File No. 130843

Committee Item No. _____
Board Item No. 29

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____ Date _____

Board of Supervisors Meeting Date October 8 ,2013

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget Analyst Report
☐	☐	Legislative Analyst Report
☐	☒	Introduction Form (for hearings)
☐	☒	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Award Letter
☐	☐	Application
☐	☐	Public Correspondence

OTHER (Use back side if additional space is needed)

☐	☐	Appeal of Mitigated Negative Declaration for 480 Potrero Avenue
☐	☐	Project Sponsor's Brief
☐	☐	Planning Department's Response
☐	☐	Appellants' Brief

Completed by: Joy Lamug Date October 3, 2013
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

September 6, 2013

Jean Bogiages, Chair
Mariposa-Utah Street Neighborhood Association
550 Utah Street
San Francisco, CA 94110

Juan M. Jayo, Steering Committee
Mariposa-Utah Street Neighborhood Association
530 Utah Street
San Francisco, CA 94110

Mica I. Ringel
485 Potrero Avenue, Unit C
San Francisco, CA 94110

Subject: Appeals of Mitigated Negative Declaration for a Project Located 480 Potrero Avenue

Dear Appellants:

The Office of the Clerk of the Board is in receipt of a memorandum dated August 30, 2013, (copy attached) from the City Attorney's office regarding your appeals for the determination of a Mitigated Negative Declaration for a project located at 480 Potrero Avenue.

The City Attorney has determined that the appeals were filed in a timely manner.

A hearing date has been scheduled on **Tuesday, October 8, 2013, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Pursuant to Interim Procedures No. 3, the Board shall consolidate such appeals so that they are heard and considered simultaneously.

Pursuant to the Interim Procedures 7 and 9, please provide to the Clerk's Office **by**:

8 days prior to the hearing: any documentation which you may want available to the Board members;

11 days prior to the hearing: names and addresses of interested parties to be notified of the hearing in label format.

Please provide 1 electronic file sent to BOS.Legislation@sfgov.org and 18 hard copies of the documentation for distribution to the Clerk's Office in City Hall, Room 244.

If you have any questions, please feel free to contact Rick Caldeira at (415) 554-7711 or Joy Lamug at (415) 554-7712.

Very truly yours,

Angela Calvillo
Clerk of the Board

cc:
Reza Khoshnevisan, Sia Consulting, Project Sponsor for 480 Potrero Avenue
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Robert Bryan, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Cynthia Goldstein, Board of Appeals
Jonas Ionin, Acting Planning Commission Secretary
Don Lewis, Planner, Planning Department
Victor Pacheco, Board of Appeal
Viktorya Wise, Planner, Planning Department
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Acting Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

MARLENA G. BYRNE
Deputy City Attorney

DIRECT DIAL: (415) 554-4620
E-MAIL: marlena.byrne@sfgov.org

MEMORANDUM

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Marlena G. Byrne
Deputy City Attorney

DATE: August 30, 2013

RE: Appeal of a Final Mitigated Negative Declaration for a Project Located at 480 Potrero Avenue

---

You have asked for our advice on the timeliness of two appeals to the Board of Supervisors, both received by the Clerk's Office on August 28, 2013, of a Final Mitigated Negative Declaration issued under the California Environmental Quality Act ("CEQA") for a project located at 480 Potrero Avenue. One appeal was filed by Jean Bogiages and Juan M. Jayo, on behalf of the Mariposa Utah Neighborhood Association ("MUNA"), and one was filed by Mica I. Ringel. The proposed work involves construction of a six-story, 58-foot-tall mixed-use building, which would include residential, ground-floor retail, and parking uses ("proposed project").

The Appellant provided a copy of the Planning Commission's Motion No. 18944, dated August 8, 2013, upholding the Preliminary Mitigated Negative Declaration on appeal to that body. At the same August 8, 2013 hearing, the Planning Commission approved a Large Project Authorization under Planning Code Section 329 for the proposed project. We have been informed that the Large Project Authorization has been appealed to the Board of Appeals and, thus, is not final.

Accordingly, it is our understanding that these appeals are ripe because an approval action has been taken for the proposed project by the Planning Commission. Additionally, the appeals are timely because this approval has not yet become final, and no building permits have issued for the proposed project.[1] We recommend you advise the parties that these appeals have been timely filed.

Please let me know if I may be of further assistance.

MGB

cc: Rick Caldeira, Deputy Director, Clerk of the Board
Joy Lamug, Board Clerk's Office
Erica Dayrit, Board Clerk's Office
Jon Givner, Deputy City Attorney

[1] Although amendments to Chapter 31 of the San Francisco Administrative Code have recently been adopted, which amendments set forth timelines and procedures for appeal of environmental documents, including final mitigated negative declarations, these new procedures have not yet become operative and, thus, are not applicable to these appeals. (See Board of Supervisors Ordinance No. 161-13.)

Memorandum

TO: Angela Calvillo
Clerk of the Board of Supervisors
DATE: August 30, 2013
PAGE: 2
RE: Appeal of a Final Mitigated Negative Declaration for a Project Located at 480 Potrero Avenue

Kate Stacy, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Nannie Terrell, Planning Department
Tina Tam, Planning Department
Don Lewis, Planning Department
Ben Fu, Planning Department

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

August 29, 2013

To: Jon Givner
Deputy City Attorney

From: Rick Caldeira
Deputy Director

Subject: Appeals of Mitigated Negative Declaration - 480 Potrero Avenue

Appeals of Mitigated Negative Declaration issued for property located at 480 Potrero Avenue were filed with the Office of the Clerk of the Board on August 28, 2013, by Jean Bogiages and Juan M. Jayo, on behalf of Mariposa Utah Neighborhood Association (MUNA), and by Mica I. Ringel.

Pursuant to the Interim Procedures of Appeals for Negative Declaration and Categorical Exemptions No. 5, I am forwarding these appeals, with attached documents, to the City Attorney's Office to determine if they have been filed in a timely manner. The City Attorney's determination should be made within three (3) working days of receipt of this request.

If you have any questions, you can contact me at (415) 554-7711.

c:
Angela Calvillo, Clerk of the Board
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Acting Environmental Review Officer, Planning Department
AnMarie Rodgers, Manager of Legislative Affairs, Planning Department
Tina Tam, Senior Preservation Planner, Planning Department
Nannie Turrell, Planning Department
Don Lewis, Planning Department
Cynthia Goldstein, Board of Appeals
Victor Pacheco, Board of Appeals

MICA I. RINGEL
485 Potrero Avenue, Unit C
San Francisco, California 94110
415-519-7523
supermica@gmail.com

August 28, 2013

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 AUG 28 PM 4:24

Board President David Chiu
and Members of the Board of Supervisors
c/o Ms. Angela Calvillo,
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

BY HAND DELIVERY

Re: Appeal of Mitigated Negative Declaration
480 Potrero Avenue
Case No. 2011.0430E

Dear President Chiu and Supervisors:

Notice is hereby given of appeal to the Board of Supervisors from the following Mitigated Negative Declaration 2011.0430E taken by action of the City Planning Commission on August 8, 2013 for the Large Project to be located at 480 Potrero Avenue.

The City Planning Department adopted the so-called "Mitigated" Negative Declaration twenty days ago and according to the interim rules for CEQA appeals, this appeal is timely filed.

I understand an appeal has already been filed by the Mariposa Utah Neighborhood Association [MUNA] with the Board of Supervisors. Please note my concerns are *in addition to* and *independent of* those being appealed by MUNA.

Two appeals have been filed with the Board of Appeals of the underlying Large Project Authorization 2011.0430X and the project is currently suspended until after their hearing on the matter calendared for October 23, 2013.

There have been numerous procedural and substantive violations of the California Environmental Quality Act by the Planning Department and in light of the *"Fair Arguments"* presented; the Commission should have mandated an Environmental Impact Report be prepared.

Evidence of this project's adverse environmental impacts will be submitted to the Board detailing its significant and cumulative impacts on aesthetics, views, shadows, noise, traffic, greenhouse gas emissions and toxic hazards after the matter has been calendared for hearing by the Clerk, but with sufficient time for your review.

I look forward to explaining why a full Environmental Impact Report and Health Impact Assessment must be prepared.

Respectfully,

Mica I. Ringel

MICA I. RINGEL

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 AUG 28 AM 11: 38

MARIPOSA-UTAH STREET NEIGHBORHOOD ASSOICATION
550 UTAH ST.
SAN FRANCISCO, CA
94110

August 27, 2013

Re: Proposed Development at 480 Potrero: Appeal of Planning Commission Motion 18944, 2011.0430E Mitigated Negative Declaration.

Honorable Members of the Board of Supervisors:

MUNA appeals the ill-considered approval of the Mitigated Negative Declaration, 2011.0430E by the San Francisco Planning Commission, requests that the approval be over turned and that the Planning Department Staff to require the proponent of this project to comply with the applicable provisions of CEQA and the SF Planning Code. We request that all of our repeated communications to the Planning Department Staff seeking their enforcement of the legal requirements (including the communications from the Verdi Club and the surrounding community), which have all been ignored by the Planning Commission staff, be included in the record of this appeal. We also request that the video recording of the hearing by the Planning Commission during which the appellants' attempt to present their case were limited to "comments by the public at 3 minutes each" rather than being provided the mandated time to present their appeal as required by the Commission rules be made a part of the record.

Specifically, based on the following, we request that the approval of the MND be over turned and that the proponent be required undertake the following actions and to prepare a formal Environmental Impact Report for this project:

- The CEQA review was inadequate because it was based on an erroneous statement of existing conditions at the time the PMND was issued i.e. a parking lot rather than as the proponent stated "a vacant lot". There is a significantly increased impact of moving an average of 50 cars a day into the neighborhood as well as the increased parking from the project. This was not analyzed, nor was the project renoticed after the submission was issued. There is no mention in the Planning Commission Response to Comments on actions taken against the sponsor for submitting an erroneous application under penalty of perjury (the sponsor was leasing the property for a parking lot, while stating to the City the lot was vacant).
- The project was not properly noticed. Specifically proper notice to the impacted community, specifically the residents of the 50 plus-units at Mariposa Gardens an EJ community was not made and proper site signage was not maintained prior to the hearing on the PMND.
- No health risk assessment was required or completed. No analysis or even mention of the sensitive receptors (children attending classes at the adjacent Verdi Club, the large number of elderly using the Club and young children at the Mariposa Housing Development) in discussing the risk of exposure to asbestos and other chemicals admittedly on the project nor of noise impact of the project. The staff points to the EIR for the Eastern Neighbor Hoods which does not deal with sites where sensitive receptors are known to exist. Also the staff contends "no long term exposure to toxics" exists without discussing the risks of even short term exposure to these sensitive receptors. The proponent should be required to prepare a health risk assessment of the potential impacts of construction in serpentine rock containing high levels of asbestos in close proximity to the Verdi Club and Mariposa Gardens.
- No contemporaneous Phase I ESA report was prepared or available to the public before the PMND was issued. The only Phase I document submitted was admitted by the staff to be over 13 years old. Staff

concludes this is sufficient without any information on impacts on the site for over a decade could be ignored. Instead the staff dismisses the need for a Phase I saying the Health Department will deal with it later. This precludes the public's right to have this issue addressed as part of the environmental review.

- No notice of the project was provided to Down Town High school as is required by law since it is within1/4 mile of the project. Staff has ignored this specific requirement. There is no precedent which allows staff to simply ignore the law.
- The proponent failed to submit a geotechnical report for the current project, rather than reliance on one from 2004 prepared for a different and much smaller project. The Staff response to comments admits no project specific geotechnical report and then states the project will not result in any meaningful change in the topography of the site and there will be no piles. They ignore what is stated elsewhere that the project will require an excavation 16 feet in depth. Most of this work is being done immediately adjacent to the Verdi Club. The report should include an analysis of potential impact to the adjacent Verdi Club a recognized historical resource under the California Historic Preservation Act.
- The Planning Commission denied the appellants right to due process by considering its comments as public comments, rather than providing the appellant the required equal opportunity (15 minutes to present a case) as was provided to the proponent and Planning Department Staff.
- The project violates Section 101.1(b), is completely out of character with the surrounding neighborhood, will restrict the viewscape and will degrade the existing visual character of the surrounding area. (The building will be at least 4 stories taller than any building between 10th and Mission Streets and the new General Hospital, and is completely out of character with any structures on the entire length of Potrero.). Staff provided no site specific justification for ignoring this concern, or explaining why an exemption should have been granted.
- The project does not comply with the open space requirements of the code, not just fencing in a part of the roof and calling it open space. (Planning Code Section 135 (required open space))

We also raise the following violations of the San Francisco Planning Code which were not properly considered by the Planning Commission.

- The project violates Planning Code Section 134 (required back yards) and there is no reasonable basis of the approved exception.
- The project does not comply with Planning Code Section 140. (48% of the units do not meet code requirements for light and air exposure.)
- The project violates Planning Code Section 147 and 295. (The Planning Department ignored a shadow study showing violation.)
- The project violates Planning Code Section 260,
- The Planning Department has not required that the plans for the project be reviewed, approved and signed by a licensed architect as required by law.

In light of the incomplete attempts to follow the CEQA law, we request a formal Environmental Impact Report for this project.

Very truly yours,

Jean Bogiages , MUNA Chair
550 Utah Street
San Francisco, CA

Juan M. Jayo. MUNA Steering Committee
530 Utah Street
San Francisco. CA

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion 18944

HEARING DATE: August 8, 2013

Case No.:	**2011.0430E**
Project Address:	**480 Potrero Avenue**
Zoning:	UMU (Urban Mixed Use) Zoning District 58-X Height and Bulk District
Block/Lot:	3973/002C
Lot Size:	15,000 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	Reza Khoshnevisan, Sia Consulting, (415) 922-0200
Staff Contact:	Don Lewis, (415) 575-9095, don.lewis@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2011.0430E FOR THE PROPOSED MIXED-USE PROJECT AT 480 POTRERO AVENUE WHICH INCLUDES 75 RESIDENTIAL UNITS, 974 SQUARE FEET OF GROUND-FLOOR RETAIL USE, AND 47 OFF-STREET PARKING SPACES.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On August 5, 2011, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.

2. On September 26, 2012, the Department determined that the Project, as proposed, could not have a significant effect on the environment.

3. On September 26, 2012, a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.

4. On October 10, 2012, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Dean Dinelli and Jean Bogiages.

5. On April 15, 2013, the Department amended the Preliminary Mitigation Negative Declaration.

6. A staff memorandum, dated July 10, 2013, addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff's findings to those points are

incorporated by reference herein as the Commission's own findings. Copies of that memorandum have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

7. On August 8, 2013, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.

8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the August 8, 2013 City Planning Commission hearing have been responded to either in Memorandum or orally at the public hearing.

9. After consideration of the points raised by appellant, both in writing and at the August 8, 2013 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.

10. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.

11. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The City Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on August 8, 2013.

Jonas Ionin

Acting Commission Secretary

AYES: Moore, Hillis, Fong, Wu, Borden, Antonini

NOES: Sugaya

ABSENT:

ADOPTED: August 8, 2013

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE:	July 10, 2013
TO:	San Francisco Planning Commission
FROM:	Don Lewis, Planning Department
RE:	Appeal of Preliminary Mitigated Negative Declaration for 480 Potrero Avenue, Assessor's Block 3973, Lot 2C, Planning Department Case No. 2011.0430E
HEARING DATE:	July 18, 2013

An appeal has been received concerning a Preliminary Mitigated Negative Declaration for the following project:

Case No. 2011.0430E – 480 Potrero Avenue Mixed-Use Project: The rectangular project site is located at the northwest corner of Potrero Avenue and Mariposa Street on the boundary of the Mission and Potrero Hill neighborhoods. The project site is currently a vacant lot containing the remnants of the foundation from the former four-story concrete live/work structure that was demolished in 2005. The project sponsor proposes the construction of a six-story, 58-foot-tall, mixed-use building approximately 82,544 square feet in size. The new building would contain 77 residential units, 974 square feet of ground-floor retail use, and 47 parking spaces in a one-level basement parking garage accessed from Mariposa Street. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

For projects in plan areas, such as this, the proposal is reviewed for significant impacts that are not addressed in the Programmatic EIR (PEIR). Topics for which the PEIR identified a significant program-level impact are addressed in the Community Plan Exemption (CPE) Certification of Determination while project impacts for all other topics are discussed in the CPE Checklist. If the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the PEIR, then the impact would be addressed in a separate Focused Initial Study/Preliminary Mitigated Negative Declaration (IS/PMND) or EIR.

For this project, the applicable PEIR for the plan area is the Eastern Neighborhoods Final EIR, and three documents were issued: a PMND with Initial Study, a CPE Certificate of Determination, and a CPE Checklist. Because the project would have a significant peculiar impact related to hazards and hazardous materials, the Planning Department prepared a Focused IS/PMND.

If you have any questions related to this project's environmental evaluation, please contact me at (415) 575-9095 or don.lewis@sfgov.org.

SAN FRANCISCO
PLANNING DEPARTMENT

Appeal of Preliminary Mitigated Negative Declaration
Executive Summary

HEARING DATE: June 20, 2013

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

Reception:
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Planning
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Date:	June 12, 2013
Case No.:	**2011.0430E**
Project Address:	**480 Potrero Avenue**
Zoning:	UMU (Urban Mixed Use) Zoning District 58-X Height and Bulk District
Block/Lot:	3973/002C
Lot Size:	15,000 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	Reza Khoshnevisan, Sia Consulting, (415) 922-0200
Staff Contact:	Don Lewis, (415) 575-9095, don.lewis@sfgov.org

PROPOSED COMMISSION ACTION:

Consider whether to uphold staff's decision to prepare a Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA), or whether to overturn that decision and require the preparation of an Environmental Impact Report due to specified potential significant environmental effects of the proposed project.

PROJECT DESCRIPTION:

The project sponsor proposes the construction of a six-story, 58-foot-tall, mixed-use building approximately 82,544 square feet in size. The new building would contain 77 residential units, 974 square feet of ground-floor retail use, and 47 parking spaces in a one-level basement parking garage accessed from Mariposa Street. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

ISSUES:

The Planning Department published a Preliminary Mitigated Negative Declaration (PMND) on September 26, 2012, and received an appeal letter from Dean Dinelli and Jean Bogiages, appealing the determination to issue a MND. The appeal letter states that the PMND fails to adequately address the following issues:

1. Aesthetics
2. Land Use
3. Parking
4. Recreation

5. Hazardous Materials
6. Shadow
7. Greenhouse Gases
8. Geology and Soils
9. Noise
10. Inadequate Notification
11. Other Areas of Concerns

All of the issues raised in the Appeal Letter have been addressed in the attached materials, which include:

1. A draft Motion upholding the decision to issue a MND;
2. Exhibit A to draft Motion, Planning Department Response to the Appeal Letter;
3. Appeal Letter;
4. Comment Letter;
5. Amended MND and Initial Study;
6. Community Plan Exemption (CPE) Certificate of Determination; and
7. CPE Checklist

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the motion to uphold the Amended MND. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of an Environmental Impact Report. By upholding the Amended MND (as recommended), the Planning Commission would not prejudge or restrict its ability to consider whether the proposed project's uses or design is appropriate for the neighborhood.

SAN FRANCISCO
PLANNING DEPARTMENT

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Planning Commission Motion XXXXX

HEARING DATE: July 13, 2013

Case No.:	**2011.0430E**
Project Address:	**480 Potrero Avenue**
Zoning:	UMU (Urban Mixed Use) Zoning District
	58-X Height and Bulk District
Block/Lot:	3973/002C
Lot Size:	15,000 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	Reza Khoshnevisan, Sia Consulting, (415) 922-0200
Staff Contact:	Don Lewis, (415) 575-9095, don.lewis@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2011.0430E FOR THE PROPOSED MIXED-USE PROJECT AT 480 POTRERO AVENUE WHICH INCLUDES 77 RESIDENTIAL UNITS, 974 SQUARE FEET OF GROUND-FLOOR RETAIL USE, AND 47 OFF-STREET PARKING SPACES.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On August 5, 2011, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.

2. On September 26, 2012, the Department determined that the Project, as proposed, could not have a significant effect on the environment.

3. On September 26, 2012, a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.

4. On October 17, 2012, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Dean Dinelli and Jean Bogiages.

5. On April 15, 2013, the Department amended the Preliminary Mitigation Negative Declaration.

6. A staff memorandum, dated July 10, 2013, addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff's findings to those points are

incorporated by reference herein as the Commission's own findings. Copies of that memorandum have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

7. On July 18, 2013, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.

8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the July 18, 2013 City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.

9. After consideration of the points raised by appellant, both in writing and at the July 18, 2013 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.

10. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.

11. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The City Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on July 13, 2013.

Jonas Ionin

Acting Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: July 13, 2013

1650 Mission St.
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San Francisco,
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Exhibit A to Draft Motion
Planning Department Response to Appeal of Preliminary Mitigated Negative Declaration

CASE NO. 2011.0430E – 480 POTRERO AVENUE PUBLISHED ON SEPTEMBER 26, 2012

BACKGROUND

An environmental evaluation application (2011.0430E) for the proposed project was filed by the project sponsor, Sia Consulting, on August 5, 2011. The project sponsor proposes the construction of a six-story, 58-foot-tall, residential building approximately 89,600 square feet in size. The new building would contain 84 residential units (26 one-bedroom and 58 two-bedroom) and 38 parking spaces in a one-level basement parking garage accessed from Mariposa Street. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

California Environmental Quality Act (CEQA) State Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified[1], except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR; or d) are previously identified significant effects which, as a result of substantial information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

The Planning Department conducted a project-level environmental review for the 480 Potrero Avenue project and concluded that the proposed project, with the exception of hazards and hazardous materials, would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR (FEIR).

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[1] The project site is within the *Eastern Neighborhoods Rezoning and Area Plans* (Case No. 2004.0160E), which was certified by the Planning Commission on August 7, 2008.

On September 26, 2012, the Planning Department published a Preliminary Mitigated Negative Declaration (PMND) for the hazards and hazardous materials topic, and a Community Plan Exemption for all of the other environmental topics.

On October 17, 2012, Dean Dinelli and Jean Bogiages filed a letter appealing the PMND. Their concerns listed below are from the appeal letter, a copy of which is included within this appeal packet. Their concerns are listed in the order presented in the appeal letter.

On March 29, 2013, the project sponsor revised their project to address concerns raised by the Planning Department and the community. Project changes include the following: the addition of 974 square feet of ground-floor commercial space; the decrease in number of residential units from 84 units to 77 units; the increase in number of off-street parking spaces from 38 to 47; and the decrease in size of the proposed building from 89,600 square feet to 82,544 square feet. The revised project now involves the construction of a six-story, 58-foot-tall, mixed-use building approximately 82,544 square feet in size on a vacant lot. The new building would contain 77 residential units (29 one-bedroom and 48 two-bedroom), 974 square feet of ground-floor retail use, and 47 parking spaces in a one-level basement parking garage.

The Planning Department determined that the revised project would not change the findings or conclusions of the PMND. Therefore, the PMND was amended on April 2, 2013.

RESPONSES TO ISSUES RAISED BY APPELLANT

ISSUE 1. The appellant asserts that the proposed project is out of character with the existing residential and commercial buildings on the block.

"This section of Potrero Avenue contains two and three story residential housing on the east side of Potrero and a three story housing development on the south side of Mariposa. The proposed six story building is completely out of character with the existing housing and buildings (both residential and commercial) on the block. In fact, there are generally no buildings higher than three stories (along the main roofline) on Potrero Street from Cesar Chavez Street to Division Avenue, except San Francisco General Hospital.

Additionally, a six story building containing 84 units is completely out of character with the existing residential units, as it is so dense, that it does not provide sufficient open space for residents."

RESPONSE 1: The proposed project, which is consistent with the height and bulk controls of the Planning Code, would not have a substantial impact upon the existing character of the vicinity.

The appellant's concerns are related to the merits of the project not the adequacy of the environmental documents. As a result of the Eastern Neighborhoods Rezoning and Area Plans, the project site was rezoned to Urban Mixed Use (UMU) district which is intended to promote a vibrant mix of uses and encourage family-sized dwelling units. The 480 Potrero Avenue parcel

was designated and envisioned as a site with a building up to 58 feet in height and containing residential use and ground-floor commercial use.

The proposed project would replace an existing vacant lot with a 58-foot-tall, mixed-use building. The proposed building is consistent with the height and bulk controls and the proposed uses are permitted within the UMU zoning controls. Further, the project is proposed on an in-fill site, and would not substantially impact upon the existing character of the vicinity and would not physically divide an established community.

The Eastern Neighborhoods Final EIR identified an unavoidable significant land use impact due to the cumulative loss of Production, Distribution, and Repair (PDR) uses and land supply. The proposed project would contribute to this impact because the project precludes an opportunity for PDR; however, the incremental loss in PDR opportunity is not considerable due to the size of the project site, which is approximately 15,000 square feet.

The Planning Department has determined that the proposed project is consistent with the development assumptions in the Eastern Neighborhoods Final EIR, satisfies the requirements of the General Plan and the Planning Code, and is eligible for a Community Plan Exemption. While the appellant is correct in stating that implementation of the proposed project would result in a residential building that would be viewed as one of the larger buildings in the area and would provide a substantial number of residential units when compared to surrounding buildings, the appellant brings forth no substantial evidence that the proposed project would result in either project-specific effects which are peculiar to the project or its site or, based on substantial information not known at the time the FEIR was certified, would result in a more severe adverse impact than discussed in the FEIR. Please see Response 6 regarding the appellant's concern regarding the amount of open space.

ISSUE 2: The appellant states that the proposed project would obstruct views and vistas and would result in a degraded community.

"The corner of Utah and Mariposa streets provides a unique and stunning vista of Twin Peaks, Saint Ignatius Church and is enjoyed by residents and visitors as they walk or drive to their destinations. So much so, it has even been featured by international artist, Gabriele Basilico who presented his photography at the San Francisco Museum of Modern Art as well as his book. Having precious moments where a lovely view is part of your daily experience is one of the reasons why San Francisco is a desirable place to live. Constructing a six story building on Potrero would erase that view, obstruct views from both the Mini park (on Utah St. and 18th St) and McKinley park, and give the feeling of living in a degraded community with a misplaced high-rise."

RESPONSE 2: The project would not have an adverse effect on a scenic view or vista.

The Eastern Neighborhoods Final EIR evaluated three land use options "alternatives" and under each of these options, it was not anticipated that the proposed project would substantially damage

scenic resources that contribute to a scenic public setting. With respect to views, the Eastern Neighborhoods Final EIR found that while development pursuant to the Plan would result in height increases and use district changes, the rezoning would not substantially degrade the views and new development up to the proposed height limits may even help define the street edge and better frame urban views. Therefore, Eastern Neighborhoods Final EIR found that the Plan would not be considered to result in a significant adverse impact with regard to views.

The proposed project would replace an existing vacant lot with a 58-foot-tall mixed-use building. While the new building would change the visual appearance of the site, it would not substantially degrade its visual character or quality. The proposed building would be three to four stories taller than existing development in the vicinity but would not be considered substantially taller than the existing development in the project vicinity as it would not substantially obstruct longer-range views from various locations in the Plan Area and the City as a whole.

Design and aesthetics are by definition subjective, and open to interpretation by decision-makers and members of the public. A proposed project would, therefore, be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not have such change. As described in the CPE Certificate of Determination, the proposed building envelope meets Planning Code requirements for the UMU zoning district.

The proposed project would be visible from some residential and commercial buildings within the project site vicinity. Some reduced views on private property would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected. Nonetheless, the change in views would not exceed that commonly expected in an urban setting, and the loss of those private views would not constitute a significant impact under CEQA. In addition, the locations that the appellant mentions above are not identified as important view corridors in the Urban Design Element of the General Plan.

The proposed project's potential aesthetic effects would be consistent with the effects considered in the Eastern Neighborhoods FEIR, which were determined to be less-than-significant. In summary, the project would not result in a significant effect with regard to aesthetics so there would be no significant environmental effect peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

ISSUE 3: The appellant states that the proposed project would not be in the aesthetic character of the neighborhood and block.

"The character of the surroundings would be degraded. Across the street are three Victorian homes built in the early part of the 19th century. They have been maintained and cared for by their resident owners. On the south side is the Mariposa Gardens. This low income housing unit was designed to fit into the neighborhood and to provide greening for the occupants to enjoy. It is not a densely populated development and helps to set the aesthetic character of the neighborhood. A six story box development would not be in the aesthetic character of the neighborhood and block."

RESPONSE 3: The proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings.

The appellant does not bring forth substantial evidence to refute that a CPE/PMND was invalid. In response to the appellant's assertion that the proposed project is not aesthetically in character with the neighborhood, please see Response 1 and 2 above. The aesthetics topic was accurately addressed in the CEQA documents. As stated above, to have a significant effect on visual quality, the project must cause a substantial and demonstrable negative change in the environment. Implementation of the proposed project would not result in such change.

ISSUE 4: The appellant states that the proposed project would radically change the ratio of person to land and would be out of character with the neighborhood.

"Eighty-four units assuming 2.5 people per unit would add 210 people into a lot the size of 15,000 square feet provides about 72 square feet per person. Granted, given the height is 58 feet, these people would have more room, since they would be stacked on top of each other in six stories. But currently a 25x100 lot supports about five people, giving 500 square feet per person. The plan for 84 units in a 15,000 square foot area will radically change the ratio of person to land and be out of character with the neighborhood."

RESPONSE 4: The Eastern Neighborhoods FEIR adequately and accurately addressed population growth, the proposed project is consistent with the FEIR's assumptions, and the project would not induce substantial population growth in an area directly.

The appellant's concerns are related to the merits of the project not the adequacy of the environmental documents. The proposed project is within the range of development uses assumed under the Eastern Neighborhoods FEIR and is consistent with the Planning Code as the UMU district removed residential density limits. As stated on page 4 of the CPE Checklist, one of the objectives of the Eastern Neighborhoods FEIR was to identify appropriate locations for housing in the City's industrially zoned land to meet a citywide need for more housing. The proposed project would increase the population on site by constructing 77 dwelling units. This increase in population would not be expected to have an adverse physical environmental impact. The proposed new residential units are consistent with the projections in the FEIR and there would be no significant environmental effects peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

CEQA Guidelines Section 15382 states that a social or economic change by itself shall not be considered a significant effect on the environment. Therefore, a CEQA document is not required to address the ratio of person to land as the appellant's concerns are considered social changes that would not result in a significant effect on the environment. However, the size and number of proposed residential units would be considered by the Planning Commission during the Conditional Use Authorization. By upholding the PMND and denying the appeal (as

recommended), the Planning Commission would not prejudge or restrict its ability to consider whether the proposed project's use or design is appropriate for the neighborhood.

The appellant brings forth no substantial evidence that the proposed project would result in significant land use impacts that were not already addressed in the Eastern Neighborhoods FEIR. The Eastern Neighborhoods FEIR adequately and accurately addressed current and future development impacts and the Eastern Neighborhoods FEIR was adopted and approved in 2008.

ISSUE 5: The appellant asserts that the proposed project does not provide adequate parking for vehicles and bicycles, and would result in a shortage of off-street parking spaces.

"The Traffic Analysis quotes 53 cars being added during the peak traffic times. Those cars cannot be accommodated in 38 parking spaces that the building provides. Bike parking in the plan is not sufficient. MUNI employees use the street to park as their own parking has been reduced. The Pre-Natal Building at the corner of Potrero and 18th, Planned Parenthood, and UPS use the area around the lot for employee and patient parking. The city's new policy of adding meters and 1-2 hour maximum parking restrictions has made it harder for people to find street parking. The Body Shop next door uses the lot for parking currently. Those approximately 30 cars/day from the Body Shop will be added to the public parking spaces once the space they are using is removed. The existing conditions for parking in the area of the development will make it impossible for residents to park cars. Particular consideration should be given to the Pre-Natal mothers and the senior citizen members of the Verdi Club to avoid adding additional hardships to their experiences in the neighborhood. The Verdi Club is a neighborhood institution that has existed since 1926 and provides a space for community activities. It serves senior citizens as well as youth with its programs. The project intends to supply 38 parking spaces for 84 units. This will result in removing the available parking from the users of the Verdi Club."

RESPONSE 5: The proposed project would not result in a significant environmental impact related to parking.

The appellant states that the proposed number of off-street parking spaces would result in a negative effect on on-street residential and commercial parking on the neighborhood. The project would have a significant effect on the environment if it would result in a substantial parking deficit and create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. While parking conditions change over time, a substantial deficit in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a deficit in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial deficit in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition

could also result in secondary physical environmental impacts (e.g., air quality or noise impacts cause by congestion), depending on the project and its setting.

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking), would be in keeping with the City's "Transit First" policy and numerous San Francisco General Plan Polices, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, would reasonably address potential secondary effects.

The proposed project would provide 47 off-street parking spaces (including one car-share space) and 40 bicycle spaces. The parking demand for the new uses associated with the proposed project was determined based on the methodology presented in the *Transportation Guidelines*. On an average weekday, the demand for parking would be 110 spaces. Thus, the project would have an unmet parking demand of 63 spaces. While the proposed off-street parking spaces would be less than the anticipated parking demand, the resulting parking deficit would not result in a significant impact.

The existing parking conditions were reviewed within a parking study area bounded by 16th Street, Bryant Street; 19th Street, and San Bruno Avenue. Most on-street parking within the vicinity of the proposed project is comprised of non-metered spaces. Parking conditions within the parking study area were assessed for the weekday mid-afternoon period (1:30 to 3:30 PM) and the weekday evening period (6:30 to 8:00 PM). Based on field observations, on-street parking in the project study area is nearly full, with parking occupancy during the weekday mid-day period ranging from 80 to 100 percent full (and over 100 percent full where cars parked illegally in front of driveways), and moderately full during the weekday evening period, ranging from 50 to 80 percent full.

The Mission Area Plan of the Eastern Neighborhoods Land Use Plan includes objectives and policies related to parking that would minimize parking demand associated with new development by prioritizing improvements to public transit, pedestrian, and bicycle

infrastructure. These policies include eliminating parking requirements for residential and commercial uses, requiring parking to be rented, leased or sold separately (i.e., unbundled) from tenants; and prioritizing short-term use of parking rather than arrangements that encourage everyday use of vehicles.

Planning Code Section 843.08 does not require off-street parking for residential use at the project site. Section 151.1 would permit up to 0.75 off-street parking space for each dwelling unit in the UMU district. The proposed project includes 77 dwelling units with 47 off-street parking spaces, and therefore would be principally permitted. Section 155.5 of the Planning Code requires that residential projects of 50 dwelling units or more provide 25 bicycle parking spaces plus 1 for every 4 dwellings over 50 dwelling units. The project proposes 77 dwelling units and thus would be required to provide 31 bicycle parking spaces. Forty bicycle parking spaces would be provided in the parking garage which exceeds the Code requirement. In addition, Planning Code Section 166 would require the proposed project to provide at least one certified car-share parking space in the parking garage. The project sponsor has indicated that one space in the parking garage would be allocated to a car-share vehicle.

The long-term residential parking demand would be accommodated either in the 47 dedicated residential parking spaces in the proposed project's garage or on the street. As indicated in the transportation study, daytime occupancy is between 80 and 100 percent on blocks near the project site, averaging 90 percent occupancy throughout the parking study area. With the addition of the proposed project's parking demand, daytime parking availability would continue to be limited.

The location of the proposed project, near the Potrero Avenue transit corridor and near other residential and commercial areas, make transit, walking, bicycling and taxis viable alternatives to driving. The project site is well-served by several local and regional transit lines including Muni lines 9, 9L, 12, 19, 22, 27, and 33, and in the vicinity of the project site there are six on-street bicycle facilities. In addition, there are adequate sidewalk and crosswalk widths near the project site.

People that would otherwise drive and search for parking may shift to these other modes. Increase in the transit ridership would not cause transit near the site to operate over capacity during the PM peak hour, nor could increases in walking or biking be unable to be accommodated on the surrounding streets. Additionally, the project includes one accessible car-share space to encourage residents not to own a private vehicle.

The proposed project provides 47 off-street parking spaces in the basement level garage for residential uses, while those driving to the non-residential portion of the proposed project would need to park in available on-street spaces. Some of the unmet parking demand could be accommodated within existing on-street and off-street parking spaces within the project vicinity. Additionally, the project site is well served by public transit and bicycle facilities. An unmet demand of 63 parking spaces associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays are created.

The number of parking and bicycle spaces would be considered by the Planning Commission during the Conditional Use Authorization. By upholding the PMND and denying the appeal (as

recommended), the Planning Commission would not prejudge or restrict its ability to consider whether the proposed project's uses or design is appropriate for the neighborhood.

In summary, the proposed project would not result in a substantial parking deficit and would not create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians. Therefore, parking impacts would be less than significant. The appellant does not bring forth any substantial evidence to the contrary, and therefore no further response is required.

ISSUE 6: The appellant states that the proposed project does not provide adequate open space and thus would result in the degradation of existing parks.

"Section 135 of the planning code requires 80 square feet of open space or 54 square feet of common open space per dwelling unit or some combination. The 8/17/2012 drawing proposes 84 units. This would require 4,536 square feet of open space. The plan proposes a common courtyard of 25x100 ft on the first story. This courtyard would be above the garage and not suitable for greening. In order to satisfy the requirement, the plan proposes open space on the roof. The intent of the regulation is to provide an area suitable for gardening, trees and greenery. These two solutions do not meet the intent of the regulation. This development would not provide sufficient on-site recreation for inhabitants.

The community plan exemption checklist considers RECREATION and is concerned about overuse of existing parks. Franklin Square Park is the closest park to the project. District 10 has been identified by the SF Parks Alliance and SPUR as a district that is deficient in the number of parks. Franklin Square is already heavily used. Adding the occupants of 84 housing units to the number of park users would degrade the park through overuse."

RESPONSE 6: The proposed project provides adequate amount of open space per the Planning Code and would not result in the degradation of existing parks.

As stated on page 8 of the CPE Checklist, the FEIR concluded that the Eastern Neighborhoods Rezoning and Area Plan 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 were identified in the FEIR.

The proposed project would provide on-site open space for passive recreational use for project residents through a combination of a common outdoor space. In addition, the project site is served by the following existing parks: Franklin Square (about two blocks away), Fallen Bridge Park (about two blocks away), McKinley Square (about six blocks away) and Jackson Playground (about eight blocks away). The increase in demand would not be in excess of amounts expected and provided for in the area and the City as a whole. The additional use of the recreational facilities would be relatively minor compared with the existing use and therefore, the proposed project would not result in substantial physical deterioration of existing recreational resources. Thus, the proposed project would not result in significant impacts, either individually or cumulatively, in regard to recreation facilities, nor require the construction or expansion of public recreation facilities. The appellant does not provide any substantial evidence to the contrary.

While the appellant states that the parks in the area are deficient, CEQA does not require environmental review that analyzes environmental impacts of existing baseline conditions, only the changes that would result from the proposed project being analyzed, which, in the context of the FEIR, was the Eastern Neighborhoods Rezoning and Area Plans. The proposed project is consistent with the assumptions in the Eastern Neighborhoods FEIR. It is anticipated that the proposed project, along with other projects in the Eastern Neighborhoods, would increase the use of existing parks. However, as stated previously, this impact was not found to be significant in the underlying FEIR. The appellant brings forth no substantial evidence to the contrary.

The appellant has not connected the sponsor's proposed amount of open space to any potential significant environmental effect. No substantial evidence of a significant environmental effect has been presented that would warrant preparation of further environmental review. The appellant does not raise any new environmental concerns that were not already addressed in the CEQA documents. By upholding the PMND (as recommended), the Planning Commission would not prejudge or restrict its ability to consider whether the proposed project's use or design is appropriate for the neighborhood. It is important to note that upholding the PMND does not approve or disapprove a project, but rather concludes that the PMND complies with CEQA and provides environmental information regarding the proposed project to serve as one of the elements upon which a reasoned decision is based.

CONCERN 7: The appellant states that there would be human health risks associated with implementation of the proposed project.

"Bondo, a Spray Booth, Toxic Paint, petroleum and metal are either used or present in the air because of the body shop next to 480 Potrero. This is hazardous for the residents living near the body shop. Some mitigation needs to be put in place to prevent harm or future lawsuits due to negligence. In addition we believe that the rock outcropping and rock base of the lot is serpentine which is known to have a very high natural asbestos component. Given the close proximity of family housing to the project and the potential exposure to traffic along Potrero this potential exposure needs extensive study before any project is approved."

RESPONSE 7: The CEQA documents accurately and adequately address hazards and hazardous materials, and the proposed project would not result in any significant human health effect.

The project site is located next to a body shop. CEQA does not require environmental review that analyzes environmental impacts of existing baseline conditions, only the changes that would result from the proposed project being analyzed, which, in the context of the FEIR, was the Eastern Neighborhoods Rezoning and Area Plans. The appellant brings forth no substantial evidence that constructing a residential building adjacent to a body shop would lead to a significant human health risk. The existing body shop would be required to maintain applicable hazardous materials permits and licenses with the Department of Public Health and the San Francisco Fire Department. The Eastern Neighborhoods rezoning enabled a mix of residential and industrial uses, and therefore concerns associated with hazardous materials were addressed in the

FEIR, and the proposed project does not raise new issues. The appellant further states that constructing a residential building next to a body shop could lead to future lawsuits due to negligence. CEQA Guidelines Section 15382 states that a social or economic change by itself shall not be considered a significant effect on the environment. Therefore, a CEQA document is not required to address comments related to potential litigation as these concerns are considered social changes that would not result in a significant effect on the environment.

The appellant asserts that there could be an adverse impact resulting from the construction of the proposed project since serpentinite underlies the project site. As stated on page 16 of the CPE Checklist, because there is a potentially significant hazardous materials impact that is peculiar to the proposed project that was not fully analyzed in the Eastern Neighborhoods Final EIR, the hazards and hazardous materials topic was addressed in a Focused PMND, consistent with CEQA Guidelines Section 15183(b)(1). The PMND states that the project site is underlain by approximately three feet of fill overlying serpentinite bedrock, and explains that serpentinite commonly contains naturally occurring chrysotile asbestos, a fibrous mineral that can be hazardous to human health if it becomes airborne and this could be a significant human health effect. As stated on page 25 of the PMND, implementation of Mitigation Measures M-HZ-2A: Construction Air Quality (Asbestos)[2] would require the project sponsor to implement a Site Mitigation Plan (SMP) and comply with the Asbestos Airborne Toxic Control Measure that would ensure that project impacts related to exposure to naturally-occurring asbestos in soils and rock during construction would be reduced to a less than significant level. This mitigation measure would avoid any long-term environmental or health and safety risks caused by the excavation of serpentinite bedrock. Therefore, the proposed project's potential hazardous materials impact would be reduced to less-than-significant and the project would not contribute to any cumulatively considerable significant effects related to hazards and hazardous materials, and the appellant does not provide any substantial evidence to the contrary.

ISSUE 8: The appellant states that the project would create new shadow on private residences which would increase the creation of greenhouse gas emissions.

"The shadow fan analysis produced by the planning department shows that shadows would be cast on the houses on the east side of Potrero. These shadows would affect these homes by markedly reducing the natural light and heat produced by the sun which warms and brightens the homes. They would need to use more light and heat energy during daylight hours to keep their houses warm and well lit which is an unnecessary creation of greenhouse gas emissions."

