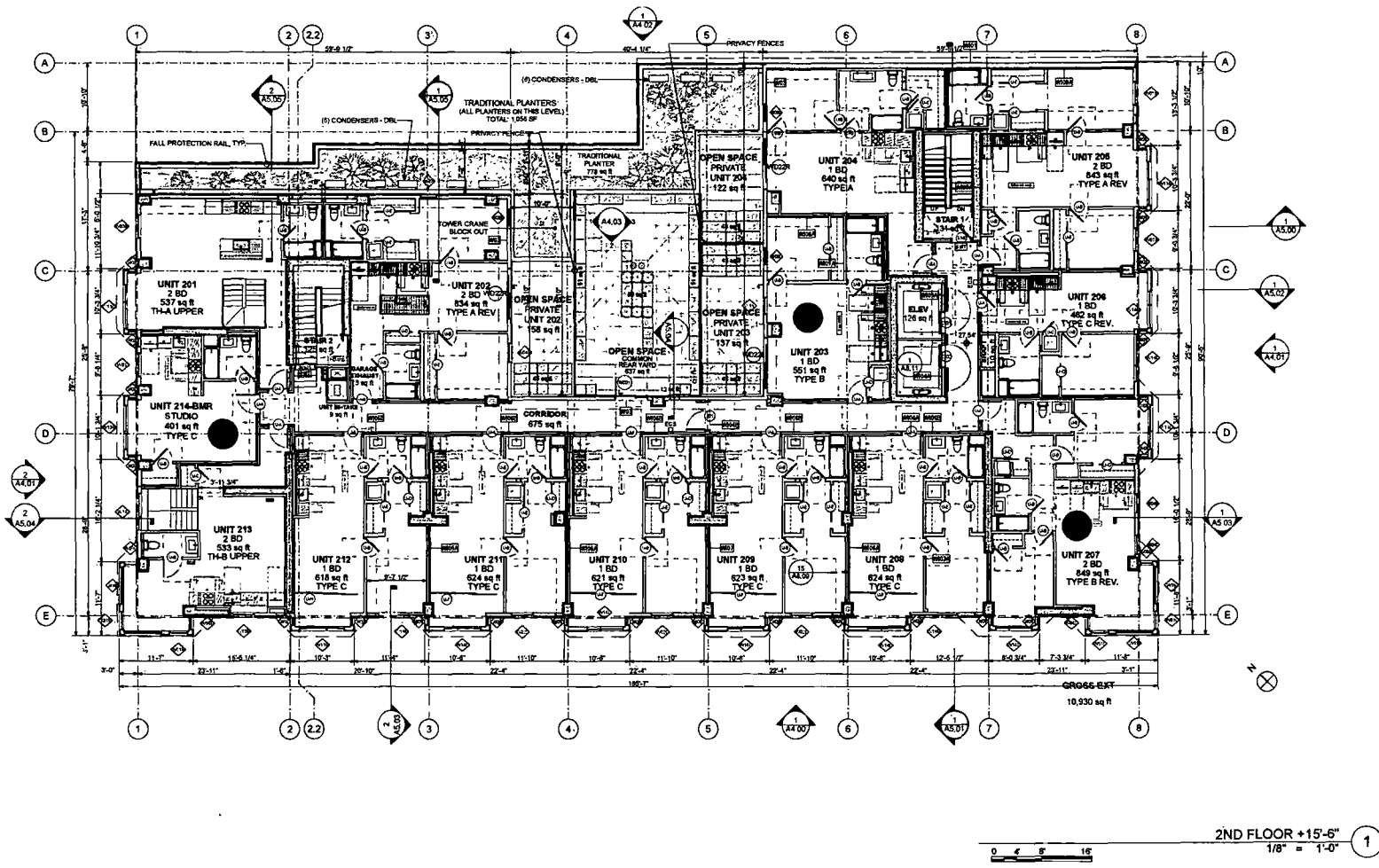


RATED PROTECTIVE OPENINGS:

- AT 1-HOUR WALLS
- 20-MINUTE FIRE RATED DOORS - CORRIDORS / UNIT ENTRY
- AT 2-HOUR WALLS
- 90-MINUTE FIRE RATED DOORS - STAIR ENCLOSURES / TRASH CHUTE

NOTES

01. EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH CBC 803.1.1 AND AN APPROVED EMERGENCY VOICEALARM COMMUNICATION SYSTEM IN ACCORDANCE WITH CBC 907.5.2.3.
02. SHEAR WALLS SHOWN FOR REFERENCE ONLY. SEE STRUCTURAL DRAWINGS.
03. PER CBC 2018 SEC 1099.2.1, EX. 1: ELEVATOR SHALL NOT BE CONSIDERED PART OF AN ACCESSIBLE MEANS OF EGRESS. STANDBY POWER SHALL NOT BE PROVIDED IN ACCORDANCE CBC SECTION 17.45.11.6. NOT A FINIT AN ACCESSIBLE MEAN OF EGRESS.
04. PER CBC 2018 SEC 1009.4, ELS, ELEVATORS ARE NOT REQUIRED TO BE ACCESSIBLE FROM AN AREA OF REFUGE IN CONJUNCTION WITH A HORIZONTAL EXIT.
05. PROVIDE TWO-WAY COMMUNICATION DEVICE AT ELEVATOR AT ALL LEVELS ABOVE LEVEL OF DISCHARGE, PER CBC 1009.6.
06. ELEVATOR SHAFT ENCLOSURE TO COMPLY WITH CBC 713.4.
07. SMOKE DOORS ON MAGNETIC HOLD-OPEN HARDWARE PROVIDED AT THE HOSTWAY OPENINGS ON ALL FLOORS EXCEPT GROUND FLOOR AND ROOF.
08. CLASS I DRY STANDPIPE, PER NFPA 14 & CBC SECTION 905, TYP., LOCATIONS INDICATED ON PLANS AS TYP. & TO COMPLY WITH SFPA AD-09.
09. FOR PENETRATIONS THROUGH RATED WALLS, CEILING, OR ROOF, SEE #140(N),



REVISIONS	NO.	DATE	ISSUE
	01	08/19/20	PLAN CHECK
	02	11/19/20	SFFD PLAN CHECK
	03	11/19/20	50% CD
	04	01/17/22	100% CD

ISSUE
01/17/22 100% CD SET

OWNER
988 HARRISON SF LLC
2044 Filmore Street, 3rd Floor
San Francisco, CA 94103

PROJECT NAME
**988 Harrison St./
377 6th St.**
San Francisco, CA 94107

BLOCK/LOT
3753/146

SCALE
AS NOTED
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SX
CHECKED BY
RG
PROJECT NO.
201902
DATE OF PUBLICATION
1/20/22

SECOND FLOOR PLAN

2ND FLOOR +15'-6" 1
0 4 8 16
1/8" = 1'-0"

DRAWING NO. 25 OF 100
A2.02

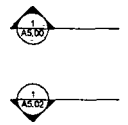
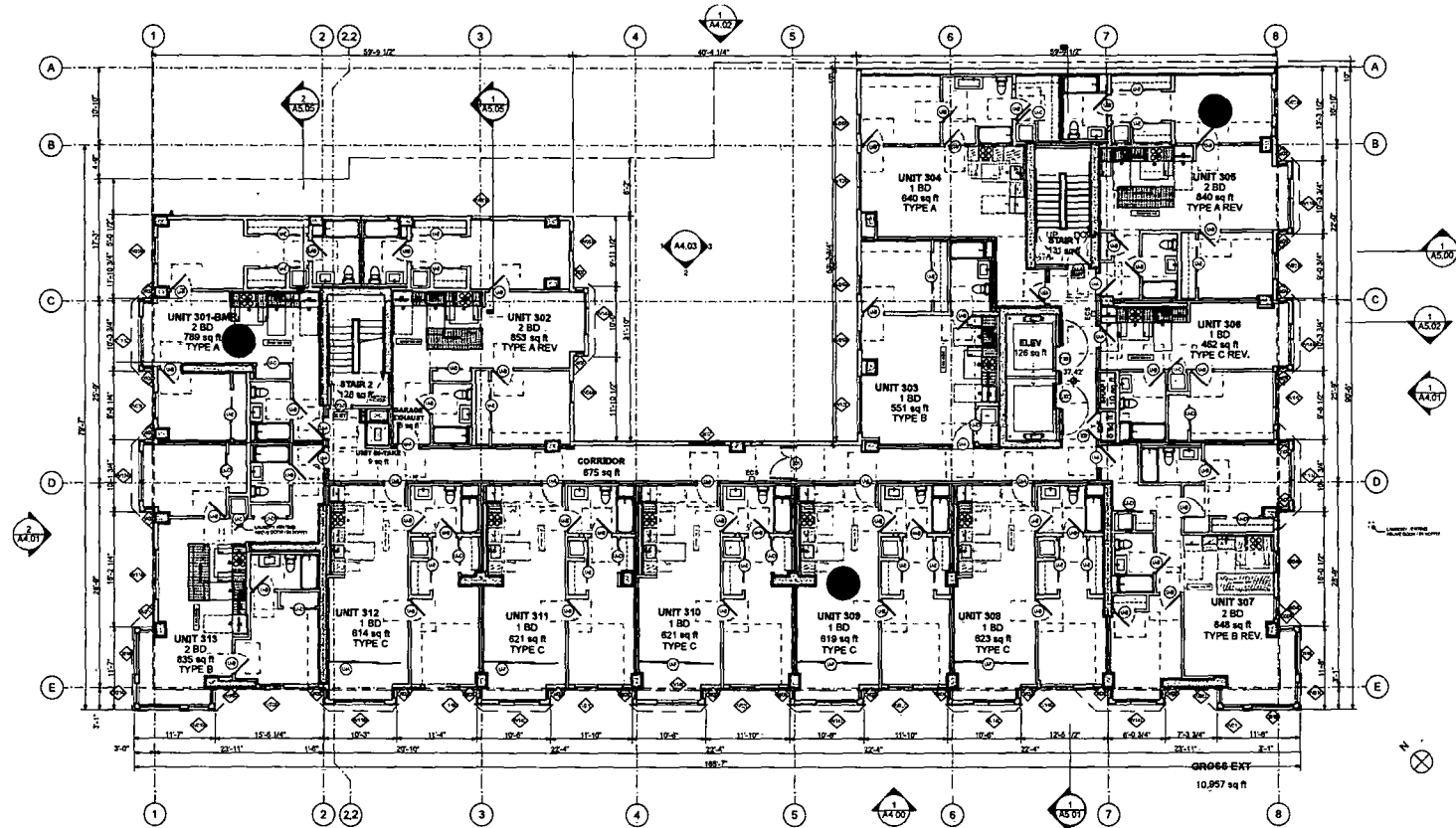
RATED PROTECTIVE OPENINGS:

AT 1-HOUR WALLS
20-MINUTE FIRE RATED DOORS - CORRIDORS / UNIT ENTRY

AT 2-HOUR WALLS
90-MINUTE FIRE RATED DOORS - STAIR ENCLOSURES / TRASH CHUTE

NOTES

01. EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH CBC 903.2.1.1 AND AN APPROVED EMERGENCY VOICEMAIL COMMUNICATION SYSTEM IN ACCORDANCE WITH CBC 907.2.2.
02. SHEAR WALLS SHOWN FOR REFERENCE ONLY; SEE STRUCTURAL DRAWINGS
03. PER CBC 2014 SEC. 1209.2.1, EX. 1 ELEVATOR B-MALL **NOT** BE CONSIDERED PART OF AN ACCESSIBLE MEANS OF EGRESS; STANDBY POWER SHALL **NOT** BE PROVIDED IN ACCORDANCE CBC SECTION 27, AS IT IS NOT A PART AN ACCESSIBLE MEAN OF EGRESS.
04. PER CBC 2014 SEC. 1209.4, EX.3, ELEVATORS ARE NOT REQUIRED TO BE ACCESSIBLE FROM AN AREA OF REFUGE IN CONNECTION WITH A HORIZONTAL EXIT.
05. PROVIDE TWO-WAY COMMUNICATION DEVICE AT ELEVATOR AT ALL LEVELS ABOVE LEVEL OF DISCHARGE, PER CBC 1009.3.
06. ELEVATOR SHAFT ENCLOSURE TO COMPLY WITH CBC 713.4.
07. SMOKE DOORS ON MAGNETIC HOLD-OPEN HARDWARE PROVIDED AT THE HOISTWAY OPENINGS ON ALL FLOORS EXCEPT GROUND FLOOR AND ROOF.
08. CLASS I DRY STANDPIPE, PER HFM 14 & CBC SECTION 905 TYPE; LOCATIONS INDICATED ON PLANS AS TR & TO COMPLY WITH SFPT404.09.
09. FOR PENETRATIONS THROUGH RATED WALLS, CEILING, OR ROOF; SEE PLAN 04.01.



3RD FLOOR +25'-4 1/2" (1)



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info@rg-architecture.com



NO.	DATE	ISSUE
08/18/20		PLAN CHECK
11/19/20		SFFD PLAN CHECK
11/19/20		50% CD
01/17/22		100% CD

ISSUE
01/17/22 100% CD SET

OWNER
988 HARRISON SF LLC
2044 Filmore Street, 3rd Floor
San Francisco, CA 94103

PROJECT NAME
**988 Harrison St./
377 6th St.**
San Francisco, CA 94107

BLOCK/LOT
3753/148

SCALE
AS NOTED
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SK
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RG
PROJECT NO.
201902
DATE OF PUBLICATION
1/20/22

**THIRD FLOOR
PLAN**

DRAWING NO. 24 OF 100
A2.03

RATED PROTECTIVE OPENINGS:

AT 1-HOUR WALLS
 30-MINUTE FIRE RATED DOORS - CORRIDORS / UNIT ENTRY

AT 2-HOUR WALLS:
 90-MINUTE FIRE RATED DOORS - STAIR ENCLOSURES / TRASH CHUTE

NOTES

01. EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH CBC 903.3.1.1 AND AN APPROVED EMERGENCY VOICE/ALARM COMMUNICATION SYSTEM IN ACCORDANCE WITH CBC 907.2.2.
02. SHEAR WALLS SHOWN FOR REFERENCE ONLY. SEE STRUCTURAL DRAWINGS.
03. PER CBC 2018 SEC 1008.2.1.2.1, ELEVATOR SHALL NOT BE CONSIDERED PART OF AN ACCESSIBLE MEANS OF EGRESS. STANDBY POWER SHALL NOT BE PROVIDED IN ACCORDANCE CBC SECTION 27, AS IT IS NOT A PART AN ACCESSIBLE MEANS OF EGRESS.
04. PER CBC 2018 SEC 1008.4.2.1, ELEVATORS ARE NOT REQUIRED TO BE ACCESSIBLE FROM AN AREA OF REFUGE IN CONJUNCTION WITH A HORIZONTAL EXIT.
05. PROVIDE TWO-WAY COMMUNICATION DEVICE AT ELEVATOR AT ALL LEVELS ABOVE LEVEL OF DISCHARGE. PER CBC 1008.5.
06. ELEVATOR SHAFT ENCLOSURE TO COMPLY WITH CBC 713.4.
07. SMOKE DOORS ON MAGNETIC HOLD-OPEN HARDWARE PROVIDED AT THE HOSTWAY OPENINGS ON ALL FLOORS EXCEPT GROUND FLOOR AND ROOF.
08. CLASS I DRY STANDPIPE, PER HFWA 14 & CBC SECTION 905. TYP.; LOCATIONS INDICATED ON PLANS AS "R" & TO COMPLY WITH SFDD A84.06
09. FOR PENETRATIONS THROUGH RATED WALLS, CEILING, OR ROOF. SEE A4.02(4).

ry architecture
 675 BOWEN WAY, SUITE 200
 SAN FRANCISCO, CA 94103
 415.444.8207
 info@ryarchitect.com



REVISIONS

NO.	DATE	ISSUE
08/19/09		PLAN CHECK
11/19/09		SFFD PLAN CHECK
11/19/09		50% CD
01/17/22		100% CD

ISSUE
 01/17/22 100% CD SET

OWNER
 988 HARRISON SF LLC
 2044 Fillmore Street, 3rd Floor
 San Francisco, CA 94103

PROJECT NAME
 988 Harrison St./
 377 6th St.
 San Francisco, CA 94107

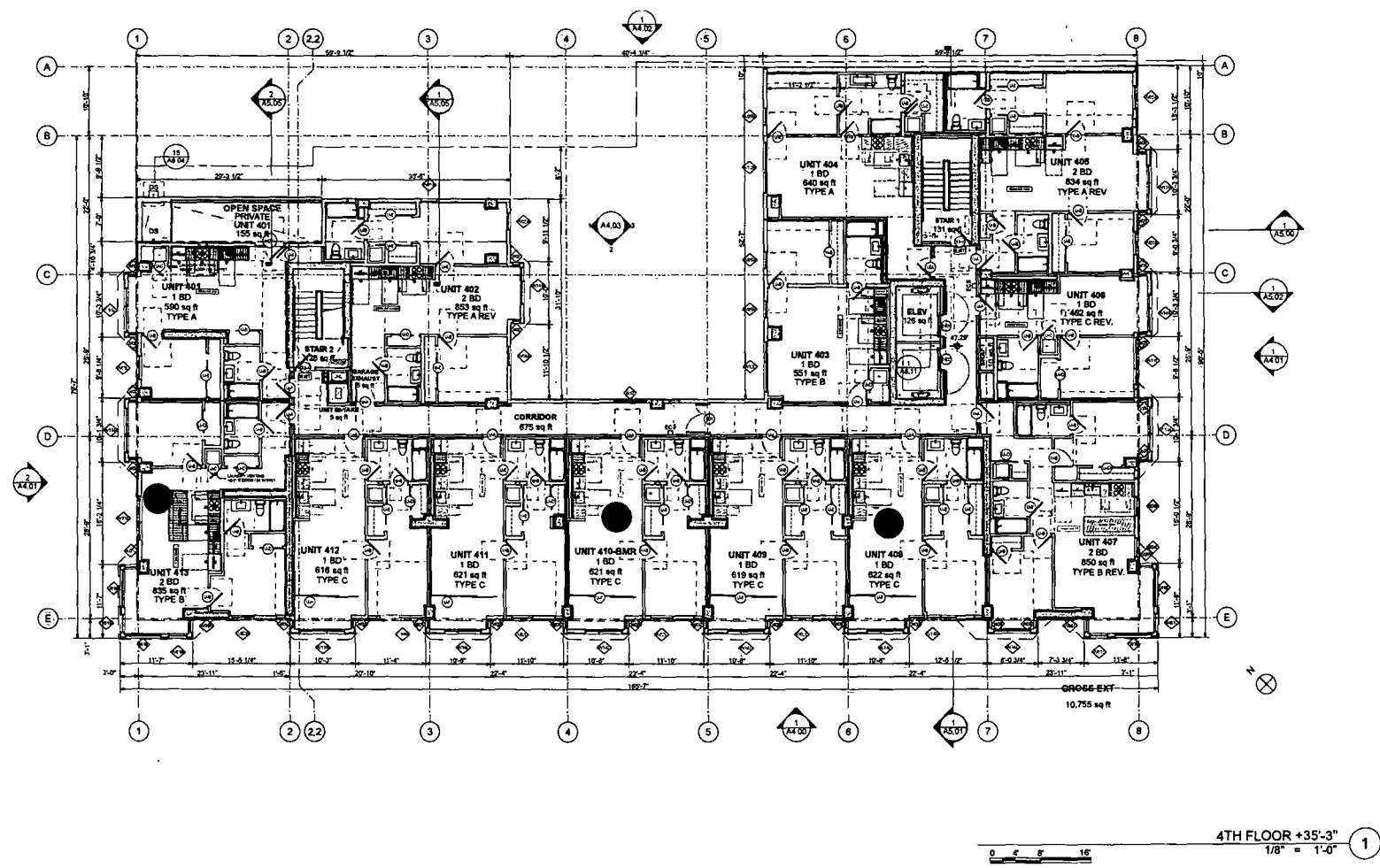
BLOCK/LD/T
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 PROJECT NO.
 201902
 DATE OF PUBLICATION
 1/20/22

