

File Nos. 110115

Committee Item Nos. 2

Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date February 28, 2011

Board of Supervisors Meeting

Date March 8, 2011

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|----------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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|---------------------------------------|---------------------------------------|-----------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Department of Public Works' SUR Map No. SUR-1674.</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Redevelopment Agency Resolution Nos. 115-2009 & 28-2010</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SFMTA's Board of Directors Resolution Nos. 09-196 & 10-051</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Department of Public Works Letter, dtd 12/10/10</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>General Plan Referral Letter, dtd 11/5/10</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Motion No. 17775</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Mitigation Monitoring and Reporting Program</u> |
| * <input checked="" type="checkbox"/> | * <input checked="" type="checkbox"/> | <u>Final Environmental Impact Report, dtd 12/4/08</u> |

Completed by: Alisa Somera Date February 24, 2011

Completed by: Alisa Somera Date February 20, 2011

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Summary Vacation, Jurisdictional Transfer, and Sale of City Property - Ocean Avenue and
2 Phelan Avenue]

3 **Ordinance: (1) ordering the summary vacation of an approximately 17,050 square foot**
4 **portion of City property located near Ocean Avenue and Phelan Avenue pursuant to the**
5 **California Streets and Highways Code Sections 8330 et seq.; (2) authorizing the**
6 **jurisdictional transfer of such portion of City property from the Department of Public**
7 **Works to the Municipal Transportation Agency; (3) authorizing the sale of an**
8 **approximately 25,772 square foot portion of City property located near Ocean Avenue**
9 **and Phelan Avenue to the San Francisco Redevelopment Agency for \$4,056,580 and**
10 **the grant of a pedestrian access easement and an emergency fire apparatus access**
11 **easement over a portion of adjacent City property; (4) adopting environmental findings**
12 **and other findings that the actions set forth in this Ordinance are consistent with the**
13 **City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; (5)**
14 **adopting findings that Administrative Code Chapter 23A does not apply to the sale of**
15 **such portion of City property; and (6) authorizing other actions in furtherance of this**
16 **Ordinance.**

17 Note: Additions are single-underline italics Times New Roman
18 deletions are ~~strikethrough italics Times New Roman~~
19 Board amendment additions are double underlined
20 Board amendment deletions are ~~strikethrough normal~~

21 Be it ordained by the People of the City and County of San Francisco:

22 Section 1. Findings. The Board of Supervisors of the City and County of
23 San Francisco finds, determines and declares as follows:

24 A. The City owns a parcel located at Ocean Avenue and Phelan Avenue, known as
25 Assessor's Block Number 3180, Lot 001 (Property).

1 B. A portion of the Property (Rechanelization Road) comprised of approximately
2 17,050 square feet, which is depicted in the Department of Public Works' SUR Map No. SUR-
3 1674 dated June of 1974, is under the jurisdiction of the City's Department of Public Works
4 (DPW) through Board of Supervisors Resolution No. 590-75. Copies of such map and
5 resolution are on file with the Clerk of the Board of Supervisors in File No. 110115 and
6 are incorporated herein by reference.

7 C. Although DPW has jurisdiction of the Rechanelization Road, the Rechanelization
8 Road and an approximately 25,772 square foot portion of the Property (Housing Parcel) are
9 both maintained and used by San Francisco Municipal Transportation Agency (SFMTA) for a
10 San Francisco Municipal Railway bus turnaround (Bus Turnaround), subject to the operation
11 and maintenance of certain subsurface water pipelines by the City's San Francisco Public
12 Utilities Commission (SFPUC Pipelines), all as shown on an aerial photograph and map on
13 file with the Clerk of the Board of Supervisors in File No. 110115, which are incorporated
14 herein by reference.

15 D. SFMTA has determined that the Bus Turnaround operations could be relocated to
16 an adjacent portion of the Property under SFMTA's jurisdiction and, if SFMTA receives
17 sufficient funding to relocate such operations, the Housing Parcel will be surplus and no
18 longer needed for SFMTA's efficient and proper operations and could be transferred to a third
19 party subject to the SFPUC Pipelines.

20 E. The San Francisco Redevelopment Agency (Agency) wishes to purchase the
21 Housing Parcel for the adjusted appraised fair market value of \$4,056,580 and to develop a
22 mixed-use affordable housing development on the Housing Parcel (Project), subject to the
23 SFPUC Pipelines and in accordance with recommendations in the Balboa Park Station Area
24 Plan (Plan) adopted by the Board of Supervisors through Ordinance No. 60-09, a copy of
25

1 which is on file with the Clerk of the Board of Supervisors in File No. 110115 and is
2 incorporated herein by reference.

3 F. The Agency's Commission approved the purchase of the Housing Parcel for
4 \$4,350,000 pursuant to an Agreement for the Purchase and Sale of Real Property (Purchase
5 Agreement) through Resolution No. 115-2009 on October 20, 2009, and SFMTA's Board of
6 Directors approved the sale of the Housing Parcel for \$4,350,000 pursuant to the Purchase
7 Agreement through Resolution No. 09-196 on November 17, 2009. Copies of such
8 resolutions are on file with the Clerk of the Board of Supervisors in File No. 110115 and
9 are incorporated herein by reference.

10 G. After receiving such initial approvals, the Agency requested that the City enter into
11 a First Amendment to Agreement for the Purchase and Sale of Real Property (Amendment) to
12 require that City grant the Agency a pedestrian access easement and an emergency fire
13 apparatus access easement on a portion of Property adjacent to the Housing Parcel
14 (Easements) at no cost if the Project building permit is conditioned on such Easements and to
15 adjust the purchase price if the Housing Parcel is comprised of less than 20,676 buildable
16 square feet.

17 H. The Agency's Commission approved the First Amendment through Resolution No.
18 28-2010 on April 6, 2010, and SFMTA's Board of Directors approved the First Amendment
19 through Resolution No. 10-051 on April 20, 2010. Copies of such resolutions are on file with
20 the Clerk of the Board of Supervisors in File No. 110115 and are incorporated herein by
21 reference.

22 I. Agency and City staff have determined that the Housing Parcel is comprised of
23 18,950 buildable square feet, resulting in an adjusted purchase price of \$4,056,580.
24
25

1 J. City must vacate the Rechannelization Road to allow for the transfer of the Housing
2 Parcel to the Agency pursuant to the Purchase Agreement, as amended by the First
3 Amendment, and accommodate the Agency's intent to develop the Project on the Housing
4 Parcel.

5 K. The Board of Supervisors transferred jurisdiction of the Rechannelization Road to
6 DPW in 1975 so DPW could rechanelize traffic to improve Municipal Railway service in the
7 area and reduce congestion at the intersection of Phelan and Ocean Avenues, as described
8 in Board of Supervisors Resolution No. 590-75, but in a memorandum to the Department of
9 Real Estate from the Department of Public Works dated December 10, 2010, the City and
10 County Surveyor of DPW has determined that Rechannelization Road has not been used for
11 such purposes and is not needed for DPW's activities, and DPW wishes to have jurisdiction of
12 the Rechannelization Road, and any other interest DPW may have in the Property, transferred
13 to SFMTA to accommodate the sale of the Housing Parcel and the Bus Turnaround
14 operations. Copies of such resolution and letter are on file with the Clerk of the Board of
15 Supervisors in File No. 110115 and are incorporated herein by reference.

16 L. In a General Plan Referral recommendation dated November 5, 2010, the City's
17 Planning Department found that a jurisdictional transfer of the Rechannelization Road, a
18 summary vacation of the Rechannelization Road, a sale of the Housing Parcel to the Agency
19 and a grant of the Easements were all consistent with the City's General Plan and with
20 Planning Code Section 101.1(b). A copy of such letter is on file with the Clerk of the Board of
21 Supervisors in File No. 110115 and is incorporated herein by reference. The Board of
22 Supervisors finds that the actions contemplated in this Ordinance are consistent with the
23 City's General Plan and with Planning Code Section 101.1(b) for the reasons set forth in said
24 letter.

1 M. DPW has advised the Real Estate Division that there are no in-place public utility
2 facilities in use on the Rechannelization Road that would be affected by the vacation of the
3 Rechannelization Road.

4 N. California Streets and Highways Code Section 8334 provides that the legislative
5 body of a local agency may summarily vacate an excess right-of-way of a street or highway
6 not required for street or highway purposes under certain circumstances. In particular,
7 Section 8334 provides that the legislative body of a local agency may summarily vacate a
8 portion of a public street if the street vacation area is no longer needed for street or highway
9 purposes. In addition, California Streets and Highways Code Section 8334.5 does not allow
10 for a summary vacation if there are any in-place public utility facilities that are in use and
11 would be affected by the vacation. As set forth above, the Rechannelization Road qualifies
12 for a summary street vacation process in accordance with the terms of the California Streets
13 and Highways Code.

14 O. In accordance with California Streets and Highways Code Sections 892 and 8314,
15 the Rechannelization Road is not useful as a nonmotorized transportation facility, as defined
16 in California Streets and Highways Code Section 887, because the Rechannelization Road is
17 primarily used for the Bus Turnaround and the Plan provides for alternate and enhanced
18 routes for nonmotorized transportation.

19 P. Under California Government Code Section 66428(a)(2), the County Surveyor has
20 determined that public policy does not require approval of a parcel map in association with the
21 conveyance of the Housing Parcel to the Agency and it is accordingly exempt from California
22 Government Code Sections 66410 *et seq.* (Subdivision Map Act).

23 Q. Under Motion No. 17774 on December 4, 2008, the San Francisco Planning
24 Commission (Planning Commission) certified the Final Environmental Impact Report (FEIR)

1 for the Plan, which contemplated, among other things, the development of the Project at the
2 Housing Parcel. The Planning Commission also adopted environmental findings pursuant to
3 the California Environmental Quality Act (CEQA) and a Statement of Overriding
4 Considerations for significant and unavoidable transportation and historical resources
5 impacts, and established a Mitigation Monitoring Program that attaches mitigation measures
6 and improvement measures identified in the FEIR, all under Motion No. 17775 on December
7 4, 2008. The Board of Supervisors approved Ordinance No. 60-09 to adopt the Plan and, as
8 part of that action, also adopted the environmental findings of the Planning Commission as its
9 own. A copy of Ordinance No. 60-09, the FEIR and the Planning Commission motions,
10 including the environmental findings, Statement of Overriding Considerations, and Mitigation
11 Monitoring Program, are on file with the Clerk of the Board of Supervisors in File
12 No. 110115 and are incorporated herein by reference.

13 R. In approving the sale of the Housing Parcel pursuant to the Purchase Agreement,
14 the SFMTA's Board of Directors relied on the FEIR and adopted the Planning Commission's
15 environmental findings, Statement of Overriding Considerations and Mitigation Monitoring
16 Program as its own and adopted additional findings that there was no new information
17 requiring subsequent environmental analysis in Resolution No. 09-196 on November 17,
18 2009, a copy of which is on file with the Clerk of the Board of Supervisors in File No.
19 110115 and is incorporated herein by reference. The Board of Supervisors adopts and
20 incorporates by reference these additional environmental findings of the SFMTA Board of
21 Directors as its own.

22 Section 2. In accordance with the recommendation of the Executive Director/CEO of
23 the SFMTA, the Director of DPW, and the Director of Property, the Board of Supervisors
24 hereby declares that the public interest or necessity will not be inconvenienced by the sale of
25

1 the Housing Parcel and any grant of the Easements to the Agency pursuant to the Purchase
2 Agreement, as amended by the First Amendment.

3 Section 3. The Board of Supervisors hereby further declares that the public interest
4 and convenience require that the vacation of the Rechannelization Road be done as declared
5 in this Ordinance and that no easements or other rights be reserved for any public utility
6 facilities located on the Rechannelization Road and that any rights based upon any such
7 public utility facilities shall be extinguished automatically upon the effectiveness of the
8 vacation of the Rechannelization Road under this Ordinance.

9 Section 4. Under California Streets and Highways Code Sections 8330 *et seq.* (Public
10 Streets, Highways, and Service Easement Vacation Law, Summary Vacation) and San
11 Francisco Public Works Code Section 787, the Board of Supervisors hereby summarily
12 vacates Rechannelization Road in the manner described in this Ordinance and authorizes and
13 directs the Clerk of the Board of Supervisors and the Director of Property to record or cause to
14 be recorded a certified copy of this Ordinance ordering such vacation of the Rechannelization
15 Road as provided in California Streets and Highways Code Section 8335(a). On recordation
16 of this Ordinance, such vacation shall be effective without any further action by the Board of
17 Supervisors. Furthermore, from and after the date this Ordinance is recorded, the
18 Rechannelization Road will no longer constitute a public street.

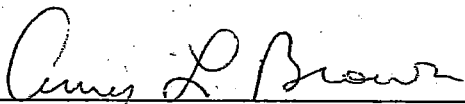
19 Section 5. The Board of Supervisors hereby authorizes the Executive Director/CEO of
20 SFMTA and the Director of Property, each on behalf of the City and County of San Francisco,
21 to enter into and consummate the transactions contemplated under the Purchase Agreement,
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1 as amended by the First Amendment, including the purchase and sale of the Housing Parcel
2 for \$4,056,580 and the grant of the Easements on the conditions specified in the First
3 Amendment.

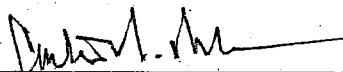
4 Section 6. The sale of the Housing Parcel to the Agency pursuant to the Purchase
5 Agreement and the First Amendment shall not be subject to Chapter 23A of the San
6 Francisco Administrative Code, the Surplus City Property Ordinance.

7 Section 7. The Mayor, Clerk of the Board of Supervisors, Controller, the Executive
8 Director/CEO of SFMTA and the Director of Property are each hereby authorized and directed
9 to take any and all actions which they, in consultation with the City Attorney, determine are in
10 the best interest of the City, do not materially increase the obligations of the City or materially
11 decrease the benefits to the City, are necessary or advisable to consummate the performance
12 of the purposes and intent of this Ordinance, and comply with all applicable laws, including the
13 City's Charter, including any modifications or amendments to the Purchase Agreement or the
14 First Amendment.

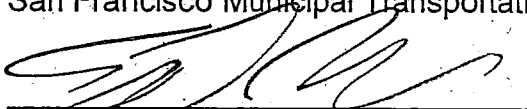
15 RECOMMENDED:

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18 Amy L. Brown
19 Director of Property

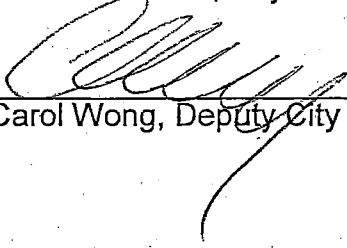
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21 Nathaniel P. Ford Sr.
22 Executive Director/CEO
23 San Francisco Municipal Transportation Agency

24 

25 Edward D. Reiskin
Director of Public Works

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: 
4 Carol Wong, Deputy City Attorney

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LEGISLATIVE DIGEST

[Summary Vacation, Jurisdictional Transfer and Sale of City Property - Ocean Avenue and Phelan Avenue]

Ordinance: (1) ordering the summary vacation of an approximately 17,050 square foot portion of City property located near Ocean Avenue and Phelan Avenue pursuant to the California Streets and Highways Code Sections 8330 *et seq.*; (2) authorizing the jurisdictional transfer of such portion of City property from the Department of Public Works to the Municipal Transportation Agency; (3) authorizing the sale of an approximately 25,772 square foot portion of City property located near Ocean Avenue and Phelan Avenue to the San Francisco Redevelopment Agency for \$4,056,580 and the grant of a pedestrian access easement and an emergency fire apparatus access easement over a portion of adjacent City property; (4) adopting environmental findings and other findings that the actions set forth in this Ordinance are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; (5) adopting findings that Administrative Code Chapter 23A does not apply to the sale of such portion of City property; and (6) authorizing other actions in furtherance of this Ordinance.

Existing Law

The San Francisco Board of Supervisors must approve of the sale of real property owned by the City and County of San Francisco ("City"). In addition, a portion of the property needs to be vacated in accordance with California Streets and Highways Code Sections 8300 *et seq.* and San Francisco Public Works Code Section 787(a) before it can be sold by the City.

Amendments to Current Law

This Ordinance would authorize the sale of City property near Ocean Avenue and Phelan Avenue ("SFMTA Parcel") and under the jurisdiction of the San Francisco Municipal Transportation Agency ("SFMTA") to the San Francisco Redevelopment Agency ("Agency"), vacate a portion of the additional City property that crosses through the SFMTA Parcel and is under the jurisdiction of the City's Department of Public Works ("DPW Parcel"), and transfer the DPW Parcel to the SFMTA for sale to the Agency with the SFMTA Parcel, all in accordance with applicable State and local laws. This Ordinance would further make certain related findings for the sale of the DPW Parcel and the SFMTA Parcel, including environmental findings and findings that the actions described in the Ordinance are consistent with the General Plan and the priority policy findings of the Planning Code Section 101.1, and adopt the determination of the Director of Department of Public Works along with a map showing the DPW Parcel to be vacated.

Background Information

This Ordinance will authorize the sale of the DPW Parcel and the SFMTA Parcel (together, the "Housing Parcel"), collectively comprised of approximately 25,772 square feet, to the Agency for \$4,056,580. The Agency plans to develop an affordable housing project on such property ("Project"), and this Ordinance will also authorize the grant of a pedestrian access easement and an emergency fire apparatus access easement for the Project over adjacent City property.

Under Resolution No. 590-75, adopted by the San Francisco Board of Supervisors on August 4, 1975, jurisdiction of the DPW Parcel was transferred to the Department of Public Works for a rechannelization project to improve San Francisco Municipal Railway service and ease traffic congestion. The DPW Parcel, which crosses through the SFMTA Parcel and is currently used for an SFMTA bus turnaround and for underground City water pipelines, is not needed for DPW purposes. If SFMTA relocates the bus turnaround, it will no longer need the DPW Parcel nor the SFMTA Parcel for such bus turnaround purposes. This Ordinance will vacate the DPW Parcel and transfer jurisdiction of the DPW Parcel to SFMTA to facilitate the sale of the Housing Parcel to the Agency. The Agency will accept the Housing Parcel subject to City's reserved easement for the installation, use, maintenance, repair and replacement of its subsurface water pipelines.