RESPONSE 8: The CEQA documents are accurate and adequate with respect to its analysis and conclusions regarding shadow and greenhouse gases.

The Eastern Neighborhoods FEIR notes that Section 295 of the Planning Code[3] would limit potential new shadow impacts on parks and that new shadow impacts would be evaluated on a

[2] Please see page 26 and 27 of PMND for specific details.

[3] Section 295 of the Planning Code provides that new structures above 40 feet in height that would cast additional shadows on properties under the jurisdiction of or designated to be acquired by the Recreation and Parks Department can only be approved by the Planning Commission.

project-specific basis, but that without detailed development proposals, the potential for new shadow impacts could not be determined and the EIR concluded that increasing heights as part of the rezoning effort could potentially result in significant and unavoidable shadow impacts on parks and other protected open spaces, requiring individual projects to undergo a detailed shadow analysis.

Section 295 of the Planning Code was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Planning Code Section 295 restricts net new shadow on public open spaces under the jurisdiction of, or to be acquired by, the Recreation and Park Commission by any structure exceeding 40 feet unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant. The proposed development would be 58 feet in height. To determine whether this proposed project would conform to Section 295, a shadow fan analysis was prepared by Planning Department staff.[4] The shadow fan indicated that project shadows could not reach any site under Recreation and Park Commission jurisdiction.

The proposed building would add new shade to portions of adjacent properties, sidewalks and streets. However, because the height of the proposed building would not be substantially taller than surrounding buildings, and because of the existing configuration of surrounding buildings, the net new shadow would not be considered substantial and would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. In the dense urban fabric of the city, the loss of sunlight on private residences or property is not considered to be a significant environmental impact and the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA. Therefore, the proposed project's potential to increase shadow in the project vicinity would be both individually and cumulatively less than significant.

Regarding greenhouse gas (GHG) emissions, this topic was not discussed in the Eastern Neighborhoods FEIR because the GHG topic was introduced by the CEQA Guidelines following the adoption of the Eastern Neighborhoods FEIR. As stated on page 2 of the CPE Checklist, any item that was not addressed in the FEIR (i.e., greenhouse gases) is discussed in the Certificate of Determination. As stated on page 24 of the CPE Certificate of Determination, given that: (1) San Francisco has implemented regulations to reduce greenhouse gas emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels; (3) San Francisco has met and exceeded AB 32 greenhouse gas reduction goals for the year 2020; (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's Strategies to Address GHG Emissions meet BAAQMD's requirements for a Qualified GHG Reduction Strategy,

[4] Diego Sanchez, San Francisco Planning Department, to Siavash Tahbazof, letter dated September 11, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, San Francisco, as part of Case No. 2011.0430E.

projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project would be required to comply with these requirements, and was determined to be consistent with San Francisco's Strategies to Address GHG Emissions.[5]

The CPE Certificate of Determination properly relied on the City's GHG Reduction Strategy in describing GHG emissions, adequately considered the extent to which the project would impact GHG emissions, and appropriately concluded that it would have a less-than-significant impact because it would comply with the specific measures to sufficiently reduce GHG emission. The GHG Reduction Strategy comprises a variety of adopted plans and mechanisms that together constitute an overall strategy toward meeting or exceeding State targets.

Relying on the compliance with the GHG Reduction strategy is the correct approach in assessing GHG impacts of the proposed project and the CPE Certificate of Determination accurately concluded that this impact would be less than significant. The appellant does not provide any evidence that the proposed project would result in significant Greenhouse Gas impacts.

ISSUE 9: The appellant states that the living conditions for the proposed new residents would be insufficient.

"There is insufficient Open Space reducing the quality of the living experience of occupants. There are no three or more bedroom apartments. Within the UMU the planning department encourages family-sized units. To be consistent with this neighborhood, family sized units should be part of the development. The building elevator is too far from the south-west apartments. First Floor apartments are too near the sidewalk. This is a neighborhood that has a relatively high crime rate and it is not good for people to be living on the first floor. Graffiti is an issue for buildings along Potrero Avenue."

RESPONSE 9: The appellant does not provide any substantial evidence of a significant environmental impact.

CEQA Guidelines Section 15382 states that a social or economic change by itself shall not be considered a significant effect on the environment. Therefore, a CEQA document is not required to address comments related to the location of the building elevator, the location of some of the proposed residential units, and the potential for graffiti. These are considered social aspects of the proposed project that would not result in a significant effect on the environment. The appellant does not raise any new environmental concerns that were not already addressed in the CEQA documents. By upholding the PMND (as recommended), the Planning Commission would not prejudge or restrict its ability to consider whether the proposed project's use or design is appropriate for the neighborhood. It is important to note that upholding the PMND does not approve or disapprove a project, but rather concludes that the PMND complies with CEQA and

5 Greenhouse Gas Analysis: Compliance Checklist. July 3, 2012. This document is on file in Case File No. 2011.0430E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

provides environmental information regarding the proposed project to serve as one of the elements upon which a reasoned decision is based.

ISSUE 10: The appellant states that the project would have a negative effect on the neighborhood.

"Page 23 of the review states: *"However, because the height of the proposed building would not be substantially taller than the surrounding buildings, and because of the existing configuration of surrounding buildings, the net new shadow would not be considered substantial and would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. Due to the dense urban fabric of the city, those of sunlight on private residences or property is rarely considered to be significant environmental impact and the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA."*

Six stories and 58 feet is significantly taller than the buildings surrounding which are not greater than three stories. In fact this building would be the tallest building along the entire length of Potrero except the new expansion of General Hospital. It will stand out for miles and will impact views of hundreds of residences on Potrero Hill. It will also add a "wall" along Potrero Avenue, making a drive along Potrero much less scenic. This is not the direction that the neighborhood would like to see new development taking. We understand from review of other projects, particularly those near Telegraph Hill, that a project needs to be considered in the context of how it fits into the general character of the surrounding neighborhood. This neighborhood is not one of "dense urban fabric", it is mainly single family or two unit residences. We oppose creating a dense urban fabric, which currently does not exist, in our neighborhood by building this six story project."

RESPONSE 10: The proposed project would not have a significant effect on the environment, the CEQA documents are adequate and accurate and no further review is required.

Please see Response 1, 2, 3, and 4 above. The appellant does not provide any substantial evidence of a project-specific significant impact. As previously stated, the Eastern Neighborhoods FEIR adequately and accurately addressed current and future projected development impacts, and was certified in 2008 by the San Francisco Planning Commission.[6] The FEIR analysis is based on a set of assumptions regarding future development that could occur subsequent to adoption of the Eastern Neighborhoods Rezoning and Area Plans. The proposed 480 Potrero Avenue project is consistent with these assumptions. The Planning Department conducted a project-level environmental review for the 480 Potrero Avenue project and concluded that the proposed project, with the exception of hazards and hazardous materials, would not result in new, peculiar environmental effects, or effects of great severity, than were already analyzed and disclosed in the FEIR. On September 26, 2012, the Planning Department published a PMND for the hazards and hazardous materials topic, and a Community Plan Exemption for all of the other environmental topics.

[6] The FEIR is not subject to appeal.

OTHER COMMENTS

One comment letter was received on the PMND. This letter, a copy of which is included within this appeal packet, does not raise any new issues that have not already been addressed above. In addition, another commenter raised the following issues via email communication.

COMMENT 1: The commenter states that the CEQA analysis is flawed because the CEQA analysis relied on a Phase I ESA that is 13 years old, does not take into account the demolition that occurred at the project site in 2005, and that the Planning Department is deferring mitigation to the Department of Public Health.

RESPONSE TO COMMENT 1: The commenter does not provide any substantial evidence of a significant environmental impact related to hazardous materials. The project description acknowledges the former four-story structure on the lot was demolished in 2005. The PMND provided mitigation measures for hazardous materials that include: soil testing; preparation of a site mitigation plan; measures for handling, hauling, and disposal of contaminated soils; preparation of closure/certification report for DPH's review and approval; and a health and safety plan. In addition, and as stated in Mitigation Measure M-HZ-2B, the sponsor is required to submit a Voluntary Remedial Action Program (VRAP) with DPH. The mitigation measures in the PMND would avoid any long-term environmental or health and safety risks caused by the proposed development. While the Phase I ESA was completed 13 years ago, the Department found it to provide sufficient information to conduct environmental review. The project sponsor submits the required VRAP with DPH, DPH will require the sponsor to update their Phase I ESA in accordance with ASTM standards before issuance of the building permit. The mitigation measures in the PMND cover any potential hazard or hazardous materials issue, and the commenter does not provide any substantial evidence to the contrary. No further response is required.

COMMENT 2: The commenter states that the Geotechnical Investigation is inadequate because it is eight years old, only provides one boring log, and was for a different project proposal that did not propose to drill below the water line.

RESPONSE TO COMMENT 2: The commenter does not provide any substantial evidence of a significant environmental impact related to geology and soils. As stated in the CPE Checklist, the maximum depth of soil disturbing activities for the proposed project would be 16 feet below ground surface. It is anticipated that the building would be supported by spread footings, and the completed project would not alter the overall topography of the site. The project site is blanketed by up to four feet of undocumented, non-engineered fill, consisting of clay, sand, and gravel mixtures. Bedrock consisting of Serpentinite was encountered underneath the fill. The bedrock is shallowest at the north end of the site, where it was encountered at about one foot deep, and is deepest in the southwest corner, where it was encountered at a depth of six feet. In reviewing building plans, the Department of Building Inspection (DBI) refers to a variety of information

sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. Potential geologic hazards would be mitigated during the permit review process through these measures. To ensure compliance with all Building Code provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. The geotechnical investigation referenced in the CPE Checklist would be available for use by the DBI during its review of building permits for the site. DBI could require additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site would be avoided through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code. No further response is required.

COMMENT 3: The commenter states that the noise study used in the CEQA analysis is inadequate because it overlooks sensitive receptors located at the Verdi Club and Mariposa Gardens and was completed by an individual that is not a licensed engineer, architect or contractor.

RESPONSE TO COMMENT 3: The commenter does not provide any substantial evidence of how the proposed project could result in significant effects related to noise. The noise study was completed by ARC Management to measure the baseline or existing outdoor noise conditions at the project site and to determine whether the proposed project would be compliant with Title 24 Standards.

The appellant does not state how the proposed project would adversely affect nearby sensitive receptors. For the purposes of CEQA review, sensitive receptors include residences, hospitals, nursing homes, senior citizen centers, schools, churches, and libraries. Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and generally accepted in urban areas. The noise generated by the occupants of the proposed project would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

According to the Eastern Neighborhoods Final EIR, noise levels on Potrero Avenue are between 60 and 75 dBA. Title 24 of the California Code of Regulations establishes uniform noise insulation

standards for multi-unit residential projects. This state regulation requires meeting an interior standard of 45 dBA in any habitable room.

Since the proposed project includes noise-sensitive uses with sensitive receptors located in an area with noise levels above 60 dBA, a noise specialist was hired by the project sponsor to conduct a noise study that included a 24-hour noise measurement and site survey of noise-generating uses within 900 feet of the project site. The 24-hour noise measurement recorded a day-night noise average of 70.2 dBA (Ldn), which is comparable to what was forecasted by the noise modeling undertaken by the Department of Public Health, which predicts a traffic noise level of between 60 dBA and 75 dBA (Ldn) for the project block. The only substantial noise-generating uses within 900 feet of the site with a direct line-of-sight to the project site are transportation noise sources from Potrero Avenue and an auto body shop (Sunny Auto Body) that is adjacent to the project site. The noise assessment revealed that the primary noise source at the project site was from trucks, buses, emergency vehicles, and motorcycles traveling on Potrero Avenue.

Given the noise environment, the noise study concluded that it would appear that the interior noise level can typically be maintained below the State standards of 45 dBA (Ldn) by standard residential construction methods with the incorporation of forced-air mechanical ventilation systems in residential units. Preliminary calculations suggest that the residential units nearest Potrero Avenue would require windows and doors with a minimum Sound Transmission Class rating of 27 STC (70.2 – 27 = 43.2) and a suitable form of mechanical ventilation to ensure that the interior average noise level of 45 dBA (Ldn) is met as required by the San Francisco Building Code. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. Therefore, the noise study demonstrates that acceptable interior noise levels consistent with those in the Title 24 standards would be attained by the proposed project. DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents.

Construction of the proposed project would not involve pile driving and would not create noise levels that could substantially affect any nearby sensitive receptors, including the tenants of Mariposa Gardens. Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that construction work be conducted in the following manner: 1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); 2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) to best accomplish maximum noise reduction; and 3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing

the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 3 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be obliged to comply with the City's Noise Ordinance.

The commenter states that the noise study was not completed by a qualified person or firm. The Planning Department does not require that noise studies be conducted by licensed engineers or architects.

COMMENT 4: The commenter states that the environmental notification was inadequate as tenants of Mariposa Gardens, as well as other nearby tenants, were not notified.

RESPONSE TO COMMENT 4: The environmental review was noticed according to the requirements of CEQA and Chapter 31 of the San Francisco Administrative Code. Notice requirements have been substantially met. Consistent with current practices, the project sponsor provided a list of owners within a 300-foot-radius of the project site, and the Department mailed the notice, which also included all parties on the Mission Neighborhood List. Ensuring that proper parties are identified on the 300-foot-radius list for notification purposes is the responsibility of the project sponsor. Notice of the project was posted at the site, and the Department placed an ad in the newspaper. Accordingly, environmental notification for this project was adequate and appropriate, and complies with current and customary notification practices of the Planning Department and state and local law. The commenter states that the tenants of Mariposa Gardens (located across Mariposa Street to the south of the project site) were not notified. Chapter 31 of the Administrative Code does not require notice to adjacent tenants, only owners. It should be noted that the project sponsor held four community meetings at the Mariposa Gardens and two community meetings at the Verdi Club.

COMMENT 5: The appellant states that the CEQA analysis is flawed because the current use is not a vacant lot because the lot is currently used as a parking lot by Sunny's Auto Body.

RESPONSE TO COMMENT 5: The existing legal description of the project site is vacant and there are no structures on the project site. The project site contains the remnants of the foundation from the former four-story structure that was demolished in 2005. As the commenter points out, Sunny's Auto Body currently uses the vacant lot as a parking lot. Since a parking lot is not a permitted use in the UMU zoning district, the Department opened an enforcement case on May 14, 2013 for this illegal use. The commenter is correct in stating that the CEQA documents did not mention that the project site is currently used as an illegal parking lot. Nonetheless, this would not change the analysis or findings. As stated in Response 5, the proposed project would not

result in a substantial parking deficit and would not create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians. The commenter does not provide any substantial evidence of a significant environmental effect related to parking, and no further response is required.

CONCLUSION

Staff recommends that the Planning Commission adopt the motion to uphold the Amended Mitigated Negative Declaration (AMND). No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of an Environmental Impact Report. By upholding the AMND (as recommended), the Planning Commission would not prejudge or restrict its ability to consider whether the proposed project's uses or design is appropriate for the neighborhood.

October 10, 2012

San Francisco Planning Department
Attention: Bill Wycko
1650 Mission Street, Suite 400
San Francisco, CA 94103

To the Planning Department,

The Board of the San Francisco Verdi Club, MUNA neighborhood association, and immediate Potrero Hill neighbors and homeowners respectfully want to appeal the Mitigated Negative Declaration, 2011.0430E related to the project proposed for 480 Potrero Avenue.

Our objections fall under the items addressed in Attachment B, the Community Exemptions list.

LAND USE AND LAND USE PLANNING

c) Have a substantial impact upon the existing character of the vicinity.

This section of Potrero Avenue contains two and three story residential housing on the east side of Potrero and a three story housing development on the south side of Mariposa. The proposed six story building is completely out of character with the existing housing and buildings (both residential and commercial) on the block. In fact, there are generally no buildings higher than three stories (along the main roofline) on Potrero Street from Cesar Chavez Street to Division Avenue, except San Francisco General Hospital.

Additionally, a six story building containing 84 units is completely out of character with the existing residential units, as it is so dense, that it does not provide sufficient open space for residents.

AESTHETICS

a) Have an adverse effect on a scenic vista.

The corner of Utah and Mariposa streets provides a unique and stunning vista of Twin Peaks, Saint Ignatius Church and is enjoyed by residents and visitors as they walk or drive to their destinations. So much so, it has even been featured by international artist, Gabriele Basilico who presented his photography at the San Francisco Museum of Modern Art as well as his book. Having precious moments where a lovely view is part of your daily experience is one of the reasons why San Francisco is a desirable place to live. Constructing a six story building on Potrero would erase that view, obstruct views from both the Mini park (on Utah St. and 18th St) and McKinley park, and give the feeling of living in a degraded community with a misplaced high-rise.

c) Substantially degrade the existing visual character or quality of the site and its surroundings.

The character of the surroundings would be degraded. Across the street are three Victorian homes built in the early part of the 19th century. They have been maintained and cared for by their resident owners. On the south side is the Mariposa Gardens. This low income housing unit was designed to fit into the neighborhood and to provide greening for the occupants to enjoy. It is not a densely populated development and helps to set the aesthetic character of the neighborhood. A six story box development would not be in the aesthetic character of the neighborhood and block.

POPULATION AND HOUSING

a) Induce substantial population growth in an area directly.

Eighty-four units assuming 2.5 people per unit would add 210 people into a lot the size of 15,000 square feet provides about 72 square feet per person. Granted, given the height is 58 feet, these people would have more room, since they would be on stacked top of each other in six stories. But currently a 25x100 lot supports about

five people, giving 500 square feet per person. The plan for 84 units in a 15,000 square foot area will radically change the ratio of person to land and be out of character with the neighborhood.

TRANSPORTATION AND CIRCULATION

The Traffic Analysis quotes 53 cars being added during the peak traffic times. Those cars cannot be accommodated in 38 parking spaces that the building provides. Bike parking in the plan is not sufficient. MUNI employees use the street to park as their own parking has been reduced. The Pre-Natal Building at the corner of Potrero and 18th, Planned Parenthood, and UPS use the area around the lot for employee and patient parking. The city's new policy of adding meters and 1-2 hour maximum parking restrictions has made it harder for people to find street parking. The Body Shop next door uses the lot for parking currently. Those approximately 30 cars/day from the Body Shop will be added to the public parking spaces once the space they are using is removed.

The existing conditions for parking in the area of the development will make it impossible for residents to park cars. Particular consideration should be given to the Pre-Natal mothers and the senior citizen members of the Verdi Club to avoid adding additional hardships to their experiences in the neighborhood. The Verdi Club is a neighborhood institution that has existed since 1926 and provides a space for community activities. It serves senior citizens as well as youth with its programs. The project intends to supply 38 parking spaces for 84 units. This will result in removing the available parking from the users of the Verdi Club.

RECREATION

Section 135 of the planning code requires 80 square feet of open space or 54 square feet of common open space per dwelling unit or some combination. The 8/17/2012 drawing proposes 84 units. This would require 4536 square feet of open space. The plan proposes a common courtyard of 25x100 ft on the first story. This courtyard would be above the garage and not suitable for greening. In order to satisfy the requirement, the plan proposes open space on the roof. The intent of the regulation is to provide an area suitable for gardening, trees and greenery. These two solutions do not meet the intent of the regulation. This development would not provide sufficient on-site recreation for inhabitants.

The community plan exemption checklist considers RECREATION and is concerned about overuse of existing parks. Franklin Square Park is the closest park to the project. District 10 has been identified by the SF Parks Alliance and SPUR as a district that is deficient in the number of parks. Franklin Square is already heavily used. Adding the occupants of 84 housing units to the number of park users would degrade the park through overuse.

HAZARDS AND HAZARDOUS MATERIALS

Bondo, a Spray Booth, Toxic Paint, petroleum and metal are either used or present in the air because of the body shop next to 480 Potrero. This is hazardous for the residents living near the body shop. Some mitigation needs to be put in place to prevent harm or future lawsuits due to negligence. In addition we believe that the rock outcropping and rock base of the lot is serpentine which is known to have a very high natural asbestos component. Given the close proximity of family housing to the project and the potential exposure to traffic along Potrero this potential exposure needs extensive study before any project is approved.

GREENHOUSE GAS EMISSIONS

a) Generate greenhouse gas emissions.

The shadow fan analysis produced by the planning department shows that shadows would be cast on the houses on the east side of Potrero. These shadows would affect these homes by markedly reducing the natural light and heat produced by the sun which warms and brightens the homes. They would need to use more light and heat energy during daylight hours to keep their houses warm and well lit which is an unnecessary creation of greenhouse gas emissions.

ADDITIONAL CONSIDERATIONS

a. Living conditions for New Building Occupants

There is insufficient Open Space reducing the quality of the living experience of occupants. There are no three or more bedroom apartments. Within the UMU the planning department encourages family-sized units. To be consistent with this neighborhood, family sized units should be part of the development.

The building elevator is too far from the south-west apartments.

First Floor apartments are too near the sidewalk. This is a neighborhood that has a relatively high crime rate and it is not good for people to be living on the first floor. Graffiti is an issue for buildings along Potrero Avenue.

b. Affect on Neighborhood

Page 23 of the review states: *"However, because the height of the proposed building would not be substantially taller than the surrounding buildings, and because of the existing configuration of surrounding buildings, the net new shadow would not be considered substantial and would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. Due to the dense urban fabric of the city, those of sunlight on private residences or property is rarely considered to be significant environmental impact and the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA."*

Six stories and 58 feet is significantly taller than the buildings surrounding which are not greater than three stories. In fact this building would be the tallest building along the entire length of Potrero except the new expansion of General Hospital. It will stand out for miles and will impact views of hundreds of residences on Potrero Hill. It will also add a "wall" along Potrero Avenue, making a drive along Potrero much less scenic. This is not the direction that the neighborhood would like to see new development taking. We understand from review of other projects, particularly those near Telegraph Hill, that a project needs to be considered in the context of how it fits into the general character of the surrounding neighborhood. This neighborhood is not one of "dense urban fabric", it is mainly single family or two unit residences. We oppose creating a dense urban fabric, which currently does not exist, in our neighborhood by building this six story project.

Because of the reasons cited above, we the undersigned wish to appeal the MITIGATED NEGATIVE DECLARATION and would like to collaborate with the developers in creating a design that is more suitable for the neighborhood.

Thank you,

Dean Dinelli

Dean Dinelli, Verdi Club President
448 Utah Street, San Francisco 94110

Jean Bogiages

Jean Bogiages, MUNA Chair
550 Utah Street, San Francisco 94110
http://sfmuna.org

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DEC 14 2012

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
MEA

Juan Martin Jayo
Attorney at Law
PO Box 7442
San Francisco, CA. 94120

December 13, 2012

Mr. Don Lewis
1650 Mission Street Suite 400
San Francisco, CA 94103-2414

Re: Proposed Development at 480 Potrero Avenue, file number 2011.0430E

Dear Mr. Lewis:

On October 10, the Verdi Club, the MUNA neighborhood association and over 100 nearby residents provided your office with a letter and follow up declarations opposing the Preliminary Negative Declaration that was issued regarding this proposed project. I write to provide some additional information and arguments relating to one issue raised in that letter, specifically the finding as to Hazards and Hazardous Materials.

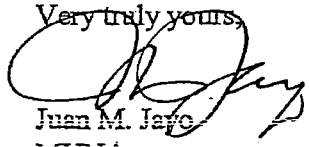
In the report prepared by your office reviewing this project, both the City and the project proponent admit that there is a significant amount of naturally occurring asbestos in the form of serpentine rock on the site which will require excavation and other handling. The report contains no indication that any sort of health risk assessment was performed to determine the risk of this work to surrounding residents or people at the adjacent Verdi Club. Without such an analysis the report still finds no significant risk or impact to the community as a result of the release of potential cancer causing substances and issued a proposed a negative declaration.

You should be informed that there are music classes for pre-school and early grade school children that are held on a daily basis at the adjacent Verdi Club. These classes have up to 50 students involved on a regular basis. These children are young and in early development and as such particularly vulnerable to exposure to asbestos. You should also be advised that the Verdi Club on a regular basis has elderly members on site many of whom have respiratory issues, and who again would be extremely vulnerable to asbestos exposure from the proposed excavation next door. Finally, across the street from the proposed project is a low to moderate income facility which may also house residents who would be at risk for asbestos exposure form the proposed development. A review of this population may also raise environmental justice concerns.

The Planning Department has not undertaken any sort of health risk assessment covering these at risk populations or even conducted a preliminary review of what at risk populations may exist in the area of potential effect for the project. At a minimum we believe compliance with Title 17, Section 93105 of the California Code of Regulations requires such a review and the requirement that a mitigation plan be developed to protect these vulnerable populations from the increased cancer risk posed by the proposed development. We have seen no such requirement placed on the project proponents in this case.

Based on this new information and on the ground laid out in the earlier letter (copy attached) we request that the preliminary negative declaration be withdrawn and the project proponents be required to prepare a detailed health risk and environmental impact report for the project.

Very truly yours,



Juan M. Jayo
MUNA

SAN FRANCISCO
PLANNING DEPARTMENT

~~Preliminary~~ Amended Mitigated Negative Declaration

(Amendments to the PMND reflect the project as modified. Corrections and additions are shown by bold underlines and deletions are shown by strike-outs.)

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

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Planning
Information:
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Date:	September 26, 2012; Amended April 15, 2013
Case No.:	2011.0430E
Project Address:	480 Potrero Avenue
Zoning:	UMU (Urban Mixed Use) Zoning District
	58-X Height and Bulk District
Block/Lot:	3973/002C
Lot Size:	15,000 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	Reza Khoshnevisan, Sia Consulting, (415) 922-0200
Staff Contact:	Don Lewis, (415) 575-9095, don.lewis@sfgov.org

PROJECT DESCRIPTION:

The rectangular project site is located at the northwest corner of Potrero Avenue and Mariposa Street on the boundary of the Mission and Potrero Hill neighborhoods. The project site is currently a vacant lot containing the remnants of the foundation from the former four-story concrete live/work structure that was demolished in 2005. The project sponsor proposes the construction of a six-story, 58-foot-tall, ~~residential~~ **mixed-use** building approximately ~~89,600~~ **82,544** square feet in size. The new building would contain ~~84~~ **77** residential units (~~26~~ **29** one-bedroom and ~~58~~ **48** two-bedroom), **973 square feet of ground-floor retail use,** and ~~38~~ **46** parking spaces in a one-level basement parking garage accessed from Mariposa Street. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See pages 33 - 38.

cc: Reza Khoshnevisan, Project Sponsor; Supervisor David Campos, District 9; Ben Fu, Current Planning Division; Exemption/Exclusion File; Virna Byrd, M.D.F.

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INITIAL STUDY
480 POTRERO AVENUE
PLANNING DEPARTMENT CASE NO. 2011.0430E

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

The rectangular project site (Assessor's Block 3973, Lot 2C) totals 15,000 square feet in size and is located at 480 Potrero Avenue on the northwest corner of Potrero Avenue and Mariposa Street (the "project site") on the boundary of the Mission and Potrero Hill neighborhoods, where the topography is primarily flat with a northwest slope (see Figure 1, Site Location). The project site is currently a vacant lot containing the remnants of the foundation from a former four-story concrete live/work structure that was demolished in 2005. The project site has frontages on both Potrero Avenue and Mariposa Street. The site is within the Urban Mixed Use (UMU) District and a 58-X Height and Bulk District. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

Proposed Project

The project sponsor proposes the construction of a six-story, 58-foot-tall, ~~residential~~ mixed-use building approximately ~~89,600~~ 82,544 square feet in size on a vacant lot. The new building would contain ~~84~~ 77 residential units (~~26~~ 29 one-bedroom and ~~58~~ 48 two-bedroom), 974 square feet of ground-floor retail use, and ~~38~~ 46 parking spaces in a one-level basement parking garage (see Figures 2 – 11: Site Plan, Floor Plans, and Sections). Approximately ~~9,354~~ 8,901 square feet of common open space would be provided by an open courtyard and a roof deck. Pedestrian access would be from Potrero Avenue while vehicular access to the parking garage would be from Mariposa Street. The proposed project would involve up to 16 feet of excavation and the removal of approximately 550 cubic yards of soil for the proposed underground parking garage. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. Project construction would take approximately 12 months. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size.

480 Potrero Avenue

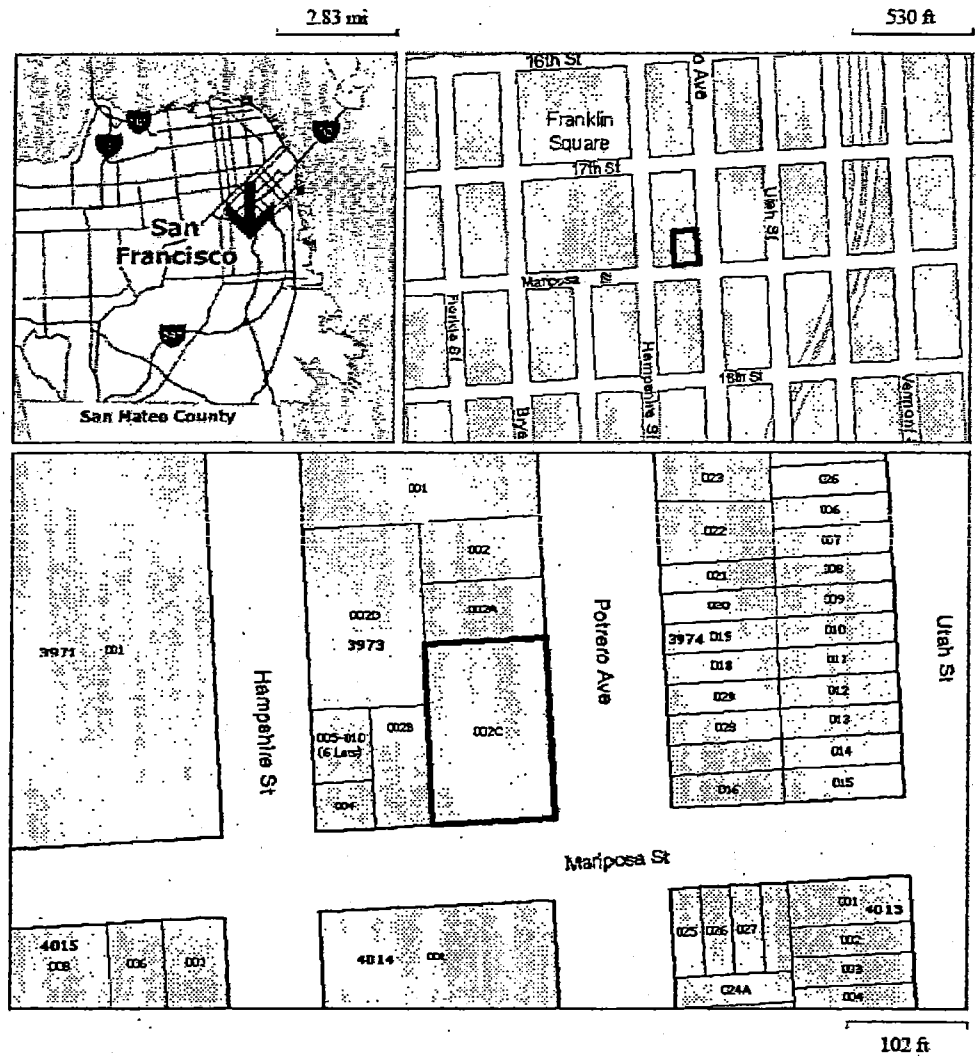

Figure 1 – Project Location Map
480 Potrero Avenue
Source: Planning Department, August 2012

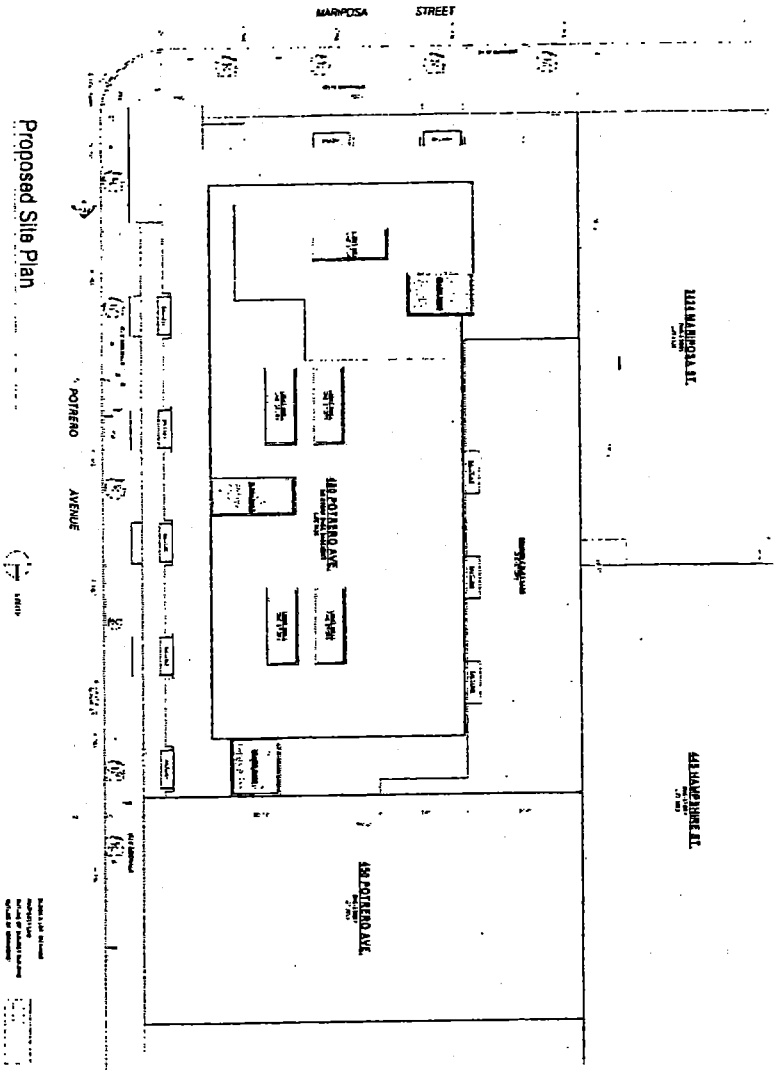

Figure 2 – Project Site Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

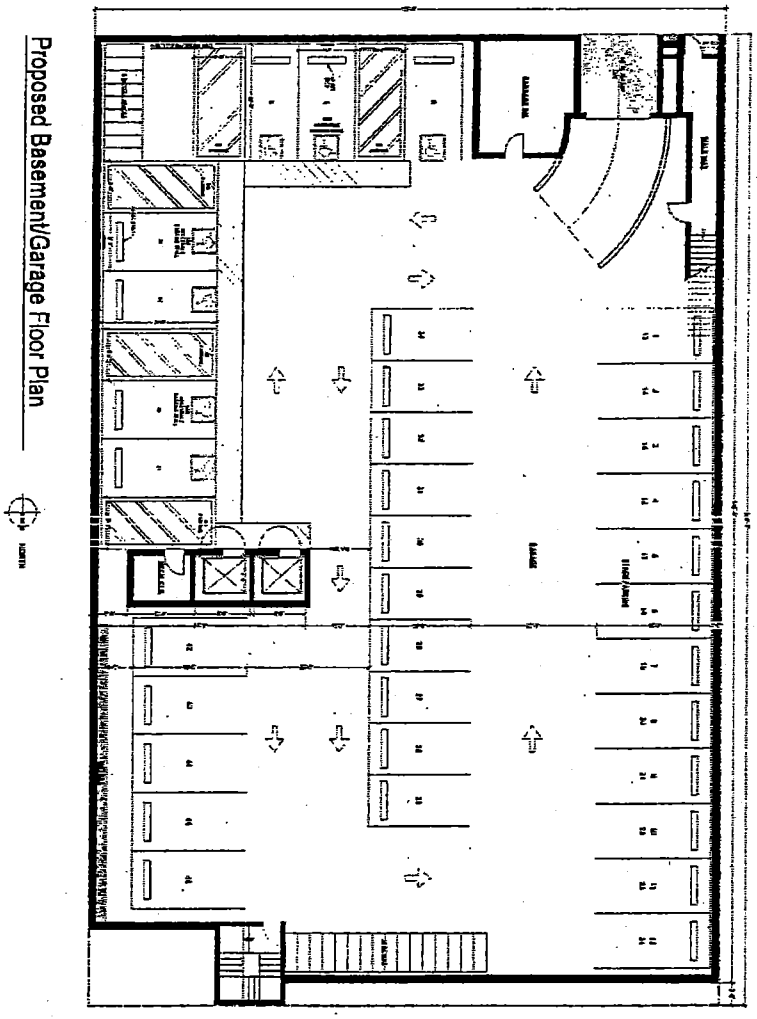

Figure 3 – Basement Floor Plan
~~480~~ Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

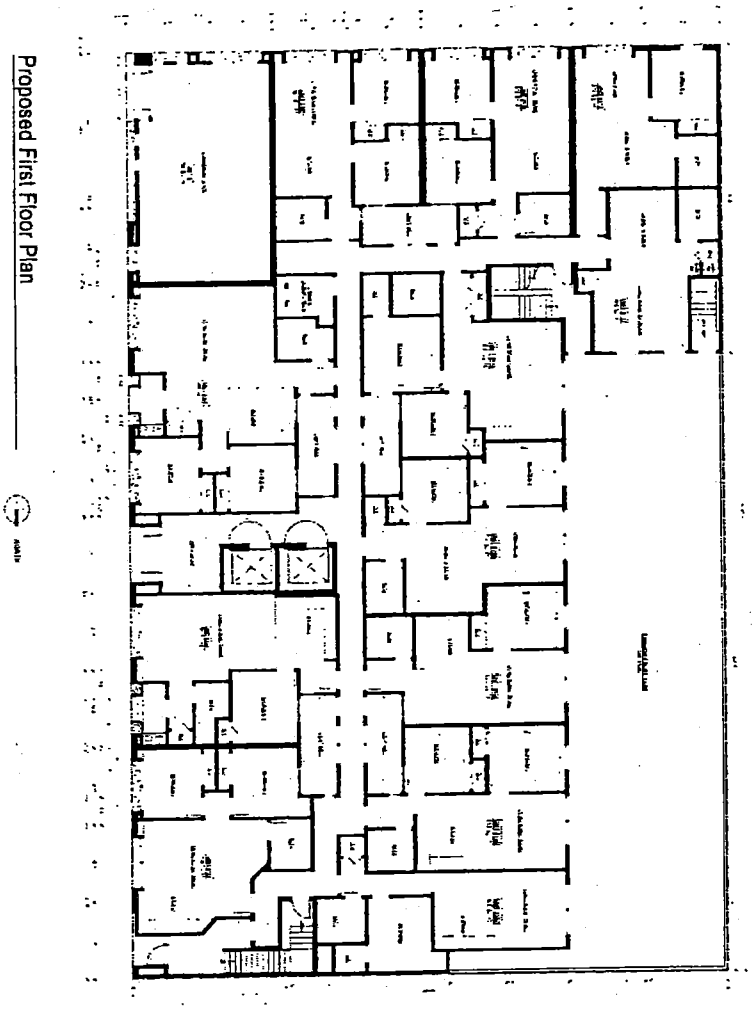

Figure 4 – First Floor Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

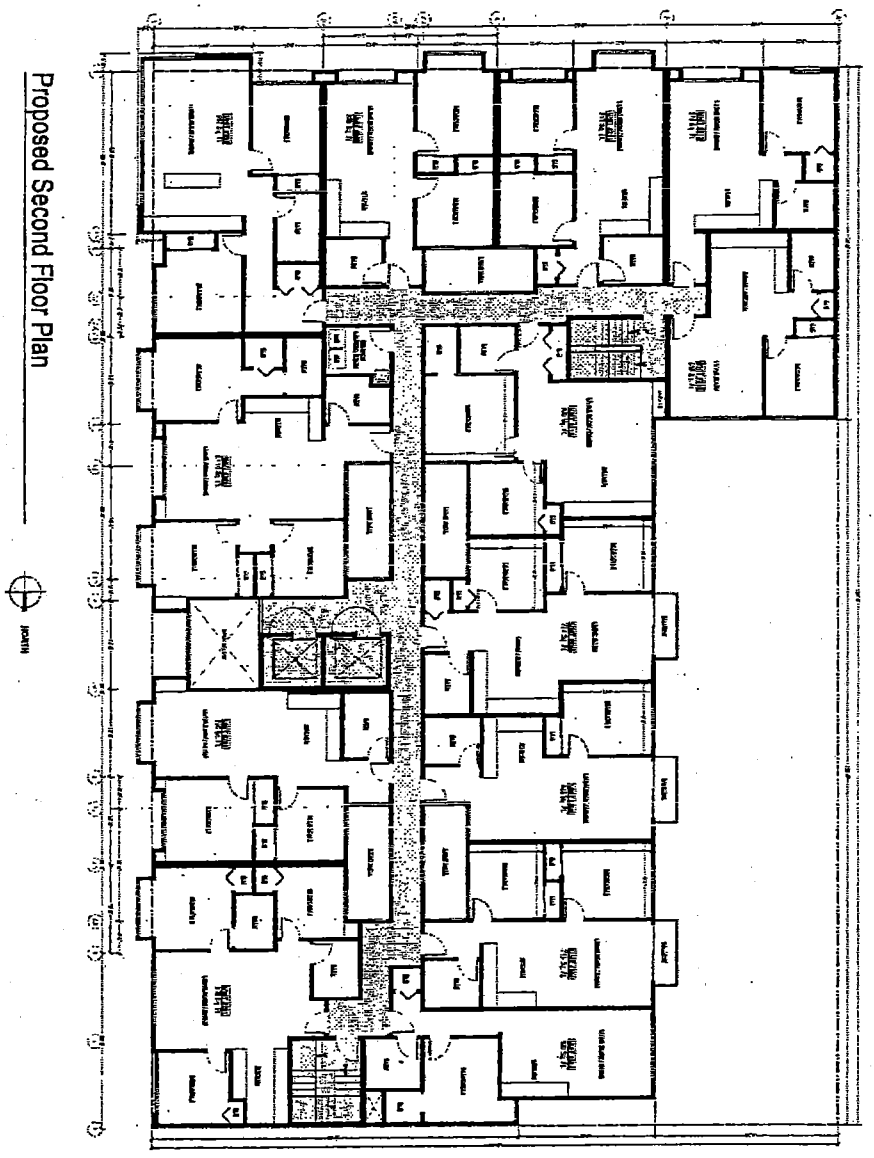

Figure 5 – Second Floor Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

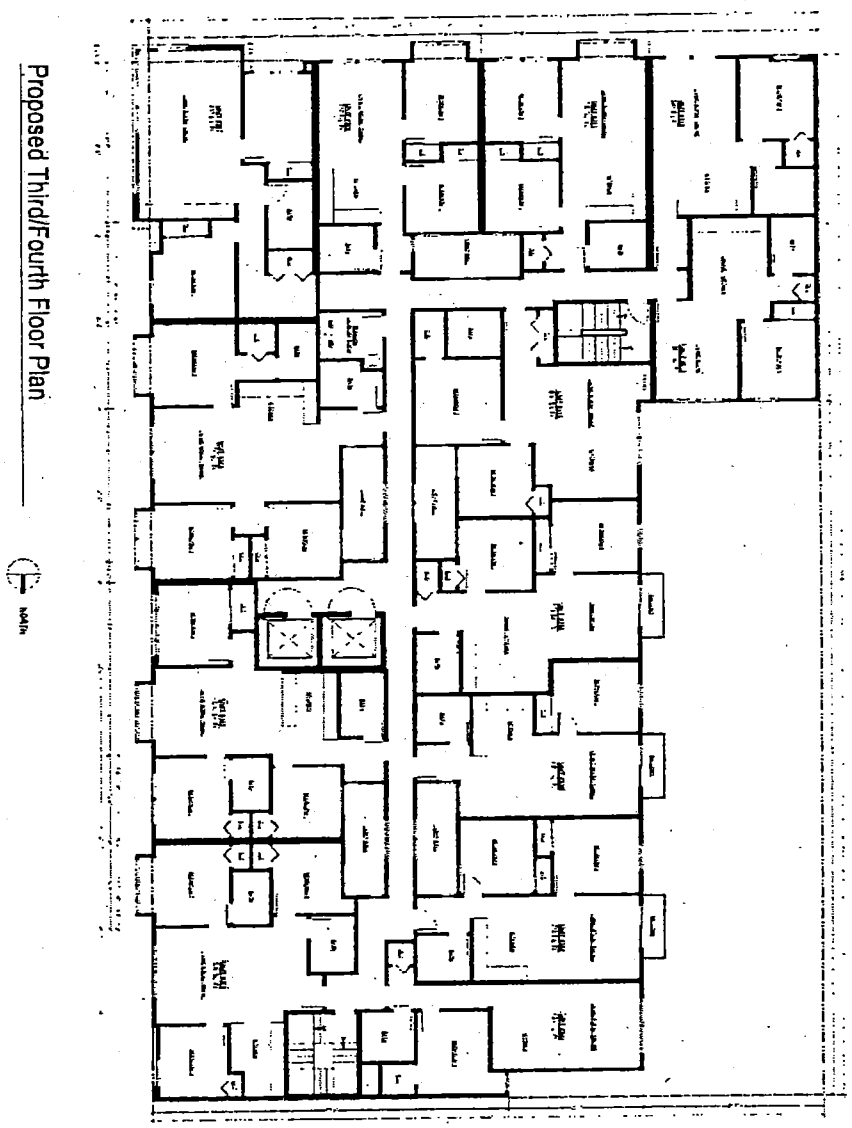

Figure 6 – Third/Fourth Floor Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ **March 29, 2013**