FOURTH FLOOR
 PLAN

DRAWING NO. 27 OF 150

A2.04



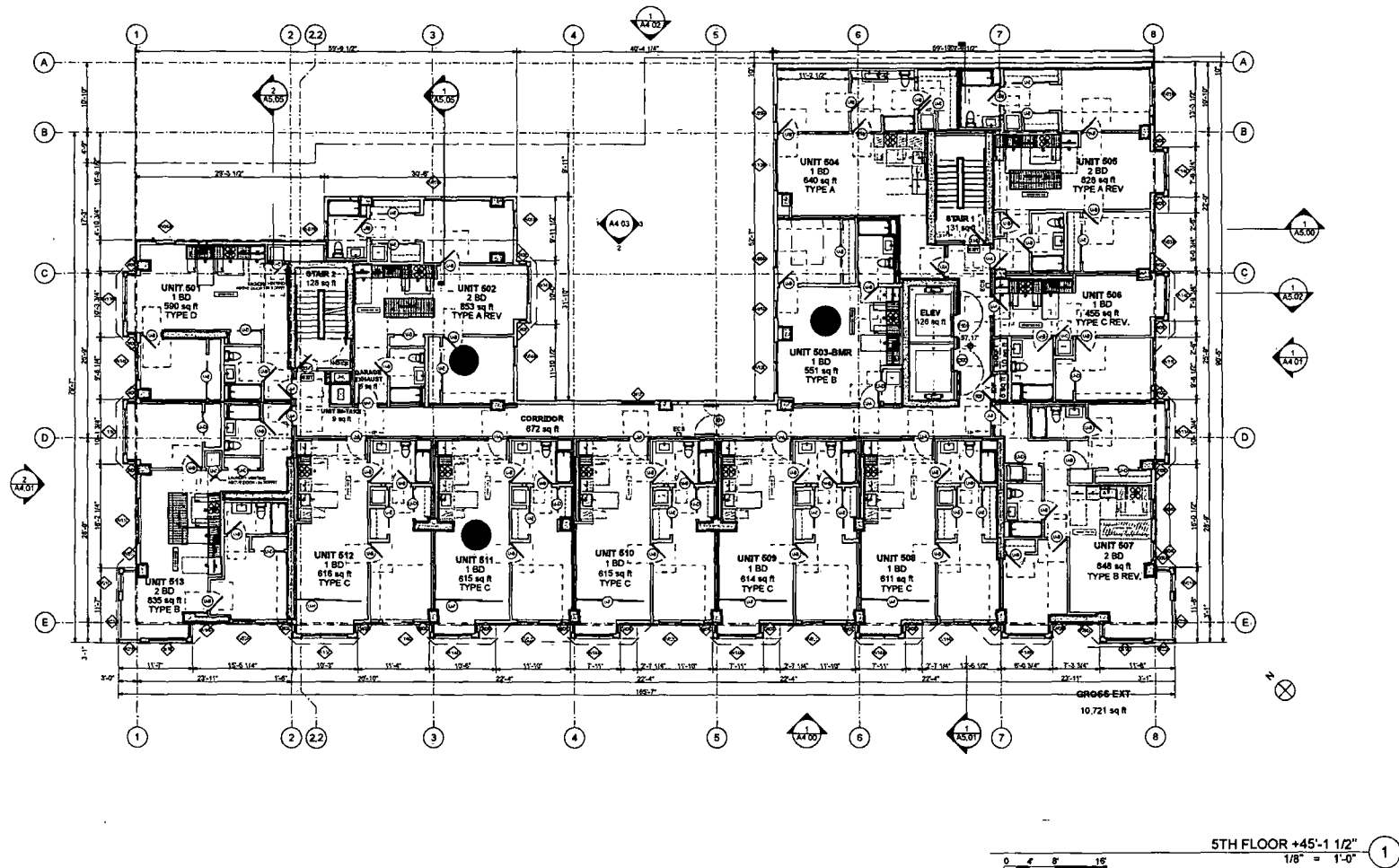
RATED PROTECTIVE OPENINGS:

AT 1-HOUR WALLS:
20-MINUTE FIRE RATED DOORS - CORRIDORS / UNIT ENTRY

AT 2-HOUR WALLS:
90-MINUTE FIRE RATED DOORS - STAIR ENCLOSURES / TRASH CHUTE

NOTES

01. EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH CBC 903.1.1 AND AN APPROVED EMERGENCY VOICEMAIL/COMMUNICATION SYSTEM IN ACCORDANCE WITH CBC 907.3.2.
02. SHEAR WALLS SHOWN FOR REFERENCE ONLY. SEE STRUCTURAL DRAWINGS.
03. PER CBC 2019 SEC 1002.2.1, EX. 1 ELEVATOR SHALL BE CONSIDERED PART OF AN ACCESSIBLE MEANS OF EGRESS. STANDBY POWER SHALL NOT BE PROVIDED IN ACCORDANCE WITH CBC SECTION 27, AS IT IS NOT A PART AN ACCESSIBLE MEAN OF EGRESS.
04. PER CBC 2019 SEC 1008.4, EX. 3, ELEVATORS ARE NOT REQUIRED TO BE ACCESSED FROM AN AREA OF REFUGE IN CONJUNCTION WITH A HORIZONTAL EXIT.
05. PROVIDE TWO-WAY COMMUNICATION DEVICE AT ELEVATOR AT ALL LEVELS ABOVE LEVEL OF DISCHARGE; PER CBC 1008.8.
06. ELEVATOR SHAFT ENCLOSURE TO COMPLY WITH CBC 713.4.
07. SMOKE DOORS ON MAGNETIC HOLD-OPEN HARDWARE PROVIDED AT THE HOISTWAY OPENINGS ON ALL FLOORS EXCEPT GROUND FLOOR AND ROOF.
08. CLASS I DRY STANDPIPE, PER NFPA 11 & CBC SECTION 905, TYP. LOCATIONS INDICATED ON PLANS AS 'R' & TO COMPLY WITH SFDD 84.06.
09. FOR PENETRATIONS THROUGH RATED WALLS, CEILING, OR ROOF, SEE R-410(D).



NO.	DATE	ISSUE
01/17/22	100% CD SET	
01/17/22	50% CD	
01/17/22	100% CD	

NO.	DATE	ISSUE
01/17/22	100% CD SET	
01/17/22	50% CD	
01/17/22	100% CD	

OWNER
988 HARRISON SF LLC
2044 Filmore Street, 3rd Floor
San Francisco, CA 94103

PROJECT NAME
**988 Harrison St /
377 6th St.**
San Francisco, CA 94107

BLOCK/LOT
3753/148

SCALE
AS NOTED
DRAWN BY
SX
CHECKED BY
RG
PROJECT NO.
201902
DATE OF PUBLICATION
1/20/22

**FIFTH FLOOR
PLAN**

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:

And When Recorded Mail To:

Name: WORKSHOP 1

Address: 1030 GRAYSON ST

City: BERKELEY

State: California Zip: 94710



San Francisco Assessor-Recorder

Carmen Chu, Assessor-Recorder

DOC- 2016-K221595-00

Thursday, MAR 24, 2016 15:57:19

Ttl Pd \$36.00 Rcpt # 0005336668

0J1/KC/1-8

Space Above this Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

I, ~~(Aka)~~ 988 Harrison LLC, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows: (or see attached sheet marked "Exhibit A" on which property is more fully described)

BEING ASSESSOR'S BLOCK: 3753, LOT(S): 148;

COMMONLY KNOWN AS: 988 Harrison (aka 377 6th) 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 Conditional Use Application No. 2014.0832CUA approved by the Planning Commission of the City and County of San Francisco on February 24, 2016, as set forth in Planning Commission Motion No. 19575.

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 Conditional Use to allow the conversion of an automotive service station use to other permitted land uses, pursuant to Planning Code Section 202.5 within the Mixed Use Residential(MUR) Zoning District, SoMA Youth and Family Special Use District, and an 85-X Height and Bulk District and subject to conditions of approval reviewed and approved by the Commission on February 25, 2016, under Motion No 19575. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit B of Motion No 19574, Case No. 2014.0832ENX(Large Project Authorization under Planning Code Section 329) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein

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 February 25, 2016 under Motion No. 19575.

Printing of conditions of approval on plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19575 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 the Conditional Use authorization and any subsequent amendments or modifications.

Severability

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Changes and Modifications

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

Conditions of Approval, Compliance, Monitoring, and Reporting

Performance

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

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

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

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

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

4. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s)

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

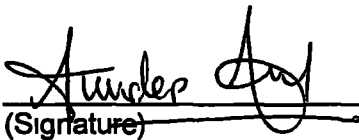
- 5 **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval

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

- 6. **Additional Project Authorization.** The Project Sponsor must obtain a Large Project Authorization under Section 329 to construct an 83-foot tall, eight-story mixed-use residential building that will have a total area of approximately 82,305 gross square feet and include up to 100 dwelling units and approximately 6,485 square feet of ground floor commercial space. The project will also include 10,975 square feet of open space and 73 parking spaces in a basement level garage that will be accessed from Harrison Street. A total of 134 Class 1 bicycle parking spaces would be located at the ground floor with independent access from Harrison Street, and eight Class 2 spaces would be provided as part of the project's required streetscape plan, and satisfy all the conditions thereof. The conditions set forth above 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

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.

988 HARRISON LLC



(Signature)

Sunder Goyal

(Print Name)

Dated: March, 21 .2016 at Fremont . California.
(Month, Day) (City)

(Signature)

(Print Name)

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

(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.

U:\DV\Documents\NSR\CU1988-Harrison-(aka-377-6th)-Street-2014-0832CUA.doc

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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 Alameda)

On March 21st 2016 before me, John William Ellis Notary Public
Date Here Insert Name and Title of the Officer

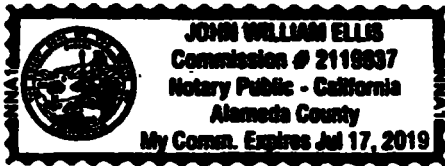
personally appeared Sundeep Goyal
Name(s) of Signer(s)

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 [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Notice of Special Restrictions - 988 Harrison Document Date _____
Number of Pages _____ ~~Signer(s)~~ Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Sundeep Goyal
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer Is Representing: 988 Harrison, LLC

Signer Is Representing: _____

"EXHIBIT A"

LEGAL DESCRIPTION

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

PARCEL ONE:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHWESTERLY LINE OF HARRISON STREET AND THE NORTHEASTERLY LINE OF 6TH STREET, RUNNING THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF 6TH STREET 57 FEET, THENCE AT RIGHT ANGLES NORTHEASTERLY AND PARALLEL WITH HARRISON STREET 75 FEET, THENCE AT RIGHT ANGLES NORTHWESTERLY AND PARALLEL WITH 6TH STREET 23 FEET, THENCE AT RIGHT ANGLES NORTHEASTERLY AND PARALLEL WITH HARRISON STREET 13 FEET 5 INCHES, AND THENCE AT RIGHT ANGLES SOUTHEASTERLY AND PARALLEL WITH 6TH STREET 80 FEET TO THE NORTHWESTERLY LINE OF HARRISON STREET, AND THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF HARRISON STREET 88 FEET AND 5 INCHES TO THE NORTHEASTERLY LINE OF 6TH STREET AND THE POINT OF COMMENCEMENT.