John Updike
Acting Director of Real Estate



February 1, 2011

Through Amy L. Brown, Acting City Administrator

Honorable Board of Supervisors
 City and County of San Francisco
 City Hall, Room 244
 1 Dr. Carlton B. Goodlett Place
 San Francisco, California 94102

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2011 FEB - 1 PM 1:45
 BY RL

Rè: Summary Vacation, Jurisdictional Transfer and Sale of City Property

Ocean Avenue and Phelan Avenue - known as The Phelan Loop Development Project

Dear Board Members:

Attached for your consideration is a proposed Ordinance that would facilitate an affordable housing development project west of the intersection of Phelan Avenue and Ocean Avenue, within a portion of Lot 001 of Block 3180. The particular action items contained in the Ordinance are:

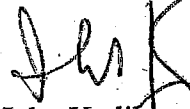
- Summary Vacation of an approximately 17,050 square foot portion of property and jurisdictional transfer of said property from the Department of Public Works to the Municipal Transportation Agency;
- Sale of an approximately 25,601 square foot City-owned portion of Lot 001, Block 3180 to the San Francisco Redevelopment Agency for approximately \$4,056,580;
- Grant of a pedestrian access easement and an emergency fire apparatus access easement over another portion of said Lot 001, Block 3180.

Approval of this Ordinance will further a mixed-use project with 71-units of affordable housing which the Mayor's Office of Housing plans to administer for the San Francisco Redevelopment Agency. This is a part of the larger on-going effort to transform the existing Phelan Bus Loop parcel into a fully functional transit-oriented development.

The Redevelopment Agency Commission has adopted required Resolutions in support of the contents of the Ordinance now before the Board; as has the Municipal Transportation Agency Board.

The Real Estate Division recommends approval of the Ordinance. If you have any questions in this regard, please contact me at 554-9850, or Lisa Pagan of the Office of Economic and Workforce Development at 554-6936.

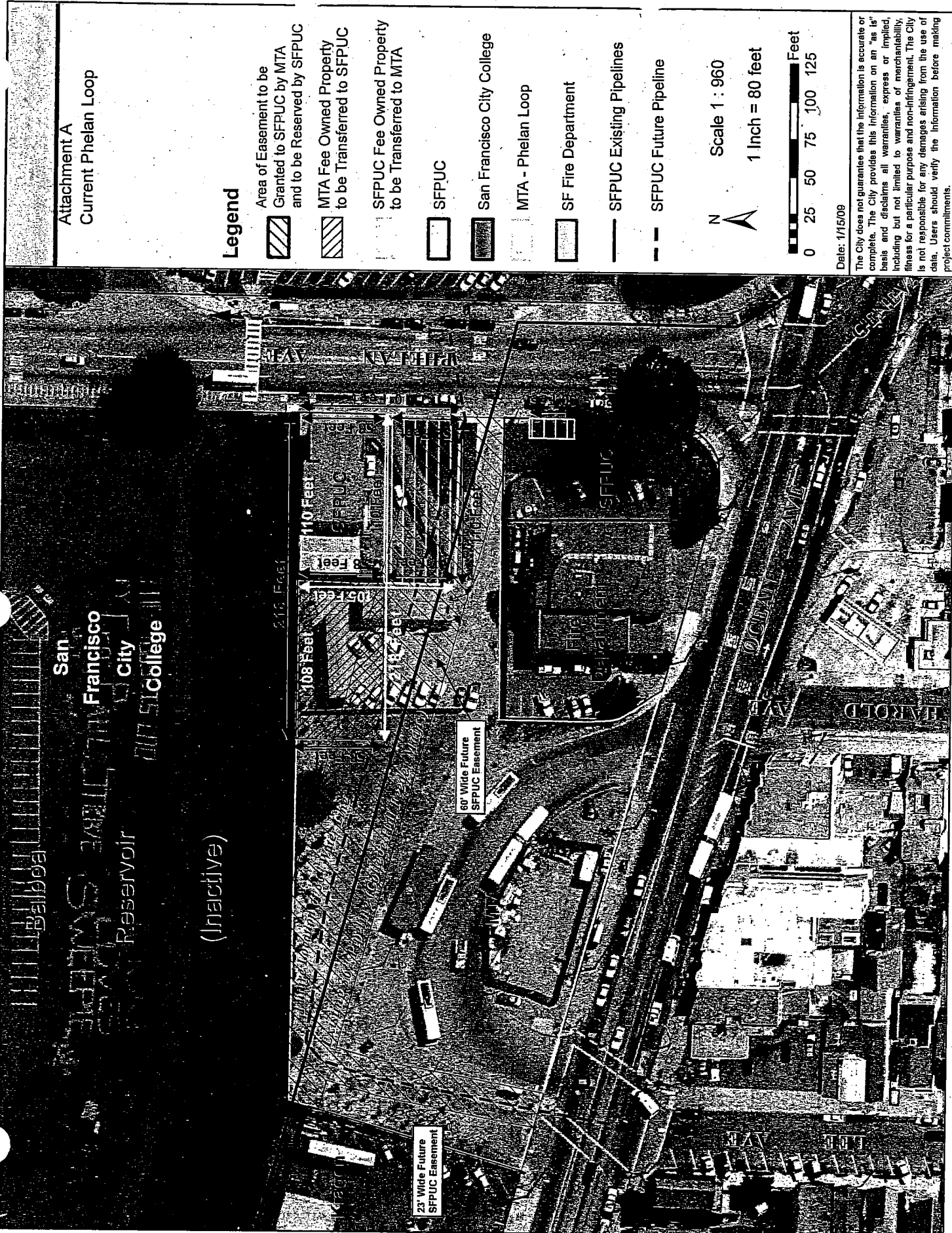
Sincerely,



John Updike
Acting Director of Property










Attachments


c: Lisa Pagan, OEWD
Teresa Yanga, Mayor's Office of Housing

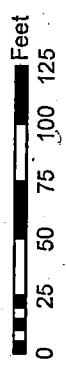


Attachment A
Current Phelan Loop

Legend

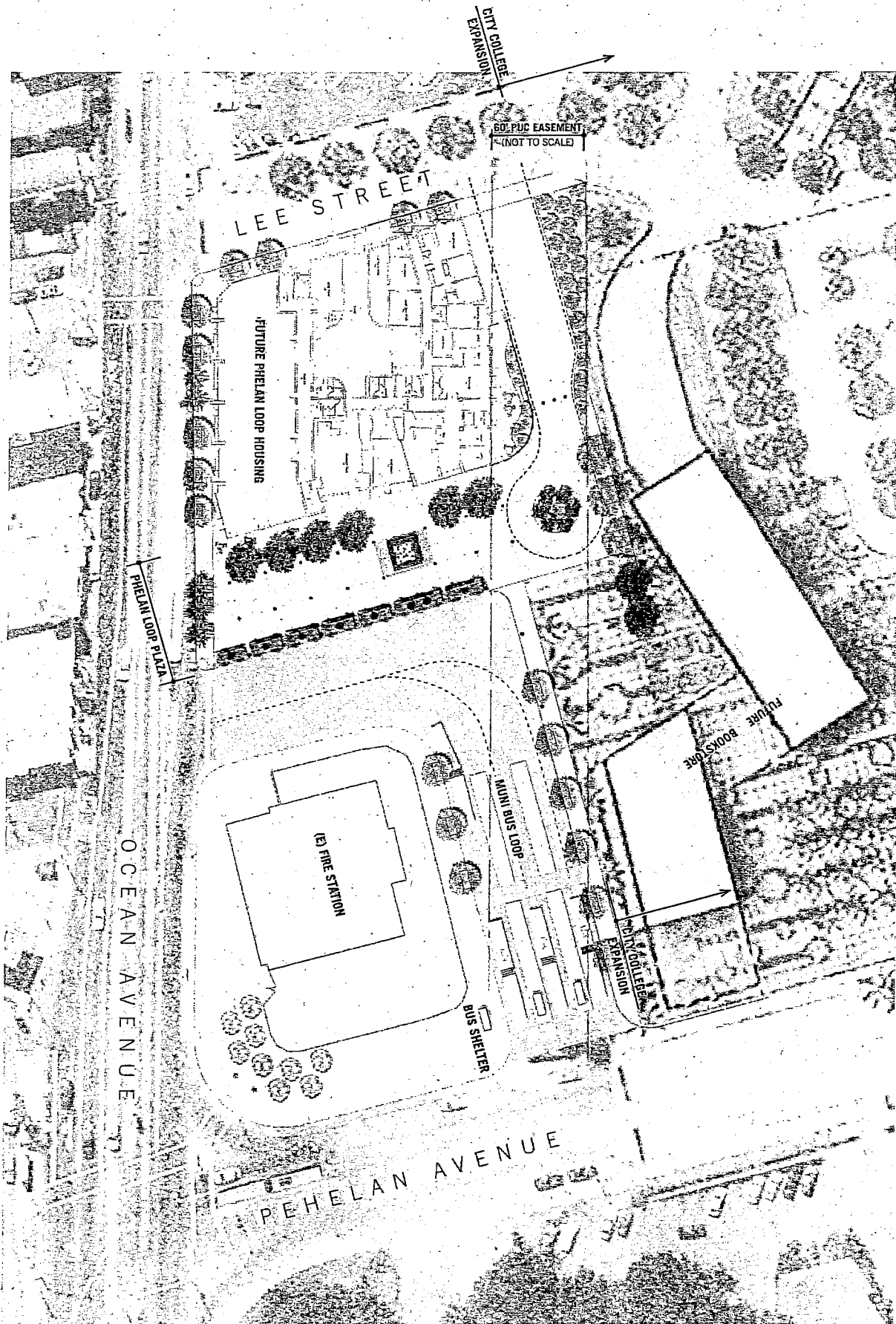
-  Area of Easement to be Granted to SFPUC by MTA and to be Reserved by SFPUC
-  MTA Fee Owned Property to be Transferred to SFPUC
-  SFPUC Fee Owned Property to be Transferred to MTA
-  SFPUC
-  San Francisco City College
-  MTA - Phelan Loop
-  SF Fire Department
-  SFPUC Existing Pipelines
-  SFPUC Future Pipeline

N 
Scale 1 : 960
1 Inch = 80 feet

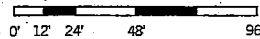


Date: 1/15/09

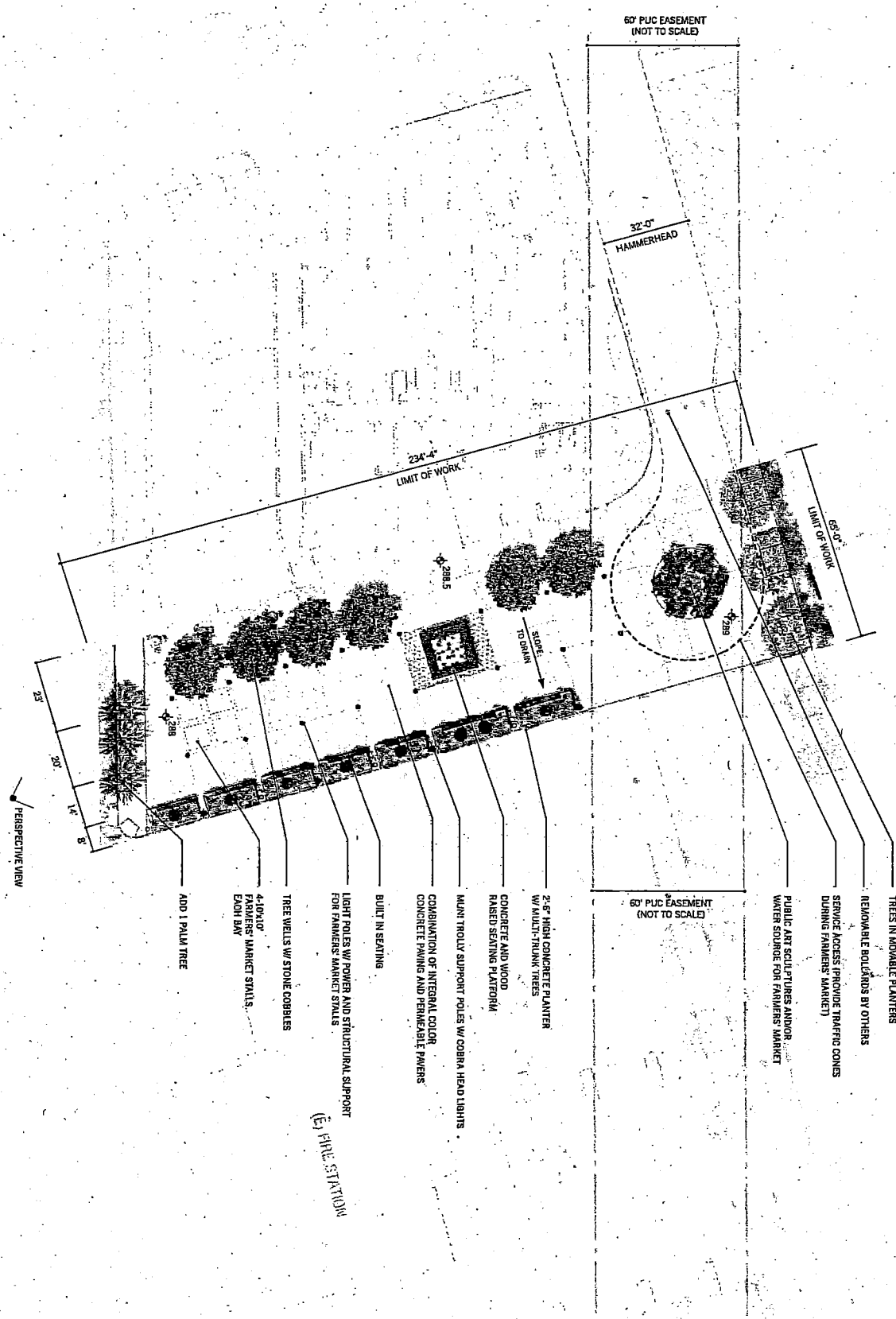
The City does not guarantee that the information is accurate or complete. The City provides this information on an "as is" basis and disclaims all warranties, express or implied, including but not limited to warranties of merchantability, fitness for a particular purpose and non-infringement. The City is not responsible for any damages arising from the use of data. Users should verify the information before making project commitments.



PHELAN LOOP PLAZA
 CONTEXT PLAN
 APRIL 6, 2010



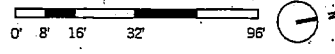
GLS *Landscape Architecture*
 2271 Mission Street #200, San Francisco, CA 94110
 T 415 225 3434 F 415 225 3244 g@glspac.com



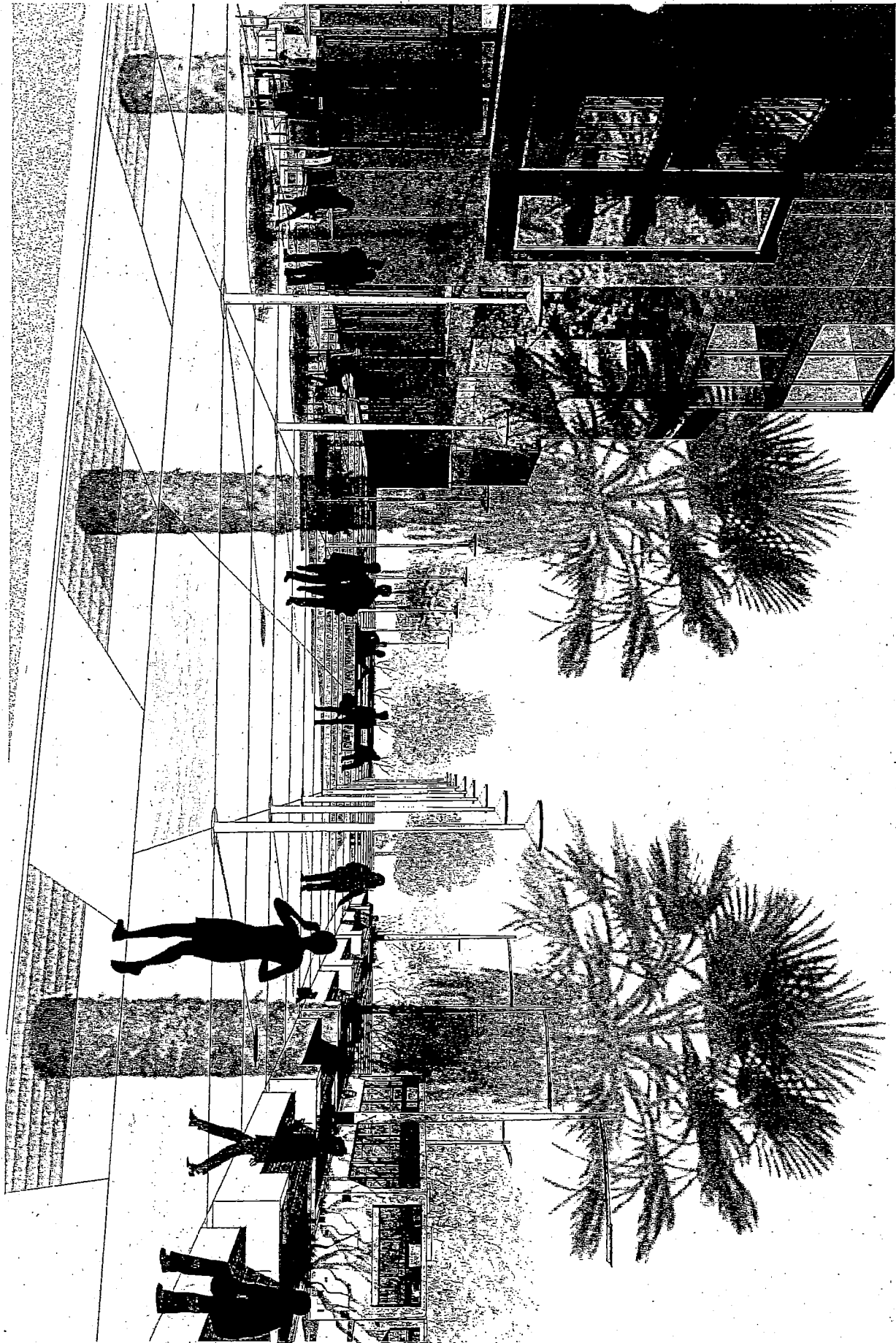
PERSPECTIVE VIEW

- ADD 1 PALM TREE
- 4.0 DIA. FARMERS' MARKET STALLS EACH BAY
- TREE WELLS W/ STONE COBBLES
- LIGHT POLES W/ POWER AND STRUCTURAL SUPPORT FOR FARMERS' MARKET STALLS
- BUILT IN SEATING
- COMBINATION OF INTEGRAL COLOR CONCRETE PAVING AND PERMEABLE PAVERS
- MULTI TROLLEY SUPPORT POLES W/ COBRA HEAD LIGHTS
- CONCRETE AND WOOD RAISED SEATING PLATFORM
- 2.5'-8" HIGH CONCRETE PLANTER W/ MULTI-TRUNK TREES
- REMOVABLE BOLLARDS BY OTHERS
- SERVICE ACCESS (PROVIDE TRAFFIC CONES DURING FARMERS' MARKET)
- PUBLIC ART SCULPTURES AND/OR WATER SOURCE FOR FARMERS' MARKET

PHELAN LOOP PLAZA
 LANDSCAPE SITE PLAN
 APRIL 6, 2010



GLS Landscape Architecture
 2071 Lakewood Street #210, San Francisco, CA 94110
 415.262.2014 • 415.262.2824 • gls@glslan.com



RESOLUTION NO. 590-75

1 TRANSFERRING JURISDICTION FROM THE SAN FRANCISCO COMMUNITY COLLEGE
2 DISTRICT OF A PORTION OF LOT 10 IN ASSESSOR'S BLOCK 3179 AND FROM THE
3 SAN FRANCISCO WATER DEPARTMENT OF A PORTION OF LOT 1 IN ASSESSOR'S
4 BLOCK 3180 TO THE DEPARTMENT OF PUBLIC WORKS REQUIRED FOR A RE-CHANNEL-
5 IZATION PROJECT TO IMPROVE SAN FRANCISCO MUNICIPAL RAILWAY SERVICE AND
6 REDUCE TRAFFIC CONGESTION.

