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**Appeal of Community Plan Exemption
2675 Folsom Street Project**

DATE: November 28, 2016

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa M. Gibson, Acting Environmental Review Officer – (415) 575-9032
Joy Navarrete, Senior Environmental Planner – (415) 575-9040
Justin Horner, Environmental Coordinator – (415) 575-9023

RE: File No. 161146, Planning Department Case No. 2014.000601ENV – Appeal of the Community Plan Exemption for the 2675 Folsom Street Project. Block/Lot: 3639/006, 007

PROJECT SPONSOR: Muhammad Nadhiri, Axis Development Corporation – (415) 992-6997

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

HEARING DATE: November 29, 2016

ATTACHMENTS: A – October 21, 2016 appeal letter from J. Scott Weaver
B – November 18, 2016 appeal letter from J. Scott Weaver
C – Planning Commission Motion 19744 (Adoption)
D – Eastern Neighborhoods Capital Projects

INTRODUCTION

This memorandum and the attached documents are a responses to letters of appeal to the Board of Supervisors (the Board) regarding the Planning Department's (the "Department") issuance of a

Community Plan Exemption (CPE) under the *Eastern Neighborhoods Rezoning and Area Plan Final Environmental Impact Report* (“Eastern Neighborhoods PEIR or PEIR”)¹ in compliance with the California Environmental Quality Act (“CEQA”) for the 2675 Folsom Street Project (the “Project”).

The Department, pursuant to CEQA, the CEQA Guidelines, 14 Cal. Code of Reg. Sections 15000 *et seq.*, and Chapter 31 of the San Francisco Administrative Code, determined that the Project is consistent with the development density established by zoning, community plan, and general plan policies in the Eastern Neighborhoods Rezoning and Area Plans (the “Eastern Neighborhoods Area Plans”) for the project site, for which a Programmatic EIR was certified, and issued the CPE for the Project on September 20, 2016. The Department determined that the Project would not result in new significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the PEIR, and that the Project is therefore exempt from further environmental review beyond what was conducted in the CPE Checklist under CEQA in accordance with CEQA Section 21083.3 and CEQA Guidelines Section 15183.

The decision before the Board is whether to uphold the Planning Department’s determination that the Project is exempt from further environmental review (beyond what was conducted in the CPE Checklist) pursuant to CEQA Section 21083.3 and CEQA Guidelines Section 15183 and deny the appeal, or to overturn the Department’s CPE determination for the Project and return the CPE to the Department for additional environmental review.

PROJECT DESCRIPTION

The project site is located on three lots between 22nd Street and 23rd Streets along Folsom Street and Treat Avenue in the Mission neighborhood, adjacent to Parque Ninos Unidos. The project site is occupied by three (3) 25-foot-tall, two-story warehouse and storage structures totaling 21,599 square feet with surface parking and storage areas. The existing buildings were constructed in 1952 and are currently a restaurant supply warehouses. The proposed project involves the demolition of the existing buildings and the construction of a four-story-over-basement, 40-foot-tall residential building. The proposed building would include 117 residential units and approximately 5,200 square feet of Production, Distribution and Repair (PDR) space. The proposed mix of units would be 24 studio units, 46 one-bedroom units, 45 two-bedroom units and two three-bedroom units. The proposed building would include 174 Class 1 bicycle spaces on the basement level. Sixty-five off-street parking spaces and one car-share parking space are proposed in the basement level with driveway access on Treat Avenue. Pedestrian and bicycle access would be from Folsom Street and Treat Avenue and the proposed project includes a dawn-to-dusk publically-accessible mid-block connection between Folsom Street and Treat

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

Avenue. The proposed project would involve excavation of up to approximately 23.5 feet below ground surface and 21,335 cubic yards of soil is proposed to be removed. The project proposes a common roof deck, a 2,681-square-foot private inner courtyard and a 20-foot-wide public dawn-to-dusk midblock passage between Folsom Street and Treat Avenue.

SITE DESCRIPTION

The project site is approximately 25,322 square feet (sf) in size (about 0.6 acre) and consists of two lots. The project site is located on a block bounded by 23rd Street to the south, Folsom Street to the west, Treat Avenue to the east and 22nd Street to the north. The project area along Folsom Street is characterized primarily by residential land uses in two- to three-story buildings on the east side of Folsom Street, with similar residential buildings and Cesar Chavez Elementary School on the west side. The project area along Treat Avenue is characterized by a mix of industrial and commercial buildings and residential uses in one- to three-story buildings. Buildings immediately adjacent to the project site include a 3-story residential building and a 1-story residential building to the north. Adjacent to the project site to the south is Parque Ninos Unidos, a San Francisco Recreation and Park facility. Parcels surrounding the project site are within RM-2 (Residential – Mixed, Moderate Density), RH-3 (Residential-House, Three Family) and UMU (Urban Mixed Use) Districts, all within a 40-X Height and Bulk district, with existing buildings ranging from one to four stories.

The closest Bay Area Rapid Transit District (BART) stop is at 24th and Mission Streets, approximately 0.3 miles northeast of the site. The project site is within a quarter mile of several local transit lines, including Muni Metro lines 12-Folsom/Pacific, 48-Quintara/24th Street and 67-Bernal Heights.

ENVIRONMENTAL REVIEW PROCESS

The environmental evaluation application (Case No. 2014.000601ENV) for the Project was filed by the sponsor, Muhammad Nadhiri, on October 20, 2014. On September 20, 2016, the Department issued a CPE Certificate and Checklist, based on the following determinations:

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

5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

The Project was considered by the Planning Commission on September 22, 2016. On that date, the Planning Commission adopted the CPE with approval of the Project under Planning Code Section 329 (Large Project Authorization), which constituted the Approval Action under Chapter 31 of the Administrative Code.

A Conditional Use Authorization was also approved under Planning Code Section 303 under the Mission 2016 Interim Zoning Controls. In accordance with the Mission 2016 Interim Zoning Controls, which require additional information and analysis regarding the economic and social effects of the proposed project such as housing affordability, displacement, and loss of PDR, the project sponsor prepared such additional analysis, which the Planning Commission reviewed and considered before approving the Conditional Use Authorization.² (See Attachment B to this Appeal Response - Planning Commission Motion No. 19727)

On October 21, 2016, an appeal of the CPE determination was filed by J. Scott Weaver, Law Office of J. Scott Weaver, on behalf of the Calle 24 Latino Cultural District Community Council (Appellant). The three page appeal letter from the Appellant is included as Attachment A to this appeal response. The Appellant's letter also included 708 pages of materials that are provided with the appeal letter which are included as "Appeal Ltr 102116.pdf" on the cd disk or online as part of Board of Supervisors File No. 161146.

CEQA GUIDELINES

Community Plan Exemptions

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

² Mission 2015 Interim Controls Additional Findings for 2675 Folsom Street. Case No. 2014.000601ENX, submitted to Richard Sucre, San Francisco Planning Department.

known at the time the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Guidelines Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

Significant Environmental Effects

In determining the significance of environmental effects caused by a project, CEQA Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines 15604(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

SAN FRANCISCO ADMINISTRATIVE CODE

Section 31.16(e)(3) of the Administrative Code states: "The grounds for appeal of an exemption determination shall be limited to whether the project conforms to the requirements of CEQA for an exemption."

San Francisco Administrative Code Section 31.16(b)(6) provides that in reviewing an appeal of a CEQA decision, the Board of Supervisors "shall conduct its own independent review of whether the CEQA decision adequately complies with the requirements of CEQA. The Board shall consider anew all facts, evidence and issues related to the adequacy, accuracy and objectiveness of the CEQA decision, including, but not limited to, the sufficiency of the CEQA decision and the correctness of its conclusions."

CONCERNS RAISED AND PLANNING DEPARTMENT RESPONSES:

The three-page appeal letter from the Appellant (Attachment A to this appeal response) incorporated previous letters from the Appellant that were submitted to the Planning Commission (July 29, 2016) and to Planning Staff (June 23, 2016 and October 23, 2015), and a variety of studies and reports in support of the appeal. These three letters are attached as Exhibit D to the Appellant's appeal letter and may be found on pages 61 through 72, 73 through 80, and 590 through 594 of the pdf file named "Appeal Ltr 102116.pdf" on the CD disk or online as part of Board of Supervisors File No. 161146³. The extensive additional materials attached to the Appellant's appeal letter are also included on "Appeal Ltr 102116.pdf" on the CD disk or online as part of Board of Supervisors File No. 161146. The three-page

³<https://sfgov.legistar.com/LegislationDetail.aspx?ID=2871128&GUID=DD613DDE-59EC-4529-953B-06137BF83E3C&Options=ID|Text|&Search=161146>

appeal letter contains seven bulleted items expressing the general basis for the appeal. These seven general concerns are listed in order below as Concerns 1 through 4 (the second, fourth, and fifth bulleted item is included under the discussion for Concern 1).

Concern 1: The Project does not qualify for a Community Plan Exemption under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3 because the approval is based upon an out of date 2008 EIR prepared for the Eastern Neighborhoods Area Plan and the EIR's analyses and determinations can no longer be relied upon to support the claimed exemption in the areas of, inter alia, direct, indirect, and cumulative impacts to: land use, consistency with Mission Area plans and policies, recreation and open space, traffic and circulation, transit and transportation, health and safety, and impacts relative to the Calle 24 Latino Cultural District.

Response 1: The appeal does not identify new substantial information that was not known at the time the Eastern Neighborhoods PEIR was certified establishing that the Project would result in significant impacts that were not discussed in the Eastern Neighborhoods PEIR or in more severe adverse impacts than discussed in the PEIR. Therefore, under CEQA Guidelines Section 15183, an additional EIR shall not be prepared for the project. Additionally, absent a change in the Eastern Neighborhoods Rezoning and Area Plans, reopening the Eastern Neighborhoods PEIR is neither warranted nor required under CEQA.

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

"Substantial changes in circumstances require major revisions to the Eastern Neighborhoods Area Plan EIR due to the involvement of new significant environmental effects and an increase in the severity of previously identified significant impacts; there is new information of substantial importance that would change the conclusions set forth in said EIR and the requirements of the Mitigation Monitoring and Reporting Report."

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

Eastern Neighborhoods PEIR and the Project CPE

Eastern Neighborhoods PEIR

As discussed on pages 2 through 4 of the CPE Certificate, the Eastern Neighborhoods PEIR is a comprehensive programmatic report that presents an analysis of the environmental effects of

implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternatives. According to CEQA Guidelines Section 15168, a program EIR:

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

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

The Eastern Neighborhoods PEIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a “No Project” alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR.

As discussed on page 4 of the CPE Checklist, the Eastern Neighborhoods PEIR identified significant impacts related to land use, transportation, cultural resources, shadow, noise, air quality, and hazardous materials. Additionally, the PEIR identified significant cumulative impacts related to land use, transportation, and cultural resources. Mitigation measures were identified that reduced all impacts to less than significant, except for those related to land use (cumulative impacts on PDR use), transportation (program-level and cumulative traffic impacts at nine intersections; program-level and cumulative transit impacts on seven SFMTA lines), cultural resources (cumulative impacts from demolition of historical resources), and shadow (program-level impacts on parks).

On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors. CEQA Guidelines Sec 15162(c) establishes that once a project, in this case the Eastern Neighborhoods Rezoning and Area Plans, is approved:

“[T]he lead agency’s role in that approval is completed unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions

described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any.” [Emphasis added.]

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

Project CPE

As discussed above, under the Community Plan Exemptions section, CEQA Guidelines Section 15183 limits future environmental review for projects consistent with the development density established by the Eastern Neighborhoods Rezoning and Area Plans, and lead agencies shall not require additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site and that were not disclosed as significant effects in the prior EIR. Per CEQA Guidelines Section 15183, “this streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.” That is, lead agencies are not to reanalyze impacts that are attributable to the project site being developed consistent with the Eastern Neighborhoods Rezoning and Area Plans.

In accordance with CEQA Guidelines Section 15183, a project-level environmental review was undertaken as documented in the CPE Checklist to determine if the 2675 Folsom Street project would result in additional impacts specific to the development proposal, the project site, and if the proposed development would be within the development projections and the 20-year timeframe that the Eastern Neighborhoods PEIR analyzes, so as to assess whether further environmental review is required.

The CPE Checklist fully described the proposed project (consistent with CEQA Guidelines Section 15124), its environmental setting (consistent with CEQA Guidelines Section 15125), and its potential impacts to the environment (consistent with CEQA Guidelines Section 15126). Consistent with CEQA Guidelines Section 15183, the CPE Checklist evaluated whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the Eastern Neighborhoods PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR.

Impacts to the environment that might result with implementation of the Project were analyzed in the CPE Checklist according to the project’s potential impacts upon the specific setting for each

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

The CPE Checklist determined that the proposed project would not have a significant impact that was not previously identified in the Eastern Neighborhoods PEIR for all CEQA Guidelines Appendix G environmental topics. The CPE Checklist identified (and updated as needed to conform with current Planning Department practices) three Mitigation Measures from the Eastern Neighborhoods PEIR to be applied to the Project to avoid impacts previously identified in the PEIR with regard to archeological resources, noise, and hazardous materials. Additionally, per CEQA Guidelines 15183, "(a)n effect of a project on the environment shall not be considered peculiar to the project or the parcel...if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects."