PARCEL TWO:

COMMENCING AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY LINE OF CLARA STREET WITH THE NORTHEASTERLY LINE OF SIXTH STREET; RUNNING THENCE NORTHEASTERLY ALONG SAID LINE OF CLARA STREET 72 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 28 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 3 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 75 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 75 FEET TO SAID NORTHEASTERLY LINE OF SIXTH STREET; THENCE NORTHWESTERLY ALONG SAID LINE OF SIXTH STREET 103 FEET TO THE POINT OF COMMENCEMENT.

BEING PART OF 100 VARA BLOCK NO. 383.

EXCEPTING THEREFROM:

ALL RIGHT, TITLE AND INTEREST, IF ANY, IN AND TO ANY OIL, GAS, AND OTHER MINERALS (INCLUDING, WITHOUT LIMITATION, HELIUM, LIGNITE, SULFUR, PHOSPHATE AND OTHER SOLID, LIQUID AND GASEOUS SUBSTANCES), REGARDLESS OF THE NATURE THEREOF AND WHETHER SIMILAR OR DISSIMILAR BUT ONLY TO THE EXTENT ANY OF THE FORGOING IS IN ITS NATURAL STATE AND NATURAL LOCATION AND NOT SUBJECT TO THE DOMINION AND CONTROL OF ANY PERSON, AND, UPON THIRTY (30) DAYS PRIOR WRITTEN NOTICE, THE RIGHT TO EXPLORE FOR, DEVELOP AND PRODUCE SAME, AS WELL AS THE RIGHT TO LEASE SUCH PORTION OF THE PROPERTY HEREBY EXCEPTED FOR SUCH PURPOSES, AND ALL MINERAL AND ROYALTY RIGHTS WHATSOEVER IN, ON, UNDER AND PERTAINING TO THE PROPERTY; BUT THERE SHALL BE NO RIGHT TO USE, OR RIGHT OF INGRESS TO OR EGRESS FROM ANY PART OF THE SURFACE OF THE PROPERTY FOR EXPLORATION AND PRODUCING PURPOSES, EXCEPT WITH RESPECT TO (I) CURRENT ACTIVITIES AT AND ANY EXISTING CONTRACTUAL OR LEASEHOLD RIGHTS GRANTED TO THIRD PARTIES AND (II) ANY ADDITIONAL ACTIVITIES WHICH HAVE BEEN CONSENTED TO IN WRITING, WHICH CONSENT SHALL NOT BE UNREASONABLY WITHHELD. EXCEPT AS SET FORTH IN THE PRECEDING SENTENCE, ANY OIL AND GAS DRILLING OPERATIONS, SHALL BE CONDUCTED BY MEANS OF WELLS, THE SURFACE LOCATIONS OF WHICH ARE ON OTHER LANDS AND WHICH MAY BE DRILLED INTO AND BOTTOMED IN OR UNDER THE PROPERTY. GRANTOR SHALL EXERCISE ITS RIGHTS UNDER THE FORGOING MINERAL, OIL AND GAS RESERVATION SHALL NOT DISTURB

ANY IMPROVEMENTS, INSTALLATIONS, PETROLEUM OR OTHER PRODUCTS CONTAINED IN SUCH IMPROVEMENTS OR INSTALLATIONS OR SURFACE ACTIVITIES ON THE PROPERTY.

Assessor's Lot 148; Block 3753

Free Recording Requested Pursuant to
Government Code Section 27383

When recorded, mail to:
San Francisco Planning Department
1650 Mission Street, Room 400
San Francisco, California 94103
Attn: Director

CONFORMED COPY of document recorded

04/27/2016, 2016K237753

on _____ with document no _____
This document has not been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

Lot 148 in Assessor's Block 3753

**AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS BETWEEN
THE CITY AND COUNTY OF SAN FRANCISCO AND 988 HARRISON A, LLC, 988
HARRISON B, LLC, 988 HARRISON C, LLC, 988 HARRISON D, LLC, 988
HARRISON E, LLC, AND 988 HARRISON F, LLC RELATIVE TO THE
DEVELOPMENT KNOWN AS 988 HARRISON STREET**

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS ("Agreement") dated for reference purposes only as of this 18 day of April, 2016 is by and amongst the CITY AND COUNTY OF SAN FRANCISCO, a political subdivision of the State of California (the "City"), acting by and through its Planning Department, and 988 HARRISON A, LLC, a California limited liability company; 988 HARRISON B, LLC, a California limited liability company; 988 HARRISON C, LLC, a California limited liability company; 988 HARRISON D, LLC, a California limited liability company; 988 HARRISON E, LLC, a California limited liability company; and 988 HARRISON F, LLC, a California limited liability company (collectively, "Developer"), with respect to the project approved for 988 Harrison Street (the "Project"). City and Developer are also sometimes referred to individually as a "Party" and together as the "Parties."

RECITALS

This Agreement is made with reference to the following facts:

A. Code Authorization. Chapter 4.3 of the California Government Code directs public agencies to grant concessions and incentives to private developers for the production of housing for lower income households. The Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 et seq., hereafter "Costa-Hawkins Act") imposes limitations on the establishment of the initial and all subsequent rental rates for a dwelling unit with a certificate of occupancy issued after February 1, 1995, with exceptions, including an exception for dwelling units constructed pursuant to a contract with a public entity in consideration for a direct financial contribution or any other form of assistance specified in Chapter 4.3 of the California Government Code (Section 1954.52(b)). Pursuant to Civil Code Section 1954.52(b), the City's Board of Supervisors has enacted as part of the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq, procedures and requirements for entering into an agreement with a private developer to memorialize the concessions and incentives granted to the developer and to provide an exception to the Costa-Hawkins Act for the inclusionary units included in the developer's project.

B. Property Subject to this Agreement. The property that is the subject of this Agreement consists of the real property in the City and County of San Francisco at Assessor's Block 3753, Lot 148, located on the northeastern corner of Harrison Street and 6th Street (hereinafter "Property"). The Property is more particularly described in Exhibit A attached hereto. The Property is owned in fee by Developer.

C. Development Proposal; Intent of the Parties. The Developer proposes to demolish the former gas station fuel island and small attendant booth at the Property and to construct a 8-story building containing 100 dwelling units and approximately 6,485 square feet of ground-floor commercial space.

On [Feb. 26, 2016], pursuant to Motion No. [19574], the Planning Commission issued a Large Project Authorization for the Project under Planning Code Section 329 to allow exceptions to (i) the rear yard setback, pursuant to Planning Code Section 134 and (ii) dwelling unit exposure, pursuant to Planning Code Section 140. A Notice of Special Restrictions containing Conditions of Approval of the Large Project Authorization was recorded against the Property on [March 31, 2016] (NSR No. 2016-).
K274065-00

The Large Project Authorization is referred to herein as the "Project Approval." The dwelling units that are the subject of this Agreement are the Project's on-site inclusionary units representing twelve percent (12%) of the Project's dwelling units, which assuming that 100 dwelling units are constructed, would total 12 inclusionary units (the "Inclusionary Units"). The dwelling units in the Project that are not Inclusionary Units, representing eighty-eight percent (88%) of the Project's dwelling units, which assuming that 100 units are constructed would total 88 units, are referred to herein as the "Market Rate Units."

This Agreement is not intended to impose restrictions on the Market Rate Units, any portions of the Project other than the Inclusionary Units, or any future development at the Property that is not a part of the Project. This Agreement relates solely to the Inclusionary Units and shall have no legal effect in the event that the Project is not constructed. The Parties acknowledge that this Agreement is entered into in consideration of the respective burdens and benefits of the Parties contained in this Agreement and in reliance on their agreements, representations and warranties.

D. Inclusionary Affordable Housing Program. The Inclusionary Affordable Housing Program, San Francisco Planning Code Section 415 et seq. (the "Affordable Housing Program") provides that developers of any housing project consisting of ten or more units must pay an Affordable Housing Fee, as defined therein. The Affordable Housing Program provides that developers may be eligible to meet the requirements of the program through the alternative means of entering into an agreement with the City and County of San Francisco pursuant to Chapter 4.3 of the California Government Code, for concessions and incentives, pursuant to which the developer covenants to provide affordable on-site units as an alternative to payment of the Affordable Housing Fee to satisfy the requirements of the Affordable Housing Program and in consideration of the City's concessions and incentives.

E. Developer's Election to Provide On-Site Units. Developer has elected to enter into this Agreement to provide the Inclusionary Units in lieu of payment of the Affordable

Housing Fee in satisfaction of its obligation under the Affordable Housing Program and to provide for an exception to the rent restrictions of the Costa-Hawkins Act for the Inclusionary Units only.

F. Compliance with All Legal Requirements. It is the intent of the Parties that all acts referred to in this Agreement shall be accomplished in such a way as to fully comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA"), Chapter 4.3 of the California Government Code, the Costa-Hawkins Act, the San Francisco Planning Code, and all other applicable laws and regulations.

G. Project's Compliance with CEQA. Pursuant to section 15183 of the CEQA Guidelines, California Public Resources Section 21083.3, and Chapter 31 of the San Francisco Administrative Code, the Planning Department published a Certificate of Exemption ("CPE") from Environmental Review for the Project on August 31, 2015. The Planning Commission subsequently reviewed and concurred with the information contained in the CPE at a noticed public hearing on February 25, 2016 (Motion No. 19574).