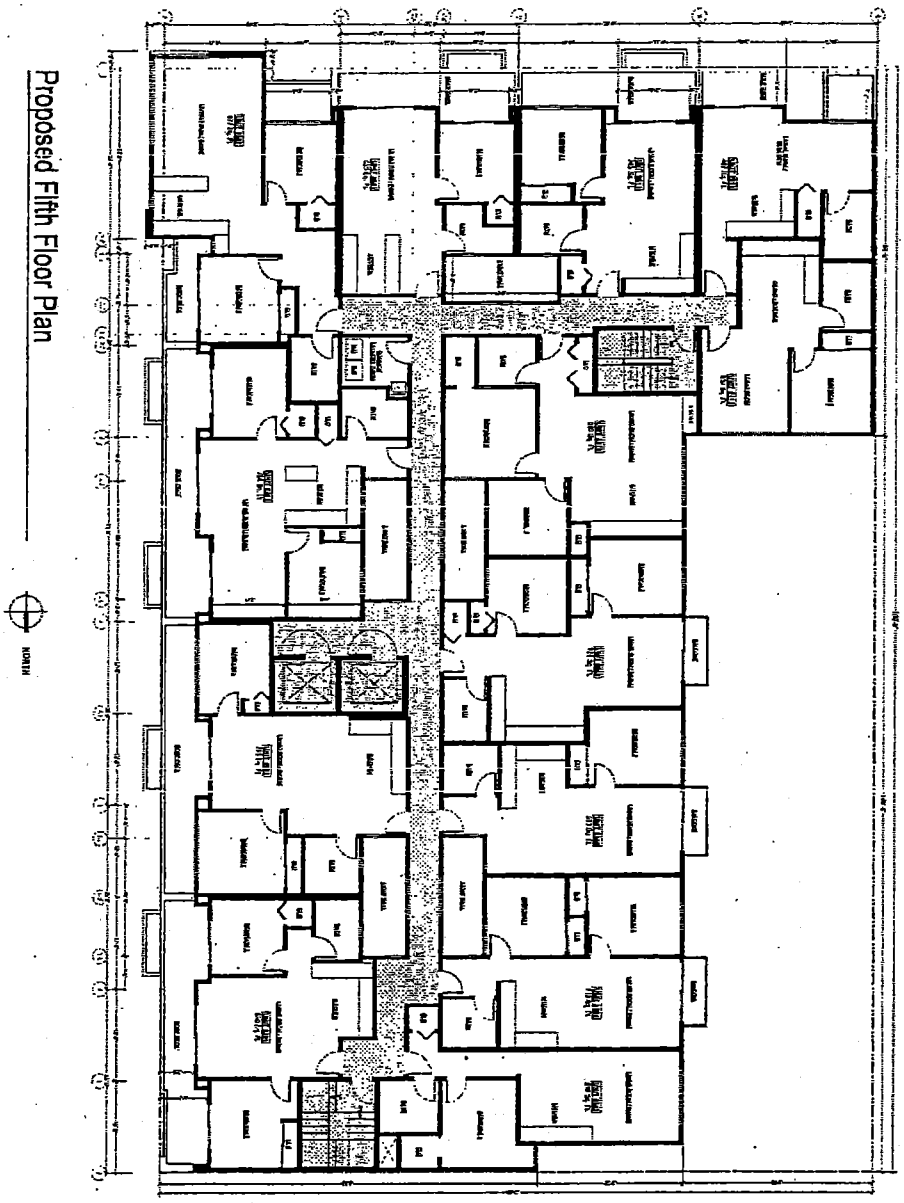

Figure 7 – Fifth Floor Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

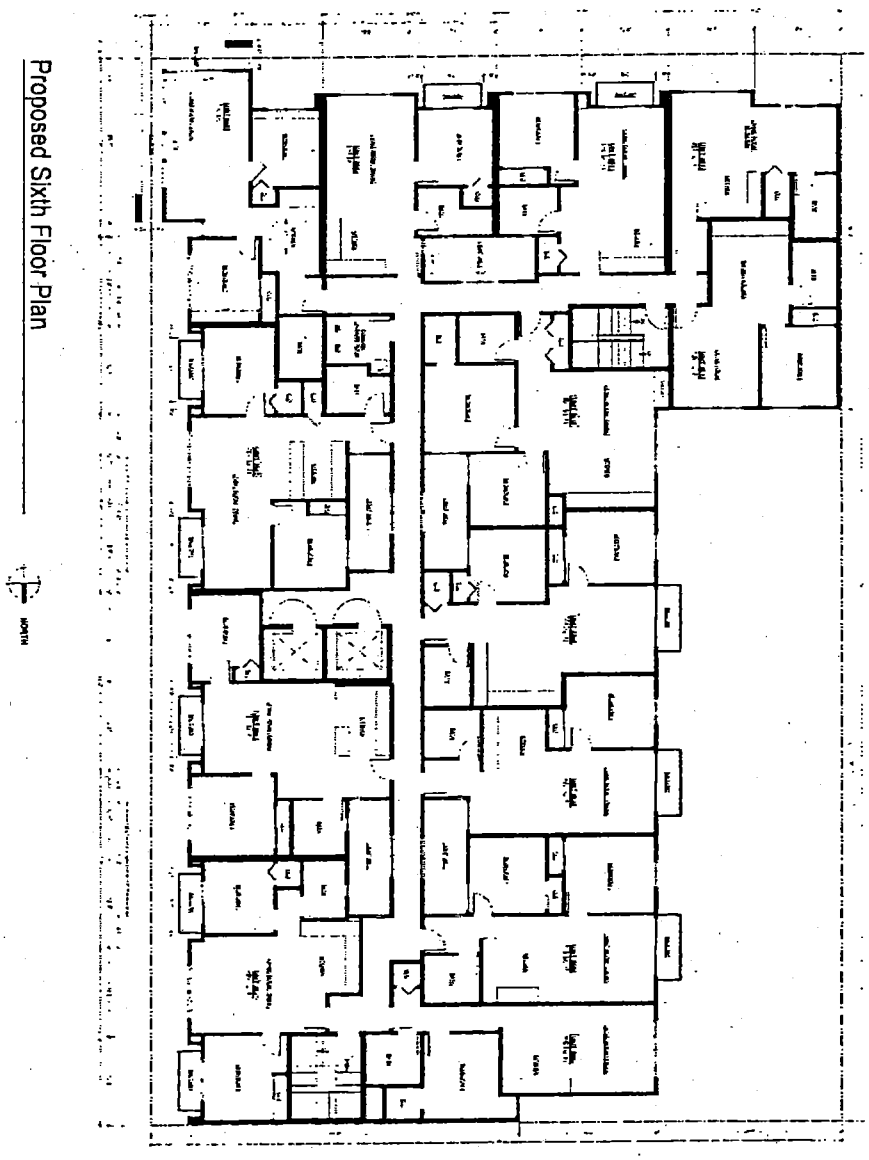

Figure 8 – Sixth Floor Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

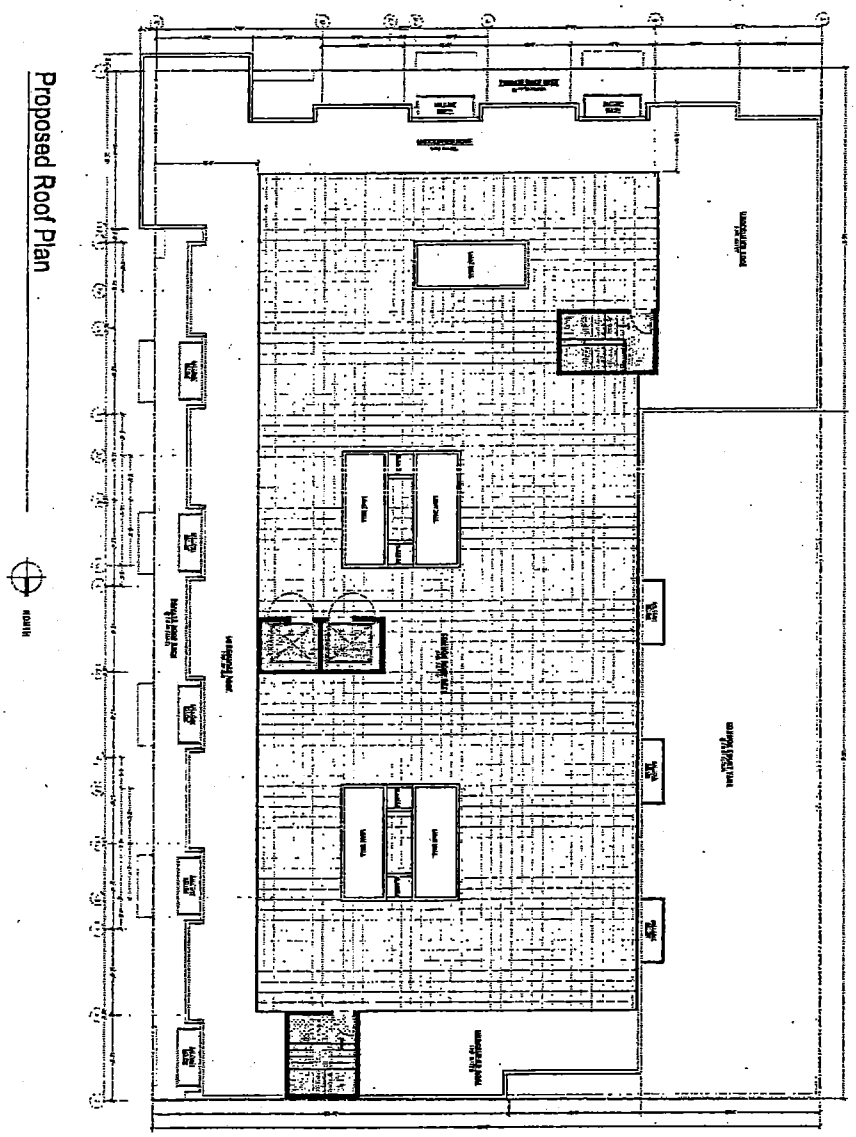

Figure 9 – Roof Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

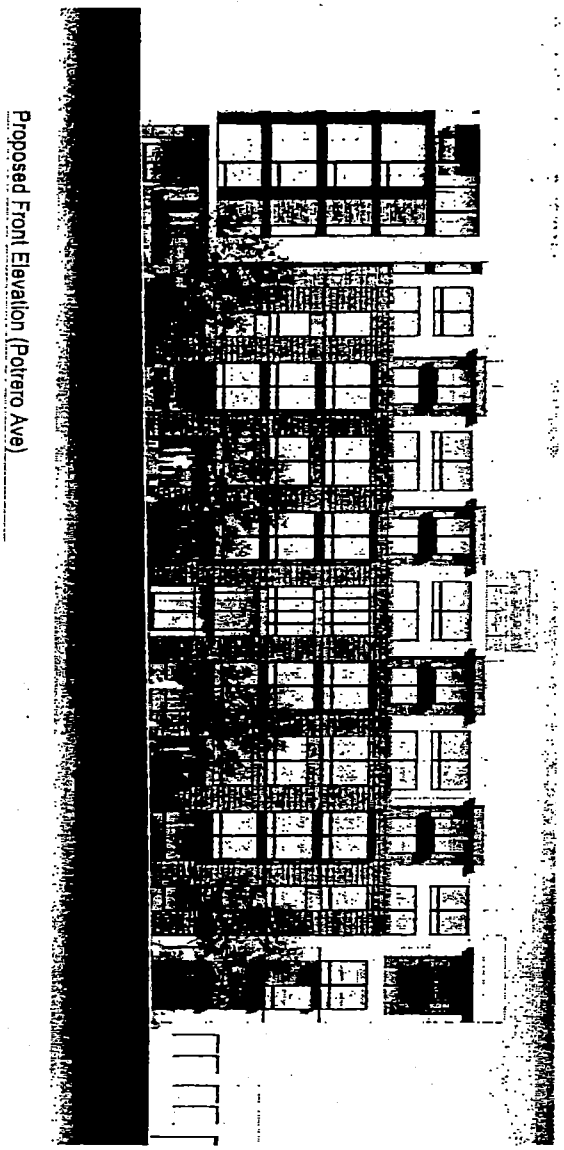

Figure 10 – East Elevation (Potrero Avenue)
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ **March 29, 2013**

Figure 11 – South Elevation (Mariposa Street)
480 Potrero Avenue
Source: Sia Consulting, August 2012 March 29, 2013

B. PROJECT SETTING

The project site is located at 480 Potrero Avenue, on the northwest corner of Potrero Avenue and Mariposa Street, at the boundary of the Mission and Potrero Hill neighborhoods. Land uses in the surrounding neighborhood are mixed, and include residential, industrial, commercial, office, and automotive service facilities.

Development along the west side of Potrero Avenue from Mariposa Street to 17th Street, comprises a two-story, industrial building (Sunny Auto Body), and a two-story, office building (currently occupied by Horizons Unlimited) which also fronts on 17th Street.

Along the east side of Potrero Avenue, from 17th Street to Mariposa Street, is a gasoline and service station; a three-story, three-unit apartment building; a two-story industrial building with office use; a two-story, three-unit residential building; a two-story, three-unit residential building; a two-story, two-unit residential building; a three-story, three-unit residential building; and a two-story, two-unit building with ground-floor commercial use (Sadie's Flying Elephant), which is directly across from the project site and also fronts on Mariposa Street.

Immediately adjacent to the project site, along the north side of Mariposa Street from Potrero Avenue to Hampshire Street is a two-story club building (Verdi Hall), and a two-story office building that also fronts on Hampshire Street.

Across the project site, along the south side of Mariposa from Potrero Avenue to Hampshire Street, is a 64-unit apartment complex that that fronts on Hampshire Street, Mariposa Street, and Hampshire Street; and a three-story, office building (Homeless Prenatal Program) that also fronts on 18th Street.

The project site, similar to other parcels along Potrero Avenue, is zoned Urban Mixed Use (UMU). 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 (Production, Distribution, and Repair) districts in the Eastern Neighborhoods. Within the UMU, allowed uses include PRD uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Family-sized dwelling units are encouraged. Beyond this UMU district is RH-2 (Residential, House, Two-

Family) to the south and east and PDR-1-G (Production, Distribution, and Repair - General) to the west and north of project site. In relation to height regulations, surrounding parcels range from 68-X, 58-X, 55-X, and 40-X height and bulk districts.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Applicable	*Not Applicable*
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	☒	☐
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	☐	☒
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	☒	☐

SAN FRANCISCO PLANNING CODE

The *San Francisco Planning Code (Planning Code)*, which incorporates by reference the City's Zoning Maps, governs permitted uses, densities, and configuration of buildings within San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless the proposed project conforms to the *Planning Code*, an exception is granted pursuant to provisions of the *Planning Code*, or a reclassification of the site occurs.

The proposed project is a ~~residential~~ mixed-use development which is a permitted use in the UMU zoning district. As mentioned above, 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. Within the UMU, family-sized dwelling units are encouraged. The UMU district does not provide a residential density limit. However, pursuant to Planning Code Section 207.6, no less than 40% of all dwelling units must contain two or more bedrooms, or 30% of all dwelling units must contain three or more bedrooms. The proposed project would provide ~~58~~ 48 two-bedroom units or ~~69%~~ 62% of the ~~84~~ 77 total units, and a conditional use authorization is not required pursuant to Section 207.6.

The project site is located within a 58-X height and bulk district and the proposed building would be 58 feet tall. Bulk restrictions are not required.

Planning Code Section 843.08 **and 843.10** does not require off-street parking for residential use **or non-residential use, respectively**. Section 151.1 would permit up to 0.75 off-street parking space for each dwelling unit in the UMU district. As principally permitted, the project, with ~~84~~ 77 dwelling units, proposes ~~38~~ 46 off-street parking spaces. **Section 151.1 would also permit up to one off-street parking space for each 1,500 square feet of gross floor area. The proposed project does not include non-residential off-street parking.** Section 155.5 of the Planning Code requires that residential projects of 50 dwelling units or more provide 25 bicycle parking spaces plus 1 for every 4 dwellings over 50 dwelling units. The project proposes ~~84~~ 77 dwelling units and thus would be required to provide ~~33~~ 31 bicycle parking spaces. ~~Thirty-three~~ Thirty-one bicycle parking spaces would be provided in the parking garage.

Pursuant to Section 135 of the Planning Code, approximately 80 square feet of private open space or 54 square feet of common open space per dwelling unit, or some equivalent combination of private and common open space is required. The proposed project would be required to provide ~~4,536~~ 4,158 square feet of common open space, and the project would provide ~~9,354~~ 8,901 square feet of common open space at the first floor courtyard and roof deck. The project would provide more open space than the required amount.

The proposed project would require a Large Project Authorization by the Planning Commission since the proposed project involves new construction of more than 25,000 gross square feet (Section 329).

Projects proposing five or more dwelling units are subject to the Inclusionary Affordable Housing Program outlined in Section 415 of the Code. The project sponsor would fulfill their requirement of complying with Section 415 by providing ~~13~~ 12 on-site rental units.

The proposed project would require building permit(s) from the Department of Building Inspection (DBI). Any curb or street modifications would require approval by the Department of Parking and Traffic within the Municipal Transportation Agency (SFMTA) and from the Department of Public Works (DPW). Protection and addition of street trees would require approval from DPW. Prior to disturbing soils on the project site, the San Francisco Department

of Public Health (DPH) shall approve a Site Mitigation Plan (SMP) for the exposure to naturally-occurring asbestos and potential contaminants in soils during construction.

PLANS AND POLICIES

San Francisco General Plan Priority Planning Policies

The San Francisco *General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The compatibility of the project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project and any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City's *Planning Code* to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, b, f, and g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13 a-d, Geology, Soils, and Seismicity); (7) landmark and historic building preservation (Question 4a, Cultural Resources); and (8) protection of open space (Questions 8 a and b, Wind and Shadow, and Questions 9a and c, Recreation and Public Space). Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in the Evaluation of Environmental Effects.

Other Plans

Environmental plans and policies are those, like the Bay Area Air Quality Plan, that directly address environmental issues and/or contain targets or standards, which must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

Eastern Neighborhoods Rezoning and Area Plans

The project site is located within the Mission Area Plan, one of four area plans analyzed in the Eastern Neighborhoods Rezoning and Area Plans EIR that was adopted in December 2008. The Eastern Neighborhoods planning effort was intended 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 also included changes to existing height and bulk districts in some areas.

During the Eastern Neighborhoods adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods Final EIR by Motion 176591 and adopted the Preferred Project for final recommendation to the Board of Supervisors.[2]

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 current project at 480 Potrero Avenue is based on the findings of the Eastern Neighborhoods Final EIR, a comprehensive programmatic document that presents an analysis of the

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[1] *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Planning Department Case No. 2004.0160E, certified August 7, 2008. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: http://www.sfgov.org/site/planning_index.asp?id=67762.

[2] San Francisco Planning Commission Motion 17659, August 7, 2008. http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/Draft_Resolution_Public%20Parcels_FINAL.pdf

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 Final EIR.

The project site is located in the Mission Area of the Eastern Neighborhoods, and the Planning Department's Citywide Planning, Environmental Planning, and Current Planning staff have determined that the proposed project is consistent with density established with the Eastern Neighborhoods, satisfies the requirements of the General Plan and the Planning Code, and is eligible for a Community Plan Exemption.[3,4] The sufficiency of the Eastern Neighborhoods EIR for environmental review of the proposed project was considered in the Community Plan Exemption Checklist, discussed below.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor checked below.

[3] San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 480 Potrero Avenue. This document is on file and available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[4] San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 480 Potrero Avenue. This document is on file and available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

☐ Land Use	☐ Air Quality	☐ Biological Resources
☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Geology and Soils
☐ Population and Housing	☐ Wind and Shadow	☐ Hydrology and Water Quality
☐ Cultural and Paleo. Resources	☐ Recreation	☒ Hazards/Hazardous Materials
☐ Transportation and Circulation	☐ Utilities and Service Systems	☐ Mineral/Energy Resources
☐ Noise	☐ Public Services	☐ Agricultural and Forest Resources
	☒ Mandatory Findings of Significance	

E. EVALUATION OF ENVIRONMENTAL EFFECTS

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

An initial analysis, in the form of a Community Plan Exemption Checklist and Determination, was conducted by the Planning Department to evaluate potential project-specific environmental

effects peculiar to the 480 Potrero Avenue project, and it incorporated by reference information contained within the Eastern Neighborhoods Final EIR (Case No. 2004.0160E; State Clearinghouse No. 2005032048). This initial analysis assessed the proposed project's potential to cause environmental impacts and concluded that, with the exception of hazardous materials, the proposed project would not result in new, potentially significant peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR.[5] Due to the potentially significant peculiar impact concerning hazardous materials, this Focused Initial Study was prepared for that topic area only.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
1. HAZARDS AND HAZARDOUS MATERIALS Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
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?	☐	☒	☐	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☐	☒

5 Community Plan Exemption Checklist, 480 Potrero Avenue, September 26, 2012. This document is on file and available for review as part of Case File No. 2012.0110E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☒	☐

The project site is not located within one-quarter mile of an existing or proposed school, and therefore, Topic 1c is not applicable to the proposed project. The project site is not included on the Department of Toxic Substances Control (DTSC) list compiled pursuant to Government Code Section 65962.5 of hazardous materials sites in San Francisco, and therefore, Topics 1d is not applicable to the proposed project. The project site is not located within an airport land use plan area, nor is it in the vicinity of a private airstrip, and therefore, Topics 1e and 1f are not applicable to the proposed project. The Maher Ordinance (Ordinance 253-86) is a San Francisco ordinance that requires certain hazardous materials reporting and handling for parcels primarily located "Bayward of the high-tide-line." The project site is not within the limits of the Maher Zone.

Impact HZ-1: The proposed project would not create a significant hazard through routine transport, use, disposal, handling or emission of hazardous materials. (Less than Significant)

The project would involve the construction of a new ~~residential~~ mixed-use development containing ~~84~~ 77 dwelling units and 974 square feet of ground-floor commercial use on a vacant lot. As with other ~~residential~~ mixed-use developments, the development would likely handle common types of hazardous materials, such as cleaners and disinfectants. These products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. Businesses are required by law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers who handle hazardous materials, and adequately training workers. For these reasons, hazardous materials used during project operation would not pose any substantial public health or safety hazards related to hazardous materials. Thus, there would be less-than-significant impacts related to hazardous materials use, with development of the proposed project.

Impact HZ-2: Demolition and excavation of the project site would result in handling and accidental release of contaminated soils and the exposure of serpentinite bedrock. (Less than Significant with Mitigation Incorporated)

The subject property was developed in 1946 and was previously used as a warehouse by a mechanical contractor, manufacturing parts for the American Racing Company, and a machine shop for welding and lifting devices. The project site is currently a vacant lot containing the remnants of the foundation for the former four-story concrete live/work structure that was demolished in 2005.

A Phase I Environmental Site Assessment (ESA) was prepared for the project site.[6] An ESA describes current and prior uses of the property, reviews environmental agency databases and records, reports site reconnaissance observations, and summarizes potential soil and groundwater contamination issues. The following is a summary from the Phase I ESA for the proposed project.

According to the ESA, the 1900 Sanborn map shows that the project site, as well as properties to the north, south, and west, were unoccupied. To the east a vacant lot and some residential development are present. The 1914 Sanborn map indicated scattered lumber piles occupying the site. The property to the north was also occupied by scattered lumber piles, and the St. Francis Welfare League Club House. The property to the east shows more residential development since the 1900 Sanborn map. To the south, the California Card Manufacturing Company and an office are located. To the west scattered lumber piles are evident. The 1950 Sanborn map indicates a number of changes from the 1914 Sanborn map. The site is occupied by an office building and a vacant lot at 480 Potrero Avenue, and J.D. Christian Machinery Manufacturing at 460 to 470 Potrero Avenue. To the north, a rubber products warehouse is located and to the east, residential property is located. The property to the south remains unchanged from the 1914 Sanborn map. To the west, an Athletic Club and furniture warehouse is present. To the west across Hampshire Street, the San Francisco Municipal Railways Garage Bus Service and Repair is present.

[6] Treadwell & Rollo, Phase I Environmental Site Assessment, 460-480 Potrero Avenue, San Francisco, August 17, 2000. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2011.0430E.

The 1975 Sanborn map shows no significant changes to the site at 480 Potrero Avenue. At 460 and 470 Potrero, the site is occupied by a Manufacturing Marine and Industrial Equipment warehouse. The property to the north is occupied by a Market Equipment warehouse, and the property to the east remains unchanged from the 1950 map. The property to the south is now vacant and the property to the west is unchanged from the previous Sanborn map. The 1987, 1989, and 1991 Sanborn maps shows the site as it was during the site reconnaissance for the Phase I ESA. The properties to the north, east, and west remains unchanged from the previous Sanborn map and the Mariposa Apartment complex now occupies the property to the south.

The ESA reports that the site is not listed on regulatory agency database and no records were found at the San Francisco Department of Public Health (SFDPH) or San Francisco Fire Department files regarding fuel or hazardous material releases at the site. However, one underground storage tank was removed from the site on July 11, 2000. Two soil samples collected from beneath the former tank did not detect any petroleum hydrocarbons contamination at or above method reporting limits. Based on the analytical results, case closure with no further action was requested to SFDPH. The site has been granted Case Closure and a Remedial Action Completion Certificate from the San Francisco Department of Public Health (SFDPH) dated August 1, 2000 and no additional environmental investigation or groundwater monitoring is required.[7] Therefore, potential hazardous materials impacts related to groundwater would be less-than-significant. As such, the mitigation measures discussed below pertain to potential soil contamination.

In addition, there are four facilities within the ESA study area that appear on agency lists. These facilities are located at 2440 Mariposa Street, about 150 feet southwest and up gradient of the project site; 445 Hampshire Street, about 400 feet northwest and cross gradient of the project site; 2650 18th Street, about 600 feet southwest and up gradient of the project site; and 626 Potrero Avenue, about 700 feet south and cross gradient of the project site. There is no readily available evidence that these facilities have affected or are likely to affect the environmental conditions of the site.

The project site is likely underlain with approximately three feet of fill that possibly contains elevated concentrations of petroleum hydrocarbons and heavy metals. The sources of these

[7] A copy of the SFDPH letter can be reviewed at 1650 Mission Street, Suite 400 in Case File No. 2011.0430E.

chemicals generally result from past regional industrial activities and debris from the 1906 Earthquake and Fire. In the site vicinity, previous investigations encountered groundwater at approximately 12 to 14 feet below existing grade.

The proposed project, the construction of a six-story ~~residential~~ **mixed-use** building containing ~~84~~ **77 residential** units **and 974 square feet of ground-floor retail use**, would require excavation of up to approximately 16 feet below grade. The project sponsor proposes to support the ~~residential~~ **mixed-use** building with a concrete foundation system. This project design feature would encapsulate the soil and groundwater underneath the project site. Therefore, implementation of the proposed project would further reduce any health risk through dermal contact, inhalation, and ingestion as the proposed building's concrete foundation would provide a physical barrier between any contaminations and site users.

Results of subsurface investigation also indicate that the site is underlain by approximately three ~~feet of fill overlying serpentinite bedrock.~~[8] ~~When serpentine is exposed, it becomes weathered.~~ The serpentine mineral is released and becomes part of the soil. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA), a fibrous mineral that can be hazardous to human health if it becomes airborne. In the absence of proper controls, the asbestos could become airborne during the excavation and the handling of excavated materials. On-site workers and the public could be exposed to the airborne asbestos unless appropriate control measures are implemented.

A Site Mitigation Plan (SMP) would be required for the proposed project due to the presence of the serpentinite bedrock. The SMP would present the soil management measures for soil/rock excavation and grading activities that would occur as part of construction at the project site. It should include measures to mitigate potential risks to the environment and to protect on-site construction workers, nearby residents, and pedestrians from potential exposure to substances encountered during soil excavation and grading activities.

The project sponsor would be required to ensure that the construction contractors comply with the asbestos Airborne Toxic Control Measure (ATCM) to prevent airborne (fugitive) dust containing asbestos from migrating beyond property boundaries during excavation and handling

[8] Treadwell and Rollo, "Geotechnical Investigation, 480 Potrero Avenue, San Francisco, California," December 17, 2004. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Project File No. 2011.0430E.

of excavated materials. The measures implemented would protect the workers themselves as well as the public. The California Air Resources Board (CARB) adopted the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations, which became effective in the Bay Area Air Quality Management District (BAAQMD) on November 19, 2002.[9] The ATCM protects public health and the environment by requiring the use of best available dust mitigation measures to prevent off-site migration of asbestos-containing dust from road construction and maintenance activities, construction and grading operations, and quarrying and surface mining operations in areas of ultramafic rock,[10] serpentine,[11] or asbestos.[12] The BAAQMD implements this regulation in the Bay Area.

Implementation of **Mitigation Measure M-HZ-2A**, which would include a requirement for the project sponsor to implement a Site Mitigation Plan (SMP) and comply with the Asbestos ATCM, would ensure that project impacts related to exposure to naturally-occurring asbestos in soils and rock during construction would be reduced to a less than significant level.

Workers and members of the public in the area during project construction could also be exposed to contaminated soils (petroleum hydrocarbons and heavy metals), and this potential exposure to hazardous materials is a potentially significant impact. Implementation of **Mitigation Measures M-HZ-2B and M-HZ-2C**, which would include the preparation of a soil management plan and a health and safety plan prior to construction and were developed in consultation with the SFDPH's Environmental Health Section, would reduce this impact to a less-than-significant level. The following mitigation measures would mitigate any long-term environmental or health and safety risks caused by the presence of the low-level petroleum hydrocarbons in the soil and groundwater, as well as any project impacts related to exposure to naturally-occurring asbestos in soils and rock during construction.

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9 California Air Resources Board, Regulatory Advisory, *Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations*, July 29, 2002.

10 Ultramafic rocks are formed in high temperature environments well below the surface of the earth.

11 Serpentine is a naturally occurring group of minerals that can be formed when ultramafic rocks are metamorphosed during uplift to the earth's surface. Serpentinite is a rock consisting of one or more serpentine minerals, formed when ultramafic rocks metamorphose. This rock type is commonly associated with ultramafic rock along faults such as the Hayward fault. Small amounts of chrysotile asbestos, a fibrous form of serpentine minerals are common in serpentinite.

12 Asbestos is a term used for several types of naturally occurring fibrous materials found in many parts of California.

Mitigation Measure M-HZ-2A: Construction Air Quality (Asbestos)

A Site Mitigation Plan (SMP) will be implemented to address the asbestos exposure to the construction workers, nearby residents, pedestrians and future users of the site. Dust control measures are to be implemented to reduce exposure during excavation, grading, loading and transporting of excavated materials. Soil/rock excavated and removed from the site will require appropriate disposal; additional sampling may be necessary. These measures are to include:

- Site fencing.
- Wetting exposed soil/rock – exposed soil/rock will be watered at least twice a day to prevent visible dust from migrating off-site.
- Covering exposed soil/rock. In particular, stockpiles will be covered and trucks transporting contaminated soil/rock will be covered with a tarpaulin or other cover.
- Preventing distribution of dust and soil/rock off-site by decontamination and other measures to prevent soil/rock from being tracked off-site by vehicles or carried off-site on clothes. Measures to achieve this include: water being misted or sprayed during the loading of soil/rock onto trucks for off-haul; wheels being cleaned prior to entering public streets; public streets will be swept daily if soil/rock is visible and excavation and loading activities will be suspended if winds exceed 20 miles per hour.
- Instituting a site-specific health and safety plan (HSP) developed by a certified industrial hygienist that represents the site contractors, which includes that air sampling and monitoring be conducted to evaluate the amount of airborne particles generated during excavation, grading, loading and transportation.
- Contacting BAAQMD and completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD prior to any excavation activities.

In order to control potential exposure during soil/rock disturbance, the soil/rock are to be moisture conditioned using dust suppressants, covering exposed soil/rock and stockpiles with weighed down plastic sheeting or capping the site with building asphalt or at least two feet of clean imported fill.

Excavated soil is to be disposed off-site after proper profiling for disposal. Before disposal of asbestos materials, the soils will be characterized and will be analyzed for chromium and nickel.

Excavated soil/rock material will either be loaded directly into trucks and removed from the site or stockpiled onsite. If stockpiled, the soil/rock will be placed on visqueen, bermed and tarped at all times.

Direct contact to the underlying soil/rock by future site users will be mitigated by encapsulation with the concrete foundation system and buildings. It is not anticipated that groundwater will be encountered during construction.

If unanticipated hazardous materials are encountered, the work is to stop; the site superintendent and project contractor are to be notified to conduct an inspection.

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to EHS-HWU at DPH for review and approval. The closure/certification report shall include mitigation measures for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-2B: Testing for and Handling, Hauling, and Disposal of Contaminated Soils

Step 1: Soil Testing. Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for contamination. The project sponsor shall enter the San Francisco Voluntary Remedial Action Program (VRAP) under the DPH. The project sponsor shall submit a VRAP application and a fee of $592 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Site Assessment and Mitigation Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of $592 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first three hours, at a rate of $197 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The consultant shall submit the work plan to DPH for review and concurrence prior to performing the soil sampling. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing that includes the results of the soil testing and a map that shows the locations

of stockpiled soils from which the consultant collected the soil samples. The project sponsor shall submit the report on the soil testing to DPH for review and concurrence. DHP shall review the soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the project sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation/capping, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval at least six weeks prior to beginning demolition and construction work. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.

Step 3: Handling, Hauling, and Disposal of Contaminated Soils

(a) Specific work practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations) when such soils are encountered on the site. If excavated materials contain over one percent friable asbestos, they shall be treated as hazardous waste, and shall be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.

(b) Dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after construction work hours.

(c) Surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) Soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.

(e) Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California. Any contaminated groundwater shall be subject to the requirements of the City's Industrial Waste Ordinance (Ord. No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the system.

Step 4: Preparation of Closure/Certification Report. After construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-2C: Disposal of Contaminated Soil, Site Health and Safety Plan

If, based on the results of the soil tests conducted, the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, any contaminated soils designated as hazardous waste and required by DPH to be excavated shall be removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with California and U.S. Environmental Protection Agency

regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the DPH.

If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan shall be required by the California Division of Occupational Safety and Health (Cal-OSHA) prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in the Construction Dust Control Ordinance (176-08). This includes dust control during excavation and truck loading shall include misting of the area prior to excavation, misting soils while loading onto trucks, stopping all excavation work should winds exceed 25 mph, and limiting vehicle speeds onsite to 15mph.
- Protocols for managing stockpiled and excavated soils.
- The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:
- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required.
- Posting of "no trespassing" signs.

- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

If groundwater contamination is identified, the Site Health and Safety Plan and Site Mitigation Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.

The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.

The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures shall include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.

Impact HZ-3: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant)

The implementation of the proposed project could add to congested traffic conditions in the immediate area in the event of an emergency evacuation. However, the proposed project would be relatively insignificant within the dense urban setting of the project site and it is expected that traffic would be dispersed within the existing street grid such that there would be no significant adverse effects on nearby traffic conditions. Therefore, the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan and this impact would be less than significant.

Impact HZ-5: The proposed project would not expose people or structures to a significant risk of loss, injury or death involving fires. (Less than Significant)

San Francisco ensures fire safety and emergency accessibility within new and existing developments through provisions of its Building and Fire Codes. The project would conform to these standards, which may include development of an emergency procedure manual and an exit drill plan for the proposed development. Potential fire hazards (including those associated with hydrant water pressure and blocking of emergency access points) would be addressed during the permit review process. Conformance with these standards would ensure appropriate life safety protections. Consequently, the project would not have a significant impact on fire hazards nor interfere with emergency access plans.

Impact C-HZ: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would not have a substantial cumulative impact with hazards and hazardous materials. (Less than Significant)

Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. Any hazards present at surrounding sites would be subject to the same safety requirements discussed for the proposed project above, which would reduce any cumulative hazard effects to levels considered less than significant. Overall, with implementation of Mitigation Measures M-HZ-2A to M-HZ-2C described above, the proposed project would not contribute to any cumulatively considerable significant effects related to hazards and hazardous materials.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
2. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒	☐

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	☐

The proposed project would involve the construction of a six-story, 58-foot-tall, ~~residential~~ mixed-use building containing ~~84~~ 77 residential units with 974 square feet of ground-floor retail use on a vacant lot. As previously discussed, an initial analysis was conducted and found that, with the exception of hazardous materials, the proposed project would not result in any new, peculiar potentially significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR. Due to the peculiar impact found concerning hazardous materials, this Focused Initial Study was prepared for this topic area only.

The foregoing analysis identifies potentially significant impacts regarding hazardous materials, which would be mitigated to a less-than-significant level through implementation of Mitigation Measures M-HZ-2A to M-HZ-2C, as set forth above, would reduce the potential impacts of the proposed project to less-than-significant levels. Therefore, the proposed project would not result in any new significant environmental impacts not already described in the Eastern Neighborhoods Program EIR.

F. MITIGATION MEASURES

Mitigation Measure M-HZ-2A: Construction Air Quality (Asbestos)

A Site Mitigation Plan (SMP) will be implemented to address the asbestos exposure to the construction workers, nearby residents, pedestrians and future users of the site. Dust control measures are to be implemented to reduce exposure during excavation, grading, loading and

transporting of excavated materials. Soil/rock excavated and removed from the site will require appropriate disposal; additional sampling may be necessary. These measures are to include:

- Site fencing.
- Wetting exposed soil/rock – exposed soil/rock will be watered at least twice a day to prevent visible dust from migrating off-site.
- Covering exposed soil/rock. In particular, stockpiles will be covered and trucks transporting contaminated soil/rock will be covered with a tarpaulin or other cover.
- Preventing distribution of dust and soil/rock off-site by decontamination and other measures to prevent soil/rock from being tracked off-site by vehicles or carried off-site on clothes. Measures to achieve this include: water being misted or sprayed during the loading of soil/rock onto trucks for off-haul; wheels being cleaned prior to entering public streets; public streets will be swept daily if soil/rock is visible and excavation and loading activities will be suspended if winds exceed 20 miles per hour.
- Instituting a site-specific health and safety plan (HSP) developed by a certified industrial hygienist that represents the site contractors, which includes that air sampling and monitoring be conducted to evaluate the amount of airborne particles generated during excavation, grading, loading and transportation.
- Contacting BAAQMD and completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD prior to any excavation activities.

In order to control potential exposure during soil/rock disturbance, the soil/rock are to be moisture conditioned using dust suppressants, covering exposed soil/rock and stockpiles with weighed down plastic sheeting or capping the site with building asphalt or at least two feet of clean imported fill.

Excavated soil is to be disposed off-site after proper profiling for disposal. Before disposal of asbestos materials, the soils will be characterized and will be analyzed for chromium and nickel. Excavated soil/rock material will either be loaded directly into trucks and removed from the site or stockpiled onsite. If stockpiled, the soil/rock will be placed on visqueen, bermed and tarped at all times.

Direct contact to the underlying soil/rock by future site users will be mitigated by encapsulation with the concrete foundation system and buildings. It is not anticipated that groundwater will be encountered during construction.

If unanticipated hazardous materials are encountered, the work is to stop; the site superintendent and project contractor are to be notified to conduct an inspection.

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to EHS-HWU at DPH for review and approval. The closure/certification report shall include mitigation measures for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-2B: Testing for and Handling, Hauling, and Disposal of Contaminated Soils

Step 1: Soil Testing. Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for contamination. The project sponsor shall enter the San Francisco Voluntary Remedial Action Program (VRAP) under the DPH. The project sponsor shall submit a VRAP application and a fee of $592 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Site Assessment and Mitigation Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of $592 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first three hours, at a rate of $197 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The consultant shall submit the work plan to DPH for review and concurrence prior to performing the soil sampling. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples. The project sponsor shall submit the report on the soil testing to DPH for review and concurrence. DHP shall review the

soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the project sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation/capping, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval at least six weeks prior to beginning demolition and construction work. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.

Step 3: Handling, Hauling, and Disposal of Contaminated Soils

(a) Specific work practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations) when such soils are encountered on the site. If excavated materials contain over one percent friable asbestos, they shall be treated as hazardous waste, and shall be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.

(b) Dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after construction work hours.

(c) Surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) Soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.

(e) Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California. Any contaminated groundwater shall be subject to the requirements of the City's Industrial Waste Ordinance (Ord. No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the system.

Step 4: Preparation of Closure/Certification Report. After construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-2C: Disposal of Contaminated Soil, Site Health and Safety Plan

If, based on the results of the soil tests conducted, the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, any contaminated soils designated as hazardous waste and required by DPH to be excavated shall be removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with California and U.S. Environmental Protection Agency regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the DPH.

If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan shall be required by the California Division of Occupational Safety and Health (Cal-OSHA) prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in the Construction Dust Control Ordinance (176-08). This includes dust control during excavation and truck loading shall include misting of the area prior to excavation, misting soils while loading onto trucks, stopping all excavation work should winds exceed 25 mph, and limiting vehicle speeds onsite to 15mph.
- Protocols for managing stockpiled and excavated soils.
- The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:
- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required.
- Posting of "no trespassing" signs.
- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

If groundwater contamination is identified, the Site Health and Safety Plan and Site Mitigation Plan shall identify protocols for managing groundwater during construction to minimize worker

and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.