As discussed on pages 10 and 11 of the CPE Checklist, since the certification of the Eastern Neighborhoods PEIR in 2008, several new policies, regulations, statutes, and funding measures have been adopted, passed, or are underway that have or will implement mitigation measures or further reduce less-than-significant impacts identified in the PEIR. These include, but are not limited to:

- State statute regarding Aesthetics, Parking Impacts, effective January 2014, and state statute and Planning Commission resolution regarding automobile delay, and vehicle miles traveled, (VMT) effective March 2016 (see CPE checklist page 10);
- The adoption of 2016 interim controls in the Mission District requiring additional information and analysis regarding housing affordability, displacement, loss of PDR and other analyses, effective January 2016;
- San Francisco Bicycle Plan update adoption in June 2009, Better Streets Plan adoption in 2010, Transit Effectiveness Project (aka "Muni Forward") adoption in March 2014, Vision Zero adoption by various City agencies in 2014, Proposition A and B passage in November 2014, the Transportation Sustainability Program process, and state statute and Planning Commission resolution regarding automobile delay, and vehicle miles traveled (VMT) effective March 2016 (see CPE Checklist section "Transportation and Circulation" starting on page 18);
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses Near Places of Entertainment effective June 2015 (see Checklist section "Noise");

- San Francisco ordinances establishing Construction Dust Control, effective July 2008 (see CPE Checklist section "Air Quality" starting on page 32) and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014;
- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see CPE Checklist section "Recreation" starting on page 38);
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see CPE Checklist section "Utilities and Service Systems" starting on page 40);
- Article 22A of the Health Code amendments addressing soil and groundwater contamination, effective August 2013 (see CPE Checklist section "Hazardous Materials" starting on page 45); and
- San Francisco's "Strategies to Address Greenhouse Gas Emissions", a greenhouse gas (GHG) emissions reduction strategy prepared November 2010 (See CPE Checklist section "Greenhouse Gas Emissions" starting on page 34).

In summary, project-level environmental review was conducted, as documented in the CPE Checklist, in accordance with CEQA Guidelines 15183, which limits any further environmental review for projects, like 2675 Folsom Street, that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site and that were not disclosed as significant effects in the prior EIR. The environmental analysis in the CPE Checklist concluded that, with the incorporation of mitigation measures from the Eastern Neighborhoods PEIR and implementation of uniformly applied development policies and standards, there would not be any project-specific effects that are peculiar to the project or its site and that were not disclosed as significant effects in the Eastern Neighborhoods PEIR. Therefore, per CEQA Guidelines Section 15183, no further environmental review may be required, and a Community Plan Exemption was issued based on the environmental analysis in the CPE Checklist.

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

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

Population and Housing

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

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

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

“The cumulative housing production in the Mission (built and in the pipeline) now exceeds projections under any of the three scenarios envisioned when the Eastern Neighborhoods Plan [was] created. According to Planning Department Data projects containing 2,451 housing units have either been completed or are under environmental review as of 2/23/16. Option A of the PEIR envisioned 782 units, Option B 1,118 units and Option C 2[,]054 units, with a Preferred Project at 1[,]696 units.” (page 66 in file “Appeal Ltr 102116.pdf” on the cd disk or online as part of Board of Supervisors File No. 161146)

“The proposed project at 2675 Folsom Street consists of approximately 117 units, 98 of which are “market rate”. These units will cater to residents earning 200% AMI, as compared to the 50% AMI of the residents of the immediate area. There are numerous other market rate projects currently in the pipeline within the LCD that will likewise impact the neighborhood. They are: 1515 South Van Ness (140 “market rate” units), 3314 Cesar Chavez (52 units), 2600 Harrison St. (20), 2799 24th St. (8), and 3357 26th St. (8). Proposed projects immediately adjacent to the LCD are: 1198 Valencia St. (52 units), 2918 Mission St. (38), 1298 Valencia St. (35), 2600 Mission (20). Two blocks from the LCD is 2000-2070 Bryant Street (195 units), giving a total of 666 “market rate” units in the immediate area. Proper assessment of the proposed project therefore requires examination of the cumulative impacts of the above listed projects.” (page 61 in file “Appeal Ltr 102116.pdf” on the cd disk or online as part of Board of Supervisors File No. 161146)

The status of development and population growth under in the Eastern Neighborhoods Plans and the Mission Plan Area as of February 23, 2016 is discussed under “Changes in the Physical Environment” on pages 11 and 12 of the CPE Checklist. The discussion begins by noting that the Eastern Neighborhoods PEIR projected that implementation of the Eastern Neighborhoods Plans could result in an increase of approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) through the year 2025, resulting in a total population increase of approximately 23,900 to 33,000 people.

Nowhere in the Eastern Neighborhoods PEIR is it stated or implied that the projections were intended as a cap or limit to growth within the areas that would be subject to the Eastern Neighborhoods Plans. The growth projections were based upon the best estimates available at the time the Eastern Neighborhoods PEIR was prepared. Regardless, and as discussed below, growth under the Eastern Neighborhoods Plans to date has not exceeded the growth projections used to support the environmental impact analysis in the Eastern Neighborhoods PEIR. As of July, 2016, projects containing 8,527 dwelling units and 2,205,720 square feet of non-residential space (excluding PDR loss) have completed environmental review or are currently undergoing environmental review within the Eastern Neighborhoods plan areas, corresponding to an overall population increase of approximately 22,099 to 25,183 persons. Of the 8,527 dwelling units that are under review or have completed environmental review, building permits have been pulled for 4,321 dwelling units,⁴ or approximately 51 percent of those units (information is not available regarding building permits for non-residential square footage). Thus, the number of units approved, let alone constructed, is well below the PEIR projection. The discussion in the CPE Checklist notes that the Eastern Neighborhoods PEIR projected that implementation of the Mission Area Plan could result in an increase of 1,696 net dwelling units and 700,000 to 3,500,000 sf of non-residential space (excluding PDR loss), corresponding to an overall population increase of approximately 4,719 to 12,207 persons. As of July, 2016, projects containing 2,116 dwelling units and 493,373 square feet of non-residential space (excluding PDR loss), including the 2675 Folsom Street project, had been completed, approved or are proposed to complete environmental review within the Mission Plan Area, corresponding to an overall population increase of 5,987 to 6,248 persons. Of the 2,116 dwelling units that are under review or have completed environmental review, building permits have been issued for 590 dwelling units, or approximately 28 percent of those units, well below the PEIR projection.

The growth projections were used as analytical tool in the PEIR to contextualize the potential environmental impacts of the Eastern Neighborhoods Area Plans. The PEIR assumed a total amount of development resulting from the Eastern Neighborhoods Area Plans consisting of all development types (residential, commercial, etc.) and analyzed impacts based on this total development amount. Although the number of foreseeable dwelling units in the Mission plan area may exceed the range of residential development anticipated by the Eastern Neighborhoods PEIR by approximately 420 dwelling units (should all proposed projects be approved and constructed), the total amount of foreseeable non-residential space is well below the maximum evaluated in the Eastern Neighborhoods PEIR, as is the overall population increase. Therefore, while more residential development has occurred, less non-

⁴ This number includes all units approved under CEQA for projects anticipated by the Eastern Neighborhoods PEIR (including CPEs and other types of CEQA documents). Once a project has been approved under CEQA, the building permit process must still be completed. When used in the context of a building permit, the term “pulled” encompasses the different levels of review a permit undergoes from when it is filed (application accepted) to complete (project has been constructed). According to Current Planning staff, projects that are under construction can take up to two years before they are completed and ready for occupancy.

residential development has occurred, and the total development amount and estimated population increase assumed in the PEIR has not been exceeded.

The CPE Checklist on page 12 correctly concluded:

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

As pointed out on page 12 of the CPE Checklist, the Eastern Neighborhoods PEIR utilized growth projections to analyze the physical environmental impacts that could result from development under the Eastern Neighborhoods Plan on Land Use; Population, Housing, Business Activity, and Employment; Transportation; Noise; Air Quality; Parks, Recreation, and Open Space; Utilities/Public Services; and Water.

However, the CPE checklist prepared for the proposed project does not rely solely on the growth projections considered in the Eastern Neighborhoods PEIR in examining whether the project would have significant impacts that are peculiar to the project or site. The project- and site-specific analysis contained in the CPE checklist is based on updated growth projections and related modelling to evaluate project-level and cumulative impacts on traffic and transportation, air quality, and greenhouse gases.

For example, the projected transportation conditions and cumulative effects of project buildout analyzed in the Eastern Neighborhoods PEIR were based on a 2025 horizon year. However, in 2015, the Planning Department updated its cumulative transportation impact analysis for all projects to use a 2040 horizon year. Therefore, the project-specific cumulative transportation impact analysis presented in the CPE Checklist conducted to determine whether the proposed project would result in new or substantially more severe significant impacts than previously disclosed is based on updated growth projections through year 2040. San Francisco 2040 cumulative conditions were projected using a run of the San Francisco County Transportation Authority’s (Transportation Authority) San Francisco Activity Model Process (SF-CHAMP) and includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040.

As another example, as discussed on page 19 of the CPE Checklist, the Project’s air quality impacts were screened using screening criteria established by the Bay Area Air Quality District in 2011 and screened using the City’s Air Pollutant Exposure Zone mapping. The exposure zone mapping is based on modeling in 2012 of all known air pollutant sources, provides health protective standards for cumulative PM2.5 concentration and cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. As discussed on page 30 of the CPE Checklist, the Project’s greenhouse gas emissions impacts were evaluated against consistency with San Francisco’s GHG Reduction Strategy, a

strategy that has resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels, exceeding the year 2020 reduction goals outlined in the BAAQMD's 2010 Clean Air Plan.

Loss of PDR

The Appeal incorporates by reference a letter submitted by the Appellant to Planning Staff on October 23, 2015, which includes a reference to the "excessive conversion of PDR uses" not anticipated by the Eastern Neighborhoods PEIR (page 590 in file "Appeal Ltr 102116.pdf" on the cd disk or online as part of Board of Supervisors File No. 161146).

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

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

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

As discussed on page 14 of the CPE Checklist, development of the proposed project would result in the net loss of approximately 15,866 square feet of PDR building space (demolition of an existing 21,060-sf PDR space, plus the construction of 5,200-sf of new PDR space in the proposed project). The project site is located in the RH-2, RH-3 and UMU Use Districts and the Calle 24 Special Use District (SUD). The UMU Use District is intended to promote a vibrant mix of uses and to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. The proposed project includes 5,200-sf of arts and craft production space. As determined on page 14 of the CPE Checklist, the conversion of the existing PDR use to a mixed-use residential use would not contribute to the significant and unavoidable cumulative land use impact identified in the Eastern Neighborhoods PEIR.

Eastern Neighborhoods PEIR, Displacement and Cumulative Impacts

The Appellant asserts that the high cost of housing and consequent displacement of residents and businesses represent substantial changes to the circumstances considered in the Eastern Neighborhoods PEIR. In his July 29, 2016, letter to the Planning Commission (Appeal Letter Exhibit D), the Appellant states: (see page 64 in file "Appeal Ltr 102116.pdf" on the cd disk or online as part of Board of Supervisors File No. 161146)

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

In his July 29, 2016 letter, the Appellant also provides a bullet list of nine items as evidence of changing demographics and economic conditions in the Eastern Neighborhoods and Mission Plan areas purported to represent changed circumstances not considered by the Eastern Neighborhoods PEIR. The Appellant states on page 3 of his Appeal letter (Attachment A):

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

A detailed response to statements regarding displacement, gentrification and cumulative impacts of market rate development, including the proposed project, consistent with the November 15, 2016 Motion of the Board of Supervisors regarding the CEQA Appeal of the proposed project at 1515 South Van Ness will be presented in a subsequent Department response Traffic

In his July 29, 2016 letter to the Planning Commission, incorporated in Exhibit D in the Appeal Letter (see page 61 in file "Appeal Ltr 102116.pdf" on the cd disk or online as part of Board of Supervisors File No. 161146), the Appellant notes several transportation-related issues not anticipated by the Eastern Neighborhoods PEIR, including "reverse commutes to distant areas" and "increased automobile traffic"

related to the fact that “upper income residents are twice as likely to own a car and half as likely to use public transit.” No substantial evidence was presented in support of these allegations.

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

“[n]o separate cumulative model run was undertaken, because, as noted, the 2025 forecasts developed by the Planning Department include growth in the remainder of San Francisco, as well as in the rest of the Bay Area. Thus, each rezoning option effectively is [sic] represents a different cumulative growth scenario for the year 2025, including growth from development that would occur with implementation of the proposed Eastern Neighborhoods Rezoning and Area Plans, as well as other, non-project-generated growth accounted for in the 2025 No-Project scenario.”

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

As stated on page 21 of the CPE Checklist, the Project’s potential impacts with respect to transportation and circulation were analyzed and presented in a comprehensive Transportation Impact Study (see footnote 19 on page 21). As discussed in the CPE Checklist, the projected transportation conditions and cumulative effects of project buildout analyzed in the Eastern Neighborhoods PEIR were based on a 2025 horizon year. However, in 2015, the Planning Department updated its cumulative transportation impact analysis for all projects to use a 2040 horizon year. Therefore, the project-specific cumulative transportation impact analysis presented in the CPE Checklist conducted to determine whether the proposed project would result in new or substantially more severe significant impacts than previously disclosed is based on updated growth projections through year 2040. San Francisco 2040 cumulative conditions were projected using a SF-CHAMP model run and includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040.

The potential transportation and circulation impacts of the Project are evaluated under Topic 4 of the CPE Checklist (pages 19 through 23). As discussed on page 10 of the CPE Checklist, the City (with the Planning Commission's adoption of resolution 19579 on March 3, 2016) no longer considers automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, to be a significant impact on the environment under CEQA. Consistent with resolution 19579, the CPE Checklist provides an analysis of the Project's anticipated project-specific and cumulative contribution to Vehicle Miles Travelled (VMT) and induced automobile travel. In both instances, the analysis determined that the Project would not result in a significant project-specific or cumulative impact. Similarly and as also discussed on page 10 of the CPE Checklist (under Aesthetics and Parking), the Project qualifies as an infill project: it is in a transit priority area, it is on an infill site, and it is a mixed-use residential project. Consistent with CEQA Section 21099, aesthetics and parking are not considered as significant environmental effects for such infill projects.

The Transportation and Circulation section provides a comprehensive analysis of the Project's anticipated trip generation and its potential effects on transit, pedestrians, bicyclists, loading, and construction traffic. The analysis is based upon the Transportation Impact Study (TIS) prepared for the proposed project (as stated above) and the analysis and conclusions presented in the Eastern Neighborhoods PEIR. On the basis of the substantial evidence provided by the TIS and an analysis of the Project's potential transportation and circulation effects in relation to the Eastern Neighborhoods PEIR, the CPE Checklist concluded (on page 23) that the Project "would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to transportation and circulation and would not contribute considerably to cumulative transportation and circulation impacts that were identified in the Eastern Neighborhoods PEIR."