H. General Plan Findings. This Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable area or specific plan, and the Priority Policies enumerated in Planning Code Section 101.1, as set forth in Planning Commission Motion No. 19574.

AGREEMENT

The Parties acknowledge the receipt and sufficiency of good and valuable consideration and agree as follows:

1. GENERAL PROVISIONS

1.1 Incorporation of Recitals and Exhibits. The preamble paragraph, Recitals, and Exhibits, and all defined terms contained therein, are hereby incorporated into this Agreement as if set forth in full.

2. CITY'S EXCEPTIONS AND CONCESSIONS AND INCENTIVES FOR THE INCLUSIONARY UNITS.

2.1 Exceptions, Concessions and Incentives. The Developer has received the following exceptions, concessions and incentives for the production of the Inclusionary Units on-site.

2.1.1 Project Approval and Exceptions.

The Large Project Authorization for the Project under Planning Code Section 329 allowed exceptions to (i) the rear yard setback, pursuant to Planning Code Section 134 and (ii) dwelling unit exposure, pursuant to Planning Code Section 140. This Project Approval permitted development of the Project at a greater density than would otherwise have been permitted under the Planning Code.

2.1.2 Waiver of Affordable Housing Fee. City hereby determines that the Developer has satisfied the requirements of the Affordable Housing Program by covenanting to provide the Inclusionary Units on-site, as provided in Section 3.1, and accordingly hereby waives the obligation of the Developer to pay the Affordable Housing Fee. City would not be willing to enter into this Agreement and waive the Affordable Housing Fee without the understanding and agreement that Costa-Hawkins Act provisions set forth in California Civil Code section 1954.52(a) do not apply to the Inclusionary Units as a result of the exemption set forth in California Civil Code section 1954.52(b). Upon completion of the Project and identification of the Inclusionary Units, Developer agrees to record a notice of restriction against the Inclusionary Units in the form required by the Affordable Housing Program.

2.2 Costa-Hawkins Act Inapplicable to Inclusionary Units Only.

2.2.1 Inclusionary Units. The parties acknowledge that, under Section 1954.52(b) of the Costa-Hawkins Act, the Inclusionary Units are not subject to the Costa-Hawkins Act. Through this Agreement, Developer hereby enters into an agreement with a public entity in consideration for forms of concessions and incentives specified in California Government Code Sections 65915 et seq. The concessions and incentives are comprised of, but not limited to, the concessions and incentives set forth in Section 2.1.

2.2.2 Market Rate Units. The Parties hereby agree and acknowledge that this Agreement does not alter in any manner the way that the Costa-Hawkins Act or any other law, including the City's Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code) apply to the Market Rate Units.

3. COVENANTS OF DEVELOPER

3.1 On-Site Inclusionary Affordable Units. In consideration of the concessions and incentives set forth in Section 2.1 and in accordance with the terms and conditions set forth in the Affordable Housing Program and the Project Approval, upon Developer obtaining its first certificate of occupancy for the Project, Developer shall provide twelve percent (12%) of the dwelling units as on-site Inclusionary Units in lieu of payment of the Affordable Housing Fee. For example, based on the contemplated total of 100 units comprising the Project, a total of 12 Inclusionary Units would be required in the aggregate for the entire Project in lieu of payment of the Affordable Housing Fee.

3.2 Developer's Waiver of Rights Under the Costa-Hawkins Act Only as to the Inclusionary Units. The Parties acknowledge that under the Costa-Hawkins Act, the owner of newly constructed residential real property may establish the initial and all subsequent rental rates for dwelling units in the property without regard to the City's Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code). The Parties also understand and agree that the Costa-Hawkins Act does not and in no way shall limit or otherwise affect the restriction of rental charges for the Inclusionary Units because this Agreement falls within an express exception to the Costa-Hawkins Act as a contract with a public entity in consideration for a direct financial contribution or other forms of assistance specified in Chapter 4.3 (commencing with section 65915) of Division 1 of Title 7 of the California Government Code including but not limited to the density bonus, concessions and

incentives specified in Section 2. Developer acknowledges that the density bonus and concessions and incentives result in identifiable and actual cost reductions to the Project. Should the Inclusionary Units be deemed subject to the Costa-Hawkins Act, as a material part of the consideration for entering into this Agreement, Developer, on behalf of itself and all its successors and assigns to this Agreement, hereby expressly waives, now and forever, any and all rights it may have under the Costa-Hawkins Act with respect only to the Inclusionary Units (but only the Inclusionary Units and not as to the Market Rate Units) consistent with Section 3.1 of this Agreement. Without limiting the foregoing, Developer, on behalf of itself and all successors and assigns to this Agreement, agrees not to bring any legal or other action against City seeking application of the Costa-Hawkins Act to the Inclusionary Units for so long as the Inclusionary Units are subject to the restriction on rental rates pursuant to the Affordable Housing Program. The Parties understand and agree that the City would not be willing to enter into this Agreement without the waivers and agreements set forth in this Section 3.2.

3.3 Developer's Waiver of Right to Seek Waiver of Affordable Housing Program. Developer specifically agrees to be bound by all of the provisions of the Affordable Housing Program applicable to on-site inclusionary units with respect to the Inclusionary Units. Developer covenants and agrees that it will not seek a waiver of the provisions of the Affordable Housing Program applicable to the Inclusionary Units.

3.4 No Obligation to Construct. By entering into this Agreement, Developer is not assuming any obligation to construct the Project, and the covenants of Developer hereunder become operative only in the event Developer elects to proceed with construction of the Project.

4. MUTUAL OBLIGATIONS

4.1 Good Faith and Fair Dealing. The Parties shall cooperate with each other and act in good faith in complying with the provisions of this Agreement and implementing the Project Approval.

4.2 Other Necessary Acts. Each Party shall execute and deliver to the other all further instruments and documents as may be reasonably necessary to carry out this Agreement, the Project Approval, the Affordable Housing Program (as applied to the Inclusionary Units) and applicable law in order to provide and secure to each Party the full and complete enjoyment of its rights and privileges hereunder.

4.3 Effect of Future Changes to Affordable Housing Program. The City hereby acknowledges and agrees that, in the event that the City adopts changes to the Affordable Housing Program after the date this Agreement is executed by both Parties, nothing in this Agreement shall be construed to limit or prohibit any rights Developer may have to modify Project requirements with respect to the Inclusionary Units to the extent permitted by such changes to the Affordable Housing Program.

5. DEVELOPER REPRESENTATIONS, WARRANTIES AND COVENANTS.

5.1 Interest of Developer. Developer represents that it is the legal and equitable fee owner of the Property, that it has the power and authority to bind all other persons with legal or equitable interest in the Property to the terms of this Agreement, and that all other persons

holding legal or equitable interest in the Inclusionary Units are to be bound by this Agreement. Developer is a limited liability company, duly organized and validly existing and in good standing under the laws of the State of California. Developer has all requisite power and authority to own property and conduct business as presently conducted. Developer has made all filings and is in good standing in the State of California.

5.2 No Conflict With Other Agreements; No Further Approvals; No Suits. Developer warrants and represents to the best of its knowledge that it is not a party to any other agreement that would conflict with the Developer's obligations under this Agreement. Neither Developer's articles of organization, bylaws, or operating agreement, as applicable, nor any other agreement which Developer is a party to in any way prohibits, limits or otherwise affects the right or power of Developer to enter into and perform all of the terms and covenants of this Agreement. To the best of Developer's knowledge, no consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person is required for the due execution, delivery and performance by Developer of this Agreement or any of the terms and covenants contained in this Agreement. To Developer's knowledge, there are no pending or threatened suits or proceedings or undischarged judgments affecting Developer or any of its members before any court, governmental agency, or arbitrator which might materially adversely affect Developer's business, operations, or assets or Developer's ability to perform under this Agreement.

5.3 No Inability to Perform; Valid Execution. Developer warrants and represents that it has no knowledge of any inability to perform its obligations under this Agreement. The execution and delivery of this Agreement and the agreements contemplated hereby by Developer have been duly and validly authorized by all necessary action. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms.

5.4 Conflict of Interest. Through its execution of this Agreement, the Developer acknowledges that it is familiar with the provisions of Section 15.103 of the City's Charter, Article III, Chapter 2 of the City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the California Government Code, and certifies that it does not know of any facts which constitute a violation of said provisions and agrees that it will immediately notify the City if it becomes aware of any such fact during the term of this Agreement.

5.5 Notification of Limitations on Contributions. Through execution of this Agreement, the Developer acknowledges that it is familiar with Section 1.126 of City's Campaign and Governmental Conduct Code, which prohibits any person who contracts with the City, whenever such transaction would require approval by a City elective officer or the board on which that City elective officer serves, from making any campaign contribution to the officer at any time from the commencement of negotiations for the contract until three (3) months after the date the contract is approved by the City elective officer or the board on which that City elective officer serves. San Francisco Ethics Commission Regulation 1.126-1 provides that negotiations are commenced when a prospective contractor first communicates with a City officer or employee about the possibility of obtaining a specific contract. This communication may occur in person, by telephone or in writing, and may be initiated by the prospective contractor or a City

officer or employee. Negotiations are completed when a contract is finalized and signed by the City and the contractor. Negotiations are terminated when the City and/or the prospective contractor end the negotiation process before a final decision is made to award the contract.

5.6 Nondiscrimination. In the performance of this Agreement, Developer agrees not to discriminate on the basis of the fact or perception of a person's, race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes, against any City employee, employee of or applicant for employment with the Developer, or against any bidder or contractor for public works or improvements, or for a franchise, concession or lease of property, or for goods or services or supplies to be purchased by the Developer. A similar provision shall be included in all subordinate agreements let, awarded, negotiated or entered into by the Developer for the purpose of implementing this Agreement.

6. AMENDMENT; TERMINATION

6.1 Amendment or Termination. Except as provided in Sections 6.2 (Automatic Termination) and 8.3 (Remedies for Default), this Agreement may only be amended or terminated with the mutual written consent of the Parties.

6.1.1 Amendment Exemptions. No amendment of a Project Approval or subsequent Project Approval, or the approval of subsequent Project Approval, shall require an amendment to this Agreement. Upon approval, any such matter shall be deemed to be incorporated automatically into the Project and this Agreement (subject to any conditions set forth in the amendment or subsequent Project Approval). Notwithstanding the foregoing, in the event of any direct conflict between the terms of this Agreement and subsequent Project Approval, or between this Agreement and any amendment to Project Approval or subsequent Project Approval, then the terms of this Agreement shall prevail and any amendment to this Agreement shall be accomplished as set forth in Section 6.1 above.

