

# REUBEN, JUNIUS & ROSE, LLP

**Mark Loper**  
mloper@reubenlaw.com

October 19, 2018

## **Delivered Via Email and Messenger**

President Malia Cohen and Supervisors  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102  
bos.legislation@sfgov.org

**Re: 2750 19<sup>th</sup> Street  
Opposition to Appeal of the Community Plan Evaluation (“CPE”)  
Planning Department Case No. 2014.0999ENV  
Our File No.: 7829.11**

Dear President Cohen and Supervisors:

This office represents MT Ventures (“Sponsor”) which proposes a six-story mixed-income building with 60 units and 10,000 square feet of ground-floor PDR that will be occupied by the current tenant (the “Project”). The Project will add much-needed housing across income levels while preserving 100% of the existing PDR use area with brand-new space, with the PDR space set to be reoccupied at completion by the current tenant.

As detailed in the Planning Department’s response to the appeal of the Community Plan Evaluation (“CPE”), the CPE itself, and other technical studies prepared for the Project and other similarly-situated Mission housing projects appealed on CEQA grounds to this Board, substantial evidence demonstrates that the City’s use of a CPE for the Project is proper, and the appeal is without merit under CEQA. Appellant’s contentions relate to the Eastern Neighborhoods Plan itself, and not necessarily CEQA, much less this specific Project. It is summarily improper to misuse the CEQA process to revisit an entitlement approval.

Appellant raises no Project-specific grounds to overturn the CPE. Denial is consistent with past precedent when an Eastern Neighborhoods project has no unique environmental effects. In contrast, upholding the appeal would threaten over a thousand housing units<sup>1</sup> proposed or recently approved that would be expected to rely on the Eastern Neighborhoods Plan EIR.

---

<sup>1</sup> Based on the Planning Department’s Development Pipeline Report for 2<sup>nd</sup> Quarter 2018 and public documents.

## A. Project Benefits and Changes Since 2014

The Project was first proposed in June 2014, more than four years ago. In the last four years, the Project was put on hold by the Planning Department as the Mission Moratorium was proposed and eventually disapproved by San Francisco voters. A number of new impact fees have been established since then, affordability rates have increased, and the cost of construction has skyrocketed.

In the past four and a half years, the Project sponsor has engaged many community groups, by holding dozens of one-on-one and group meetings with key stakeholders spanning arts, non-profits, members of the public sector, local businesses, and area neighbors. The Project sponsor solicited feedback, listened to concerns, and made significant changes in response to these meetings and to community concerns and goals articulated in the Mission Action Plan 2020, including: providing on-site affordable units; reducing car parking by 45% and increasing bike parking; agreeing to commission a mural on the side of the building prepared by a Mission artist; preserving the existing brick façade; and perhaps most importantly eliminating ground floor retail and arranging for the existing PDR tenant—a furniture and upholstery company—to relocate and eventually return to the Property and operate out of a brand new PDR space in the new building. The Project is not required to provide any PDR, and yet is committing to a 1-to-1 replacement and to zero retail on the ground floor. 10,000 square feet of new PDR space is unprecedented in a mixed-use project of this size with only ground-floor commercial space.

In the intervening four years, construction costs have increased tremendously, raising stakes on sponsors to ensure that approved projects can receive financing and actually be built. As noted in a recent *San Francisco Chronicle* article, it is increasingly difficult to build moderate-sized residential projects in the current economic climate.<sup>2</sup> At least two other projects in the Mission are currently for sale, and it appears only two of the housing projects approved in the Mission in the last four years are actually under construction—2000 Bryant and 1726 Mission.

Under this completely changed development landscape, the Project still provides numerous benefits to this portion of the Mission and the City at large, including:

1. **Retaining an existing PDR business and temporary relocation assistance.** The Project retains the existing furniture and upholstery PDR business at the property, and provides temporary relocation assistance during construction. The business will occupy all 10,000 square feet of ground floor PDR space in the project. The Project is not required to provide any new PDR, and the Sponsor volunteered to change the programming of the entire ground floor commercial space from retail to PDR at the request of community groups. PDR retention meets a significant number of citywide and Mission-specific policies and goals, including Mission Area Plan Objectives 1.1, 6.1, and Policies 1.1.1, 1.1.2, 1.2.2, and 6.1.3, as well as MAP 2020 Objective 1.7.

---

<sup>2</sup> “SF residential projects languish as rising costs force developers to cash out,” *San Francisco Chronicle*, August 27, 2018.

2. **On-site affordability.** The Project initially proposed to satisfy its inclusionary housing requirement by paying the in-lieu fee to MOH. After multiple rounds of conversations with the neighborhood, the sponsor has modified its method of compliance and increased its commitment above the required amount. Specifically, the sponsor has elected to satisfy its affordable housing obligation by providing BMR units entirely on-site to the required 17.5%, with all of those units provided at 55% AMI. In addition, the sponsor has committed to increasing the amount of BMR housing provided to 20%, with the additional 2.5% provided at 150% AMI. On-site affordability meets a significant number of policies and goals, including General Plan Policies 1.1, 1.10, 4.1, and 4.4; and Mission Area Plan Policies 2.1.1, 2.1.2.
3. **Local hire framework.** A local hire program that meets or exceeds the requirements normally applied to development on formerly-public sites (i.e. on former redevelopment parcels) to ensure the economic impact of construction benefits local, emerging businesses. While this program has been rolled out effectively in those projects, Sponsor is not aware of another fully private sector project adopting this framework. 50% Local Business Enterprise participation for professional service dollars with an equal commitment for construction spend and workforce hiring. Targeted outreach, featuring local advertising and community forums. This community benefit is consistent with General Plan Objective 3; and Mission Area Plan Policy 6.2.1.
4. **Arts programming.** A new 375 square foot mural on 19<sup>th</sup> Street (roughly 17 feet high by 22 feet long) to be conceived, designed, and built by local Mission artists. Additionally, the Project sponsor is partnering with schools on visible design-build opportunities throughout the Project site, including bike racks and fixtures in the ground floor courtyard to create student opportunities to participate. The Project's arts programming furthers Mission Area Plan Policy 3.2.8.
5. **School program.** The Sponsor has begun an innovative, multi-year program at Mission High School focused on introducing participating students to land use, construction, and real estate issues. Topics include: Architecture and Engineering, Finance, Legal, Marketing, Construction and related fields. The Sponsor's participating team members (including A/E, legal, marketing, finance, and construction firms) will develop a meaningful curriculum and guest lecture. Program curriculum includes guest speakers, site tours and inspections, case studies and related educational and career development opportunities.
6. **Impact fees.** In addition to its on-site inclusionary units, the Project will pay fees that will go towards a significant number of community benefits programs, including childcare; parks; transportation and other public infrastructure; and public schools.
7. **Less Car Parking, More Bike Spaces.** The Project is allowed a maximum of 45 parking spaces. In response to neighborhood feedback, the sponsor reduced parking to 24 off-street spaces, and is voluntarily providing two car-share spaces. In addition, the Project is

providing 84 protected bike parking spaces and 13 publicly-accessible street spaces, a total of 30 more spaces than what's required. The Project's approach to parking furthers General Plan Policies 1.3, 2.2, 12.1, 14.8, 28.1, 28.3, 34.1; and Mission Area Plan Policies 4.7.2 and 4.8.1.

## **B. Appellant Does Not Raise Any Project-Specific CEQA Issues**

Appellant does not allege any defects with the CPE specific to the Project itself. Instead, its arguments relate solely to the Eastern Neighborhoods plan. The CPE comprehensively details that there are no "peculiar" impacts caused by the Project. On this ground alone, the appeal should be rejected.<sup>3</sup>

It is noteworthy that the preliminary statement of appeal only mentions the Project by address once, when it identifies what project it is appealing. At no point does the statement discuss any details about the Project, such as its size, location, number of residential units, ground floor PDR space, or basement bike and car parking. Someone reading the appeal without any context would be forgiven for not being able to determine anything about the Project other than its street address. The appeal's arguments appear to be borrowed wholesale from past appeals of new housing projects in the Eastern Neighborhoods—both mixed income and 100% affordable. Simply, it makes no attempt to identify any Project-specific environmental impacts that were not discussed or were inadequately evaluated in the CPE.<sup>4</sup>

Projects consistent with development density established by an area plan EIR such as the Eastern Neighborhoods Plan EIR (the "PEIR") are not allowed to undergo additional environmental review except as necessary to determine if project-specific effects not identified in the PEIR exist.<sup>5</sup> CEQA "**mandates**" that projects consistent with development density established through an area plan EIR "**shall not**" require additional environmental review except as necessary to identify effects that are "**peculiar to the project**" or its site (emphasis added).<sup>6</sup>

The Project's CPE included background documents or technical reports relating to preservation; noise (ensuring the PDR space will not disrupt residents); transportation; general plan and zoning consistency; archeology; greenhouse gas; shadow; geotechnical; soils; and subsurface hazards. Performing these studies is consistent with CEQA law for projects consistent with existing zoning.<sup>7</sup> All of these studies, and the additional analysis on each environmental topic

---

<sup>3</sup> CEQA Guidelines, Section 15183(a).

<sup>4</sup> As noted in a recent law review article discussing CEQA lawsuits and California's housing crisis, "Housing can be built, and it is politically supported by majorities of existing residents, including those who are protective of the character, services, and property values in their community across the country. However, CEQA lawsuits provide California's anti-housing holdouts—the political minority of as few as one anonymous party—with a uniquely effective litigation tool to simply say 'no' to change." *California Environmental Quality Act Lawsuits and California's Housing Crisis*, Hastings Environmental Law Journal, Winter 2018, pg. 41.

<sup>5</sup> CEQA Guidelines, Section 15183(a).

<sup>6</sup> Id.

<sup>7</sup> Id. at (b).

included in the CPE checklist, confirm that the Project qualifies for a CPE because there are no peculiar impacts to the parcel or the project.<sup>8 9</sup>

The Project is subject to three mitigation measures: protecting archeological resources in the event any are uncovered during excavation or construction activities; developing and implementing a set of site-specific noise attenuation measures during construction; and removing and properly disposing of any potential hazardous materials that exist on-site.<sup>10</sup> The Project will also comply with generally-applicable city regulations to minimize construction impacts. These include a project-specific site-mitigation plan approved by the Department of Public Health; compliance with the San Francisco Noise Ordinance, which imposes a number of restrictions on construction noise; compliance with the San Francisco Dust Control Ordinance, which minimizes exhaust emissions; and a Greenhouse Gas Emissions checklist confirming compliance with a wide range of local and state regulations minimizing GHG emissions.

Appellant's argument appears to be a critique of new mixed-income housing development generally, regardless of context. Under CEQA, "economic or social effects of a project shall not be treated as significant effects on the environment."<sup>11</sup> "CEQA requires decisions be informed and balanced, but it 'must not be subverted into an instrument for the ... delay of social [or] economic development or advancement.'"<sup>12</sup> Simply, the potential loss of community character is not a cognizable environmental effect under CEQA. In Preserve Poway v. City of Poway, 245 Cal.App.4th 560 (2016), community members protested vigorously against the conversion of a horse ranch into new housing, eventually appealing the CEQA clearance document after the housing project was approved on the grounds that it disrupted Poway's "community character." While recognizing that community character is an important political and policy issue, the Court of Appeal concluded that it is not an environmental issue under CEQA.<sup>13</sup>

### **C. Overturning the Project's CEQA Clearance Could Jeopardize Future Housing Production in the Plan Area**

Appellant's overarching issue is with the Eastern Neighborhoods plan in general, and the production of new housing specifically. To the extent any connection can be drawn between the appeal's CEQA arguments and the Project itself, it is that the PEIR is stale and cannot be used for any housing project within the Plan area. As the Planning Department explains in detail in its brief, there is no merit to this claim.<sup>14</sup> Just as importantly, CEQA clearances for pending or approved but not yet constructed projects in the Eastern Neighborhoods will be threatened or significantly delayed if the appeal is upheld.

---

<sup>8</sup> Id. at (c).

<sup>9</sup> Rather than recite the detailed conclusions of each study, the sponsor directs readers to the 47-page CPE Checklist and background studies. The CPE is attached as **Exhibit A**.

<sup>10</sup> 2750 19<sup>th</sup> Street Community Plan Evaluation, Mitigation Monitoring and Reporting Program, attached as **Exhibit B**.

<sup>11</sup> CEQA Guideline 15131(a).

<sup>12</sup> Preserve Poway v. City of Poway, 245 Cal.App.4th 560, 581-582 (2016).

<sup>13</sup> Poway, 245 Cal.App.4th at 566.

<sup>14</sup> Rather than restate arguments set out in the Planning Department's response, we incorporate it by reference.

The PEIR is a key component to streamlining construction of hundreds if not thousands of housing units in the Eastern Neighborhoods Plan area. These proposed or approved units are in both mixed-income projects like the Project and 100% affordable projects.

For example, at least two pending and four recently-approved affordable housing projects relied on, or are expected to rely on, the PEIR for their CEQA clearance, totaling 708 BMR units. These include:

1. 2205 Mission Street, 48 units, CPE pending;
2. 681 Florida Street, 130 units, CPE pending;
3. 1990 Folsom, 143 units, infill exemption based on EN EIR issued May 16, 2018;
4. 1950 Mission Street, 157 affordable units, CPE issued July 6, 2017;
5. 2060 Folsom Street, 136 affordable units, CPE issued June 10, 2016;
6. 1296 Shotwell Street, 94 units, CEQA clearance issued November 11, 2016, CEQA appeal upheld by Board of Supervisors, February 2017.

In addition, we estimate that 19 proposed or recently approved but not constructed Eastern Neighborhoods housing projects would be jeopardized, potentially affecting approximately 1,103 housing units that could include 245 affordable units. A table listing the projects we identified using the San Francisco Planning Department's Development Pipeline Report for Q2 2018 (<http://sf-planning.org/pipeline-report>) and the San Francisco Property Information Map is included as Appendix A.

### **C. This Board Should Follow Past Practice Denying Requests to Overturn the Eastern Neighborhoods EIR**

This appeal mirrors a number of CEQA-based objections to housing projects in the Eastern Neighborhoods filed in recent years, which tend to repeat the same arguments about the PEIR<sup>15</sup>. Three recent examples provide clear precedent for the Board to reject this appeal because it does not raise any germane CEQA issues.

#### **1. 901 16<sup>th</sup> Street/1200 17<sup>th</sup> Street**

Late last year, in October 2017, the San Francisco Superior Court in Save the Hill and Grow Potrero Responsibly v. City and County of San Francisco upheld an Eastern Neighborhoods CPE and focused EIR in a lawsuit filed by opponents of the 901 16<sup>th</sup> Street/1200 17<sup>th</sup> Street project at the base of Potrero Hill. The Board of Supervisors previously affirmed the CEQA clearance document unanimously, in July of 2016.<sup>16</sup> Relevant to the Project, the opponents of that project claimed that the Eastern Neighborhoods PEIR is outdated, that residential growth has outpaced the PEIR's forecasts, and that cumulative impacts—and in particular traffic—were inadequately analyzed.

---

<sup>15</sup> These include, but are not limited to, 901 16<sup>th</sup> Street, 1296 Shotwell, 1515 South Van Ness, 1726 Mission Street, 2000-2070 Bryant, 2675 Folsom, and 2918 Mission.

<sup>16</sup> Board of Supervisors Motion No. M16-097, attached as Exhibit C.

The Superior Court rejected each of these grounds. The Eastern Neighborhoods PEIR does not have an expiration date or chronological limits; instead, a CPE is appropriate if impacts were addressed in the Plan-level EIR, such as the PEIR.<sup>17</sup> Exceeding growth forecasts—or presenting evidence that growth forecasts may eventually be exceeded at some indeterminate point in the future—does not render the PEIR or a CPE based on the PEIR moot. Instead, the appellants were required to point to evidence that this exceedance will actually cause or contribute to significant environmental effects that were not addressed as significant impacts in the PEIR.<sup>18</sup> There was none in the record, and so this argument failed.

Here, Appellant has similarly not identified any evidence showing new or more significant environmental impacts due to growth projections, much less any that the Project would make a considerable contribution to. Simply pointing out that development patterns in the Eastern Neighborhood produce somewhat more housing and less non-residential use than originally projected is insufficient to invalidate the CPE.

## 2. 1296 Shotwell Street

In February 2017, the Board unanimously rejected the appeal of a 9-story, 69,500 square foot, 94-unit density bonus project at 1296 Shotwell Street in the Mission that demolished an approximately 11,000 square foot PDR building and did not provide any replacement PDR space.

Like Appellant here, that project's opponent claimed the PEIR was “woefully out of date”, and that an Eastern Neighborhoods CPE could not be used to address cumulative conditions, transportation and circulation, socioeconomic impacts, land use, aesthetics, and significance findings.<sup>19</sup>

In rejecting that appeal, this Board made findings that the density bonus project at 1296 Shotwell was eligible for a CPE. Its potential environmental effects were properly analyzed in the PEIR, and the appeal did not identify new or substantially greater effects than the PEIR. This Board rejected all other Eastern Neighborhoods-specific grounds for overturning the CPE, including indirect impacts allegedly caused by gentrification such as cumulative growth impacts, transportation impacts, community benefits delivery, and inconsistency with the Mission Area Plan.<sup>20</sup>

The Project is smaller, shorter, has fewer dwelling units, provides 1-to-1 PDR replacement, and has an agreement to temporarily relocate the existing PDR tenant while construction is ongoing. Although 1296 Shotwell was a 100% affordable project and the Project is mixed-income, affordability alone is not a CEQA issue. There is no evidence in the record that a mixed-income residential project, as opposed to a 100% affordable project, results in heightened impacts to the physical environment such as health and safety, construction impacts, or transportation.