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

Calle 24 Latino Cultural District

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

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

Pages 16 through 18 of the CPE checklist provide a comprehensive analysis of the Project's potential impacts with respect to Historic Architectural Resources. The analysis is based on the Historic Resources Evaluation (HRE) prepared by Page and Turnbull, a qualified historic resource consultant and additional

research conducted by Planning Department Preservation staff (See footnote 12 on page 17 of the CPE Checklist). Substantial evidence provided by the HRE and Preservation Team Review forms an analysis of the Project's potential historic architectural resources effects in relation to the Eastern Neighborhoods PEIR. Based on that evidence, the CPE Checklist concluded (on page 17) that the Project "would not result in significant impacts on historic architectural resources that were not identified in the Eastern Neighborhoods PEIR."

As discussed on page 17-18 of the CPE Checklist, the Project is located within the Calle 24 Latino Cultural District. The Calle 24 Latino Cultural District Report on the Community Planning Process Report (Calle 24 LCD Report) (incorporated in Exhibit D in the Appeal Letter, page 285 in file "Appeal Ltr 102116.pdf" on the cd disk or online as part of Board of Supervisors File No. 161146) defines a cultural district as a region and community linked together by similar cultural or heritage assets, and offering a visitor experiences that showcase those resources. The Calle 24 LCD Report in Appendix L identifies a number of cultural assets and art within the LCD. The list of these cultural assets fall under the following themes: (1) Cultural Events; (2) Arts and Culture - Installations and Public Art, Organizations and Venues, and Retail; (3) Religion; Services and Non-Profits; (4) Food and Culinary Arts; and (5) Parks.

The purpose of the Calle 24 LCD is to recognize, promote, and preserve cultural assets of the LCD. However, the Calle 24 LCD is not a historic district adopted by the Historic Preservation Commission or listed on a National or State register, and, as such, is not a historic resource as defined by CEQA. Unlike historic districts that are locally designated or listed on the National or State registers, the LCD was not established through a formal survey by a consultant or Planning Department staff member meeting the Secretary of the Interior's Professional Standards. The LCD Report does not include a statement of significance addressing eligibility for listing on either the California or National Registers. While there are properties within the LCD that qualify as historic resources, either individually or as part of smaller potential historic districts, under CEQA, the Calle 24 LCD is not a historic district under CEQA.

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

As discussed on page 17 of the CPE Checklist, the existing buildings and their uses are not listed as cultural assets in the Calle 24 LCD Report nor do the uses fall under any of the cultural asset themes presented in the Calle 24 LCD Report. Therefore, even if displacement of a cultural asset would result in a

significant impact on the environment under CEQA, the proposed project would not displace a cultural asset.

In his July 29, 2016 letter to the Planning Commission (see page 61 of file "Appeal Ltr 102116.pdf" on the cd disk or online as part of Board of Supervisors File No. 161146), the Appellant states:

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

First, because the LCD is not a historic resource, as noted above, the creation of the LCD has no impact on the PEIR analysis and is not new information. Second, CEQA Guidelines Section 15183 limits the Project's environmental review, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. CEQA Guidelines Section 15183(j) states that:

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

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

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

Conclusion

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

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

Concern 2: The claimed community benefits of the Eastern Neighborhoods Area Plan, outlined in the 2008 PEIR, its approvals and the Statement of Overriding Considerations have not been fully funded, implemented, or are underperforming and the determinations and findings for the proposed Project that rely on the claimed benefits to override impacts outlined in the PEIR are not supported. The City should have conducted Project level review based upon up to date data and the actual community benefits that have accrued since the adoption of the 2008 plan and did not.

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

As stated above, CEQA Section 21083.3 and CEQA Guidelines Section 15183 mandate that projects that are consistent with the development density established under existing zoning, community plans, or general plan policies for which an EIR was certified shall not require additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. The Appellant's contentions concerning the funding and implementation of community benefits do not demonstrate that the project would result in significant effects which are peculiar to the project or its site that were not disclosed in the Eastern Neighborhoods PEIR. Therefore,

these contentions do not form a valid ground for an appeal of the determination that the project qualifies for a CPE. For informational purposes, however, the following discussion about the status of the community benefits identified in the CEQA findings and Statement of Overriding Consideration for the adoption of the Eastern Neighborhoods Area Plans is provided.

The Appellant does not specify which community benefits “have not been fully funded, implemented or are underperforming...” or which findings and determinations for the Project “rely on the claimed benefits to override impacts outlined in the PEIR.” Regardless, as the following discussion indicates, community benefits are being provided under the Eastern Neighborhoods Plan through an established process.

The Eastern Neighborhoods Plan included, as an informational item considered by the Planning Commission at the time of the original Eastern Neighborhoods Plans approvals in 2008, a Public Benefits Program detailing a framework for delivering infrastructure and other public benefits as described in an Implementation Document titled Materials for Eastern Neighborhoods Area Plans Initiation Hearing.⁵ The Public Benefits Program consists of:

- 1) an Improvements Program that addresses needs for open space, transit and the public realm, community facilities and affordable housing;
- 2) a Funding Strategy that proposes specific funding strategies and sources to finance the various facilities and improvements identified in the Improvements Plan, and matches these sources to estimated costs; and
- 3) a section on Program Administration that establishes roles for the community and City agencies, provides responsibilities for each, and outlines the steps required to implement the program.

Some of the benefits were to be provided through requirements that would be included in changes to the Planning Code. For example, Planning Code Section 423 (Eastern Neighborhoods Community Infrastructure Impact Fee) fees are collected for “Transit”, “Complete Streets”, “Recreation and Open Space”, “Child Care”, and in some portions of the Mission District and the South of Market Area, “Affordable Housing”. Other benefits were to be funded by fees accrued with development and through other sources of funding. The Public Benefits Program was not intended to be a static list of projects; rather, it was designed to be modified by a Citizens Advisory Committee as needs were identified through time.

⁵ San Francisco Planning Department, *Materials for Eastern Neighborhoods Area Plans Initiation Hearing*, Case No. 2004.0160EMTUZ. April 17, 2008. Accessed August 22, 2016 at: <http://sf-planning.org/sites/default/files/FileCenter/Documents/1507VOL3 - Implementation.pdf>

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

In terms of the process for implementing the Public Benefits Program, new development within the Eastern Neighborhoods Plan area, including the Project, are required to pay development impact fees upon issuance of the "first construction document" (either a project's building permit or the first addendum to a project's site permit), which are collected to fund approximately 30 percent of the infrastructure improvements planned within the Eastern Neighborhoods Plan area. Additional funding mechanisms for infrastructure improvements are identified through the City's 10-year Capital Plan. Eighty percent of development impact fees must go towards Eastern Neighborhoods priority projects, until those priority projects are fully funded. The fees are dispersed to fund infrastructure improvements within the entirety of the Eastern Neighborhoods Plan area, on a priority basis established by the Eastern Neighborhoods Citizen Advisory Committee (CAC) and the City's Interagency Plan Implementation Committee (IPIC). The IPIC works with the CAC to prioritize future infrastructure improvements. Additionally, the Planning Department and Capital Planning Program are working with the implementing departments to identify additional state and federal grants, general fund monies, or other funding mechanisms such as land-secured financing or infrastructure finance districts to fund the remaining emerging needs. Impact fees are distributed among the following improvement categories: open space, transportation and streetscape, community facilities, childcare, library, and program administration. As stated in the January 2016 Planning Department's Interagency Plan Implementation Committee Annual Report,⁶ the Planning Department forecasts that pipeline projects, including the proposed project, would contribute approximately \$79.1 million in impact fee revenue within the Eastern Neighborhoods Plan area between fiscal years 2017 and 2021.

Infrastructure projects that are currently underway are also listed in the Planning Department's Interagency Plan Implementation Committee Annual Report. These include various streetscape, roadway, park, and childcare facility improvements. Additionally, a Transportation Sustainability Fee was adopted in November 2015 (BOS File Number 150790) and expenditures of this will shall be allocated according to Table 411A.6A in the Ordinance, which gives priority to specific projects identified in different area plans. These processes and funding mechanisms are intended to provide for implementation of infrastructure improvements to keep pace with development and associated needs of existing and new residents and businesses within the area. The CPE Checklist provides further

⁶ City and County of San Francisco, Interagency Plan Implementation Committee Annual Report, website: http://www.sf-planning.org/ftp/files/plans-and-programs/plan-implementation/2016_IPIC_Report_FINAL.pdf, January 2016.

information regarding improvements within the Eastern Neighborhoods Plan Area. In regards to transit, as discussed on page 22 of the CPE Checklist, Mitigation Measures E-5 through E-11 in the Eastern Neighborhoods PEIR were adopted as part of the Eastern Neighborhoods Area Plans with uncertain feasibility to address significant transit impacts. While these plan-level measures are not applicable to the Project, each is in some stage of implementation (see discussion on page 22 and 23 of the CPE Checklist). In regards to recreation, the funding and planning for several Eastern Neighborhoods parks and open space resources is discussed on pages 36 and 37 of the CPE Checklist.

Thus, based on the evidence provided, the public benefits included in the Public Benefits Program are in the process of being provided under the Eastern Neighborhoods Area Plans. As is generally the case with development fee-based provision of community benefits, capital facilities are constructed as fees are collected and are rarely provided in advance of development. The Appellant's assertion that the provision of community benefits is so deficient as to render the environmental determinations in the Eastern Neighborhoods PEIR invalid is not supported by substantial evidence. As described above, the CPE does provide an up-to-date description of the provision of transportation and recreation community benefits. For these and other impact analyses, the CPE properly concludes that the Project would not result in a significant impact not previously identified in the Eastern Neighborhoods PEIR.

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

Response 3: The CEQA findings adopted by the Planning Commission on September 22, 2016 as part of the Commission's approval of the Conditional Use Authorization and Large Project Authorization for the Project are not subject to appeal under San Francisco Administrative Code Section 31.16(e)(3).

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

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

Response 4: The Project is consistent with the development density established under the Eastern Neighborhoods Area Plan, and would not result in significant impacts on the physical environment due to conflicts with the General Plan or the Mission Area Plan that are peculiar to the project or the project site.

On page 3 of the Appeal Letter (Attachment A), the Appellant states "The Proposed Project is inconsistent with the General Plan and the Mission Area Plan." In the Appellant's July 29, 2016 letter to the Planning Commission (see page 68 and 69 in file "Appeal Ltr 102116.pdf" on the cd disk or online as part of Board of Supervisors File No. 161146), he states:

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

- *Reflect Local Values:* To develop a rezoning proposal that reflects the land use needs and priorities of each neighborhoods' stakeholders and that meets citywide goals for residential and industrial land use.
- *Increase Housing:* To identify appropriate locations for housing in the City's industrially zoned land to meet a citywide need for more housing, and affordable housing in particular. (emphasis supplied)
- *Maintain Some Industrial Land Supply:* To retain an adequate supply of industrial land to meet the current and future needs of the City's production, distribution, and repair businesses and the city's economy.
- *Improve the Quality of All Existing Areas with Future Development:* To improve the quality of the residential and nonresidential places that future development will create over that which would occur under the existing zoning.

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

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

Topic 1(b) (Land Use and Land Use Planning) of the CPE Checklist limits review of the Project's conflicts with any applicable land use plan, policy, or regulation to those "adopted for the purpose of avoiding or mitigating an environmental effect." Project-related policy conflicts and inconsistencies do not constitute, in and of themselves, significant environmental impacts. The consistency of the Project with those General Plan and Mission Area Plan policies that do not relate to physical environmental issues or result in physical environmental effects (such as those cited above by the Appellant), were considered by the Planning Commission as part of its determination of whether to approve, modify, or disapprove the Project.

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

The Project's contribution to loss of PDR space is disclosed under Topic 1(b) of the CPE Checklist, which provides an analysis of the anticipated loss of PDR evaluated in the Eastern Neighborhoods Plan PEIR on page 14, observing that as of February, 2016, projects resulting in the removal of 1,715,001 and 273,073 net square feet of PDR space within the Eastern Neighborhoods Plan and Mission District subarea, respectively, have completed or are proposed to complete environmental review.

As discussed on page 14 of the CPE Checklist, development of the proposed project would result in the net loss of approximately 15,866 square feet of PDR building space. The Project site was not included as part of the long-term PDR land supply loss in the Eastern Neighborhoods PEIR. The proposed project would also include 5,200-sf or art and craft production space. The conversion of the existing PDR use to a mixed-use residential use would not contribute considerably to the significant and unavoidable cumulative land use impact identified in the Eastern Neighborhoods PEIR.

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

"The Mission Area Plan calls for maximizing development potential in keeping with neighborhood character in Objective 1.2. The proposed project is consistent with these objectives by providing 117 dwelling units. The project also includes 2 bedroom, 2 bedroom and 1 bedroom units to satisfy a unit mix, consistent with Objective 2.3. The project also meets Objective 1.7 of the Mission Area Plan by retaining the Mission's role as an important location for PDR activities."

The Citywide determination concludes:

"For the purposes of the Citywide Planning and Policy Analysis division, the project is eligible for consideration of a Community Plan Exemption under California Public

Resources Code Sections 21159.21, 21159.23, 21159.24, 21081.2, and 21083.3, and/or Section 15183 of the California Environmental Quality Act (CEQA) Guidelines.”

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

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

CONCLUSION:

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

Attachment A

October 21, 2016 Appeal Letter

West Bay Law
Law Office of J. Scott Weaver

October 21, 2016

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

**Re: Case No. 2014-000601 CUA, 2014-000601ENX- 2675 Folsom Street
Appeal of the September 22, 2016 Planning Commission Decisions**

Dear Members of the Board of Supervisors and Bill Wycko:

The Calle 24 Latino Cultural District Community Council appeals the following decisions of the Planning Commission made on August 11, 2016 regarding the project proposed for 2675 Folsom Street ("Proposed Project" hereafter) proposed by applicant Muhammed Nadhiri of Axis Development Group Company.

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

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

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

The appeal of the adoption of the Community Plan Exemption and CEQA Findings are filed on the following bases.