The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.

The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures shall include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.

G. PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on May 23, 2012 to owners of properties within 300 feet of the project site and adjacent occupants. Fifteen members of the public expressed concerns related to the proposed project but none of the comments were related to hazardous materials. All concerns raised by the public were addressed in the Community Plan Exemption Certificate.[13]

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[13] Community Plan Exemption Certificate, 480 Potrero Avenue. This document is on file and available for review as part of Case No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

H. DETERMINATION

On the basis of this Initial Study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

~~Bill Wycko~~ Sarah B. Jones
Acting Environmental Review Officer
for
John Rahaim
Director of Planning

DATE April 18, 2013

SAN FRANCISCO
PLANNING DEPARTMENT

Attachment A: Amended Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

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.:	**2011.0430E**
Project Address:	**480 Potrero Avenue**
Zoning:	UMU (Urban Mixed Use) Zoning District
	58-X Height and Bulk District
Block/Lot:	3973/002C
Lot Size:	15,000 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	Reza Khoshnevisan, Sia Consulting, (415) 922-0200
Staff Contact:	Don Lewis, (415) 575-9095, don.lewis@sfgov.org

PROJECT DESCRIPTION:

The rectangular project site is located at the northwest corner of Potrero Avenue and Mariposa Street on the boundary of the Mission and Potrero Hill neighborhoods. The project site is currently a vacant lot containing the remnants of the foundation from the former four-story concrete live/work structure that was demolished in 2005. The project sponsor proposes the construction of a six-story, 58-foot-tall, ~~residential~~ mixed-use building approximately ~~89,600~~ 82,544 square feet in size. The new building would contain ~~84~~ 77 residential units (~~26~~ 29 one-bedroom and ~~58~~ 48 two-bedroom), 974 square feet of ground-floor retail use, and ~~38~~ 46 parking spaces in a one-level basement parking garage accessed from Mariposa Street. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

EXEMPT STATUS:

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

REMARKS:

(See next page.)

DETERMINATION:

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

Sarah B. Jones

~~BILL WYCKO~~ Sarah B. Jones
Acting Environmental Review Officer

April 18, 2013
Date

cc: Reza Khoshnevisan, Project Sponsor; Supervisor David Campos, District 9; Ben Fu, Current Planning Division; Exemption/Exclusion File; Virna Byrd, M.D.F.

REMARKS:

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

This determination evaluates the potential project-specific environmental effects peculiar to the 480 Potrero Avenue ~~residential mixed-use~~ project described above, and incorporates by reference information contained within the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods Final EIR) (Case No. 2004.0160E; State Clearinghouse No. 2005032048). Project-specific studies summarized in this determination were prepared for the proposed project at 480 Potrero Avenue to determine if there would be significant impacts attributable to the proposed project.

With the exception of hazards and hazardous materials, this determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR.[1] With the exception of hazards and hazardous materials, this determination does not identify new or additional information that would alter the conclusions of the Eastern Neighborhoods Final EIR. This determination also identifies mitigation measures contained in the Eastern Neighborhoods Final EIR that would be applicable to the proposed project at 480 Potrero Avenue. Relevant information pertaining to prior environmental review conducted for the Eastern Neighborhoods is included below, as well as an evaluation of potential environmental effects. A Focused Initial Study/ Mitigated Negative Declaration was also prepared for the proposed project to cover potentially significant project-specific impacts regarding hazards and hazardous materials. Additional mitigation measures, not included in the FEIR, are described in the Initial Study/ Mitigated Negative Declaration.

Background

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods Final EIR was adopted in December 2008. The Eastern Neighborhoods Final EIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving

[1] A Focused Initial Study will be conducted for hazards and hazardous materials topic. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2011.0430E.

an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods Final EIR also included changes to existing height and bulk districts in some areas, including the project site at 480 Potrero Avenue.

During the Eastern Neighborhoods adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods Final EIR by Motion 176592 and adopted the Preferred Project for final recommendation to the Board of Supervisors.[3]

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

The Eastern Neighborhoods Final EIR 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 Final EIR.

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

The project site, as a result of the Eastern Neighborhoods, has been rezoned to Urban Mixed Use (UMU). 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 (Production, Distribution, and Repair) districts in the Eastern Neighborhoods. Within the UMU, allowed uses include PDR uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Family-sized dwelling units are encouraged. The proposed project and its

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[2] *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Planning Department Case No. 2004.0160E, certified August 7, 2008. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: http://www.sfgov.org/site/planning_index.asp?id=67762.

[3] San Francisco Planning Commission Motion 17659, August 7, 2008. http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/Draft_Resolution_Public%20Parcels_FINAL.pdf

relation to PDR land supply and cumulative land use effects is discussed further in this determination under Land Use, below. The 480 Potrero Avenue site was designated and envisioned as a site with a building up to 58 feet in height and containing residential with ground-floor retail use.

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. With the exception of hazards and hazardous materials, this determination concludes that the proposed residential project at 480 Potrero Avenue is consistent with and was encompassed within the analysis in the Eastern Neighborhoods Final EIR. This determination also finds, with the exception of hazards and hazardous materials, that the Eastern Neighborhoods Final EIR adequately anticipated and described the impacts of the proposed 480 Potrero Avenue project, and identified the mitigation measures applicable to the 480 Potrero Avenue project. The proposed project is also consistent with the zoning controls for the project site. Therefore, with the exception of hazards and hazardous materials, no further CEQA evaluation for the 480 Potrero Avenue project is necessary. In sum, the Eastern Neighborhoods FEIR, this Certificate of Exemption, and Focused Initial Study/ Mitigated Negative Declaration for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

Potential Environmental Effects

The Eastern Neighborhoods Final EIR 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 project. The proposed 480 Potrero Avenue project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods Final EIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods. Thus, the project analyzed in the Eastern Neighborhoods Final EIR considered the incremental impacts of the proposed 480 Potrero Avenue project. As a result, the proposed project, with the exception of hazards and hazardous materials, would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods Final EIR. Topics for which the Final EIR identified a significant program-level impact are addressed in this Certification of Determination, with the exception of hazards and hazardous materials, while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.[4] With the exception of hazards and hazardous materials, the following discussion demonstrates that the 480 Potrero Avenue Street project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods Final EIR, including project-specific impacts related to land use, archeological resources, historic architectural resources, transportation, noise, and shadow. The FEIR did not include a discussion of greenhouse gas emissions, mineral and energy resources or agricultural and forest resources so those topics are also considered in this Certificate of Determination of Exemption from Environmental Review.

[4] San Francisco Planning Department, Community Plan Exemption Checklist, 480 Potrero Avenue, September 26, 2012. This document is on file and is available for review as part of Case File No. 2011.0430E at 1650 Mission Street, Suite 400, San Francisco, CA.

Land Use

The Eastern Neighborhoods Rezoning and Area Plans re-zoned much of the city's industrially-zoned land in the Mission, Central Waterfront, East South of Market and Showplace Square/Potrero Hill neighborhoods. The four main goals that guided the Eastern Neighborhood planning process were to reflect local values, increase housing, maintain some industrial land supply, and to improve the quality of all existing areas with future development. The re-zoning applied new residential and mixed-used zoning districts to parts of the Eastern Neighborhoods currently zoned for industrial, warehousing, and commercial service use.

The Eastern Neighborhoods Final EIR evaluated three land use options "alternatives" and under each of these options the subject property was designated Urban Mixed Use (UMU). 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. Within the UMU, allowed uses include PDR uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling.

The proposed project would replace an existing vacant lot with a 58-foot-tall ~~residential~~ mixed-use building. The proposed building is consistent with the height and bulk controls and the proposed uses are permitted within the UMU zoning controls. Further, the project is proposed on an in-fill site, and would not substantially impact upon the existing character of the vicinity and would not physically divide an established community.

The Eastern Neighborhoods Final EIR identified an unavoidable significant land use impact due to the cumulative loss of PDR. The proposed project would contribute to this impact because the project precludes an opportunity for PDR; however, the incremental loss in PDR opportunity is not considerable due to the size of the project site.

In addition, Citywide Planning and Neighborhood Planning have both determined that the proposed project is consistent with the Eastern Neighborhoods Final EIR and satisfies the requirements of the General Plan and the Planning Code.[5,6] Therefore, the project is eligible for a Community Plan Exemption.

Archeological Resources

The Eastern Neighborhoods Final EIR identified a significant impact related to archeological resources and determined that *Mitigation Measures J-1: Properties with Previous Studies, J-2: Properties With No Previous Studies*, and *J-3: Mission Dolores Archeological District* would reduce effects to a less-than-significant level. Since the proposed site is located outside Archeological Mitigation Zone A and B, and since no previous

[5] San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 480 Potrero Avenue. This document is on file and available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[6] San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Analysis, 480 Potrero Avenue. This document is on file and available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

studies have been conducted on the project site, *Mitigation Measure J-2* applies to the proposed project. Pursuant to *Mitigation Measure J-2*, a Preliminary Archeological Sensitivity Study memorandum was prepared for the proposed project.[7] This memorandum determined that no CEQA-significant archeological resources are expected within project-affected soils. However, in the event such resources are encountered during ground-disturbing activities, implementation of *Mitigation Measure J-2* would reduce potential effects to a less-than-significant level. Therefore, Eastern Neighborhoods *Mitigation Measure J-2* (see Project Mitigation Measure 1 on page ~~24~~ 25 of this Certificate of Determination) shall be undertaken to reduce the potential significant impact to a less than significant level from soils-disturbing activities on buried archeological resources.

Historic Architectural Resources

The Eastern Neighborhoods FEIR anticipated that program implementation may result in demolition of buildings identified as historical resources, and 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.

Eastern Neighborhoods FEIR *Mitigation Measure K-1, Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area*, required certain projects to be presented to the Landmarks Preservation Advisory Board (now the Historic Preservation Commission). This mitigation measure is no longer relevant, because the Showplace Square/Northeast Mission historic resource survey was completed and adopted by the Historic Preservation Commission on June 15, 2011. *Mitigation Measures K-2* and *K-3*, which amended Article 10 of the Planning Code to reduce potential adverse effects to contributory structures within the South End Historic District (East SoMa) and the Dogpatch Historic District (Central Waterfront), do not apply the proposed project because it is not located within the South End or Dogpatch Historic Districts.

The subject property is a vacant lot and is not located within the boundaries of an identified or known historic district. Therefore, the subject property is not considered a historic resource for purposes of CEQA, and the proposed project would not result in impacts on a historical resource.

In summary, the project would not result in a significant effect with regard to historic architectural resources.

Transportation

Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.[8] The proposed project would generate about ~~775~~ 844 person trips (inbound and outbound) on a weekday daily basis, consisting of ~~61~~ 71 person trips by auto, ~~45~~ 34 transit trips,~~8~~ 20

[7] Randall Dean, EP archeologist, memorandum to Don Lewis, EP planner, August 11, 2011. This memorandum is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2011.0430E.

[8] ~~Wade Wietgrefe~~ Don Lewis, San Francisco Planning Department, *Transportation Trip Generation Tables for Revised Project*, ~~September 2012~~ April 2, 2013. These calculations are available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

walk trips and ~~20~~ 8 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 53 vehicle trips (accounting for vehicle occupancy data for this Census Tract).

The estimated 53 new p.m. peak hour vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco.

A transportation study was completed for a previously proposed project which included 13,155 square feet of commercial space and 78 dwelling units.[9] The transportation study analyzed the LOS of the following five intersections: Potrero Avenue/10th Street/Brannan Street/Division Street; Potrero Avenue/16th Street; Potrero Avenue/17th Street; Potrero Avenue/Mariposa Street; and Bryant Street/Mariposa Street. With the exception of the Potrero Avenue/10th Street/Brannan Street/Division Street intersection, all of the LOS for these intersections are at an acceptable LOS B or better, and would continue to operate acceptably with the addition of project traffic, which would be considerably less than what was analyzed in the transportation study since the current project no longer proposes commercial use. The Potrero Avenue/10th Street/Brannan Street/Division Street intersection is operating at LOS D under existing conditions and would remain operating at LOS D under existing plus project conditions. As such, the proposed project would not result in a significant adverse impact at these intersections under existing plus project conditions. Therefore, the proposed project's impact on existing vehicular traffic is considered less than significant.

Given that the proposed project would add approximately 53 p.m. peak hour vehicle trips to surrounding intersections, it is not anticipated that the proposed project would substantially increase traffic volumes at these or other nearby intersections, nor substantially increase average delay that would cause these intersections to deteriorate to unacceptable levels of service.

The Eastern Neighborhoods Final EIR evaluated three land use options. The proposed project is located in the Mission Subarea of the Eastern Neighborhoods. The nearest intersection to the project site that was analyzed (existing and 2025 operating conditions) in the Eastern Neighborhoods Final EIR is located at Potrero Avenue/16th Street (two blocks away). With the Eastern Neighborhood Rezoning, this intersection is anticipated to change from LOS B to LOS F under 2025 weekday p.m. peak hour conditions under all Plan options as well as under the 2025 No Project option.[10]

The nearest Mission Subarea intersection in which the Eastern Neighborhoods Final EIR identified a significant impact under 2025 weekday p.m. peak hour was at 13th Street/Bryant Street (about six blocks to the north of the project site) which operated at LOS C under existing (baseline) conditions and would

[9] Fehr and Peers, *480 Potrero Avenue, Transportation Impact Study*, September 2012. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2011.0430!

[10] This intersection was not considered a significant unavoidable impact under the Eastern Neighborhoods Final EIR.

deteriorate to LOS E under 2025 weekday p.m. peak hour operating conditions under Plan Options B and C. It is likely these conditions would occur with or without the proposed project, and the proposed project's contribution of 53 p.m. peak hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods' projects, should they be approved. Under the Eastern Neighborhoods Final EIR, specific mitigation measures were not proposed for the 13th Street/Bryant Street intersection, and a Statement of Overriding Considerations related to the significant and unavoidable cumulative (2025) traffic impacts was adopted as part of the EIR Certification and project approval on January 19, 2009. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have any significant cumulative traffic impacts.

Transit

As indicated above, the proposed project is estimated to add ~~260~~ 206 daily transit person trips, of which ~~45~~ 34 are estimated to occur in the p.m. peak hour. The project site is well-served by several local and regional transit lines including Muni lines 9, 9L, 12, 19, 22, 27, and 33. Transit trips to and from the proposed project would utilize the nearby Muni lines, and would transfer to and from other Muni lines. The addition of ~~45~~ 34 p.m. peak hour transit trips would increase Muni ridership; however, this net increase would not be substantial as existing transit lines have the capacity to accommodate these new trips. Additionally, the proposed project would not substantially interfere with any nearby transit routes. Therefore, the project would have a less-than-significant impact on transit.

The Eastern Neighborhoods Final EIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership due to the change from 2025 No-Project operating conditions for Muni lines 9, 10, 12, 14, 14L, 22, 27, 47, 49 and 67 under all Eastern Neighborhoods rezoning options. Mitigation measures proposed to address these impacts related to pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information and storage/maintenance capabilities for Muni lines in Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above lines were found to be significant and unavoidable and a Statement of Overriding Considerations with findings was adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on August 7, 2008. The proposed project would not conflict with the implementation of these mitigation measures, and it is likely the significant and unavoidable cumulative transit conditions would occur with or without the proposed project. The proposed project's contribution of ~~45~~ 34 p.m. peak hour transit trips would not be a substantial proportion of the overall transit volume generated by Eastern Neighborhood projects, should they be approved. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would not have a significant cumulative transit impact.

Loading

Based on the *SF Guidelines*, the proposed project would generate an average loading demand of ~~0.12~~ 0.09 truck-trips per hour. *Planning Code* Section 152.1 does not require off-street loading for residential development less than 100,000 square feet and for retail development less than 10,000 square feet. Therefore, off-street loading spaces are not required for the proposed project, which would include ~~85,490~~ 55,739 square feet of residential use and 974 square feet of retail use. The proposed project would avoid the potential for impacts to adjacent roadways due to loading activities by limiting all long-term

and construction loading/staging operations to the existing on-street parking area along Potrero Avenue and Mariposa Street. Vehicles performing move in/move out activities would be able to obtain temporary parking permits for loading and unloading operations on Potrero Avenue and Mariposa Street.

Pedestrian and Bicycle Conditions

The proposed project would generate approximately 8 20 p.m. peak-hour pedestrian trips. The proposed project would not cause a substantial amount of pedestrian and vehicle conflicts, as there are adequate sidewalk and crosswalk widths and the project does not propose any new curb cuts. Pedestrian activity would increase as a result of the project, but not to a degree that could not be accommodated on local sidewalks or would result in safety concerns.

In the vicinity of the project site, there are six on-street bicycle facilities. There is a Class II route on Potrero Avenue south of Alameda Street; a Class III route on Potrero Avenue north of Alameda Street approaching Division Street; a Class II route on 16 Street east of Kansas Street; a Class II route on 17th Street from Kansas Street to Potrero Avenue, and from Treat Street to Church Street; a Class II on Division Street from 9th Street to 11th Street; and a Class II on Harrison Street from 11th Street to 22th Street. Although the proposed project would result in an increase in the number of vehicles in the project vicinity, this increase would not substantially affect bicycle travel in the area.

In conclusion, the proposed project would not substantially increase pedestrian and bicycle hazards.

Parking

While the proposed project would not be required to provide off-street parking spaces pursuant to *Planning Code* Section 843.08, the project includes ~~38~~ 46 parking spaces in an underground garage, consistent with the allowable 0.75 to 1 ratio under the Planning Code. Based on the methodology presented in the SF Guidelines, on an average weekday, the demand for parking would be ~~116~~ 110 spaces. Thus, the project would have an unmet parking demand of ~~78~~ 64 spaces. Additionally, the project site is located on a transit corridor and in a relatively dense area well-served by a mix of uses. As such, it is expected that many of the residents would be encouraged not to make their trips by car.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, day to night, month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents, should however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines §15131a). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles, or travel by

foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well-served by public transit, which provides alternatives to auto travel. Therefore, the creation of, or increase in parking demand resulting from a proposed project that cannot be met by existing or proposed parking facilities would not be considered a significant effect.

In summary, the project would not result in a significant effect with regard to transportation.

Noise

The Eastern Neighborhoods FEIR identified potential conflicts related to residences and other noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural, institutional, educational, and office uses. In addition, the Eastern Neighborhoods FEIR noted that the project would incrementally increase traffic-generated noise on some streets in the project area, and result in construction noise impacts from pile driving and other construction activities. With implementation of six noise mitigation measures cited in the FEIR, Plan-related noise impacts were found to be less than significant.

Eastern Neighborhoods FEIR Mitigation Measures F-1 and F-2, which require noise controls on the use of pile driving equipment and other construction equipment, are not applicable to the proposed project because project construction would not involve pile driving and would not create noise levels that could substantially affect any nearby sensitive receptors.[11]

Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and generally accepted in urban areas. The noise generated by the occupants of the proposed project would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

The *San Francisco General Plan* noise guidelines indicate that any new residential development in areas with noise levels above 60 dBA[12] should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. In areas where

[11] Sensitive receptors include residences, hospitals, nursing homes, senior citizen centers, schools, churches, and libraries.

[12] The dBA, or A weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements must be done and needed noise insulation features included in the design. According to the Eastern Neighborhoods Final EIR, noise levels on Potrero Avenue are between 60 and 75 dBA. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects (including hotels, motels, and live/work developments). This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents.

The Eastern Neighborhoods Final EIR identified a significant impact related to new development including noise-sensitive uses located along streets with noise levels above a day-night average of 60 dBA (Ldn), where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations. Since the 480 Potrero Street project, a multi-unit residential project, is subject to Title 24, *Mitigation Measure F-3: Interior Noise Levels* from the Eastern Neighborhoods Final EIR is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses. Since the proposed project includes noise-sensitive uses with sensitive receptors, *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* (see Project Mitigation Measure 2 on page ~~25~~ 26 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, a noise specialist was hired by the project sponsor to conduct a noise study that included a 24-hour noise measurement and site survey of noise-generating uses within 900 feet of the project site.[13]

The 24-hour noise measurement recorded a day-night noise average of 70.2 dBA (Ldn), which is comparable to what was forecasted by the noise modeling undertaken by the Department of Public Health, which predicts a traffic noise level of between 60 dBA and 75 dBA (Ldn) for the project block. The only substantial noise-generating uses within 900 feet of the site with a direct line-of-sight to the project site are transportation noise sources from Potrero Avenue and an auto body shop (Sunny Auto Body) that is adjacent to the project site. The noise assessment revealed that the primary noise source at the project site was from trucks, buses, emergency vehicles, and motorcycles traveling on Potrero Avenue.

Given the noise environment, the noise study concluded that it would appear that the interior noise level can typically be maintained below the State standards of 45 dBA (Ldn) by standard residential construction methods with the incorporation of forced-air mechanical ventilation systems in residential units. Preliminary calculations suggest that the residential units nearest Potrero Avenue would require windows and doors with a minimum Sound Transmission Class rating of 27 STC (70.2 – 27 = 43.2) and a suitable form of mechanical ventilation to ensure that the interior average noise level of 45 dBA (Ldn) is met as required by the San Francisco Building Code. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. Therefore, the

[13] ARC Management, Environmental Noise Report, 480 Potrero Avenue, June 18, 2012. This document is on file and is available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

noise study demonstrates that acceptable interior noise levels consistent with those in the Title 24 standards would be attained by the proposed project and no further acoustical analysis or engineering is required.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing sensitive receptors and new noise-generating uses and determined that *Mitigation Measures F-5: Siting of Noise-Generating Uses* would reduce effects to a less-than-significant level. Since the proposed residential development would not be expected to generate noise levels in excess of ambient noise in the vicinity of the project site, *Mitigation Measure F-5* is not applicable.

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

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 3 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be obliged to comply with the City's Noise Ordinance.

In summary, the project would not result in a significant effect with regard to noise.

Air Quality

The Eastern Neighborhoods FEIR identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and pollutant emissions; roadway-related air quality impacts on sensitive land uses; and the siting of uses that emit diesel particulate matter (DPM) and toxic air contaminants (TACs) as part of everyday operations. The Eastern Neighborhoods FEIR identified four mitigation measures that would reduce air quality impacts to less than significant levels.

Eastern Neighborhoods FEIR Mitigation Measure G-1 requires individual projects that include construction activities to include dust control measures and maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. This mitigation measure was identified in the Initial Study. Subsequent to publication of the Initial Study, the San

Francisco Board of Supervisors 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 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 the Department of Building Inspection.

Also subsequent to publication of the Initial Study, the Bay Area Air Quality Management District (BAAQMD), the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), provided updated 2011 BAAQMD *CEQA Air Quality Guidelines* (Air Quality Guidelines),[14] which provided new methodologies for analyzing air quality impacts, including construction activities. The Air Quality Guidelines provide screening criteria for determining whether a project's criteria air pollutant emissions may 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. If a project meets the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of their proposed project's air pollutant emissions and construction or operation of the proposed project would result in a less-than-significant air quality impact..

For determining potential health risk impacts, San Francisco has partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco and identify portions of the City that result in additional health risks for affected populations ("hot spots"). Air pollution hot spots were identified based on two health based criteria: (1) Excess cancer risk from all sources > 100; and (2) $PM_{2.5}$ concentrations from all sources including ambient >10$\mu g/m^3$.

Sensitive receptors[15] within these hot spots are more at risk for adverse health effects from exposure to substantial air pollutant concentrations than sensitive receptors located outside these hot spots. These locations (i.e., within hot spots) require additional consideration when projects or activities have the potential to emit toxic air contaminants (TACs), including diesel particulate matter (DPM) emissions from temporary and variable construction activities.

Construction activities from the proposed project may result in dust, primarily from ground-disturbing activities. The proposed project would be subject to and would comply with the Construction Dust Control Ordinance, therefore the portions of Mitigation Measure G-1 that deal with dust control are not applicable to the proposed project. Construction activities from the proposed project would also result in

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[14] Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, updated May 2011.

[15] The 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. Bay Area Air Quality Management District (BAAQMD), *Recommended Methods for Screening and Modeling Local Risks and Hazards*, May 2011, page 12.

the emission of criteria air pollutants and DPM from equipment exhaust, construction-related vehicular activity, and construction worker automobile trips. Construction would last approximately 12 months.

The project site is not located within an identified hot spot, therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. The proposed project's construction activities would be temporary and variable in nature. Furthermore, the proposed project would be subject to California regulations limiting idling times to five minutes, which would further reduce sensitive receptors exposure to temporary and variable DPM emissions.[16] Therefore, the construction of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. In addition, the proposed project meets the construction screening criteria provided in the BAAQMD studies for construction-related criteria air pollutants. Therefore, the remainder of Mitigation Measure G-1 that deals with maintenance and operation of construction equipment is not applicable to the proposed project.

Mitigation Measure G-2 requires new sensitive receptors near sources of TACs, including DPM, to include an analysis of air pollutant concentrations ($PM_{2.5}$) to determine whether those concentrations would result in a substantial health risk to new sensitive receptors. The proposed project would include new sensitive receptors. However, the project site is not located within an identified air pollution hot spot, therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. Therefore, Mitigation Measure G-2 is not applicable to the proposed project.

Mitigation Measure G-3 minimizes potential exposure of sensitive receptors to DPM by requiring uses that would be served by at least 100 trucks per day or 40 refrigerated trucks per day be located no less than 1,000 feet from residential units and other sensitive receptors. The proposed project would construct ~~84~~ 77 residential units with 974 square feet of retail use, and it is not expected to be served by 100 trucks per day or 40 refrigerator trucks per day. Furthermore, the project site is not located within an identified hot spot, therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. Therefore, Mitigation Measure G-3 is not applicable to the proposed project.

Mitigation Measure G-4 involves the siting of commercial, industrial, or other uses that emit TACs as part of everyday operations. The proposed project would construct ~~84~~ 77 residential units with 974 square feet of retail use, and would not generate more than 10,000 vehicle trips per day, 1,000 truck trips per day, or include a new stationary source. Furthermore, the project site is not located within an identified hot spot, therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. Therefore, Mitigation Measure G-4 is not applicable to the proposed project.

The proposed project would result in an increase in operational-related criteria air pollutants including from the generation of daily vehicle trips and energy demand. The proposed project meets the screening criteria provided in the BAAQMD *CEQA Air Quality* Guidelines (May 2011) for operational-related criteria air pollutants

[16] California Code of Regulations, Title 13, Division 3, § 2485.

For the above reasons, the proposed project would not result in peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to air quality.

The project site is underlain by approximately three feet of fill overlying serpentinite bedrock. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA), a fibrous mineral that can be hazardous to human health if it becomes airborne. Please see the Focused Initial Study/ Mitigated Negative Declaration for the discussion of potential impacts related to the exposure of airborne asbestos.

Greenhouse Gas Emissions

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO_2E).[17]

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.[18]

The California Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO_2E ($MMTCO_2E$), or about 535 million U.S. tons.[19] The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.[20] In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions,

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[17] Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

[18] California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: http://www.climatechange.ca.gov/publications/faqs.html. Accessed November 8, 2010.

[19] California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2006— by Category as Defined in the Scoping Plan." http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf. Accessed March 2, 2010.

[20] Ibid.

each accounting for approximately 36% of the Bay Area's 95.8 MMTCO2E emitted in 2007.[21] Electricity generation accounts for approximately 16% of the Bay Area's GHG emissions followed by residential fuel usage at 7%, off-road equipment at 3% and agriculture at 1%.[22]

In 2006, the California legislature passed Assembly Bill No. 32 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires ARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.[23] The Scoping Plan estimates a reduction of 174 million metric tons of CO2E (MMTCO2E) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 1, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.[24] Some measures may require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

AB 32 also anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and notes that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.

Table 1. GHG Reductions from the AB 32 Scoping Plan Sectors[25]

GHG Reduction Measures By Sector	GHG Reductions (MMT CO_2E)
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5

[21] Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx. Accessed March 2, 2010.

[22] Ibid.

[23] California Air Resources Board, California's Climate Plan: Fact Sheet. Available online at: http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed March 4, 2010.

[24] California Air Resources Board. AB 32 Scoping Plan. Available Online at: http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf. Accessed March 2, 2010.

[25] Ibid.

High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
Total	174
Other Recommended Measures	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste	
• Commercial Recycling	
• Composting	9
• Anaerobic Digestion	
• Extended Producer Responsibility	
• Environmentally Preferable Purchasing	
Total	42.8-43.8

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Metropolitan Transportation Commission's 2013 RTP would be its first plan subject to SB 375.

Senate Bill 97 (SB 97) required the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. In response, OPR amended the CEQA guidelines to provide guidance for analyzing GHG emissions. Among other changes to the CEQA Guidelines, the amendments add a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs.

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). As part of their role in air quality regulation, BAAQMD has prepared the CEQA air quality guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements. On June 2, 2010, the BAAQMD adopted new and revised CEQA air quality thresholds of significance and issued revised guidelines that supersede the 1999 air quality guidelines. The *2010 CEQA Air Quality Guidelines* provide for the first time CEQA thresholds of significance for greenhouse gas emissions. OPR's amendments to the CEQA Guidelines as well as BAAQMD's *2010 CEQA Air Quality Guidelines* and thresholds of significance have been incorporated into this analysis accordingly.

The most common GHGs resulting from human activity are CO_2, CH_4, and N_2O.[26] State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would increase the activity onsite by replacing the existing vacant lot with a ~~residential~~ mixed-use development consisting of ~~84~~ 77 dwelling units and 974 square feet of retail use. The proposed project could result in an increase in overall energy and also water usage which generates indirect emissions from the energy required to pump, treat and convey water. The expansion could also result in an increase in discarded landfill materials. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

As discussed above, the BAAQMD has adopted CEQA thresholds of significance for projects that emit GHGs, one of which is a determination of whether the proposed project is consistent with a Qualified Greenhouse Gas Reduction Strategy, as defined in the *2010 CEQA Air Quality Guidelines*. On August 12, 2010, the San Francisco Planning Department submitted a draft of the City and County of San Francisco's *Strategies to Address Greenhouse Gas Emissions* to the BAAQMD.[27] This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy in compliance with the BAAQMD's *2010 CEQA Air Quality Guidelines* and thresholds of significance.

San Francisco's GHG reduction strategy identifies a number of mandatory requirements and incentives that have measurably reduced greenhouse gas emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses and taxis), and a mandatory composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

San Francisco's climate change goals as are identified in the 2008 Greenhouse Gas Reduction Ordinance as follows:

- By 2008, determine the City's 1990 GHG emissions, the baseline level with reference to which target reductions are set;

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[26] Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review.* June 19, 2008. Available at the Office of Planning and Research's website at: http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf. Accessed March 3, 2010.

[27] San Francisco Planning Department. *Strategies to Address Greenhouse Gas Emissions in San Francisco.* 2010. The final document is available online at: http://www.sfplanning.org/index.aspx?page=1570.

- Reduce GHG emissions by 25 percent below 1990 levels by 2017;
- Reduce GHG emissions by 40 percent below 1990 levels by 2025; and
- Reduce GHG emissions by 80 percent below 1990 levels by 2050.

The City's 2017 and 2025 GHG reduction goals are more aggressive than the State's GHG reduction goals as outlined in AB 32, and consistent with the State's long-term (2050) GHG reduction goals. San Francisco's *Strategies to Address Greenhouse Gas Emissions* identifies the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies, and concludes that San Francisco's policies have resulted in a reduction in greenhouse gas emissions below 1990 levels, meeting statewide AB 32 GHG reduction goals. As reported, San Francisco's 1990 GHG emissions were approximately 8.26 million metric tons (MMT) CO_2E and 2005 GHG emissions are estimated at 7.82 $MMTCO_2E$, representing an approximately 5.3 percent reduction in GHG emissions below 1990 levels.

The BAAQMD reviewed San Francisco's *Strategies to Address Greenhouse Gas Emissions* and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA Guidelines (2010) and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."[28]

Based on the BAAQMD's 2010 *CEQA Air Quality Guidelines*, projects that are consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions* would result in a less than significant impact with respect to GHG emissions. Furthermore, because San Francisco's strategy is consistent with AB 32 goals, projects that are consistent with San Francisco's strategy would also not conflict with the State's plan for reducing GHG emissions. As discussed in San Francisco's *Strategies to Address Greenhouse Gas Emissions*, new development and renovations/alterations for private projects and municipal projects are required to comply with San Francisco's ordinances that reduce greenhouse gas emissions. Applicable requirements are shown below in Table 2.

Table 2. Regulations Applicable to the Proposed Project

Regulation	Requirements	Project Compliance	Discussion
Transportation Sector			
Emergency Ride Home Program	All persons employed in San Francisco are eligible for the emergency ride home program.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with this program.

[28] Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: http://www.sfplanning.org/index.aspx?page=1570. Accessed November 12, 2010.

Regulation	Requirements	Project Compliance	Discussion
Transportation Management Programs (Planning Code, Section 163)	Requires new buildings or additions over a specified size (buildings >25,000 sf or 100,000 sf depending on the use and zoning district) within certain zoning districts (including downtown and mixed-use districts in the City's eastern neighborhoods and south of market) to implement a Transportation Management Program and provide on-site transportation management brokerage services for the life of the building.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with Section 163.
Transit Impact Development Fee (Administrative Code, Chapter 38)	Establishes the following fees for all commercial developments. Fees are paid to the SFMTA to improve local transit services.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project includes commercial space and therefore would be required to comply with the Transit Impact Development Fee.
Bicycle parking in Residential Buildings (Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units. (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	Planning Code Section 155.5 applies to the proposed project.
Car Sharing Requirements (Planning Code, Section 166)	New residential projects or renovation of buildings being converted to residential uses within most of the City's mixed-use and transit-oriented residential districts are required to provide car share parking spaces.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	Planning Code Section 166 applies to the proposed project.
Parking requirements for San Francisco's Mixed-Use zoning districts (Planning Code Section 151.1)	The Planning Code has established parking maximums for many of San Francisco's Mixed-Use districts.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project site is located within a mixed-use neighborhood and therefore would be required to comply with Section 151.1

Regulation	Requirements	Project Compliance	Discussion
Energy Efficiency Sector			
San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the City's Green Building Ordinance.
San Francisco Green Building Requirements for Stormwater Management (SF Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. These projects are required to comply with LEED® Sustainable Sites Credits 6.1 and 6.2, or comply with the City's Stormwater ordinance and stormwater design guidelines.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project will be disturbing more than 5,000 square feet and will therefore be required to comply with the City's Stormwater Management Ordinance.
Commercial Water Conservation Ordinance (SF Building Code, Chapter 13A)	Requires all existing commercial properties undergoing tenant improvements to achieve the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with the Commercial Water Conservation Ordinance.
Residential Water Conservation Ordinance (SF Building Code, Housing Code, Chapter 12A)	Requires all residential properties (existing and new), prior to sale, to upgrade to the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm)	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Residential Water Conservation Ordinance.

Regulation	Requirements	Project Compliance	Discussion
	2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired. Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.		
Residential Energy Conservation Ordinance (SF Building Code, Housing Code, Chapter 12)	Requires all residential properties to provide, prior to sale of property, certain energy and water conservation measures for their buildings: attic insulation; weather-stripping all doors leading from heated to unheated areas; insulating hot water heaters and insulating hot water pipes; installing low-flow showerheads; caulking and sealing any openings or cracks in the building's exterior; insulating accessible heating and cooling ducts; installing low-flow water-tap aerators; and installing or retrofitting toilets to make them low-flush. Apartment buildings and hotels are also required to insulate steam and hot water pipes and tanks, clean and tune their boilers, repair boiler leaks, and install a time-clock on the burner. Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Residential Energy Conservation Ordinance.
Renewable Energy Sector			
San Francisco Green Building Requirements for renewable energy (SF Building Code, Chapter 13C)	By 2012, all new commercial buildings will be required to provide on-site renewable energy or purchase renewable energy credits pursuant to LEED® Energy and Atmosphere Credits 2 or 6. Credit 2 requires providing at least 2.5% of the buildings energy use from on-site renewable sources. Credit 6 requires providing at least	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with the San Francisco Green Building Requirements.

Regulation	Requirements	Project Compliance	Discussion
	35% of the building's electricity from renewable energy contracts.		
Waste Reduction Sector			
San Francisco Green Building Requirements for solid waste (SF Building Code, Chapter 13C)	Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the San Francisco Green Building Code requirements for solid waste.
Mandatory Recycling and Composting Ordinance (Environment Code, Chapter 19)	The mandatory recycling and composting ordinance requires all persons in San Francisco to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Mandatory Recycling and Composting Ordinance.
Environment/Conservation Sector			
Street Tree Planting Requirements for New Construction (Planning Code Section 428)	Planning Code Section 428 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with Section 428.
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fire places except for the following: • Pellet-fueled wood heater • EPA approved wood heater • Wood heater approved by the Northern Sonoma Air Pollution Control District	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would not include a wood burning fireplace.
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	Requires (among other things): • All diesel generators to be registered with the Department of Public Health • All new diesel generators must be equipped with the best available air emissions control technology.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with Article 30 of the San Francisco Health Code.

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, nor impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1)

San Francisco has implemented regulations to reduce greenhouse gas emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels; (3) San Francisco has met and exceeded AB 32 greenhouse gas reduction goals for the year 2020; (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's *Strategies to Address Greenhouse Gas Emissions* meet BAAQMD's requirements for a Qualified GHG Reduction Strategy, projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project would be required to comply with these requirements, and was determined to be consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions*.[29] As such, the proposed project would result in a less than significant impact with respect to GHG emissions.

Shadow

The Eastern Neighborhoods EIR notes that Section 295[30] would limit potential new shadow impacts on parks and that new shadow impacts would be evaluated on a project-specific basis, but that without detailed development proposals, the potential for new shadow impacts could not be determined and the EIR concluded that increasing heights as part of the rezoning effort could potentially result in significant and unavoidable shadow impacts, requiring individual projects to undergo a detailed shadow analysis.

Section 295 of the Planning Code was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Planning Code Section 295 restricts net new shadow on public open spaces under the jurisdiction of, or to be acquired by, the Recreation and Park Commission by any structure exceeding 40 feet unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant. The proposed development would be 58 feet in height. To determine whether this proposed project would conform to Section 295, a shadow fan analysis was prepared by Planning Department staff.[31] The shadow fan indicated that project shadows could not reach any site under Recreation and Park Commission jurisdiction.

The proposed building would add new shade to portions of adjacent properties, sidewalks and streets. However, because the height of the proposed building would not be substantially taller than surrounding buildings, and because of the existing configuration of surrounding buildings, the net new shadow would not be considered substantial and would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. Due to the dense urban fabric of the city, the loss of sunlight on private residences or property is rarely considered to be a significant

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[29] Revised Greenhouse Gas Analysis: Compliance Checklist. ~~July 3, 2012~~ April 2, 2013. This document is on file in Case File No. 2011.0430E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

[30] Section 295 of the Planning Code provides that new structures above 40 feet in height that would cast additional shadows on properties under the jurisdiction of or designated to be acquired by the Recreation and Parks Department can only be approved by the Planning Commission.

31 Diego Sanchez, San Francisco Planning Department, to Siavash Tahbazof, letter dated September 11, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, San Francisco, as part of Case No. 2011.0430E.

environmental impact and the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

The proposed project's potential to increase shadow in the project vicinity would be both individually and cumulatively less than significant.

Mitigation Measures

In accordance with Eastern Neighborhoods Final EIR requirements, the project sponsor has agreed to implement the following mitigation measures.

Project Mitigation Measure 1 – Archeological Resources (J-2: Properties With No Previous Studies in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

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

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

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

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Project Mitigation Measure 2 – Noise (Mitigation Measure F-4: Siting of Noise-Sensitive Uses in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

New development with noise-sensitive uses require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained. ARC Management conducted a noise study that demonstrated that the proposed project can attain Title 24 standards. Therefore, Project Mitigation Measure 2 has already been implemented.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on May 23, 2012 to owners of properties within 300 feet of the project site and adjacent occupants, and fifteen members of the public expressed their concerns and issues. 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. Members of the public expressed concerns regarding the size of the project, number of units, increased demand for street parking, traffic congestion, pollution, neighborhood character, and public notice. All issues appropriate for CEQA analysis have been adequately addressed in the Eastern Neighborhoods FEIR and this Certificate of Exemption. The proposed project would not result in significant adverse environmental impacts associated with those issues identified by the public, and there is no substantial evidence that any of these topics could have a significant effect on the environment.

Other comments by members of the public in response to the public notice expressed either support for or opposition to the proposed project. Comments regarding the merits of the project are not relevant to CEQA analysis but may be taken into account by decision-makers as part of the project approval process.

Conclusion

With the exception of hazards and hazardous materials, the Eastern Neighborhoods Final EIR incorporated and adequately addressed all potential impacts of the proposed 480 Potrero Avenue project. As described above, and except for hazards and hazardous materials, the 480 Potrero Avenue project would not have any additional or peculiar significant adverse effects not examined in the Eastern Neighborhoods Final EIR, nor has any new or additional information come to light that would alter the conclusions of the Eastern Neighborhoods Final EIR. Thus, with the exception of hazards and hazardous materials, the proposed 480 Potrero Avenue project would not have any new significant or peculiar effects on the environment not previously identified in the Final EIR for the Eastern Neighborhoods Rezoning and Area Plans, nor would any environmental impacts be substantially greater than described in the Eastern Neighborhoods Final EIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code. Due to the peculiar impact found concerning hazards and hazardous materials, a Focused Mitigated Negative Declaration has been prepared for these topics only.[32]

[32] Preliminary Mitigated Negative Declaration, 480 Potrero Avenue, September 26, 2012. This document is on file and available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Attachment B
Amended Community Plan Exemption Checklist

Case No.:	2011.0430E
Project Address:	480 Potrero Avenue
Zoning:	UMU (Urban Mixed Use) Zoning District 58-X Height and Bulk District
Block/Lot:	3973/002C
Lot Size:	15,000 square feet
Project Sponsor:	Reza Khoshnevisan, Sia Consulting, (415) 922-0200
Plan Area:	Eastern Neighborhoods
Staff Contact:	Don Lewis - (415) 575-9095, don.lewis@sfgov.org

A. PROJECT DESCRIPTION

The rectangular project site is located at the northwest corner of Potrero Avenue and Mariposa Street on the boundary of the Mission and Potrero Hill neighborhoods. The project site is currently a vacant lot containing the remnants of the foundation from the former four-story concrete live/work structure that was demolished in 2005. The project sponsor proposes the construction of a six-story, 58-foot-tall, ~~residential~~ mixed-use building approximately ~~89,600~~ 82,544 square feet in size. The new building would contain ~~84~~ 77 residential units (~~26~~ 29 one-bedroom and ~~58~~ 48 two-bedroom), 974 square feet of ground-floor retail use, and ~~38~~ 46 parking spaces in a one-level basement parking garage accessed from Mariposa Street. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

B. EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether any such impacts are addressed in the applicable programmatic final EIR (FEIR) for the plan area, the Eastern Neighborhoods Rezoning and Area Plans. Items checked "Sig. Impact Identified in FEIR" identify topics for which a significant impact is identified in the FEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the FEIR. If the analysis concludes that the proposed project would contribute to a significant impact identified in the FEIR, the item is checked "Project Contributes to Sig. Impact Identified in FEIR." Mitigation measures identified in the FEIR applicable to the proposed project are identified in the text of the Certificate of Determination under each topic area.