---

<sup>17</sup> Save the Hill and Grow Potrero Responsibly v. City and County of San Francisco, Order Denying Petition for Writ of Mandamus (Case No. CPF-16-515238), pg. 21.

<sup>18</sup> Id. at pgs. 24-25.

<sup>19</sup> 1296 Shotwell Appeal, attached as **Exhibit D**.

<sup>20</sup> Board of Supervisors Motion No. M17-019, attached as **Exhibit E**.

3. 2918 Mission Street

Most recently, in June of this year the Board of Supervisors considered an appeal for a density bonus project at 2918 Mission Street. This Project was grandfathered from paying the inclusionary housing fee on its density bonus units, and its sponsor declined to make any project changes requested by its neighbors. That project also cast shadow on two adjacent schoolyards, one to the south and one to the west of the project. The appellant to that Project raised both Project-specific CEQA issues relating to shadow on the schoolyards, and the same Eastern Neighborhoods objections made by Appellant.

In reversing the CPE, the Board unanimously concluded that the project's CPE was "adequate in all respects" except for its analysis of the Project's unique shadow effects, rejecting that appeal's claims about inadequacy of the PEIR or the use of the CPE process for infill residential projects. (emphasis added) <sup>21</sup>

As noted above, Appellant does not claim that the Project at issue in this appeal causes or could cause unique environmental impacts. Its arguments are wholly related to the Eastern Neighborhoods PEIR and tiering project-specific review off of that plan-level EIR. These arguments have been consistently rejected by this Board—even when it overturns CPEs for Project-specific reasons. This Board confirmed just four months ago that the PEIR and corresponding CPEs for infill residential projects are adequate with regards to general CEQA issues such as cumulative impacts, growth projections, and impacts on transportation and community character. That analysis should apply equally to the Project: because Appellant does not—and cannot—allege unique Project-specific impacts, the CPE is "adequate in all respects" and the appeal should be rejected.

**E. Conclusion**

Appellant raises no arguments that the Project itself causes any CEQA impact that exceeds or was not identified in the Eastern Neighborhoods EIR. This Board has consistently rejected attempts to invalidate the entire Eastern Neighborhoods rezoning through a Project-specific CEQA appeal. This Project's CEQA document is adequate in all respects. In addition, the Project itself has been modified significantly since it was first proposed, and provides a significant range of community benefits, including on-site affordability, 1-to-1 PDR replacement, temporary relocation of the existing PDR tenant, and a local LBE and SBE program. We ask you to deny the appeal.

Thank you.

---

<sup>21</sup> Board of Supervisors Motion No. M18-094, attached as Exhibit F.



Sincerely,

**REUBEN, JUNIUS & ROSE, LLP**



Mark Loper

Appendix A – Proposed or Recently-Approved Eastern Neighborhoods Housing Projects

Below is a chart that lists all proposed or recently-approved housing projects in the Eastern Neighborhoods Area Plan, including the total number of proposed units and the proposed or required number of affordable units for each project. Many projects' inclusionary housing compliance method has not yet been selected, so the number of affordable units is described as "potential" and is a best estimate based on zoning and information provided in the projects' PPA letters. This list was compiled using information from the San Francisco Planning Department's Development Pipeline Report for Q2 2018 (<http://sf-planning.org/pipeline-report>) and from the San Francisco Property Information Map, and represents an estimate only based on available public records. Two 100% affordable projects are highlighted below in blue.

<b>ADDRESS</b>	<b>TOTAL UNITS</b>	<b>POTENTIAL AFFORDABLE UNITS</b>	<b>STATUS</b>
600 20th St	21	3	Approved by Commission 6/14/18
1052-1060 Folsom St & 190-194 Russ St	63	15 affordable and replacement of 4 rent controlled units	Under review
1145 Mission St	25	4	Under review/ on hold
2918 Mission St.	75	8	Approved by Commission, 10/4/18
1500-1528 15th St	188	26	Under review
2205 Mission St	48	48	Under review/ on hold
3001 24 <sup>th</sup> St	45	45	Under review/ on hold
344 14th St / 1463 Stevenson St	45	7	Under review
1721 15th St	24	3	Under review
3230 & 3236 24th St	17	Paying affordable housing fee	No Commission approval required
2300 Harrison St	24	3	Under review
975 Bryant St	185	30	Approved by Commission 10/5/17

828 Brannan St	60	11	Under review
262 7th St	95	12	Under review
1245 Folsom St	37	7	Under review
1075 Folsom Street	48	12	Under review
280 7th St	20	2	LPA approved by Commission 7/26/18
351 12th St	50	6	Under review
222 Dore St	33	3	Under review
<b>TOTAL:</b>	<b>1,103</b>	<b>245</b>	

# Exhibit A



# SAN FRANCISCO PLANNING DEPARTMENT

## REVISED Certificate of Determination Community Plan Evaluation

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Case No.:* 2014.0999ENV  
*Project Address:* 2750 19<sup>th</sup> Street  
*Zoning:* UMU (Urban Mixed Use) Zoning District  
68-X Height and Bulk District  
*Block/Lot:* 4023/004A  
*Lot Size:* 15,000 square feet  
*Plan Area:* Eastern Neighborhoods Area Plan, Mission Subarea  
*Project Sponsor:* Steve Perry, Perry Architects 415-806-1203  
*Staff Contact:* Justin Horner, [Justin.horner@sfgov.org](mailto:Justin.horner@sfgov.org) 415-575-9023

**THIS COMMUNITY PLAN EVALUATION (CPE) SUPERSEDES THE CPE THAT WAS PUBLISHED ON NOVEMBER 21, 2017. FOLLOWING PUBLICATION OF THE PREVIOUS CPE, THE PROPOSED PROJECT WAS REVISED.**

### PROJECT DESCRIPTION

The 15,000-square-foot (sf) project site is on the northeast corner of the intersection of Bryant Street and 19th Street in the Mission neighborhood. The project site is currently occupied by three, one-story, 22-foot-tall industrial buildings built between 1880 and 1914, totaling 10,935 sf of Production, Distribution and Repair (PDR) uses. The project site is located in the UMU (Urban Mixed Use) Zoning District and a 68-X Height and Bulk District.

(Continued on next page.)

### CEQA DETERMINATION

The project is eligible for streamlined environmental review per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

### DETERMINATION

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

  
\_\_\_\_\_  
Lisa Gibson  
Environmental Review Officer

5/30/18  
\_\_\_\_\_  
Date

cc: Steve Perry, Project Sponsor; Supervisor Malia Cohen, District 10; Ella Samonsky, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

This determination evaluates the potential project-specific environmental effects of the 2750 19<sup>th</sup> Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR).<sup>2</sup> Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 2750 19<sup>th</sup> Street.

The Planning Commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>3,4</sup>

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

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR. The Eastern Neighborhoods PEIR estimated that implementation of the Eastern Neighborhoods Plan could result in approximately 7,400 to 9,900 net dwelling units and 3,200,000 to 6,600,000 square feet of net non-residential space (excluding PDR loss) built in the Plan Area throughout the lifetime of the Plan (year 2025). The Eastern Neighborhoods PEIR projected that this level of development would result in a total population increase of approximately 23,900 to 33,000 people throughout the lifetime of the plan.<sup>5</sup>

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other

---

<sup>2</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>3</sup> San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

<sup>4</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

<sup>5</sup> Table 2 Forecast Growth by Rezoning Option Chapter IV of the Eastern Neighborhoods Draft EIR shows projected net growth based on proposed rezoning scenarios. A baseline for existing conditions in the year 2000 was included to provide context for the scenario figures for parcels affected by the rezoning.

topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to UMU (Urban Mixed Use) District. The UMU District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Evaluation (CPE) Checklist, under Land Use. The 2750 19<sup>th</sup> Street site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site with building up to 68 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 2750 19<sup>th</sup> Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR, including the Eastern Neighborhoods PEIR development projections. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 2750 19<sup>th</sup> Street project and identified the mitigation measures applicable to the 2750 19<sup>th</sup> Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>6,7</sup> Therefore, no further CEQA evaluation for the 2750 19<sup>th</sup> Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The 15,000-square-foot (sf) project site is on the northeast corner of the intersection of Bryant Street and 19th Street in the Mission neighborhood. The project site is currently occupied by three, one-story, 22-foot-tall industrial buildings built in 1907, totaling 10,935 sf of Production, Distribution and Repair uses. The project site is located in the UMU (Urban Mixed Use) Zoning District and a 68-X Height and Bulk District.

The project vicinity is a mix of residential, industrial and commercial uses. The industrial and commercial businesses in the project vicinity are mostly housed in one- and two-story structures. The residential buildings range from two to five stories in height.

Immediately adjacent to the north of the project site is a two-story, approximately 25-foot-tall commercial building constructed in 1964. Immediately adjacent to the project site to the east is a one-story, approximately 20-foot-tall commercial building constructed in 1908. At the northwest intersection of

---

<sup>6</sup> Steve Wertheim, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 2750 19<sup>th</sup> Street, March 23, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2014.0999ENV.

<sup>7</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 2750 19<sup>th</sup> Street, February 22, 2016.

Bryant and 19 streets, which is across the street to the west of the project site, are three residential properties: a two-story, approximately 25-foot-tall building built in 1907, a three-story, approximately 40-foot-tall building built in 1900, and a two-story, approximately 22-foot-tall building built in 1907. A portion of a two-story, approximately 30-foot-tall industrial building built in 1934 is located across Bryant Street from the project site. Across 19<sup>th</sup> Street, to the south of the project site, is a four-story, approximately 60-foot-tall mixed-use residential building constructed in 1919.

The project site is served by transit lines (Muni lines 8, 9, 9R, 14X, 27, and 33) and bicycle facilities (there are bike lanes on 17<sup>th</sup>, 23<sup>rd</sup>, Folsom and Harrison streets). Zoning districts in the vicinity of the project site are UMU, PDR-1-G (Production, Distribution and Repair-1-General) and RH-2 (Residential-Housing-Two Family). Height and bulk districts in the project vicinity include 40-X, 58-X, 65-X, and 68-X.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 2750 19<sup>th</sup> Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 2750 19<sup>th</sup> Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would include displacement of approximately 11,000 of existing PDR use. The proposed project, which includes 10,000 square feet of PDR uses, would result in a net loss of 1,000 square feet of PDR uses. However, the net loss of approximately 1,000 square feet of PDR building space would not constitute a cumulatively considerable contribution to the significant and unavoidable land use impact identified in the Eastern Neighborhoods PEIR. Additionally, as discussed in the CPE initial study, the proposed project would not impact a historical resource, and therefore would not contribute to the significant and unavoidable historic architectural resources impact identified in the PEIR. The proposed project would not generate cumulatively considerable new transit trips, and would therefore not contribute to the significant and unavoidable transportation impacts identified in the PEIR. As the shadow analysis contained in the CPE initial study describes, the proposed project would not cast substantial new shadow that would negatively affect the use and enjoyment of a recreational resource, and would therefore not contribute to the significant and unavoidable shadow impacts described in the Eastern Neighborhoods PEIR.

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



**Table 1 – Eastern Neighborhoods PEIR Mitigation Measures**

Mitigation Measure	Applicability to Project	Compliance
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed	N/A
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to Project Mitigation Measure 2: Construction Noise.
F-3: Interior Noise Levels	Not Applicable: The proposed project would be required to meet the Interior Noise Standards of Title 24 of the California Building Code.	N/A
F-4: Siting of Noise-Sensitive Uses	Not Applicable: The proposed project would be required to meet the Interior Noise Standards of Title 24 of the California Building Code	N/A
F-5: Siting of Noise-Generating Uses	Applicable for Project: includes PDR, a use that would generate noise at a level that could increase the ambient noise level in the project vicinity.	Project sponsor prepared an acoustic study consistent with Mitigation Measure F-5. Acoustic study found that the project would not exceed applicable standards in the Noise Ordinance.
F-6: Open Space in Noisy Environments	Not Applicable: CEQA no longer requires the consideration of the effects of the existing environment on a proposed project's future users or residents where that project would not exacerbate existing noise levels	N/A
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Not Applicable: proposed project does not meet BAAQMD screening levels and is not located in Air Pollution Exposure Zone (APEZ).	N/A
G-2: Air Quality for Sensitive Land	Not Applicable: superseded by applicable Article 38	N/A

Mitigation Measure	Applicability to Project	Compliance
Uses	requirements	
G-3: Siting of Uses that Emit DPM	Not Applicable: the proposed uses are not expected to emit substantial levels of DPM	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed project would not include a backup diesel generator or other use that emits TACs	N/A
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: The project site is not located in an area with a previous archeological study.	N/A
J-2: Properties with no Previous Studies	Applicable: The project site is located in an area with no previous archeological study.	Project Mitigation Measure 1: Archeological Resources agreed to by project sponsor.
J-3: Mission Dolores Archeological District	Not Applicable: The project site is not located in the Mission Dolores Archeological District	N/A
<b>K. Historical Resources</b>		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by Planning Department	N/A
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
<b>L. Hazardous Materials</b>		
L-1: Hazardous Building Materials	Applicable: Proposed project includes demolition of an existing building.	Project Mitigation Measure 3: Hazardous Building Materials agreed to by project sponsor.
<b>E. Transportation</b>		

Mitigation Measure	Applicability to Project	Compliance
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	N/A
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA	N/A
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA	N/A
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA	N/A

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

## PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on December 3, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Commenters expressed concerns about

potential shadow impacts, traffic impacts, and air quality impacts from vehicle emissions, and potential wind effects. The Community Plan Evaluation checklist for the proposed project includes analysis of these potential impacts and found that the proposed project would not result in any new, or more severe, impacts in these resource areas that were not disclosed in the Eastern Neighborhoods EIR. There were also comments that were not related to CEQA, including concerns about the physical size of the project, the proposed project's impacts on nearby property values, and the project's compliance with Mission Area Plan policies and objectives. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

## CONCLUSION

As summarized above and further discussed in the CPE Checklist<sup>8</sup>:

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.

Therefore, no further environmental review shall be required for the proposed project pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

---

<sup>8</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2014.0999ENV.

**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><b>J. Archeological Resources</b></p> <p><i>Mitigation Measure 1 Archeological Monitoring</i></p> <p>Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of <i>construction</i> can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).</p>	<p>Project sponsor.</p>	<p>Prior to issuance of site permits.</p>	<p>Project sponsor shall retain archeological consultant to undertake archeological monitoring program in consultation with ERO.</p>	<p>Complete when Project sponsor retains qualified archeological consultant.</p>
<p><i>Consultation with Descendant Communities:</i> On discovery of an archeological investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.</p> <p><i>Archeological monitoring program (AMP):</i> The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archeological resources and to their depositional context;</li> <li>▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s),</li> </ul>	<p>Project Sponsor</p>	<p>Prior to the start of renovation/consruction activities.</p>	<p>Planning Department, in consultation with DPH.</p>	<p>Considered complete upon submittal to Planning confirming compliance with this measure.</p>

**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>of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</p> <ul style="list-style-type: none"> <li>▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</li> <li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis</li> </ul> <p>If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.</p>	<p>The archeological consultant, Project Sponsor and project contractor.</p>	<p>Monitoring of soils disturbing activities.</p>	<p>Archeological consultant to monitor soils disturbing activities specified in AMP and immediately notify the ERO of any encountered archeological resource.</p>	<p>Considered complete upon completion of AMP.</p>
<p>If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>	<p>ERO, archeological consultant, and Project Sponsor.</p>	<p>Following discovery of significant archeological resource that could be adversely affected by project.</p>	<p>Redesign of project to avoid adverse effect or undertaking of archeological data recovery program.</p>	<p>Considered complete upon avoidance of adverse effect</p>
<p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological</p>	<p>Archeological consultant in consultation with</p>	<p>After determination by ERO that an</p>	<p>Archeological consultant to prepare an ADRP in</p>	<p>Considered complete upon approval of ADRP by ERO.</p>

**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>consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements</p> <ul style="list-style-type: none"> <li>▪ Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.</li> <li>▪ Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.</li> <li>▪ Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.</li> <li>▪ Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>▪ Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>▪ Final Report. Description of proposed report format and distribution of results.</li> <li>▪ Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul> <p>Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification</p>	<p>ERO</p> <p>Archaeological consultant or medical examiner</p>	<p>archaeological data recovery program is required</p> <p>Discovery of human remains</p>	<p>consultation with ERO</p> <p>Notification of County/City Coroner and, as warranted,</p>	<p>Considered complete on finding by ERO that all State laws regarding</p>

**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>of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</p>			notification of NAHC.	human remains/burial objects have been adhered to, consultation with MLD is completed as warranted, and that sufficient opportunity has been provided to the archeological consultant for scientific/historical analysis of remains/funerary objects.
<p>Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.</p>	Archeological consultant	Following completion of cataloguing, analysis, and interpretation of recovered archeological data.	Preparation of FARR	FARR is complete on review and approval of ERO
<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 Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic</p>	Archeological consultant	Following completion and approval of FARR by ERO	Distribution of FARR after consultation with ERO	Complete on certification to ERO that copies of FARR have been distributed



**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>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><b>F. Noise</b>                      Mitigation Measure 2: Construction Noise                      The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> <li>• Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;</li> <li>• Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;</li> <li>• Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;</li> <li>• Monitor the effectiveness of noise attenuation measures by taking noise measurements; and</li> <li>• Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.</li> </ul>	<p>Project Sponsor along with Project Contractor.</p>	<p>During construction</p>	<p>Project sponsor to provide Planning Department with monthly reports during construction period.</p>	<p>Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p><b>L. Hazardous Materials</b>                      Mitigation Measure 3: Hazardous Building Materials                      The project sponsor shall ensure that any equipment containing polychlorinated biphenyl (PCBs) or Di(2-ethylhexyl) phthalate (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</p>	<p>Prior to the start of renovation/const ruction activities.</p>	<p>Planning Department, in consultation with DPH.</p>	<p>Considered complete upon submittal to Planning confirming compliance with this measure.</p>



# SAN FRANCISCO PLANNING DEPARTMENT

---

## REVISED Initial Study – Community Plan Evaluation

*Case No.:* 2014.0999ENV  
*Project Address:* 2750 19<sup>th</sup> Street  
*Zoning:* UMU (Urban Mixed Use) Zoning District  
68-X Height and Bulk District  
*Block/Lot:* 4023/004A  
*Lot Size:* 15,000 square feet  
*Plan Area:* Eastern Neighborhoods Area Plan, Mission Subarea  
*Project Sponsor:* Steve Perry, Perry Architects 415-806-1203  
*Staff Contact:* Justin Horner, [justin.horner@sfgov.org](mailto:justin.horner@sfgov.org) 415-575-9023

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**THIS COMMUNITY PLAN EVALUATION (CPE) SUPERSEDES THE CPE THAT WAS PUBLISHED ON NOVEMBER 21, 2017. FOLLOWING PUBLICATION OF THE PREVIOUS CPE, THE PROPOSED PROJECT WAS REVISED.**

### PROJECT DESCRIPTION

The 15,000-square-foot (sf) project site (Assessor's Block 4023, Lot 004A) is located on the northeast corner of the intersection of Bryant Street and 19th Street in the Mission neighborhood (Figure 1). The project site is currently developed with three, one-story, 22-foot-tall industrial buildings built between 1880 and 1914, totaling 10,935 sf of Production, Distribution and Repair (PDR) uses. The project site is located in the UMU (Urban Mixed Use) Zoning District and a 68-X Height and Bulk District.