- The CEQA findings did not take into account the potential impacts of the Proposed Project on the Calle 24 Latino Cultural District (LCD), which was not designated at the time the PEIR was prepared. Potential impacts due to gentrification and displacement to businesses, residents, and nonprofits within the LCD, including impacts to cultural, aesthetic, and historic resources, health and safety and increased traffic due to increased automobile ownership and reverse commutes and shuttle busses have not been considered.
- The Proposed Project does not qualify for a Community Plan Exemption under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3 because the approval is based upon an out of date 2008 EIR prepared for the Eastern Neighborhoods Area Plan and the EIR's analysis and determination can no longer be relied upon to support the claimed exemption in the areas of, *inter alia*, direct, indirect, and cumulative impacts to: land use, consistency with Mission Area Plans and policies, land use, recreation and open space, traffic and circulation, transit and transportation, health and safety, and impacts relative to the Calle 24 Latino Cultural District.
- The PEIR's projections for housing, including this project and those in the pipeline, have been exceeded when cumulative impacts are considered, i.e., "past, present, and reasonably foreseeable probable future projects." (Guidelines, § 15355) The amount of housing development and the pace of that development were not envisioned in the Eastern Neighborhoods Plan EIR neither for the Eastern Neighborhoods in general nor the Mission Area Plan in particular.
- The claimed community benefits of the Eastern Neighborhoods Area Plan, outlined in the 2008 PEIR, its approvals and the Statement of Overriding Considerations have not been fully funded, implemented, or are underperforming and the determinations and findings for the proposed Project that rely on the claimed benefits to override impacts outlined in the PEIR are not supported. The City should have conducted Project level review based upon up to date data and the actual community benefits that have accrued since the adoption of the 2008 plan and did not.

- Substantial changes in circumstances require major revisions to the Eastern Neighborhoods Area Plan EIR due to the involvement of new significant environmental effects and an increase in the severity of previously identified significant impacts; there is new information of substantial importance that would change the conclusions set forth in said EIR and the requirements of the Mitigation Monitoring and Reporting Report.
- The CEQA findings are inadequate and incomplete and are not supported by substantial evidence.
- The Proposed Project is inconsistent with the General Plan and the Mission Area Plan.

2. Pattern and Practice

The City is engaging in a pattern and practice of approving residential projects in the Mission based upon a Community Plan Exemption that improperly tiers off of an out of date Eastern Neighborhoods Area Plan EIR instead of conducting project level environmental review. This results in the approval of projects with unexamined environmental affects to the detriment of Mission residents.

2. Exhibits (Attached)

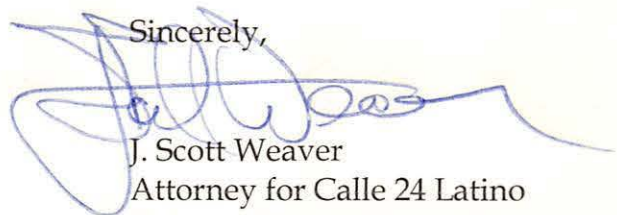
Exhibit A: Planning Commission Motion Nos. 19744, 19745

Exhibit B: Link to Video of August 4, 2016 and September 22, 2016 Planning Commission hearings.

Exhibit C: Link to Eastern Neighborhoods Plan EIR, Motion 17661 of the Planning Commission, which adopted CEQA findings for the Plan EIR.

Exhibit D: Evidence in support of the Appeal

Sincerely,



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

Attachment B

November 18, 2016 Appeal Letter

West Bay Law
Law Office of J. Scott Weaver

November 18, 2016

President London Breed and San Francisco Board of Supervisors
San Francisco City Hall
1 Dr Carlton B Goodlett Pl #244
San Francisco, CA 94102

**Re: Re: Case No. 2014-000601 CUA, 2014-000601ENX- 2675 Folsom Street
Appeal of the September 22, 2016 Planning Commission Decisions.**

Dear Supervisor Breed,

Please accept this submission on behalf of the Calle 24 Latino Cultural District Council with respect to the proposed project at 2675 Folsom Street.

I. Factual Background

The proposed project is a four story building at Folsom Street near 23rd Street, directly adjacent to Parque de Los Ninos, across the street from Cesar Chavez Elementary School, and within the boundaries of the Calle 24 Latino Cultural District. It replaces 16,000 square feet of PDR use with a project consisting of approximately 5,219 square feet of art space 117 housing units of various sizes. Shortly before the hearing the project sponsor proposed that 19 of those units (16%) affordable to those earning 55% AMI and 4 units (3%) affordable to those earning 100% AMI.

A. On June 23, 2016 Appellant Calle 24 Latino Cultural District Council ("Council") wrote to the Planning Department requesting that any environmental analysis of the proposed project include an evaluation of the cumulative impacts of the proposed project along with other market rate projects affecting the businesses, nonprofits, and residents in the Calle 24 Latino Cultural District (LCD), and to fashion mitigations for any negative impacts. The letter also noted that substantial new information rendered the Eastern Neighborhoods Plan EIR ("PEIR") out of date. (See Exhibits,0073)

- B. On July 29, 2016 Appellant Council wrote to the Planning Department with regard to the anticipated August 4th hearing for approval. The Council reiterated its request for an analysis of the impacts on the LCD, stating the reason such analysis was needed, and requesting that adequate mitigations be put in place. The letter provided specific areas of inquiry that would assist in this evaluation. The letter also reiterated the substantial new information rendered the PEIR out of date and no longer a basis for issuing a Certificate of Exemption. (Exhibits, Pages 0061)
- C. On August 3, 2016 Supervisor David Campos wrote to the Planning Commission requesting that impacts of the projects affecting the LCD be evaluated and adequate mitigations be put in place prior to the approval of any project. (Exhibits, Page 0081)
- D. On August 4, 2016, the Planning Commission heard the matter and expressed a number of concerns regarding the project. The matter was then continued to September 22, 2016. The Planning Commission, on September 22, 2016 approved the proposed project approved the proposed project, including approval of the Community Plan Exemption (Exhibits,002-0057).
- E. Appellant timely filed this appeal on October 21, 2016.
- F. On November 15, 2016, the Board of Supervisors granted appellant's CEQA appeal for 1515 South Van Ness Avenue, requiring the Planning Department to evaluate cumulative impacts of displacement caused by that project, and other similar projects (such as this) on the physical environment of the Calle 24 Latino Cultural District.

II. Reasons for Appeal

- A. The CEQA findings did not take into account the direct, indirect, and cumulative impacts that the proposed project and other "market rate" projects would have on the businesses, residents, and non-profits in the LCD,
- B. The Community Plan Exemption reliance on the PEIR was improper because 1) The PEIR contemplated production of no more than 2,054 units with an approved preferred project of 1,696 units for the Mission Area. As of February, 2016 there were 2,451 units either completed or under environmental review. and 2) Substantial new information renders the PEIR out of date. These changes cumulatively impact areas of land use, consistency with area plans and policies, recreation and open space, traffic and circulation, transit and transportation

- C. The Planning Department and Planning Commission have engaged in a pattern and practice of approving projects relying on an out-of-date Plan EIR and without regard to the direct and indirect cumulative impacts that these projects have on the environment.
- D. Conditional Use was improperly granted because the project is not “necessary or desirable” in light of its gentrification impacts, inconsistency Eastern Neighborhoods Plan and Mission Area Plan objective and inconsistency with interim controls and Mission Action Plan 2020 (MAP 2020).

III. The CEQA Findings Did Not Take into Account the Cumulative Impacts of the Proposed Project on the Calle 24 Latino Cultural District.

A. Background of the LCD and Existing Threats.

The businesses and nonprofits in the LCD have been recognized by resolution of the Board of Supervisors as an important cultural, historical and commercial resource for the City. (Resolution Creating LCD is attached as Exhibit Pages 0276-0284) The Ordinance creating the LCD noted that “The Calle 24 Latino Cultural District memorializes a place whose richness of culture, history and entrepreneurship is unrivaled in San Francisco.” The District was established “to stabilize the displacement of Latino Businesses, and residents, preserve Calle 24 as the center of Latino culture and commerce, enhance the unique nature of Calle 24 as a special place for San Francisco’s residents and tourists, . . .” and that its contribution will provide “cultural visibility, vibrancy, and economic opportunity for Latinos in the City and County of San Francisco.” (See Exhibits Page 0718)

The Calle 24 Latino Cultural District Community Council (“the Council”), a nonprofit consisting of community stakeholders in the LCD, has stated as its mission: “To preserve, enhance, and advocate for Latino cultural continuity, vitality, and community in San Francisco’s touchstone Latino Cultural District and the greater Mission community”. (Exhibits Page 302) With funding from the Mayor’s Office of Economic and Workforce Development and technical support from the Gato Group, the Council engaged in an extensive planning process that included numerous stakeholder interviews, four focus groups, a study session with expert consultants, and four community meetings. At the conclusion, the Council prepared a report on its community planning process. (Exhibits Pages 305-308) Among the Council’s initiatives are the creation of a Special Use District and a Cultural Benefits Campaign district. These initiatives are currently in process.

The report noted that “there were major concerns among all stakeholders about the **lack of affordable housing** and about the gentrification and recent eviction and displacement of long-time residents. A related theme was the **rapid transformation** underway with some saying they wanted to prevent another ‘Valencia’ (referring to the way Valencia lost much of its Latino culture in the 1990s and 2000s)”. (Emphasis original) (Exhibits Page 297)

Unfortunately, we are beginning to see the Valenciazation of the LCD. Small mom and pop businesses are being replaced by upscale corporate-owned businesses. Non-profits such as the 40-year-old Galaria de la Raza, on month-to-month tenancies are extremely vulnerable. They are also seeing a diminution of their customer base due to gentrification and the resulting displacement.

While it is true that “gentrification” is already occurring in the area, with little market rate development, the sudden influx of over 650 households earning 200% AMI will pour gasoline on the fire. (See “cumulative impacts” below)

Development has already demonstrated the potential physical impacts of continued market rate development. For instance, at a proposed project on 24th and York, the owner plans to build 12 condo townhomes which will cover a mural that has been on there over 30 years and is part of the Precita eyes mural tours. The famous Carlos Santana mural on 22nd and South Van Ness was completely covered when the lot in front built housing. In Balmy Alley new owners of a property wanted to remodel and add a second unit which faced balmy ally, covering a 40 year-old mural.

More disturbing has been complaints by newcomers against neighboring Latino owned businesses from the owner and residents of the Vida on Mission Street. A group of new residents on Harrison St. calling themselves “the gang of five” said they would sue to stop Carnival. During Sunday Streets on 24th a group of neighbors did not want the low riders on Harrison Street, saying that they were intimidated by them. Additionally, neighbors have complained about “Mexican” music on 24th Street. Without sufficient mitigation and community benefits, problems such as these will only get worse with the influx of hundreds more “gentrifiers”, all to the detriment of the residents, businesses, and nonprofits that the City said it wanted to protect when it created the LCD. As we have seen on Valencia Street we can foresee gentrifiers requesting the police to move Latino youths, and adults, off “their” street corners.

B. Cumulative Impacts Must Be Examined.

Under Public Resources Code Section 21083 subdivision (b)(2).) "The possible effects of a project are individually limited but cumulatively considerable. As used in this paragraph ‘cumulatively considerable’ means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Stated otherwise, a lead agency shall require an EIR be prepared for a project when the record contains substantial evidence that

the "project has possible environmental effects that are individually limited but cumulatively considerable." (Guidelines section 15065 subdivision (a) (3).)

The impacts of the proposed project cannot be examined in isolation. The proposed project is not constructed inside a bubble. Both the project and its residents interact with the immediate community in multiple ways. Similarly, the environmental impacts of this project cannot be examined apart from other proposed projects currently in the pipeline. Including this project, there are approximately 666 luxury units currently in the pipeline that are located in or near the LCD. They are: 1515 South Van Ness Avenue (120 "market rate" units), 3314 Cesar Chavez (52 units), 2600 Harrison St. (20), 2799 24th St. (8), and 3357 26th St. (8). Proposed projects immediately adjacent to the LCD are: 1198 Valencia St. (52 units), 2918 Mission St. (38), 1298 Valencia St. (35), and 2600 Mission (20). Two blocks from the LCD is 2000-2070 Bryant Street (191 units).(Exhibits, Page 0097, 0098)

C. Cumulative Impacts of the Proposed Project and Other Market Rate Projects on the LCD are Subject to CEQA Review.

CEQA defines "environment" as "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance." 14 CCR Sec. 15131(a). See e.g. *Eureka Citizens for Responsible Government v City of Eureka* (2007) 147 Cal.App.4th 357, 363). The cumulative impacts of the proposed project on the LCD are subject to CEQA because (1) They have a potential adverse impact on the businesses and nonprofits in the LCD and therefore may impact the physical environment, and (2) LCD is "historic" as defined in the Public Resources Code and the CCR. These impacts to land use were not examined in the PEIR because the LCD did not exist at the time the PEIR was prepared.

1) The Market Rate Projects Have a Potential Adverse Impact on the Physical Environment.

As previously stated, the City has placed great importance on the long-term viability of the LCD, by its creation, investment in the study by the Council (Exhibits, Pages 276-311), its inclusion in the MAP 2020 program, and by creation of a Legacy Business program along with other assistance to small businesses. Further, two of the primary objectives of the Mission Area Plan are to preserve the diversity of the Mission, and to "preserve and enhance the unique character of the Mission District Commercial Areas". (Exhibits Page 609). It is a resource worth preserving.

The proposed project itself will result in the influx of approximately 98 households earning 200% AMI. In the pipeline are projects proposing more than 500 more households in or near the LCD. It is no leap of faith to anticipate that the proposed project will result in higher rents on properties within the LCD especially for businesses and non-profits which do not have rent control protections. High wage earners have much more disposable income than most residents of the area. According to 2009-2013 census estimates, the median income for residents in the census tract on which the proposed project site is situated was \$51,510 (or 50% Median Income for a family of four). In addition to having significantly more disposable incomes and ability to purchase higher priced goods and services, these newcomers are more likely to have different consumer preferences, affecting both price and the nature of the goods and services provided by businesses in the 24th Street corridor. We might ask "how can the City provide economic opportunities for Latinos if its policies price Latinos out of the market?" We only need look at Valencia Street to see how the influx of higher wage earners with only modest market rate development can impact a commercial corridor, substituting for mom and pop businesses with high end restaurants and clothing stores. Envisioning a similar result along 24th Street is a far cry from "speculative," it is reasonably foreseeable.