Items checked "Project Has Sig. Peculiar Impact" identify topics for which the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the FEIR. Any impacts not identified in the FEIR will be addressed in a separate Focused Initial Study or EIR.

Any item that was not addressed in the FEIR (i.e., greenhouse gases) is discussed in the Certificate of Determination. For any topic that was found to be less than significant (LTS) in the FEIR and for the proposed project or would have no impacts, the topic is marked LTS/No Impact and is discussed in the Checklist below.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FPEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
1. LAND USE AND LAND USE PLANNING—Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Have a substantial impact upon the existing character of the vicinity?	☒	☐	☐	☒

Please see the Certificate of Determination (Appendix A) for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
2. AESTHETICS—Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	☐	☐	☐	☒

The Eastern Neighborhoods Final EIR evaluated three land use options "alternatives" and under each of these options, it was not anticipated that the proposed project would substantially damage scenic resources that contribute to a scenic public setting. As a proposed rezoning and planning process the project would not directly result in any physical damage. Rather, any changes in urban form and visual quality would be the secondary result of individual development projects that would occur subsequent to the adoption of changes in zoning and community plans.

With respect to views, the Eastern Neighborhoods Final EIR found that while development pursuant to the Plan would result in height increases and use district changes, the rezoning would not substantially degrade the views and new development up to the proposed height limits may even help define the street edge and better frame urban views. The Plan would not be considered to result in a significant adverse impact with regard to views. New construction in the Project area would generate additional night lighting but not in amounts unusual in industrial zones and within developed urban areas in general. Thus, the Final EIR concluded that light and glare impacts would be less than significant.

The proposed project would replace an existing vacant lot with a 58-foot-tall ~~residential~~ mixed-use building. While the new building would change the visual appearance of the site, it would not substantially degrade its visual character or quality. Furthermore, the proposed building would not be substantially taller than the existing development in the project vicinity and thus, would not obstruct longer-range views from various locations in the Plan Area and the City as a whole.

Design and aesthetics are by definition subjective, and open to interpretation by decision-makers and members of the public. A proposed project would, therefore, be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not have such change. As described in the Certificate of Determination (Appendix A), the proposed building envelope meets Planning Code requirements for the UMU zoning district.

The proposed project would be visible from some residential and commercial buildings within the project site vicinity. Some reduced views on private property would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected. Nonetheless, the change in views would not exceed that commonly expected in an urban setting, and the loss of those private views would not constitute a significant impact under CEQA.

The proposed project's potential aesthetic effects would be consistent with the effects considered in the Eastern Neighborhoods FEIR, which were determined to be less-than-significant. In summary, the project would not result in a significant effect with regard to aesthetics so there would be no significant environmental effect peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
3. POPULATION AND HOUSING— Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing units or create demand for additional housing, ~~necessitating the construction of replacement~~ housing?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

One of the objectives of the Eastern Neighborhoods Rezoning and Area Plans Final EIR (FEIR) was to identify appropriate locations for housing in the City's industrially zoned land to meet a citywide need for more housing. According to the FEIR, the rezoning would not create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply. The proposed project would increase the population on site by constructing ~~84~~ 77 dwelling units and 974 square feet of ground-floor retail use. This increase in population would not be expected to have an adverse physical environmental impact.

The proposed project is not anticipated to create a substantial demand for increased housing as the project ~~does not~~ only proposes 974 square feet of a commercial use. Additionally, the proposed project would not displace substantial numbers of people because the project site is currently a vacant lot. As such, construction of replacement housing would not be necessary.

The proposed new residential units are consistent with the projections in the FEIR and there would be no significant environmental effects peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*?	☒	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Please see the Certificate of Determination (Appendix A) for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
5. TRANSPORTATION AND CIRCULATION—Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☒	☐	☐	☒
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?	☒	☐	☐	☒
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?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒

Topics 5c and 5d are not applicable to the proposed project. Please see the Certificate of Determination (Appendix A) for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
6. **NOISE—Would the project:**				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☒	☐	☐	☒
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☒	☐	☐	☒
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☒
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Be substantially affected by existing noise levels?	☒	☐	☐	☒

Topics 6e and 6f are not applicable to the proposed project. All other noise-related topics are discussed in the Certificate of Determination (Appendix A).

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FPEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
7. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☒
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)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Please see the Certificate of Determination (Appendix A) for the discussion of this topic. Please see the Focused Initial Study/ Mitigated Negative Declaration for the discussion of potential impacts related to the exposure of airborne asbestos.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
8. GREENHOUSE GAS EMISSIONS—Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

When the Eastern Neighborhoods project was initially analyzed in 2005, the initial study checklist did not contain a category concerning greenhouse gas emissions. Please see the Certificate of Determination (Appendix A) for a discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
9. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☐	☒
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☒	☐	☐	☒

Topic 9b is discussed in the Certificate of Determination (Appendix A).

Wind impacts are judged to be less-than-significant at a plan level of analysis and for cumulative development. Specific projects within Eastern Neighborhoods require analysis of wind impacts where deemed necessary. Thus, wind impacts were determined not to be significant in the Eastern Neighborhoods Initial Study and were not analyzed in the FEIR. No mitigation measures were identified in the FEIR.

Based on consideration of the height and location of the proposed 58-foot-tall ~~residential~~ mixed-use building, the proposed project does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the project site. As a result, the proposed project would not have any significant wind impacts.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
10. RECREATION—Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒
c) Physically degrade existing recreational resources?	☐	☐	☐	☒

The FEIR concluded that the Eastern Neighborhoods Rezoning and Area Plan 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 were identified in the FEIR.

The proposed project would provide on-site open space for passive recreational use for project residents through a combination of a common outdoor space. In addition, the project site is served by the following existing parks: Franklin Square (about two blocks away), Fallen Bridge Park (about two blocks away), McKinley Square (about six blocks away) and Jackson Playground (about eight blocks away). With the ~~projected~~ addition of ~~84~~ 77 dwelling units, the proposed project would be expected to generate minimal additional demand for recreational facilities. The increase in demand would not be in excess of amounts expected and provided for in the area and the City as a whole. The additional use of the recreational facilities would be relatively minor compared with the existing use and therefore, the proposed project would not result in substantial physical deterioration of existing recreational resources. Thus, the proposed project would not result in significant impacts, either individually or cumulatively, in regard to recreation facilities, nor require the construction or expansion of public recreation facilities.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
11. UTILITIES AND SERVICE SYSTEMS—Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

The Eastern Neighborhoods Initial Study analyzed growth projections and determined that the program's impacts on the provision of water, wastewater collection and treatment, and solid

waste collection and disposal would not be significant. No mitigation measures were identified in the FEIR.

The proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. The proposed project would have sufficient water supply available from existing entitlement, and solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity, and the project would not result in a significant solid waste generation impact. Utilities and service systems would not be adversely affected by the project, individually or cumulatively, and no significant impact would ensue. The proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already disclosed in the Eastern Neighborhoods FEIR.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS No Impact*
12. 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?	☐	☐	☐	☒

The Eastern Neighborhoods Initial Study analyzed growth projections and determined that the program's impacts on public services such as fire protection, police protection, and public schools would not be significant. No mitigation measures were identified in the FEIR. Impacts on parks are discussed under Questions 9 and 10.

The proposed project would not substantially increase demand for police or fire protection services and would not necessitate new school facilities in San Francisco. The proposed project would not result in a significant impact to public services. The proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already disclosed in the Eastern Neighborhoods FEIR, associated with public services.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
13. 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

The Eastern Neighborhoods FEIR found that there would be no significant impact on biological resources. The project site is a vacant lot that is located in a developed urban area which does not support or provide habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and would not interfere with any resident or migratory species. Accordingly, the proposed project would result in no impact on sensitive species, special status species, native or migratory fish species, or wildlife species.

The San Francisco Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees is implemented. The DPW Code Section 8.02-8.11 requires disclosure and protection of Landmark, Significant, and Street trees, collectively "protected trees" located on private and public property. A Landmark Tree has the highest level of protection and must meet certain criteria for age, size, shape, species, location, historical association, visual quality, or other contribution to the city's character and have been

found worthy of Landmark status after public hearings at both the Urban Forestry Council and the Board of Supervisors. A Significant tree is either on property under the jurisdiction of the DPW, or on privately owned land within 10 feet of the public-right-of-way, that is greater than 20 feet in height or which meets other criteria.

A Tree Disclosure Statement prepared for the project in April 2011 noted that there are no Significant trees on the project site.[1] The proposed project would remove the three existing street trees to allow for construction of the proposed project, and would include the planting of nine trees (five along Potrero Avenue and four along Mariposa Street). The removal of a protected tree would require issuance of a permit from the Director of Public Works, and may be subject to replacement or payment of an in-lieu fee in the form of a contribution to the City's Adopt-a-Tree Fund. Compliance with the requirements set forth in DPW Code Section 8.02-8.11 would ensure that potential impacts to trees protected under the City's Tree Preservation Ordinance would be less than significant. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The project would not result in any significant effect with regard to biology, nor would the project contribute to any potential cumulative effects on biological resources. Thus, there would be no significant environmental impact peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
14. GEOLOGY AND SOILS— Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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.)	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒

[1] The Tree Disclosure Statement is available for public review in Case No. 2011.0430E at 1650 Mission Street, 4th Floor, San Francisco.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒

The Eastern Neighborhoods Initial Study concluded that the project would indirectly increase the population that would be subject to an earthquake, including seismically induced ground-shaking, liquefaction, and landslides. The Initial Study 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 Eastern Neighborhoods Initial Study concluded that the program would not result in significant impacts with regard to geology, and no mitigation measures were identified in the FEIR.

The maximum depth of soil disturbing activities for the proposed project would be 16 feet below ground surface. It is anticipated that the building would be supported by spread footings. The completed project would not alter the overall topography of the site.

A geotechnical investigation has been performed at the project site.[2] The project site is blanketed by up to four feet of undocumented, non-engineered fill, consisting of clay, sand, and gravel mixtures. Bedrock consisting of Serpentinite was encountered underneath the fill. The bedrock is shallowest at the north end of the site, where it was encountered at about one feet deep, and is deepest in the southwest corner, where it was encountered at a depth of six feet.

The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building

[2] Treadwell and Rollo, "Geotechnical Investigation, 480 Potrero Avenue, San Francisco, California," December 17, 2004. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Project File No. 2011.0430E.

inspectors' working knowledge of areas of special geologic concern. Potential geologic hazards would be mitigated during the permit review process through these measures. To ensure compliance with all Building Code provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. The above-referenced geotechnical investigation would be available for use by the DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

The proposed project would not result in a significant effect related to geology, either individually or cumulatively.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
15. HYDROLOGY AND WATER QUALITY— Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
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 of siltation on- or off-site?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☐	☒
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The Eastern Neighborhoods Initial Study evaluated population increases on the combined sewer system and the potential for combined sewer outflows, and concluded that programmatic effects related to hydrology and water quality would not be significant. No mitigation measures were identified in the FEIR.

The project site is completely covered by the remnants of the foundation from a four-story building that was demolished in 2005 and would continue to be covered by the proposed residential building. The proposed project would not change the amount of impervious surface area on the site and runoff and drainage would not be adversely affected. Effects related to water resources would not be significant, either individually or cumulatively.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
16. HAZARDS AND HAZARDOUS MATERIALS Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
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?	☒	☒	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☒

Please see the Focused Initial Study/ Mitigated Negative Declaration for the discussion of this topic because there are potentially significant impacts that are peculiar to the proposed project.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
17. MINERAL AND ENERGY RESOURCES— Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☐	☒

The Eastern Neighborhoods FEIR determined that the program 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 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 the San Francisco Department of Building Inspection. The project area does not include any natural

resources routinely extracted, and the proposed rezoning does not result in any natural resource extraction program. For these reasons, the Eastern Neighborhoods FEIR concluded that the program would not cause a wasteful use of energy, and would have a less-than-significant impact on energy and mineral resources. No mitigation measures were identified in the FEIR.

The proposed project would not result in a significant physical environmental effect with respect to mineral and energy resources.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
18. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

When the Eastern Neighborhoods project was initially analyzed in 2005, the initial study checklist did not contain a category concerning agricultural and forest resources. Nonetheless, all of San Francisco is identified by the California Department of Conservation's Farmland Mapping and Monitoring Program as "Urban and Built-up Land" (Department of Conservation, 2002). In addition, no part of San Francisco falls under the State Public Resource Code definitions of forest land or timberland; therefore, these topics are not applicable to any project in San Francisco.

The project site does not contain agricultural uses and is not zoned for such uses. Therefore, the proposed project would not result in any significant impacts related to agricultural resources.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
19. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☒
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☒	☐	☐	☒
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

The Eastern Neighborhoods FEIR identified significant impacts related to land use, transportation, cultural resources, shadow, noise, air quality, and hazardous materials. Mitigation measures reduced all impacts to less than significant, with the exception of those related to land use (cumulative impacts on PDR use), transportation (traffic impacts at nine intersections, and transit impacts), cultural (demolition of historical resources), and shadow (impacts on parks).

As discussed in this document and the CPE Certificate of Determination, and with the exception of hazards and hazardous materials, the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods FEIR. A Focused Initial Study and Mitigated Negative Declaration has been prepared for the hazards and hazardous materials.[3]

[3] San Francisco Planning Department Focused Initial Study, 480 Potrero Avenue, September 26, 2012. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2011.0430E.

C. DETERMINATION

On the basis of this review, it can be determined that:

☒ The proposed project qualifies for consideration of a Community Plan exemption based on the applicable General Plan and zoning requirements; **AND**

☐ All potentially significant individual or cumulative impacts of the proposed project were identified in the applicable programmatic EIR (PEIR) for the Plan Area, and all applicable mitigation measures have been or incorporated into the proposed project or will be required in approval of the project.

☒ The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above, but that this impact can be reduced to a less-than-significant level in this case because revisions in the project have been made by or agreed to by the project proponent. A focused Initial Study and MITIGATED NEGATIVE DECLARATION is required, analyzing the effects that remain to be addressed.

☐ The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above. An ENVIRONMENTAL IMPACT REPORT is required, analyzing the effects that remain to be addressed.

DATE April 18, 2013

Sarah B. Jones
Acting Environmental Review Officer
for
John Rahaim, Planning Director

SAN FRANCISCO
PLANNING DEPARTMENT

Memo to the Planning Commission
Large Project Authorization
HEARING DATE: AUGUST 8, 2013

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date:	August 1, 2013
Case No.:	**2011.0430XE**
Project Address:	**480 Potrero Avenue**
Zoning:	UMU (Urban Mixed Use) Zoning District 58-X Height and Bulk District
Block/Lots:	3973 / 002C
Project Sponsor:	Reza Khoshnevisan SIA Consulting Corp. 1256 Howard Street San Francisco, Ca. 94103
Staff Contact:	Ben Fu – (415) 558-6613 ben.fu@sfgov.org
Recommendation:	**Approval with Conditions**

On July 18, 2013, Planning Commission reviewed the proposed project at 480 Potrero Avenue under an approval of the Final Mitigated Negative Declaration (FMND). As no action was taken, the project was continued to August 8, 2013. Planning Commission suggested changes be made to accentuate façade differentiation of the two street frontages and to provide a better transition to and relationship with the adjacent historic resource commonly known as the Verdi Club. Also, the Motion (attached) has been revised to incorporate project changes and the revised CEQA Findings on pages 1, 2, 19 and 27. All changes/additions in the Motion are shown in gray.

The project sponsor made the following modifications:

- A reduction in the mass adjacent to the Verdi Club to the west with a 6-foot setback at the top two floors from property line.
- Net reduction in area of more than 500 square feet from the previous design.
- Loss of two (2) units, from 77 to 75.
- New higher ratio of Family Sized Units as a result from reduced massing and unit loss.
- Proposed more relief in the fenestration; providing more articulation in the composition of the building with breaks in the massing.
- Providing stronger symmetry in the primary order of the building.
- Reduced the height of the projecting box bays at the south (Mariposa) elevation to address variation in design.
- Adjusted windows to improve the proportion and scale.

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Large Project Authorization

HEARING DATE: AUGUST 8, 2013

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PROJECT DESCRIPTION

The project proposes the construction of a six-story, 58-foot-tall, residential building of approximately 80,000 square feet in size on a vacant lot. The new building would contain 75 residential units (three studios, 39 one-bedrooms, 25 two-bedrooms and eight three-bedrooms) and 47 parking spaces in a one-level basement parking garage. Approximately 10,000 square feet of common open space would be provided by an open courtyard and a roof deck. Pedestrian access would be from both Potrero Avenue and Mariposa Street while vehicular access to the parking garage would be from Mariposa Street.

SITE DESCRIPTION AND PRESENT USE

The rectangular project site (Assessor's Block 3973, Lot 2C) totals 15,000 square feet in size and is located at 480 Potrero Avenue on the northwest corner of Potrero Avenue and Mariposa Street near the boundary of the Mission and Potrero Hill neighborhoods, where the topography is primarily flat with a northwest slope and seven-foot grade change. The project site is currently a vacant lot with a 100-foot wide frontage on Potrero Avenue and a 150-foot wide frontage on Mariposa Street. The site is within the Urban Mixed Use (UMU) District and a 58-X Height and Bulk District. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at 480 Potrero Avenue, on the northwest corner of Potrero Avenue and Mariposa Street, near the boundary of the Mission and Potrero Hill neighborhoods. The surrounding zonings are UMU with PDR-1-G one block away to the west and RH-2 one block away to the east. Land uses in the surrounding neighborhood are mixed, and include residential, industrial, commercial, office, and automotive service facilities. Development along the west side of Potrero Avenue from Mariposa Street to 17th Street comprises a two-story, industrial building (Sunny Auto Body) and a two-story, office building (currently occupied by Horizons Unlimited) which also fronts on 17th Street. Along the east side

of Potrero Avenue, from 17th Street to Mariposa Street, is a gasoline and service station and multiple residential, industrial, office and commercial buildings. Immediately adjacent to the project site, along the north side of Mariposa Street from Potrero Avenue to Hampshire Street is a two-story historic building (Verdi Hall), and a two-story office building that also fronts on Hampshire Street. Across the project site, along the south side of Mariposa from Potrero Avenue to Hampshire Street, is a 64-unit apartment complex that that fronts on Hampshire Street, Mariposa Street, and Hampshire Street; and a three-story, office building (Homeless Prenatal Program) that also fronts on 18th Street.

ENVIRONMENTAL REVIEW

On October 17, 2012, an appeal of the Mitigated Negative Declaration was filed with the Department.

On August 8, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2011.0430X and the Appeal of the Mitigated Negative Declaration, 2011.0430E.

On August 8, 2013, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 28, 2013	May 31, 2013	48 days
Posted Notice	20 days	June 28, 2013	May 31, 2013	48 days
Mailed Notice	20 days	June 28, 2013	May 31, 2013	48 days

PUBLIC COMMENT

- To date, the Department has received general inquiries, opposition and support on the proposed project from members of the public. Most of the opposition expressed concerns on the height and scale of the proposed building.

ISSUES AND OTHER CONSIDERATIONS

- The Project generally conforms to the development standards, including building massing, as mandated by the Eastern Neighborhood controls.
- The Project will consist of up to 75 dwelling units, including eleven on-site affordable units.
- Off-street parking for up to 47 vehicles for residential use at a ratio of approximately 0.63 per dwelling unit. Off-street parking spaces will be located underground, with only one access point from Mariposa Street utilizing an existing curb cut.
- The Project would be subject to the Eastern Neighborhood Impacts Fees for the construction of new mixed-use development. These fees are estimated as follows:

FEE TYPE	PLANNING CODE SECTION/FEE	AMOUNT
Eastern Neighborhoods [63,900 gsf] (Tier 1; New Residential)	423 (@ $8.85 / gsf)	$565,515.00

Eastern Neighborhoods [974 gsf] (Tier 1; New Non-Residential)	423 (@ $6.64 / gsf)	$6,467.36
	TOTAL	**$571,982.36**

These fees are subject to change between Planning Commission approval and approval of the associated Building Permit Application, as based upon the annual updates managed by the Development Impact Fee Unit of the Department of Building Inspection.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant a Large Project Authorization pursuant to Planning Code Section 329 to allow the construction of a new six-story, 58-foot building consisting of up to 75 dwelling units, and to allow exceptions including (1) rear yard pursuant to Planning Code Section 134, (2) dwelling unit exposure pursuant to Planning Code Section 140, and (3) street frontage pursuant to Planning Code Section 145.1. The subject property is located within the UMU (Urban Mixed Use) Zoning District and a 68-X Height and Bulk Designation.

BASIS FOR RECOMMENDATION

- The project complies with the applicable requirements of the Planning Code.
- The project is consistent with the objectives and policies of the General Plan.
- The project complies with the First Source Hiring Program.
- The project produce a mixed-use development that includes significant site upgrades, such as landscaping and private and common open spaces.
- The project design is consistent with and respects the existing neighborhood character, and is an appropriate in-fill development.
- The project will fully utilize the Eastern Neighborhood controls and pay the appropriate impact fees.
- The project adds 75 dwelling units, with over 40 percent of them containing two-bedrooms or more, to the City's housing stock.
- The project proposes a parking ratio of approximately .63 spaces per dwelling unit, or 47 spaces, well less than the maximum permitted ratio of 0.75 on this site, or 58 spaces.

RECOMMENDATION:	**Approval with Conditions**

Attachments:
Parcel Maps
Sanborn Map
Aerial Photographs
Zoning Map
Height Map
Draft Large Project Authorization Motion
Project Sponsor Submittal:

- Cover letter
- Site Photographs
- Project Renderings
- Reduced Plans

Attachment Checklist

- ☒ Executive Summary
- ☒ Draft Motion
- ☒ Environmental Determination
- ☒ Zoning District Map
- ☒ Parcel Map
- ☒ Sanborn Map
- ☒ Aerial Photo
- ☒ Context Photos
- ☒ Site Photos
- ☒ Project sponsor submittal

Drawings: Existing Conditions

- ☒ Check for legibility

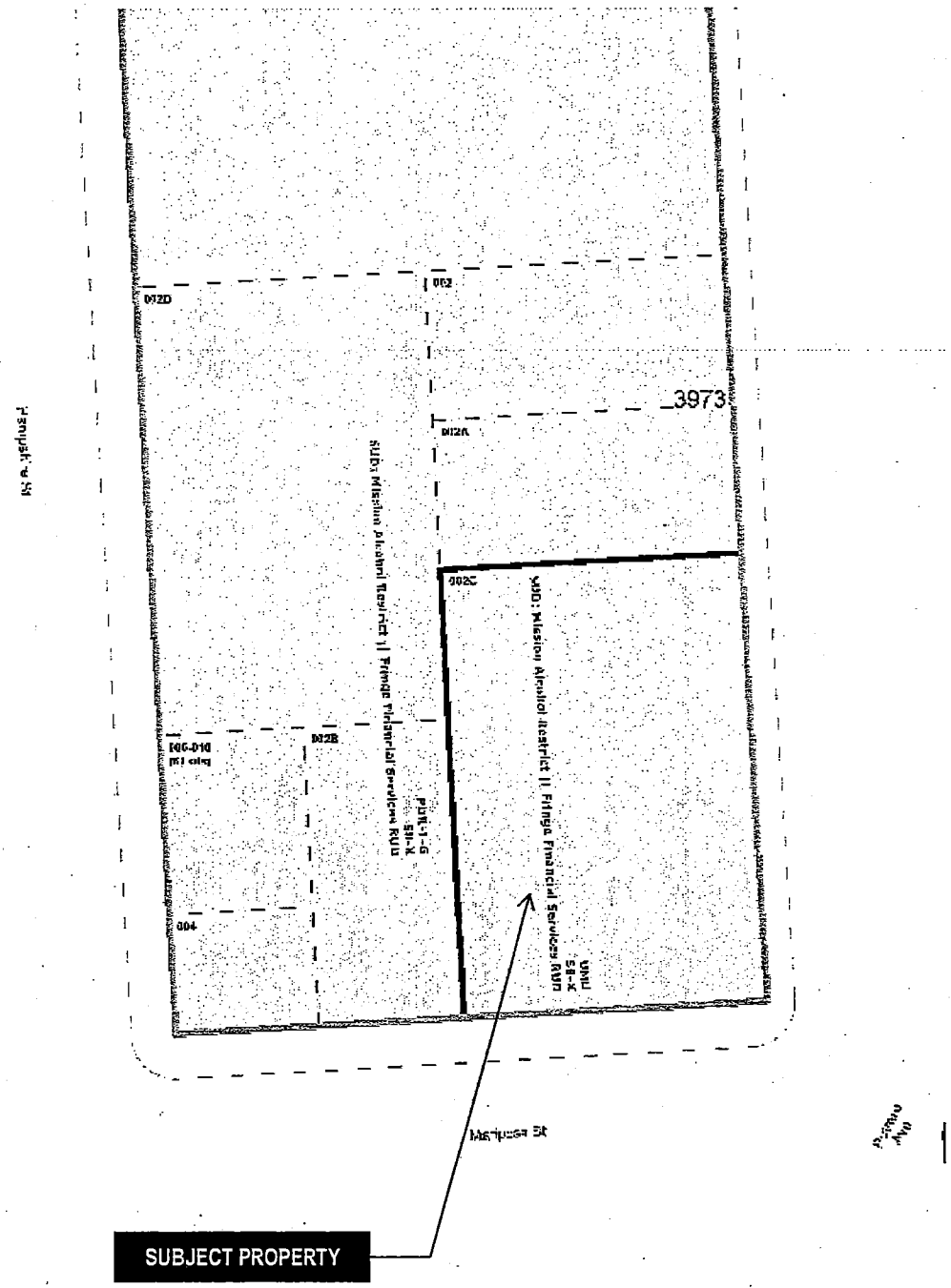
Drawings: Proposed Project

- ☒ Check for legibility

Exhibits above marked with an "X" are included in this packet _____BF_____

Planner's Initials

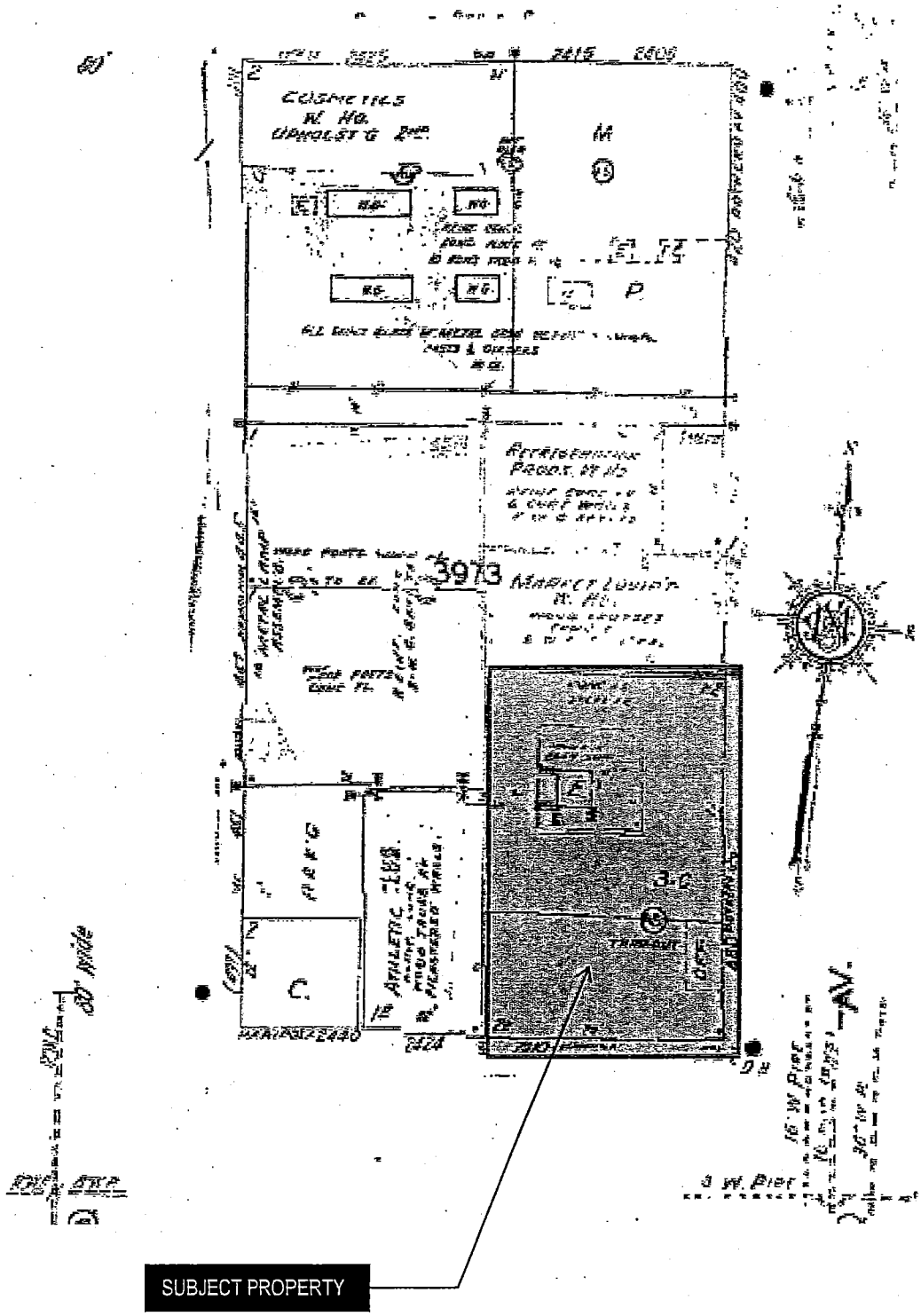
Parcel Map



Planning Commission Hearing
Case Number 2011.0430X
480 Potrero Avenue

SAN FRANCISCO
PLANNING DEPARTMENT

Sanborn Map*

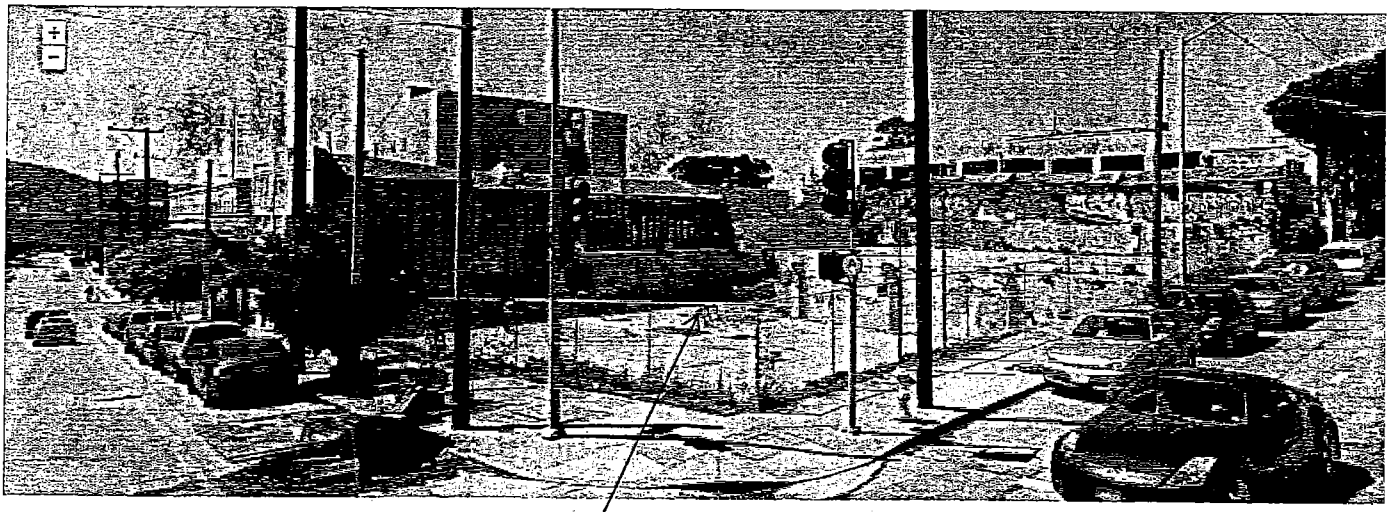


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

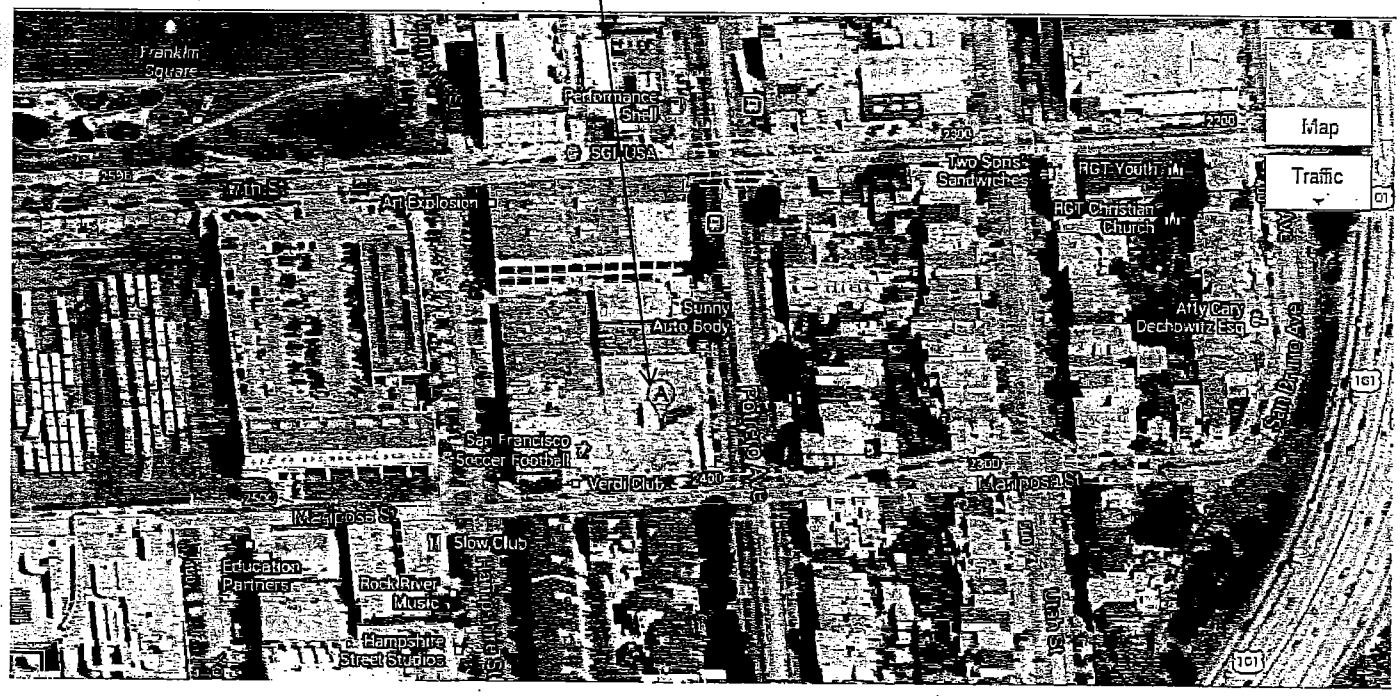
Planning Commission Hearing
Case Number 2011.0430X
480 Potrero Avenue

SAN FRANCISCO
PLANNING DEPARTMENT

Aerial Photo



SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2011.0430X
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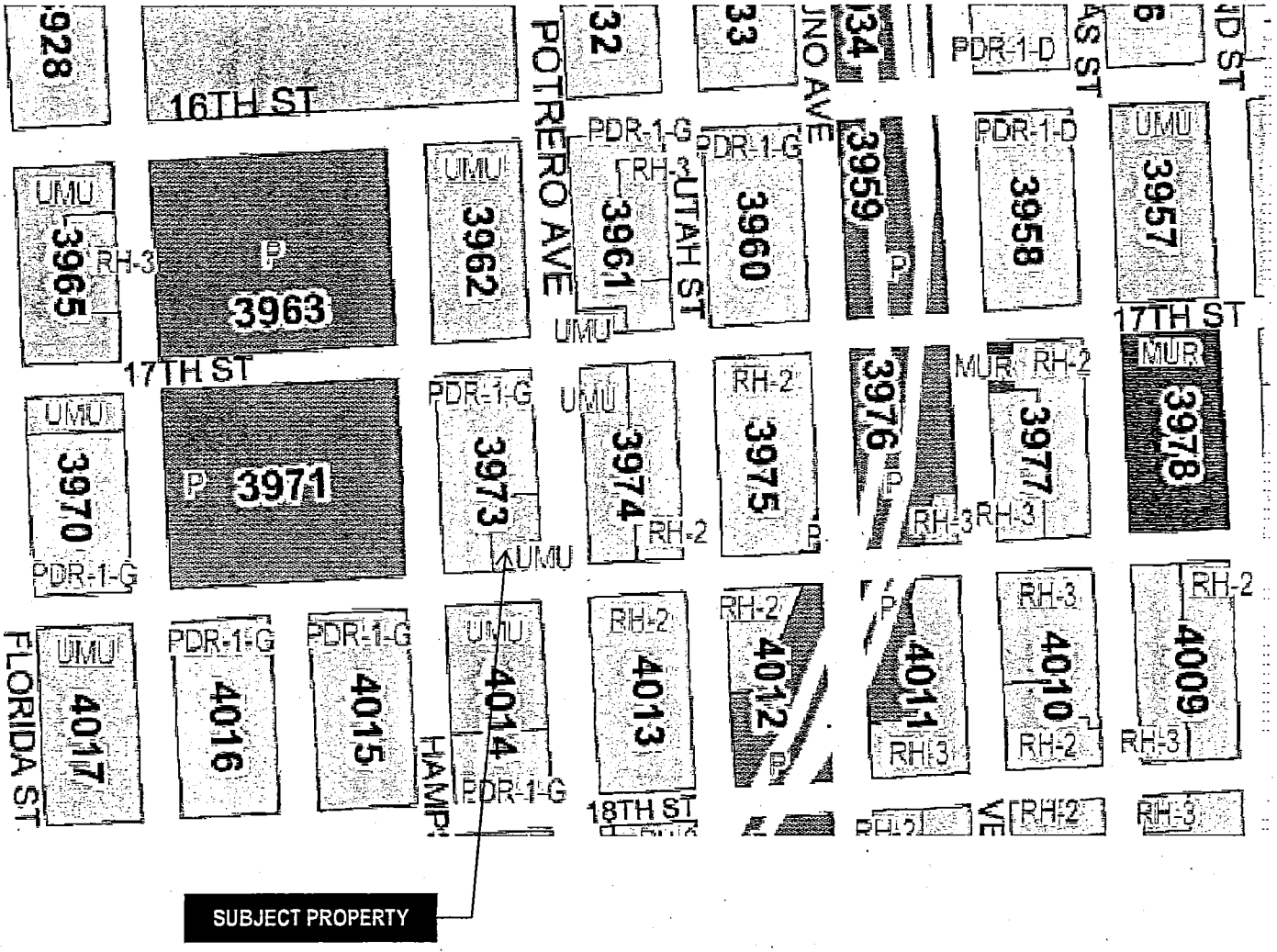
SAN FRANCISCO
PLANNING DEPARTMENT

Zoning Map



Planning Commission Hearing
Case Number 2011.0430X
480 Potrero Avenue

SAN FRANCISCO
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Height Map



Planning Commission Hearing
Case Number 2011.0430X
480 Potrero Avenue

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Subject to: (Select only if applicable)

- ■ Affordable Housing (Sec. 415)
- ☐ Jobs Housing Linkage Program (Sec. 413)
- ☐ Downtown Park Fee (Sec. 412)
- ■ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 414)
- ■ Other (EN Impact Fee – Sec. 423)

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Planning Commission Motion No. XXXXX

HEARING DATE: AUGUST 8, 2013

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ADOPTING FINDINGS RELATING TO LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329 TO ALLOW THE CONSTRUCTION OF A NEW SIX-STORY, 58-FOOT BUILDING WITH UP TO 75 DWELLING UNITS, APPROXIAMTELY 970 SQUARE FEET OF RETAIL AND UP TO 47 OFF-STREET PARKING SPACES, AND TO ALLOW EXCEPTIONS INCLUDING (1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, (2) DWELLING UNIT EXPOSURE PER PLANNING CODE SECTION 140, AND (3) STREET FRONTAGE PER PLANNING CODE SECTION 145.1. THE SUBJECT PROPERTY IS LOCATED WITHIN THE UMU (URBAN MIXED USE) ZONING DISTRICT AND A 58-X HEIGHT AND BULK DESIGNATION, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On October 4, 2012, SIA Consulting Corporation (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Large Project Authorization under Planning Code Section 329 to allow construction of a new six-story, 58-foot building consisting of up to 75 dwelling units, approximately 970 square feet of ground floor retail, and parking for up to 47 spaces, and to allow exceptions for rear yard, dwelling unit exposure, and street frontage within the UMU (Urban Mixed Use) Zoning District and within a 58-X Height and Bulk Designation.

On September 26, 2012, Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until October 16, 2012; and

On October 17, 2012, an appeal of the Mitigated Negative Declaration was filed with the Department.

On August 8, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2011.0430X and the Appeal of the Mitigated Negative Declaration, 2011.0430E.

On August 8, 2013, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On August 8, 2013, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"): and

The Planning Department/Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2011.0430X at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On August 8, 2013, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2011.0430X.

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

MOVED, that the Commission hereby authorizes the Large Project Authorization requested in Application No. 2011.0430X, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Site Description and Present Use.** The rectangular project site (Assessor's Block 3973, Lot 2C) totals 15,000 square feet in size and is located at 480 Potrero Avenue on the northwest corner of Potrero Avenue and Mariposa Street near the boundary of the Mission and Potrero Hill neighborhoods, where the topography is primarily flat with a northwest slope and seven-foot grade change. The project site is currently a vacant lot with a 100-foot wide frontage on Potrero Avenue and a 150-foot wide frontage on Mariposa Street. The site is within the Urban Mixed Use (UMU) District and a 58-X Height and Bulk District. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

3. **Surrounding Properties and Neighborhood.** The project site is located at 480 Potrero Avenue, on the northwest corner of Potrero Avenue and Mariposa Street, near the boundary of the Mission and Potrero Hill neighborhoods. The surrounding zonings are UMU with PDR-1-G one block away to the west and RH-2 one block away to the east. Land uses in the surrounding neighborhood are mixed, and include residential, industrial, commercial, office, and automotive service facilities. Development along the west side of Potrero Avenue from Mariposa Street to 17th Street comprises a two-story, industrial building (Sunny Auto Body) and a two-story, office building (currently occupied by Horizons Unlimited) which also fronts on 17th Street. Along the east side of Potrero Avenue, from 17th Street to Mariposa Street, is a gasoline and service station and multiple residential, industrial, office and commercial buildings. Immediately adjacent to the project site, along the north side of Mariposa Street from Potrero Avenue to Hampshire Street is a two-story historic building (Verdi Hall), and a two-story office building that also fronts on Hampshire Street. Across the project site, along the south side of Mariposa from Potrero Avenue to Hampshire Street, is a 64-unit apartment complex that that fronts on Hampshire Street, Mariposa Street, and Hampshire Street; and a three-story, office building (Homeless Prenatal Program) that also fronts on 18th Street.