The proposed project would include the demolition of the three existing industrial buildings, retention of the principal two-story façade along 19<sup>th</sup> and Bryant streets, and construction of a six-story, 68-foot-tall (77-foot, 7-inch tall with rooftop equipment) mixed use building with approximately 10,000 square feet of PDR space, 60 residential units (35 one-bedroom units and 25 two-bedroom units) above and bicycle and vehicle parking in a basement (Figures 2-8). The proposed project would include 3,200 sf of common open space on the second floor and a 4,800 sf roof deck. The residential lobby entrance would be located on Bryant Street and basement vehicle parking entry would be located on 19<sup>th</sup> Street. The proposed project would include 60 Class 1 bicycle parking spaces in the basement, three Class 2 bicycle parking spaces along 19<sup>th</sup> Street, and 26 vehicle parking spaces in the basement.<sup>1</sup> The proposed project would remove an existing curb cut on Bryant Street and would retain an existing 10-foot curb cut off of 19<sup>th</sup> Street that would be used for the proposed garage entrance. Construction of the project would require approximately 8,533 cubic yards of excavation to a depth of approximately 15 feet and would last approximately 18 months. The proposed project would be built upon a mat-slab foundation with a series of inter-connected, reinforced concrete footings.

---

<sup>1</sup> Section 155.1(a) of the planning code defines class 1 bicycle spaces as "spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and employees" and defines class 2 bicycle spaces as "spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use."

The proposed 2750 19<sup>th</sup> Street project would require the following approvals:

**Actions by the Planning Commission**

- Large Project Authorization (LPA)

**Actions by Other Agencies**

- Demolition Permit (Department of Building Inspection)
- Site/Building Permit (Department of Building Inspection)
- Maher Program compliance (Department of Public Health)

The granting of the Large Project Authorization (LPA) shall be the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

**EVALUATION OF ENVIRONMENTAL EFFECTS**

This initial study evaluates whether the environmental impacts of the proposed project are addressed in the programmatic environmental impact report for the Eastern Neighborhoods Rezoning and Area Plans (Eastern Neighborhoods PEIR).<sup>2</sup> The initial study considers whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific, focused mitigated negative declaration or environmental impact report. If no such impacts are identified, no additional environmental review shall be required for the project beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study in accordance with CEQA section 21083.3 and CEQA Guidelines section 15183.

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

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

---

<sup>2</sup> San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

The proposed project would include construction of a 68-foot-tall mixed use residential building with PDR space on the ground floor. As discussed below in this initial study, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