7
8 WHEREAS, The City and County of San Francisco, a municipal corpo-
9 ration, is the owner of Lot 10 in Assessor's Block 3179 and of Lot 1
10 in Assessor's Block 3180, San Francisco, California; and
11 WHEREAS, The Department of Public Works has requested the Mayor
12 that a portion of those unused lands, as shown on Department of Public
13 Works' Drawings SUR 1674 and SUR 2474, copies of which are on file with
14 the Clerk of the Board of Supervisors, be transferred to the Department
15 of Public Works for street and municipal transit purposes; and

16 WHEREAS, The Director of Property has reported to the Mayor, pur-
17 suant to his request in accordance with provisions of the San Fran-
18 cisco Administrative Code Section 23.11, that the parcels of the land
19 required for the rechannelization project are vacant, and in the opin-
20 ion of the Director of Property those parcels of real property pro-
21 posed for the project can be advantageously used to the benefit of
22 San Francisco, and has recommended that the transfer of the portion of
23 Lot 10 in Assessor's Block 3179 be made at no cost and the portion of
24 Lot 1 in Assessor's Block 3180 be made upon payment of the historical
25 value of \$1,176.00; and

26 WHEREAS, The San Francisco Community College District and the
27 San Francisco Public Utilities Commission, subject to certain reser-
28 vations contained in their Resolution No. 74-0227, a copy of which is
29 on file with the Clerk of the Board of Supervisors, have consented to
30 and the Mayor recommends the proposed transfers; and

BOARD OF SUPERVISORS

1 WHEREAS, The Department of City Planning has determined that the
2 proposed project could not have a significant effect on the environ-
3 ment, and the City Planning Commission as of September 19, 1974 has
4 reported that said proposed transfers are in conformity with the
5 Master Plan subject to certain conditions; and
6 WHEREAS, In accordance with the foregoing and pursuant to the
7 provisions of the Administrative Code of the City and County of San
8 Francisco, this Board hereby determines that said real property can be
9 more advantageously used by the San Francisco Department of Public
10 Works; now therefore, be it
11 RESOLVED, That jurisdiction of said real property be and is hereby
12 transferred to the San Francisco Department of Public Works, on a per-
13 manent basis as recommended subject to said reservations and conditions.

Adopted—Board of Supervisors, San Francisco..... AUG 1 - 1975

Ayes: Supervisors Barbogalata, Feinstein, Francois, Gonzales, Kopp, Mendelsohn, Molinari, Nelder,
Pelosi, Pennington, von Beroldingen.

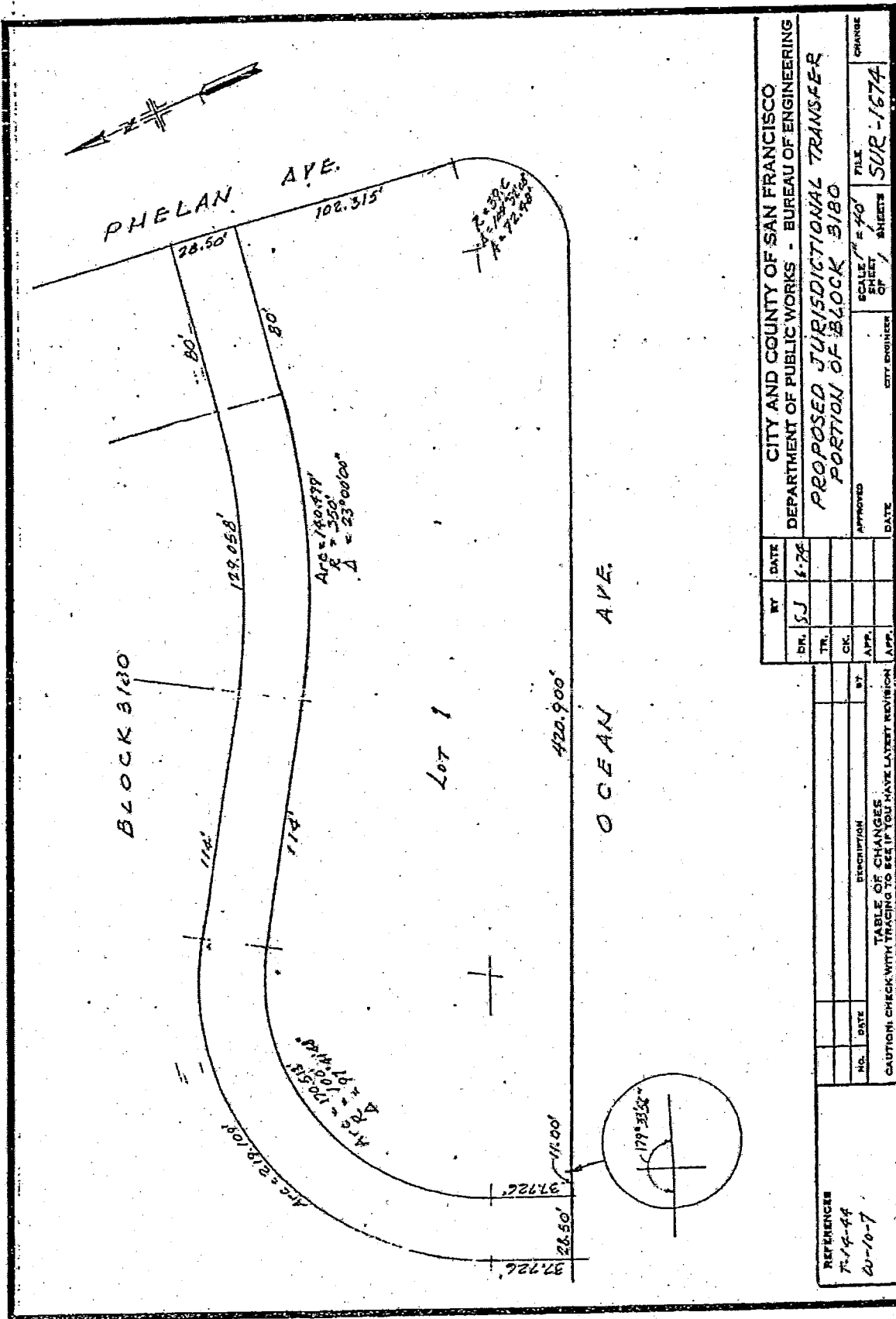
Absent: Supervisors.....
TAMARAS

I hereby certify that the foregoing resolution was adopted by the
Board of Supervisors of the City and County of San Francisco.

Joseph L. Alton
Clerk

AUG 0 0 1975

349-75
FILE NO.



CITY AND COUNTY OF SAN FRANCISCO		DEPARTMENT OF PUBLIC WORKS - BUREAU OF ENGINEERING	
PROPOSED JURISDICTIONAL TRANSFER		PORTION OF BLOCK 3130	
BY	DATE	FILE	CHANGE
SJ	6-24	SUR-1674	
DR.		SCALE 1" = 40'	
TR.		SHEET 1	
CK.		OF 1 SHEETS	
APP.		APPROVED	
APP.		CITY ENGINEER	
APP.		DATE	

REFERENCES			
7-15-44			
20-10-7			
TABLE OF CHANGES			
No.	DATE	DESCRIPTION	BY
CAUTION: CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION			

RESOLUTION NO. 115-2009

Adopted October 20, 2009

AUTHORIZING THE ACQUISITION OF A PORTION OF BLOCK 3180, LOT 1 LOCATED AT OCEAN AND PHELAN AVENUES FROM THE CITY AND COUNTY OF SAN FRANCISCO FOR AN AMOUNT NOT TO EXCEED \$4,350,000, FOR THE CONSTRUCTION OF UP TO 80 UNITS OF LOW AND VERY LOW-INCOME RENTAL UNITS AND APPROVAL OF A FORM OF PERMIT TO ENTER WITH THE CITY AND COUNTY OF SAN FRANCISCO FOR THE CONTINUED OPERATION OF ITS TRANSIT USE ON THE SITE AND REMOVAL AND RELOCATION OF THE EXISTING BUS LOOP PRIOR TO CONSTRUCTION OF THE AFFORDABLE HOUSING, AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; CITYWIDE TAX INCREMENT HOUSING PROGRAM.

BASIS FOR RESOLUTION

1. The Redevelopment Agency of the City and County of San Francisco (the "Agency") is authorized pursuant to California Community Redevelopment Law (Health and Safety Code, Section 33000 *et seq.*), and desires to distribute monies from its tax increment Low and Moderate Income Housing Fund to certain nonprofit sponsors for the specific and special purpose of increasing and maintaining the housing stock in the City and County of San Francisco (the "City") (for very low-, low- and moderate-income individuals and families.
2. The City owns that certain real property known as a portion of Assessor's Block 3180, Lot 1, located at the intersection of Phelan Avenue and Ocean Avenue in the City (the Site"). The City's and Municipal Transportation Agency ("SFMTA") currently uses the Site as a bus loop for its bus lines.
3. The City wishes to facilitate the development of the Site in accordance with the Balboa Park Station Area Plan adopted by the City's Board of Supervisors on April 7, 2009 and approved by the City's Mayor on April 17, 2009, which contemplates replacing the existing bus loop on the Site with a mixed-use affordable housing building. The City will facilitate such development by selling the Site to the Agency and relocating its bus loop to a nearby City-owned parcel. Subsequent to the acquisition of the Site by the Agency the Agency will enter into a ground lease with an affordable housing developer for development of the mixed-use affordable housing building.
4. The Agency now intends to enter into a purchase and sale agreement (the "Purchase Agreement") with the City and acquire the Site for an amount not to exceed \$4,350,000. A deposit of \$1,674,100 is due to SFMTA within 30 days of both parties executing the purchase agreement. If SFMTA cannot secure funding to remove and reconstruct the bus loop within 42 months the Purchase Agreement will terminate. The deposit is fully refundable to the Agency should the Purchase Agreement be terminated and the acquisition not proceed.

-
5. A form of a Permit to Enter (the "Permit to Enter") between SFMTA and the Agency is attached to the Purchase Agreement and will be executed at the time that the Site is transferred to the Agency. The Permit to Enter requires Commission approval as SFMTA has requested a term of approximately 18 months and the Agency's Permit to Enter Policy, approved on April 1, 2008, requires all Permits to Enter with a term of over 12 months to be submitted to the Commission for approval. The Permit to Enter will allow SFMTA to continue operation of their transit services on the Site and to complete the bus loop relocation work subsequent to the transfer of the Site to the Agency and prior to the development of the affordable housing at the Site.
 6. MOH issued a Request for Qualifications ("RFQ") for an affordable housing developer to develop affordable housing and ancillary uses on the Site, ground lease the land from the Agency, and own the leasehold improvements. Four qualified developers submitted responses to the RFQ. An interdisciplinary selection panel consisting of MOH and Agency staff recommended to MOH's Director the selection of the collaboration between Housing Services Affiliate of the Bernal Heights Neighborhood Center and Mercy Housing California (the "Developer"). In order to initiate predevelopment, Bernal submitted a request for \$1,500,000 in predevelopment funding. The Citywide Affordable Housing Loan Committee reviewed the request on September 18, 2009 and forwarded recommendation to the Agency Commission for approval. The developer's request for predevelopment funding is being considered by the Commission concurrently with this request.
 7. Based on the analysis contained in the Final Environmental Impact Report (the "FEIR") for the Balboa Park Station Area Plan (the "Area Plan"), and the findings pursuant to the California Environmental Quality Act ("CEQA") adopted by the San Francisco Planning Commission (the "Planning Commission") on December 4, 2008, in Motions No. 17774 and 17775, and the findings adopted by the San Francisco Board of Supervisors (the "Board") on April 7, 2009 in Ordinance No. 060-09 approving the General Plan Amendments in connection with the Area Plan, Agency staff requests that the Agency Commission adopt findings in accordance with CEQA that the Purchase Agreement and Permit to Enter are Implementing Actions of the Project analyzed in the FEIR, pursuant to the approvals granted by the Planning Commission and the Board. Staff, in making the necessary findings for the Implementing Actions contemplated herein, considered and reviewed the FEIR. Documents related to the Implementing Actions and the FEIR have been and continue to be available for review by the Agency Commission and the public and are part of the record before the Agency Commission.

FINDINGS

1. The Agency Commission hereby finds that the approval of the Purchase Agreement and Permit to Enter related to development of very low-income rental

housing on the Phelan Loop Site will be of benefit to the City generally and, in particular, to the Balboa Park Station community.

2. The Agency Commission hereby further finds and determines that the Purchase Agreement and Permit to Enter are Implementing Actions of the Project analyzed in the FEIR pursuant to the approvals granted by the Planning Commission and requires no additional environmental review pursuant to State CEQA Guidelines Section 15096 for the following reasons:
 - a. The Project evaluated in the FEIR consists of the Area Plan and two individual development projects within the boundary of the Area Plan – development of the Phelan Loop Site and the Kragen Auto Parks Site. Accordingly, the FEIR is a program-level EIR for the Area Plan and a project-level EIR for the two individual development sites.
 - b. The Implementing Actions will not change the scope of the Project analyzed in the FEIR, either at an Area Plan program level or at the development site project level, and no major revisions are required due to the involvement of new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the FEIR.
 - c. No substantial changes have occurred with respect to the circumstances under which the Project analyzed in the FEIR was undertaken that would require major revisions to the FEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIR.
 - d. No new information of substantial importance to the Project analyzed in the FEIR has become available that would indicate that (a) the Implementing Actions will have significant effects not discussed in the FEIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures found not feasible that would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives that are considerably different from those in the FEIR will substantially reduce one or more significant effects on the environment.
3. The Agency Commission hereby further finds, pursuant to State CEQA Guidelines Section 15091, that the FEIR, Planning Commission Motions No. 17774 and 17775, and the Board Ordinance No. 060-09 were and remain adequate, accurate and objective and are applicable to the Implementing Actions.
4. The Agency Commission hereby declares the following Statement of Overriding Considerations, pursuant to CEQA Guidelines Sections 15096(h) and 15093:
 - a. As evaluated in the FEIR, development of the Phelan Loop Site will not result in any significant and unavoidable impacts; however, as detailed in Planning Commission Motion No. 17775, implementation of the Balboa Park Station Area Plan will result in significant and unavoidable impacts

on the traffic levels of service at the Ocean Avenue/Geneva Avenue/Phelan Avenue intersection and the Geneva Avenue/I-280 Northbound and Southbound Ramps. Implementation of the Area Plan will also result in significant and unavoidable impacts to transit conditions on the K-Ingleside Metro line and the potentially historic Ocean Avenue Neighborhood Commercial District. Implementation of the Area Plan together with other potential development in this part of San Francisco will result in cumulative significant and unavoidable impacts on traffic levels of service at the Ocean Avenue/Junipero Serra Boulevard, the Ocean Avenue/I-280 Northbound On-Ramp, and the Ocean Avenue/San Jose Avenue intersections.

- b. The following specific overriding economic, legal, social, technological, and other considerations outweigh the identified significant effects on the environment:
- i. Project implementation will fulfill the policies and objectives of the General Plan, including the Air Quality, Urban Design, Transportation Element, Commerce and Industry, Recreation and Open Space, and Arts Elements.
 - ii. Project implementation will further the City's housing goals as established in the Housing Element of the General Plan and elsewhere by changing density controls to provide increased housing opportunities, including housing affordable by very low-income, low-income, and moderate-income persons and families, and decoupling the cost of parking from the cost of housing will decrease the cost of housing for people who do not need parking.
 - iii. Project implementation will help address the City's housing shortage.
 - iv. Project implementation will generate substantial financial benefits for the City, such as direct funding to the City for development of community infrastructure in the Project Area through the new fee program. The Project will also indirectly benefit the City financially through increased revenue to the City and receipt of additional grant funds for the Project Area.
 - v. Project implementation will promote enhanced quality of life in the Project Area through improving the public realm, making the transit experience safer and more enjoyable, and improving the economic vitality of the Ocean Avenue Neighborhood Commercial District.
 - vi. Project implementation will promote enhanced community facilities and open space for new residents of the area, incorporate public art in the design of streets and other public improvements,

and provide funds to improve library services, childcare facilities, and recreational facilities.