Significant effect on the environment" is defined as "a substantial, or potentially substantial, *adverse change in any of the physical conditions within the area affected by the project* including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant." (Guidelines, § 15382, italics added.)

The Court's decision in *Bakersfield Citizens for Local Control v City of Bakersfield* (2004) 124 Cal.App. 4th 1184 is highly instructive on this issue and analogous to the matter currently before the Board. In *Bakersfield*, the city refused to consider the impacts of two proposed shopping centers on downtown businesses and the potential to cause urban decay. The Court held that the businesses were part of the physical environment for which an EIR was required. Noting that under Guidelines 15131(a) "(I)f forecasted economic or social effects of a proposed project directly or indirectly will lead to adverse physical changes in the environment, then CEQA requires disclosure and analysis of these resulting physical impacts. (Citations) subdivision (e) of Guidelines section 15064 provides that when economic or social effects of a project cause a physical change, this is to be regarded as a significant effect in the same manner as any other physical change resulting from the project."

Noting that this concept is not limited to the issue of urban decay, the Court referenced *El Dorado Union High School Dist. v City of Placerville* (1983) 144 Cal. App.3d, 123, 131, where the city was required to evaluate whether a proposed apartment house

development would necessitate the need to construct a new high school. In *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 197, the Court required a study as to whether the physical impacts associated with a new waste management facility under CEQA would disturb worship in an environmental retreat center.

Here, the cumulative impacts of the proposed project and other projects poses the risk of accelerated Valenciaization of the LCD. Here, mom and pop Latino owned and operated concerns are at risk being replaced by high end restaurants, clothing and accessory stores, and personal trainer gyms and yoga studios. This is a change in the physical environment that defies the City's designation of the district, the MAP 2020 process, and which the City has, at least by its words, sought to avoid.

The Council's repeated requests for evaluation of impacts and development of mitigation measures is supported by a recent report by The Institute for Government Studies. It concluded that: 1) on a regional level, creation of market rate housing will relieve displacement pressures, 2) the creation of affordable housing will have double the impact of relieving such pressures, and 3) "on a block group level in San Francisco, neither market-rate nor subsidized housing production has the protective power they do at a regional scale, likely due to the mismatch between demand and supply. (Exhibits, page 447, 456) The report further concluded that further analysis was needed "to clarify the complex relationship between development, affordability, and displacement at the local scale, . . . (and) also investing in the preservation of housing affordability and stabilizing vulnerable communities."

2) The Calle 24 Latino Cultural District Council has Made a Fair Argument that the Department Should Have Evaluated Cumulative Impacts on the LCD.

Finally, the Board should be mindful of the burdens of both the City and Appellant to provide "substantial evidence" to support their position. "[A]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." (Pub. Res. Code § 21082.2(c); Guidelines, § 15384.)

The Court in *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 151, stressed the "low threshold" vis-à-vis the presence of a fair argument, noting that a lead agency should not give an "unreasonable definition" to the term substantial evidence, "equating it with overwhelming or overpowering evidence. CEQA does not impose such a monumental burden" on those seeking to raise a fair argument of impacts. Whether the administrative record contains a fair argument sufficient to trigger preparation of an EIR is a question of law, not a question of fact. Under this unique test "deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when

there is no credible evidence to the contrary.”

In *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714 lay testimony held sufficient to support fair argument. “Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence.” *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928. “For example, an adjacent property owner may testify to traffic conditions based upon personal knowledge.” (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173.) Because substantial evidence includes “reasonable assumptions predicated upon facts” (Guidelines, § 15384, 17 subd. (b)) and “reasonable inferences” (id., subd. (a)) from the facts, factual testimony about existing environmental conditions can form the basis for substantial evidence.⁹ (Guidelines, § 15384; *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274 (*Banker’s Hill*) [“local residents may testify to their observations regarding existing traffic conditions”]. “The question is not whether [citizen testimony] constitutes proof that [particular effects] will occur,” but whether it (or

reasonable inferences from it) “constitutes substantial, credible evidence that supports a fair argument that . . . [the project] may have a significant impact on the environment.” Emphasis supplied) *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, 721

Here, the Department has provided no evidence to support its position. The PEIR does not mention the LCD (because the LCD did not exist at the time the PEIR was prepared) and the Department refused to consider the impacts when so requested.

By contrast Appellant Council has provided substantial evidence to support a fair argument that the cumulative direct and indirect impacts of this and other projects at or near the LCD could, directly or indirectly adversely affect the LCD – which is part of the physical environment. The Council has presented the resolution creating the geographic area constituting the LCD (Exhibits Page 0276) the report concerning the threats to the LCD (Exhibits, Pages 0285); the extent of market rate development proposed in or near the LCD (Exhibits, Page 0097, 0098), letters describing the connection between “market rate” development and threats to LCD businesses and nonprofits. (Exhibits, Pages 61, 63) the Budget Analyst report describing income levels in the Mission (Exhibits 547), and census information regarding income levels for residents living in or adjacent to the proposed site and within the LCD (<http://www.census.gov/censusexplorer/censusexplorer.html> - showing household AMI for the subject census tract at \$60,479 and across the street from the site, a household income at \$51,510)

Accordingly, the City failed to meet its informational obligations under CEQA. The Certification of Exemption from Environmental Review is therefore defective and cannot be relied on for approval of the proposed project. Before we can proceed with this and other projects, we need to understand their impacts on the LCD and potential mitigation measures that will lessen those impacts.

2. The LCD is an Historic Resource.

Notwithstanding the potential physical impacts described above, and in addition to those impacts LCD qualifies as an Historic Resource and the impacts on this resource must also be evaluated under CEQA against the CRHR criteria prior to making a finding as to a proposed project's impacts to historical resources A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Res. Code § 21084.1; Guidelines §15064.5).

A historical resource is defined as any object, building, structure, site, area, place, record, or manuscript that: a) Is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California; and b) Meets any of the following criteria: (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; (2) Is associated with the lives of persons important in our past; (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or (4) Has yielded, or may be likely to yield, information important in prehistory or history (14 CCR 15064.5(a)(3)). These businesses and nonprofits in the LCD have been recognized as an important cultural and commercial resource for the City whose "richness of culture, history and entrepreneurship is unrivaled in San Francisco."

The near and long term preservation and enhancement of the LCD is a stated goal of the City. This, of necessity, includes the physical presence of its residents, businesses, and non-profits, which we submit are endangered by the extensive market rate development slated for the area.

IV. The Community Plan Exemption Reliance on the PEIR was Improper Because: 1) The PEIR Contemplated Production of no More than 2,054 Units with an Approved Preferred Project of 1,696 Units for the Mission Area: as of February, 2016 there were 2,451 Units Either Completed or Under Environmental Review; and 2) Other Substantial New Information Renders the PEIR Out of Date. These Changes Cumulatively Impact Areas of Land Use, Consistency with Area Plans and Policies, Recreation and Open Space, Traffic and Circulation, Transit and Transportation

The Department should not have issued a Certificate of Exemption under the Eastern Neighborhoods Plan EIR (PEIR) instead of a project EIR. The use of the PEIR in this way presupposes that it is sufficiently current to address all areas required under CEQA. The Mission Plan had as its goals *inter alia* to produce a substantial amount of affordable housing, preserve diversity and vitality of the Mission, preserve and enhance the distinct character of the Mission's distinct commercial areas, and preserve and enhance existing PDR businesses. (Exhibits, Page 621 at page 632) The PEIR assumed these goals and presumably believed that they would be realized under the ENP. Now, eight years later, it has become painfully apparent that the Plan is falling short of its goals and that its implementation is out of balance with changing circumstances in the neighborhood. Of the 1855 units entitled or under review as of between 2011 and 12/31/15, only 12% were affordable. An additional 504 units were built during this period, however the monitoring report does not state how many were affordable. (Exhibits, Mission Monitoring Report – Pages 137, 139), Likewise the Eastern Neighborhoods Plan Community Advisory Council had noted that many of ENP outcomes have been skewed in the wrong direction. (Exhibits Pages,99-109)

On September 13, this Board of Supervisors, when considering the project at 2000 to 2070 Bryant Street, expressed serious concerns about the efficacy of the Eastern Neighborhoods Plan in today's environment. (See http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=10&clip_id=26119 beginning at 3:16).

At least part of the reason for the disconnect between the goals and the outcomes is that there have been numerous changes on the ground that have direct, indirect and cumulative impacts on the environment. These changes impact on the physical environment in terms of the physical character of the Mission, notably the character of commercial areas and the presence of PDR businesses, as well as recreation and open space, transportation infrastructure, and traffic and circulation. When substantial new information becomes available, CEQA Guidelines require comprehensive analysis of these issues. (CEQA Guidelines Sec. 15183). The situation on the ground has changed substantially since the PEIR was prepared in 2008 in the following ways:

- **An Unanticipated Rapid Pace of Development.** the PEIR was prepared in the midst of the “great recession” and did not project the steep increases in housing prices that we have witnessed during the past eight years. This has been especially exacerbated by the increase in high paying jobs that have come to the City. This has resulted in a construction explosion. As a result, the cumulative total of units built, approved, and under review in the pipeline (2,451 as of February 23, 2016), now exceeds the highest number of units contemplated in the Plan EIR for the Mission (2,056). The PEIR projected this production to take place over a much longer period of time - 2008 to 2025. Development has therefore accelerated at a pace higher than that anticipated in the PEIR. (Exhibits, Page 0097) Because of the unexpectedly rapid pace of development, community benefits, including improvements to the Mission’s traffic, transportation, open space, and recreation infrastructures have been unable to keep pace (ENCAC Response to Monitoring Report (99-108) - The report also noted that transportation impacts hurt businesses (at page 0107). The PEIR clearly did not anticipate this pace of development.

- **Disproportionate Construction of Market Rate Units as compared with Affordable Units.** As previously stated, only 12% of the units under construction, entitled, or under review are affordable units. This is worse than the deplorable City-wide totals. There, the number of market rate units have exceeded the RHNA Allocations while the number of units affordable to low and moderate income San Franciscans is well below the 60% RHNA allocation. (Exhibits, Page 205, 206). (see also Housing Balance Report at Page 0166 *et. seq.* Again, the PEIR could not have anticipated such poor performance in terms of affordability. This will have substantial traffic and transportation (see below) impacts as well as impacts on types of businesses in our neighborhoods (as previously discussed).

- **Disappearance of Redevelopment Money.** In 2012, Redevelopment Agencies throughout the State were dismantled and with that about \$1 billion per year for affordable housing. Now Cities have to struggle to meet affordable housing needs.

- **State of Advanced Gentrification in the Mission.** The glut of high income earners in the Mission has created an “advanced gentrification” that was not anticipated at the time of the PEIR. <http://missionlocal.org/2015/09/sf-mission-gentrification-advanced/> With this gentrification, small Latino “mom and pop” businesses and non-profits have been replaced with high end restaurants, clothing and accessory stores, and other businesses that cater to high earners. Additional high income earners who will occupy the proposed market rate units will further exacerbate these problems. (*Case Studies on Gentrification and Displacement in the San Francisco Bay Area* (Begins at Page 298.) The San Francisco Analyst has reported that the Mission has lost 27% of its Latinos and 26% of its families with children since 2000.

One would hope that if the 2008 EIR was able to envision this advanced state that it would have advocated for more protective measures.

- **Gentrification Has Caused Unanticipated Increases in Traffic and Automobile Ownership.** The unanticipated influx of high earners in the Mission has resulted, and will result, in a substantial increase in the rate of automobile ownership in the Mission. Between 2000 to 2013, the number of households with automobiles increased from 37% to 64% - or 9,172 automobiles in 2000 to 16,435 in 2013. At the same time AMI increased from \$50,676 to \$75,269. (Exhibits, Pages 347, 348) It is now well recognized that high earners are twice as likely to own an automobile than their low income counterparts – even in transit rich areas such as the Mission. (Exhibits, Pages 331, *et. seq.*) The displacement of Mission residents has resulted in, and will result in, long reverse commutes to places of employment, children’s schools, and social services that are not available in outlying areas. These reverse commutes further exacerbate traffic congestion and create greenhouse gas emissions not contemplated in the PEIR. A recent report by the Eviction Defense Collaborative following up on a sampling of 566 displaced clients found that nearly 39% were forced to move moved outside San Francisco. (Exhibits, Page 211)
- **Tech Shuttle Gentrification and Displacement Impacts.** The PEIR did not anticipate the impact of tech shuttles from a traffic standpoint, nor from that of the demand for housing. The specter of living within a few blocks of a free ride to work has caused many tech employees to move to areas where the shuttles stop – predominantly in the Mission. As such, we have high-earning employees exacerbating the already high demand for housing. The anti-eviction mapping project has documented the connection between shuttle stops and higher incidences of no-fault evictions. (Exhibits, Page 0213)
<http://www.antievictionmappingproject.net/techbusevictions.html>
- **MTA Traffic Changes Will Directly Impact the Proposed Project.** The recent traffic changes along Mission Street by the SFMTA forces mandatory right turns onto Cesar Chavez from Mission, and prohibits through traffic on Mission, which has added increased traffic on the surrounding residential streets. Much of the right turn traffic will then turn left at South Van Ness to This project will add 140 more households and significantly increase the traffic on Mission Street.
- **Luxury Housing Has Exacerbated the Demand for Affordable Housing.** A 2007 Nexus Study, commissioned by the Planning Department, (Exhibits, Page 214, 223, 224) concluded that the production of 100 market rate rental units generates a demand of 19.44 lower income households through goods and services demanded by the market rate tenants. [These conclusions were made in 2007, well before housing prices began their steep upward trajectory.