**FIGURE 1. PROJECT VICINITY**



FIGURE 2. PROPOSED BASEMENT LEVEL

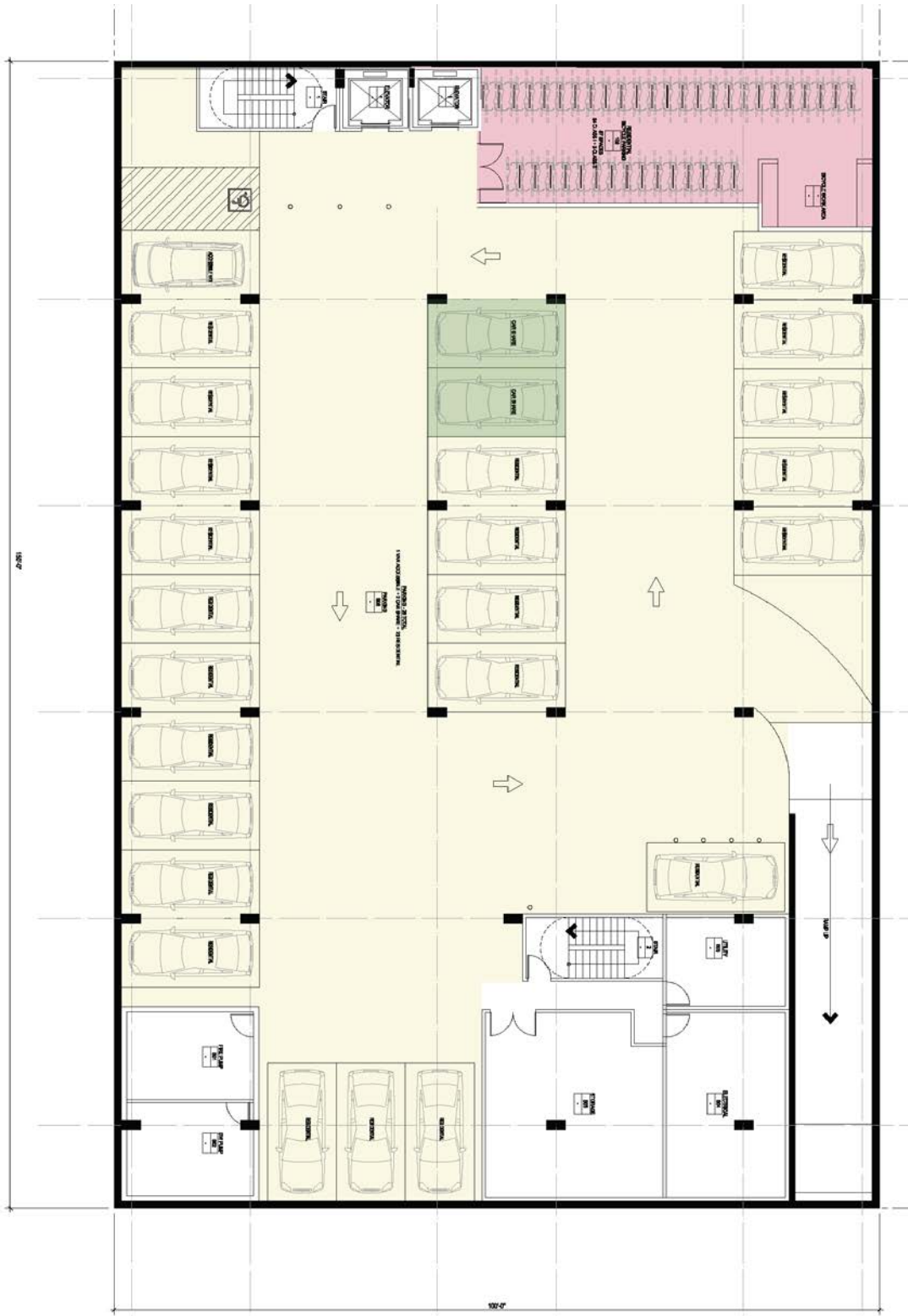


FIGURE 3: PROPOSED GROUND FLOOR

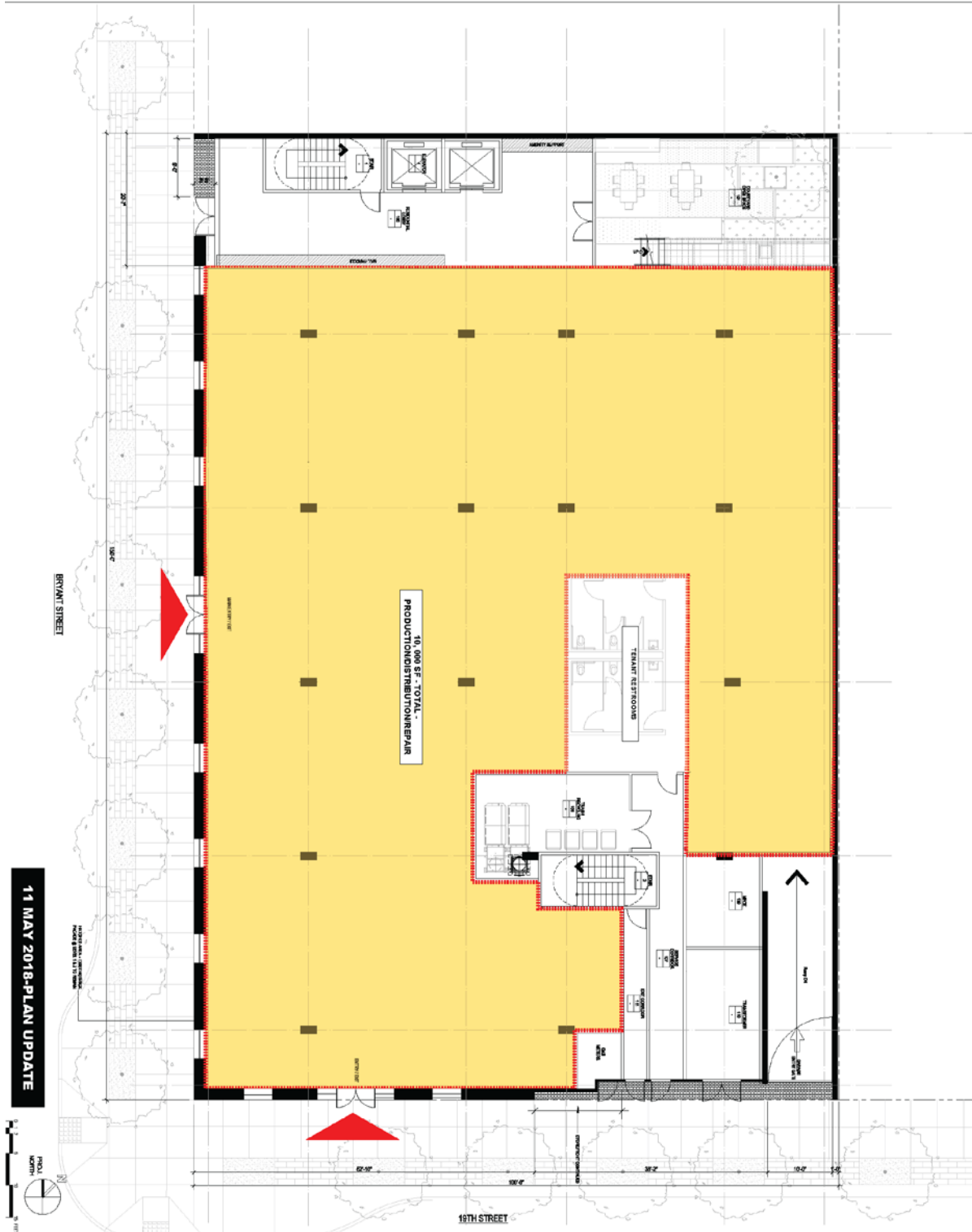


FIGURE 4. PROPOSED SECOND FLOOR

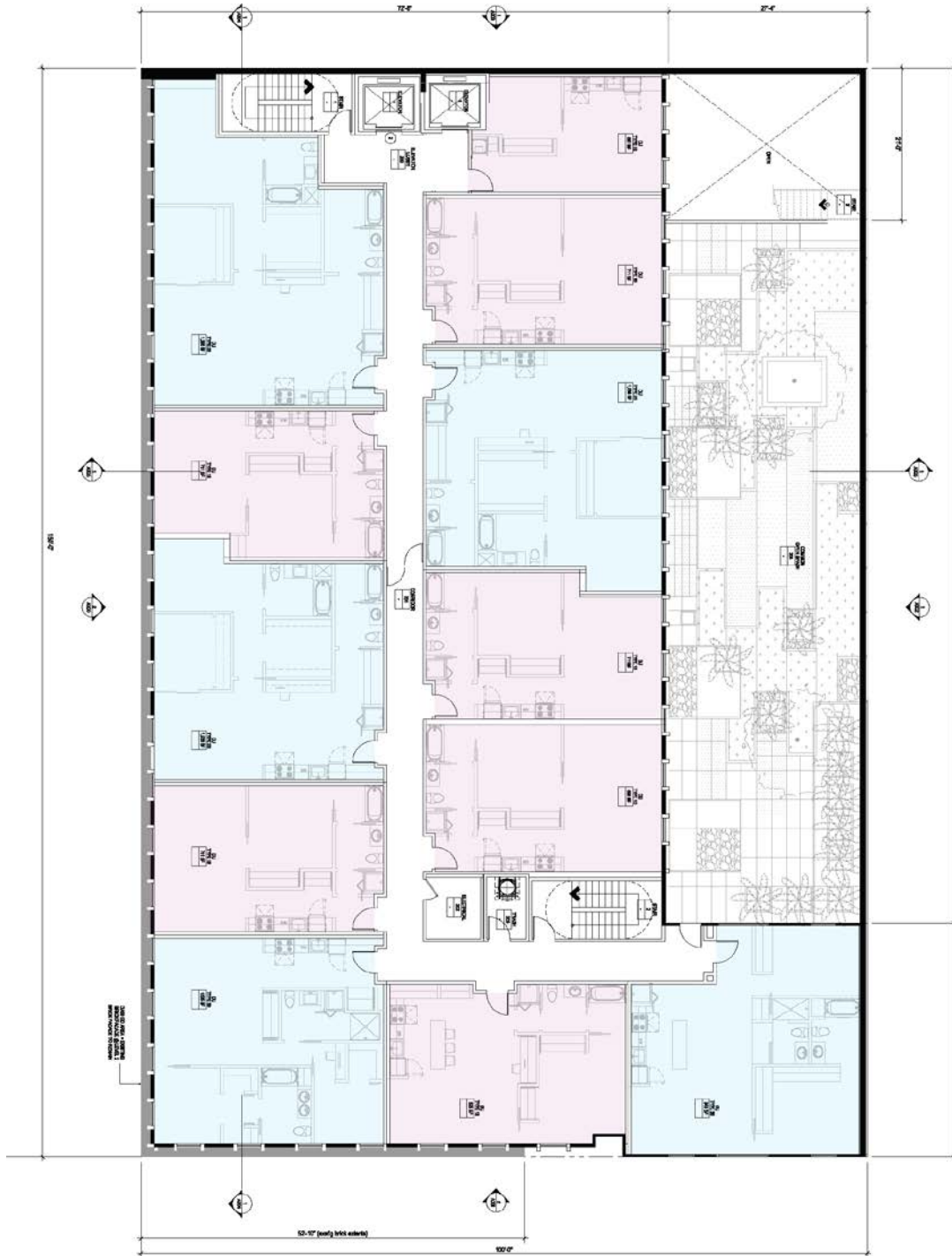




FIGURE 5: PROPOSED THIRD THROUGH SIXTH FLOORS



FIGURE 6. PROPOSED ROOF

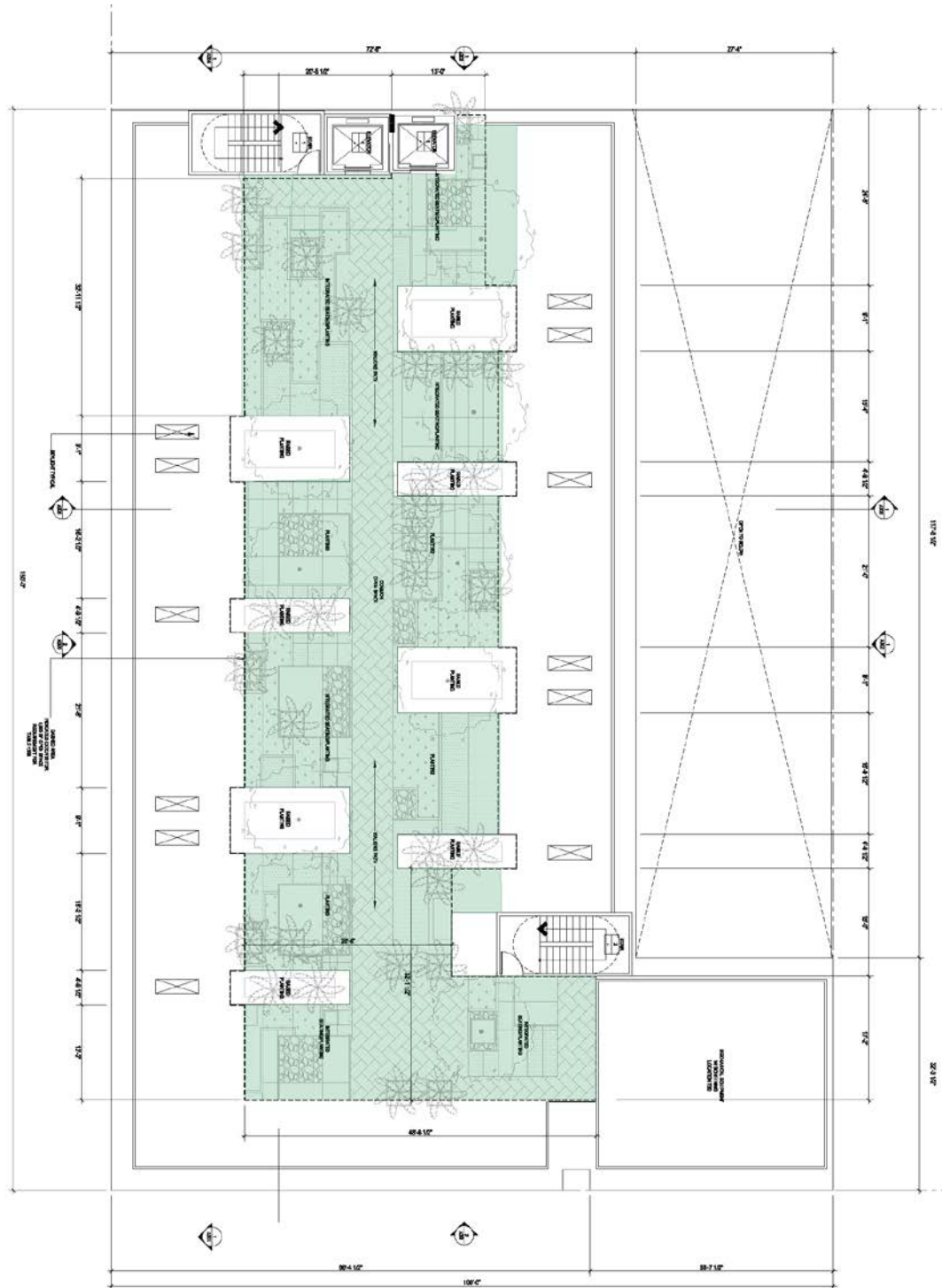


FIGURE 7. PROPOSED WEST ELEVATION (BRYANT STREET)

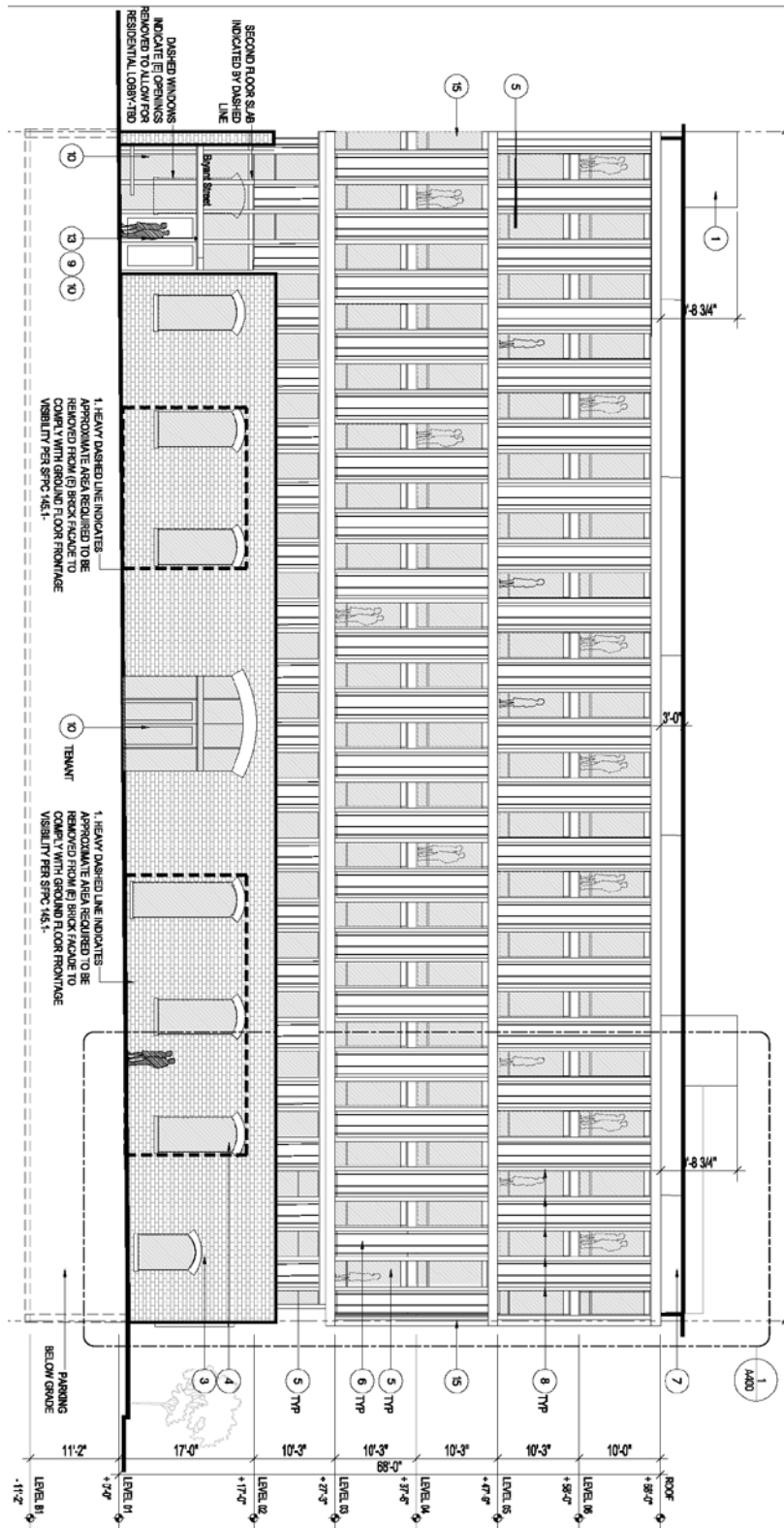
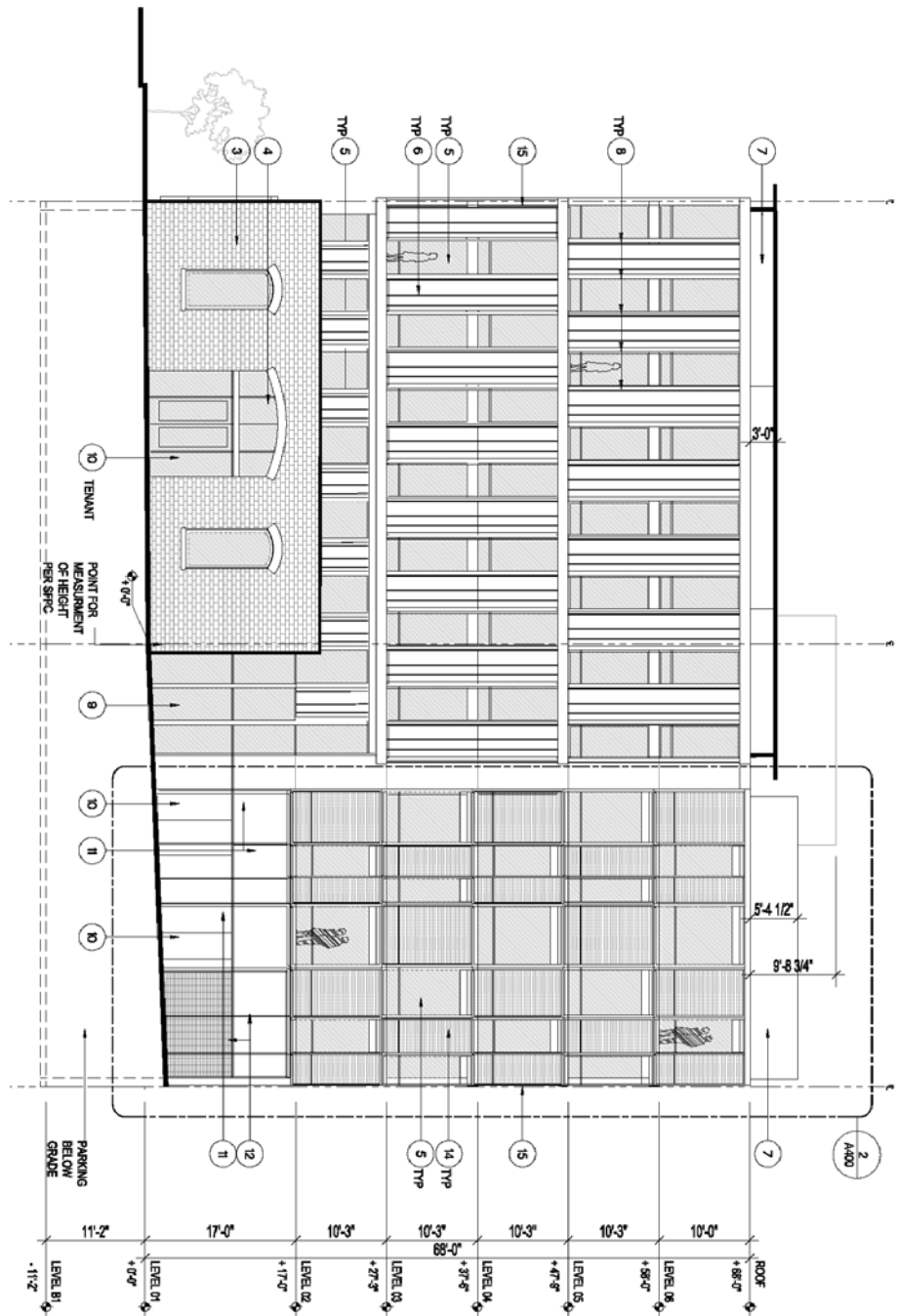


FIGURE 8. PROPOSED SOUTH ELEVATION (19TH STREET)



## CHANGES IN THE REGULATORY ENVIRONMENT

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

- State legislation amending CEQA to eliminate consideration of aesthetics and parking impacts for infill projects in transit priority areas, effective January 2014.
- State legislation amending CEQA and San Francisco Planning Commission resolution replacing level of service (LOS) analysis of automobile delay with vehicle miles traveled (VMT) analysis, effective March 2016 (see “CEQA Section 21099” heading below).
- 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 14, 2016 through January 14, 2018.
- San Francisco Bicycle Plan update adoption in June 2009, Better Streets Plan adoption in 2010, Transit Effectiveness Project (aka “Muni Forward”) adoption in March 2014, Vision Zero adoption by various City agencies in 2014, Proposition A and B passage in November 2014, and the Transportation Sustainability Program (see initial study Transportation section).
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses near Places of Entertainment effective June 2015 (see initial study Noise section).
- San Francisco ordinances establishing Construction Dust Control, effective July 2008, and Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, amended December 2014 (see initial study Air Quality section).
- 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 initial study Recreation section).
- Urban Water Management Plan adoption in 2011 and Sewer System Improvement Program process (see initial study Utilities and Service Systems section).
- Article 22A of the Health Code amendments effective August 2013 (see initial study Hazardous Materials section).

### **Aesthetics and Parking**

In accordance with CEQA Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria:

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

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>3</sup> Project elevations are included in the project description.

### **Automobile Delay and Vehicle Miles Traveled**

In addition, CEQA Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a [Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA](#)<sup>4</sup> recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR’s recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as transit, walking, and bicycling.) Therefore, impacts and mitigation measures from the Eastern Neighborhoods PEIR associated with automobile delay are not discussed in this checklist, including PEIR Mitigation Measures E-1: Traffic Signal Installation, E-2: Intelligent Traffic Management, E-3: Enhanced Funding, and E-4: Intelligent Traffic Management. Instead, a VMT analysis is provided in the Transportation section.

---

<sup>3</sup> San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 2750 19<sup>th</sup> Street, September 8, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2014.0999E.

<sup>4</sup> This document is available online at: [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php).

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

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 throughout the lifetime of the plan (year 2025). This was compared to an estimated loss of approximately 4,620,000 square feet of PDR space in the plan area under the No Project scenario. Within the Mission subarea, the Eastern Neighborhoods PEIR considered the effects of losing up to approximately 3,370,000 square feet of PDR space through the year 2025. The Eastern Neighborhoods PEIR determined that adoption of the rezoning and area plans would result in an unavoidable significant impact on land use due to the cumulative loss of PDR space. This impact was addressed in a *statement of overriding considerations* with CEQA findings and adopted as part of the Eastern Neighborhoods Rezoning and Areas Plans approval on January 19, 2009.

The proposed project would include 10,000 square feet of ground-floor PDR uses. The proposed project would result in the net a loss of approximately 1,000 square feet of PDR building space. The loss of 1,000 square feet under the proposed project represents approximately 0.03 percent of the 3,370,000 square feet of PDR loss identified in the PEIR in the Mission, and thus would not contribute considerably to the significant cumulative land use impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR.

The project site is located in the UMU District, which is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area, and the proposed project is consistent with the development density established for the site under the Eastern Neighborhoods Rezoning and Area Plans. As stated above, the PEIR acknowledges that the loss of PDR space resulting from development under the adopted rezoning and area plans would have a significant and unavoidable cumulative impact on land use. The proposed loss of up to 1,000 square feet of existing PDR uses would not result in new or more severe impacts than were disclosed in the PEIR. As such, the project’s contribution to this cumulative impact does not require any additional environmental review beyond that provided in the Eastern Neighborhoods PEIR and this project-specific initial study.

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

The Citywide Planning and Current Planning divisions of the planning department have determined that the proposed project is permitted in the UMU District and is consistent with height, bulk, density, and land use envisioned in the Mission Area Plan. The proposed project includes 60 dwelling units, 50 percent of which are two-bedrooms units, which is consistent with Objective 1.2, which calls for maximizing development potential in keeping with neighborhood character, and Objective 2.3, which calls for development to satisfy an array of housing needs.<sup>5,6</sup>

Because the proposed project is consistent with the development density established in the Eastern Neighborhoods Rezoning and Area Plans, implementation of the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to land use and land use planning, and no mitigation measures are necessary.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>2. POPULATION AND HOUSING—</b>				
<b>Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

One of the objectives of the Eastern Neighborhoods area plans is to identify appropriate locations for housing in the City’s industrially zoned land to meet the citywide demand for additional housing. The PEIR assessed how the rezoning actions would affect housing supply and location options for businesses in the Eastern Neighborhoods and compared these outcomes to what would otherwise be expected without the rezoning, assuming a continuation of development trends and ad hoc land use changes (such as allowing housing within industrial zones through conditional use authorization on a case-by-case basis, site-specific rezoning to permit housing, and other similar case-by-case approaches). The PEIR concluded that adoption of the rezoning and area plans: “would induce substantial growth and concentration of population in San Francisco.” The PEIR states that the increase in population expected to occur as a result of the proposed rezoning and adoption of the area plans would not, in itself, result in adverse physical effects, and would serve to advance key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the

<sup>5</sup> Steve Wertheim, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 2750 19<sup>th</sup> Street, March 23, 2017.

<sup>6</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 2750 19<sup>th</sup> Street, February 22, 2016.



City's transit first policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the area plan neighborhoods. The Eastern Neighborhoods PEIR determined that the anticipated increase in population and density would not directly result in significant adverse physical effects on the environment. However, the PEIR identified significant cumulative impacts on the physical environment that would result indirectly from growth afforded under the rezoning and area plans, including impacts on land use, transportation, air quality, and noise. The PEIR contains detailed analyses of these secondary effects under each of the relevant resource topics, and identifies mitigation measures to address significant impacts where feasible.

The PEIR determined that implementation of the rezoning and area plans would not have a significant impact from the direct displacement of existing residents, and that each of the rezoning options considered in the PEIR would result in less displacement as a result of unmet housing demand than would be expected under the No-Project scenario because the addition of new housing would provide some relief to housing market pressure without directly displacing existing residents. However, the PEIR also noted that residential displacement is not solely a function of housing supply, and that adoption of the rezoning and area plans could result in indirect, secondary effects on neighborhood character through gentrification that could displace some residents. The PEIR discloses that the rezoned districts could transition to higher-value housing, which could result in gentrification and displacement of lower-income households, and states moreover that lower-income residents of the Eastern Neighborhoods, who also disproportionately live in crowded conditions and in rental units, are among the most vulnerable to displacement resulting from neighborhood change.

Pursuant to CEQA Guidelines 15131 and 15064(e), economic and social effects such as gentrification and displacement are only considered under CEQA where these effects would cause substantial adverse physical impacts on the environment. Only where economic or social effects have resulted in adverse physical changes in the environment, such as "blight" or "urban decay" have courts upheld environmental analysis that consider such effects. But without such a connection to an adverse physical change, consideration of social or economic impacts "shall not be considered a significant effect" per CEQA Guidelines 15382. While the Eastern Neighborhoods PEIR disclosed that adoption of the Eastern Neighborhoods Rezoning and Area Plans could contribute to gentrification and displacement, it did not determine that these potential socio-economic effects would result in significant adverse physical impacts on the environment.