- vii. Project implementation will enable enhanced infrastructure and streetscape improvements in the area.
5. Having considered these specific benefits, the Agency finds that the Project's benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.
6. The Agency Commission hereby further finds that, based on the FEIR, Planning Commission Motions No. 17774 and 17775, and the Board Ordinance No. 060-09, all other impacts of the Project would either be less than significant or could be mitigated to less than significant levels, with implementation of the Mitigation Monitoring Program. The Mitigation Monitoring Program will be attached to both the Purchase Agreement and the Permit to Enter.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that:

- (1) It has reviewed and considered the Final Environmental Impact Report and hereby adopts the CEQA findings set forth herein.
- (2) The Executive Director is authorized to enter into a Purchase and Sale Agreement with the City and County of San Francisco, substantially in the form lodged with the Agency General Counsel, to acquire the property at Ocean and Phelan Avenues, a portion of Block 3180, Lot 1, for an amount not to exceed \$4,350,000 and to enter into any and all ancillary documents or take any additional actions necessary to consummate the transaction, and the form of a Permit to Enter with the City and County of San Francisco for the continued operation of its transit use on the Site and removal and relocation of the existing bus loop prior to construction of the affordable housing is approved; Citywide Tax Increment Housing Program.

APPROVED AS TO FORM:


James B. Morales
Agency General Counsel

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 09-196

WHEREAS, The City and County of San Francisco ("City") owns real property (the "Property") commonly known as Assessor's Block 3180, Lot 1, located at the intersection of Phelan Avenue and Ocean Avenue, a portion of which is under SFMTA jurisdiction and is currently used as a bus loop (the "Phelan Bus Loop"); and

WHEREAS, On April 7, 2009 the City's Board of Supervisors adopted and on April 17, 2009 the Mayor approved the Balboa Park Station Area Plan (the "Plan") which recommends redeveloping the existing Phelan Bus Loop to create a mixed-use, transit oriented neighborhood with affordable housing, retail opportunities and a public open space plaza; and

WHEREAS, The San Francisco Mayor's Office of Housing ("MOH") and the San Francisco Mayor's Office of Economic and Workforce Development ("OEWD") are facilitating certain projects that will effect the Plan's recommendation; and

WHEREAS, On March 17, 2009 the SFMTA Board of Directors passed Resolution Number 09-043 approving a jurisdictional land transfer required to implement the Plan's recommendations to relocate the Phelan Bus Loop and construct a replacement bus loop and related improvements on an adjacent portion of the Property under SFMTA jurisdiction (collectively, the "Relocation Project"); and

WHEREAS, SFMTA wishes to further facilitate the development of the Phelan Bus Loop in accordance with the Plan by approving the sale of a portion of the Phelan Bus Loop property described as the Housing Parcel (the "Housing Parcel") to the San Francisco Redevelopment Agency ("Agency"), which Agency plans to redevelop with a mixed-use, affordable housing project; and

WHEREAS, On October 20, 2009 via Resolution Number 115-2009, the Agency's Commission authorized the purchase of the Housing Parcel from the City for an amount not to exceed \$4,350,000 pursuant to an Agreement for the Purchase and Sale of Real Property (the "Purchase Agreement") between the City and the Agency; and

WHEREAS, SFMTA wishes to approve the execution of the Purchase Agreement to allow for the sale of the Housing Parcel to the Agency for an amount not to exceed \$4,350,000; and

WHEREAS, MOH and OEWD wish to enter into a Memorandum of Understanding (the "Phelan MOU") with SFMTA to provide for the parties' collaborative efforts to obtain funds to fully finance the Relocation Project budget and, if such funds are obtained, to facilitate the sale of the Housing Parcel to the Agency and the eventual lease of an adjacent portion of the Phelan Bus Loop property described as the "Plaza Parcel" to San Francisco Community College District or a City department for the development and operation of public open space; and

WHEREAS, For the actions contemplated herein, SFMTA relies upon the Final Environmental Impact Report ("FEIR") for the Plan certified by the San Francisco Planning Commission ("Planning Commission") pursuant to Motion No. 17774 on December 4, 2008, and the Planning Commission's adoption of environmental findings pursuant to the California Environmental Quality Act ("CEQA") and a Statement of Overriding Considerations for significant and unavoidable transportation and historical resources impacts and establishment of a Mitigation Monitoring Program that attaches mitigation measures and improvement measures identified in the FEIR, all pursuant to Motion No. 17775 on December 4, 2008. A copy of the FEIR and the Planning Commission motions, including the environmental findings, Statement of Overriding Considerations, and Mitigation Monitoring Program are on file with the Planning Commission; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors hereby authorizes the Executive Director/CEO of the SFMTA to execute the Phelan MOU with The San Francisco Mayor's Office of Housing and the San Francisco Mayor's Office of Economic and Workforce Development to provide for the parties' collaborative efforts to obtain funds to fully finance the Relocation Project budget and, if such funds are obtained, to facilitate the sale of the Housing Parcel to the San Francisco Redevelopment Agency and the eventual lease of an adjacent portion of the Phelan Bus Loop property described as the "Plaza Parcel" to San Francisco Community College District or a City department for the development and operation of public open space; and be it


FURTHER RESOLVED, That the SFMTA Board of Directors hereby authorizes the Executive Director/CEO of the SFMTA to execute the Purchase Agreement, if the Purchase Agreement is approved by the City's Board of Supervisors and Mayor, which will allow for the sale of the Housing Parcel that is currently under SFMTA jurisdiction to the San Francisco Redevelopment Agency to facilitate implementation of the Plan; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors hereby authorizes the Executive Director/CEO of the SFMTA to request the City's Director of Property to prepare and submit legislation to the City's Mayor and Board of Supervisors for approval of the Purchase Agreement; and be it

FURTHER RESOLVED, That all actions authorized by this resolution and heretofore taken by any City official in connection with the Purchase Agreement and the Phelan MOU are hereby ratified, approved and confirmed by the SFMTA Board of Directors; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors, in accordance with CEQA, hereby adopts the San Francisco Planning Commission's Final Environmental Impact Report (the "FEIR"), environmental findings, Statement of Overriding Considerations and Mitigation Monitoring Program as its own.

I certify that the foregoing resolution was adopted by the SFMTA Board of Directors at its meeting of NOV 17 2009.


Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO. 28-2010

Adopted April 6, 2010

AUTHORIZING A FIRST AMENDMENT TO AN AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY OF A PORTION OF ASSESSOR'S BLOCK 3180, LOT 1, LOCATED AT OCEAN AND PHELAN AVENUES FROM THE CITY AND COUNTY OF SAN FRANCISCO, AND AN ACCESS EASEMENT AGREEMENT WITH THE CITY AND COUNTY OF SAN FRANCISCO FOR PEDESTRIAN ACCESS AND EMERGENCY EGRESS ON CITY-OWNED PROPERTY, ALL IN CONJUNCTION WITH THE CONSTRUCTION OF UP TO 80 UNITS OF LOW- AND VERY LOW-INCOME RENTAL HOUSING; CITYWIDE TAX INCREMENT HOUSING PROGRAM

BASIS FOR RESOLUTION

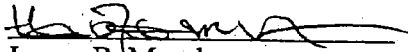
1. The Redevelopment Agency of the City and County of San Francisco (the "Agency") is authorized pursuant to California Community Redevelopment Law (Health and Safety Code, Section 33000 *et seq.*), and desires to distribute monies from its tax increment Low and Moderate Income Housing Fund to certain nonprofit sponsors for the specific and special purpose of increasing and maintaining the housing stock in the City and County of San Francisco for very low-, low- and moderate-income individuals and families.
2. On October 20, 2009, by Resolution No. 115-2009, the Commission authorized the Agency to enter into the Agreement for the Purchase and Sale of Real Property (the "Purchase Agreement") with the City and County of San Francisco (the "City") for that certain real property known as a portion of Assessor's Block 3180, Lot 1, located at the intersection of Phelan Avenue and Ocean Avenue in the City and County of San Francisco (the "Site") for an amount not to exceed \$4,350,000. The City and County of San Francisco Municipal Transportation Agency currently uses the Site as a bus loop for its bus lines.
3. The City and Agency have determined that the Site contains less buildable area than contemplated in the Purchase Agreement and desire to amend the Purchase Agreement to reflect a reduced land value and purchase price and provide for a purchase price based on a cost per square foot until such time that the final parcel is established and subdivided by the City.
4. The City and Agency also determined that an easement on an adjacent City-owned parcel is necessary for the development of up to 80 units of housing for low-income individuals and families on the Site and desire to enter into an access easement agreement (the "Access Easement Agreement") to memorialize this permitted access.
5. The Purchase Agreement Amendment and Access Easement Agreement will provide for pedestrian access and emergency egress for the mixed use project.

This constitutes a minor alteration of the Affected City Property and is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15304. Improvement and use of the Affected City Property in the manner described above would not create a significant physical effect on the environment.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is authorized to enter into a First Amendment to an Agreement for the Purchase and Sale of Real Property of a portion of Assessor's Block 3180, Lot 1, located at Ocean and Phelan Avenues, and an Access Easement Agreement for pedestrian access and emergency egress with the City and County of San Francisco, substantially in the form lodged with the Agency General Counsel, and to enter into any and all ancillary documents or take any additional actions necessary to consummate the transaction.

APPROVED AS TO FORM:


James B. Morales
Agency General Counsel

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 10-051

WHEREAS, The City and County of San Francisco ("City") owns real property commonly known as Assessor's Block 3180, Lot 1, located at the intersection of Phelan Avenue and Ocean Avenue, a portion of which is under SFMTA jurisdiction and is currently used as a bus loop (the "Bus Loop Property"); and

WHEREAS, On April 7, 2009, the City's Board of Supervisors adopted and, on April 17, 2009, the Mayor approved, the Balboa Park Station Area Plan (the "Plan"), which recommends redeveloping the existing Bus Loop Property to create a mixed-use transit oriented neighborhood with affordable housing, retail opportunities and a public open space plaza; and

WHEREAS, On March 17, 2009, the SFMTA Board of Directors passed Resolution Number 09-043, approving a jurisdictional land transfer required to implement the Plan's recommendations to relocate the Bus Loop Property and construct a replacement bus loop and related improvements on an adjacent portion of the Bus Loop Property (collectively, the "Relocation Project"); and

WHEREAS, On October 20, 2009, through Resolution Number 115-2009, the San Francisco Redevelopment Agency ("Agency") Commission authorized the purchase of the portion of the Bus Loop Property described as the Housing Parcel and under SFMTA jurisdiction (the "Housing Parcel") from the City for an amount not to exceed \$4,350,000 (the "Purchase Price") pursuant to an Agreement for the Purchase and Sale of Real Property (the "Purchase Agreement") between the City and the Agency; and

WHEREAS, On November 17, 2009, the SFMTA Board of Directors passed Resolution No. 09-196, approving the sale of the Housing Parcel to the Agency to further facilitate the development of the Bus Loop Property in accordance with the Plan; and

WHEREAS, On April 6, 2010, through Resolution Number 28-2010, the Agency's Commission authorized a First Amendment to the Agreement for the Purchase and Sale of Real Property ("First Amendment") between the City and the Agency to adjust the Purchase Price if the Housing Parcel is comprised of less than 20,676 buildable square feet and to provide for the City's grant, at no cost, of a pedestrian access easement and a fire apparatus access easement to Agency over a portion of the remaining Bus Loop Property if required under the building permit needed to construct a mixed-use affordable housing project on the Housing Parcel (the "Project"); and

WHEREAS, On December 4, 2008, pursuant to Motion No. 17775, the San Francisco Planning Commission ("Planning Commission") certified the Final Environmental Impact Report ("FEIR") for the Plan, which contemplated, among other things, the development of the Project at the Housing Parcel and public open space over a portion of the Bus Loop Parcel, adopted environmental findings pursuant to the California Environmental Quality Act ("CEQA") and a Statement of Overriding Considerations for significant and unavoidable transportation and

historical resources impacts, and established a Mitigation Monitoring Program that attaches mitigation measures and improvement measures identified in the FEIR; and

WHEREAS, In approving the sale of the Housing Parcel pursuant to the Purchase Agreement, the SFMTA's Board of Directors relied on the FEIR and adopted the Planning Commission's environmental findings, Statement of Overriding Considerations and Mitigation Monitoring Program as its own and adopted additional findings that there was no new information requiring subsequent environmental analysis in Resolution No. 09-196 on November 17, 2009, and for purposes of this action, the SFMTA Board of Directors adopts these same additional findings and incorporates the SFMTA Resolution No. 09-196 by reference herein; now, therefore, be it


RESOLVED, That the SFMTA Board of Directors hereby authorizes the Executive Director/CEO of the SFMTA to execute the First Amendment to the Agreement for the Purchase and Sale of Real Property if the Purchase Agreement and the First Amendment are both approved by the City's Board of Supervisors and Mayor, to facilitate implementation of the Balboa Park Station Area Plan and allow for an adjustment to the Purchase Price if the Housing Parcel, which is under SFMTA jurisdiction and a portion of which is currently used as a bus loop (the "Bus Loop Property") commonly known as Assessor's Block 3180, Lot 1, located at the intersection of Phelan Avenue and Ocean Avenue is comprised of less than 20,676 buildable square feet and the grant of an pedestrian access easement and a fire apparatus access easement on the conditions in the First Amendment; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors hereby authorizes the Executive Director/CEO of the SFMTA to request the City's Director of Property to prepare and submit legislation to the City's Mayor and Board of Supervisors for approval of the First Amendment; and be it

FURTHER RESOLVED, That all actions authorized by this resolution and heretofore taken by any City official in connection with the First Amendment are hereby ratified, approved and confirmed by the SFMTA Board of Directors; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors, in accordance with CEQA, hereby adopts the San Francisco Planning Commission's FEIR, environmental findings, Statement of Overriding Considerations and Mitigation Monitoring Program as its own and incorporates SFMTA Resolution No. 09-196 by reference herein.

I certify that the foregoing resolution was adopted by the SFMTA Board of Directors at its meeting of APR 20 2010


Secretary to the Board of Directors
San Francisco Municipal Transportation Agency



SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: Nov. 5, 2010
Case No. Case No. 2010.0975R
Phelan Avenue – Vacate Right-Of-Way, sale of public property, jurisdictional transfer of public property, grant easements, approve land exchanges between several Agencies of the City and County of San Francisco, and between the City and County of San Francisco and the San Francisco Community College District

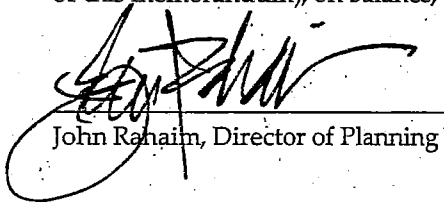
Block/Lot No.: Block 3180, Lot 001

Project Sponsor: Ms. Amy Brown
Director of Real Estate
San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

Applicant: Same as Above

Staff Contact: Kate McGee – (415) 558-6367
Kate.mcgee@sfgov.org

Recommendation: Finding the Project (Vacation of public ROW, sale, jurisdictional transfer of public property, easements and land exchanges) described in the body of this memorandum, on balance, in conformity with the General Plan.

Recommended By: 
John Rahaim, Director of Planning

PROJECT DESCRIPTION

The Project involves a number of property transactions related to City-owned property on Phelan Avenue on property also known as the "Phelan Loop," and as the "affordable housing site", as well as on the adjacent Balboa Reservoir. The Project will help to implement plans approved as part of the Balboa Park Station Area Plan (Planning Case 2004.1059EMTUZ) approved by Planning Commission Res. No. 17776. The Project includes the following actions:

1. Vacation of 17,050 square feet of City-owned property and jurisdictional transfer of said property from DPW to MTA;

**GENERAL PLAN REFERRAL
PHELAN AVENUE – VACATION, SALE AND EXCHANGE OF PUBLIC
PROPERTY RELATED TO THE BALBOA PARK STATION AREA PLAN**

CASE NO. 2010.0975R

2. Sale of 25,601 square feet of City-owned property to the San Francisco Redevelopment Agency (SFRA) for \$4,056,580, its appraised value, to be developed by the SFRA as affordable housing (which shall be subject to a separate General Plan Referral application).
3. Grant of pedestrian easement and emergency fire apparatus easement to facilitate said housing development;
4. Jurisdictional transfer of 6,264 square feet of land from the Metropolitan Transportation Agency (MTA) to the San Francisco Public Utilities Commission (SFPUC) and 5,835 square feet of land from SFPUC to MTA;
5. Even exchange of property between City (SFPUC) and SF Community College District.

Please note: This General Plan Referral is limited to review of the above referenced property transactions, in order to implement elements of the Balboa Park Station Area Plan. In the future, specific implementation elements of the Balboa Park Station Area Plan may be subject to separate General Plan Referral applications. These may include, but not limited to: (a) changes to public streets, sidewalks and transit routes; (b) changes to open space, buildings or structures owned by the City and County; (c) changes in the use of property owned by the City and County; (d) property subdivisions; (e) public housing or publicly assisted private housing; (f) Redevelopment Project Plans; (g) other matters that may be subject to approval by the Board of Supervisors:

SITE DESCRIPTION AND PRESENT USE

The property subject to this General Plan Referral application is located on the north side of Ocean Avenue between Phelan Avenue and the soon to be constructed Lee Avenue (extended north across Ocean). The property is owned by multiple city agencies, including the MTA, the Fire Department, and the SFPUC. Presently, the MTA uses a portion of this parcel as a turn around and station for its buses. It also provides a resting stop for bus drivers. The parcel also houses the area's local fire station.

The subject property also includes the Balboa Reservoir, located directly north and adjacent to the above-mentioned parcel. The Balboa Reservoir is divided equally into two parts, one part owned by the SFPUC, and the other part owned by City College (CCSF).