6.2 Automatic Termination. This Agreement shall automatically terminate in the event that the Inclusionary Units are no longer subject to regulation as to the rental rates of the Inclusionary Units and/or the income level of households eligible to rent the Inclusionary Units under the Affordable Housing Program, or successor program.

7. TRANSFER OR ASSIGNMENT; RELEASE; RIGHTS OF MORTGAGEES; CONSTRUCTIVE NOTICE

7.1 Agreement Runs With The Land. City acknowledges that Developer may assign or transfer its rights, duties and obligations under the Project Approval and this Agreement and/or convey any interest it owns in the Property to another person or entity without City consent. Any assignee or successor to Developer's rights to the Project Approval and/or Property shall be referred to herein as a "Transferee". Any Transferee may also subsequently assign or transfer its rights, duties and obligations under this Agreement and/or convey any interest it owns in the Property to another person or entity. As provided in Section 9.2, this

Agreement runs with the land and any Transferee will be bound by all of the terms and conditions of this Agreement.

7.2 Rights of Developer. The provisions in this Section 7 shall not be deemed to prohibit or otherwise restrict Developer from (i) granting easements or licenses or similar agreements to facilitate development of the Property, (ii) encumbering the Property or any portion of the improvements thereon by any mortgage, deed of trust, or other device securing financing with respect to the Property or Project, (iii) granting one or more leasehold interests in all or any portion of the Property, or (iv) transferring all or a portion of the Property pursuant to a sale, transfer pursuant to foreclosure, conveyance in lieu of foreclosure, or other remedial action in connection with a mortgage. None of the terms, covenants, conditions, or restrictions of this Agreement or the Project Approval shall be deemed waived by City by reason of the rights given to the Developer pursuant to this Section 7.2. Furthermore, although the Developer initially intends to operate the Project on a rental basis, nothing in this Agreement shall prevent Developer from later selling all or part of the Project on a condominium basis, provided that such sale is permitted by, and complies with, all applicable City and State laws including, but not limited to that, with respect to any inclusionary units, those shall only be sold pursuant to the City Procedures for sale of inclusionary units under the Affordable Housing Program.

7.3 Developer's Responsibility for Performance. If Developer transfers or assigns all or any portion of the Property or any interest therein to any other person or entity, Developer shall continue to be responsible for performing the obligations under this Agreement as to the transferred property interest until such time as there is delivered to the City a legally binding agreement pursuant to which the Transferee assumes and agrees to perform Developer's obligations under this Agreement from and after the date of transfer of the Property (or an interest therein) to the Transferee (an "Assignment and Assumption Agreement"), but not thereafter. The City is entitled to enforce each and every such obligation assumed by the Transferee directly against the Transferee as if the Transferee were an original signatory to this Agreement with respect to such obligation. Accordingly, in any action by the City against a Transferee to enforce an obligation assumed by the Transferee, the Transferee shall not assert any defense against the City's enforcement of performance of such obligation that is attributable to Developer's breach of any duty or obligation to the Transferee arising out of the transfer or assignment, the Assignment and Assumption Agreement, the purchase and sale agreement, or any other agreement or transaction between the Developer and the Transferee. The transferor Developer shall remain responsible for the performance of all of its obligations under the Agreement prior to the date of transfer, and shall remain liable to the City for any failure to perform such obligations prior to the date of the transfer.

7.4 Release Upon Transfer or Assignment. Upon the Developer's transfer or assignment of all or a portion of the Property or any interest therein, including the Developer's rights and interests under this Agreement, the Developer shall be released from any obligations required to be performed from and after the date of transfer under this Agreement with respect to the portion of the Property so transferred; provided, however, that (i) the Developer is not then in default under this Agreement and (ii) the Transferee executes and delivers to the City the legally binding Assignment and Assumption Agreement. Following any transfer, in accordance with the terms of this Section 7, a default under this Agreement by the Transferee shall not constitute a default by the Developer under this Agreement and shall have no effect upon the Developer's

rights under this Agreement as to the remaining portions of the Property owned by the Developer. Further, a default under this Agreement by the Developer as to any portion of the Property not transferred or a default under this Agreement by the Developer prior to the date of transfer shall not constitute a default by the Transferee and shall not affect any of Transferee's rights under this Agreement.

7.5 Rights of Mortgagees; Not Obligated to Construct; Right to Cure Default.

7.5.1 Notwithstanding anything to the contrary contained in this Agreement (including without limitation those provisions that are or are intended to be covenants running with the land), a mortgagee or beneficiary under a deed of trust, including any mortgagee or beneficiary who obtains title to the Property or any portion thereof as a result of foreclosure proceedings or conveyance or other action in lieu thereof, or other remedial action, ("Mortgagee") shall not be obligated under this Agreement to construct or complete the Inclusionary Units required by this Agreement or to guarantee their construction or completion solely because the Mortgagee holds a mortgage or other interest in the Property or this Agreement. A breach of any obligation secured by any mortgage or other lien against the mortgaged interest or a foreclosure under any mortgage or other lien shall not by itself defeat, diminish, render invalid or unenforceable, or otherwise impair the obligations or rights of the Developer under this Agreement.

7.5.2 Subject to the provisions of Section 7.5.1, any person, including a Mortgagee, who acquires title to all or any portion of the mortgaged property by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise shall succeed to all of the rights and obligations of the Developer under this Agreement and shall take title subject to all of the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote any portion of the Property to any uses, or to construct any improvements, other than the uses and improvements provided for or authorized by the Project Approval and this Agreement.

7.5.3 If City receives a written notice from a Mortgagee or from Developer requesting a copy of any Notice of Default delivered to Developer and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any Notice of Default delivered to Developer under this Agreement. In accordance with Section 2924 of the California Civil Code, City hereby requests that a copy of any notice of default and a copy of any notice of sale under any mortgage or deed of trust be mailed to City at the address shown on the first page of this Agreement for recording, provided that no Mortgagee or trustee under a deed of trust shall incur any liability to the City for any failure to give any such notice of default or notice of sale except to the extent the City records a request for notice of default and notice of sale in compliance with Section 2924b of the California Civil Code (a "Request for Special Notice") with respect to a specific mortgage or deed of trust and the Mortgagee or trustee fails to give any notice required under Section 2924b of the California Civil Code as a result of the recordation of a Request for Special Notice.

7.5.4 A Mortgagee shall have the right, at its option, but no obligation, to cure any default or breach by the Developer under this Agreement within the same time period as Developer has to remedy or cause to be remedied any default or breach, plus an additional period

of (i) thirty (30) calendar days to cure a default or breach by the Developer to pay any sum of money required to be paid hereunder and (ii) ninety (90) days to cure or commence to cure a non-monetary default or breach and thereafter to pursue such cure diligently to completion; provided that if the Mortgagee cannot cure a non-monetary default or breach without acquiring title to the Property, then so long as Mortgagee is diligently pursuing foreclosure of its mortgage or deed of trust, Mortgagee shall have until ninety (90) days after completion of such foreclosure to cure such non-monetary default or breach. Mortgagee may add the cost of such cure to the indebtedness or other obligation evidenced by its mortgage, provided that if the breach or default is with respect to the construction of the improvements on the Property, nothing contained in this Section or elsewhere in this Agreement shall be deemed to permit or authorize such Mortgagee, either before or after foreclosure or action in lieu thereof or other remedial measure, to undertake or continue the construction or completion of the improvements (beyond the extent necessary to conserve or protect improvements or construction already made) without first having expressly assumed the obligation to the City, by written agreement reasonably satisfactory to the City, to complete in the manner provided in this Agreement the improvements on the Property or the part thereof to which the lien or title of such Mortgagee relates. Notwithstanding a Mortgagee's agreement to assume the obligation to complete in the manner provided in this Agreement the improvements on the Property or the part thereof acquired by such Mortgagee, the Mortgagee shall have the right to abandon completion of the improvement at any time thereafter.

7.5.5 If at any time there is more than one mortgage constituting a lien on any portion of the Property, the lien of the Mortgagee prior in lien to all others on that portion of the mortgaged property shall be vested with the rights under this Section 7.5 to the exclusion of the holder of any junior mortgage; provided that if the holder of the senior mortgage notifies the City that it elects not to exercise the rights sets forth in this Section 7.5, then each holder of a mortgage junior in lien in the order of priority of their respective liens shall have the right to exercise those rights to the exclusion of junior lien holders. Neither any failure by the senior Mortgagee to exercise its rights under this Agreement nor any delay in the response of a Mortgagee to any notice by the City shall extend Developer's or any Mortgagee's rights under this Section 7.5. For purposes of this Section 7.5, in the absence of an order of a court of competent jurisdiction that is served on the City, a then current title report of a title company licensed to do business in the State of California and having an office in the City setting forth the order of priority of lien of the mortgages shall be reasonably relied upon by the City as evidence of priority. Nothing in this Agreement shall impair the foreclosure rights of any mortgagee.

7.6 Constructive Notice. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Project or the Property is and shall be constructively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Project or the Property.

8. ENFORCEMENT OF AGREEMENT; REMEDIES FOR DEFAULT; DISPUTE RESOLUTION

8.1 Enforcement. The only parties to this Agreement are the City and the Developer. This Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person or entity whatsoever.

8.2 Default. For purposes of this Agreement, the following shall constitute a default under this Agreement: the failure to perform or fulfill any material term, provision, obligation, or covenant hereunder and the continuation of such failure for a period of thirty (30) calendar days following a written notice of default and demand for compliance; provided, however, if a cure cannot reasonably be completed within thirty (30) days, then it shall not be considered a default if a cure is commenced within said 30-day period and diligently prosecuted to completion thereafter, but in no event later than one hundred twenty (120) days.

8.3 Remedies for Default. In the event of an uncured default under this Agreement, the remedies available to a Party shall include specific performance of the Agreement in addition to any other remedy available at law or in equity. In addition, the non-defaulting Party may terminate this Agreement subject to the provisions of this Section 8 by sending a Notice of Intent to Terminate to the other Party setting forth the basis for the termination. The Agreement will be considered terminated effective upon receipt of a Notice of Termination. The Party receiving the Notice of Termination may take legal action available at law or in equity if it believes the other Party's decision to terminate was not legally supportable.