The proposed project includes 60 dwelling units and approximately 10,000 square feet of PDR space, which would result in approximately 165 new residents and 36 daily PDR employees.<sup>7</sup> These direct effects of the proposed project on population and housing would not result in new or substantially more severe significant impacts on the physical environment beyond those identified in the Eastern Neighborhoods PEIR. The project's contribution to indirect effects on the physical environment attributable to population growth are evaluated in this initial study under land use, transportation and circulation, noise, air quality, greenhouse gas emissions, recreation, utilities and service systems, and public services.

---

<sup>7</sup> New residents were estimated by multiplying the average household size for Census Tract 228 by the number of total units. New employees were estimated based upon employees per square foot for office (PDR is treated as office for purposes of transportation analysis) the SF Planning Department's *Transportation Impact Analysis Guidelines*.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Historic Architectural Resources**

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

A Historic Resource Evaluation (HRE) was prepared for the proposed project.<sup>8</sup> The project site contains three related industrial buildings, including the main one-story heavy timber-frame brick industrial building at the corner (built in 1880), a one-story frame building clad in horizontal rustic siding located east of the main building (built sometime between 1905 and 1914), and a one-story flat roofed frame building with recessed loading dock at the rear of the parcel (built sometime between 1905 and 1914). The main building was constructed as a warehouse for the Golden Gate Woolen Manufacturing Company, which operated the Golden Gate Woolen Mill, across 19<sup>th</sup> Street from the subject property and which occupied the entire block between 19<sup>th</sup> and 20<sup>th</sup> streets and Bryant and York streets. The Golden Gate Woolen Manufacturing Company was an early and significant contributor to the development of industrial employment, Chinese labor, and the Mission District. The subject property was used the warehouse for the mill. Of greater significance is the extant former mill building across the street at 2101 Bryant Street. The subject site included a significant “Chinese Quarters,” which housed the mill’s

<sup>8</sup> Johanna Street, Historic Resource Evaluation Part I: Significance Evaluation 2750 19<sup>th</sup> Street San Francisco, August 21, 2017.

Chinese workers, but this building was demolished sometime between 1905 and 1908. The owner of the mill, Donald McLennan, was an important entrepreneur of the wool industry on the West Coast; however, the legacy of McLennan is embodied in the extant mill building across the street. The subject property is an early example of heavy timber-frame industrial architecture; however, the removal of the top floor in 1965 due to fire damage has compromised the building's integrity to an extent that it would not qualify individually for listing in the California Register of Historic Resources. The subject property is located within the boundaries of the previously-identified Northeast Mission Showplace Square Industrial Employment District, which was not adopted by the Historic Preservation Commission due to insufficient evidence to support a finding of eligibility. As part of that survey, the subject property received a California Historical Resource Status Code rating of 6L (ineligible for local listing or designation through local government review process).

Through the review of the HRE and related Planning Department records, the Department has determined that the subject property is not eligible for listing in the California Register under any criteria individually or as part of an historic district.<sup>9</sup> Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

For these reasons, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the Eastern Neighborhoods PEIR.

### **Archeological Resources**

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

As the project site is located in an area for which no previous archeological studies have been completed, Mitigation Measure J-2 applies to the proposed project. As the proposed project includes 15,000 sf of soil disturbance and excavation to a depth of up to 15 feet, a Preliminary Archeological Review was performed for the proposed project. Based on the reasonable potential that archeological resources may be present within the project site, **Project Mitigation Measure 1: Archeological Resources** shall apply to the proposed project to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources.<sup>10</sup> The full text of Project Mitigation Measure 1: Archeological Resources can be found in the "Mitigation Measures" section, below.

---

<sup>9</sup> SF Planning, Preservation Team Review Form 2750 19<sup>th</sup> Street, August 24, 2017.

<sup>10</sup> Sf Planning Department Email, Preliminary Archeological Review 2750 19<sup>th</sup> Street, June 24, 2016.

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

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

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, or construction traffic. The PEIR states that in general, the analyses of pedestrian, bicycle, loading, emergency access, and construction transportation impacts are specific to individual development projects, and that project-specific analyses would need to be conducted for future development projects under the Eastern Neighborhoods Rezoning and Area Plans.

Accordingly, the planning department conducted project-level analysis of the pedestrian, bicycle, loading, and construction transportation impacts of the proposed project.<sup>11</sup> Based on this project-level review, the department determined that the proposed project would not have significant impacts that are peculiar to the project or the project site.

<sup>11</sup> SF Planning, Transportation Study Determination 2750 19<sup>th</sup> Street, June 23, 2016.

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes could result in significant impacts on transit ridership, and identified seven transportation mitigation measures, which are described further below in the Transit sub-section. Even with mitigation, however, it was anticipated that the significant adverse cumulative impacts on transit lines could not be reduced to a less than significant level. Thus, these impacts were found to be significant and unavoidable.

As discussed above under “Automobile Delay and Vehicle Miles Travelled”, in response to state legislation that called for removing automobile delay from CEQA analysis, the Planning Commission adopted resolution 19579 replacing automobile delay with a VMT metric for analyzing transportation impacts of a project. Therefore, impacts and mitigation measures from the Eastern Neighborhoods PEIR associated with automobile delay are not discussed in this checklist.

The Eastern Neighborhoods PEIR did not evaluate vehicle miles traveled or the potential for induced automobile travel. The VMT Analysis presented below evaluate the project’s transportation effects using the VMT metric.

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

### **Vehicle Miles Traveled (VMT) Analysis**

Many factors affect travel behavior. These factors include density, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses, located in areas with poor access to non-private vehicular modes of travel, generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the City have lower VMT ratios than other areas of the City. These areas of the City can be expressed geographically through transportation analysis zones. Transportation analysis zones are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010-2012, Census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area’s actual population, who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail

projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT. <sup>12,13</sup>

The proposed project includes 60 residential units and 10,000 square feet of PDR uses. For residential development, the existing regional average daily VMT per capita is 17.2.<sup>14</sup> For the purposes of transportation analysis, PDR uses are treated as office development. For office development, the regional average daily work-related VMT per employee is 19.1 Average regional daily VMT for all three land uses is projected to decrease in future 2040 cumulative conditions. Refer to Table 1: Daily Vehicle Miles Traveled, which includes the transportation analysis zone (TAZ) in which the project site is located, TAZ 538.

**Table 1 Daily Vehicle Miles Traveled**

<u>Land Use</u>	<u>Existing</u>			<u>Cumulative 2040</u>		
	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 538</u>	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 538</u>
Households (Residential)	17.2	14.6	5.3	16.1	13.7	4.6
PDR Employees (Office)	19.1	16.2	9.6	17.0	14.5	8.5

A project would have a significant effect on the environment if it would cause substantial additional VMT. The State Office of Planning and Research’s (OPR) *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* (“proposed transportation impact guidelines”) recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (Map-Based Screening, Small Projects, and Proximity to Transit Stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-Based Screening is used to determine if a project site is located within a transportation analysis zone that exhibits low levels of VMT; Small Projects are projects that would generate fewer than 100 vehicle trips per day; and the Proximity to Transit Stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio of greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the Planning Code without conditional use authorization, and are consistent with the applicable Sustainable Communities Strategy.

<sup>12</sup> To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, then both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

<sup>13</sup> San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A, March 3, 2016.

<sup>14</sup> Includes the VMT generated by the households in the development and averaged across the household population to determine VMT per capita.

The proposed project would include 60 dwelling units and ground-floor PDR space. Existing average VMT for residential land uses per capita for the transportation analysis zone (TAZ) in which the project site is located (538) is 5.3. This is 69 percent below the existing regional average daily VMT capita of 17.2. Future 2040 average daily VMT per capita for TAZ 538 is 4.6. This is 71 percent below the future 2040 regional average VMT per capita of 16.1. For the purposes of transportation analysis, PDR uses are treated as office uses. Existing average daily VMT per office employee for TAZ 538 is 9.6. This is 46 percent below the existing regional average daily VMT of 19.1. Future 2040 average daily VMT for office uses for TAZ 538 is 8.5. This is 50 percent below the future 2040 regional average office VMT of 17.0. Therefore, the proposed project would not cause substantial additional VMT and the impact would be less-than-significant.

### **Trip Generation**

The proposed project would include 60 residential units and approximately 10,000 square feet of PDR uses on the ground floor. The project would also include 26 vehicle parking spaces and 60 Class 1 bicycle parking spaces in a basement level, as well as three Class 2 parking spaces along 19<sup>th</sup> Street.

Localized trip generation of the proposed project was calculated for the proposed project using a trip-based analysis and information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>15</sup> The proposed project would generate an estimated 706 person trips (inbound and outbound) on a weekday daily basis, consisting of 327 person trips by auto, 209 transit trips, 66 walk trips and 103 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 106 person trips, consisting of 48 person trips by auto (42 vehicle trips accounting for vehicle occupancy data for this census tract), 33 transit trips, nine walk trips and 16 trips by other modes.

### **Transit**

Mitigation Measures E-5 through E-11 in the Eastern Neighborhoods PEIR were adopted as part of the Plan with uncertain feasibility to address significant transit impacts. These measures are not applicable to the proposed project, as they are plan-level mitigations to be implemented by City and County agencies. In compliance with a portion of Mitigation Measure E-5: Enhanced Transit Funding, the City adopted impact fees for development in Eastern Neighborhoods that goes towards funding transit and complete streets. In addition, San Francisco Board of Supervisors approved amendments to the San Francisco Planning Code, referred to as the Transportation Sustainability Fee (Ordinance 200-154, effective December 25, 2015).<sup>16</sup> The fee updated, expanded, and replaced the prior Transit Impact Development Fee, which is in compliance with portions of Mitigation Measure E-5: Enhanced Transit Funding. The proposed project and would be subject to the fee. The City is also currently conducting outreach regarding Mitigation Measures E-5: Enhanced Transit Funding and Mitigation Measure E-11: Transportation Demand Management. Both the Transportation Sustainability Fee and the transportation demand management efforts are part of the Transportation Sustainability Program.<sup>17</sup> In compliance with all or portions of Mitigation Measure E-6: Transit Corridor Improvements, Mitigation Measure E-7:

---

<sup>15</sup> San Francisco Planning Department, Transportation Calculations for 2750 19<sup>th</sup> Street, May 29, 2018.

<sup>16</sup> Two additional files were created at the Board of Supervisors for TSF regarding hospitals and health services, grandfathering, and additional fees for larger projects: see Board file nos. 151121 and 151257.

<sup>17</sup> <http://tsp.sfplanning.org>

Transit Accessibility, Mitigation Measure E-9: Rider Improvements, and Mitigation Measure E-10: Transit Enhancement, the SFMTA is implementing the Transit Effectiveness Project (TEP), which was approved by the SFMTA Board of Directors in March 2014. The TEP (now called Muni Forward) includes system-wide review, evaluation, and recommendations to improve service and increase transportation efficiency. Examples of transit priority and pedestrian safety improvements within the Eastern Neighborhoods Plan area as part of Muni Forward include the 14 Mission Rapid Transit Project, the 22 Fillmore Extension along 16<sup>th</sup> Street to Mission Bay (expected construction between 2017 and 2020), and the Travel Time Reduction Project on Route 9 San Bruno (initiation in 2015). In addition, Muni Forward includes service improvements to various routes with the Eastern Neighborhoods Plan area; for instance the implemented new Route 55 on 16<sup>th</sup> Street.

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

The project site is located within a quarter mile of several local transit lines including Muni lines 8-Bayshore, 9-San Bruno, 9R-San Bruno Rapid, 14X-Mission Express, 27-Bryant, and 33-Ashbury/18th. The proposed project would be expected to generate 209 daily transit trips, including 33 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 33 p.m. peak hour transit trips would be accommodated by existing capacity. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines. Of those lines, the project site is located within a quarter-mile of Muni lines 27-Bryant and 33-Ashbury/18<sup>th</sup> Street.<sup>18</sup> The proposed project would not contribute considerably to these conditions as its minor contribution of 33 p.m. peak hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. The proposed project would also not contribute considerably to 2025 cumulative transit conditions and thus would not result in any significant cumulative transit impacts.

---

<sup>18</sup> In the Eastern Neighborhoods PEIR, the Muni bus line 33-Stanyan was one of the lines identified with a significant and unavoidable cumulative impact. The 33-Stanyan route has been altered and is now named 33-Ashbury/18<sup>th</sup> Street



**Conclusion**

For the above reasons, the proposed 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.

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

The Eastern Neighborhoods PEIR determined that implementation of the Eastern Neighborhoods Area Plans and Rezoning would result in significant noise impacts during construction activities and due to conflicts between noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. The Eastern Neighborhoods PEIR also determined that incremental increases in traffic-related noise attributable to implementation of the Eastern Neighborhoods Area Plans and Rezoning would be less than significant. The Eastern Neighborhoods PEIR identified six noise mitigation measures, three of which may be applicable to subsequent

development projects.<sup>19</sup> These mitigation measures would reduce noise impacts from construction and noisy land uses to less-than-significant levels.

### Construction Noise

Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 relate to construction noise. Mitigation Measure F-1 addresses individual projects that include pile-driving, and Mitigation Measure F-2 addresses individual projects that include particularly noisy construction procedures (including pile-driving). The proposed project would not include pile-driving, so Mitigation Measure F-1 would not apply to the proposed project. The proposed project would include construction in close proximity to sensitive receptors (residential units), so Mitigation Measure F-2 would apply to the proposed project as **Project Mitigation Measure 2: Construction Noise**. For the full text of this mitigation measure, please see the “Mitigation Measures” section below.

In addition, all construction activities for the proposed project (approximately 18 months) would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) (Noise Ordinance). Construction noise is regulated by the Noise Ordinance. The Noise Ordinance requires construction work to be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of Public Works (PW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of PW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 18 months, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance and Eastern Neighborhoods PEIR Mitigation Measures F-2 (Project Mitigation Measure 2: Construction Noise), which would reduce construction noise impacts to a less-than-significant level.

---

<sup>19</sup> Eastern Neighborhoods PEIR Mitigation Measures F-3, F-4, and F-6 address the siting of sensitive land uses in noisy environments. In a decision issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project’s future users or residents except where a project or its residents may exacerbate existing environmental hazards (*California Building Industry Association v. Bay Area Air Quality Management District*, December 17, 2015, Case No. S213478. Available at: <http://www.courts.ca.gov/opinions/documents/S213478.PDF>). As noted above, the *Eastern Neighborhoods PEIR* determined that incremental increases in traffic-related noise attributable to implementation of the Eastern Neighborhoods Area Plans and Rezoning would be less than significant, and thus would not exacerbate the existing noise environment. Therefore, Eastern Neighborhoods Mitigation Measures F-3, F-4, and F-6 are not applicable. Nonetheless, for all noise sensitive uses, the general requirements for adequate interior noise levels of Mitigation Measures F-3 and F-4 are met by compliance with the acoustical standards required under the California Building Standards Code (California Code of Regulations Title 24).

## Operational Noise

Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include uses that would be expected to generate noise levels in excess of ambient noise in the project vicinity. The proposed project includes residential uses and PDR uses at the ground floor. Noises related to residential uses are common and expected in urban areas, and are not anticipated to generate noise in excess of ambient noise in the project vicinity.

The proposed project also includes 10,000 sf of PDR uses on the ground floor. PDR uses are considered noise-generating uses. Therefore, PEIR Mitigation Measure F-5 applies to the proposed project. Pursuant to PEIR Mitigation Measure F-5, an acoustic analysis was prepared to examine the impact of the proposed PDR uses on nearby sensitive receptors (e.g. residential uses).<sup>20</sup> With regard to noise generated from residential or commercial/industrial properties, section 2909(a) and (b) of the Noise Ordinance provides limits of 5 or 8 dBA, respectively, above the ambient noise level at any point outside the property plane for residential and commercial/industrial land uses. Section 2909(d) of the Noise Ordinance limits the permitted noise level inside a residence to 45 dBA between 10 p.m. and 7 a.m. and 50 dBA between 7 a.m. and 10 p.m.<sup>21</sup> According to the acoustic analysis, nighttime ambient noise is close to 45 dBA and for brief periods after midnight drops as low as 40 dBA. Noise transmission from PDR spaces to surrounding commercial properties to the north and east would be acoustically separated by buffer spaces created by other building uses and spaces within the proposed project (such as storage, bicycle parking and restrooms). For existing residential and commercial properties across 19<sup>th</sup> and Bryant streets from the proposed project, the analysis assumed worst-case noise levels of 90 and 100 dBA generated by the proposed PDR uses. The analysis found that the existing brick wall that would be retained as part of the project, the standard 1" insulated glazing on the proposed windows, and weather-sealed exterior doors on both Bryant Street and 19<sup>th</sup> Street would ensure that noises generated by PDR activities would not exceed San Francisco Police Code limits for noise at nearby sensitive receptors.