GENERAL PLAN DETERMINATION FOR THE PHELAN AVENUE PROJECT

The proposed vacation, sale of and jurisdictional transfer of City-owned property, as well as approval of said property easements described in the current application (Case 2010.0975R) were included as part of the Balboa Park Station Area Plan approved by the Planning Commission in earlier actions.

Consequently, the Department relies upon the General Plan and Planning Code Section 101.1 findings in Planning Commission Resolution No. 17776 for purposes of the actions described herein. Further, the Department performed additional General Plan and Planning Code Section 101.1 analyzes for these actions. This analysis is attachment A to this letter.

**GENERAL PLAN REFERRAL
PHELAN AVENUE – VACATION, SALE AND EXCHANGE OF PUBLIC
PROPERTY RELATED TO THE BALBOA PARK STATION AREA PLAN**

CASE NO. 2010.0975R

ENVIRONMENTAL REVIEW

In approving the sale of the Housing Parcel pursuant to the Purchase Agreement, the SFMTA's Board of Directors relied on the FEIR and adopted the Planning Commission's environmental findings, Statement of Overriding Considerations and Mitigation Monitoring Program as its own and adopted additional findings that there was no new information requiring subsequent environmental analysis in Resolution No. 09-196 on November 17, 2009, a copy of which is on file with the Clerk of the Board of Supervisors.

The Major Environmental Analysis section of the Planning Department completed Environmental Analysis of the Balboa Park Final Environmental Impact Report (FEIR) as part of Case no. 2004.1059EMTZU. The FEIR included analysis of regulatory and physical aspects of the Plan, including the sale of land, jurisdictional property transfers, land exchanges, and the vacation of land as it pertained to the reconfiguration of the Phelan Loop and the development an affordable housing project on said property. The Final Environmental Impact Report for the Balboa Park Station Area Plan (FEIR) was prepared pursuant to the California Environmental Quality Act and was certified as adequate, accurate and objective in the following actions:

- Planning Commission Motion No. 17774 on December 4, 2008, adopted the Balboa Park Station Area Plan Environmental Impact Report pursuant to the requirements the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. (CEQA), and the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") on December 4, 2008, which certified the Plan EIR as complete along with other required findings, and the Plan EIR contemplated, among other things, the jurisdictional transfer of the SFMTA Property and the SFPUC Property, the Exchange, and the development of the Project at the Housing Parcel;
- Planning Commission Motion No. 17775 on December 4, 2008, adopting environmental findings pursuant to the California Environmental Quality Act (CEQA) and a Statement of Overriding Considerations for significant and unavoidable transportation and historical resources impacts, and established a Mitigation Monitoring Program that attaches mitigation measures and improvement measures identified in the FEIR, all pursuant to Motion No. 17774 on December 4, 2008;
- The Board of Supervisors approved Ordinance No. 60-09 to adopt the Plan and, as part of that action, also adopted the environmental findings of the Planning Commission as its own, April 7, 2009.

The Balboa Park Station Area Plan and implementation of the Plan were analyzed as part of the FEIR certified by the Planning Commission and affirmed by the Board of Supervisors. The Major Environmental Analysis Section of the Department determined that the subject Project (the summary vacation of property, jurisdictional transfer and sale of City-owned property for affordable housing purposes, grant of pedestrian easement and emergency fire apparatus easement to facilitate said housing development, and exchange of property) were analyzed in the earlier actions, are non-physical events. As a result, the Mayor Environmental Analysis Section determines that no further CEQA review is required for the projects discussed herein as there has been no changes that would trigger the need for subsequent environmental review. The Planning Commission and Board of Supervisors actions related

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to the environmental review process specified above are incorporated herein by reference for this purpose.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Balboa Park Station Area Plan planning process built on existing General Plan policies. The "Project" includes actions needed to occur in order to implement a portion of the Balboa Park Station Area Plan. Analysis of applicable General Plan Objectives and Policies has determined that the proposed action is, on balance, **in-conformity** with the General Plan. The "Project" helps to implement many of the concepts outlined in the General Plan, especially the Residence, Housing, Air Quality, Urban Design, Transportation, Commerce and Industry, Recreation and Open Space, and Air Quality Elements. The Balboa Park Station Area Plan formulates directive policies with specific consideration for the neighborhood conditions of the Balboa Park Station Area Plan. The "Project" aims to help implement a number of these policies. Below are specific policies and objectives that support the proposed actions.

The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, **in-conformity** with the following Objectives and Policies of the General Plan:

Note: GENERAL PLAN ELEMENTS are listed in BOLD UPPER CASE FONT; General Plan Objectives and Policies are in Bold Font; staff comments are in italic font.

2004 HOUSING ELEMENT

OBJECTIVE 1 TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

POLICY 1.2

Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.

OBJECTIVE 4

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

POLICY 4.1:

Actively identify and pursue opportunity sites for permanently affordable housing.

Comment: The "Project" (sale of property owned by the City to the Redevelopment Agency, and grant pedestrian easement and emergency fire apparatus easement to facilitate said housing development) identifies the subject property and helps to implement the development of affordable housing located at the subject site. This is consistent

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with the Balboa Park Station Area Plan which contains policies and calls for land use controls that would encourage new, well-designed housing development that conserves neighborhood character; retains and enhances existing housing; provide opportunities for higher density housing near transit; gives first consideration to the development of affordable housing on publicly-owned sites; and reduces the cost of building housing through various strategies such as unbundling parking requirements from housing. In addition, the proposed controls and policies would increase the housing supply without overcrowding or adversely affecting the prevailing character of the existing neighborhood.

URBAN DESIGN ELEMENT

OBJECTIVE 4:

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

POLICY 4.11

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

Comment: The "Project" (the vacation of property and jurisdictional transfer of said property from DPW to MTA; transfer of land from MTA to SFPUC and from SFPUC to MTA; exchange of land between SFPUC and CCSF) promotes the enhancement of underutilized public areas and helps to increase opportunities for open spaces.

TRANSPORTATION ELEMENT

POLICY 1.3

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Comment: The "Project" (the vacation of property and jurisdictional transfer of said property from DPW to MTA; transfer of land from MTA to SFPUC and from SFPUC to MTA; exchange of land between SFPUC and CCSF) helps to implement the reconfiguration of the existing bus loop, known as the "Phelan Loop."

OBJECTIVE 2

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

POLICY 2.4

Organize the transportation system to reinforce community identity, improve linkages among interrelated activities and provide focus for community activities.

Comment: The "Project" (the vacation of property and jurisdictional transfer of said property from DPW to MTA; transfer of land from MTA to SFPUC and from SFPUC to MTA; exchange of land between SFPUC and CCSF) helps to implement the reconfiguration of the existing bus loop, known as the "Phelan Loop." A reconfigured

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Phelan Loop will help to reinforce community identity, provide an opportunity for a new open space in the area, and improve linkages between CCSF and the Ocean Avenue Neighborhood Commercial District.

OBJECTIVE 23

IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

Comment: A key strategy of the Balboa Park Station Area Plan is to capitalize on the availability of transit and improve non-auto modes of travel in the neighborhoods. The "Project" supports improvements to the existing transit infrastructure and encourages a number of proposed improvements to the pedestrian realm.

COMMERCE AND INDUSTRY ELEMENT

POLICY 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.3

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

Comment: The "Project" supports the creation of new housing units in the Ocean Avenue Neighborhood Commercial District which require some of the referenced property transactions. These transactions are intended to allow future construction of retail development along Ocean Avenue. Approval of the Project is intended to provide for increased retail uses along this corridor and allowing the expansion of the customer base for neighborhood serving businesses.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 4

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

Policy 4.2: Maximize joint use of other properties and facilities.

Policy 4.7: Provide open space to serve neighborhood commercial districts:

Comment: The Project encourages the implementation of a public plaza which could provide an active, passive, and informal gathering place. This plaza would be easily accessible and located in order to best serve the surrounding neighborhoods, the Ocean Avenue Neighborhood Commercial District, the students at City College, and the transit users' needs.

AIR QUALITY ELEMENT

OBJECTIVE 3

DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS.

POLICY 3.2

Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

POLICY 3.4

Continue past efforts and existing policies to promote new residential development in and close to the downtown area and other centers of employment, to reduce the number of auto commute trips to the city and to improve the housing/job balance within the city.

Comment: The "Project" lowers negative impacts on air quality by encouraging the use of transit, improving the quality of open space and proposing transit improvements. The "Project" encourages new development in areas that are well served by transit.

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PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is limited to the vacation of public ROW; the sale, and jurisdictional transfer of public property; easements; and land exchanges; and is necessary for implementation of the adopted Balboa Park Station Area Plan. Other elements of the Balboa Park Station Area Plan may be subject to separate other General Plan referrals. The current project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The project has the potential to enhance the neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project has the potential to add to the City's housing stock and build on existing neighborhood character.

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

The Project has the potential to enhance the City's supply of affordable housing.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

The Project has the potential to help enhance Muni service.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project would not affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

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CASE NO. 2010.0975R

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The Project would not negatively affect preparedness against injury and loss of life in an earthquake and would comply with applicable safety standards.

7. That landmarks and historic buildings be preserved.

The Project would not affect any landmark or historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development:

The Project has the potential to contribute to the implementation of a new public plaza.

RECOMMENDATION:

Finding the Project, on balance, in-conformity with the General Plan. Implementation of the Balboa Park Station Area Plan may be subject to separate General Plan Referrals.

Attachments:

1. Map of area and proposed requests

cc:

Lisa Pagan, OEWD

Taylor Emerson, Real Estate ✓

John Updike, Real Estate

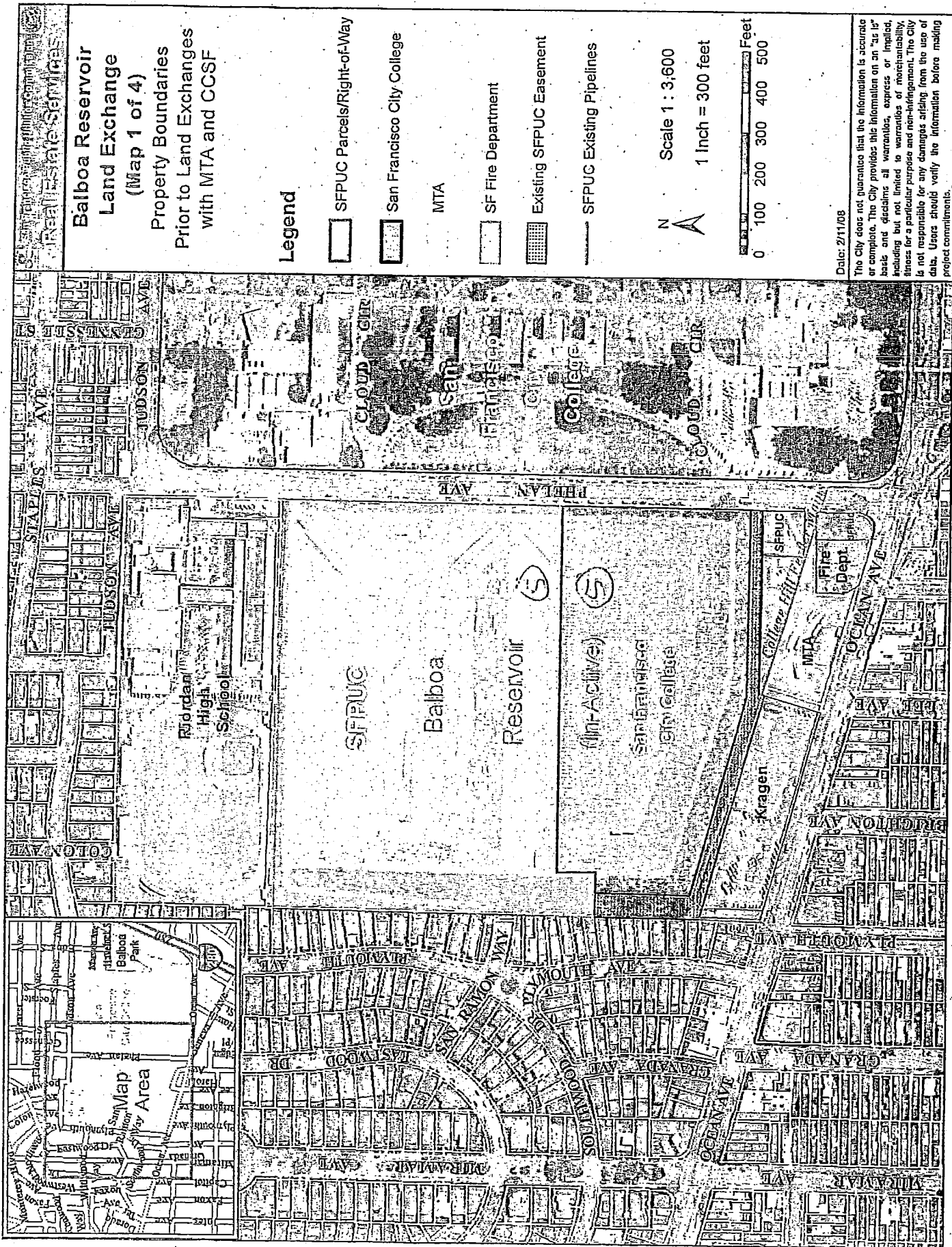
John Malamut, City Attorney

Kate McGee, Planning Dept

Attachment: Map of area and proposed requests







LEGEND


1. Vacation of 17,050 square feet of City-owned property and jurisdictional transfer of said property from DPW to MTA;
2. Sale of 25,601 square feet of City-owned property to the San Francisco Redevelopment Agency (SFRA) for \$4,056,580, its appraised value, to be developed by the SFRA as affordable housing (which shall be subject to a separate General Plan Referral application).
3. Grant of pedestrian easement and emergency fire apparatus easement to facilitate said housing development;
4. Jurisdictional transfer of 6,264 square feet of land from the Metropolitan Transportation Agency (MTA) to the San Francisco Public Utilities Commission (SFPUC) and 5,835 square feet of land from SFPUC to MTA;
5. Even exchange of property between City (SFPUC) and SF Community College District.

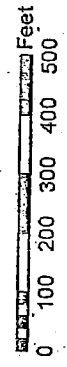


**Balboa Reservoir
Land Exchange
(Map 1 of 4)**
Property Boundaries
Prior to Land Exchanges
with MTA and CCSF

Legend

-  SFPUC Parcels/Right-of-Way
-  San Francisco City College
-  MTA
-  SF Fire Department
-  Existing SFPUC Easement
-  SFPUC Existing Pipelines

N 
Scale 1 : 3,600
1 Inch = 300 feet












Date: 2/11/08


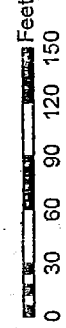
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Balboa Reservoir Land Exchange (Map 2 of 4)

Municipal Transportation Agency
and SFPUC Land Exchange

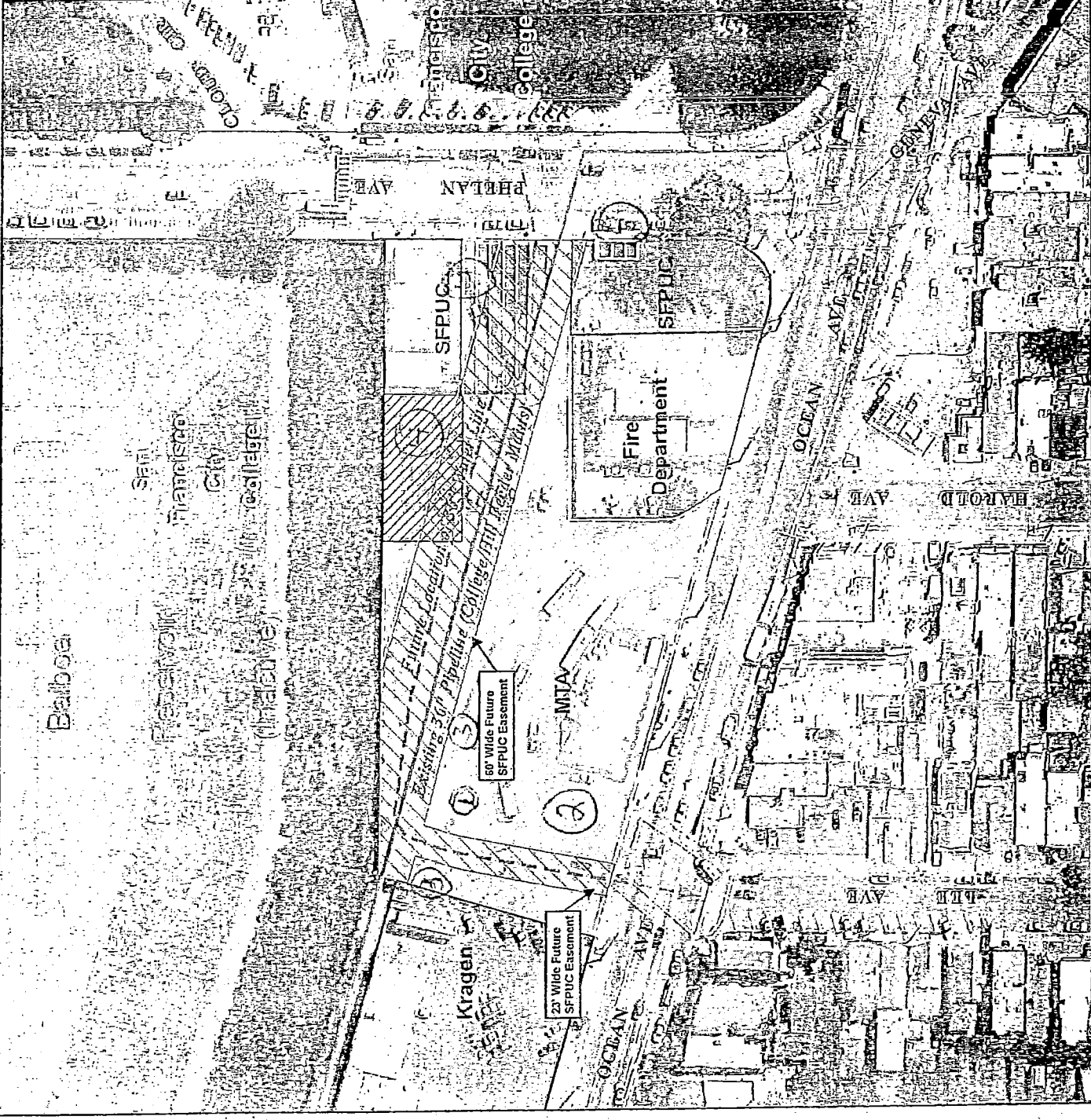
- ### Legend
-  Area of Easement to be Granted to SFPUC by MTA and to be Reserved by SFPUC
 -  MTA Fee Owned Property to be Transferred to SFPUC
 -  SFPUC Fee Owned Property to be Transferred to MTA
 -  SFPUC
 -  San Francisco City College
 -  MTA
 -  SF Fire Department
 -  SFPUC Existing Pipelines
 -  SFPUC Future Pipeline

Scale 1 : 1,200
1 Inch = 100 feet

Date: 2/11/08

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SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: July 12, 2010
 TO: Michael Smith, Neighborhood Planner
 FROM: Jeanie Poling, Environmental Planner
 RE: CEQA Review
 11 Phelan Avenue - Phelan Loop Affordable Housing
 Block/Lot 3180/001, Case No. 2009.1117E

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

Reception:
 415.558.6378

BY: *MC*
 20 FEB - 1 PM 1:47
 RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 Planning Information
 415.558.6378

The project site is a 25,772 square-foot (sf) portion of a 1,329,085 sf (30-acre) parcel at the northwest corner of Ocean Avenue and Phelan Avenue. The site currently contains a paved area that is used as a Muni bus turnaround and an approximately 1,000 sf single-story restroom building. The proposed project involves the construction of a 55-foot-tall, five-story, 87,332 gross sf (gsf) mixed-use building containing 71 residential units (70,312 gsf); 7,300 gsf of ground-floor retail; 4,722 gsf of supportive service and community space; 3,073 gsf of residential/retail car and bicycle parking spaces; and 1,925 gsf of building systems/service spaces.