4. **Project Description.** The project proposes the construction of a six-story, 58-foot-tall, residential building of approximately 80,000 square feet in size on a vacant lot. The new building would contain 75 residential units (three studios, 39 one-bedrooms, 25 two-bedrooms and eight three-bedrooms) and 47 parking spaces in a one-level basement parking garage. Approximately 10,000 square feet of common open space would be provided by an open courtyard and a roof deck. Pedestrian access would be from both Potrero Avenue and Mariposa Street while vehicular access to the parking garage would be from Mariposa Street.

5. **Public Comment.** The Department has received general inquiries, opposition and support on the proposed project from members of the public. Most of the opposition expressed concerns on the height and scale of the proposed building.

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

   A. **Zoning District.** The project site is located within Urban Mixed Use (UMU) District in the Mission neighborhood and within the Mission Area Plan of the General Plan. 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. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. The project proposes retail and residential uses that include 40 percent two-bedroom units or larger, or family-sized units, in the UMU Zoning District.

   B. **Use.** Planning Code Section 843 identifies residential use and various nonresidential uses as principally permitted uses in the UMU Zoning District. In general, the principally permitted uses are industrial and business service, assembly and social service, retail, recreation and arts, and residential.

   The proposed residential and retail uses are compatible and consistent with the zoning designation.

   C. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth beginning at the lowest story containing a dwelling unit.

   The Project does not comply with the rear yard requirement as it does not provide a contiguous 25 percent depth for the full width of lot and is seeking an exception as part of the Large Project Authorization (See discussion under Finding No. 8).

   D. **Residential Open Space.** Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. At least 80 square feet of usable open space per dwelling unit, or 54 square feet per dwelling unit of publicly accessible open space, is required. Up to 50 percent of the publicly accessible open space may be provided off-site. The Project has a residential open space requirement of up to 6,000 square feet of usable open space if private, or 4,050 square feet of publically accessible open space.

   The Project complies with the open space requirement by providing a total of approximately 6,400 square feet of qualifying open space in the form of roof decks and balconies, in addition to over 4,300 square feet of non-qualifying open space in the form of balconies and common courtyard.

E. **Commercial Open Space.** Planning Code Section 135.3 requires usable open space for uses other than dwelling units. For retail use, one square foot per 250 square feet of occupied floor area of usable open space is required. In Eastern Neighborhoods Mixed Use Districts, this open space requirement may be satisfied through payment of a fee of $76 for each square foot of usable square footage not provided pursuant to this Code section.

The Project is required to provide at least four square feet of commercial open space. The project proposes more open space areas and square footage than the requirement.

F. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires improvement of the public right-of-way associated with development projects. The owner or developer of a new building in this District must install street trees. Each street tree must be a minimum of 24-inch box for every 20 feet of frontage of the property along each street or public alley with any remaining fraction of 10 feet or more of frontage requiring an additional tree.

The project has a tree requirement of five at the Mariposa Street frontage and eight at the Potrero Avenue frontage. The project complies with the requirement by providing the required number of street trees

G. **Bird-Safe Standards.** Planning Code Section 139 outlines bird-safe standards for new construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." Feature-related hazards may create increased risk to birds and need to be mitigated. The project site is not located within an urban bird refuge.

The Project meets the requirements of Planning Code Section 139, and does not contain any feature-related hazards, such as free-standing glass walls, wind barriers, or balconies that have unbroken glazed segments 24 square feet or larger in size.

H. **Dwelling Unit Exposure.** Planning Code Section 140 requires dwelling units to have at least one window facing a street or alley, a Code-complying rear yard.

Although all proposed dwelling units enjoy ample light and air with the proposed open spaces, setbacks and balconies, 36 of the proposed units facing the rear yard do not meet the dimensional requirements (see discussion under Finding No. 8).

I. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Eastern Neighborhood Mixed Use Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in UMU zoning district shall have a floor-to-floor height of 17-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in

front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) providing one 12-foot wide garage opening, which total less than 1/3 the width of the approximately 100-foot wide building at Mariposa Street frontage; (2) all off-street parking spaces are in the basement; (3) incorporating active uses on all street frontages, including commercial and dwellings with stoops within the first 25 feet of the building depth at ground floor and, (4) providing transparent windows at the ground floor active use. The project does not meet the floor-to-floor ground floor height of 17 feet for the commercial frontage for the proposed commercial space at the corner of Mariposa and Potrero. The project proposes a floor-to-floor ground floor height of 12 feet. Therefore, an exception is required and has been requested.

J. **Shadow.** Planning Code Section 147 requires reduction of substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Planning Code Section 295. Section 295 restricts new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission.

The Shadow Analysis conducted for the Project indicates that the Project will not cast shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Open Space.

K. **Residential Off-Street Parking.** Planning Section 151.1 allows for provision of up to three parking spaces for each four dwelling units. Additionally, up to one parking space is permitted for each dwelling unit that is two or more bedrooms and at least 1,000 square feet of occupied floor area, subject to the requirements of Sections 151.1. No additional parking is permitted above these amounts.

Based on the proposed dwelling unit mix, the maximum number of parking spaces permitted is 57, or a parking ratio of approximately .75 spaces per dwelling unit. The project proposes 47 parking spaces, or a parking ratio of approximately .63 spaces per dwelling unit. Therefore, the project complies with the principally permitted parking amounts.

L. **Off-Street Loading.** Planning Code Section 152.1 does not require off-street freight loading spaces for a residential use in UMU Districts when the gross floor area is less than 100,000 square feet.

The project proposes a gross floor area of 80, 000 square feet, less than 100,000 square feet. Therefore, off-street loading spaces are not required.

M. **Bicycle parking.** Planning Code Section 155.4 requires 3 bicycle spaces for commercial and industrial projects where the gross square footage of the floor area exceeds 25,000 square feet but is no greater than 50,000 feet. Planning Code Section 155.5 requires projects over 50 dwelling units to provide 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.

The project proposes approximately 970 square feet of retail space, less than the square footage trigger of 25,000 square feet. Therefore, no bicycle parking is provided for commercial uses. The proposed total number of 75 dwelling units requires a total of 31 bicycle parking spaces. The project complies with this requirement by providing up to 40 bicycle parking spaces.

O. **Car Share.** Planning Code Section 166 requires one space for a project proposes 50 to 200 dwelling units.

The project proposes a total of 75 units. Therefore, one car share space is required. The project complies with the requirement by providing one car share space.

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

The off-street parking spaces provided for the dwelling units will be unbundled and sold and/or leased separately from the dwelling units. Therefore, the Project meets this requirement.

Q. **Dwelling unit mix.** Planning Code Section 207.6 requires at least 40 percent of the total number of proposed dwelling units to contain two or more bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.

The Project will provide 40 percent of the dwelling units as 2-bedroom units or larger (33 units).

R. **Height Limit.** Planning Code Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The Project Site is within a 58-foot Height District.

The Project complies. The height of the roof is no higher than 58 feet measured per Planning Code Section 260.

S. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 14.4% of the proposed dwelling units as affordable. Pursuant to San Francisco Charter Section 16.110 (g), adopted by the voters in November, 2012, beginning on January 1, 2013, the City shall reduce by 20% the on-site inclusionary housing obligation for all on-site projects subject to the Inclusionary Affordable Housing, but in no case below 12%. Thus, under Charter Section 16.110 (g) all the on-site requirements here is reduced by 3% (20% of 18%) to 14.4%.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on June 6, 2013 and a draft of the Costa Hawkins agreement on June 6, 2013. The EE application was submitted on August 23, 2012. Pursuant San Francisco Charter Section 16.110 (g) the 18% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 18%) to 14.4%. Eleven units (one studio, six one-bedroom, three two-bedroom, and one three-bedroom) of the eleven units provided will be affordable rental units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. The Project must execute the Costa Hawkins agreement prior to Planning Commission approval or must revert to payment of the Affordable Housing Fee.

U. **Eastern Neighborhoods Public Benefit Fund.** The project shall comply with the provisions of Planning Code Section 423, including payment of the Eastern Neighborhoods Impact Fee, or execution of an In-Kind Agreement with the Planning Department prior to issuance of the first site or building permit.

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

A. Overall building massing and scale;
The Project conforms to the applicable height and bulk requirements. The neighborhood in the vicinity of the Project is continue to evolve with development in the Potrero Hill and the Mission areas, utilizing the Eastern Neighborhoods controls, and contains a range of building masses. The project, with residential and retail, will be consistent with the existing and evolving character of the area. The Project massing will improve the character of the neighborhood and general pedestrian circulation.

B. Architectural treatments, facade design and building materials;

The architecture of this Project responds to the site's location between the industrial nature and the contemporary and traditional architecture of the residential uses. The Project's facades present fenestration patterns and scale similar to the expressed frame of residential and industrial uses common in the area. The exterior is designed with modern materials including smooth stucco, horizontal wood siding, aluminum storefronts and windows. The aluminum punched window openings with stucco and siding recesses provide a stimulating and visually interesting buffer between the 101 Freeway and the Potrero Avenue and Mariposa Street facades. A prominent corner element accentuates the site location.

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

The ground floor character of the building is active with a viable retail space oriented at the corner of Potrero Avenue and Mariposa Street, which compliments the active residential spaces with transparent storefront and stoops at both street facades. Exposed and raised residential entries are present on both façades as expressed by the architecture of the building via stoops, recessed entries and landscape planters. Vehicular access is minimized to one existing curb cut at Mariposa Street. The second curb cut at Potrero Avenue will be removed. Street trees along all street frontages are proposed per the Planning Code. Although the proposed inner courtyard does not meet the dimensional requirements, it is 32 feet deep by 100 feet long and located at the rear of the property, and provides generous exposure to the west.

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

The Project provides adequate open space, all on-site. The open spaces are provided in the form of a courtyard and roof deck. The total open space over 10,000 square feet provided exceeds the total square footage of 6,000 required.

E. Streetscape and other public improvements, including tree planting, street furniture, and lighting;

The Project proposes the installation of street trees and planters along both frontages and open spaces.

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

The Project provides one ingress/egress accesses utilizing an existing curb cut on Mariposa Street. No additional ingress/egress is proposed to prevent possible conflicts and congestion.

G. Bulk limits;

The Project site is located in an X Bulk District, which requires no bulk restrictions.

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

The Project generally meets the Objectives and Policies of the General Plan.

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

   A. Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth beginning at the lowest story containing a dwelling unit. The subject property is a rectangular lot with two frontages. Planning Code Section 329(d) allows an exception for the rear yard requirement pursuant to requirements of Planning Code Section 134(f).

      1. Residential uses are included in the new or expanding development and a comparable amount of readily accessible usable open space is provided elsewhere on the lot:

         The Project is occupied by residential uses, a ground floor retail space, and a comparable amount of readily accessible open space. Per the Planning Code, the required rear yard should equal 25 percent of the lot depth and area, which is 3,750 square feet of area and 25 feet deep for this property. The proposed inner courtyard, roof decks, setbacks, and balconies combine to provide over 10,000 square feet. Furthermore, the proposed inner courtyard is 3,750 square feet, or 25 percent of the lot area.

      2. The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties:

         The Project will provide plenty of open space in the form of an inner courtyard, roof decks, setbacks and balconies. The inner court has minimum dimensions of 32 feet deep and 100 feet wide. The Project will result in no significant impediment on light and air to adjacent properties. The adjacent properties have buildings that are full lot coverage and no rear yard or mid-block open space. The project will enjoy significant exposure to light and air to the west via the proposed court yard.

      3. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties:

         The adjacent properties have buildings that are full lot coverage with no rear yard or mid-block open space. The proposed court yard provides a relief to the cluster of adjacent buildings without setbacks.

   B. Planning Code Section 140 requires dwelling units to have at least one window facing a street or alley, a Code-complying rear yard. 36 of the 75 proposed dwelling units would not meet the dimensional requirements.

      Although the dwelling units enjoy ample light and air with proposed open space, setbacks, roof decks and balconies, 36 of the units that face the inner-court will not technically comply with the exposure requirement. However, the proposed 32-foor deep x 100-foot wide court yard will have western exposure and unobstructed access to light and air.

   C. Planning Code Section 145.1 requires all ground floor non-residential uses in UMU District to have a minimum floor-to-floor height of 17 feet, as measured from grade.

Although active uses are proposed on the ground floor, the proposed retail space has a floor-to-floor height of 12 feet. This deviation is needed to ensure adequate vehicular maneuverability in the parking area due to the steep slope of the lot. Active uses are proposed in the form of raised ground floor residential entries. The overall intent of Section 145.1 will still be met.

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

HOUSING

Objectives and Policies

OBJECTIVE 1
IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1
Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

Policy 1.8
Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

The Project is a medium density mixed-use development in an underutilized, transitioning industrial and residential area. The Project site is an ideal infill site that is currently vacant. The area around the Project site was recently rezoned to UMU as part of a long range planning goal to create a cohesive, higher density residential and mixed-use neighborhood. The project includes eleven on-site affordable housing units, which complies with the UMU District's goal to provide a higher level of affordability.

OBJECTIVE 11
SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1
Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2
Ensure implementation of accepted design standards in project approvals.

Policy 11.3
Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4

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

Policy 11.5
Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Policy 11.6
Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8
Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The architecture of this Project responds to the site's location as a transition between industrial zones and the contemporary and traditional architecture of residential zones. The Project's facades present fenestration patterns and scale similar to the expressed frame of residential and industrial uses common in the area. The exterior is designed with modern materials including smooth stucco, horizontal wood siding, aluminum storefronts and windows. The aluminum punched window openings with stucco and siding recesses provide a stimulating and visually interesting buffer between the 101 Freeway and the Potrero Avenue and Mariposa Street facades. Height limits were increased along Potrero Avenue to reflect importance of the street as transportation artillery and as a wide thoroughfare, which visually and from a development standpoint, could support higher densities.

OBJECTIVE 12
BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2
Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

The Project provides adequate open space, all on-site. The open spaces are provided in the form of a common inner court, a common roof deck, private roof decks and balconies. The open space areas are designed to include built-in seating and ample landscaping.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4:
PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.5:
Require private usable outdoor open space in new residential development.

Policy 4.6:
Assure the provision of adequate public open space to serve new residential development.

The Project will create private and common open space areas in a new residential mixed-use development through private balconies and roof decks, common inner court and roof deck, and ground floor open spaces. The project will not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:
IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:
Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.3:
Install pedestrian-serving street furniture where appropriate.

Policy 24.4:
Preserve pedestrian-oriented building frontages.

The Project will install street trees at approximately 20 foot intervals along frontages on Potrero Avenue and Mariposa Street. Frontages are designed with active spaces oriented at the pedestrian level.

OBJECTIVE 28:
PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:
Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3:
Provide parking facilities which are safe, secure, and convenient.

The Project includes 40 bicycle parking spaces in secure, convenient locations.

OBJECTIVE 34:

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

Policy 34.1:
Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:
Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

Policy 34.5:
Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

The Project has a parking to dwelling unit ratio of .63 space per unit. The parking spaces are accessed by one ingress/egress point from Mariposa Street utilizing an existing curb cut and removing an existing curb cut at Potrero Avenue. Parking is adequate for the project and complies with maximums prescribed by the Planning Code.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.7:
Recognize the natural boundaries of districts, and promote connections between districts.

OBJECTIVE 2:
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:
Respect the character of older development nearby in the design of new buildings.

The Project is located within the Mission neighborhood that is transitioning from industrial uses to higher density residential mixed-use neighborhood. As such, the proposed building provides more intricate street

façades that respond to the existing industrial built environment, while respecting the residential influences of the surrounding buildings.

OBJECTIVE 4:
IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.5:
Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:
Improve pedestrian areas by providing human scale and interest.

While the rectangular corner lot has two street frontages, it only provides one vehicular access point for the entire project, limiting conflicts with pedestrians and bicyclists. Numerous street trees will be planted on each street. Ample frontages, common and private open spaces, and ground floor active uses directly accessing the street will be provided. The pedestrian experience along the Project site will be improved. The site is currently vacant.

MISSION AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.2:
IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1.
Ensure that in-fill housing development is compatible with its surroundings.

Policy 1.2.2.
For new construction, and as part of major expansion of existing buildings in neighborhood commercial districts, require ground floor commercial uses in new housing development. In other mixed-use districts encourage housing over commercial or PDR where appropriate.

Policy 1.2.3:
In general, where residential development is permitted, control residential density through building height and bulk guidelines and bedroom mix requirements.

The Project has been designed to be compatible with the character-defining features of the neighborhood. The top two floors of the project have been setback five to seven feet from the street frontages to reduce the apparent height increase and to make massing more compatible with the adjacent buildings.

Built Form
OBJECTIVE 3.1:
PROMOTE AN URBAN FORM THAT REINFORCES THE MISSION'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 3.1.3.
Relate the prevailing heights of buildings to street and alley width throughout the Plan Area.

Policy 3.1.8.
New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located.

Though height limits in the area have been modified under the Eastern Neighborhood Controls, the project proposes façade setbacks at the top two floors. Although there are no pattern of rear yard or mid-block open space in the existing block and adjacent parcels, the project proposes high quality private and common open spaces in balconies, decks, courtyards, and roof decks.

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

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

There are no existing neighborhood-serving retail uses on the site. The site has been vacant since 2005. The Project will provide approximately 970 square feet of ground floor space adequate for various retail uses, including neighborhood serving retail, which will create opportunities for local resident employment and ownership opportunities.

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

No housing exists on the project site. The project will provide up to 75 new dwelling units, significantly increasing the neighborhood housing stock. The design of the Project is compatible with the surrounding neighborhood. For these reasons, the proposed project would protect and preserve the cultural and economic significance of the neighborhood.

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

The Project will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program, therefore increasing the stock of affordable housing units in the City.

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

The project site is well-served by public transportation. The majority of future residents are expected to use alternative methods of transportation other than private automobiles, and the number of vehicle trips generated by this project would not impede MUNI transit service or overburden streets. The site is serviced by MUNI lines 9, 33, 22and 27, all of which are within a few blocks of walking distance.

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

The Project does not include any commercial office development as proposed. The proposal, with dwelling units and retail spaces, will increase the diversity of the City's housing supply, a top priority in the City, and will provide potential neighborhood-serving uses.

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

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

G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The Project will not affect the City's parks or open space or their access to sunlight and vistas. A shadow study was completed and concluded that the Project will not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission.

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

and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

13. The Commission hereby finds that approval of the Large Project authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2011.0430X** under Planning Code Section 329 to allow the proposed construction of a new six-story, 58-foot building consisting of up to 75 dwelling units, approximately 970 square feet of ground floor retail, and parking for up to 47 spaces, and exceptions including rear yard, dwelling unit exposure and street frontage, within the UMU (Urban Mixed Use) Zoning District and within a 58-X Height and Bulk Designation. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 31, 2013, and stamped "EXHIBIT D", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the IS/MND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Large Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1650 Mission Street, Room 304, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 8, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 8, 2013

EXHIBIT A

AUTHORIZATION

This authorization is to allow a Large Project Authorization and including exceptions for (1) rear yard pursuant to Planning Code Section 134, (2) dwelling unit exposure pursuant to Planning Code Section 140, and (3) street frontage pursuant to Planning Code Section 145.1, for the proposed construction of a new six-story, 58-foot tall building consisting of up to 75 dwelling units, approximately 970 square feet of ground floor retail, and parking for up to 47 spaces; in general conformance with plans, dated July 31, 2013, and stamped "EXHIBIT D" included in the docket for Case No. 2011.0430X and subject to conditions of approval reviewed and approved by the Commission on August 8, 2013, under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 8, 2013, under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Large Project Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Large Project Authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

DESIGN

3. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design and the design and development of the streetscape and pedestrian elements in conformance with the Better Streets Plan. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6613, www.sf-planning.org

4. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6613, www.sf-planning.org*

5. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts to San Francisco streetscapes when improperly located. However, they may

not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

A. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
B. On-site, in a driveway, underground;
C. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
D. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding impacts on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
E. Public right-of-way, underground; and based on Better Streets Plan guidelines;
F. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
G. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, http://sfdpw.org*

AFFORDABLE HOUSING

6. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 18% of the proposed dwelling units as affordable to qualifying households. Pursuant San Francisco Charter Section 16.110 (g) the 18% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 18%) to 14.4%. The Project contains 77 units; therefore, eleven affordable units are required. The Project Sponsor will fulfill this requirement by providing the eleven affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

7. **Unit Mix.** The Project contains five studios, 41 one-bedroom, 23 two-bedroom, and eight three-bedroom units; therefore, the required affordable unit mix is one studio, six one-bedroom, three two-bedroom, and one three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

8. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

9. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

10. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

11. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Sections 415, 419 et seq., of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Sections 415 and 419. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at: http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451.
As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

    a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

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

c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.

d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.

e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.

f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.

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

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

PARKING AND TRAFFIC

12. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 419 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

13. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation impacts during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

EASTERN NEIGHBORHOODS INFRASTRUCTURE IMPACT FEE

14. **Impact Fees.** The Eastern Neighborhoods Public Benefits Fund is implemented in part through district-specific Eastern Neighborhoods Impact Fee which applies to the Project Area. Fees shall be charged on net additions of gross square feet which result in a net new residential unit, contribute to a 20 percent increase of non-residential space in an existing structure, or create non-residential space in a new structure. Fees shall be assessed on residential use, and on non-residential use within each use category of Cultural/Institution/Education; Management, Information & Professional Service; Medical & Health Service; Retail/Entertainment; and Visitor Services; with no substitutions across uses. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project. The project is within the Impact Fee Tier 1.

Prior to the issuance by the Department of Building Inspection (DBI) of the first site or building permit, the sponsor of any project subject to the Eastern Neighborhoods Impact Fee shall pay to

the Treasurer according to the schedule in Table 423.3. Planning Code Section 423.3 also provides alternatives satisfying this requirement.

PROVISIONS

15. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project. *For information about compliance, contact the First Source Hiring Manager at 415-401-4960, www.onestopSF.org*

MONITORING

16. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

17. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

18. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, http://sfdpw.org/*

19. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison

shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Mitigation Measures

20. Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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MONITORING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
A. MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
ARCHAEOLOGICAL RESOURCES	Project sponsor	Prior to any soil disturbing activities	Distribute Planning Department Archeological Resource "ALERT" sheet to Prime Contractor, sub-contractors and utilities firms.	Project sponsor, archaeologist and Environmental Review Officer (ER0)	Prior to any soil disturbing activities.
The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.	Project Sponsor			Submit signed affidavit of distribution to ERO.	Following distribution of "ALERT" sheet but prior to any soils disturbing activities.
Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.	Head Foreman and/or project sponsor	Accidental discovery	Suspend any soils disturbing activity.	Notify ERO of accidental discovery.	

Adopted Mitigation Measures	MONITORING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/ cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.	Project Sponsor	In case of accidental discovery	If ERO determines an archeological resource may be present, services of a qualified archeological consultant to be retained.		
	Archeological consultant		Identify and evaluate archeological resources.	Make recommendation to the ERO	
Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	Project Sponsor	After determination by the ERO of appropriate action to be implemented following evaluation of accidental discovery.	Implementation of Archeological measure required by ERO.		
The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project Sponsor	Following completion of any* archeological field program. (* required.)	Submittal of Draft/Final FARR to ERO.		

Adopted Mitigation Measures	MONITORING PROGRAM Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
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 MEA division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project Sponsor		Distribution of Final FARR.		

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
			MONITORING PROGRAM		
Air Quality ***Mitigation Measure M-AQ-1 Construction Air Quality (Asbestos)*** A Site Mitigation (SMP) will be implemented to address the asbestos exposure to the construction workers, nearby residents, pedestrians and future users of the site. Dust control measures are to be implemented to reduce exposure during excavation, grading, loading and transporting of excavated materials. Soil/rock excavated and removed from the site will require appropriate disposal; additional sampling may be necessary. These measures are to include:	Project Sponsor	During demolition, site grading and excavation, and site development.	Handling, hauling and disposal of contaminated soils.	The contractor shall take the mitigation actions specified in the SMP and shall submit weekly monitoring reports to DPH. Project sponsor to provide DPH with weekly reports during construction period.	Considered complete upon receipt by DPH of final monitoring plan at completion of construction.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
			MONITORING PROGRAM		
• Site fencing. • Wetting exposed soil/rock – exposed soil/rock will be watered at least twice a day to prevent visible dust from migrating off-site. • Covering exposed soil/rock. In particular, stockpiles will be covered and trucks transporting contaminated soil/rock will be covered with a tarpaulin or other cover. • Preventing distribution of dust and soil/rock off-site by decontamination and other measures to prevent soil/rock from being tracked off-site by vehicles or carried off-site on clothes. Measures to achieve this include: water being misted or sprayed during the loading of soil/rock onto trucks for off-haul; wheels being cleaned prior to entering public streets; public streets will be swept daily if soil/rock is visible and excavation and loading activities will be suspended if winds exceed 20 miles per hour.	Project sponsor/Contractor	During demolition, site grading and excavation, and site development.	Handing, hauling and disposal of contaminated soils (see mitigation measure).	The contractor shall take the mitigation actions specified in the SMP and shall submit weekly monitoring reports to DPH. Project sponsor to provide DPH with weekly reports during construction period.	Considered complete upon receipt by DPH of final monitoring plan at completion of construction.
• Instituting a site-specific health and safety plan (HSP) developed by a certified industrial hygienist that represents the site contractors, which includes that air sampling and monitoring be conducted to evaluate the amount of airborne particles generated during excavation, grading, loading and transportation.	Project Sponsor/ Contractor/ Certified industrial hygienist	Prior to commencement of construction activities and ongoing	Contractor to implement a site specific health and safety plan (HSP)	DPH and San Francisco Planning Department to review and approve the HSP.	Considered complete after construction activities have ended.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
			MONITORING PROGRAM		
• Contacting BAAQMD and completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD prior to any excavation activities.	Project Sponsor	Prior to commencement of excavation activities and during excavation.	Completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD and implementation of requirements.	BAAQMD/DBI	Considered complete upon issuance of BAAQMD Permit and implementation of applicable BAAQMD requirements.
In order to control potential exposure during soil/rock disturbance, the soil/rock are to be moisture conditioned using dust suppressants, covering exposed soil/rock and stockpiles with weighed down plastic sheeting or capping the site with building asphalt or at least two feet of clean imported fill.	See above regarding measures addressed in Soil Mitigation Plan.				
Excavated soil is to be disposed off-site after proper profiling for disposal. Excavated soil/rock material will either be loaded directly into trucks and removed from the site or stockpiled onsite. If stockpiled, the soil/rock will be placed on visqueen, bermed and tarped at all times.	See above regarding measures addressed in Soil Mitigation Plan				
Direct contact to the underlying soil/rock by future site users will be mitigated by encapsulation with the concrete foundation system and buildings. It is not anticipated that groundwater will be encountered during construction.	See above regarding measures addressed in Soil Mitigation Plan				

Adopted Mitigation Measures	MONITORING PROGRAM Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
The SMP recommends that if unanticipated hazardous materials are encountered, the work is to stop; the site superintendent and project contractor are to be notified to conduct an inspection.	Contractor's Site Superintendent/Project Sponsor	During construction and excavation activities	If unanticipated hazardous materials are encountered, the work is to stop; the site superintendent is to notify Treadwell & Rollo who shall conduct an inspection.	Project Sponsor/Treadwell & Rollo to report findings to DPH in a weekly monitoring report.	

Adopted Mitigation Measures	MONITORING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to EHS-HWU at DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.	Project Sponsor	Following completion of excavation and foundation construction activities.	Preparation of a closure/certification report to EHS-HWU at DPH for review and approval	EHS-HWU at DPH	Considered complete upon submittal of a closure/certification report to EHS-HWU at DPH for review and approval and submittal of report to and San Francisco Planning Department.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
			MONITORING PROGRAM		
Mitigation Measure M-HZ-2B: Testing for and Handling, Hauling, and Disposal of Contaminated Soils **Step 1: Soil Testing.** Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for contamination. The project sponsor shall enter the San Francisco Voluntary Remedial Action Program (VRAP) under the DPH. The project sponsor shall submit a VRAP application and a fee of $592 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Site Assessment and Mitigation Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of $592 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first three hours, at a rate of $197 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The consultant shall submit the work plan to DPH for review and concurrence prior to performing the soil sampling. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples. The project sponsor shall submit the report on the soil testing to DPH for review and concurrence. DHP shall review the soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.	Project Sponsor	Prior to soil-disturbing activity.	DPH to review soil testing report and advise ERO and Department of Building Inspection (DBI) if Site Mitigation Plan (SMP) is required.	Prior to issuance of grading or excavation permit. Considered complete upon receipt by DPH, ERO, and DBI of monitoring report.
Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the project sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation/capping, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the Department of Public Health (DPH) for review and	Project Sponsor	Upon DPH determination that SMP is required.	If SMP is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to DBI and ERO, at end of construction.	Prior to issuance of certificate of occupancy. Considered complete upon receipt of monitoring report.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
			MONITORING PROGRAM		
approval at least six weeks prior to beginning demolition and construction work. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.					
Step 3: Handling, Hauling, Treatment, and Disposal of Contaminated Soils and Groundwater. (a) Specific work practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations) when such soils are encountered on the site. If excavated materials contain over one percent friable asbestos, they shall be treated as hazardous waste, and shall be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site. (b) Dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after construction work hours. (c) Surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather. (d) Soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade. (e) Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California. Any contaminated groundwater shall be subject to the requirements of the City's Industrial Waste Ordinance (Ord. No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the system.	Project Sponsor	During construction.	Project Sponsor to provide DPH with monitoring report following soil-disturbing construction period and final monitoring report at conclusion of building construction. Copies of reports to be provided to DBI and ERO.	Prior to issuance of certificate of occupancy. Considered complete upon receipt of monitoring report.

MONITORING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
Step 4: Preparation of Closure/Certification Report After construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.	Project Sponsor	At completion of foundation.	Project Sponsor to provide closure/ certification report to DPH, with copy to DBI and ERO.	Prior to issuance of certificate of occupancy. Considered complete upon receipt of monitoring report.
Mitigation Measure M-HZ-2C: Disposal of Contaminated Soil, Site Health and Safety Plan If, based on the results of the soil tests conducted, the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, any contaminated soils designated as hazardous waste and required by DPH to be excavated shall be removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with California and U.S. Environmental Protection Agency regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the DPH. If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan shall be required by the California Division of Occupational Safety and Health (Cal-OSHA) prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum: Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.	Project sponsor and construction contractor(s)	During construction.	Project Sponsor to provide DPH with monitoring report following soil-disturbing construction period and final monitoring report at conclusion of building construction. Copies of reports to be provided to DBI and ERO.	Prior to issuance of certificate of occupancy. Considered complete upon receipt of monitoring report.

Adopted Mitigation Measures	MONITORING PROGRAM: Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.					
The dust controls specified in the Construction Dust Control Ordinance (176-08). This includes dust control during excavation and truck loading shall include misting of the area prior to excavation, misting soils while loading onto trucks, stopping all excavation work should winds exceed 25 mph, and limiting vehicle speeds onsite to 15mph.					
Protocols for managing stockpiled and excavated soils.					
The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:					
Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required.					
Posting of "no trespassing" signs.					
Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.					
If groundwater contamination is identified, the Site Health and Safety Plan and Site Mitigation Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.					
The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.					
The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures shall include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.					

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into as of 5/31/2013, by and between the City and County of San Francisco (the "City") through its First Source Hiring Administration ("FSHA") and SST Investments, LLC ("Project Sponsor").

WHEREAS, Project Sponsor, as developer, proposes to construct 77 new dwelling units, with up to 974 square feet of commercial space and 46 accessory, off-street parking spaces ("Project") at 480 Potrero Ave, Lots 002C in Assessor's Block 3973, San Francisco California ("Site"); and

WHEREAS, the Administrative Code of the City provides at Chapter 83 for a "First Source Hiring Program" which has as its purpose the creation of employment opportunities for qualified Economically Disadvantaged Individuals (as defined in Exhibit A); and

WHEREAS, the Project requires a building permit for a commercial activity of greater than 25,000 square feet and/or is a residential project greater than ten (10) units and therefore falls within the scope of the Chapter 83 of the Administrative Code; and

WHEREAS, Project Sponsor wishes to make a good faith effort to comply with the City's First Source Hiring Program.

Therefore, the parties to this Memorandum of Understanding agree as follows:

A. Project Sponsor, upon entering into a contract for the construction of the Project with Prime Contractor after the date of this MOU, will include in that contract a provision in the form attached hereto as Exhibit A and Exhibit A-1. It is the Project Sponsor's responsibility to provide a signed copy of Exhibit A to First Source Hiring program and CityBuild within 10 business days of execution.

B. Project Sponsor, as the developer of the Project, will comply with the requirements of Chapter 83 and upon entering into leases for the commercial space at the Project that are subject to Chapter 83, will include in that contract a provision in the form attached hereto as Exhibit B and Exhibit B-1. Project Sponsor will inform the FSHA when leases or occupancy contracts have been negotiated and provide a signed copy of Exhibit B and Exhibit B-1.

C. Any lessee(s) or operator(s) of commercial space within the Project shall have the same obligations under this MOU as the Project Sponsor.

D. CityBuild shall represent the First Source Hiring Administration and will provide referrals of Qualified economically disadvantaged individuals for employment on the construction phase of the Project as required under Chapter 83. The First Source Hiring Program will provide referrals of Qualified economically disadvantaged individuals for the permanent jobs located within the commercial space of the Project.

E. The owners or residents of the residential units within the Project shall have no obligations under this MOU, or the attached First Source Hiring Agreement.

F. FSHA shall advise Project Sponsor, in writing, of any alleged breach on the part of the Project's contractor and/or tenant(s) with regard to participation in the First Source Hiring Program at the Project prior to seeking an assessment of liquidated damages pursuant to Section 83.12 of the Administrative Code.

G. As stated in Section 83.10(d) of the Administrative Code, if Project Sponsor fulfills its obligations as set forth in Chapter 83, it shall not be held responsible for the failure of a contractor or commercial tenant to comply with the requirements of Chapter 83.

H. This MOU is an approved "First Source Hiring Agreement" as referenced in Section 83.11 of the Administrative Code. The parties agree that this MOU shall be recorded and that it may be executed in counterparts, each of which shall be considered an original and all of which taken together shall constitute one and the same instrument.

J. Except as set forth in Section E, above: (1) this MOU shall be binding on and inure to the benefit of all successors and assigns of Project Sponsor having an interest in the Project and (2) Project Sponsor shall require that its obligations under this MOU shall be assumed in writing by its successors and assigns. Upon Project Sponsor's sale, assignment or transfer of title to the Project, it shall be relieved of all further obligations or liabilities under this MOU.

By: _____ Date: 5/31/2013

Name of Authorized Signer: Reza Khoshnevisan Email: reza@siaconsult.com

Company: SIA Consulting Corporation Phone: 415-922-0200Ext 108

Address: 1256 Howard St., San Francisco CA 94103

Its:

First Source Hiring Administration
OEWD, 1 South Van Ness 5th Fl. San Francisco, CA 94103
Attn: Ken Nim, Compliance Manager

Free Recording Requested Pursuant to
Government Code Section 27383

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

Lot 002C in Assessor's Block 3973

AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND SST INVESTMENTS, LLC RELATIVE TO THE DEVELOPMENT KNOWN AS 480 POTRERO

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS ("Agreement") dated for reference purposes only as of this ___day of May 2013, is by and between the CITY AND COUNTY OF SAN FRANCISCO, a political subdivision of the State of California (the "City"), acting by and through its Planning Department, and SST Investments, LLC ("Developer") with respect to the project approved for 480 Potrero Avenue in San Francisco, California (the "Project"). City and Developer are also sometimes referred to individually as a "Party" and together as the "Parties."

RECITALS

This Agreement is made with reference to the following facts:

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

B. Property Subject to this Agreement. The property that is the subject of this Agreement consists of the real property in the City and County of San Francisco, California, at 480 Potrero Avenue, Lot 002C in Assessor's Block 3973 and located at the southeast corner of Potrero and Mariposa Streets (hereinafter "Property"). The Property is more particularly described in Exhibit A attached hereto. The Property is owned in fee by Developer.

C. Development Proposal; Intent of the Parties. The Developer proposes to build 77 residential units at the Property. The dwelling units would be offered as rental units and the inclusionary affordable housing would be provided on-site. The Project would fulfill its inclusionary affordable housing requirement by providing 14.4% of the dwelling units, or 11 below-market rate (BMR) units, on-site, assuming that 77 residential units are constructed.

On Thursday, June 20th, 2013, pursuant to Case No. **2011.0430X** the Planning Commission approved Large Project Authorization (X) to allow a 58-foot-tall, mixed-use building. The new building would contain 77 residential units, 974 square feet of ground-floor retail use, and 46 parking spaces in a one-level basement parking garage. (the "Project Approval").

Planning Code Section 134 requires all lots in the UMU District to provide a minimum rear yard depth equal to 25 percent of the total depth of the lot on which the building is situated at the lowest story and succeeding level containing a dwelling unit. The proposed rear yard does not meet the dimensional requirements.

Planning Code Section 140 requires dwelling units to have at least one window facing a street or alley, a Code-complying rear yard or open area. 36 of the 77 proposed dwelling units would not face an open area that meets the dimensional requirements mandated by the Planning Code.

Planning Code Section 145.1 requires active uses on the ground floor. Although active uses are proposed on the ground floor, they do not meet the minimum required ground floor ceiling height of 17 feet.

If the Developer is required to comply with the above provisions of the Planning Code, it will be approximately 23 units. The commercial height requirement under Section 145.1 would result in the loss of 13 units since one floor will have to be completely eliminated. In addition, the set-back and exposure requirement under Section 134 and 140 would require the Developer to lose approximately 10 units. Developer estimates that the Project Approval allows Developer to construct approximately 23 more units for the Project than would otherwise have been permitted pursuant to the above Planning Code Sections.

The dwelling units that are the subject of this Agreement are the Project's on-site inclusionary units representing 14.4 percent (14.4%) of the Project's dwelling units, which assuming that 77 dwelling are constructed, would total 11 inclusionary units (the "Inclusionary Units"). The dwelling units in the Project that are not Inclusionary Units, representing 85.6 percent (85.6%) of the Project's dwelling units, which assuming that 77 units are constructed would total 66 units, are referred to herein as the "Market Rate Units". This Agreement is not intended to impose restrictions on the Market Rate Units or any portions of the Project other than the Inclusionary Units. The Parties acknowledge that this Agreement is entered into in consideration of the respective burdens and benefits of the Parties contained in this Agreement and in reliance on their agreements, representations and warranties.

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

the Affordable Housing Fee to satisfy the requirements of the Affordable Housing Program and in consideration of the City's concessions and incentives.

E. Developer's Election to Provide On-Site Units. Developer has elected to enter into this Agreement to provide the Inclusionary Units in lieu of payment of the Affordable Housing Fee in satisfaction of its obligation under the Affordable Housing Program and to provide for an exception to the rent restrictions of the Costa-Hawkins Act for the Inclusionary Units only.

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

G. Project's Compliance with CEQA. Pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the potential significant environmental impacts associated with the Project were described and analyzed, and mitigation measures that would avoid or reduce those impacts to less than significant levels were discussed in the Mitigated Negative Declaration ("MND") for the Project (Case No. 2011.0430E). The information in the MND was considered by the Planning Department and the Planning Department adopted and published the MND on September 26, 2012, in accordance with Section 15070 of the CEQA Guidelines.

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

AGREEMENT

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

1. GENERAL PROVISIONS

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

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

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

2.1.1 Project Approval. The Project Approval granted Developer the right to develop a 58-foot-tall, mixed-use building. The new building would contain 77 residential units, 974 square feet of ground-floor retail use, and 46 parking spaces in a one-level basement parking garage.

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

2.2 Costa-Hawkins Act Inapplicable to Inclusionary Units Only.

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

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

3. COVENANTS OF DEVELOPER

3.1 On-Site Inclusionary Affordable Units. In consideration of the concessions and incentives set forth in Section 2.1 and in accordance with the terms and conditions set forth in the Affordable Housing Program and the Project Approvals, upon Developer obtaining its first certificate of occupancy for the Project, Developer shall provide 14.4 percent (14.4%) of the dwelling units as on-site Inclusionary Units in lieu of payment of the Affordable Housing Fee. For example, based on the contemplated total of 77 units comprising the Project, a total of 11 Inclusionary Units would be required in the aggregate for the entire Project in lieu of payment of the Affordable Housing Fee.

3.2 Developer's Waiver of Rights Under the Costa-Hawkins Act Only as to the Inclusionary Units. The Parties acknowledge that under the Costa-Hawkins Act, the owner of newly constructed residential real property may establish the initial and all subsequent rental rates for dwelling units in the property without regard to the City's Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code). The Parties also understand and agree that the Costa-Hawkins Act does not and in no way shall limit or otherwise affect the restriction of rental charges for the Inclusionary Units because this Agreement falls within an express exception to the Costa-Hawkins Act as a contract with a

public entity in consideration for a direct financial contribution or other forms of assistance specified in Chapter 4.3 (commencing with section 65915) of Division 1 of Title 7 of the California Government Code including but not limited to the concessions and incentives specified in Section 2. Developer acknowledges that the concessions and incentives result in identifiable and actual cost reductions to the Project. Should the Inclusionary Units be deemed subject to the Costa-Hawkins Act, as a material part of the consideration for entering into this Agreement, Developer, on behalf of itself and all its successors and assigns to this Agreement, hereby expressly waives, now and forever, any and all rights it may have under the Costa-Hawkins Act with respect only to the Inclusionary Units (but only the Inclusionary Units and not as to the Market Rate Units) consistent with Section 3.1 of this Agreement. Without limiting the foregoing, Developer, on behalf of itself and all successors and assigns to this Agreement, agrees not to bring any legal or other action against City seeking application of the Costa-Hawkins Act to the Inclusionary Units for so long as the Inclusionary Units are subject to the restriction on rental rates pursuant to the Affordable Housing Program. The Parties understand and agree that the City would not be willing to enter into this Agreement without the waivers and agreements set forth in this Section 3.2.

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

4. MUTUAL OBLIGATIONS

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

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

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

5. DEVELOPER REPRESENTATIONS, WARRANTIES AND COVENANTS.

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

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

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

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

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

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

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

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

6. AMENDMENT; TERMINATION

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

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

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

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

7.1 Agreement Runs With The Land. Developer may assign or transfer its duties and obligations under this Agreement to another entity, provided such entity is the legal and equitable fee owner of the Property ("Transferee"). As provided in Section 9.2, this Agreement runs with the land and any Transferee will be bound by all of the terms and conditions of this Agreement.

7.2 Rights of Developer. The provisions in this Section 7 shall not be deemed to prohibit or otherwise restrict Developer from (i) granting easements or licenses to facilitate development of the Property, (ii) encumbering the Property or any portion of the improvements thereon by any mortgage, deed of trust, or other device securing financing with respect to the Property or Project, (iii) granting a leasehold interest in all or any portion of the Property, or (iv)

transferring all or a portion of the Property pursuant to a sale, transfer pursuant to foreclosure, conveyance in lieu of foreclosure, or other remedial action in connection with a mortgage. None of the terms, covenants, conditions, or restrictions of this Agreement or the other Project Approvals shall be deemed waived by City by reason of the rights given to the Developer pursuant to this Section 7.2. Furthermore, although the Developer initially intends to operate the Project on a rental basis, nothing in this Agreement shall prevent Developer from later selling all or part of the Project on a condominium basis, provided that such sale is permitted by, and complies with, all applicable City and State laws including, but not limited to that, with respect to any inclusionary units, those shall only be sold pursuant to the City Procedures for sale of inclusionary units under the Affordable Housing Program.