The proposed project would be subject to the following interior noise standards, which are described for informational purposes. The California Building Standards Code (Title 24) establishes uniform noise insulation standards. The Title 24 acoustical requirement for residential structures is incorporated into Section 1207 of the San Francisco Building Code and requires these structures be designed to prevent the intrusion of exterior noise so that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 dBA in any habitable room. Title 24 allows the project sponsor to choose between a prescriptive or performance-based acoustical requirement for non-residential uses. Both compliance methods require wall, floor/ceiling, and window assemblies to meet certain sound transmission class or outdoor-indoor sound transmission class ratings to ensure that adequate interior noise standards are achieved. In compliance with Title 24, DBI would review the final building plans to ensure that the building wall, floor/ceiling, and window assemblies meet Title 24 acoustical requirements. If determined necessary by DBI, a detailed acoustical analysis of the exterior wall and window assemblies may be required.

---

<sup>20</sup> Papadimos Group, *2750 19<sup>th</sup> Street Noise Mitigation Measure F-5 Analysis*, May 18, 2018.

<sup>21</sup> Federal Highway Administration, *Highway Traffic Noise: Analysis and Abatement Guidance*, 2011, available at: [https://www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/analysis\\_and\\_abatement\\_guidance/revguidance.pdf](https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf). Accessed August 10, 2018.

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

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

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

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses<sup>22</sup> as a result of exposure to elevated levels of diesel particulate matter (DPM) and other toxic air contaminants (TACs). The Eastern Neighborhoods PEIR identified four mitigation measures that would reduce these air quality impacts to less-than-significant levels and stated that with implementation of identified mitigation measures, the Area Plan would be consistent with the Bay Area 2005 Ozone Strategy, the applicable air quality plan at that time. All other air quality impacts were found to be less than significant.

Eastern Neighborhoods PEIR Mitigation Measure G-1 addresses air quality impacts during construction, and PEIR Mitigation Measures G-3 and G-4 address proposed uses that would emit DPM and other TACs.<sup>23</sup>

<sup>22</sup> The Bay Area Air Quality Management District (BAAQMD) considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, condominiums, 2) schools, colleges, and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

<sup>23</sup> The Eastern Neighborhoods PEIR also includes Mitigation Measure G-2, which has been superseded by Health Code Article 38, as discussed below, and is no longer applicable.

## Construction Dust Control

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

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

## Criteria Air Pollutants

While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that “Individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD’s quantitative thresholds for individual projects.”<sup>24</sup> The BAAQMD’s *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria<sup>25</sup> for determining whether a project’s criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the Air Quality Guidelines, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria. Criteria air pollutant screening criteria for construction and operations of mid-rise buildings such as the proposed project are 240 units and 494 units, respectively, 541,000 sf or 259,000 sf of light industrial (or PDR) uses, respectively, or 10,000 cubic yards of excavation. The proposed project includes 60 residential units and includes 8,553 cubic yards of excavation. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

The project includes 60 residential units and 10,000 square feet of PDR uses on the ground floor. As the criteria pollutant screening criteria for construction and operations of the light industrial (e.g. PDR space)

---

<sup>24</sup> San Francisco Planning Department, Eastern Neighborhood’s Rezoning and Area Plans Final Environmental Impact Report. See page 346. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=4003>. Accessed June 4, 2014.

<sup>25</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011. See pp. 3-2 to 3-3.

are 541,000 sf and 259,000 sf, respectively, the project would not have a significant impact related to air pollutants, and a detailed air quality assessment is not required.

**Health Risk**

Since certification of the PEIR, San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, amended December 8, 2014)(Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. The Air Pollutant Exposure Zone as defined in Article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM<sub>2.5</sub> concentration, cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project’s activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

The project site is not located within an identified Air Pollutant Exposure Zone. Therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial and the remainder of Mitigation Measure G-1 that requires the minimization of construction exhaust emissions is not applicable to the proposed project.

**Siting New Sources**

The proposed project would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-3 is not applicable. In addition, the proposed project would not include any sources that would emit DPM or other TACs, such as backup diesel generators. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-4 is not applicable and impacts related to siting new sources of pollutants would be less than significant.

**Conclusion**

For the above reasons, none of the Eastern Neighborhoods PEIR air quality mitigation measures are applicable to the proposed project and project variant and the project would not result in significant air quality impacts that were not identified in the PEIR.

---

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
----------------	---	--	--	--

**7. GREENHOUSE GAS EMISSIONS—  
Would the project:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from rezoning of the Mission Area Plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B, and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO<sub>2</sub>E<sup>26</sup> per service population,<sup>27</sup> respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

The BAAQMD has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project’s GHG emissions and allow for projects that are consistent with an adopted GHG reduction strategy to conclude that the project’s GHG impact is less than significant. San Francisco’s *Strategies to Address Greenhouse Gas Emissions*<sup>28</sup> presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco’s GHG reduction strategy in compliance with the BAAQMD and CEQA guidelines. These GHG reduction actions have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,<sup>29</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD’s *2010 Clean Air Plan*,<sup>30</sup> Executive Order S-3-05<sup>31</sup>, and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>32,33</sup> In addition, San Francisco’s GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05<sup>34</sup> and B-30-15.<sup>35,36</sup> Therefore, projects that are consistent with

<sup>26</sup> CO<sub>2</sub>E, defined as equivalent Carbon Dioxide, is a quantity that describes other greenhouse gases in terms of the amount of Carbon Dioxide that would have an equal global warming potential.

<sup>27</sup> Memorandum from Jessica Range to Environmental Planning staff, Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods, April 20, 2010. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods PEIR and provides an analysis of the emissions using a service population (equivalent of total number of residents and employees) metric.

<sup>28</sup> San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, November 2010. Available at [http://sfmea.sfplanning.org/GHG\\_Reduction\\_Strategy.pdf](http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf), accessed March 3, 2016.

<sup>29</sup> ICF International, Technical Review of the 2012 Community-wide Inventory for the City and County of San Francisco, January 21, 2015.

<sup>30</sup> Bay Area Air Quality Management District, *Clean Air Plan*, September 2010. Available at <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>, accessed March 3, 2016.

<sup>31</sup> Office of the Governor, *Executive Order S-3-05*, June 1, 2005. Available at <https://www.gov.ca.gov/news.php?id=1861>, accessed March 3, 2016.

<sup>32</sup> California Legislative Information, *Assembly Bill 32*, September 27, 2006. Available at [http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab\\_0001-0050/ab\\_32\\_bill\\_20060927\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf), accessed March 3, 2016.

<sup>33</sup> Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan set a target of reducing GHG emissions to below 1990 levels by year 2020.

<sup>34</sup> Executive Order S-3-05 sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million MTCO<sub>2</sub>E); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E).

San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

The proposed project would increase the intensity of use of the site by adding 60 residential units and PDR space to a parcel that currently contains three industrial buildings. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and PDR operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed below, compliance with the applicable regulations would reduce the project's GHG emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants.

Compliance with the City's Transportation Sustainability Fee, bicycle parking requirements, and car sharing requirements would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, Irrigation ordinance, and Energy Conservation Ordinance, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions.<sup>37</sup> Additionally, the project would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project's energy-related GHG emissions.

The waste-related emissions of the proposed project would be reduced through compliance with the City's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>38</sup> and reducing the energy required to produce new materials.

Compliance with the City's Street Tree Planting requirements would serve to increase carbon sequestration. Other regulations, including those limiting refrigerant emissions and the Wood Burning Fireplace Ordinance would reduce emissions of GHGs and black carbon, respectively. Regulations

---

<sup>35</sup> Office of the Governor, *Executive Order B-30-15*, April 29, 2015. Available at <https://www.gov.ca.gov/news.php?id=18938>, accessed March 3, 2016. Executive Order B-30-15 sets a state GHG emissions reduction goal of 40 percent below 1990 levels by the year 2030.

<sup>36</sup> San Francisco's GHG reduction goals are codified in Section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

<sup>37</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

<sup>38</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.



requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>39</sup> Thus, the proposed project was determined to be consistent with San Francisco’s GHG reduction strategy.<sup>40</sup>

Therefore, the proposed project’s GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations. Furthermore, the proposed project is within the scope of the development evaluated in the PEIR and would not result in impacts associated with GHG emissions beyond those disclosed in the PEIR. For the above reasons, the proposed project would not result in significant GHG emissions that were not identified in the Eastern Neighborhoods PEIR and no mitigation measures are necessary.

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

**Wind**

Based upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. Although the proposed 68-foot-tall building would be taller than the immediately adjacent buildings, it would be similar in height to existing buildings in the surrounding area. For the above reasons, the proposed project is not anticipated to cause significant impacts related to wind that were not identified in the Eastern Neighborhoods PEIR.

**Shadow**

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

<sup>39</sup> While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.

<sup>40</sup> San Francisco Planning Department, Greenhouse Gas Analysis: Compliance Checklist for 2750 19<sup>th</sup> Street, March 7, 2017.

rezoning and community plans would result in less-than-significant shadow impacts because the feasibility of complete mitigation for potential new shadow impacts of unknown proposals could not be determined at that time. Therefore, the PEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the PEIR.

The proposed project would construct a 68-foot-tall building; therefore, the Planning Department prepared a preliminary shadow fan analysis to determine whether the project would have the potential to cast new shadow on nearby parks.<sup>41</sup> The shadow fan indicated that the proposed project would not cast any new shadow on any public open spaces, including Recreation and Parks Department properties subject to Planning Code section 295 and San Francisco Unified School District properties.

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

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

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

The Eastern Neighborhoods PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Eastern Neighborhoods PEIR. However, the PEIR identified Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities. This improvement measure calls for the City to implement funding mechanisms for an ongoing program to repair, upgrade and adequately maintain park and recreation facilities to ensure the safety of users.

<sup>41</sup> SF Planning, *Shadow Fan for 2750 19<sup>th</sup> Street*, September 15, 2017.

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

An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the City. It includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies areas within the Eastern Neighborhoods Plan area for acquisition and the locations where new open spaces and open space connections should be built, consistent with PEIR Improvement Measure H-2: Support for New Open Space. Two of these open spaces, Daggett Park and at 17<sup>th</sup> and Folsom, are both set to open in 2017. In addition, the amended ROSE identifies the role of both the Better Streets Plan (refer to “Transportation” section for description) and the Green Connections Network in open space and recreation. Green Connections are special streets and paths that connect people to parks, open spaces, and the waterfront, while enhancing the ecology of the street environment. Six routes identified within the Green Connections Network cross the Eastern Neighborhoods Plan area: Mission to Peaks (Route 6); Noe Valley to Central Waterfront (Route 8), a portion of which has been conceptually designed; Tenderloin to Potrero (Route 18); Downtown to Mission Bay (Route 19); Folsom, Mission Creek to McLaren (Route 20); and Shoreline (Route 24).

Furthermore, the Planning Code requires a specified amount of new usable open space (either private or common) for each new residential unit. Some developments are also required to provide privately owned, publicly accessible open spaces. The Planning Code open space requirements would help offset some of the additional open space needs generated by increased residential population to the project area.

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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>10. UTILITIES AND SERVICE SYSTEMS—Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

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

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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
----------------	---	--	--	--

**11. PUBLIC SERVICES—Would the project:**

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

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a substantial adverse physical impacts associated with the provision of or need for new or physically altered public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, the project would not result in new or substantially more severe impacts on the physical environment associated with the provision of public services beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
----------------	---	--	--	--

**12. BIOLOGICAL RESOURCES—Would the project:**

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

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

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

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

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

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

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

A geotechnical investigation was prepared for the proposed project.<sup>42</sup> The investigation revealed that the project site is underlain by approximately 8.5 to 13 feet of sandy soil, and that the upper 2 to 7 feet of sandy soil beneath the existing building may have been disturbed or placed as fill during the original grading of the project site. Groundwater was encountered at the project site at depths varying from 8 to 17 feet. In 2001, the State of California, Division of Mines and Geology, released a Map of Seismic Hazard Zones for the City and County of San Francisco. The project site lies within a hazard zone indicated on this map as a site subject to potential liquefaction during seismic events. Nonetheless, the geotechnical investigation determined that liquefiable soil layers are unlikely to exist beneath 2750 19<sup>th</sup> Street because the sandy layers are either sufficiently dense or contain a large enough percentage of fines to resist liquefaction. The geotechnical investigation found that the makeup of the underlying soils anticipated at the depth of excavation (up to 15 feet below grade) required for the proposed project are suitable to support an interconnected, reinforced concrete footing foundation system for the building's proposed height. The preliminary investigation indicated that dewatering may be required during excavation, as may underpinning of adjacent structures, as the investigation supposes that the foundations of surrounding buildings would be above the depth of the proposed excavation.

<sup>42</sup> Rollo and Ridley, Preliminary Geotechnical Investigation, 2750 19<sup>th</sup> Street, San Francisco, California, November 23, 2015.

The proposed project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. DBI will review the project-specific geotechnical report during its review of the building permit for the project. In addition, DBI may require additional site specific soils report(s) through the building permit application process, as needed. The DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI's implementation of the Building Code would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards. Therefore, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Eastern Neighborhoods PEIR, and no mitigation measures are necessary.

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



<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The project site is currently developed and entirely covered with impervious surfaces. The proposed project would similarly occupy the entire lot. There would be no net change in the total amount of impervious surface with the completion of the proposed project. The proposed project would include new street trees and landscaping along the sidewalks on 19<sup>th</sup> and Bryant streets. As a result, the proposed project would not increase stormwater runoff.

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

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>15. HAZARDS AND HAZARDOUS MATERIALS—Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

**Hazardous Building Materials**

The Eastern Neighborhoods PEIR determined that future development in the Plan Area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, as outlined below, would reduce effects to a less-than-significant level. Because the proposed project includes demolition of existing buildings, Mitigation Measure L-1 would apply to the proposed project. See full text of **Project Mitigation Measure 3: Hazardous Building Materials** in the “Mitigation Measures” section below.

**Soil and Groundwater Contamination**

Since certification of the PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks,

sites with historic bay fill, and sites in close proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, remediation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater within the Eastern Neighborhoods Plan area are subject to this ordinance.

The proposed project would add residential units and PDR uses on a site with a history of the presence of hazardous materials and/or soil contamination. Therefore, the project is subject to the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to DPH and a Phase I Environmental Site Assessment has been prepared to assess the potential for site contamination.<sup>43, 44</sup> The ESA found that there were no recognized environmental conditions connected with the project site, no known pending environmental regulatory actions concerning the subject property, no reportable quantities of hazardous materials stored on the premises and no hazardous materials generated on-site. The ESA did find evidence of a 1,500-gallon fuel oil tank beneath the sidewalk at the southeast corner of the building. The tank was used to store fuel for two boilers, both of which have been removed. The ESA indicates that the unknown status of this tank represents a potential environmental concern for the property.

The proposed project would be required to remediate potential soil and/or groundwater contamination described above in accordance with Article 22A of the Health Code. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

Therefore, the proposed project would not result in significant impacts related to hazards or hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

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

<sup>43</sup> RGO Environmental, Environmental Site Assessment Report 2750 19<sup>th</sup> Street, San Francisco, California, June 11, 2014.

<sup>44</sup> San Francisco Department of Public Health, Maher Application for 2750 19<sup>th</sup> Street, February 17, 2017.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on mineral and energy resources beyond those analyzed in the Eastern Neighborhoods PEIR.

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

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

As the proposed project is consistent with the development density established under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Eastern Neighborhoods PEIR.

---

## MITIGATION MEASURES

### Project Mitigation Measure 1: Archeological Resources

Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>45</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>46</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

*Archeological monitoring program (AMP).* The archeological monitoring program shall minimally include the following provisions:

---

<sup>45</sup> By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>46</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely

affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached State regulations shall be followed including the reinternment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

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, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

### **Project Mitigation Measure 2: Construction Noise**

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

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

### **Project Mitigation Measure 3: Hazardous Building Materials**

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.



# Exhibit B



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Agreement to Implement Mitigation Measure(s)

*Case No.:* **2014.0999ENV**  
*Project Address:* **2750 19<sup>th</sup> Street**  
*Zoning:* UMU (Urban Mixed Use) Zoning District  
 68-X Height and Bulk District  
*Block/Lot:* 4023/004A  
*Lot Size:* 15,000 square feet  
*Plan Area:* Eastern Neighborhoods Area Plan, Mission Subarea  
*Project Sponsor:* Steve Perry, Perry Architects 415-806-1203  
*Staff Contact:* Justin Horner, [justin.horner@sfgov.org](mailto:justin.horner@sfgov.org) 415-575-9023

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### MITIGATION MEASURES

#### Project Mitigation Measure 1: Archeological Resources

Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>1</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>2</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor

---

<sup>1</sup> By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

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

archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

*Archeological monitoring program (AMP).* The archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an

MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached State regulations shall be followed including the reinternment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

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, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

## **Project Mitigation Measure 2: Construction Noise**

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

- Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;
- Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;

- Monitor the effectiveness of noise attenuation measures by taking noise measurements; and
- Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

**Project Mitigation Measure 3: Hazardous Building Materials**

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.

 DS  
DV

I agree to implement the above mitigation measure(s) as a condition of project approval.