The proposed project is consistent with the "Phelan Loop Site" affordable housing development that was fully analyzed on a project level in the programmatic *Balboa Park Station Area Plan Environmental Impact Report* (Area Plan EIR), which analyzed the Phelan Loop Site project as containing up to 80 affordable residential units occupying up to four floors above approximately 15,000 sf of ground-floor retail uses. Individual mitigation measures from the Area Plan EIR that are not applicable are discussed below. Mitigation measures that apply to the proposed project are listed in Attachment A of this memo.

Transportation. The transportation analysis on Page 202 of the Final EIR states:

[T]he Phelan Loop Site development is expected to generate a total of about 133 vehicle trips during the weekday p.m. peak hour (75 inbound and 58 outbound). All of these vehicle trips would enter and exit the Phelan Loop Site development at Lee Avenue, which would be extended one block north of Ocean Avenue. Vehicles would be able to access the project from both eastbound and westbound Ocean Avenue.

For the Existing plus Phelan Loop Site development scenario, all study intersections would continue to operate at LOS D or better...The average delay at almost all of the study intersections would not substantially increase. At the intersection of Ocean Avenue/Lee Avenue the project-related vehicles making the eastbound left turn into the project site would not result in a major increase in congestion due to the relatively few number of vehicles (about 15 during the weekday p.m. peak hour) and gaps in westbound traffic due to the nearby traffic signal at the Ocean/Geneva/Phelan intersection. Unlike the Kragen Auto Parts Site development, access to and from the Phelan Loop Site development can be accommodated at the Lee Avenue/Ocean Avenue intersection without changes to the existing traffic signal.

The Area Plan EIR concluded that the proposed project would result in less-than-significant transportation impacts. Thus, transportation mitigation measures included in the Area Plan EIR would not apply to the proposed project.

Air Quality. Subsequent to certification of the Area Plan EIR, the two air quality mitigation measures from the EIR were added into City codes and are now regulations that apply to the proposed project. The project must comply with the regulations, but the mitigation measures no longer need to be included in the project's conditions of approval.

The Construction Dust Control Ordinance (176-08, effective July 30, 2008) requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from the Department of Building Inspection. The project must comply with these requirements to reduce construction dust.

Ordinance 281-08, effective December 5, 2008, amended Article 38 of the San Francisco Health Code to require air quality assessments and ventilation for certain urban infill residential developments. Because the project is located within a potential roadway exposure zone identified by the Department of Public Health, an air quality assessment was conducted. Results indicated that the project site exceeds the action level of 0.2 micrograms per cubic meter annual exposure of roadway particulates; thus, the project is subject to the ventilation requirements identified in Section 3807 of the San Francisco Health Code. The project must comply with these requirements to reduce potential air quality issues related to roadway pollution.

Hazardous Materials. The Area Plan EIR specified that a Phase I environmental site assessment be conducted, and if it indicates that a release of hazardous materials could have affected soil or groundwater quality at the site, the project sponsor must conduct follow-up investigations and possibly remediation in conformance with state and local laws, regulations, and guidelines. A soil investigation at the project parcel conducted in June 2008 was reviewed by the Department of Public Health. In a letter dated April 5, 2010, DPH noted that the soil investigation noted an elevated level of total petroleum hydrocarbons-motor oil (TPH-m.o.) at one site location; however, the location is within MTA property and not within the proposed residential development area. DPH concluded that no further action is required beyond compliance with construction dust control measures.

The Area Plan EIR also listed a mitigation measure requiring investigation of areas containing naturally occurring asbestos. The Balboa Park Station Initial Study (Appendix A of the EIR), p. 63, notes that the Phelan Loop Site is not located within an area of naturally occurring asbestos. Thus this mitigation measure is not applicable.

Conclusion. The proposed project does not deviate from the project components analyzed in the area plan EIR; thus, no additional environmental review is required. The mitigation measures contained in Attachment A were adopted by the Planning Commission on December 4, 2008, during Certification of the *Balboa Park Station Area Plan Environmental Impact Report* and are

July 12, 2010
11 Phelan Avenue
Page 3

applicable to the proposed project. Improvement measures that were also approved by the Planning Commission during certification of the Area Plan EIR are included in Attachment A.

Attachment: Attachment A

Attachment A				
Measures Adopted as Conditions of Approval of the Balboa Park Station Area Plan Environmental Impact Report that are Applicable to the Project	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FOR THE BALBOA PARK STATION AREA PLAN				
Noise Mitigation Measures				
N-1: In accordance with the San Francisco Land Use Compatibility Guidelines for Community Noise, conduct a detailed evaluation of noise reduction requirements and incorporate needed noise reduction measures into the project design wherever new residential development is proposed in areas subject to existing or future noise levels over 60 dBA (CNEL).	Project sponsor of each future residential development project in the Balboa Park Station Area Plan	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	Planning Department and DBI	Considered complete upon approval of final construction drawing set
N-2: Complete a vibration analysis for any residential or vibration-sensitive land uses proposed within critical distances of existing or planned BART or MUNI facilities (see Table 18, p. 231 of the Final EIR). Incorporate measures into the design as necessary to reduce the potential for vibration disturbance.	Project sponsor of each future residential or noise-sensitive development project in the Balboa Park Station Area Plan	During construction	Each project sponsor to provide Planning Department with monthly reports during construction period	Considered complete upon receipt of final monitoring report at completion of construction
Hazardous Materials Mitigation Measure				
HM-2: For projects that include demolition, ensure that any equipment containing PCBs or DEHP, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation or demolition, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, such as asbestos-containing building materials, either before or during work, shall be abated according to applicable federal, state, and local laws.	Project sponsor of each future development project in the Balboa Park Station Area Plan	Prior to approval of each subsequent project, through Mitigation Plan	Planning Department, in consultation with DPH. Where a site mitigation plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon approval of each subsequent project
Archeological Mitigation Measures				
AM-1: AM-1 applies to projects involving activities including excavation, construction of foundations, soils improvement/densification, installation of utilities or soils remediation resulting in soils disturbance/modification to a depth of four (4) feet or greater below ground surface. The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition,	Project sponsor of each future development project in the Balboa Park Station Area Plan	Prior to and during construction	The ERO to review and approve the Final Archeological Resources Report	The project archeologist to consult with the ERO as indicated. Considered complete after review and approval of the

Attachment A

Measures Adopted as Conditions of Approval of the Balboa Park Station Area Plan Environmental Impact Report that are Applicable to the Project	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>excavation, grading, foundation, pile driving, etc. firms); or utilities contractor 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, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) 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 a qualified archeological consultant. 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 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 Major Environmental Analysis (MEA) 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 describing 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</p>				Final Archeological Resources Report by the ERO.

Attachment A				
Measures Adopted as Conditions of Approval of the Balboa Park Station Area Plan Environmental Impact Report that are Applicable to the Project	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p>AM-2: AM-2 applies to any project involving any soils-disturbing activities greater than 10 feet in depth, including excavation, installation of foundations or utilities or soils remediation, and to any soils-disturbing project of any depth within the Phelan Loop and Kragen Auto Parts Sites, the east side of San Jose between Ocean and Geneva Avenues, and the Upper Yard Parcel.</p> <p>Based on the reasonable potential that archeological resources may be present within the Project Area, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried historical resources. The project sponsor of a development project under the Balboa Park Station Area Plan shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce the potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c), to a less-than-significant level.</p> <p>Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archeological consultant, project sponsor of a development project under the Balboa Park Station Area Plan, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archeological resources and to their depositional context. 	<p>Project sponsor of each future development project within the Phelan Loop and Kragen Auto Parts Sites, the east side of San Jose between Ocean and Geneva Avenues, and the Upper Yard Parcel in the Balboa Park Station Area Plan</p>	<p>Prior to and during construction</p>	<p>The ERO to review and approve the Final Archeological Resources Report</p>	<p>The project archeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archeological Resources Report by the ERO.</p>

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Measures Adopted as Conditions of Approval of the Balboa Park Station Area Plan Environmental Impact Report that are Applicable to the Project	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO. <p>If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data</p>	<p>Project archeologist</p>	<p>Follow requirements of an ADRP</p>	<p>The ERO to review and approve the ADRP</p>	<p>Considered complete after review and approval of the ADRP by the ERO</p>

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Measures Adopted as Conditions of Approval of the Balboa Park Station Area Plan Environmental Impact Report that are Applicable to the Project	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations. • Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures. • Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies. • Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • Final Report. Description of proposed report format and distribution of results. <p>Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</p> <p>Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation,</p>	<p>Project archeologist</p>	<p>Following discovery of human remains</p>	<p>County Coroner and ERO</p>	<p>Completion of notification and consultation requirements of Pub. Res. Code Sec. 6097.98</p>

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Measures Adopted as Conditions of Approval of the Balboa Park Station Area Plan Environmental Impact Report that are Applicable to the Project	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p>Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft 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:</p> <p>California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project archeologist</p>	<p>Completion of draft FARR</p>	<p>The ERO to review and approve the FARR</p>	<p>Considered complete after review and approval of the FARR by the ERO</p>
<p>IMPROVEMENT MEASURES FOR THE BALBOA PARK STATION AREA PLAN</p>				
<p>Transportation Improvement Measures</p>				
<p>The project sponsor shall coordinate with one of the carshare providers to provide carshare spaces within new off-street parking facilities to encourage carshare use. Make efforts to enhance transit, pedestrian, and bicycle circulation and access in the Project Area, which would reduce the reliance upon private vehicles.</p>	<p>Project sponsor of each future development project in the Balboa Park Station Area Plan</p>	<p>Ongoing, when new residents and commercial tenants move into a building</p>	<p>MTA, Planning Department</p>	<p>Ongoing</p>
<p>To minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods, limit truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by MTA). In addition, have all construction contractors meet with representatives of MTA and the Planning Department to determine feasible measures to reduce traffic congestion, including transit disruption and pedestrian and bicycle circulation impacts during construction of individual projects within the Project Area.</p>	<p>Project sponsor of each future development project in the Balboa Park Station Area Plan</p>	<p>Prior to issuance of individual building permits</p>	<p>DBI</p>	<p>Ongoing</p>
<p>Shadow Improvement Measure</p>				
<p>SM-1. New buildings and additions to existing buildings in the Project Area where the building height exceeds 40 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development</p>	<p>Project sponsor of each future development</p>	<p>Prior to issuance of individual building permits</p>	<p>Planning Department</p>	<p>Ongoing</p>

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Measures Adopted as Conditions of Approval of the Balboa Park Station Area Plan Environmental Impact Report that are Applicable to the Project	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the Planning Code.</p> <p>In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the use or utility of the open space being shaded.</p>	<p>project in the Balboa Park Station Area Plan</p>			
Water Quality Improvement Measure				
<p>WQ-1: Incorporate green stormwater management technologies into proposed new open spaces in the Project Area. Examples of green stormwater technologies include swales and other infiltration methods, rainwater gardens, stormwater planters, green roofs, pervious concrete, green streets, new open space, and reducing the use of pipes, curbs and gutters. Incorporation of these green stormwater management technologies could further delay peak stormwater runoff flows and provide reduction of pollutants in the stormwater runoff discharged to the combined sewer system.</p>	<p>Project sponsor of each future development project in the Balboa Park Station Area Plan</p>	<p>Prior to issuance of individual building permits</p>	<p>Planning Department, DBI</p>	<p>Ongoing</p>
IMPROVEMENT MEASURES FOR PHELAN LOOP SITE				
Transportation Improvement Measures				
Truck Loading:				
<ul style="list-style-type: none"> • Restrict truck access to the loading dock to 30 foot trucks or shorter. • Schedule all deliveries to reduce the potential for trucks waiting to enter the loading dock (which may cause a back-up onto Ocean Avenue). Traffic volumes along Ocean Avenue are constantly high throughout the day; therefore, deliveries between 7:00 a.m. and 7:00 p.m. should be avoided. • Maintain accurate truck logs to document the time and duration of truck activities. • Station loading dock personnel at the corner of the Ocean/Lee intersection and at the loading dock to assist truck maneuvers and to manage traffic flows. • Work with MTA to prohibit on-street parking along Lee Avenue during the peak loading periods to provide sufficient right-of-way for truck maneuvers. 				
<p>Coordinate with one of the carshare providers to provide carshare spaces within the parking garage to encourage carshare use.</p>	<p>Phelan Loop Site project sponsor</p>	<p>Prior to issuance of building permit</p>	<p>MTA, Planning Department</p>	<p>Ongoing</p>
<p>Provide the Planning Code required shower and locker facilities for the retail space (four showers and eight lockers), and provide additional bicycle parking spaces in a safe and secure location for employees.</p>	<p>Phelan Loop Site project sponsor</p>	<p>Monitor biannually</p>	<p>MTA, Planning Department</p>	<p>Ongoing</p>
<p>During project construction, limit truck movements to the hours between 9:00 a.m.</p>	<p>Phelan Loop Site</p>	<p>Prior to construction</p>	<p>MTA, Planning</p>	<p>Completion of</p>

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Measures Adopted as Conditions of Approval of the Balboa Park Station Area Plan Environmental Impact Report that are Applicable to the Project	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
and 3:30 p.m. (or other times, if approved by MTA) to minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods. In addition, construction contractors should meet with MTA, the Fire Department, and the Planning Department to determine feasible measures to reduce traffic congestion, including transit disruption and pedestrian circulation impacts during construction.	project sponsor		Department	construction

FILE NO. 090180

ORDINANCE NO.

1 [Approving General Plan Amendments in connection with the Balboa Park Station Area Plan.]

2
3 **Ordinance amending the San Francisco General Plan by the Balboa Park Station Area**
4 **Plan and approving General Plan amendments to implement the aforementioned Plan**
5 **by amending various General Plan Elements; making environmental findings that the**
6 **proposed amendments are consistent with the General Plan and the eight priority**
7 **policies of the Planning Code Section 101.1.**

8 NOTE: Additions are single-underline italics Times New Roman;
9 deletions are strike through italics Times New Roman.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are strikethrough normal.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Findings.

14 A. Section 4.105 of the Charter of the City and County of San Francisco provides that the
15 Planning Commission shall periodically recommend to the Board of Supervisors, for approval
16 or rejection, proposed amendments to the General Plan.

17 B. On Feb. 10, 2009 the Board of Supervisors received from the Planning Department the
18 proposed General Plan amendments including the addition of the Balboa Park Station Area
19 Plan and related General Plan amendments to various General Plan Elements (the "Balboa
20 Park Station Area Plan Amendments" or "Plan Amendments"). These Amendments are on
21 file with the Clerk of the Board of Supervisors in File No. 090180 and are incorporated
22 herein by reference.

23 C. Section 4.105 of the City Charter further provides that if the Board of Supervisors fails to
24 Act within 90 days of receipt of the proposed the Balboa Park Station Area Plan Amendments,
25 then the proposed amendments shall be deemed approved.

1 D. San Francisco Planning Code Section 340 provides that the Planning Commission
2 may initiate an amendment to the General Plan by a resolution of intention, which refers to,
3 and incorporates by reference, the proposed General Plan amendments. Section 340 further
4 provides that Planning Commission shall adopt the proposed General Plan amendments after
5 a public hearing if it finds from the facts presented that the public necessity, convenience and
6 general welfare require the proposed amendment or any part thereof. If adopted by the
7 Commission in whole or in part, the proposed amendments shall be presented to the Board of
8 Supervisors, which may approve or reject the amendments by a majority vote.

9 E. After a duly noticed public hearing on November 6, 2008, in ^{Motion} Resolution No. 17740,
10 the Planning Commission initiated amendments to the General Plan. Said ^{Motion} Resolution is on
11 file with the Clerk of the Board of Supervisors in File No. 090180 and incorporated
12 herein by reference.