Today, new “market rate” two bedroom apartments rented in the Mission begin at about \$6,000 per month – requiring an annual household income of \$240,000.] At the time, the PEIR anticipated a 15% inclusionary rate. The current Nexus study waiting to be released is expected to show a demand of 28 affordable units for every 100 built. With a 12% inclusionary rate, there is a need for 16 additional affordable units per hundred market rate units produced. (28 minus 12 = 16) This was not anticipated in the PEIR.

These changed circumstances render the current PEIR obsolete. A Community Plan Exemption is therefore not appropriate for this project and should not have been issued, due to new conditions that were not contemplated in the 2008 EN EIR, and the overbuilding of market rate units in the Mission, which have exceeded the unit count contemplated in the EN EIR.

V. The Department has Engaged in a Pattern and Practice of Allowing Community Plan Exemptions Despite the Fact that it is No Longer an Accurate Informational Tool to Evaluate the Environmental Impacts of a Project.

The improper grant of a Community Plan Exemption is part of a pattern and practice used by the City to approve residential development projects. The facts stated above demonstrate that this practice is improper as applied to proposed projects within both the Mission Area Plan and the LCD. This is in violation of the mandates of CEQA and applicable state and local land use policies and regulations. Employment of the community plan exemption routinely relies on an out of date Plan EIR that fails to account and/or provide adequate mitigation for significant direct, indirect, and cumulative environmental impacts. The City’s policy to approve projects based upon a community plan exemption rather than conduct project level review forms a pattern of actions and/or is embedded in routine practices that are implemented despite the public’s request to implement corrective measures and are a detriment to the environment. See *Californians For Native Salmon etc. v. Department of Forestry* (1990) 221 Cal.App.3d 1419, 1426-1430.

As such, the Board of Supervisors Should instruct the Department to refrain from using Community Plan Exemptions for projects within the boundaries of the mission Area Plan, including the LCD.

VI. Conditional Use Should Be Denied Because of Inconsistency with Eastern Neighborhoods Plan and Mission Area Plan Objectives, and Inconsistency with Interim Control and Mission Area Plan 2020, and is therefore not Necessary or Desirable.

In addition to exemption from environmental review, the applicant is seeking Condition Use authorization. The proposed project involves the consolidation of three lots, each zoned differently (RH-2, RH-3 and UMU). Conditional Use is being sought for exemption from:

1) rear yard requirements (PC Sec. 134), 2) dwelling unit exposure (PC Sec. 140), 3) off-street freight loading (PC Sec. 152.1, and 4) horizontal mass reduction (PC Section 270.1). Conditional use is also required under the Interim Controls instituted by the Commission on January 14, 2016.

Planning Code Section 303(c)(1) requires a grant of conditional use only upon a finding that “the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.”

The project as proposed is not necessary or desirable for and compatible with the community. Conditional use should be denied for several reasons: 1) the project is inconsistent with the stated purposes of the Eastern Neighborhoods Plan and the Mission Plan, 2) the proposed project does not comply with Interim Controls or MAP 2020 guidelines.

1. The Proposed Project is Inconsistent with the Stated Purposes of the Eastern Neighborhoods Plan and the Mission Plan.

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

- *Reflect Local Values:* To develop a rezoning proposal that reflects the land use needs and priorities of each neighborhoods’ stakeholders and that meets citywide goals for residential and industrial land use.

- *Increase Housing:* To identify appropriate locations for housing in the City’s industrially zoned land to meet a citywide need for more housing, and affordable housing in particular. (emphasis supplied)

- *Maintain Some Industrial Land Supply:* To retain an adequate supply of industrial land to meet the current and future needs of the City’s production, distribution, and repair businesses and the city’s economy.

- *Improve the Quality of All Existing Areas with Future Development:* To improve the quality of the residential and nonresidential places that future development will create over that which would occur under the existing zoning.

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

Mission-wide goals include:

- Increase the amount of affordable housing.
- Preserve and enhance the existing Production, Distribution and Repair businesses.
- Preserve and enhance the unique character of the Mission’s distinct commercial areas.
- Minimize displacement.

In light of these goals, the Commission must consider; 1) the proposed project’s removal of 25,000 square feet of PDR, 2) the provision of 98 luxury units as against only 19 affordable, 3) the impacts on the LCD, and 4) the merits, or lack of merits of the exemptions that the applicant is seeking.

2. The Proposed Project Does Not Comply with Interim Controls or MAP 2020 Objectives.

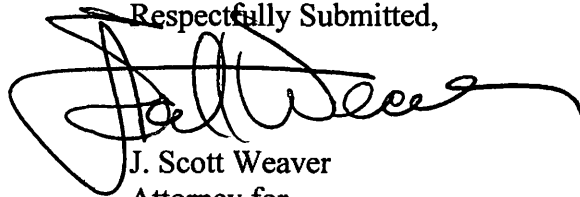
Under the Interim Controls, the sponsor is required to evaluate, from a socio-economic perspective, how the proposed project would affect existing and future residents, business and community serving providers in the area. (Interim Controls, IV.C(1)). The sponsor completely avoided any meaningful evaluation, and made no mention of the potential impact on the LDC. Instead, the sponsor described the population changes in the Mission as a whole, including the continued decimation of Latino households in the Mission. The sponsor’s report concluded that the proposed project will “not impact” the demographic changes occurring in the Mission. There is no credible data that supports this, and again, all the more reason why cumulative impacts of luxury development in the Latino Cultural District should be studied.

In the preamble to the Interim Controls, the Commission found that they were consistent with the eight priority policies of section 101.1 of the Planning Code including: 1) preserving and enhancing neighborhood employment and ownership of neighborhood-serving businesses; 2) preserving, existing neighborhood character and economic and cultural diversity; and 3) preserving and enhancing affordable housing.

Likewise, the stated purpose of the MAP 2020 Planning Process is to “retain low to moderate income residents and community-serving businesses (including Production, Distribution, and Repair) artists and nonprofits in order to strengthen and preserve the socioeconomic diversity of the Mission neighborhoods”.

The cumulative impacts of this and other predominantly luxury development projects create a result 180 degrees opposite the purposes of Interim Controls and the MAP 2020 process. The commission cannot make an informed decision as to whether the project, both individually and cumulatively, is “necessary or desirable for and compatible with the neighborhood or community. For that reason, the Commission should require evaluation of these impacts.

Respectfully Submitted,

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

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

Attachment C

Planning Commission Motion 19744



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 19744

HEARING DATE: SEPTEMBER 22, 2016

Case No.: 2014-000601ENX
 Project Address: 2675 FOLSOM STREET
 Zoning: UMU (Urban Mixed Use) Zoning District;
 RH-2 (Residential, House, Two-Family) Zoning District;
 RH-3 (Residential, House, Three-Family) Zoning District
 40-X Height and Bulk District
 Block/Lot: 3639/006, 007 and 024
 Project Sponsor: Muhammed Nadhiri, Axis Development Group
 580 California Street, 16th Floor
 San Francisco, CA 94104
 Staff Contact: Richard Sucre – (415) 575-9108
richard.sucre@sfgov.org

ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329, TO ALLOW EXCEPTIONS TO 1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, 2) DWELLING UNIT EXPOSURE PURSUANT TO PLANNING CODE SECTION 140, 3) STREET FRONTAGE PURSUANT TO PLANNING CODE SECTION 145.1, 4) OFF-STREET LOADING PURSUANT TO PLANNING CODE SECTION 152.1, AND, 5) HORIZONTAL MASS REDUCTION PURSUANT TO PLANNING CODE SECTION 270.1, AND TO ALLOW CONSTRUCTION OF A NEW FOUR-STORY, 40-FT TALL, RESIDENTIAL BUILDING (APPROXIMATELY 109,917 SQUARE FEET) WITH 117 DWELLING UNITS (CONSISTING OF 24 STUDIOS, 46 1-BEDROOM UNITS, 45 2-BEDROOM UNITS, AND 2 3-BEDROOM UNITS) AND 66 OFF-STREET PARKING SPACES, LOCATED AT 2675 FOLSOM STREET, LOTS 006, 007 AND 024 IN ASSESSOR'S BLOCK 3639, WITHIN THE UMU (URBAN MIXED-USE), RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY), AND RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICTS AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On April 30, 2015, Muhammed Nadhiri of Axis Development Group (hereinafter "Project Sponsor") filed Application No. 2014-000601ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization to construct a new four-story, 40-ft tall, residential

building with 117 dwelling units at 2675 Folsom Street (Block 3639 Lots 006, 007 and 024) in San Francisco, California.

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

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

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

On September 20, 2016, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

The Planning Department Commission Secretary is the custodian of records, located in the File for Case No. 2014-000601ENX at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 22, 2016, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2014-000601ENX.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Large Project Authorization requested in Application No. 2014-000601ENX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project is located on three lots (with a lot area of approximately 35,734 square feet), which have approximately 242-ft of frontage along Folsom Street and 40-ft of frontage along Treat Avenue. The project site contains three existing buildings: a two-story industrial building, a one-story industrial building, and a one-story temporary building. Collectively, these three buildings measure 21,599 square feet. Realizing Our Youth as Leaders, aka "Royal, Inc.", a non-profit organization, recently vacated the second floor of the two-story industrial building. Currently, the existing buildings are occupied by Charyn Auctions, a reseller of food service equipment.
3. **Surrounding Properties and Neighborhood.** The project site is located within the UMU Zoning Districts in the Mission Area Plan. The immediate context is mixed in character with residential, industrial, and institutional uses. The immediate neighborhood includes two-to-three-story residential development to the north, Cesar Chavez Elementary School to the west, a series of one-to-two-story industrial properties to the east across Treat Avenue, and a public park (Parque Ninos Unidos) to the south. Parque Ninos Unidos occupies the entire block face on the north side of 23rd Street between Folsom Street and Treat Avenue. The project site is located within the boundaries of the Proposed Calle 24 Special Use District, which was established as part of the interim controls by the Board of Supervisors per Ordinance No. 133-15, and the Calle 24 Latino

Cultural District, which was established by Board of Supervisors Resolution, File No. 140421 in May 2014. Other zoning districts in the vicinity of the project site include: P (Public), NC-3 (Neighborhood Commercial-Moderate Scale), and the 24th-Mission NCT (Neighborhood Commercial Transit) Zoning District.

4. **Project Description.** The proposed Project includes demolition of the three existing buildings on the project site, and new construction of a four-story, 40-ft tall, residential building (approximately 109,917 gross square feet) with 117 dwelling units, approximately 5,291 square feet of PDR use, 65 below-grade off-street parking spaces, 1 car-share parking space, 160 Class 1 bicycle parking spaces, and 14 Class 2 bicycle parking spaces. The Project includes a dwelling unit mix consisting of 2 three-bedroom units, 45 two-bedroom units, 46 one-bedroom units, and 24 studio units. The Project includes 4,775 square feet of public open space, 5,209 square feet of common open space via ground floor courtyard and roof deck, and 3,356 square feet of private open space via balconies and terraces. The Project would also include a lot merger of Lots 006, 007 and 024 on Block 3639.
5. **Public Comment.** The Department has received a few public correspondences regarding the proposed project. This correspondence has primarily expressed opposition to the project, though the Department has received a few letters in support.

From Lucia Bogatay, the Department received correspondence expressing positive sentiment for the architecture of the Project.

From Ronald Charyn of Charyn Auctions (existing tenant), the Department received a letter in support of the project. They noted that the Project Sponsor (Axis Development) has provided them with in-kind and financial assistance to relocate the existing business.

From Emily Kuehler, the Department received correspondence questioning the location of the garage entrance on Treat Avenue.

From the Mission Kids Co-Op, the Department received correspondence, which advocated for childcare, rather than a local artist galley, particularly in this location given its proximity to a public park.

From Juliana Sloane, the Department received correspondence expressing concern over parking and traffic.

From Edward Stiel, the Department received correspondence, which requesting a full Environmental Impact Report (EIR) for the Project. This correspondence stated that the Project would cast additional shadow on Parque Ninos Unidos and Cesar Chavez Elementary School, increase traffic and vehicle emissions, and have a wind tunnel effect. In addition, this letter stated that the development would lead to further involuntary displace with increased no fault evictions and landlord harassment.

From J. Scott Weaver on behalf the Calle 24 Latino Cultural District (LCD), the Department received a letter expressing concern over the project and its impact on the existing businesses, residents, and non-profits within the Calle 24 LCD. This letter noted that the proposed market rate housing, along with the other development occurring in the Mission, will affect the neighborhood and create a climate of gentrification. This letter also questions the Community Plan Exemption (CPE) published for the Project, and requests additional environmental review of the project's impacts. Finally, the letter concludes with a request to analyze the project, both individually and cumulatively, with respect to the potential impacts of market rate development on the Calle 24 Latino Cultural District.

In addition, the Department has engaged with on-going dialogue between community members and the Project Sponsors to review the various aspects of the project, including the inclusion of on-site PDR space, the amount of affordable housing, and the project's larger public benefits.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Permitted Uses in UMU Zoning Districts.** Planning Code Section 843.20 states that residential use is a principally permitted use within the UMU Zoning District.

The Project would construct new residential use within the UMU Zoning District; therefore, the Project complies with Planning Code Sections 843.20.

- B. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at every residential level. Given the irregular condition of the project site, the required rear yard would measure 9,024 sq ft.

Currently, the Project is designed to have full lot coverage on the ground floor level and does not provide a rear yard at the lowest level containing a dwelling unit. The Project provides open space through a publically-accessible mid-block alley, an interior courtyard and a roof terrace. The Project provides a total of 13,340 sq ft of Code-complying open space. This amount of open space, which would have been provided through the required rear yard, is thus exceeded. Since the Project does not provide a Code-complying rear yard, the Project is seeking an exception to the rear yard requirement as part of the Large Project Authorization.

The Project is located on a block bounded by Treat Avenue, 22nd, Folsom and 23rd Streets. The subject block does possess a pattern of mid-block open space, since the adjacent buildings to the north are residential. By providing for an interior courtyard, the Project maintains the pattern of mid-block open space on the subject block, and provides sufficient dwelling unit exposure for all dwelling units facing onto this courtyard.