8.4 No Waiver. Failure or delay in giving notice of default shall not constitute a waiver of default, nor shall it change the time of default. Except as otherwise expressly provided in this Agreement, any failure or delay by a Party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies; nor shall it deprive any such Party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any such rights or remedies.

9. MISCELLANEOUS PROVISIONS

9.1 Entire Agreement. This Agreement, including the preamble paragraph, Recitals and Exhibits, constitute the entire understanding and agreement between the Parties with respect to the subject matter contained herein.

9.2 Binding Covenants; Run With the Land. From and after recordation of this Agreement, all of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the Parties, and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, and all persons or entities acquiring the Property, any lot, parcel or any portion thereof, or any interest therein, whether by sale, operation of law, or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. Regardless of whether the procedures in Section 7 are followed, following recordation of this Agreement all of its provisions shall be enforceable during the term hereof as equitable servitudes and constitute covenants and benefits running with the land pursuant to applicable law, including but not limited to California Civil Code Section 1468.

9.3 Applicable Law and Venue. This Agreement has been executed and delivered in and shall be interpreted, construed, and enforced in accordance with the laws of the State of California. All rights and obligations of the Parties under this Agreement are to be performed in the City and County of San Francisco, and such City and County shall be the venue for any legal

action or proceeding that may be brought, or arise out of, in connection with or by reason of this Agreement.

9.4 Construction of Agreement. The Parties have mutually negotiated the terms and conditions of this Agreement and its terms and provisions have been reviewed and revised by legal counsel for both City and Developer. Accordingly, no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. Language in this Agreement shall be construed as a whole and in accordance with its true meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. Each reference in this Agreement to this Agreement or any of the Project Approval shall be deemed to refer to the Agreement or the Project Approval as it may be amended from time to time pursuant to the provisions of the Agreement, whether or not the particular reference refers to such possible amendment.

9.5 Project Is a Private Undertaking; No Joint Venture or Partnership.

9.5.1 The development proposed to be undertaken by Developer on the Property is a private development. The City has no interest in, responsibility for, or duty to third persons concerning any of said improvements. The Developer shall exercise full dominion and control over the Property, subject only to the limitations and obligations of the Developer contained in this Agreement or in the Project Approval.

9.5.2 Nothing contained in this Agreement, or in any document executed in connection with this Agreement, shall be construed as creating a joint venture or partnership between the City and the Developer. Neither Party is acting as the agent of the other Party in any respect hereunder. The Developer is not a state or governmental actor with respect to any activity conducted by the Developer hereunder.

9.6 Signature in Counterparts. This Agreement may be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.

9.7 Time of the Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties under this Agreement.

9.8 Notices. Any notice or communication required or authorized by this Agreement shall be in writing and may be delivered personally or by registered mail, return receipt requested. Notice, whether given by personal delivery or registered mail, shall be deemed to have been given and received upon the actual receipt by any of the addressees designated below as the person to whom notices are to be sent. Either Party to this Agreement may at any time, upon written notice to the other Party, designate any other person or address in substitution of the person and address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

To City:

John Rahaim

Director of Planning
San Francisco Planning Department
1650 Mission Street
San Francisco, California 94102

with a copy to:

Dennis J. Herrera, Esq.
City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Attn: Evan A. Gross, Dep. City Attorney

To Developer:

Kpish Goyal
41805 Albrae Street
Fremont, CA 94538

and a copy to:

Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Tel: (415) 567-9000
Fax: (415) 399-9480
E-mail: msarjapur@reubenlaw.com
Attn: Melinda Sarjapur

9.9 Severability. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect unless enforcement of the remaining portions of the Agreement would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

9.10 MacBride Principles. The City urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in San Francisco Administrative Code Section 12F.1 et seq. The City also urges San Francisco companies to do business with corporations that abide by the MacBride Principles. Developer acknowledges that it has read and understands the above statement of the City concerning doing business in Northern Ireland.

9.11 Tropical Hardwood and Virgin Redwood. The City urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood, or virgin redwood wood product.

9.12 Sunshine. The Developer understands and agrees that under the City's Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the State Public Records Law (Gov't Code Section 6250 et seq.), this Agreement and any and all records, information, and materials submitted to the City hereunder are public records subject to public disclosure.

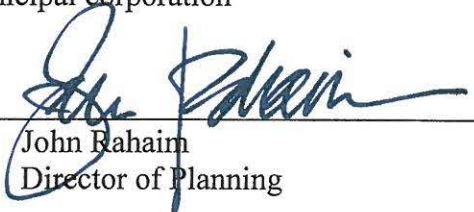
9.13 Effective Date. This Agreement will become effective on the date that the last Party duly executes and delivers this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

CITY


CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

By: _____


John Bahaim
Director of Planning

Approved as to form:
Dennis J. Herrera, City Attorney

By: _____


Elizabeth S. Anderson
Deputy City Attorney

DEVELOPER

988 HARRISON A, LLC
A California limited liability company

By: _____


Name: Naresh Goyal

Its: Authorized Agent

988 HARRISON B, LLC
A California limited liability company

By: _____


Name: Naresh Goyal

Its: Authorized Agent

988 HARRISON C, LLC
A California limited liability company

By: _____


Name: Naresh Goyal

Its: Authorized Agent

988 HARRISON D, LLC
A California limited liability company

By: _____


Name: Naresh Goyal

Its: Authorized Agent

988 HARRISON E, LLC
A California limited liability company

By: _____


Name: Naresh Goyal

Its: Authorized Agent

988 HARRISON F, LLC
A California limited liability company

By: _____


Name: Naresh Goyal

Its: Authorized Agent

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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 April 18, 2016 before me, Nora Priego-Ramos, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared John Retainm
Name(s) of Signer(s)

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 [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Agreement Document Date: April 18, 2016
Number of Pages: 14 Signer(s) Other Than Named Above: Various

Capacity(ies) Claimed by Signer(s)

Signer's Name: John Retainm
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

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 Alameda

On February 22nd 2016 before me, John William Ellis

a Notary Public, personally appeared, Naresh Goyal
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 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.

John W. Ellis

Signature of Notary Public

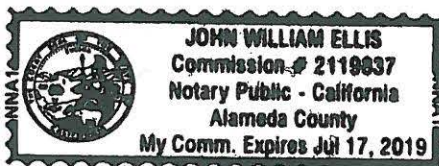


EXHIBIT A

Legal Description of Property

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

PARCEL ONE:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHWESTERLY LINE OF HARRISON STREET AND THE NORTHEASTERLY LINE OF 6TH STREET, RUNNING THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF 6TH STREET 57 FEET, THENCE AT RIGHT ANGLES NORTHEASTERLY AND PARALLEL WITH HARRISON STREET 75 FEET, THENCE AT RIGHT ANGLES NORTHWESTERLY AND PARALLEL WITH 6TH STREET 23 FEET, THENCE AT RIGHT ANGLES NORTHEASTERLY AND PARALLEL WITH HARRISON STREET 13 FEET 5 INCHES, AND THENCE AT RIGHT ANGLES SOUTHEASTERLY AND PARALLEL WITH 6TH STREET 80 FEET TO THE NORTHWESTERLY LINE OF HARRISON STREET, AND THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF HARRISON STREET 88 FEET AND 5 INCHES TO THE NORTHEASTERLY LINE OF 6TH STREET AND THE POINT OF COMMENCEMENT.

PARCEL TWO:

COMMENCING AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY LINE OF CLARA STREET WITH THE NORTHEASTERLY LINE OF SIXTH STREET; RUNNING THENCE NORTHEASTERLY ALONG SAID LINE OF CLARA STREET 72 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 28 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 3 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 75 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 75 FEET TO SAID NORTHEASTERLY LINE OF SIXTH STREET; THENCE NORTHWESTERLY ALONG SAID LINE OF SIXTH STREET 103 FEET TO THE POINT OF COMMENCEMENT.

BEING PART OF 100 VARA BLOCK NO. 383.

EXCEPTING THEREFROM:

ALL RIGHT, TITLE AND INTEREST, IF ANY, IN AND TO ANY OIL, GAS, AND OTHER MINERALS (INCLUDING, WITHOUT LIMITATION, HELIUM, LIGNITE, SULFUR, PHOSPHATE AND OTHER SOLID, LIQUID AND GASEOUS SUBSTANCES), REGARDLESS OF THE NATURE THEREOF AND WHETHER SIMILAR OR DISSIMILAR BUT ONLY TO THE EXTENT ANY OF THE FORGOING IS IN ITS NATURAL STATE AND NATURAL LOCATION AND NOT SUBJECT TO THE DOMINION AND CONTROL OF ANY PERSON, AND, UPON THIRTY (30) DAYS PRIOR WRITTEN NOTICE, THE RIGHT TO EXPLORE FOR, DEVELOP AND PRODUCE SAME, AS WELL AS THE RIGHT TO LEASE SUCH PORTION OF THE PROPERTY HEREBY EXCEPTED FOR SUCH PURPOSES, AND ALL MINERAL AND ROYALTY RIGHTS WHATSOEVER IN, ON, UNDER AND PERTAINING TO THE PROPERTY; BUT THERE SHALL BE NO RIGHT TO USE, OR RIGHT OF INGRESS TO OR EGRESS FROM ANY PART OF THE SURFACE OF THE PROPERTY FOR EXPLORATION AND PRODUCING PURPOSES, EXCEPT WITH RESPECT TO (I) CURRENT ACTIVITIES AT AND ANY EXISTING CONTRACTUAL OR LEASEHOLD RIGHTS GRANTED TO THIRD PARTIES AND (II) ANY ADDITIONAL ACTIVITIES WHICH HAVE BEEN CONSENTED TO IN WRITING, WHICH CONSENT SHALL NOT BE UNREASONABLY WITHHELD. EXCEPT AS SET FORTH IN THE PRECEDING SENTENCE, ANY OIL AND GAS DRILLING OPERATIONS, SHALL BE CONDUCTED BY MEANS OF WELLS, THE SURFACE LOCATIONS OF WHICH ARE ON OTHER LANDS AND WHICH MAY BE DRILLED INTO AND BOTTOMED IN OR UNDER THE PROPERTY. GRANTOR SHALL EXERCISE ITS RIGHTS UNDER THE FORGOING MINERAL, OIL AND GAS RESERVATION SHALL NOT DISTURB

ANY IMPROVEMENTS, INSTALLATIONS, PETROLEUM OR OTHER PRODUCTS CONTAINED IN SUCH IMPROVEMENTS OR INSTALLATIONS OR SURFACE ACTIVITIES ON THE PROPERTY.