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

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

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

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

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

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

7.5.4 A Mortgagee shall have the right, at its option, to cure any default or breach by the Developer under this Agreement within the same time period as Developer has to remedy or cause to be remedied any default or breach, plus an additional period of (i) thirty (30) calendar days to cure a default or breach by the Developer to pay any sum of money required to be paid hereunder and (ii) ninety (90) days to cure or commence to cure a non-monetary default or breach and thereafter to pursue such cure diligently to completion; provided that if the Mortgagee cannot cure a non-monetary default or breach without acquiring title to the Property, then so long as Mortgagee is diligently pursuing foreclosure of its mortgage or deed of trust,

Mortgagee shall have until ninety (90) days after completion of such foreclosure to cure such non-monetary default or breach. Mortgagee may add the cost of such cure to the indebtedness or other obligation evidenced by its mortgage, provided that if the breach or default is with respect to the construction of the improvements on the Property, nothing contained in this Section or elsewhere in this Agreement shall be deemed to permit or authorize such Mortgagee, either before or after foreclosure or action in lieu thereof or other remedial measure, to undertake or continue the construction or completion of the improvements (beyond the extent necessary to conserve or protect improvements or construction already made) without first having expressly assumed the obligation to the City, by written agreement reasonably satisfactory to the City, to complete in the manner provided in this Agreement the improvements on the Property or the part thereof to which the lien or title of such Mortgagee relates. Notwithstanding a Mortgagee's agreement to assume the obligation to complete in the manner provided in this Agreement the improvements on the Property or the part thereof acquired by such Mortgagee, the Mortgagee shall have the right to abandon completion of the improvement at any time thereafter.

7.5.5 If at any time there is more than one mortgage constituting a lien on any portion of the Property, the lien of the Mortgagee prior in lien to all others on that portion of the mortgaged property shall be vested with the rights under this Section 7.5 to the exclusion of the holder of any junior mortgage; provided that if the holder of the senior mortgage notifies the City that it elects not to exercise the rights sets forth in this Section 7.5, then each holder of a mortgage junior in lien in the order of priority of their respective liens shall have the right to exercise those rights to the exclusion of junior lien holders. Neither any failure by the senior Mortgagee to exercise its rights under this Agreement nor any delay in the response of a Mortgagee to any notice by the City shall extend Developer's or any Mortgagee's rights under this Section 7.5. For purposes of this Section 7.5, in the absence of an order of a court of competent jurisdiction that is served on the City, a then current title report of a title company licensed to do business in the State of California and having an office in the City setting forth the order of priority of lien of the mortgages shall be reasonably relied upon by the City as evidence of priority.

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

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

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

8.2 Default. For purposes of this Agreement, the following shall constitute a default under this Agreement: the failure to perform or fulfill any material term, provision, obligation, or covenant hereunder and the continuation of such failure for a period of thirty (30) calendar days following a written notice of default and demand for compliance; provided, however, if a

cure cannot reasonably be completed within thirty (30) days, then it shall not be considered a default if a cure is commenced within said 30-day period and diligently prosecuted to completion thereafter, but in no event later than one hundred twenty (120) days.

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

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

9. MISCELLANEOUS PROVISIONS

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

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

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

9.4 Construction of Agreement. The Parties have mutually negotiated the terms and conditions of this Agreement and its terms and provisions have been reviewed and revised by

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

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

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

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

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

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

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

To City:

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

with a copy to:

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

To Developer:

SST Investments, LLC
Attn: Sufi Tahbazof Hariri
1256 Howard Street
San Francisco, CA 94103

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

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

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

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

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

[REMAINDER OF PAGE INTENTIONALLY BLANK]

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

CITY

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation

By: _____
John Rahaim
Director of Planning

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

By: _____
Evan A. Gross
Deputy City Attorney

DEVELOPER

_____
Siavash Tahbazof
Manager of SST Investments, LLC

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Francisco

On June 3, 2013 before me, Sandra Lynch, Notary Public, personally appeared Sia Tahbaz of, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

SANDRA LYNCH
Commission # 2017839
Notary Public - California
San Francisco County
My Comm. Expires Apr 6, 2017

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

State of California

County of _____

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____

Signature of Notary Public

(Notary Seal)

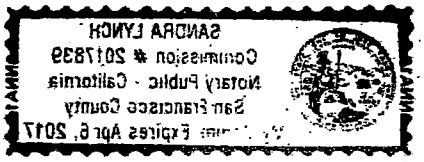

SANDRA LYNCH
Commission # 2017839
Notary Public - California
San Francisco County
My Comm. Expires Apr 6, 2017

EXHIBIT A

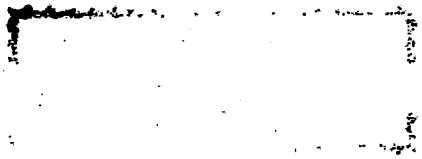
Legal Description of Property

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

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF MARIPOSA STREET AND THE WESTERLY LINE OF POTRERO AVENUE; RUNNING THENCE NORTHERLY AND ALONG SAID LINE OF POTRERO AVENUE 150 FEET; THENCE AT A RIGHT ANGLE WESTERLY 100 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 150 FEET TO THE NORTHERLY LINE OF MARIPOSA STREET; THENCE AT A RIGHT ANGLE EASTERLY ALONG SAID LINE OF MARIPOSA STREET 100 FEET TO THE POINT OF BEGINNING.

BEING PART OF POTRERO NUEVO BLOCK NO. 64.

APN: LOT: 002C BLK; 3973



RON MIGUEL

600 De Haro St., San Francisco, CA 94107
T-415/285/0808 F-415/641/8621 E-rm@well.com C-415-601-0708

27 January 2013

Supervisor Malia Cohen
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: 480 Potrero Ave. – SIA Consulting development

Dear Supervisor Cohen:

Following your suggestion, Jean Bogiages contacted me regarding the proposed SIA project at 480 Potrero St. I have met with her and several of her neighbors. We spent some time discussing both the planning process and the proposed development itself. I contacted SIA Consulting who were very receptive and provided me with their current (1/7/13) plans. I've also spoken with Ben Fu at the Planning Department who is processing the project. 480 Potrero Ave. is one of the very early developments in this area since the Eastern Neighborhoods rezoning, and the general public is not entirely conversant with requirements and procedures.

After reviewing the plans; considering the neighbors' concerns; carefully walking the site and surrounding area; as well as touring the Verdi Club which abuts the project's lot-line on Mariposa St., I have the following comments:

Area: Potrero Ave. is a very wide major transit corridor. Both sides of Potrero Ave. from 15th St. to 19th St. consist primarily of retail, commercial and a minimum amount of residential. None of the residential, with the exception of the Mariposa Garden Apartments, 530 Potrero Ave. (public housing), is at ground level – they all have retail, commercial, or garages under the first living floor. The Mariposa Garden Apartments have a sizeable and depressed setback from their Potrero Ave. property line and are entirely gated. (This changes south of 19th St. due to public lands and SF General Hospital on the east and mostly housing on the west side of Potrero Ave.)

Neg Dec: The neighbors questioned the Neg Dec which was issued for this project. In my opinion, a Neg Dec is entirely appropriate, and I so advised them.

Parking: The site slopes sharply to the west creating a logical parking entry and exit at the west end of the building on Mariposa St.. This is several feet away from the Verdi Club entrance, and should not cause a problem. The parking ratio is consistent with the zoning, although daytime street parking in the immediate neighborhood appears to be 90-100% full. I would like to see at least double the number of bicycle parking spaces – currently 18. I believe that 1:1 bike parking should be a standard.

Building configuration: Because of the building configurations in the immediate Potrero Ave. area (see **Area** above), I believe that ground-floor commercial/retail, in keeping with this mixed-use stretch, is the preferred use – not residential. It is far more complementary to the neighborhood. Potrero Ave. is not, and should not become, a primarily residential street – its proper concept is mixed-use. Also, creating ground-

floor residential will, in my opinion, necessitate barred ground floor windows. Although mixed-use will impact the residential unit count and possibly the parking, it should be mandated for this site.

The positioning of the building lobby and elevators at the north end of the building on Potrero Ave. causes two problems: First: this entry is directly adjacent to a large, heavily used auto repair facility with a high degree of auto traffic as well as the usual associated fumes, etc. – not a great pedestrian environment.

Second: having the elevators here necessitates approximately 150-feet of travel to some of the units – not an optimum configuration. Positioning the entry at the south corner – Mariposa St. - would solve both problems and emphasize the corner element of the structure. (The recently submitted design change did improve the general look of the corner.)

Current zoning allows a building height of 58 feet, which is entirely appropriate at this site – wide street, corner location. I would like to see a 10/15-foot setback on both street faces of the upper floor (except for the corner element) to bring the building's visual appearance more in keeping with the neighborhood.

The elevator and stair towers should be minimized to the greatest extent possible.

Landscaping: I did not see any landscaping plan other than a series of very shallow boxes at street level with greens (ivy?) climbing up the building. My experience shows this to be totally impracticable. An overwhelming degree of exhaust and dirt from the high traffic of buses and cars creates a very inhospitable small-plant environment, and these will undoubtedly become secondary trash receptacles and ashtrays. A better landscape plan is needed.

The sidewalks on Potrero Ave. and, particularly, on Mariposa St. are in disrepair. Street trees and other elements in accordance with the Better Streets Plan should be required.

Verdi Club: Adjoining the project on Mariposa St. is the Verdi Club: a unique San Francisco institution dating from 1916 and in this location since 1935. It is a large (300 seat) live entertainment, music, wedding, public assembly, and meeting venue with a very high usage – particularly evenings and weekends. A children's music school also holds regular classes there. Although I do not believe there has been a sound engineer's report as yet, sound attenuation measures – both to the east face of the Verdi Club and the west face of the development are called for. A full sound engineering report should be mandatory. In addition, a notification in the CC&Rs as to an adjacent live entertainment venue and the adjacent auto repair shop on the north side must be required.

Please let me know if I can be of further assistance. I'm available if any of the parties wish to discuss this further.

Sincerely,

Ron Miguel

CC: Jean Bogiages
Dean Dinelli, Verdi Club
SIA Consulting
Ben Fu, Planning Dept.

RON MIGUEL

600 De Haro St., San Francisco, CA 94107
T-415/285/0808 F-415/641/8621 E-rm@well.com C-415-601-0708

1 June 2012

Reza Khoshnevisan
SIA Consulting Corp
1256 Howard St.
San Francisco, CA 94103

RE: 480 Potrero Ave., San Francisco, CA

Dear Ms. Khoshnevisan:

Thank you for sending me the revised plans for your 480 Potrero development. I have not discussed the project with anyone since last March.

I find the revised project addresses many of the objections noted in my letter of 1/27/13: some commercial at the street is now included; the 5th & 6th floors are set back from the street; moving the building entrance further south will eliminate unsafe passage due to the auto repair facility's entrance, and it shortens the walking distance to the furthest units; also, the landscaping plan seems somewhat improved – an automated watering system for plantings next to the building is essential.

My letter of 1/27/13 concluded with a section on your relationship to the Verdi Club. I suggested a sound engineering report and associated sound attenuation measures – some of which might have to be to the Verdi Club's structure. I trust that this has been a consideration, as a note in the CC&Rs is not sufficient.

My only other comment is that I believe there should be 1:1 bicycle parking and at least one carshare space.

Sincerely,

Ron Miguel

CC: Supervisor Malia Cohen
Jean Bogiages, 480 Potrero Neighbors
Dean Dinelli, Verdi Club
Ben Fu, Planning Dept.

Jonas P. Ionin
Acting Commission Secretary
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

July 31, 2013

Dear Secretary Ionin, Planning Commissioners and Reza Khoshnevisan,

The neighborhood Group, MUNA and the Verdi Club want you to know what changes we would like to see in the development planned for 480 Potrero by SIA Consulting Corporation.

The project should not be approved until the project proponent complies with the planning code, CEQA and relevant regulations. The Planning Department should require compliance as to the issues set out below:

- The current architectural per code are to be prepared and submitted by a licensed architect. Proof has not been given that design documents for this matter comply with this requirement, which has been brought to the attention of the Planning Department staff.
- A geotechnical study of the proposed project should be required to ensure that there will not be damage to the adjacent Verdi Club, a documented historical resource. The project has submitted only a 2004 study for a completely different and much smaller proposed building.
- A mitigation plan should be required to ensure that the new project as no adverse impacts on the Verdi Club, a documented historical resource.
- The proponent should be required to renotice the project and include Downtown High School, with is within ¼ mile of the project and by law should have been provided written notice (California Code of Regulations – CCR Title 14: Guidelines §15186). The Planning Dept. staff admits no such notice was undertaken.
- A health risk assessment should be required to review the potential exposures to asbestos to the pre- kindergarten children attending classes at the Verdi Club and to the environmental justice community at the Mariposa Gardens housing project located just across the street from the proposed project.
- Require a reevaluation of the project based on a new Phase 1 ESA, as it is improper under current regulations to base the project on a Phase 1 ESA that was 13 years old for a different project, to create the current Preliminary and Revised Negative Declaration.

Building Design

- No higher than 4 stories. The current project would be two stories higher than any building in the Potrero Hill-Eastern Mission area with the exception of the new General Hospital building.
- Fencing on roof and elevator shaft must count as height
- First floor should all be commercial. If first floor is residential, it needs to be set back from the street.
- Open Space and Back Yard requirements need to be met with green open space. Provide areas where trees and plants can grow in the ground or create a nearby park.

We feel that the current building design does not meet the Planning Department guidelines for infill residential development as well as the intent of the UMU zoning. We would be happy to meet with the developer and discuss changes.

We hope that you will give due consideration to the community's concerns and that it will not be necessary for MUNA, the Verdi Club and the surrounding community to move to a more litigious position with regard to the project.

Thank you,

Jean Bogiages, MUNA Chair
550 Utah Street
San Francisco, CA 94110

Dean Dinelli, Verdi Club President
2424 Mariposa Street
San Francisco, CA 94110

CC: Rodney Fong, Cindy Wu, Michael Antonini, Gwyneth Borden, Richard Hillis, Katherin Moore, Hisashi Sugaya, Reza Khoshnevisan, Don Lewis, Ben Fu

ALBERT LAW CORPORATION
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July 31, 2012

VIA E-MAIL AND FIRST CLASS MAIL

Reza Khoshnevisan
SIA Consulting, Inc.
1256 Howard Street
San Francisco, CA 94103

Re: SF Planning Case No: 2011.0430E
Project Address: 480 Potrero Avenue

Dear Mr. Khoshnevisan:

I represent the owners of 445 Hampshire Street, San Francisco, California, which is immediately adjacent to the project site. My clients have been trying without success to contact the owners of 480 Potrero Avenue for the past several years in order to discuss drainage problems emanating from 480 Potrero Avenue.

Jim Bruschera, a representative of the owners, has left several messages at your firm's office since receiving notice of this proposed project. His messages have gone unreturned.

My clients welcome the prospect of improvement of this property. However, they are concerned about some aspects of the project, and are very concerned about the repeated failure by both the owners of this property and their representatives to respond to our attempted communications.

Please acknowledge receipt of this letter, and please call Jim Bruschera at 850-7045 to discuss this project. Thank you in advance for your courtesy.

Sincerely yours,

Ronald P. Albert

RPA:cd

cc: J. Bruschera
D. Lewis, SF Planning Dept

From:	margarete
To:	Fu, Ben; Lewis, Don (CPC)
Subject:	Opposition to the 480 Potrero Development Project
Date:	Wednesday, June 12, 2013 4:22:44 PM

Dear SF Planning Commission,

I'm emailing to state my opposition to the proposed development at 480 Potrero (& Mariposa Street). A massive six story building of that size and density of 84 condos would negatively impact this neighborhood.

Aesthetically, a building of that size would be out of character with the existing buildings. Most buildings are 3-4 stories tall and a 6-story building would affect current sight lines & look out of place.

The density of that building would also negatively impact the neighborhood. 84 condos packed into that small corner space would introduce more cars circling around for already scarce parking.

I would propose that the developer scale back in their plans to coexist with the existing landscape of 3-4 story buildings. Please take the neighborhood into serious consideration when considering this over-development project.

Sincerely,
Margarete Lee

From: Fu, Ben
To: "saul griffith"
Subject: RE: re : Case No 2011.0430XE
Date: Tuesday, June 04, 2013 11:43:00 AM

Saul,

You are welcome to request to review the case materials here at the Planning Department. A 24-hr advance notice is appreciated so the file can be made available to you. You can also obtain an electronic copy of the case materials on the Planning Department website by visiting the Planning Commission agenda the Friday before the hearing, which in this case is June 14. Currently, the hearing is scheduled for June 20, 2013. You are encouraged to attend the hearing if you have concerns with the project.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: saul griffith [mailto:saulty@gmail.com]
Sent: Monday, June 03, 2013 2:08 PM
To: Fu, Ben
Subject: re : Case No 2011.0430XE

I'm a building owner within 300ft of this proposal (3101 20th St).

I'm concerned by the design review and exceptions and hence what is being built.

Can i see a copy of the plans before the public meeting ?

Are they available electronically ?

What should I be aware of apart from this ?

Kind regards,

Saul.

--
Saul Griffith.
Principal.
Otherlab.com
415.225.3618

From:	Adrian Simi
To:	Fu, Ben
Cc:	Reza Khoshnevisan
Subject:	480 Potrero
Date:	Monday, June 03, 2013 4:14:42 PM

Hello Mr. Fu,

I am writing on behalf of our membership of Carpenters Local 22. We have built a strong relationship with the developer of this parcel and look forward to building this project. We feel this is a great project for Local 22 and San Francisco both. It will provide good paying jobs that include benefits such as healthcare, apprenticeship training and a retirement for those who work on it. These are our next generation of Union Carpenters and we are very proud as you can imagine.

San Francisco is in need of more housing and this developer is right there to fill that need. This project will provide not only a job, but a possibility of a new home that he or she may occupy when the job is completed. How cool is that? Gone are the days when San Francisco was built by San Franciscans. Unfortunately today many out of town contractors bring in workers from other areas of California and pay them well below what they are worth. Mr. Tahbazof has gone the extra mile to make sure that this will be a project that is good for San Francisco and good for it's Carpenters. Pure and simple, this is a project that we can be proud to have been involved with. Please move forward with 480 Potrero.

Thank you and all the best,

Adrian Simi
Carpenters Local 22
2085 3rd Street
San Francisco, CA 94107
Cell: 650-333-4420
Office: 415-355-1322
Fax: 415-355-1422

480 Potrero Ave Development
Neighborhood Petition

I am a neighbor of the proposed development at 480 Potrero Avenue.

I have reviewed the proposed plans that will be presented at the San Francisco Planning Commission, June 20th 2013 and support the apartment building as proposed.

Name:	Address:
1. Lupe Gomez	2445 Mariposa St #317
2. Elton Teague	530 Potrero Ave #110
3. Illegible	530 Potrero Ave #211
4. Chris Millican	530 POTRERO AVE #215
5. JACQUELINE ROVERSO	2445 mariposa st #321
6. Lizbeth Gutierrez	530 Potrero Ave #3"
7. Ana Miranda	530 Potrero Ave Apt 201
8. Maria A Garcia	530 Potrero Ave Apt # 209
9. Lucia Duran	530 Potrero Ave Apt # 309
10. Steve Marley	530 Potrero Ave Apt 305
11. Aurora Español	530 Potrero Ave #304
12. Emma Jackson	530 Potrero ave 305 # Apt. # 316
13. Wanda Andrades	2445 Mariposa St.
14. Raquel Picazo	2445 Mariposa St. # 320
15. Myrna Calderon	2445 Mariposa St. 323

480 Potrero Ave Development
Neighborhood Petition

I am a neighbor of the proposed development at 480 Potrero Avenue.

I have reviewed the proposed plans that will be presented at the San Francisco Planning Commission, June 20th 2013 and support the apartment building as proposed.

Name:	Address:
1. [illegible]	530 Potrero Av. Apt 112
2. Gaby Barahona	530 Potrero Av. Apt 321
3. Ana Rodt	530 Potrero Av. Apt 321
4. Ana Reyes	530 Potrero Ave. Apt. 101
5. Jewel I G	2445 Mariposa Apt 324
6. Jonathan Sanchez	530 Potrero St. Apt# 111
7. [illegible]	530 Potrero Ave #306
8. Elena Ramirez	530 Potrero av #102
9. [illegible]	2445 Mariposa Apt 318
10.	
11.	
12.	
13.	
14.	
15.	

San Francisco Planning Commission
1 Doctor Carlton B Goodlett Place
San Francisco, CA 94102

RE: 480 Potrero Avenue: Revision Made as a Result of July 18th, 2013 Hearing Comments

Dear Honorable Commissioners:

The following revisions and mitigation measures are an attempt at implementing the recommendations and alleviating the concerns made by the Planning Commission at the hearing held on July 18th, 2013:

- A reduced massing adjacent to the Verdi Club to the West with a setback at the top two floors of 6 feet from property line.
- Net reduction in area of more than 500 square feet from the previous design.
- Loss of Two (2) Units. Total units: 75, previous submittal total: 77
- New higher ratio of Family Sized Units as a result from reduced massing and unit loss.
- New higher parking ratio of .63 as a result from reduced massing and unit loss.
- Proposed more relief in the fenestration; providing more articulation in the composition of the building with breaks in the massing.
- Providing stronger symmetry in the primary order or the building.
- Reduced the height of the projecting box bays at the South (Mariposa) elevation in address of the variation in design.
- Adjusted windows to improve the proportion and scale.
- Incorporated additional balcony areas at the envelope.
- Received new updated Geotechnical Report by Treadwell & Rollo to ensure proper method of construction to avoid damage to Verdi Club

- Our Engineering Team analyzed the relationship of the proposed building's foundation bottom to that of the Verdi Club's resulting in no need for underpinning of Verdi Club's foundation. As per Treadwell and Rollo's recommendation, a spread footing foundation is possible and any drilling of piers, if necessary, would be conducted at a substantial distance from the Verdi Club alleviating concerns of vibration. SEE SECTION AT SHEET A-4.1

- We would like to emphasize minimal excavation will be required adjacent to the Verdi Club due to the location and elevation of the garage entry and the secondary exit which is bordering the Verdi Club, therefore alleviating concerns of vibration.

- Our Structural Engineering Team, the Soils Engineer of Record and the Department of Building Inspection will be involved with the approval of plans and will supervise the construction to ensure the protection of the Verdi Club and all surrounding buildings and infrastructure.

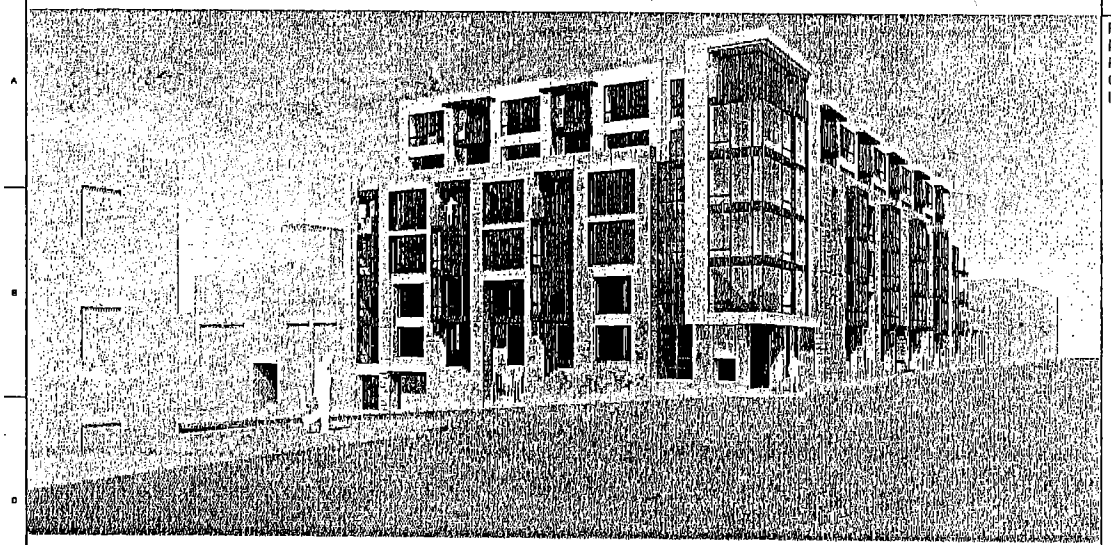
- Received new draft of Subsurface Investigation (Phase-II) by Sequoia Environmental and Engineering Corporation resulting in no further subsurface contamination and/or investigation.

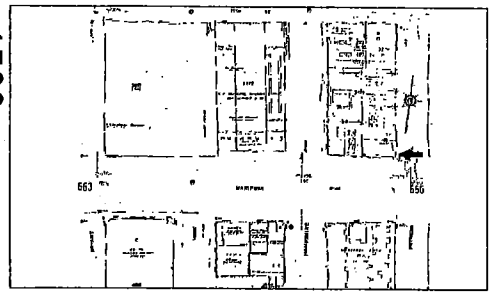
- Prior to the hearing held on July 18th, a Remedial Action Program Application was filed with the Department of Public Health. Our updated Phase I and II, along with the updated Geotechnical Report has been submitted to the Department of Public Health for review and recommendation. The mitigation program, if needed, will be enforced and vetted by the Department of Public Health.

In conclusion, we hope that all strides made in neighborhood outreach, as evident by testimonials and documentation, and all work which has been done in tandem with expert engineers and designers illustrates our commitment to ensuring a well-designed and safely built development. We are dedicated to providing an environment that will further enhance the neighborhood for years to come.

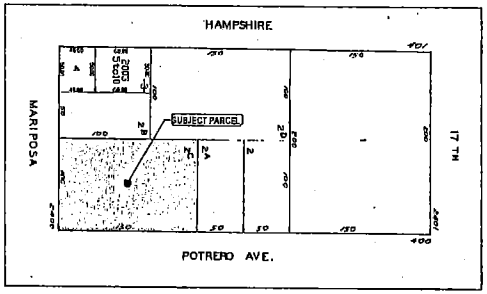
Thank you,

Reza Khoshnevisan
SIA Consulting Corporation





AREA MAP



ASSESSOR'S MAP

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A-0.1	COVER SHEET
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A-1.1	SITE PLAN
A-2.1	GARAGE/BASEMENT FLOOR PLAN
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A-2.3	SECOND FLOOR PLAN
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A-2.5	FOURTH FLOOR PLAN
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C-0.1	SITE SURVEY
G-1.0	GREEN BUILDING CHECKLIST

PROJECT DATA

LOT AREA:	15,000 ± S.F.
NUMBER OF STORIES:	6 OVER BASEMENT
ALLOWABLE BUILDING HEIGHT:	58'-0"
BUILDING HEIGHT:	58'-0"
CONSTRUCTION TYPE:	TYPE "V-A" OVER TYPE "I-B"
OCCUPANCY GROUP:	GROUP "R" OVER "S-2"
A.P.N.:	3973-002C
ZONING:	UMU
APPLICABLE CODES:	2010 CALIFORNIA CODES EDITIONS W/ SAN FRANCISCO AMENDMENTS

PROJECT SCOPE

PROPOSED NEW CONSTRUCTION OF A SIX-STORY OVER BASEMENT BUILDING. THE PROPOSED DESIGN INCLUDES THE 47 PARKINGS AT BASEMENT FLOOR, ONE COMMERCAIL SPACE AT FIRST FLOOR, AND 75 RESIDENTIAL UNITS FROM FIRST FLOOR TO SIXTH FLOOR. THERE WILL BE 3 UNITS OF STUDIO, 39 ONE-BEDROOM UNITS, 25 TWO-BEDROOM UNITS AND 8 THREE-BEDROOM UNITS. THE PROJECT SHALL ALSO INCLUDE A SHARED OPEN COURTYARD AT THE FIRST FLOOR AND A COMMON ROOF DECK AT THE ROOF.

BUILDING FLOOR AREA

FLOOR LEVEL	GROSS FLOOR AREA	GARAGE PARKING AREA	OTHERS (COMMON AREA, STAIRS & ELEVATOR)
BASEMENT FLOOR	14,324 ± S.F.	12,640 ± S.F.	1,684 ± S.F.

FLOOR LEVEL	GROSS FLOOR AREA	COMMERCIAL SPACE FLOOR AREA	HABITABLE RESIDENTIAL FLOOR AREA	OTHERS (COMMON AREA, STAIRS & ELEVATOR)
1ST FLOOR	10,680 ± S.F.	805 ± S.F.	7,441 ± S.F.	2,334 ± S.F.
2ND FLOOR	11,140 ± S.F.	-	9,142 ± S.F.	1,996 ± S.F.
3RD FLOOR	11,236 ± S.F.	-	9,402 ± S.F.	1,834 ± S.F.
4TH FLOOR	11,148 ± S.F.	-	9,311 ± S.F.	1,837 ± S.F.
5TH FLOOR	9,624 ± S.F.	-	7,814 ± S.F.	1,810 ± S.F.
6TH FLOOR	9,378 ± S.F.	-	7,593 ± S.F.	1,785 ± S.F.
TOTAL	83,197 ± S.F.	805 ± S.F.	50,703 ± S.F.	11,598 ± S.F.

GARAGE / BASEMENT LEVEL

FLOOR LEVEL	GROSS FLOOR AREA	# OF STALL (9' X 18')	# OF STALL (8' X 18')	# OF STALL (8' X 18')	# OF HC STALL	# BICYCLE
BASEMENT FLOOR	14,324 ± S.F.	6	28	10 (1 CAR SHARE)	3	41
				TOTAL # OF STALL	47	41

COMMERCIAL SPACE

FLOOR LEVEL	UNIT	HABITABLE FLOOR AREA
1ST FLOOR	UNIT A	805 ± S.F.

RESIDENTIAL UNIT MATRIX

FLOOR LEVEL	HABITABLE RESIDENTIAL FLOOR AREA	UNIT TYPE	# OF EACH TYPE	TOTAL # OF UNIT
1ST FLOOR	7,441 ± S.F.	STUDIO UNIT	2	12 UNIT
		1-BEDROOM UNIT	6	
		2-BEDROOM UNIT	4	
		3-BEDROOM UNIT	0	
2ND FLOOR	9,142 ± S.F.	STUDIO UNIT	1	13 UNIT
		1-BEDROOM UNIT	5	
		2-BEDROOM UNIT	5	
		3-BEDROOM UNIT	2	
3RD FLOOR	9,402 ± S.F.	STUDIO UNIT	0	13 UNIT
		1-BEDROOM UNIT	7	
		2-BEDROOM UNIT	3	
		3-BEDROOM UNIT	3	
4TH FLOOR	9,311 ± S.F.	STUDIO UNIT	0	13 UNIT
		1-BEDROOM UNIT	7	
		2-BEDROOM UNIT	3	
		3-BEDROOM UNIT	3	
5TH FLOOR	7,814 ± S.F.	STUDIO UNIT	0	12 UNIT
		1-BEDROOM UNIT	7	
		2-BEDROOM UNIT	5	
		3-BEDROOM UNIT	0	
6TH FLOOR	7,593 ± S.F.	STUDIO UNIT	0	12 UNIT
		1-BEDROOM UNIT	7	
		2-BEDROOM UNIT	5	
		3-BEDROOM UNIT	0	
TOTAL FLOOR AREA	50,703 ± S.F.		# OF STUDIO UNIT	3 UNITS
TOTAL PRIVATE OPEN SPACE	280 ± S.F. (SEE TABLES ON SHEET A-0.2)		# OF 1 BEDROOM	39 UNITS
			# OF 2 BEDROOM	25 UNITS
TOTAL COMMON OPEN SPACE	5,040 S.F. REQUIRED (75 UNITS X 80 S.F. = 6,640 S.F.) 5,137 ± S.F. PROVIDED (COMMON ROOF DECK @ TOP ROOF)		# OF 3 BEDROOM	8 UNITS
			TOTAL # OF UNITS	75 UNITS

PROJECT NAME

480 POTRERO AVE.
SAN FRANCISCO, CA

SIA CONSULTING CORPORAT
1256 HOWARD STR.
SAN FRANCISCO CA 941.
TEL: (415) 922.0200
FAX: (415) 922.0203
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SHEET TITLE

Cover Sheet

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1459
SHEET NO.	A-0.1

1700

ABBREVIATION

#	POUND OR NUMBER	H.C.	HANDICAPPED
&	AND	HI	HIGH
@	AT	HM	HOLLOW METAL
ABV	ABOVE	HP	HIGH POINT
ACT	ACOUSTIC CEILING TILE	HR	HOUR
AD	AREA DRAIN	HVAC	HEATING, VENTILATING, AND AIR CONDITIONING
AFF	ABOVE FINISHED FLOOR	IRGWB	IMPACT RESISTANT GYPSUM WALLBOARD
ALUM	ALUMINUM		
APPROX	APPROXIMATE		
ANOD	ANODIZED	ILO	IN LIEU OF
ASPH	ASPHALT	INSUL	INSULATED
BD	BOARD	INT	INTERIOR
BLDG	BUILDING	LO	LOW
BLKG	BLOCKING	MAX	MAXIMUM
BOT	BOTTOM	MECH	MECHANICAL
BSMT	BASEMENT	MEMBR	MEMBRANE
BST	BOTTOM OF STAIRS	MIN	MINIMUM
BYND	BEYOND	MO	MASONRY OPENING
CIP	CAST IN PLACE	MTL	METAL
CHNL	CHANNEL	(N)	NEW
CJ	CONTROL JOINT	NIC	NOT IN CONTRACT
CLG	CEILING	NO	NUMBER
CLO	CLOSET	NOM	NOMINAL
CLR	CLEAR	N.T.S.	NOT TO SCALE
CNTR	COUNTER	O.C.	ON CENTER
CMU	CONCRETE MASONRY UNIT	OFF	OFFICE
COL	COLUMN	OH	OPPOSITE HAND
COMPR	COMPRESSIBLE	OZ	OUNCE
CONC	CONCRETE	PCC	PRE-CAST CONCRETE
CONT	CONTINUOUS	P.L.	PROPERTY LINE
CORR	CORRIDOR	PLUMB	PLUMBING
CPT	CARPET	PLYD	PLYWOOD
CT	CERAMIC TILE	PT	PRESSURE TREATED
CTR	CENTER	PNT	PAINT/PAINTED
CTYD	COURTYARD	PVC	POLYVINYL CHLORIDE
DBL	DOUBLE	RBR	RUBBER
DEMO	DEMOLISH	RCP	REFLECTED CEILING PLAN
DET	DETAIL	RD	ROOF DRAIN
D.F.	DRINKING FOUNTAIN	REDWD	REDWOOD
DIA	DIAMETER	REQD	REQUIRED
DIMS	DIMENSIONS	RM	ROOM
DN	DOWN	S.F.	SQUARE FOOT
DR	DOOR	SIMILAR	SIMILAR
DWG	DRAWING	SPEC	SPECIFIED OR SPECIFICATION
(E)	EXISTING	SPK	SPRINKLER
EA	EACH	SSTL	STAINLESS STEEL
EL	ELEVATION	STC	SOUND TRANSMISSION COEFFICIENT
ELEC	ELECTRICAL		
ELEV	ELEVATOR/ELEVATION	STD	STANDARD
EQ	EQUAL	STL	STEEL
EXT	EXTERIOR	STRUCT	STRUCTURAL
EXP JT	EXPANSION JOINT	SQ.	SQUARE
EXT	EXTERIOR	T&G	TONGUE AND GROOVE
F.D.	FLOOR DRAIN	TC	TOP OF CURB
FEC	FIRE EXTINGUISHER CABINET	TELE	TELEPHONE
FIXT	FIXTURE	TLT	TOILET
FLR	FLOOR	TO	TOP OF
FLUOR	FLUORESCENT	TOC	TOP OF CONCRETE
FM	FILLED METAL	TOS	TOP OF STEEL
FND	FOUNDATION	TP	TOILET PAPER DISPENSER
FO	FACE OF	T/D	TELEPHONE/DATA
F.O.F.	FACE OF FINISH	TST	TOP OF STAIRS
FURR	FURRING	TYP	TYPICAL
GA	GAUGE	U.N.O.	UNLESS NOTED OTHERWISE
GALV	GALVANIZED	U/S	UNDERSIDE
G.B.	GRAB BAR	V.I.F.	VERIFY IN FIELD
GND	GROUND	VP	VISION PANEL
GRP	GROUP	W	WITH
GWB	GYPSUM WALL BOARD	WD	WOOD
GYP	GYPSUM	W.H.	WATER HEATER

GENERAL NOTES

1. ALL WORK SHALL BE PERFORMED IN COMPLETE COMPLIANCE WITH ALL APPLICABLE CODES, LAWS, ORDINANCES AND REGULATIONS OF ALL AUTHORITIES HAVING JURISDICTION OVER THE WORK. ALL CONTRACTORS SHALL HOLD HARMLESS THE ARCHITECT/ENGINEER AND THE OWNER FROM ALL DAMAGES AND/OR PENALTY ARISING OUT OF VIOLATION THEREOF.

2. ALL ATTACHMENTS, CONNECTIONS OR FASTENING OF ANY NATURE ARE TO BE PROPERLY AND PERMANENTLY SECURED IN CONFORMANCE WITH THE BEST PRACTICE OF THE BUILDING INDUSTRY. DRAWINGS SHOWS ONLY SPECIAL REQUIREMENTS TO ASSIST THE CONTRACTOR AND DO NOT ILLUSTRATE EVERY DETAIL.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL CONDITIONS DIMENSIONS, AND MEASUREMENTS IN THE FIELD BEFORE BEGINNING WORK. ANY AND ALL DISCREPANCIES, UNUSUAL CIRCUMSTANCES, ERRORS OMISSIONS AND/OR CONFLICTS FUNDS SHALL BE REPORTED TO THE ARCHITECT/ENGINEER'S AND THE OWNER ATTENTION IMMEDIATELY BEFORE PROCEEDING WITH THE WORK.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION BETWEEN ARCHITECTURAL, STRUCTURAL, FIRE PROTECTION, MECHANICAL, PLUMBING, AND ELECTRICAL. THIS INCLUDES REVIEWING REQUIREMENTS OF INDIVIDUAL SYSTEMS BEFORE ORDERING AND INSTALLATION OF ANY WORK, VERIFY ALL ARCHITECTURAL DETAILS AND ALL FINISH CONDITIONS (WHETHER DEPICTED IN DRAWINGS OR NOT) WITH THE SAME DISCIPLINES.

5. UNLESS OTHERWISE NOTED, ALL ANGLES SHALL BE RIGHT ANGLES, ALL LINES WHICH APPEAR PARALLEL SHALL BE PARALLEL, AND ALL ITEMS WHICH APPEAR CENTERED SHALL BE CENTERED, CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL LINES TRUE LEVEL, PLUMB AND SQUARE.

6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SHORING AND PROTECTION DURING CONSTRUCTION. ALL EXISTING IMPROVEMENTS TO REMAIN SHALL BE PROTECTED. ALL MATERIALS DELIVERED TO THE SITE SHALL BE PROPERLY STORED AND PROTECTED UNTIL INSTALLATION. ALL LUMBER SHALL BE PROTECTED FROM MOISTURE AND STORED ABOVE GROUND.

7. DETAILED AND/OR LARGER SCALE DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL AND SMALLER SCALE DRAWINGS. FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. ALL SCALED DIMENSIONS SHALL BE VERIFIED.

8. ALL WORK SHALL BE DONE UNDER PERMIT. PLANS AND CALCULATIONS, IF REQUIRED, SHALL BE SUBMITTED TO AND APPROVED BY THE BUILDING DEPARTMENT. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS.