13 F. On December 4, 2008 after a duly noticed public meeting, the Planning Commission
14 certified the Final Environmental Impact Report (EIR) for the proposed Balboa Park Station
15 Area Plan (the "Project") by Motion No. 17774 and found that the Final EIR reflected the
16 independent judgment and analysis of the City and County of San Francisco, is adequate,
17 accurate and objective, contains no significant revisions to the Draft EIR, and the content of
18 the report and the procedures through which the Final EIR was prepared, publicized and
19 reviewed comply with the provisions of the California Environmental Quality Act ("CEQA")
20 (California Public Resources Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal.
21 Code Regs. Sections 15000 et seq.) and Chapter 31 of the San Francisco Administrative
22 Code. Copies of the Planning Commission Motion and Final EIR are on file with the Clerk of
23 the Board in File No. 090180 and are incorporated herein by reference.

24 G. The Project evaluated in the Final EIR includes amendments to the General Plan,
25 Planning Code and Zoning Map related to the Project that the Planning Department has

1 proposed. The Balboa Park Station Area Plan Amendments is an action proposed by the
2 Planning Department that is within the scope of the Project evaluated in the Final EIR.

3 H. At the same hearing during which the Planning Commission certified the Final EIR,
4 the Planning Commission adopted CEQA Findings with respect to the approval of the
5 proposed Balboa Park Station Area Plan Amendments in Motion No. 17775 and adopted the
6 Balboa Park Station Area Plan Amendments in Motion No. 17776, finding in accordance with
7 Planning Code Section 340 that the public necessity, convenience and general welfare
8 required the proposed amendments. The letter from the Planning Department transmitting the
9 proposed Balboa Park Station Area Plan Amendments to the Board of Supervisors, the Final
10 EIR and supplemental material described above, the CEQA Findings adopted by the Planning
11 Commission with respect to the approval of the Balboa Park Station Area Plan Amendments,
12 including a mitigation monitoring and reporting program and a statement of overriding
13 considerations, the Balboa Park Station Area Plan Amendments and the Motion approving the
14 Balboa Park Station Area Plan Amendments are on file with the Clerk of the Board in File No.
15 090180. These and any and all other documents referenced in this Ordinance have
16 been made available to the Board of Supervisors and may be found in either the files of the
17 Planning Department, as the custodian of records, at 1650 Mission Street in San Francisco, or
18 in File No. 090180 with the Clerk of the Board of Supervisors at 1 Dr. Carlton B.
19 Goodlett Place, San Francisco, and are incorporated herein by reference.

20 I. The Board of Supervisors has reviewed and considered the Final EIR and the
21 environmental documents on file referred to herein. The Board of Supervisors has reviewed
22 and considered the CEQA Findings adopted by the Planning Commission in support of the
23 approval of the Balboa Park Station Area Plan Amendments, including the mitigation
24 monitoring and reporting program and the statement of overriding considerations, and hereby
25

1 adopts as its own and incorporates the CEQA Findings contained in Planning Commission
2 Motion No. 17775 by reference as though such findings were fully set forth in this Ordinance.

3 J. The Board of Supervisors endorses the implementation of the mitigation measures
4 identified in the Planning Commission's CEQA Findings including those for implementation by
5 other City Departments and recommends for adoption those mitigation measures that are
6 enforceable by agencies other than City agencies, all as set forth in the CEQA Findings,
7 including the mitigation monitoring and reporting program contained in the referenced CEQA
8 Findings.

9 K. The Board of Supervisors finds that no substantial changes have occurred in the
10 Project proposed for approval under this Ordinance that will require revisions in the Final EIR
11 due to the involvement of new significant environmental effects or a substantial increase in the
12 severity of previously identified significant effects, no substantial changes have occurred with
13 respect to the circumstances under which the Project proposed for approval under the
14 Ordinance are undertaken which will require major revisions to the Final EIR due to the
15 involvement of new environmental effects or a substantial increase in the severity of effects
16 identified in the Final EIR and no new information of substantial importance to the Project as
17 proposed for approval in the Ordinance has become available which indicates that (1) the
18 Project will have significant effects not discussed in the Final EIR, (2) significant
19 environmental effects will be substantially more severe, (3) mitigation measure or alternatives
20 found not feasible which would reduce one or more significant effects have become feasible
21 or (4) mitigation measures or alternatives which are considerably different from those in the
22 Final EIR would substantially reduce one or more significant effects on the environment.

23 M. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
24 Balboa Park Station Area Plan Amendments set forth in the documents on file with the Clerk
25 of the Board in File No. 090180 will serve the public necessity, convenience and

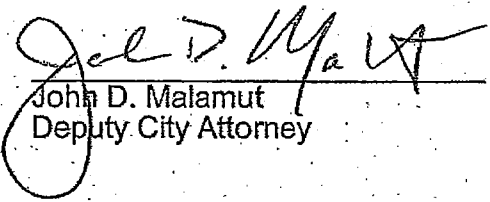
1 general welfare for the reasons set forth in Planning Commission Motion No. 17776 and
2 incorporates those reasons herein by reference.

3 N. The Board of Supervisors finds that the Balboa Park Station Area Plan
4 Amendments are, on balance, in conformity with the General Plan, as it is amended by this
5 Ordinance, and the eight priority policies of Planning Code Section 101.1 for the reasons set
6 forth in Planning Commission Motion No. 17776. The Board hereby adopts the findings set
7 forth in Planning Commission Motion No. 17776 as its own.

8 Section 2. The Board of Supervisors hereby approves the proposed Balboa Park
9 Station Area Plan Amendments, an amendment to the General Plan, as recommended to the
10 Board of Supervisors by the Planning Commission in Motion No. 17776, and directs the
11 Planning Department to update the General Plan's Land Use Index to reflect these
12 Amendments. Said Amendments, including General Plan map amendments, are on file with
13 the Clerk of the Board of Supervisors in File No. 090180 and incorporated herein by
14 reference.

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By:


19 John D. Malamut
20 Deputy City Attorney



City and County of San Francisco

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

Tails

Ordinance

File Number: 090180

Date Passed:

Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

March 31, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

April 7, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090180

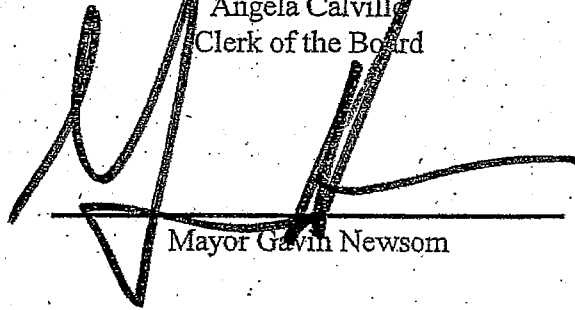
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 7, 2009 by the Board of Supervisors of the City and County of San Francisco.

4/17/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom



SAN FRANCISCO PLANNING DEPARTMENT

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17774

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CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED BALBOA PARK STATION AREA PLAN. THE PLAN AREA GENERALLY INCLUDES THE AREA SURROUNDING THE BALBOA PARK STATION, AND ALONG GENEVA, OCEAN, AND SAN JOSE AVENUES.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case File No. 2004.1059E - Balboa Park Station Area Plan (hereinafter "Area Plan" or "Project") based upon the following findings:

- 1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - a. The Citywide Group of the Department filed for environmental evaluation on October 8, 2004, and the Major Environmental Analysis section of the Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on July 29, 2006.
 - b. Notice of Preparation of an EIR was filed with the State Secretary of Resources via the State Clearinghouse on July 29, 2006.
 - c. On September 21, 2007, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the document for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
 - d. On September 21, 2007, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

- e. Notices of Availability of the DEIR and of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on September 21, 2007.
- 2) The Commission held a duly advertised public hearing on the DEIR on October 25, 2007, at which time opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on November 5, 2007.
 - 3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing on the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, corrected errors in the DEIR, and prepared impact analysis for proposed revisions to the Area Plan. This material was presented in a Comments and Responses document, published on October 30, 2008, that was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices and web site.
 - 4) A Final Environmental Impact Report ("FEIR") has been prepared by the Department, consisting of the DEIR, all background studies and materials, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
 - 5) Project environmental files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
 - 6) On December 4, 2008, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
 - 7) The Planning Commission hereby does find that the FEIR concerning Case File 2004.1059E - Balboa Park Station Area Plan reflects the independent judgment and analysis of the City and County of San Francisco and is adequate, accurate, and objective. The Commission also finds that since publication of the DEIR there has been no significant new information or other factors that would require recirculation of the document pursuant to CEQA Guidelines Section 15088.5. Information to support this conclusion is found in the FEIR, which includes the Comments and Responses, and in Department staff analysis. In furtherance of the above findings, the Planning Commission hereby does CERTIFY THE

December 4, 2008
File No: 2004.1059E
Balboa Park Station Area Plan
Motion No. 17774

COMPLETION of said Final Environmental Impact Report in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

The Commission, in certifying the completion of the FEIR, hereby does find that the proposed project described in the FEIR would have the following significant unavoidable environmental impacts, which could not be mitigated to a level of non-significance:

- a. Traffic impacts at three intersections: (1) Ocean Avenue/Junipero Serra Boulevard, (2) Ocean Avenue/I-280 Northbound On-Ramp, and (3) Ocean Avenue/San Jose Avenue;
- b. Traffic and transit impacts at two project intersections: (1) Ocean Avenue/Geneva Avenue/Phelan Avenue, and (2) Geneva Avenue/I-280 Northbound and Southbound Ramps;
- c. Transit operations impacts on the Muni K-Ingleside Metro line; and
- d. Cumulative impacts to a potential historic district along Ocean Avenue.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on December 4, 2008.

Linda Avery
Planning Commission Secretary

AYES: Olague, Antonini, Borden, Lee, Miguel, Moore
NOES: None
ABSENT: None
EXCUSED: Sugaya

ACTION: Certification of the Balboa Park Station Area Plan FEIR



SAN FRANCISCO PLANNING DEPARTMENT

SAN FRANCISCO CITY PLANNING COMMISSION MOTION NO. 17775

ADOPTING ENVIRONMENTAL FINDINGS (AND A STATEMENT OF OVERRIDING CONSIDERATIONS) UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE ADOPTION OF THE BALBOA PARK STATION AREA PLAN AND RELATED ACTIONS NECESSARY TO IMPLEMENT SUCH PLANS. THE PLAN AREA GENERALLY INCLUDES THE AREA SURROUNDING THE BALBOA PARK STATION, AND ALONG GENEVA, OCEAN, AND SAN JOSE AVENUES.

Whereas, the Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA") has undertaken a planning and environmental review process for the proposed Balboa Park Station Area Plan ("Area Plan" or "Project") and provided for appropriate public hearings before the Planning Commission.

Whereas, The San Francisco Planning Department is seeking to implement the Balboa Park Station Area Plan. The Plan aims to improve upon the existing land use pattern, improve transit facilities and services, create balanced parking policies, provide new housing and increase opportunities for affordable housing, enhance streets through public realm improvements, retain and reuse the area's historic properties, and create opportunities to integrate art into the community.

Whereas, the Planning Department initiated a public planning process and, with help from the community, developed a vision for the Balboa Park area as described in "The Balboa Park Station Area Plan: Draft for Public Review." The Balboa Park Area Plan formalizes this community vision through objectives, policies, and implementing actions. The Plan addresses land use, transportation, parking, housing, streets and open space, built form, historic preservation, and the arts. The Plan includes a Community Improvements Program Document, which guides the implementation of the Plan's goals.

Whereas, the Balboa Park Station Area Plan proposes two new zoning districts in the area of San Francisco generally located in south central San Francisco as described in the preamble, including the following: Ocean Avenue Neighborhood Commercial Transit District, and the Neighborhood Commercial Transit Cluster District.

Whereas, the above-mentioned use districts would eliminate the existing density cap and minimum parking requirement as described in detail in the *Balboa Park Station Area Plan Initiation Package*, dated November 6, 2008, transmitted to the City Planning

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Commission and made available to the general public on November 6, 2008. These use districts would replace existing Neighborhood Commercial Districts within the Project Area.

Whereas, the Planning Commission will consider—in conjunction with the proposed new use districts—adoption of General Plan amendments, including new and/or amended goals, objectives, and policies as part of the Balboa Park Station Area Plan. These include, but are not limited to, zoning map amendments, a community benefits fee program, and other applicable zoning changes.

Whereas, the actions listed in Attachment A hereto (“Actions”) are part of a series of considerations in connection with the adoption of the Balboa Park Station Area Plan and various implementation actions (“Project”), as more particularly described in Attachment A hereto.

Whereas, the Planning Department determined that an Environmental Impact Report (“EIR”) was required for the proposed Balboa Park Station Area Plan, and provided public notice of that determination by publication in a newspaper of general circulation on July 29, 2006.

Whereas, the Planning Department on September 21, 2007, published the Draft Environmental Impact Report (“DEIR”). The DEIR was circulated for public review in accordance with the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.* (“CEQA”), the State CEQA Guidelines, 14 California Code of Regulations, Section 15000 *et seq.*, (“CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”). The Planning Commission held a public hearing on the DEIR on October 25, 2007.

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on October 30, 2008, which together with the DEIR, background studies and materials, and additional information that became available, constitute the Final Environmental Impact Report (“FEIR”).

Whereas, the Planning Commission, on December 4, 2008, by Motion No. 17774, reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

Whereas, the Planning Commission by Motion No. 17774, also certified the FEIR and found that the FEIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission and that the Comments and Responses document contains no significant revisions to the DEIR that would have required recirculation under CEQA Guidelines Section 15088.5, and adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines.

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Whereas, the Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures, and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration, and actions.

THEREFORE BE IT RESOLVED, that the Planning Commission has reviewed and considered the FEIR and the actions associated with the Balboa Park Station Area Plan Rezoning and hereby adopts the Project Findings attached hereto as Attachment A including a statement of overriding considerations, and the Mitigation Monitoring and Reporting Program.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of December 4, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Moore, Sugaya
NOES:
ABSENT: Commissioners Lee, Miquel, Olague
EXCUSED:

ACTION: Adoption of CEQA Findings

EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)				
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FOR THE BALBOA PARK STATION AREA PLAN				
<i>Transportation Mitigation Measures</i>				
<p>Ocean Avenue/Junipero Serra Boulevard: This intersection would operate at LOS E under 2025 Baseline conditions and worsen to LOS F with the 2025 with Area Plan scenario. In order to improve operating conditions, the signal cycle length would need to be extended by 15 seconds, from 90 to 105 seconds, with additional green times provided on the eastbound and westbound approaches. With this change, intersection operations would improve to LOS E with an average delay of 58 seconds. It would not be possible, however, to improve 2025 with Area Plan conditions to LOS D. Implementation of the proposed mitigation measure would require an assessment by the San Francisco Municipal Transportation Agency (MTA) of transit and traffic coordination along Ocean Avenue and San Jose Avenue to ensure that these signal timing changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p>	San Francisco Municipal Transportation Agency (MTA)	Monitor intersection biannually by undertaking traffic counts	MTA, San Francisco Planning Department (Planning Department)	Ongoing
<p>Ocean Avenue/I-280 Northbound On-Ramp: This intersection would worsen to LOS F conditions in the 2025 with Area Plan scenario. In order to improve operating conditions to acceptable levels, on-street parking would need to be removed from the westbound approach to the intersection in order to stripe an exclusive right-turn lane. Five seconds of green time would also need to be shifted from the westbound movement to the eastbound left-turn movement in order to accommodate the increased eastbound left-turn volume. With this change, intersection operations would improve to LOS D in 2025. Implementation of the proposed mitigation measure would require an assessment by MTA of transit and traffic coordination along Ocean Avenue and San Jose Avenue to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.</p>	MTA	Monitor intersection biannually by undertaking traffic counts	MTA, Planning Department,	Ongoing
<p>Ocean Avenue/San Jose Avenue: This intersection would operate at LOS F conditions in the future with and without the proposed Area Plan. To improve operating conditions to acceptable levels under 2025 Baseline conditions, five seconds of green time would need to be shifted from the north-south permitted phase to the east-west permitted phase to accommodate the increased east-west volume. With this change, intersection operations would improve to LOS D under the 2025 Baseline conditions. However, this intersection would</p>	MTA	Monitor intersection biannually by undertaking traffic counts	MTA, Planning Department	Ongoing

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<p>continue to operate at LOS F in 2025 with the proposed Area Plan. To mitigate the Area Plan's contribution to poor operating conditions, an additional three seconds of green time would need to be shifted from the north-south permitted phase to the east-west permitted phase. With this change, intersection operations would improve to LOS D in 2025 with the proposed Area Plan.</p>				
Noise Mitigation Measures				
<p>N-1: In accordance with the San Francisco Land Use Compatibility Guidelines for Community Noise, conduct a detailed evaluation of noise reduction requirements and incorporate needed noise reduction measures into the project design wherever new residential development is proposed in areas subject to existing or future noise levels over 60 dBA (CNEL).</p>	<p>Project sponsor of each future residential development project in the Balboa Park Station Area Plan</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>Planning Department and DBI</p>	<p>Considered complete upon approval of final construction drawing set</p>
<p>N-2: Complete a vibration analysis for any residential or vibration-sensitive land uses proposed within critical distances of existing or planned BART or MUNI facilities (see Table 18, p. 224 of the Draft EIR). Incorporate measures into the design as necessary to reduce the potential for vibration disturbance.</p>	<p>Project sponsor of each future residential or noise-sensitive development project in the Balboa Park Station Area Plan</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>
Air Quality Mitigation Measures				
<p>AQ-1: The project sponsor(s) shall ensure that contractors spray all sites with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor(s) would require that the project contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsor(s) would require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other</p>	<p>Project sponsor of each future development project in the Balboa Park Station Area Plan</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>