Assessor's Lot 148; Block 3753

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:

And When Recorded Mail To:

Name: WORKSHOP I

Address: 1030 GRAYSON ST

City: BERKELEY

State: California Zip: 94710



San Francisco Assessor-Recorder

Carmen Chu, Assessor-Recorder

DOC- 2016-K224065-00

Thursday, MAR 31, 2016 13:01:45

Ttl Pd \$57.00 Rcpt # 0005339716

oma/FT/1-15

) Space Above this Line For Recorder's Use

I, (We) 988 Harrison LLC, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows: (or see attached sheet marked "Exhibit A" on which property is more fully described):

BEING ASSESSOR'S BLOCK: 3753, LOT(S): 148 ;

COMMONLY KNOWN AS: 988 Harrison (aka 377 6th) 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. 2014.0832ENX approved by the Planning Commission of the City and County of San Francisco on February 24, 2016, as set forth in Planning Commission Motion No. 19574.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

AUTHORIZATION

This authorization is for a Large Project Authorization to allow for the construction of an eight-story mixed-use building with 100 residential dwelling units and 6,485 square feet of ground commercial space, located at 988 Harrison Street, Lot 148 in Assessor's Block 3753 pursuant to Planning Code Section 329 within the MUR (Mixed-Use, Office) Zoning District, and an 85-X Height and Bulk District; in general conformance with plans, dated [DATE], and stamped "EXHIBIT B" included in the docket for Case No. 2014.0832X and subject to conditions of approval reviewed and approved by the Commission on February 25, 2016 under Motion No. 19574. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

COMPLIANCE WITH OTHER REQUIREMENTS

Prior Conditions of Approval set forth in Exhibit B of Motion No. 19575, Case No. 2014.0832CUA (Conditional Use Authorization under Planning Code Sections 202.5 and 303) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein.

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 February 25, 2016 under Motion No. 19574.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "Exhibit A" of this Planning Commission Motion No. 19574 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.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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 Large Project Authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permitter Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Additional Project Authorization.** The Project Sponsor must obtain a Conditional Use Authorization under Sections 202.5 and 303 to allow the conversion of an automotive service station to other permitted land use. The conditions set forth above are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
7. **Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (CaseNo.2014.0832E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN:—COMPLIANCE AT PLAN STAGE

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design, and particularly the configuration of the street-facing decks and balconies. 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 Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
9. **Streetscape Plan.** The Project Sponsor shall continue to work with Planning Department on the design of the streetscape plan that shall be consistent with the Better Streets Plan and be subject to Department staff review and approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
10. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location,

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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 Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
- For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

12. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.
- For information about compliance, contact the Environmental Health Section, Department of Public Health at (415)252-3800, www.sfdph.org*

13. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor facade facing a public right-of-way;
 2. On-site, in a driveway, underground;
 3. On-site, above ground, screened from view, other than a ground floor facade facing a public right-of-way;
 4. Public right-of-way, underground, under sidewalks with a minimum width of 12-feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines; On-site, in a ground floor facade (the least desirable location).
- Unless otherwise specified by the Planning Department, Department of Public Works Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.
- For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

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14. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.
For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

PARKING AND TRAFFIC

15. **Unbundled Parking.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
16. **Bicycle Parking.** Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than 134 Class 1 bicycle parking spaces and ten Class 2 bicycle parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
17. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

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

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

19. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423(formerly327), 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

MONITORING

20. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedure 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 the irjurisdiction.
For information about compliance,contact Code Enforcement, PlanningDepartment at 415-575-6863, www sf-planning.org
21. **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, PlanningDepartment at 415-575-6863, www.sf-planning.org

OPERATION

22. **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 aboutcompliance,contactBureau of Street Useand Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>
23. **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

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Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of PublicWorks, 415-695-201, <http://sfdpw.org>

24. **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*
25. **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 owner 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*

INCLUSIONARY HOUSING

26. **Number of Required Units.** Pursuant to Planning Code Sections 415.3 and 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying house holds. The Project contains 100 units; therefore, 12 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 12 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD"). The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org*

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

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

415-701-5500, www.sf-moh.org.

27. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site BMR units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
28. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
29. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. Of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for rent or sale.
- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bed rooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

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- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. "The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. "The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.

- c. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- d. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- e. The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable*

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Housing Program: Planning Code Section 415 to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.

- f. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

- g. If the Project becomes ineligible at any time for the On-Site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties.

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.

x 988 HARRISON LLC

Sundeep Goyal (Print Name)  (Signature)

Dated: March 30, 2016 at Fremont, California.
(Month, Day) (City)

(Print Name) (Signature)

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

(Print Name) (Signature)

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.

~~U:\DV\Documents\NSR\Large Project Authorization\988 Harrison (aka 3776th) Street\2014.0832ENX.doc~~

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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 Alameda)

On March 30th 2016 before me, John William Ellis
Date Here Insert Name and Title of the Officer

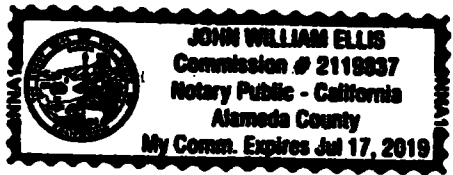
personally appeared Sandeep Goyal
Name(s) of Signer(s)

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 [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document

Description of Attached Document

Title or Type of Document: Special Restrictions under planning Document Date _____
Number of Pages: _____ Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Sandeep Goyal
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other _____
Signer Is Representing 988 Harrison LLC

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other _____
Signer Is Representing: _____

"EXHIBIT A"**LEGAL DESCRIPTION**

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

PARCEL ONE:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHWESTERLY LINE OF HARRISON STREET AND THE NORTHEASTERLY LINE OF 6TH STREET, RUNNING THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF 6TH STREET 57 FEET, THENCE AT RIGHT ANGLES NORTHEASTERLY AND PARALLEL WITH HARRISON STREET 75 FEET, THENCE AT RIGHT ANGLES NORTHWESTERLY AND PARALLEL WITH 6TH STREET 23 FEET, THENCE AT RIGHT ANGLES NORTHEASTERLY AND PARALLEL WITH HARRISON STREET 13 FEET 5 INCHES, AND THENCE AT RIGHT ANGLES SOUTHEASTERLY AND PARALLEL WITH 6TH STREET 80 FEET TO THE NORTHWESTERLY LINE OF HARRISON STREET, AND THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF HARRISON STREET 88 FEET AND 5 INCHES TO THE NORTHEASTERLY LINE OF 6TH STREET AND THE POINT OF COMMENCEMENT.

PARCEL TWO:

COMMENCING AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY LINE OF CLARA STREET WITH THE NORTHEASTERLY LINE OF SIXTH STREET; RUNNING THENCE NORTHEASTERLY ALONG SAID LINE OF CLARA STREET 72 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 28 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 3 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 75 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 75 FEET TO SAID NORTHEASTERLY LINE OF SIXTH STREET; THENCE NORTHWESTERLY ALONG SAID LINE OF SIXTH STREET 103 FEET TO THE POINT OF COMMENCEMENT.

BEING PART OF 100 VARA BLOCK NO. 383.

EXCEPTING THEREFROM:

ALL RIGHT, TITLE AND INTEREST, IF ANY, IN AND TO ANY OIL, GAS, AND OTHER MINERALS (INCLUDING, WITHOUT LIMITATION, HELIUM, LIGNITE, SULFUR, PHOSPHATE AND OTHER SOLID, LIQUID AND GASEOUS SUBSTANCES), REGARDLESS OF THE NATURE THEREOF AND WHETHER SIMILAR OR DISSIMILAR BUT ONLY TO THE EXTENT ANY OF THE FORGOING IS IN ITS NATURAL STATE AND NATURAL LOCATION AND NOT SUBJECT TO THE DOMINION AND CONTROL OF ANY PERSON, AND, UPON THIRTY (30) DAYS PRIOR WRITTEN NOTICE, THE RIGHT TO EXPLORE FOR, DEVELOP AND PRODUCE SAME, AS WELL AS THE RIGHT TO LEASE SUCH PORTION OF THE PROPERTY HEREBY EXCEPTED FOR SUCH PURPOSES, AND ALL MINERAL AND ROYALTY RIGHTS WHATSOEVER IN, ON, UNDER AND PERTAINING TO THE PROPERTY; BUT THERE SHALL BE NO RIGHT TO USE, OR RIGHT OF INGRESS TO OR EGRESS FROM ANY PART OF THE SURFACE OF THE PROPERTY FOR EXPLORATION AND PRODUCING PURPOSES, EXCEPT WITH RESPECT TO (I) CURRENT ACTIVITIES AT AND ANY EXISTING CONTRACTUAL OR LEASEHOLD RIGHTS GRANTED TO THIRD PARTIES AND (II) ANY ADDITIONAL ACTIVITIES WHICH HAVE BEEN CONSENTED TO IN WRITING, WHICH CONSENT SHALL NOT BE UNREASONABLY WITHHELD. EXCEPT AS SET FORTH IN THE PRECEDING SENTENCE, ANY OIL AND GAS DRILLING OPERATIONS, SHALL BE CONDUCTED BY MEANS OF WELLS, THE SURFACE LOCATIONS OF WHICH ARE ON OTHER LANDS AND WHICH MAY BE DRILLED INTO AND BOTTOMED IN OR UNDER THE PROPERTY. GRANTOR SHALL EXERCISE ITS RIGHTS UNDER THE FORGOING MINERAL, OIL AND GAS RESERVATION SHALL NOT DISTURB

**ANY IMPROVEMENTS, INSTALLATIONS, PETROLEUM OR OTHER PRODUCTS CONTAINED IN
SUCH IMPROVEMENTS OR INSTALLATIONS OR SURFACE ACTIVITIES ON THE PROPERTY.**

Assessor's Lot 148; Block 3753