- C. **Useable Open Space.** Planning Code Section 135 requires a minimum of 80 sq ft of open space per dwelling unit, if not publically accessible, or 54 sq ft of open space per dwelling unit, if publically accessible. Private useable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sq ft is located on a deck, balcony, porch or

roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sq ft if located on open ground, a terrace or the surface of an inner or outer court. Common useable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum area of 300 sq ft. Further, inner courts may be credited as common useable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 sq ft in area, and if the height of the walls and projections above the court on at least three sides is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

The Project provides a publically-accessible mid-block alley, which measures 4,775 sq ft; thus, the Project addresses the open space requirement for 88 dwelling units by providing public open space. For the remaining 29 dwelling units, the Project is required to provide 2,320 sq ft of open space. The Project meets and exceeds this open space requirement by providing for an courtyard that measures 5,209 sq ft, as well as private open space (balconies and terraces) collectively measuring 3,356 sq ft. Therefore, the Project complies with Planning Code Section 135.

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

The Project includes the new construction of a four-story residential building on a lot with approximately 242-ft of frontage along Folsom Street, and 40-ft of frontage along Treat Avenue. Currently, the Project includes new streetscape elements, such as new concrete sidewalks, linear planters along the street edge, and new street trees. Therefore, the Project complies with Planning Code Section 138.1.

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

The project site is not located in close proximity to an Urban Bird Refuge. The Project meets the requirements of feature-related standards and does not include any unbroken glazed segments 24-sq ft and larger in size; therefore, the Project complies with Planning Code Section 139.

- F. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley at least 20-ft wide, side yard or rear yard must be at least 25 ft in width, or an open area (either an inner court or a space between separate buildings on the same lot) must be no less than 25 ft in every horizontal dimension for the floor at which the dwelling unit is located.

The Project organizes the dwelling units to have exposure either on one of the public streets (Folsom Street or Treat Avenue), the public mid-block alley, which ranges in width from 24-ft to 27-ft, within Code-complying courtyard or facing the south lot line towards the public park (Parque Ninos Unidos).

Since 44 out of 117 dwelling units face the south lot line, the Project is seeking an exception to the dwelling unit exposure requirements as part of the Large Project Authorization.

- G. **Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 17 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The Project meets the requirements of Planning Code Section 145.1. All off-street parking is located below-grade. The Project has only one 12-ft wide garage entrance along Treat Avenue accessed via a 10-ft wide curb cut. The Project features active uses on the ground floor with residential amenities, the entryway to the mid-block alley, and walk-up dwelling units with direct, individual pedestrian access to a public sidewalk. Finally, the Project features appropriate street-facing ground level spaces, as well as the ground level transparency and fenestration requirements.

Since the Project includes a non-residential use along Folsom Street, which does not possess a 17-ft ground floor ceiling height for the entirety of the space, the Project is seeking an exception from the street frontage requirements as part of the Large Project Authorization.

- H. **Off-Street Parking.** Planning Code Section 151 requires one off-street parking space per dwelling unit in the RH-2 & RH-3 Zoning Districts.

Planning Section 151.1 of the Planning Code allows off-street parking at a maximum ratio of .75 per dwelling unit in the UMU Zoning District.

The Project would construct 108 dwelling units in the UMU Zoning District, 7 dwelling units in the RH-3 Zoning District, and 2 dwelling units in the RH-2 Zoning District. Therefore, for the 117 dwelling units, the Project is allowed to have a maximum of 90 off-street parking spaces. Of these 90 off-street parking spaces, the Project provides 54 off-street parking spaces via mechanical lifts, 3 ADA parking spaces, 1 ADA van spaces have been identified, and 8 standard parking spaces (which include five spaces for electrical vehicles). Therefore, the Project complies with Planning Code Section 151.1.

- I. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires one off-street freight loading space for apartment use between 100,001 and 200,000 gsf.

The Project includes approximately 127,081 square feet of residential use; thus, the Project requires at one off-street freight loading space. The Project is proposing one on-street loading space along Folsom Street, and does not possess any off-street freight loading within the below-grade garage. Therefore, the

Project is seeking an exception to the off-street freight loading requirement as part of the Large Project Authorization.

- J. **Bicycle Parking.** For projects with over 100 dwelling units, Planning Code Section 155.2 requires at least 100 Class 1 bicycle parking spaces plus one Class 1 bicycle parking space for every four dwelling units above 100, and one Class 2 bicycle parking spaces for every 20 dwelling units.

The Project includes 117 dwelling units; therefore, the Project is required to provide 104 Class 1 bicycle parking spaces and 6 Class 2 bicycle parking spaces. The Project will provide 160 Class 1 bicycle parking spaces and 14 Class 2 bicycle parking spaces. Therefore, the Project complies with Planning Code Section 155.2.

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

Since the Project includes 117 dwelling units, it is required to provide a minimum of one car-share parking space. The Project provides one car-share parking space. Therefore, the Project complies with Planning Code Section 166.

- L. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

The Project is providing off-street parking that is accessory to the dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units; therefore, the Project meets this requirement.

- M. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

For the 117 dwelling units, the Project is required to provide at least 47 two-bedroom units or 36 three-bedroom units. The Project provides 24 studios, 46 one-bedroom units and 45 two-bedroom units, and 2 three-bedroom units. Therefore, the Project meets the requirements for dwelling unit mix.

- N. **Horizontal Mass Reduction.** Planning Code Section 270.1 outlines the requirements for horizontal mass reduction on large lots within the Eastern Neighborhoods Mixed Use Districts. For projects with street frontage greater than 200-ft in length, one or more mass reduction breaks must be incorporated to reduce the horizontal scale of the building into discrete sections not more than 200-ft in length. Specifically, the mass reduction must 1) be not less than 30-ft in width; 2) be not less than 60-ft in depth from the street-facing building façade; 3) extend up to the sky from a level not higher than 25-ft above grade or the third

story, whichever is lower; and, 4) result in discrete building sections with a maximum plan length along the street frontage not greater than 200-ft.

Since the overall frontage is 242-ft along Folsom Street, the Project is required to provide a single horizontal mass break along Bryant and Florida Streets, which is not less than 30-ft wide by 60-ft deep, and extends from the third-story up to the sky. Per the Planning Code, this mass break must result in discrete building sections along the street frontage of not greater than 200-ft.

The Project uses the publically-accessible mid-block alley to provide for horizontal mass reduction. Along Treat Avenue, the Project incorporates a mass break, which measures 25-ft wide by 42-ft long by 40-ft tall at the ground floor and extending upward on all levels. Since the provided horizontal mass reduction does not meet the dimensional requirements of the Planning Code, the Project is seeking an exception to the horizontal mass reduction requirements as part of the Large Project Authorization.

- O. **Mid-Block Alley.** Planning Code Section 270.2 outlines the requirements for mid-block alleys on large lots within the Eastern Neighborhoods Mixed Use Districts. This requirement applies to all new construction on parcels that have one or more street frontages of over 200 linear feet on a block face longer than 400-ft between intersections.

The Project provides a publically-accessible mid-block alley from Folsom Street to Treat Avenue, which measures 25-ft along Folsom Street and 11-ft along Treat Avenue. This mid-block alley meets the design and performance standards of Planning Code Section 270.2(e), since it is: located as close to the middle portion of the subject block face as possible; is perpendicular to the subject frontage; provides pedestrian access and no vehicular access; has a minimum width of 20-ft from building face to building face; provides a minimum clear walking width of 10-ft free of any obstructions; is at least 60% open to the sky; and, features appropriate paving, furniture, and amenities. Therefore, the Project complies with Planning Code Section 270.2.

- P. **Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in more than twenty dwelling units.

The Project includes approximately 92,072 gsf of new residential use. This square footage shall be subject to the Transportation Sustainability Fee, as outlined in Planning Code Section 411A. The Project shall receive a prior use credit for the 21,060 sq ft of existing PDR space.

- Q. **Residential Child-Care Impact Fee.** Planning Code Section 414A is applicable to new development that results in at least one net new residential unit.

The Project includes approximately 92,072 gsf of new residential use associated with the new construction of 117 dwelling units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 411A.

- R. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more

units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on January 10, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 16.4% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and Community Development and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on February 3, 2016. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on January 10, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 16.4% of the total proposed dwelling units as affordable. 19 units (4 studios, 8, one-bedroom, 7 two-bedroom) of the total 117 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

- S. **Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the MUO (Mixed Use Office) Zoning District that results in the addition of gross square feet of non-residential space.

The Project includes approximately 109,917 square feet of new development consisting of approximately 92,072 sq ft of residential use, 5,291 sq ft of PDR use, and 12,554 sq ft of garage space. Excluding the square footage dedicated to the garage, the other uses are subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.

7. **Large Project Authorization in Eastern Neighborhoods Mixed Use District.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:

A. Overall building mass and scale.

The Project is designed as a four-story, 40-ft tall, residential development, which incorporates sunken residential entryways along Folsom Street, as well as massing setbacks. This massing is appropriate given the larger neighborhood context, which includes one-and-two-story industrial buildings, and two-and-three-story residential buildings. The surrounding neighborhood is extremely varied with many examples of smaller-scale residential properties along Folsom Street and larger-scale industrial properties to the east of Treat Avenue. The Project's overall mass and scale are further refined by the building modulation, which incorporates projecting bays and sunken entryways. In addition, the Project incorporates a 25-ft wide publically-accessible mid-block alley, which provides an appropriate mass break and entry court. Overall, these features provide variety in the building design and scale, while providing for features that strongly complement the neighborhood context. Thus, the Project is appropriate and consistent with the mass and scale of the surrounding neighborhood.

B. Architectural treatments, facade design and building materials:

The Project's architectural treatments, façade design and building materials include a fiber cement board horizontal lap siding in two tones, metal siding, aluminum storefront, iron railings and gates, and dark bronze frame aluminum windows. The Project is distinctly contemporary in its character. The Project incorporates a simple, yet elegant, architectural language that is accentuated by contrasts in the exterior materials. Overall, the Project offers a high quality architectural treatment, which provides for unique and expressive architectural design that is consistent and compatible with the surrounding neighborhood.

C. The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;

The Project incorporates a courtyard, which assists in continuing the pattern of mid-block open space evident on the subject block. Along the lower floors, the Project provides for a publically-accessible mid-block alley, residential amenities (entry lobby, leasing office/art gallery, and resident lounge/kitchen), and walk-up dwelling units with individual pedestrian access on Folsom Street. These dwelling units and amenities will provide for activity on the street level. The Project minimizes the impact to pedestrian by providing one 12-ft wide garage entrance on Treat Avenue. In addition, off-street parking is located below grade.

D. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;

The Project provides exceeds the open space requirement by constructing a publically-accessible mid-block, a ground floor courtyard, a roof terrace, and private balconies/terraces.

- E. The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2;

The Project provides a code-complying mid-block alley, which meets the criteria of Planning Code Section 270.2.

- F. Streetscape and other public improvements, including tree planting, street furniture, and lighting.

In compliance with Planning Code Section 138.1, the Project includes new streetscape elements, such as new concrete sidewalks, linear planters along the street edge, and new street trees. These improvements would vastly improve the public realm and surrounding streetscape.

- G. Circulation, including streets, alleys and mid-block pedestrian pathways;

The Project provides ample circulation in and around the project site through the streetscape improvement and construction of a publically-accessible mid-block alley. Automobile access is limited to the one entry/exit on Treat Avenue. An off-street loading zone is provided along Folsom Street. The Project incorporates an interior courtyard, which is accessible to residents.

- H. Bulk limits;

The Project is within an 'X' Bulk District, which does not restrict bulk.

- I. Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan;

The Project, on balance, meets the Objectives and Policies of the General Plan. See Below.

8. **Large Project Authorization Exceptions.** Proposed Planning Code Section 329 allows exceptions for Large Projects in the Eastern Neighborhoods Mixed Use Districts:

- A. Rear Yard: Exception for rear yards, pursuant to the requirements of Section 134(f);

Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified or waived by the Planning Commission pursuant to Section 329...provided that:

- (1) A comparable, but not necessarily equal amount of square footage as would be created in a code conforming rear yard is provided elsewhere within the development;

The Project provides for a comparable amount of open space, in lieu of the required rear yard. Overall, the Project will be located on a lot measuring 35,734 sq ft in size, and would be required to provide a rear yard measuring 9,024 sq ft. The Project provides common open space for the 117 dwelling units through a publically-accessible mid-block alley, a ground floor courtyard, a roof terrace, and a series of private balconies and terraces. In total, the Project provides approximately 13,340 sq ft of Code-complying open space, thus exceeding the amount of space, which would have been provided in a code-conforming rear yard.

(2) The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties or adversely affect the interior block open space formed by the rear yards of adjacent properties; and

The Project does not impede access to light and air for the adjacent properties. To the south, the Project abuts a public park. To the north, the Project incorporates a courtyard, which extends the pattern of mid-block open space for the subject block. Therefore, the Project continues the pattern of rear yards, which are evident within the properties to the north.

(3) The modification request is not combined with any other residential open space modification or exposure variance for the project, except exposure modifications in designated landmark buildings under Section 307(h)(1).

The Project is seeking an exception to dwelling unit exposure requirements, since the Project includes dwelling units, which face onto the south lot line. Given the overall quality of the Project and its design, the Commission supports the exception to the rear yard requirement, since the proposed units would not be afforded undue access to light and air. Overall, the Project meets the intent of exposure and open space requirements defined in Planning Code Sections 135 and 140; therefore, the modification of the rear yard is deemed acceptable.

- B. Off-Street Loading: Exception from satisfaction of loading requirements per Section 152.1 pursuant to the criteria contained therein.

For projects in the Eastern Neighborhoods Mixed Use Districts that are subject to Section 329, the Planning Commission may waive these requirements per the procedures of Section 329 if it finds that the design of the project, particularly ground floor frontages, would be improved and that such loading could be sufficiently accommodated on adjacent streets and alleys.

The Project would provide one on-street loading parking spaces on Folsom Street. The on-street loading would meet the residential loading needs of the Project. By providing on-street loading, the Project is able to limit the access to the below-grade garage through one entry/exit measuring 12-ft wide, which is located on Treat Avenue. Overall, the Project's proposed loading assists in improving the ground floor street frontage and would improve character of the streets.