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<p>pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.</p> <p>AQ-2: New residential development proposed in the following areas shall include an analysis of PM2.5 and shall, if warranted based on the results, incorporate upgraded ventilation systems to minimize exposure of future residents to PM2.5 (which includes DPM) and other pollutant emissions, as well as odors: (1) within 500 feet of the I-280 freeway; (2) adjacent to the proposed bus layover facility on the Phelan Loop Site; (3) any active recreation areas such as playgrounds that are proposed as part of any future residential development in either of these areas; and (4) any other location where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles.</p> <p>The analysis shall employ either site-specific modeling of PM2.5 concentrations or other acceptable methodology to determine whether the annual average concentration of PM2.5 from the roadway sources within 500 feet would exceed the standard of 0.2 micrograms per cubic meter that has been shown to result in an increase of approximately 0.3 percent in non-injury mortality. If the incremental annual average concentration of PM2.5 concentration (from roadway sources only) were to exceed 0.2 micrograms per cubic meter at the project site, the project sponsor shall be required to install a filtered air supply system to maintain all residential units under positive pressure when windows are closed.</p> <p>The ventilation system, whether a central HVAC (heating, ventilation and possibly air conditioning) or a unit-by-unit filtration system, shall include high efficiency filters meeting minimum efficiency reporting value (MERV) 13, per American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 52.2 (equivalent to approximately ASHRAE Standard 52.1 Dust Spot 85%). Air intake systems for HVAC shall be placed based on exposure modeling to minimize roadway air pollution sources. The ventilation system shall be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system offers the best available technology to minimize outdoor to indoor transmission of air pollution.</p> <p>In addition to installation of air filtration, the project sponsor shall present a plan that ensures ongoing maintenance of the ventilation and filtration systems. The</p>	<p>Project sponsor of each future residential development project in the Balboa Park Station Area Plan</p>	<p>Upon initiation of environmental review for specific development projects that fall within the use characteristics and geographic parameters established by the mitigation measure</p>	<p>Planning Department, Department of Public Health (DPH), and the Department of Building Inspection (DBI)</p>	<p>Considered complete upon approval of final construction drawing set showing HVAC system, as appropriate</p>

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<p>project sponsor shall also ensure that the following information is disclosed to buyers and renters: (1) the findings of the particulate matter analysis, and (2) instructions concerning the proper use of any installed air filtration. If active recreation areas such as playgrounds are proposed as part of any future residential development, such areas shall be located at least 500 feet from freeways, if feasible.</p> <p>The above standard shall also apply to other sensitive uses such as schools, daycare facilities, and medical facilities. (It is noted that such facilities are somewhat more likely to employ central air systems than are residential developments.)</p>				
<p>Hazardous Materials Mitigation Measures</p>				
<p>HM-1: For projects that include excavation, prepare a site-specific Phase I Environmental Site Assessment for sites not subject to regulatory closure prior to development. The site assessment shall include visual inspection of the property; review of historical documents; and review of environmental databases to assess the potential for contamination from sources such as underground storage tanks, current and historical site operations, and migration from off-site sources. If the Phase I Environmental Site Assessment indicates that a release of hazardous materials could have affected soil or groundwater quality at the site, conduct follow-up investigations and possibly remediation in conformance with state and local laws, regulations, and guidelines.</p>	<p>Project sponsor of each future development project in the Balboa Park Station Area Plan</p>	<p>Prior to approval of each subsequent project, through Mitigation Plan</p>	<p>Planning Department, in consultation with DPH. Where a site mitigation plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction</p>	<p>Considered complete upon approval of each subsequent project</p>
<p>HM-2: For projects that include demolition, ensure that any equipment containing PCBs or DEHP, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation or demolition, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, such as asbestos-containing building materials, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	<p>Project sponsor of each future development project in the Balboa Park Station Area Plan</p>	<p>Prior to approval of each subsequent project, through Mitigation Plan</p>	<p>Planning Department, in consultation with DPH. Where a site mitigation plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction</p>	<p>Considered complete upon approval of each subsequent project</p>
<p>HM-3: The project sponsor(s) of future development in the Project Area that propose excavation shall evaluate the potential for naturally occurring asbestos to be present in soil or rock that would be excavated for the proposed development. Should naturally occurring asbestos be identified, the project</p>	<p>Project sponsor of each future development project in the</p>	<p>Prior to approval of each subsequent project, through Mitigation Plan</p>	<p>Planning Department, in consultation with DPH. Where a site mitigation plan is required, Project</p>	<p>Considered complete upon approval of each subsequent project</p>

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<p>sponsor shall comply with the legal requirements of the asbestos ATCM.</p>	Balboa Park Station Area Plan		Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	project
<p>Archeological Mitigation Measures.</p> <p>AM-1: AM-1 applies to projects involving activities including excavation, construction of foundations, soils improvement/densification, installation of utilities or soils remediation resulting in soils disturbance/modification to a depth of four (4) feet or greater below ground surface.</p> <p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities contractor 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, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) 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 a qualified archeological consultant. 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</p>				
	Project sponsor of each future development project in the Balboa Park Station Area Plan	Prior to and during construction	The ERO to review and approve the Final Archeological Resources Report	The project archeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archeological Resources Report by the ERO.

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<p>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 archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) 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 describing 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 (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor of each future development project within the Phelan Loop and Kragen Auto Parts Sites, the east side</p>	<p>Prior to and during construction</p>	<p>The ERO to review and approve the Final Archeological Resources Report</p>	<p>The project archeologist to consult with the ERO as indicated. Considered complete after</p>
<p>AM-2: AM-2 applies to any project involving any soils-disturbing activities greater than 10 feet in depth, including excavation, installation of foundations or utilities or soils remediation, and to any soils-disturbing project of any depth within the Phelan Loop and Kragen Auto Parts Sites, the east side of San Jose between Ocean and Geneva Avenues, and the Upper Yard Parcel.</p> <p>Based on the reasonable potential that archeological resources may be present within the Project Area, the following measures shall be undertaken to avoid any</p>				

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<p>potentially significant adverse effect from the proposed project on buried historical resources. The project sponsor of a development project under the Balboa Park Station Area Plan shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO.</p> <p>Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce the potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c), to a less-than-significant level.</p> <p>Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> • The archeological consultant, project sponsor of a development project under the Balboa Park Station Area Plan, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archeological resources and to their depositional context; • The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; • The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; • The archeological monitor shall record and be authorized to collect soil 	<p>of San Jose between Ocean and Geneva Avenues, and the Upper Yard Parcel in the Balboa Park Station Area Plan</p>			<p>review and approval of the Final Archeological Resources Report by the ERO.</p>

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<p>samples and artifactual/ecofactual material as warranted for analysis;</p> <ul style="list-style-type: none"> If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO. <p>If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods</p>	Project archeologist	Follow requirements of an ADRP	The ERO to review and approve the ADRP	Considered complete after review and approval of the ADRP by the ERO

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<p>shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations. • Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures. • Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies. • Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • Final Report. Description of proposed report format and distribution of results. <p>Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</p> <p>Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the</p>	Project archeologist	Following discovery of human remains	County Coroner and ERO	Completion of notification and consultation requirements of Pub. Res. Code Sec. 6097.98

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<p>human remains and associated or unassociated funerary objects.</p> <p>Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft 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 (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	Project archeologist	Completion of draft FARR	The ERO to review and approve the FARR	Considered complete after review and approval of the FARR by the ERO
MITIGATION MEASURES FOR THE KRAGEN-AUTO PARTS SITE				
<i>Transportation Mitigation Measure</i>				
<p>Ocean Avenue/Brighton Avenue: Adjust the intersection signal timing to provide a short protected left-turn green phase for westbound traffic accommodate the Kragen Auto Parts Site development. The change in signalization shall meet City standards and specifications. The project sponsor for the Kragen Auto Parts Site development shall work with MTA and the Planning Department to confirm that this signal change would be acceptable.</p> <p>All changes to the intersection signalization plan, including addition of new signal phases shall be reviewed, analyzed, and implemented by MTA. The project sponsor for the Kragen Auto Parts Site development shall fully fund these efforts.</p>	Kragen Auto Parts Site Project Sponsor, MTA, and Planning Department	Monitor intersection biannually by undertaking traffic counts	MTA, Planning Department	Ongoing
<i>Hazardous Materials Mitigation Measure</i>				
<p>HM-4: Ensure that an environmental professional shall be present during excavation activities when the hydraulic lifts are removed and when excavation</p>	Kragen Auto Parts Site project	Prior to excavation activities	Planning Department, in consultation with DPH.	Completion of excavation

EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)				
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
occurs in the vicinity of the storm sewer system to observe for staining and to collect soil samples, if staining is observed. If the sampling indicates that a release of hazardous materials could have affected soil or groundwater quality at the site, conduct follow-up investigations and possibly remediation in conformance with state and local laws, regulations, and guidelines.	sponsor		Where a site mitigation plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	phase of construction, or ongoing until DPH determines that no further action is required
IMPROVEMENT MEASURES FOR THE BALBOA PARK STATION AREA PLAN				
<i>Transportation Improvement Measures</i>				
The project sponsor shall coordinate with one of the carshare providers to provide carshare spaces within new off-street parking facilities to encourage carshare use. Make efforts to enhance transit, pedestrian, and bicycle circulation and access in the Project Area, which would reduce the reliance upon private vehicles.	Project sponsor of each future development project in the Balboa Park Station Area Plan	Ongoing, when new commercial tenants move into a building	MTA, Planning Department	Ongoing
Provide pedestrian signals with countdown indicators at all major intersections and at crosswalks that connect to the MUNI light rail stops and Balboa Park BART Station.	Project sponsor of each future development project in the Balboa Park Station Area Plan	Monitor intersection biannually by undertaking traffic counts	MTA, Planning Department	Ongoing
Provide the Planning Code-required shower and locker facilities for any commercial uses including those within primarily residential buildings. In addition, provide the Planning Code-required bicycle parking spaces for any commercial uses including separate spaces for commercial uses within primarily residential buildings. These spaces should be safe and secure, and reserved for employees.	Project sponsor of each future development project in the Balboa Park Station Area Plan	Ongoing, when new commercial tenants move into a building	MTA, Planning Department	Ongoing
To minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods, limit truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by MTA). In addition, have all construction contractors meet with representatives of MTA and the Planning Department to determine feasible measures to reduce traffic congestion, including transit disruption and pedestrian and bicycle circulation impacts during construction of individual projects within the Project Area.	Project sponsor of each future development project in the Balboa Park Station Area Plan	Prior to issuance of individual building permits	DBI	Ongoing

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<i>Shadow Improvement Measure</i>				
<p>SM-1: New buildings and additions to existing buildings in the Project Area where the building height exceeds 40 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 of the Planning Code.</p> <p>In determining the impact of shadows, the following factors shall be taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the use or utility of the open space being shaded.</p>	Project sponsor of each future development project in the Balboa Park Station Area Plan	Prior to issuance of individual building permits	Planning Department	Ongoing
<i>Water Quality Improvement Measure</i>				
<p>WQ-1: Incorporate green stormwater management technologies into proposed new open spaces in the Project Area. Examples of green stormwater technologies include swales and other infiltration methods, rainwater gardens, stormwater planters, green roofs, pervious concrete, green streets, new open space, and reducing the use of pipes, curbs and gutters. Incorporation of these green stormwater management technologies could further delay peak stormwater runoff flows and provide reduction of pollutants in the stormwater runoff discharged to the combined sewer system.</p>	Project sponsor of each future development project in the Balboa Park Station Area Plan	Prior to issuance of individual building permits	Planning Department, DBI	Ongoing
IMPROVEMENT MEASURES FOR KRAGEN AUTO PARTS SITE				
<i>Transportation Improvement Measures</i>				
<p>Allow residents of the Kragen Auto Parts Site development to park within the food market/retail spaces overnight. It would be necessary to have these spaces dedicated to retail patrons during store hours; however, during other times, project residents could be allowed to utilize these spaces. In addition, coordinate with one of the carshare providers to provide carshare spaces within the parking garage to encourage carshare use.</p>	Kragen Auto Parts Site project sponsor	Monitor biannually	MTA, Planning Department	Ongoing
<p>To encourage food market/retail employees to commute to work on bicycle (thereby improving traffic and parking conditions), provide the Planning Code-required shower and locker facilities for the food market/retail space (four showers and eight lockers). In addition, provide additional bicycle parking spaces in a safe and secure location for employees.</p>	Kragen Auto Parts Site project sponsor	Monitor biannually	MTA, Planning Department	Ongoing
<p>Truck Loading:</p>	Kragen Auto Parts	Monitor biannually	MTA, Planning Department	Ongoing

EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)				
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> • Restrict truck access to the food market loading dock to 30 foot trucks or shorter. • If longer trucks are needed, restrict deliveries to the early morning to avoid peak morning and peak evening commute periods. • Schedule all deliveries to reduce the potential for trucks waiting to enter the loading dock (which may cause a back-up onto Ocean Avenue). Traffic volumes along Ocean Avenue are constantly high throughout the day; therefore, deliveries between 7:00 a.m. and 7:00 p.m. should be avoided. • Maintain accurate truck logs to document the time and duration of truck activities. • Station loading dock personnel at the corner of the Ocean/Lee intersection and at the loading dock to assist truck maneuvers and to manage traffic flows. • Work with MTA to prohibit on-street parking along Lee Avenue during the peak loading periods to provide sufficient right-of-way for truck maneuvers. 	Site project sponsor			
IMPROVEMENT MEASURES FOR PHELAN LOOP SITE				
<i>Transportation Improvement Measures</i>				
<p>Truck Loading:</p> <ul style="list-style-type: none"> • Restrict truck access to the loading dock to 30 foot trucks or shorter. • Schedule all deliveries to reduce the potential for trucks waiting to enter the loading dock (which may cause a back-up onto Ocean Avenue). Traffic volumes along Ocean Avenue are constantly high throughout the day; therefore, deliveries between 7:00 a.m. and 7:00 p.m. should be avoided. • Maintain accurate truck logs to document the time and duration of truck activities. • Station loading dock personnel at the corner of the Ocean/Lee intersection and at the loading dock to assist truck maneuvers and to manage traffic flows. • Work with MTA to prohibit on-street parking along Lee Avenue during the peak loading periods to provide sufficient right-of-way for truck maneuvers. 				

EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)					
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed	
Coordinate with one of the carshare providers to provide carshare spaces within the parking garage to encourage carshare use.	Phelan Loop Site project sponsor	Prior to issuance of building permit	MTA, Planning Department	Ongoing	
Provide the Planning Code required shower and locker facilities for the retail space (four showers and eight lockers), and provide additional bicycle parking spaces in a safe and secure location for employees.	Phelan Loop Site project sponsor	Monitor biannually	MTA, Planning Department	Ongoing	
During project construction, limit truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by MTA) to minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods. In addition, construction contractors should meet with MTA, the Fire Department, and the Planning Department to determine feasible measures to reduce traffic congestion, including transit disruption and pedestrian circulation impacts during construction.	Phelan Loop Site project sponsor	Prior to construction	MTA, Planning Department	Completion of construction	



Gavin Newsom, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering



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Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

MEMORANDUM

DATE: December 10, 2010

FROM: Bruce Storrs, City and County Surveyor
Department of Public Works, Bureau of Street Use and Mapping

TO: John Updike, Assistant Director
Department of Real Estate

SUBJECT: **Rechannelization Road at Intersection of Phelan & Ocean Avenue
Assessor's Block 3180**

In connection with the pending action to secure a jurisdictional transfer of the subject Rechannelization Road described in the Board of Supervisor's Resolution No. 590-75, the Department of Public Works (DPW) finds that the property is not needed by DPW for DPW purposes, and has not ever been used for DPW purposes.

DPW consents to the jurisdictional transfer of said property to the San Francisco Municipal Transportation Agency to accommodate the sale of adjacent lands for housing purposes, and to accommodate an improved bus turnaround facility. DPW also finds that there are no utilities within said property.

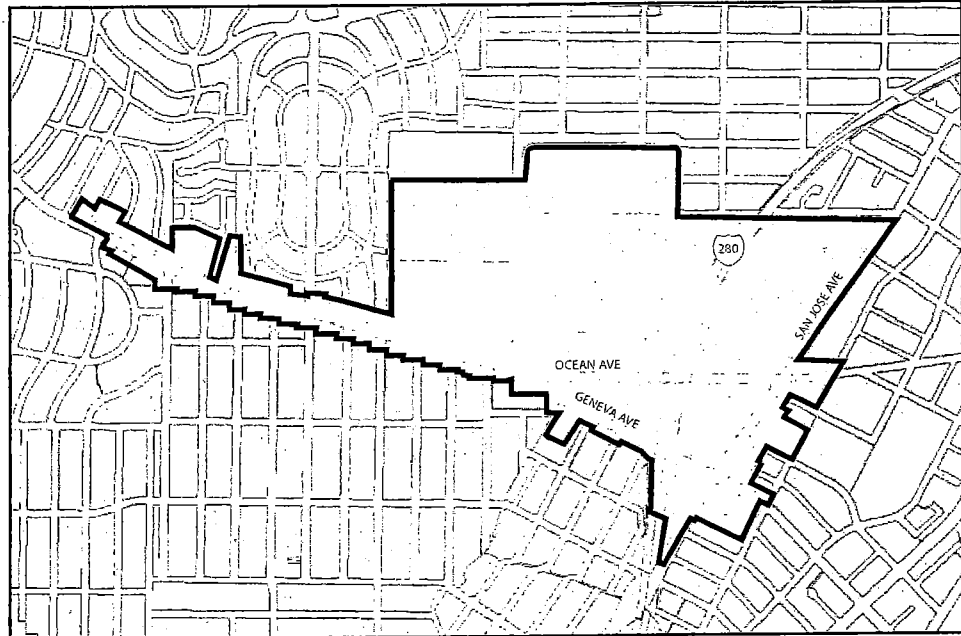
Sincerely,

A handwritten signature in black ink, appearing to read "Bruce R. Storrs".

Bruce R. Storrs
City and County Surveyor



BALBOA PARK STATION AREA PLAN



SAN FRANCISCO PLANNING DEPARTMENT: 2004.1059E

STATE CLEARINGHOUSE NO. 2006072114

DRAFT EIR PUBLICATION DATE: SEPTEMBER 21, 2007

DRAFT EIR PUBLIC HEARING DATE: OCTOBER 25, 2007

**DRAFT EIR PUBLIC COMMENT PERIOD:
SEPTEMBER 21, 2007 TO NOVEMBER 5, 2007**

FINAL EIR CERTIFICATION DATE: DECEMBER 4, 2008