DocuSigned by:

 Ani Vartanian

1A925CAE67C54A8

10/16/2017

Property Owner or Legal Agent Signature

Date

# Exhibit C

1 [Affirming Final Environmental Impact Report Certification - 901-16th Street and 1200-17th  
2 Street Project]

3 **Motion affirming the Planning Commission’s certification of the Final Environmental**  
4 **Impact Report prepared for the proposed project located at 901-16th Street and**  
5 **1200-17th Street.**

6  
7 WHEREAS, The proposed project is located on a 3.5-acre site consisting of four  
8 parcels bounded by 16th Street to the north, Mississippi Street to the east, 17th Street to the  
9 south, and residential and industrial buildings to the west; and

10 WHEREAS, The project site currently contains four existing buildings: two metal shed  
11 industrial warehouse buildings (102,500 square feet), a vacant brick office building (1,240  
12 square feet), and a modular office structure (5,750 square feet), and an open surface parking  
13 lot that is also used for access by the University of California, San Francisco to its on-site  
14 storage; and

15 WHEREAS, The proposed project would merge four lots into two lots, demolish two  
16 metal shed warehouses and the modular office structure, preserve the brick office building,  
17 and construct two new mixed use buildings on site; and

18 WHEREAS, The “16th Street Building” at 901-16th Street would consist of a new six-  
19 story, approximately 402,943 gross square foot residential mixed-use building with 260  
20 dwelling units and 20,318 gross square feet of retail on the northern lot; and

21 WHEREAS, The “17th Street Building” at 1200-17th Street would consist of a new four-  
22 story, approximately 213,509 gross square foot residential mixed use building with 135  
23 dwelling units and 4,650 gross square feet of retail on the southern lot, and

24 WHEREAS, The historic brick office building would be rehabilitated for retail or  
25 restaurant use; and



1           WHEREAS, Combined, the two new buildings would contain a total of 395 dwelling  
2 units and approximately 24,698 gross square feet of retail space, with a total of 388 vehicular  
3 parking spaces, 455 off-street bicycle parking spaces, and approximately 14,669 square feet  
4 of public open space, 33,149 square feet of common open space shared by project  
5 occupants, and 3,114 square feet of open space private to units; and

6           WHEREAS, CEQA State Guidelines, Section 15183, provides an exemption from  
7 environmental review for projects that are consistent with the development density established  
8 by existing zoning, community plan, or general plan policies for which an EIR was certified,  
9 except as might be necessary to examine whether there are project-specific effects which are  
10 peculiar to the proposed project or its site; and

11           WHEREAS, The project site is located within the Showplace Square/Potrero Subarea  
12 of the Eastern Neighborhoods Rezoning and Area Plan (Eastern Neighborhoods Plan), for  
13 which a comprehensive program-level EIR was prepared and certified (Eastern  
14 Neighborhoods PEIR); and

15           WHEREAS, The proposed project was initially evaluated under a Community Plan  
16 Exemption (CPE) Checklist (published on February 11, 2015, and included as Appendix A to  
17 the draft EIR); and

18           WHEREAS, The CPE Checklist determined that the proposed project would not result  
19 in new, project-specific environmental impacts, or impacts of greater severity than were  
20 already analyzed and disclosed in the Eastern Neighborhoods PEIR for the following issue  
21 topics: land use and land use planning; aesthetics; population and housing; paleontological  
22 and archeological resources; noise; air quality; greenhouse gas emissions; wind and shadow;  
23 recreation; utilities and service systems; public services; biological resources; geology and  
24 soils; hydrology and water quality; hazards and hazardous materials; mineral and energy  
25 resources; and agriculture and forest resources; and

1           WHEREAS, The CPE Checklist incorporated seven Mitigation Measures from the  
2 Eastern Neighborhoods PEIR to avoid impacts previously identified in the PEIR with regard to  
3 archeological resources, air quality, noise, and hazardous materials; and

4           WHEREAS, The CPE Checklist further determined that a focused EIR would be  
5 prepared to address potential project-specific impacts to transportation and circulation and  
6 historic architectural resources that were not identified by the Eastern Neighborhoods PEIR;  
7 and

8           WHEREAS, The San Francisco Planning Department, as lead agency, published and  
9 circulated (with the CPE Checklist) a Notice of Preparation ("NOP") on February 11, 2015,  
10 that solicited comments regarding the scope of the EIR for the proposed project; and

11           WHEREAS, The Planning Department held a public scoping meeting on March 4,  
12 2015, at the Potrero Hill Neighborhood House, 953 De Haro Street, San Francisco to receive  
13 comments on the scope and content of the EIR; and

14           WHEREAS, On August 12, 2015, the Planning Department published a draft EIR for  
15 the proposed project; and

16           WHEREAS, On October 1, 2015, the Planning Commission held a duly noticed public  
17 hearing on the draft EIR, and then prepared a Responses to Comments (RTC) document,  
18 published on April 28, 2016, to address environmental issues raised by written and oral  
19 comments received during the public comment period and at the public hearing for the draft  
20 EIR; and

21           WHEREAS, The Planning Department prepared a Final Environmental Impact Report  
22 ("FEIR") for the Project, consisting of the CPE Checklist, the DEIR, any consultations and  
23 comments received during the review process, any additional information that became  
24 available and the Comments and Responses document, all as required by law; and  
25

1           WHEREAS, On May 12, 2016, the Planning Commission reviewed and considered the  
2 FEIR and CPE and, by Motion No. 19643, found that the contents of said report and the  
3 procedures through which the FEIR and CPE were prepared, publicized and reviewed  
4 complied with the provisions of the California Environmental Quality Act ("CEQA"), the State  
5 CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code; and

6           WHEREAS, By Motion No. 19643 the Commission found the FEIR and the CPE to be  
7 adequate, accurate and objective, reflected the independent judgment and analysis of the  
8 Department and the Commission and that the Comments and Responses document  
9 contained no significant revisions to the DEIR, adopted findings relating to significant impacts  
10 associated with the Project and certified the completion of the FEIR in compliance with CEQA  
11 and the State CEQA Guidelines, and Chapter 31; and

12           WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 10, 2016,  
13 from Rachel Mansfield-Howlett, on behalf of Save the Hill and Grow Potrero Responsibly  
14 ("Appellant") filed an appeal of the CPE and FEIR to the Board of Supervisors; and

15           WHEREAS, On July 26, 2016, this Board held a duly noticed public hearing to consider  
16 the appeal of the CPE and FEIR certification filed by Appellant and, following the public  
17 hearing, affirmed the exemption determination; and

18           WHEREAS, In reviewing the appeal of the exemption determination, this Board has  
19 reviewed and considered the CPE and FEIR, the appeal letters, the responses to concerns  
20 documents that the Planning Department prepared, the other written records before the Board  
21 of Supervisors, and heard testimony and received public comment regarding the adequacy of  
22 the CPE and FEIR; and

23           WHEREAS, The CPE and FEIR files and all correspondence and other documents  
24 have been made available for review by this Board and the public; and

1           WHEREAS, These files are available for public review by appointment at the Planning  
2 Department offices at 1650 Mission Street, and are part of the record before this Board by  
3 reference in this Motion; now, therefore, be it

4           MOVED, That this Board of Supervisors hereby affirms the decision of the Planning  
5 Commission in its Motion No. 19643 to certify the FEIR together with the CPE and finds the  
6 CPE and FEIR to be complete, adequate, and objective, and reflecting the independent  
7 judgment of the City and in compliance with CEQA, the State CEQA Guidelines, and Chapter  
8 31.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

n:\landuse\mbyrne\bos ceqa appeals\901 16th cpe-eir aff.docx



**City and County of San Francisco**

**Tails**

**Motion: M16-097**

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

**File Number:** 160684

**Date Passed:** July 26, 2016

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project located at 901-16th Street and 1200-17th Street.

July 26, 2016 Board of Supervisors - APPROVED

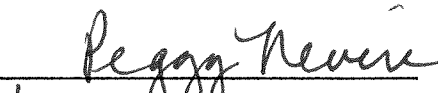
Ayes: 9 - Avalos, Breed, Campos, Farrell, Kim, Mar, Tang, Wiener and Yee

Noes: 1 - Peskin

Excused: 1 - Cohen

File No. 160684

I hereby certify that the foregoing Motion was APPROVED on 7/26/2016 by the Board of Supervisors of the City and County of San Francisco.

  
for Angela Calvillo  
Clerk of the Board

# Exhibit D

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

Law Office of Rose M. Zoia

50 Old Courthouse Square, Suite 401  
Santa Rosa, California 95404  
707.526.5894 . fax 267.381.6097  
rzoia@sbcglobal.net

February 13, 2017

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

RE: 1296 Shotwell Street Project  
100% Affordable Housing Bonus Project Application No. 2015-018056AHB  
Board of Supervisors Hearing Date: February 14, 2017

Dear President Breed and Supervisors:

On behalf of Appellant Inner Mission Neighbors Association (Association) please accept these comments on the above-referenced project relative to the 1296 Shotwell Street project and the Planning Commission's finding that the project is exempt from the California Environmental Quality Act (CEQA).

The Association is *not* opposed to low-income senior housing on this site. The issue is the lack of environmental review for the proposed nine-story building on this site. The Planning Commission relied on a CEQA exemption that essentially says certain infill projects can forego CEQA review by relying on a prior EIR as the document which analyzed the impacts of the current infill project. The prior EIR relied on here is an out-dated Program EIR (PEIR) prepared nine (9) years ago for the Eastern Neighborhoods Rezoning and Area Plan (EN Plan). As shown below and elsewhere in these proceedings, much of the data used in the PEIR is out-of-date and has been superceded by events transpiring in the last nine (9) years. Thus, this project should receive its own review under CEQA in the form of a project-level EIR.

## **The Project is Not Exempt from CEQA**

### **The Project**

The proposed project is a nine-story, 69,500 gross square feet residential building with 94 dwelling units (93 affordable and one for onsite property manager) on a 11,664 square foot lot. The existing building that provides a one-story building of approximately 11,664 square feet housing PDR consisting of industrial and community spaces would be demolished. The site is bordered by 26<sup>th</sup> Street to the north, Shotwell Street to the east, Cesar Chavez Street to the south, South Van Ness Avenue to the west.

The Project requests development bonuses through the 100% Affordable Housing Bonus Program Authorization for 1) increased height above that which is principally permitted by the zoning district and 2) reduced dwelling unit exposure pursuant to Planning Code Section 140. The Project also requests an exception for the rear yard requirement pursuant to Planning Code Section 134. The project provides no off-street parking for the 150 or more future residents plus visitors, and frontage is only on 60-foot wide Shotwell Street.

The immediate neighborhood includes a four-story residential building to the east across Shotwell Street, specialist automotive repair use to the south, and a proposal for a six-story mixed-use project to the north at 1515 Van Ness Avenue along 26th Street and Shotwell Street. Other zoning districts in the vicinity include RH-2 (Residential, House, Two-Family); RH-3 (Residential, House, Three-Family); RM-1 (Residential-Mixed, Low Density); and RTO-M (Residential Transit Oriented-Mission). The tallest nearby building is one four-story building with the bulk being one and two-story buildings.

### **The Law**

The Planning Commission relied on Public Resources Code section 21094.5 and its implementing regulation, CEQA Guidelines (14 Cal. Code Regs) section 15183.3, to find the project exempt from CEQA. Under the code and the Guideline, CEQA does not apply to the effects of an eligible infill project under two circumstances.

1. First, if an effect was addressed as a significant effect in a prior EIR for a planning level decision, then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR.



2. Second, an effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect.

Thus, CEQA does apply when an effect of the project was not addressed as a significant effect in the prior EIR or when the project will create a significant effect and there are no uniformly applicable development policies or standards that apply to the infill project and would substantially mitigate that effect. It also applies when an effect was addressed as a significant effect in the prior EIR and substantial new information shows it will be more significant than described in the prior EIR.

### **The Exemption is Not Warranted**

The Planning Commission approval here is based upon the woefully out-of-date PEIR prepared nine (9) years ago for the EN Plan. The PEIR's analyses can no longer be relied upon to support this project with respect to impacts in the areas of, among others, cumulative, transportation and circulation, socioeconomic impacts resulting in physical impacts, aesthetics, land use, and mandatory findings of significance. As was noted at the hearing for the 1515 Van Ness project appeal, there appears to be acknowledgment that the PEIR is no longer a valid or useful environmental analyses document.

### **Cumulative Impacts**

The PEIR 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."<sup>1</sup> Also, significant new developments in the Eastern Neighborhoods that were not anticipated at the time the PEIR was prepared include the UCSF Hospital buildout, Pier 70 buildout, 5M project, Mission Bay buildout, Warriors Stadium, and the Armory's new "Madison Square Garden of the West" entertainment space.

---

<sup>1</sup> Guidelines, § 15355.

Similarly, the proposed project will eradicate another 11,000 square feet plus of PDR use and includes no replacement PDR space. Yet, the PEIR project description specifically states the purpose of the EN Plan was “[t]o encourage new housing while preserving sufficient lands for necessary production distribution and repair (PDR) (generally, light industrial) businesses and activities, . . . .” (PEIR, p. S-1) The EN Plan “is intended to permit housing development in some areas currently zoned for industrial use while protecting an adequate supply of land and buildings for PDR employment and businesses.” (P. S-2)

This project may contribute to these cumulative impacts in significant way not analyzed in the PEIR. There are no performance standards that can apply to reduce this impact to less than significant. Appendix M of the CEQA Guidelines does not address this impact.

### **Transportation and Circulation**

There are also substantial traffic and transportation impacts not foreseen in the PEIR. The PEIR did not analyze the impacts of a nine-story residential building with no parking other than on-street. On the other hand, the PEIR promised that

Under the existing Planning Code provisions, most new residential developments would be required to provide a minimum of one parking space per unit. Assuming the existing Code requirement, new residential development would provide a minimum of 2,871 parking spaces, which would result in a residential parking shortfall of up to 1,436 parking spaces, depending on the actual demand.

(PEIR, p. S-22) The PEIR claims that parking deficits are not an impact on the physical environment under CEQA. This is simplistic. CEQA does require analysis of any environmental impacts foreseeably resulting from a project’s parking deficit such as congestion and safety hazards.<sup>2</sup>

---

<sup>2</sup> *Taxpayers For Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

While the PEIR presumed some increase in traffic, it did not take into account recent increases in congestion that are now recognized through a detailed analysis in the 2015 Congestion Management Program by the San Francisco County Transportation Authority. The report showed that the evening commute speed in San Francisco decreased 21% from 2013-2015. (CMP, p. 21, attached hereto) Also, the INRIX 2015 Traffic Scorecard ranked San Francisco's commute the 3<sup>rd</sup> worst in the country.  
(<http://inrix.com/blog/2016/03/blog-2015-scorecard/>)

This project may contribute to transportation and transit impacts in significant way not analyzed in the PEIR. There are no performance standards that can apply to reduce this impact to less than significant. Appendix M of the CEQA Guidelines does not mitigate this impact.

### **Socioeconomic Impacts Resulting in Physical Impacts**

The PEIR did not anticipate nor analyze the high concentration of low income housing in the Mission. It did not analyze or consider the potential physical impacts on the environment from the over concentration of low income housing in a particular neighborhood from increased vagrancy, blight and vandalism as well as crime.<sup>3</sup> Although purely economic or social effects of a project are not significant effects on the environment<sup>4</sup>, "[e]conomic or social effects of a project may be used to determine the significance of physical changes caused by the project."<sup>5</sup> That is, a physical change brought about by a project may be determined to be significant if it results in substantial adverse social or economic changes. Several reputable studies have analyzed the impacts of an over-concentration of low-income housing on communities, with the finding that mixed-income, mixed-finance developments spur benefits to the community. (See attached: Urban Institute, A Decade of Hope VI: Research Findings and Policy Challenges; see *also* attached Evidence Matters; How Does

---

<sup>3</sup> For example, Bernal Dwelling is section 8 public housing and is located one block east on 26th and Folsom Streets (160 affordable units), the Gaewhiler property directly across the street is also subsidized housing (130 units), and 1515 South Van Ness contains low-income units (39 affordable units) for a total of approximately 329 units including this project, within two blocks of each other.

<sup>4</sup> Guidelines, § 15131(a)

<sup>5</sup> Guidelines, Sec. 15131(b)

Affordable Housing Affect Surrounding Property Values; The Impact of Affordable Housing on Communities and Households; article Civil rights complaint seeks to stop cities from concentrating low-income housing in higher poverty neighborhoods; *MEDA Proposal to the U.S. Department of Education Office of Innovation & Improvement Promise Neighborhoods Planning Grant* (Sept. 13, 2011))

As the PEIR acknowledged, “[c]hanges in land use would not directly be caused by the zoning itself, but indirectly by subsequent projects – including changes in the use of existing buildings, additions, new construction, and demolition – that could occur on individual sites within the project area after a specific zoning option is adopted.” (PEIR, p. S-6)

There has been no evaluation of the socioeconomic impacts of the project as this Board required for other developments based on the PEIR including another project on the same block, 1515 South Van Ness (Lennar), just three months ago.

The PEIR's projections for housing, including this project and those in the pipeline, have been exceeded. This project may contribute to these impacts in significant way not analyzed in the PEIR. There are no performance standards that can apply to reduce this impact to less than significant. Appendix M of the CEQA Guidelines does not address this impact.

### **Aesthetics**

The PEIR also stated that the visual character or quality of the area would not be substantially degraded. (PEIR, p. S-13) Yet, this project will substantially degrade the existing visual character of the area by imposing a monolithic building more than double the size of the next highest four-story building, and four to eight times higher than the majority of the one- and two-story surrounding buildings.

This project may contribute to aesthetic and neighborhood compatibility impacts in significant way not analyzed in the PEIR. There are no performance standards that can apply to reduce this impact to less than significant. Appendix M of the CEQA Guidelines does not address this impact.

## **Land Use**

The proposed 90-foot tall building greatly exceeds the allowable height of 65-feet and, thus, the project is inconsistent with zoning. The project exceeds the height and density analyzed under the PEIR and the impacts of a nine-story building, without parking, were not analyzed under that EIR.