- C. Horizontal Mass Reduction: Modification of the horizontal massing breaks required by Section 270.1 in light of any equivalent reduction of horizontal scale, equivalent volume of

reduction, and unique and superior architectural design, pursuant to the criteria of Section 270.1(d).

The Planning Commission may modify or waive this requirement through the process set forth in Section 329. When considering any such application, the Commission shall consider the following criteria:

- 1) no more than 50% of the required mass is reduced unless special circumstances are evident;

The Project incorporates a horizontal mass break from the ground floor up to the sky, which is 25-ft in width and 42-ft deep. Therefore, the Project exceeds the required amount of mass that would have been reduced under a Code-complying mass reduction.

- 2) the depth of any mass reduction breaks provided is not less than 15 feet from the front facade, unless special circumstances are evident;

The Project incorporates a mass break, which is more than 15-ft deep from the front façade.

- 3) the proposed building envelope can be demonstrated to achieve a distinctly superior effect of reducing the apparent horizontal dimension of the building; and

Through the incorporation of the publically-accessible mid-block alley and horizontal mass break, the Project achieves a distinctly superior building form, which results in two masses measuring 169-ft and 32-ft wide. This massing continues the pattern on the subject block, particularly along Folsom Street, and allows for projections and recesses within the subject lots.

- 4) the proposed building achieves unique and superior architectural design.

The Project achieves a unique and superior architectural design that is contemporary in character with a curated material palette. The Project's massing and scale is appropriate given the neighborhood context. Overall, the Project provides finer grain details, which are appropriate given the Project's design and style.

- D. Where not specified elsewhere in Planning Code Section 329(d), modification of other Code requirements which could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the property is located;

In addition to the modification of the requirements for rear yard, off-street loading, and horizontal mass reduction, the Project is seeking modifications of the requirements for street frontage (Planning Code Section 145.1) and dwelling unit exposure (Planning Code Section 140).

Under Planning Code Section 145.1(c)(4), the ground floor ceiling height for non-residential uses is required to be a minimum of 17-ft in the UIMU Zoning District. Currently, the Project includes non-residential use on the ground floor (PDR use), which does not possess a full 17-ft ground floor ceiling

height. Although portions of the Project meets the ground floor ceiling height, the entire non-residential ground floor space does not meet the requirements of the Planning Code. Despite the lower floor levels, the Project includes an architectural expression along the street frontage, which is beneficial to the public realm and adjacent sidewalks and which reinforces the concept of a tall ground floor. The Commission supports this exception, due to the overall quality of design and the streetscape improvements along Folsom Street and Treat Avenue.

Under Planning Code Section 140, all dwelling units must face onto a public street, public alley or an open area, which is at least 25-wide. The Project organizes the dwelling units to have exposure either on one of the public streets (Folsom Street or Treat Avenue), the public mid-block alley, which ranges in width from 24-ft to 27-ft, within Code-complying courtyard or facing the south lot line towards the public park (Parque Ninos Unidos). Currently, forty-four dwelling units do not face onto a street, alley or open area, which meet the dimensional requirements of the Planning Code. These dwelling units still face onto an open area, since the public park is located directly adjacent to the project site; therefore, these units are still afforded sufficient access to light and air. Given the overall design and composition of the Project, the Commission is in support of this exception, due to the Project's high quality of design and amount of open space/open areas.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

Policy 1.2

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas such as Treasure Island, Candlestick Park and Hunter's Point Shipyard.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project is a higher density residential development, which provides up to 117 new dwelling units in a mixed-use area. The Project abuts residential uses and one-to-two-story industrial buildings, as well as a public park. The project site was recently rezoned as part of a long range planning goal to create a cohesive residential and mixed-use neighborhood. The Project includes 19 on-site affordable housing units for rent,

which assist in meeting the City's affordable housing goals. The Project is also in proximity to public transportation options.

OBJECTIVE 4

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

Policy 4.4

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

Policy 4.5

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

The Project meets the affordable housing requirements for the UMU Zoning District by providing for 19 on-site BMR units for rent. The Project will provide 117 dwelling units into the City's housing stock.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2

Consider the proximity of quality of life elements such as open space, child care, and neighborhood services, when developing new housing units.

The Project responds to the site's mixed-character by providing new dwelling units, which appropriately address the adjacent residential uses, nearby industrial uses and adjacent public park. The Project appropriately responds to the varied character of the larger neighborhood. The Project's facades provide a unique expression not commonly found within the surrounding area, while providing for a contrasting material palette.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4:

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

Policy 4.5:

Require private usable outdoor open space in new residential development.

Policy 4.6:

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

The Project will create a publically-accessible mid-block alley and common open space in a new residential development. The Project also incorporates private open space through balconies and terraces.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

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

Policy 24.3:

Install pedestrian-serving street furniture where appropriate.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Project includes new street trees along the public rights-of-way. In addition, the Project includes streetscape elements, including new concrete sidewalks, linear planters along the street edge, and new street trees. Frontages are designed with active spaces oriented at the pedestrian level. The new garage entrance/exit is narrow in width and assists in minimizing pedestrian and bicycle conflicts.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

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

Policy 28.3:

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

The Project includes 160 Class 1 bicycle parking spaces and 14 Class 2 bicycle parking spaces in secure, convenient locations, thus meeting the amount required by the Planning Code.

OBJECTIVE 34:

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

Policy 34.1:

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

Policy 34.3:

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

Policy 34.5:

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

The Project adheres to the principally permitted parking amounts within the Planning Code. The parking spaces are accessed by one ingress and egress point. Parking is adequate for the project and complies with maximums prescribed by the Planning Code.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

Policy 1.7:

Recognize the natural boundaries of districts, and promote connections between districts.

The Project is located within the Mission neighborhood, which is characterized by the mix of uses. As such, the Project provides expressive street façades, which respond to form, scale and material palette of the existing neighborhood, while also providing a new contemporary architectural vocabulary.

OBJECTIVE 3:

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

Policy 3.1:

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

Policy 3.3:

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

Policy 3.4:

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

The Project is consistent and compatible with the neighborhood, and appropriate responds to its unique location adjacent to a public park. The Project is setback from the south lot line to provide some relief relative to the adjacent public park. In addition, the Project provides for a high quality design along the park edge, in order to provide visual interest and activity.

OBJECTIVE 4:

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

Policy 4.5:

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

Although the project site has two street frontages, it only provides one vehicular access points for the off-street parking, thus limiting conflicts with pedestrians and bicyclists. Numerous street trees will be planted on each street. Along the project site, the pedestrian experience will be greatly improved.

MISSION AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.1

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

Policy 1.1.8

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

OBJECTIVE 1.2

IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1

Ensure that in-fill housing development is compatible with its surroundings.

Policy 1.2.3

In general, where residential development is permitted, control residential density through building height and bulk guidelines and bedroom mix requirements.

Policy 1.2.4

Identify portions of the Mission where it would be appropriate to increase maximum heights for residential development.

Housing

OBJECTIVE 2.1

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

Policy 2.1.1

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

OBJECTIVE 2.3

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

Policy 2.3.3

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

Policy 2.3.5

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

Policy 2.3.6

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

Built Form

OBJECTIVE 3.1

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

Policy 3.1.1

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

Policy 3.1.8

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

OBJECTIVE 3.2

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

Policy 3.2.1

Require high quality design of street-facing building exteriors.

Policy 3.2.3

Minimize the visual impact of parking.

Policy 3.2.4

Strengthen the relationship between a building and its fronting sidewalk.

Policy 3.2.6

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

Transportation

OBJECTIVE 4.7

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

Policy 4.7.2

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

OBJECTIVE 4.8

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

Policy 4.8.1

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

Streets & Open Space

OBJECTIVE 5.3

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

Policy 5.3.1

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

Policy 5.3.2

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

Community Facilities

OBJECTIVE 7.1

PROVIDE ESSENTIAL COMMUNITY SERVICES AND FACILITIES

Policy 7.1.2

Recognize the value of existing facilities, including recreational and cultural facilities, and support their expansion and continued use.

OBJECTIVE 7.2

ENSURE CONTINUED SUPPORT FOR HUMAN SERVICE PROVIDERS THROUGHOUT THE EASTERN NEIGHBORHOODS

Policy 7.2.1

Promote the continued operation of existing human and health services that serve low-income and immigrant communities in the Eastern Neighborhoods.

The Project includes the demolition of 21,060 sq ft of PDR space, which included a community-serving use for a local non-profit. Both of these uses are encouraged to be retained within the Mission, as they provide for blue-collar jobs, assist in diversifying the neighborhood economy, provide valued community resources, and add cultural diversity to the neighborhood. However, the Project also includes a significant amount of housing, including on-site BMR units as well as a diversity of housing types (from small studios to larger family-sized units). The Project has provided relocation assistance to the existing PDR tenant, and the community serving use vacated the site in March 2016. Overall, the Project features an appropriate use encouraged by the Area Plan for this location. The Project provides 117 new dwelling units, which will be available for rent. In addition, the Project is located within the prescribed height guidelines, and includes the appropriate dwelling unit mix, since more than 40% or 47 units are two- or three-bedroom dwellings. The Project introduces a contemporary architectural vocabulary that is sensitive to the prevailing scale and neighborhood fabric. The Project provides for a high quality designed exterior, which features a variety of materials, colors and textures, including fiber cement board horizontal lap siding in two tones, metal siding, aluminum storefront, iron railings and gates, and dark bronze frame aluminum windows. The Project provides a publically-accessible mid-block alley, ample common open space and also improves the public rights of way with new streetscape improvements, street trees and landscaping. The Project

minimizes the impact of off-street parking and is in proximity to public transit options. The Project is also respectful of the adjacent public park. The Project will also pay the appropriate development impact fees, including the Eastern Neighborhoods Impact Fees. Despite the loss of PDR space, on balance, the Project meets the Objectives and Policies of the Mission Area Plan.

9. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The project site does not possess any neighborhood-serving retail uses. The Project provides 117 new dwelling units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.

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

The project site does possess any existing housing. The Project would provide 117 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would add PDR use (arts activity), which adds to the public realm and neighborhood character by highlighting local artists. The Project is expressive in design, and relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program by providing 19 below-market rate dwelling units for rent. Therefore, the Project will increase the stock of affordable housing units in the City.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The project site is served by nearby public transportation options. The Project is located along a Muni bus line (12-Folsom/Pacific), and is within walking distance of the BART Station at 24th and Mission Streets. In addition, the Project is within one block of 24th Street and the 48-Quintara/24th Street bus route. Future residents would be afforded proximity to a bus line. The Project also provides off-street parking at the principally permitted amounts and sufficient bicycle parking for residents and their guests.

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

The Project does not include commercial office development. Although the Project would remove a PDR use, the Project does provide new housing, which is a top priority for the City. The Project incorporate new PDR use, thus assisting in diversifying the neighborhood character.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the project site does not contain any City Landmarks or historic buildings.

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

Although the Project does have shadow impacts on the adjacent public park, the adjacent public park (Parque Ninos Unidos) is still afforded access to sunlight, which should not dramatically affect the use and enjoyment of this park. Since the Project is not more than 40-ft tall, additional study of the shadow impacts was not required per Planning Code Section 295.

9. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Large Project Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2014-000601ENX** under Planning Code Section 329 to allow the new construction of a four-story, 40-ft tall, residential building with 117 dwelling units, and a modification to the requirements for: 1) rear yard (Planning Code Section 134); 2) dwelling unit exposure (Planning Code Section 140); 3) street frontage (Planning Code Section 145.1); 4) off-street freight loading (Planning Code Section 152.1); and, 5) horizontal mass reduction (Planning Code Section 270.1), within the UMU (Urban Mixed Use), RH-2 (Residential, House, Two-Family), and RH-3 (Residential, House, Three-Family) Zoning Districts and a 40-X Height and Bulk District. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 30, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329 Large Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

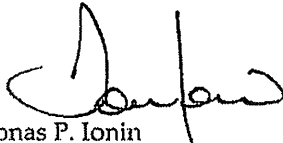
Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

Motion No. 19744
September 22, 2016

CASE NO. 2014-000601ENX
2675 Folsom Street

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 22, 2016.



Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel and Richards

NAYS: Melgar and Moore

ADOPTED: September 22, 2016

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

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
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MEASURES DEEMED FEASIBLE				
F. Noise				
<p><i>Mitigation Measure F-5: Siting of Noise-Generating Uses</i> To reduce potential conflicts between existing sensitive receptors and new noise-generating uses, for new development including commercial, industrial or other uses that would be expected to generate noise levels in excess of ambient noise, either short-term, at nighttime, or as a 24-hour average, in the proposed project site vicinity, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that the proposed use would comply with the use compatibility requirements in the General Plan and in Police Code Section 2909I, would not adversely affect nearby noise-sensitive uses, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels that would be generated by the proposed use. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action.</p>	<p>Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.</p>	<p>Prior to first approval action, noise analysis must be done. Design measures to be incorporated into project design and evaluated in environmental/building permit review.</p>	<p>San Francisco Planning Department and the Department of Building Inspection</p>	<p>Considered complete upon first project approval action.</p>
J. Archeological Resources				
<p><i>Mitigation Measure J-2: Accidental Discovery</i> The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (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 firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that</p>	<p>Project Sponsor/project archeologist</p>	<p>Upon discovery of a buried or submerged historical resource</p>	<p>Project sponsor and ERO</p>	<p>Upon determination of the ERO that resource is not present or adversely impacted; or upon certification of Final Archeological Resources Report (FARR)</p>

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

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>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 an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>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 Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions. The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and 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</p>				

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

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>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 Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD 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>L. Hazardous Materials</p> <p><i>Mitigation Measure L-1—Hazardous Building Materials</i> The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	<p>Project Sponsor/project archeologist of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning</p>	<p>Prior to approval of each subsequent project, through Mitigation Plan.</p>	<p>Planning Department, in consultation with DPH; where 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>

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Attachment D

Eastern Neighborhoods Capital Projects

Eastern Neighborhoods
List of Capital Projects

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

Eastern Neighborhoods
List of Capital Projects

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

Eastern Neighborhoods
List of Capital Projects

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

Eastern Neighborhoods
List of Capital Projects

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