The project is within the recently established Latino Cultural District and is not consistent with the Latino Cultural District. The District is characterized by low-rising buildings, and this nine-story building will tower above the existing development and be out-of-character with the existing neighborhood. Its height and architectural design conflicts with the Latino Cultural District historical buildings on Shotwell Street, which is composed of two and three story Victorian and Edwardian style homes and apartment buildings.

This project, which eliminates PDR, is also inconsistent with Mission Area Plan (MAP) Land Use Objective 1.7: "Retain the Mission's Role as an Important Location for Production, Distribution, and Repair (PDR) Activities." Objective 1.7 provides:

It is important for the health and diversity of the city's economy and population that production, distribution and repair (PDR) activities find adequate and competitive space in San Francisco. PDR jobs constitute a significant portion of all jobs in the Mission. These jobs tend to pay above average wages, provide jobs for residents of all education levels, and offer good opportunities for advancement. However, they usually lease business space and are therefore subject to displacement. This is particularly important in the Mission as average household sizes tend to be larger and incomes lower than the rest of the city. Also, half of Mission residents are foreign born with two-thirds coming from Latin America and Mexico. Half of all Mission residents are of Latino heritage. About 45 percent of Mission residents speak Spanish at home. PDR businesses provide accessible jobs to many of these residents.

(MAP, p. 10; see also pp. 11-12)

Policies to implement this objective include Policy 1.7.1:

In areas designated for PDR, protect the stock of existing buildings used by, or appropriate for, PDR businesses by restricting conversions of industrial buildings to other building types and discouraging the demolition of sound PDR buildings.

(MAP, p. 12)

This project may contribute to land use impacts in significant way not analyzed in the PEIR. There are no performance standards that can apply to reduce this impact to less than significant. Appendix M of the CEQA Guidelines does not address this impact.

### **Mandatory Findings of Significance**

CEQA requires the preparation of an EIR where there is substantial evidence in light of the whole record that the project has the potential to substantially degrade the quality of the environment, has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals, has possible environmental effects that are individually limited but cumulatively considerable, and/or the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.<sup>6</sup>

Here, there is evidence, as described above, at the Planning Commission hearing, and will further be submitted, an EIR is required for this project.

### **EN Plan Community Benefits**

Finally, the claimed community benefits of the EN Plan have not been fully funded, implemented, or are underperforming and the determinations and thus any findings for the proposed project that rely on the claimed benefits are not supported. Project level review is necessary to include up-to-date data and the actual community benefits that have accrued since the adoption of the 2008 NE Plan.

---

<sup>6</sup> Guidelines, § 15065.


## Requested Action

The City is engaging in a pattern and practice of approving residential projects in the Mission that improperly tiers off of an out-of-date PEIR instead of conducting project level environmental review. This results in the approval of projects with unexamined environmental effects to the detriment of Mission residents.

As with the 1515 Van Ness project and others, this project should, at the least, be sent back to planning with the direction to review the socioeconomic impacts of this project. In addition, an exemption is not proper and review of this project must be based on updated information including a project EIR. The Association asks this Board to deny the exemption, and the project, and require an EIR on a project-level including a socioeconomic analysis.

Thank you for your close attention to this matter.

Very truly yours,



Rose M. Zora

*Encl.*

# Exhibit E



1 [Affirming the Determination of Infill Project Environmental Review - Proposed Project at 1296  
2 Shotwell Street]

3 **Motion affirming the determination by the Planning Department that a proposed infill**  
4 **project at 1296 Shotwell Street is eligible for streamlined environmental review under**  
5 **the California Environmental Quality Act.**

6  
7 WHEREAS, On November 21, 2016, the Planning Department issued a Certificate of  
8 Determination for an Infill Project under the Eastern Neighborhoods Rezoning and Area Plan  
9 Final Environmental Impact Report (FEIR), finding that the proposed project located at 1296  
10 Shotwell Street ("Project") is eligible for streamlined environmental review as an infill project  
11 under the California Environmental Quality Act (CEQA), Public Resources Code,  
12 Section 21000 et seq., (specifically, Public Resources Code, Section 21094.5), and the CEQA  
13 Guidelines, 14 California Code of Regulations, Section 15000 et seq., (specifically, CEQA  
14 Guidelines Section 15183.3) (Infill Determination); and

15 WHEREAS, The proposed project involves the demolition of an existing one-story  
16 industrial building and construction of a 100 percent-affordable senior housing project,  
17 encompassing a total of approximately 69,500 gross square feet with 94 dwelling units (93  
18 affordable units plus one unit for the onsite property manager), including 20 units for formerly  
19 homeless seniors; and

20 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
21 December 30, 2016, J. Scott Weaver, on behalf of the Inner Mission Neighbors Association  
22 (Appellant) appealed the Infill Determination, and provided a copy of Planning Commission  
23 Motion No. 19804, adopted on December 1, 2016, approving a 100% Affordable Housing  
24 Bonus Program Authorization under Planning Code, Sections 206 and 328, which constituted  
25 the approval action for the proposed project; and

1           WHEREAS, The Planning Department's Environmental Review Officer, by  
2 memorandum to the Clerk of the Board dated January 3, 2017, determined that the appeal  
3 had been timely filed; and

4           WHEREAS, On February 14, 2017, this Board held a duly noticed public hearing to  
5 consider the appeal of the Infill Determination filed by Appellant and, following the public  
6 hearing, affirmed the Infill Determination; and

7           WHEREAS, In reviewing the appeal of the Infill Determination, this Board reviewed and  
8 considered the determination, the appeal letter, the responses to the appeal documents that  
9 the Planning Department prepared, the other written records before the Board of Supervisors  
10 and all of the public testimony made in support of and opposed to the Infill Determination  
11 appeal; and

12           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
13 affirmed the determination that the project qualified for streamlined environmental review as  
14 an infill project based on the written record before the Board of Supervisors as well as all of  
15 the testimony at the public hearing in support of and opposed to the appeal; and

16           WHEREAS, The written record and oral testimony in support of and opposed to the  
17 appeal and deliberation of the oral and written testimony at the public hearing before the  
18 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
19 the Infill Determination is in the Clerk of the Board of Supervisors File No. 170024 and is  
20 incorporated in this motion as though set forth in its entirety; now, therefore, be it

21           MOVED, That the Board of Supervisors of the City and County of San Francisco  
22 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
23 forth, the Infill Determination; and, be it

24           FURTHER MOVED, That after carefully considering the appeal of the determination,  
25 including the written information submitted to the Board of Supervisors and the public

1 testimony presented to the Board of Supervisors at the hearing on the Infill Determination, this  
2 Board concludes that the project is eligible for streamlined environmental review under CEQA  
3 Guidelines, Section 15183.3 and Public Resources Code, Section 21094.5 because the  
4 project site has been previously developed and is located in an urban area, the Project  
5 satisfies the performance standards provided in Appendix M of the CEQA Guidelines, and the  
6 Project is consistent with the Sustainable Communities Strategy; and, be it

7 FURTHER MOVED, That this Board finds that the effects of the proposed infill project  
8 were analyzed in the Eastern Neighborhoods FEIR, and no new information shows that the  
9 significant adverse environmental effects of the infill project are substantially greater than  
10 those described FEIR, the proposed project would not cause any significant effects on the  
11 environment that either have not already been analyzed in the FEIR or that are substantially  
12 greater than previously analyzed and disclosed, or that uniformly applicable development  
13 policies would not substantially mitigate potential significant impacts; and, be it

14 FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
15 record before it there are no substantial project changes, no substantial changes in project  
16 circumstances, and no new information of substantial importance that would change the  
17 conclusions set forth in the Infill Determination by the Planning Department that the proposed  
18 project is eligible for streamlined environmental review; and, be it

19 FURTHER MOVED, That this Board finds that, as set forth in Planning Commission  
20 Motion No. 19804, the project sponsor will undertake feasible mitigation measures specified in  
21 the Eastern Neighborhoods FEIR to mitigate project-related significant impacts.  
22  
23  
24  
25



**City and County of San Francisco**

**Tails**

**Motion: M17-018**

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

**File Number:** 170025

**Date Passed:** February 14, 2017

Motion affirming the determination by the Planning Department that a proposed infill project at 1296 Shotwell Street is eligible for streamlined environmental review under the California Environmental Quality Act.

February 14, 2017 Board of Supervisors - APPROVED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170025

I hereby certify that the foregoing Motion was APPROVED on 2/14/2017 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in black ink, appearing to read "Angela Calvillo", written over a horizontal line.

Angela Calvillo  
Clerk of the Board

# Exhibit F

1 [Findings Reversing the Community Plan Evaluation - 2918-2924 Mission Street]

2  
3 **Motion adopting findings to reverse the determination by the Planning Department that**  
4 **a proposed project at 2918-2924 Mission Street requires no further environmental**  
5 **review under a Community Plan Evaluation.**  
6

7 WHEREAS, On August 30, 2017, the Planning Department issued a Community Plan  
8 Evaluation (“environmental determination”), pursuant to the California Environmental Quality  
9 Act (CEQA), the CEQA Guidelines, 14 California Code of Regulations, Sections 15000 et  
10 seq., and Chapter 31 of the San Francisco Administrative Code, finding that the proposed  
11 project at 2918-2924 Mission Street (“Project”) is consistent with the development density  
12 established by zoning, community plan, and general plan policies in the Eastern  
13 Neighborhoods Rezoning and Area Plans for the project site, for which a Program  
14 Environmental Impact Report (the “PEIR”) was certified; and

15 WHEREAS, The proposed project consists of merging three lots into a single 11,653-  
16 square foot (sf) lot, demolishing the existing building, and constructing an eight-story, 85-foot-  
17 tall, approximately 67,300 sf building containing 75 dwelling units (18 studio, 27 one-bedroom,  
18 and 30 two-bedroom units) with ground floor retail, providing a 44-foot-long white loading zone  
19 in front of the lobby and removing the existing parking lot curb cut, providing a bicycle storage  
20 room with 76 class 1 bicycle spaces accessible through the lobby area and from Osage Alley,  
21 providing six street trees and seven bicycle racks (14 class 2 bicycle parking spaces) on  
22 Mission Street, and providing open space in the form of common terraces on the second floor  
23 and rooftop of approximately 1,050 sf and 5,750 sf, respectively, and approximately 1,100 sf  
24 of private decks; and  
25

1           WHEREAS, On November 30, 2017, the Planning Commission approved a conditional  
2 use authorization for the proposed Project, by Motion No. 20066; and

3           WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
4 January 2, 2018, J. Scott Weaver, West Bay Law, on behalf of Calle 24 Latino Cultural District  
5 Council ("Appellant"), appealed the environmental determination; and

6           WHEREAS, The Environmental Review Officer, by memorandum to the Clerk of the  
7 Board dated January 4, 2018, determined that the appeal had been timely filed; and

8           WHEREAS, Shortly before the February 13, 2018 hearing, the Planning Department  
9 received new information indicating the potential for the existing building on the project site at  
10 2918-2922 Mission Street to be considered a historic resource for its association with the  
11 Mission Coalition of Organizations during the late 1960s and early 1970s; and

12           WHEREAS, This information was not considered in the initial study for the Project, and  
13 the Planning Department determined that additional research was required to assess whether  
14 the proposed Project would result in a significant impact to a historic resource that is peculiar  
15 to the project or its site and that was not disclosed as a significant effect in the Eastern  
16 Neighborhoods PEIR, and requested a continuance of the Board of Supervisors hearing on  
17 the appeal, with the concurrence of the Project Sponsor and Appellant; and

18           WHEREAS, On February 13, 2018, the Board of Supervisors opened a hearing on the  
19 appeal of the environmental determination and received no public comment on the proposed  
20 continuance, and voted to continue the hearing to June 19, 2018, to allow additional time for  
21 the Department to prepare an analysis of the potential effects of the Project on historic  
22 resources; and

23           WHEREAS, The Planning Department prepared a Historic Resource Evaluation and  
24 found that, although the 2918-2922 Mission Street building is significant under the California  
25 Register of Historical Resources ("California Register") Criterion 1 for events, it lacks sufficient

1 integrity to convey its identified historic significance under Criterion 1 and, therefore, is not  
2 eligible for listing in the California Register, and determined that the building is not a historic  
3 resource as defined under CEQA Guidelines, Section 15064.5; and

4 WHEREAS, This Board held a duly noticed public hearing on the appeal of the  
5 environmental determination on June 19, 2018; and

6 WHEREAS, Under Public Resources Code, Section 21083.3 and CEQA Guidelines,  
7 Section 15183, this Board evaluates the adequacy of the environmental determination by  
8 examining environmental effects that are peculiar to the project, were not analyzed as  
9 significant effects in the Eastern Neighborhoods PEIR, and are potentially significant on-site  
10 or off-site impacts; and

11 WHEREAS, This Board heard extensive testimony on the effect of the Project on the  
12 neighboring San Francisco Unified School District school, the Zaida T. Rodriguez Early  
13 Education School (the "School"), including shadow impacts on the outdoor play areas, and  
14 construction impacts such as air quality and noise impacts; and

15 WHEREAS, The Planning Department conducts a detailed shadow analysis for public  
16 parks under the jurisdiction of the San Francisco Recreation and Parks Department, but does  
17 not always provide the same detailed review of shadow impacts on open spaces that are not  
18 publicly accessible, such as some school yards, as they are only accessible to the students,  
19 faculty, and staff associated with the school, although the Planning Department has  
20 conducted review of shadow impacts on some outdoor play areas on school sites; and

21 WHEREAS, Over 40 public schools citywide are currently enrolled in the San Francisco  
22 Shared Schoolyard Project, which is a partnership between the City and the San Francisco  
23 Unified School District that allows public access to schoolyards during weekends and on  
24 school holidays, and



1           WHEREAS, Schoolyards that are enrolled in the Shared Schoolyard Project are  
2 considered to be publicly accessible, and participating schoolyards are included as public  
3 open spaces within the shadow analysis for CEQA review in San Francisco, but because the  
4 School is not a participating schoolyard, the Planning Department did not conduct the shadow  
5 analysis for the School and did not evaluate whether shadows on the School would be  
6 considered a potentially significant on-site or offsite environmental impact peculiar to the  
7 project; and

8           WHEREAS, The Project Sponsor conducted some shadow analysis to evaluate the  
9 potential shadow impacts on the School's two outdoor play areas, and found that the Project  
10 would cast shadow on the School's Bartlett Street play area for durations ranging from 143  
11 minutes to 273 minutes each morning throughout the year, but did not conduct a more  
12 detailed site-specific analysis to assess conditions on this play area; and

13           WHEREAS, The website for the San Francisco Shared Schoolyard Project provides  
14 that the Shared Schoolyard Project is "working to enroll all of San Francisco's public schools  
15 so that every child and family in San Francisco can have a clean and safe place to play and  
16 gather on the weekends," so that the School could become enrolled as a Shared Schoolyard  
17 Project at some time in the near future; and

18           WHEREAS, This Board and the public expressed strong concerns about the potential  
19 detrimental health impacts on very young schoolchildren in need of sunlight on their play  
20 areas during the school day; and

21           WHEREAS, Even if the School is not part of the Shared Schoolyard Project currently or  
22 does not become part of the Project in the near future, the shadow impacts on a public school  
23 site are important impacts to be considered as part of the CEQA analysis; and

24           WHEREAS, In reviewing the appeal of the environmental determination, this Board  
25 reviewed and considered the environmental determination, the appeal letter, the responses to

1 the appeal documents that the Planning Department prepared, the other written and public  
2 records before the Board of Supervisors and all of the public testimony made in support of  
3 and opposed to the appeal; and

4 WHEREAS, Following the conclusion of the public hearing, in Motion M18-091, the  
5 Board of Supervisors unanimously reversed the determination that the project did not require  
6 further environmental review, subject to the adoption of written findings of the Board in  
7 support of such determination based on the record before the Board of Supervisors as well as  
8 all of the testimony at the public hearing in support of and opposed to the appeal; and

9 WHEREAS, The written and public record and oral testimony in support of and  
10 opposed to the appeal and the deliberation at the public hearing before the Board of  
11 Supervisors related to the appeal of the environmental determination is in the Clerk of the  
12 Board of Supervisors File No. 180019 and is incorporated in this motion as though set forth in  
13 its entirety; now, therefore, be it

14 MOVED, That this Board reverses the determination by the Planning Department that  
15 the Project does not require additional environmental review because there are environmental  
16 effects that are peculiar to the Project and were not analyzed as significant effects in the  
17 Eastern Neighborhoods PEIR, and these effects are potentially significant off-site impacts;  
18 and, be it

19 FURTHER MOVED, That this Board finds the environmental analysis of the Project to  
20 be adequate in all respects except for the shadow analysis on the School's outdoor play areas  
21 and directs the Planning Department to conduct further, more detailed, shadow analysis on  
22 these play areas to accurately assess the shadow impacts on these areas.



**City and County of San Francisco**

**Tails**

**Motion: M18-094**

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

**File Number:** 180718

**Date Passed:** July 10, 2018

Motion adopting findings to reverse the determination by the Planning Department that a proposed project at 2918-2924 Mission Street requires no further environmental review under a Community Plan Evaluation.


July 10, 2018 Board of Supervisors - APPROVED

Ayes: 10 - Cohen, Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Stefani, Tang and Yee

Absent: 1 - Safai

File No. 180718

I hereby certify that the foregoing Motion was APPROVED on 7/10/2018 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board