FIRST FLOOR RESIDENTIAL UNIT MATRIX

GROSS AREA	RESIDENTIAL FLOOR AREA	UNIT TYPE	UNIT #	UNIT FLOOR AREA	PRIVATE OPEN SPACE	# OF UNIT
10,880 ± S.F.	7,441 ± S.F.	STUDIO UNIT	110	338 ± S.F.	-	2 UNIT
			112	500 ± S.F.	-	
		1-BEDROOM UNIT	102	518 ± S.F.	-	5 UNITS
			103	597 ± S.F.	-	
			104	580 ± S.F.	-	
			108	548 ± S.F.	-	
			109	665 ± S.F.	-	
			111	570 ± S.F.	-	
		2-BEDROOM UNIT	101	722 ± S.F.	-	4 UNITS
			105	886 ± S.F.	-	
			107	694 ± S.F.	-	
			109	715 ± S.F.	-	
TOTAL				7,441 ± S.F.	-	12 UNITS

SECOND FLOOR RESIDENTIAL UNIT MATRIX

GROSS AREA	RESIDENTIAL FLOOR AREA	UNIT TYPE	UNIT #	UNIT FLOOR AREA	PRIVATE OPEN SPACE	# OF UNIT
11,140 ± S.F.	9,142 ± S.F.	STUDIO UNIT	210	336 ± S.F.	-	1 UNIT
		1-BEDROOM UNIT	202	518 ± S.F.	-	5 UNITS
			204	593 ± S.F.	-	
			208	570 ± S.F.	-	
			212	559 ± S.F.	-	
			213	591 ± S.F.	-	
		2-BEDROOM UNIT	203	790 ± S.F.	-	6 UNITS
			207	699 ± S.F.	-	
			206	749 ± S.F.	-	
			209	891 ± S.F.	-	
			211	726 ± S.F.	-	
		3-BEDROOM UNIT	201	937 ± S.F.	-	2 UNITS
			205	1,116 ± S.F.	-	
TOTAL				9,142 ± S.F.	-	13 UNITS

THIRD FLOOR RESIDENTIAL UNIT MATRIX

GROSS AREA	RESIDENTIAL FLOOR AREA	UNIT TYPE	UNIT #	UNIT FLOOR AREA	PRIVATE OPEN SPACE	# OF UNIT
11,238 ± S.F.	9,402 ± S.F.	1-BEDROOM UNIT	302	518 ± S.F.	-	7 UNITS
			304	593 ± S.F.	-	
			306	570 ± S.F.	-	
			308	552 ± S.F.	-	
			310	528 ± S.F.	-	
			312	559 ± S.F.	-	
			313	604 ± S.F.	-	
		2-BEDROOM UNIT	307	999 ± S.F.	-	3 UNITS
			309	705 ± S.F.	-	
			311	739 ± S.F.	-	
		3-BEDROOM UNIT	301	937 ± S.F.	-	3 UNITS
			303	995 ± S.F.	-	
			305	1,131 ± S.F.	-	
TOTAL				9,402 ± S.F.	-	13 UNITS

FOURTH FLOOR RESIDENTIAL UNIT MATRIX

GROSS AREA	RESIDENTIAL FLOOR AREA	UNIT TYPE	UNIT #	UNIT FLOOR AREA	PRIVATE OPEN SPACE	# OF UNIT
11,172 ± S.F.	9,339 ± S.F.	1-BEDROOM UNIT	402	518 ± S.F.	-	7 UNITS
			404	593 ± S.F.	-	
			406	570 ± S.F.	-	
			408	552 ± S.F.	-	
			410	528 ± S.F.	-	
			412	559 ± S.F.	-	
			413	573 ± S.F.	-	
		2-BEDROOM UNIT	407	999 ± S.F.	-	3 UNITS
			409	573 ± S.F.	-	
			411	705 ± S.F.	-	
		3-BEDROOM UNIT	401	937 ± S.F.	-	3 UNITS
			403	995 ± S.F.	-	
			405	1,131 ± S.F.	-	
TOTAL				9,339 ± S.F.	-	13 UNITS

FIFTH FLOOR RESIDENTIAL UNIT MATRIX

GROSS AREA	RESIDENTIAL FLOOR AREA	UNIT TYPE	UNIT #	UNIT FLOOR AREA	PRIVATE OPEN SPACE	# OF UNIT
9,624 ± S.F.	7,814 ± S.F.	1-BEDROOM UNIT	502	518 ± S.F.	-	7 UNITS
			504	593 ± S.F.	-	
			508	570 ± S.F.	-	
			508	552 ± S.F.	-	
			509	528 ± S.F.	-	
			510	528 ± S.F.	-	
			511	574 ± S.F.	-	
		2-BEDROOM UNIT	501	690 ± S.F.	140 ± S.F.	5 UNITS
			503	790 ± S.F.	-	
			505	796 ± S.F.	140 ± S.F.	
			507	887 ± S.F.	-	
			512	815 ± S.F.	-	
TOTAL				7,814 ± S.F.	280 ± S.F.	12 UNITS

SIXTH FLOOR RESIDENTIAL UNIT MATRIX

GROSS AREA	RESIDENTIAL FLOOR AREA	UNIT TYPE	UNIT #	UNIT FLOOR AREA	PRIVATE OPEN SPACE	# OF UNIT
9,379 ± S.F.	7,593 ± S.F.	1-BEDROOM UNIT	602	518 ± S.F.	-	7 UNITS
			604	593 ± S.F.	-	
			606	548 ± S.F.	-	
			608	528 ± S.F.	-	
			609	528 ± S.F.	-	
			610	528 ± S.F.	-	
			611	574 ± S.F.	-	
		2-BEDROOM UNIT	601	690 ± S.F.	-	5 UNITS
			603	782 ± S.F.	-	
			605	795 ± S.F.	-	
			607	760 ± S.F.	-	
			612	760 ± S.F.	-	
TOTAL				7,593 ± S.F.	-	12 UNITS

PROJECT NAME

480 POTRERO AVE.
SAN FRANCISCO, CA

SIA CONSULTING CORPORA
1256 HOWARD STR.
SAN FRANCISCO CA 94,
TEL: (415) 922.0200
FAX: (415) 922.0203
WEBSITE:WWW.SIACONSULT.COM

SHEET TITLE

Project Date

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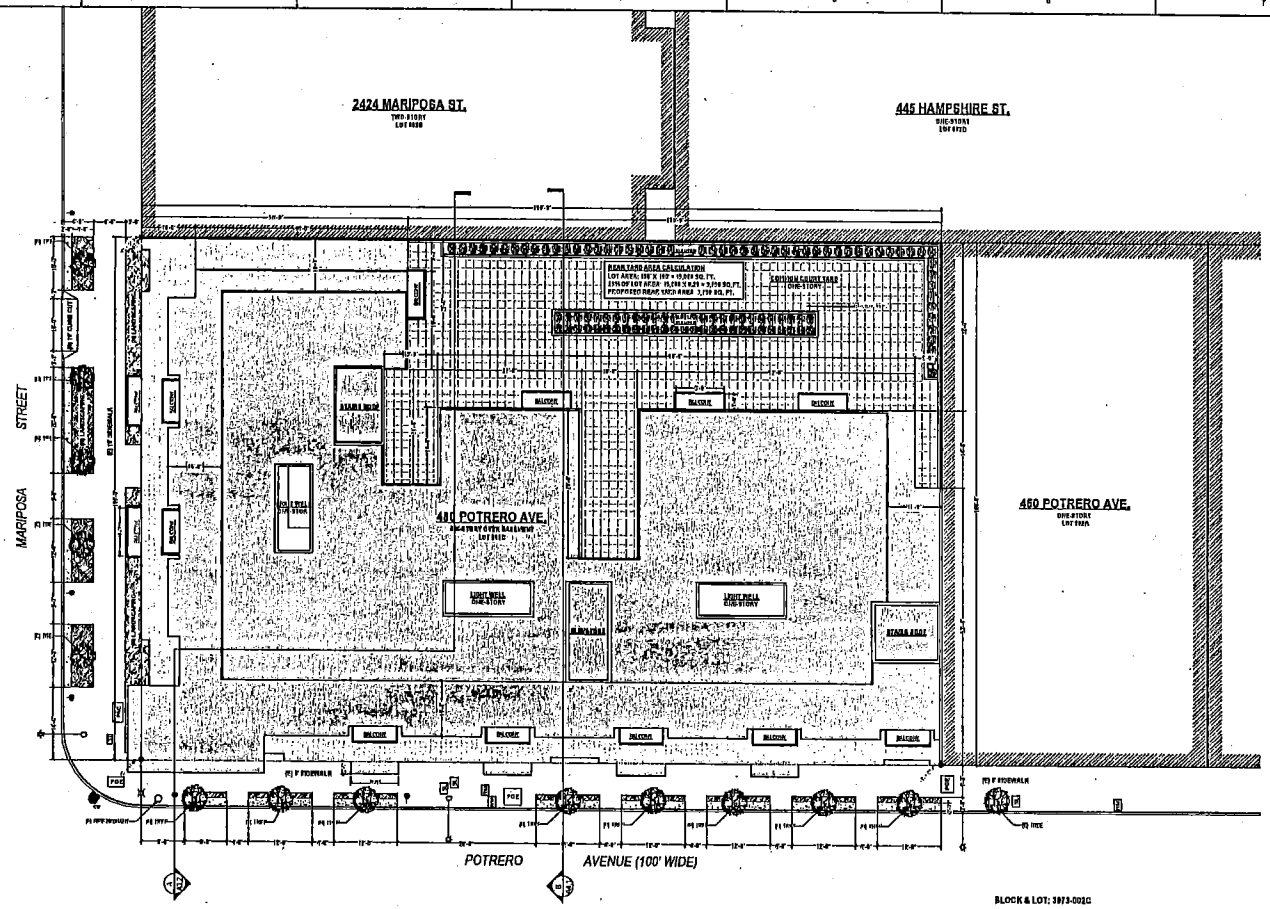
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1458
SHEET NO.	A-0.2



Proposed Site Plan
3/32" = 1'-0"

NORTH

BLOCK & LOT: 3973-002C
PROPERTY LINE:
OUTLINE OF SUBJECT BUILDING:
OUTLINE OF NEIGHBORS:

LEGEND

- WM — WATER METER BOX
- S — SEWER MANHOLE
- SEWER CLEANOUT
- GV — GAS VALVE
- C — COMMUNICATIONS MANHOLE
- JOINT UTILITY POLE
- FIRE HYDRANT
- WV — WATER VALVE
- STREET LIGHT POLE
- SL — STREET LIGHT BOX
- TRAFFIC SIGNAL POLE
- TS — TRAFFIC SIGNAL BOX
- MUNI GUY WIRE POLE
- STORM WATER INLET
- PGE — PG&E BOX
- PAC — PAC BELL BOX





PROJECT NAME

480 POTRERO AVE.
SAN FRANCISCO, CA

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SHEET TITLE

Site Plan

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
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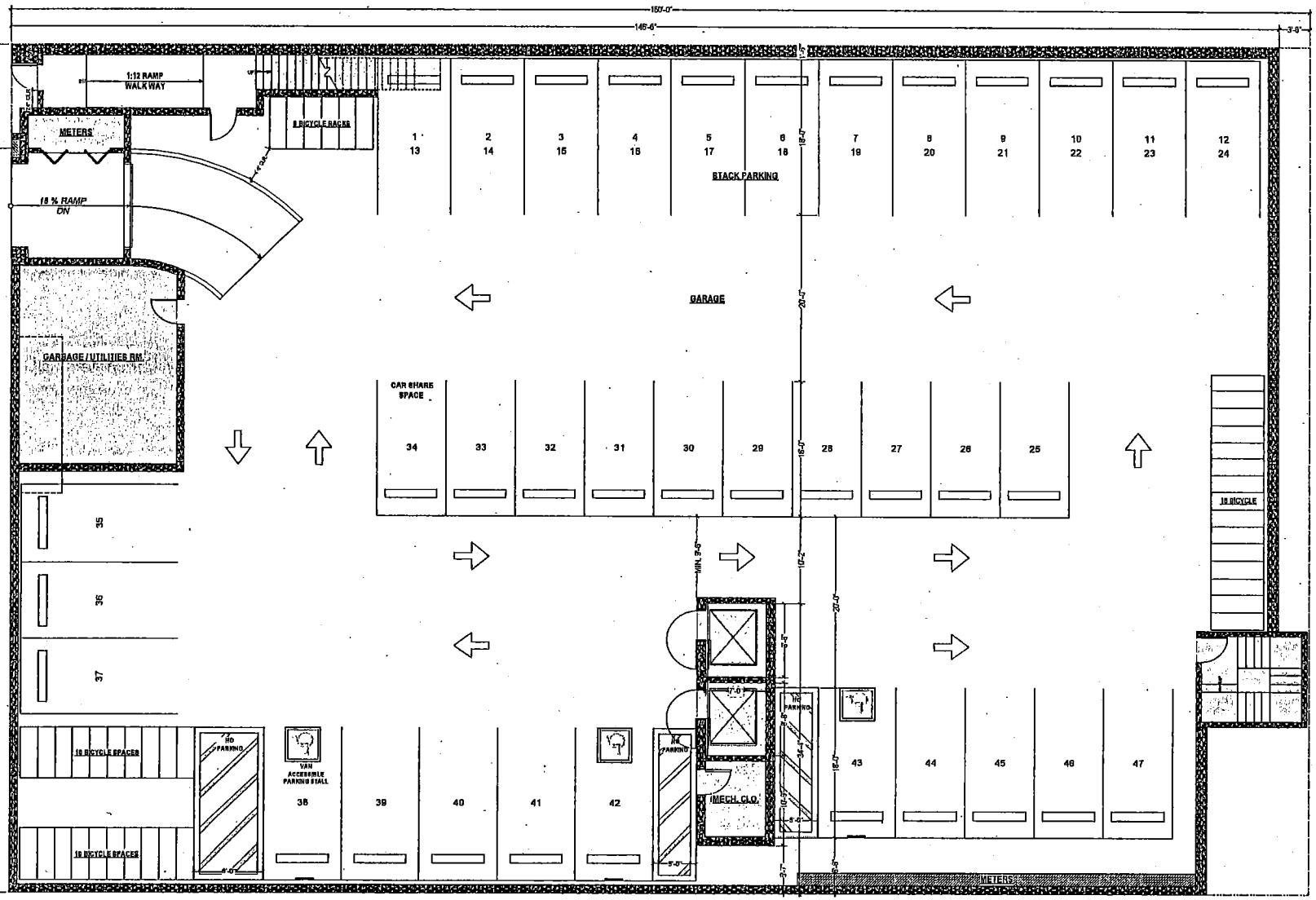
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1408
SHEET NO.	A-1.1

1702



Proposed Basement/Garage Floor Plan

3/16" = 1'-0"

NORTH

1703

PROJECT NAME

480 POTRERO AVE.

SAN FRANCISCO, CA

SIA CONSULTING CORPORAT
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SAN FRANCISCO CA 94
TEL: (415) 922.0200
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SHEET TITLE

Basement Floor Plan

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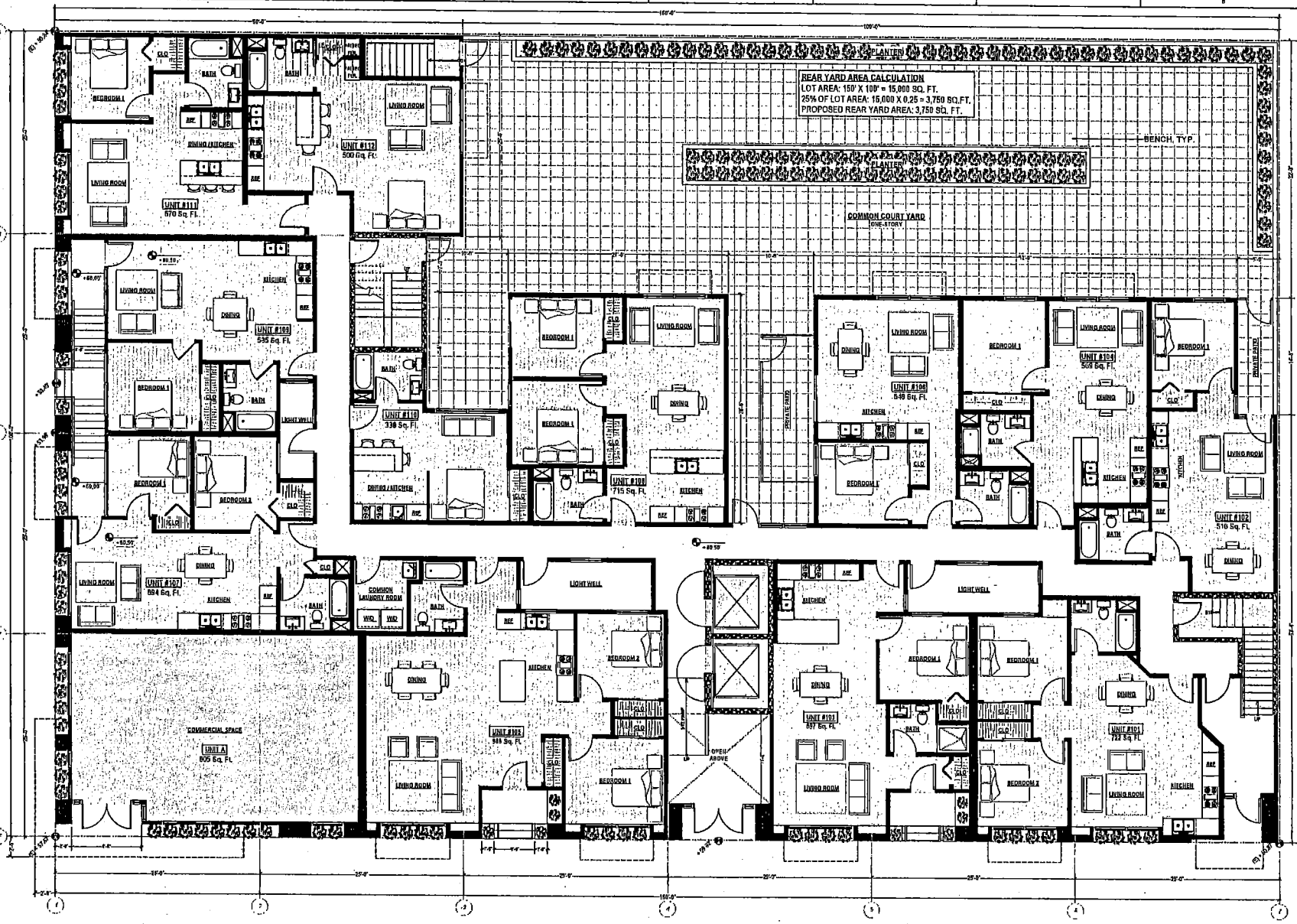
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1468
SHEET NO.	A-2.1



Proposed First Floor Plan
3/16" = 1'-0"

NORTH

PROJECT NAME

480 POTRERO AVE.
SAN FRANCISCO, CA

SIA CONSULTING CORPORA
1268 HOWARD ST)
SAN FRANCISCO CA 94,
TEL: (415) 922.0200
FAX: (415) 922.0203
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SHEET TITLE

First Floor Plan

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ISSUES / REVISIONS

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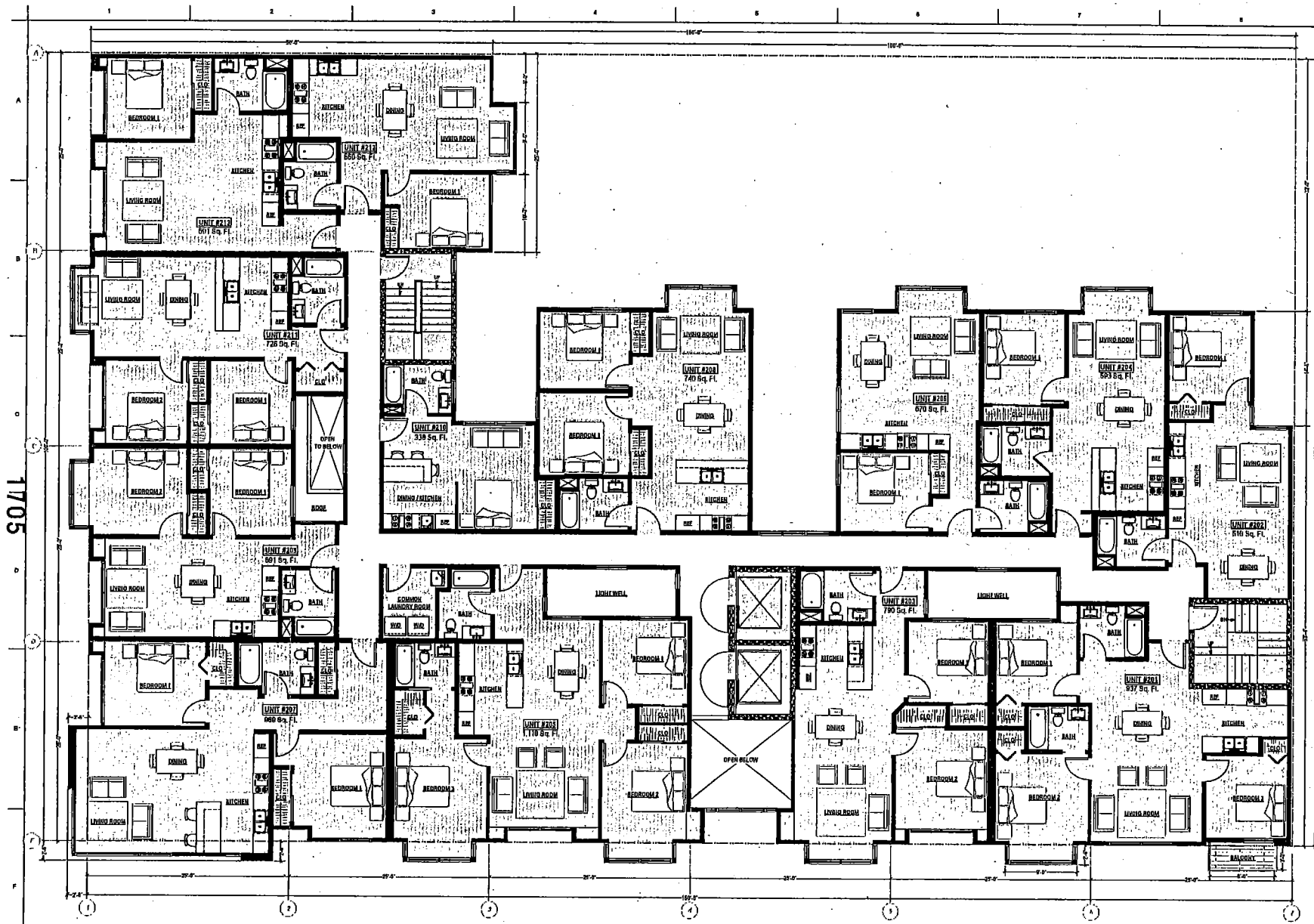
DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1458
SHEET NO.	A-2.2



Proposed Second Floor Plan

3/16" = 1'-0"

NORTH

PROJECT NAME

480 POTRERO AVE.
SAN FRANCISCO, CA

SIA CONSULTING CORPORATION
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SHEET TITLE

Second Floor Plan

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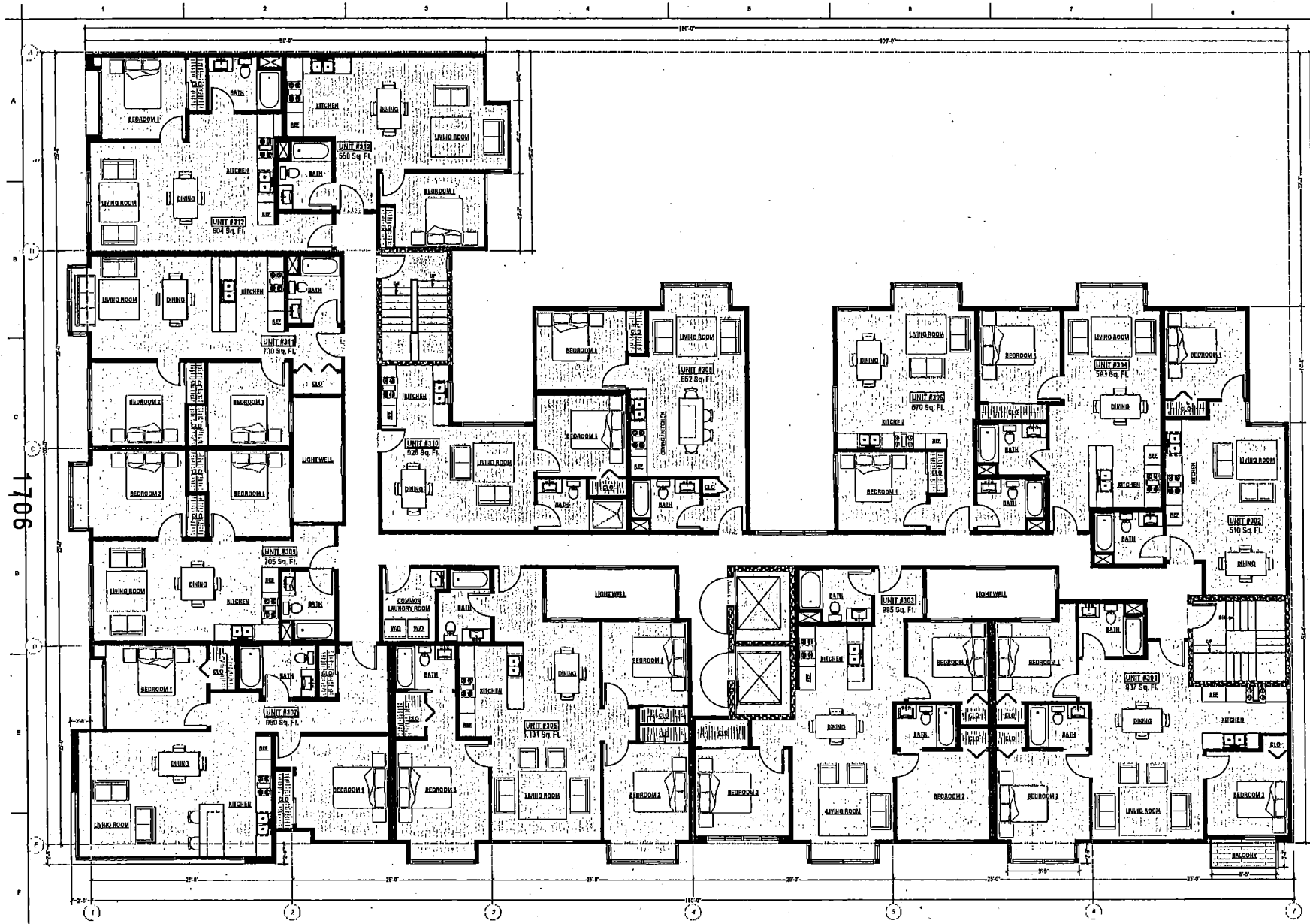
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1455

SHEET NO.

A-2.3



Proposed Third Floor Plan

3/16" = 1'-0"

NORTH

1706

PROJECT NAME

480 POTRERO AVE.

SAN FRANCISCO, CA

SIA CONSULTING CORPORA*
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FAX: (415) 922.0203
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SHEET TITLE

Third Floor Plan

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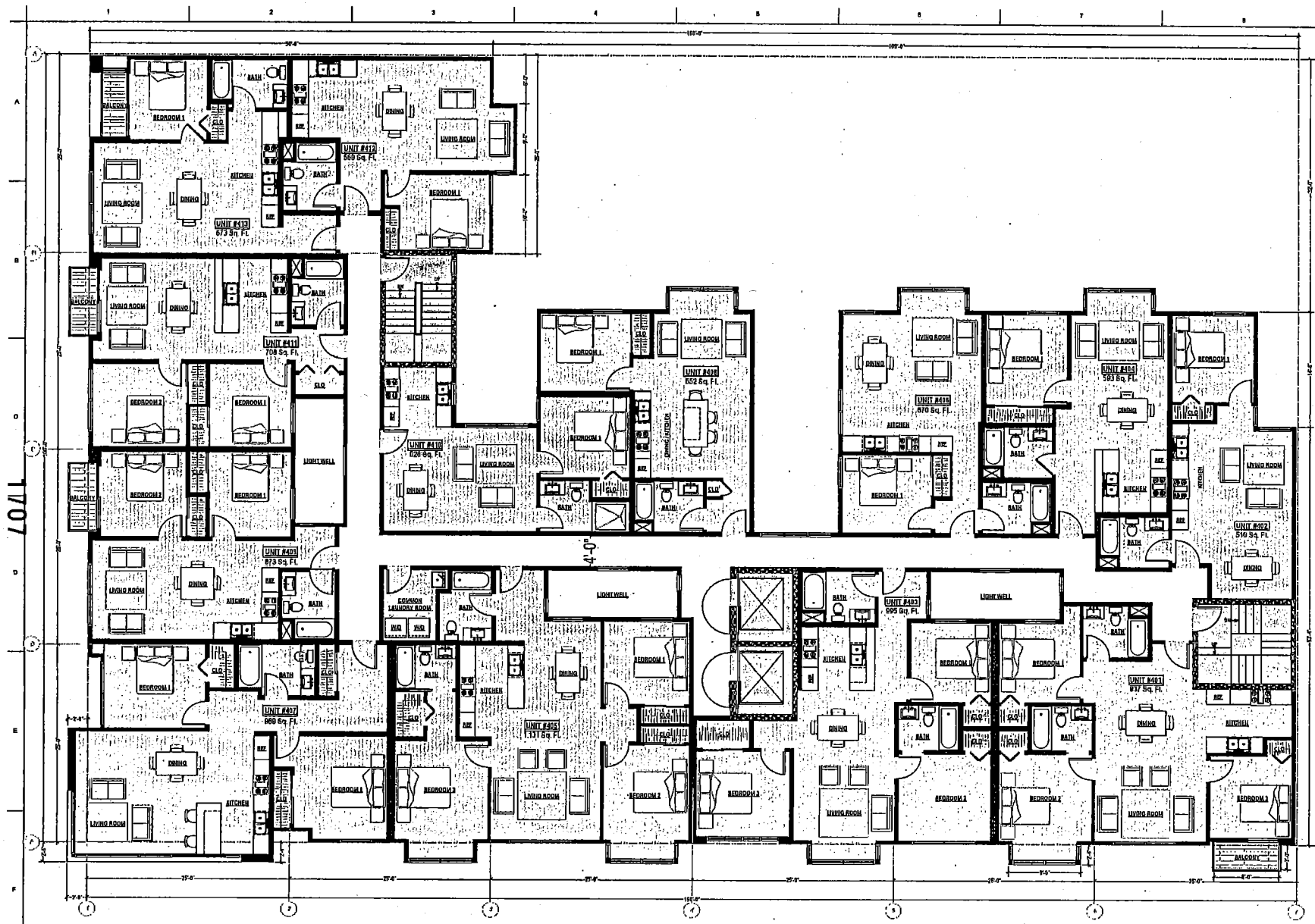
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1458
SHEET NO.	A-2.4



Proposed Fourth Floor Plan

3/16" = 1'-0"

NORTH

PROJECT NAME

480 POTRERO AVE.

SAN FRANCISCO, CA

SIA CONSULTING CORPORA
1256 HOWARD ST.
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TEL: (415) 922.0200
FAX: (415) 922.0203
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SHEET TITLE

Fourth Floor Plan

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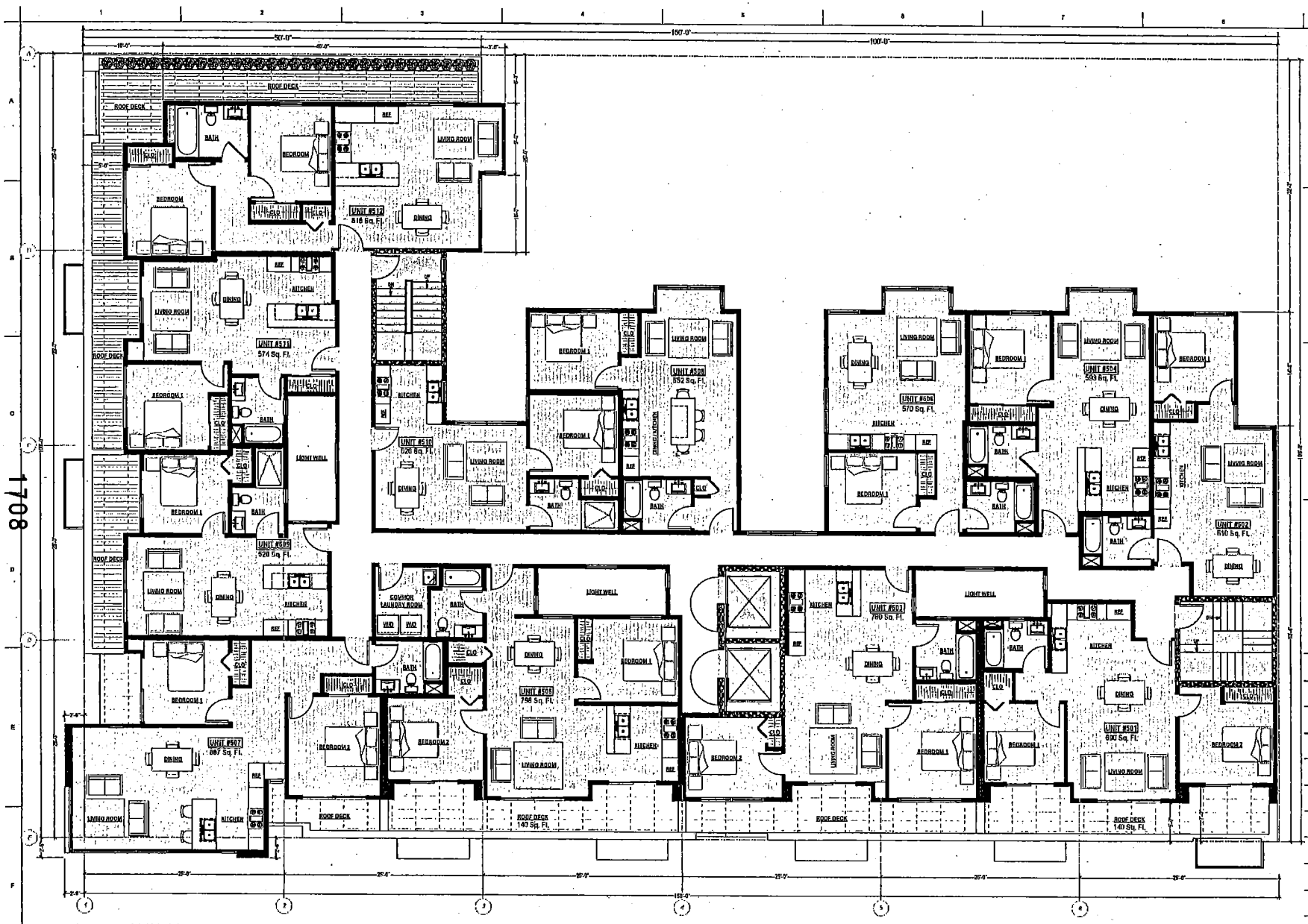
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1488
SHEET NO.	A-2.5



Proposed Fifth Floor Plan
3/16" = 1'-0"

NORTH

1708

PROJECT NAME

480 POTRERO AVE.
SAN FRANCISCO, CA

SIA CONSULTING CORPORA
1258 HOWARD STF.
SAN FRANCISCO CA 94,
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FAX: (415) 922.0203
WEBSITE:WWW. SIACONSULT.COM

SHEET TITLE

Fifth Floor Plan

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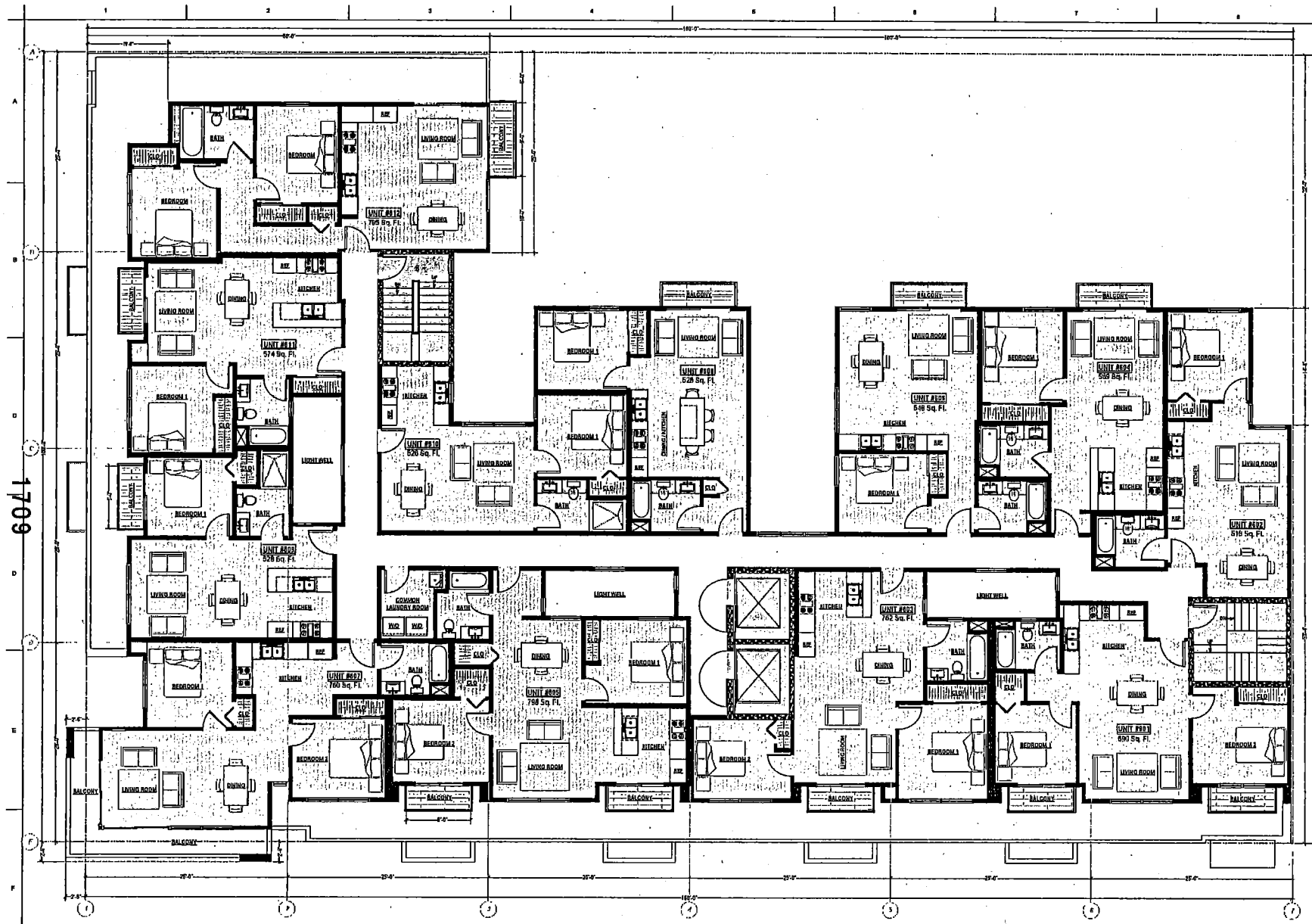
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1458
SHEET NO.	A-2.6



Proposed Sixth Floor Plan

3/16" = 1'-0"

NORTH

PROJECT NAME

480 POTRERO AVE.

SAN FRANCISCO, CA

SIA CONSULTING CORPORATI
1269 HOWARD STRE
SAN FRANCISCO CA 941
TEL: (415) 922.0200
FAX: (415) 922.0203
WEBSITE:WWW. SIACONSULT.COM

SHEET TITLE

Sixth Floor Plan

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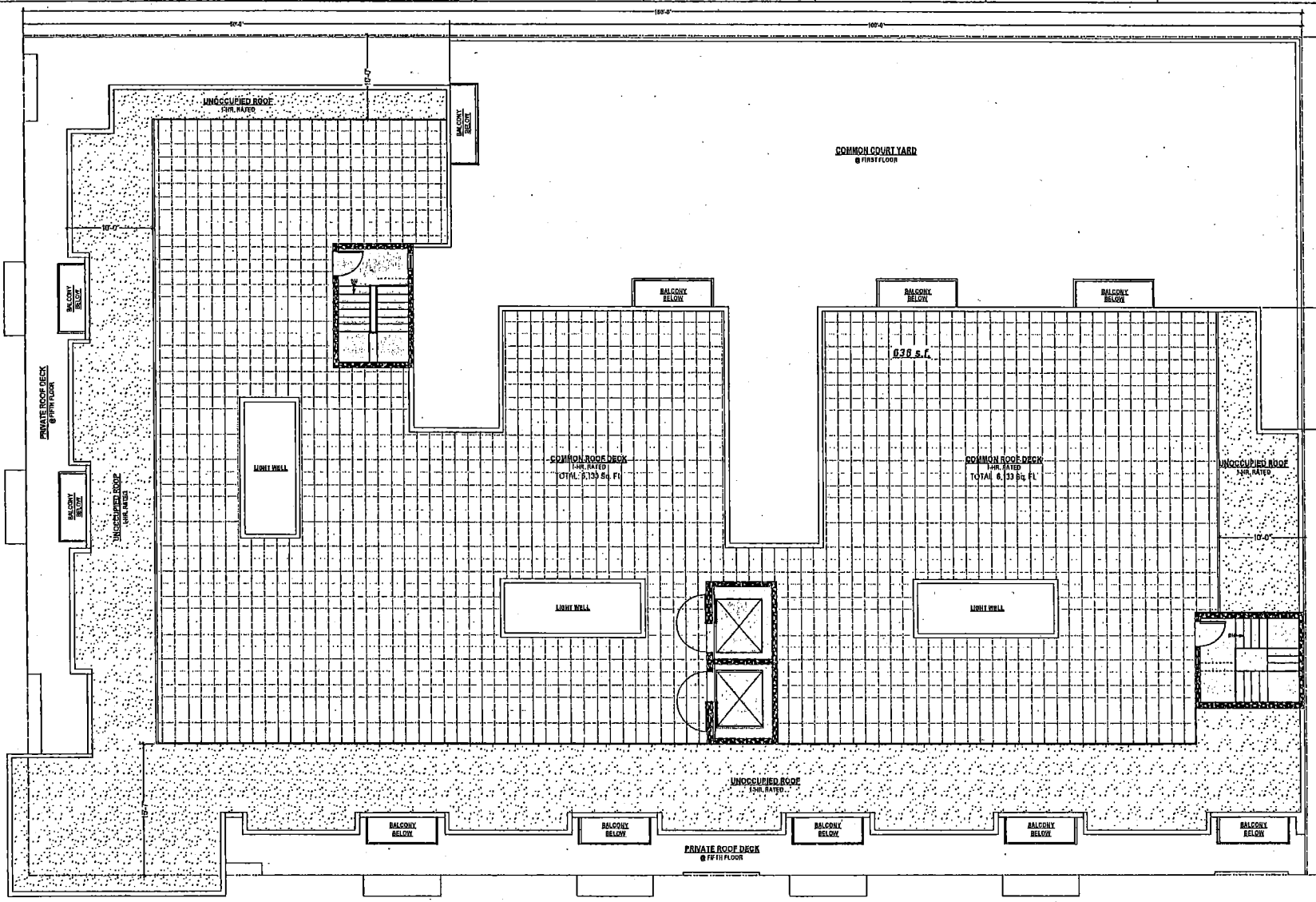
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1455
SHEET NO.	A-2.7



1710

Proposed Roof Plan
3/16" = 1'-0"

NORTH

PROJECT NAME

480 POTRERO AVE.
SAN FRANCISCO, CA

SIA CONSULTING CORPORATION
1256 HOWARD STREET
SAN FRANCISCO CA 94103
TEL: (415) 922.0200
FAX: (415) 922.0203
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SHEET TITLE

Roof Plan

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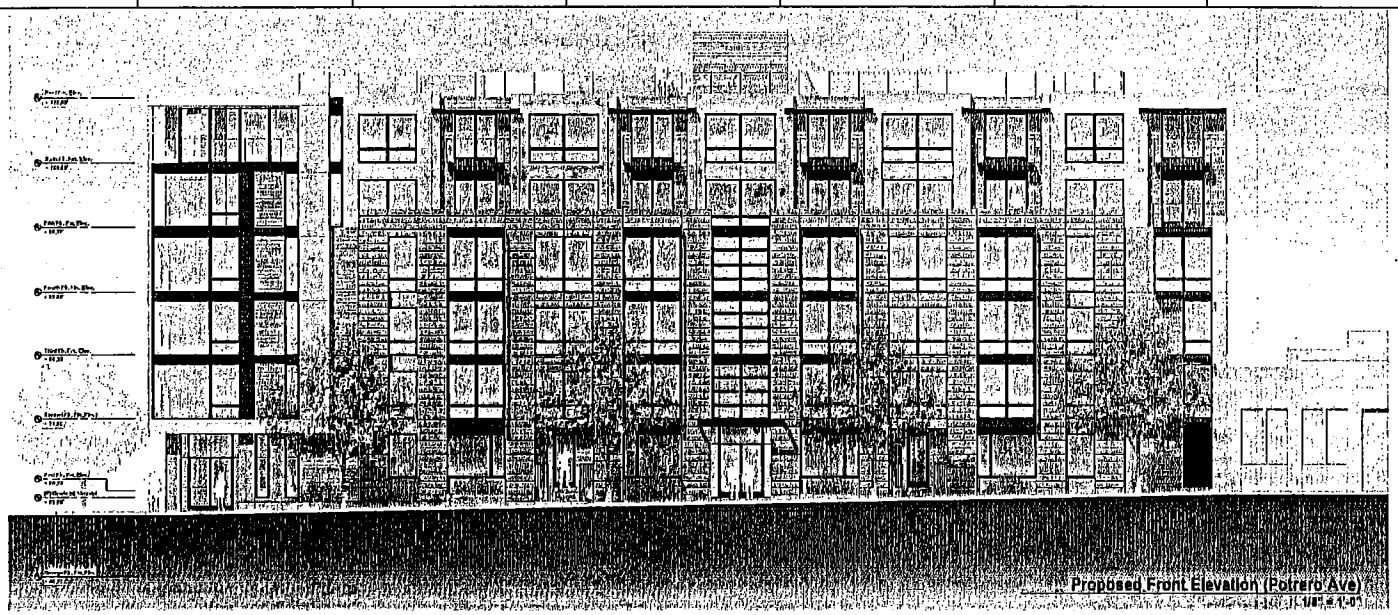
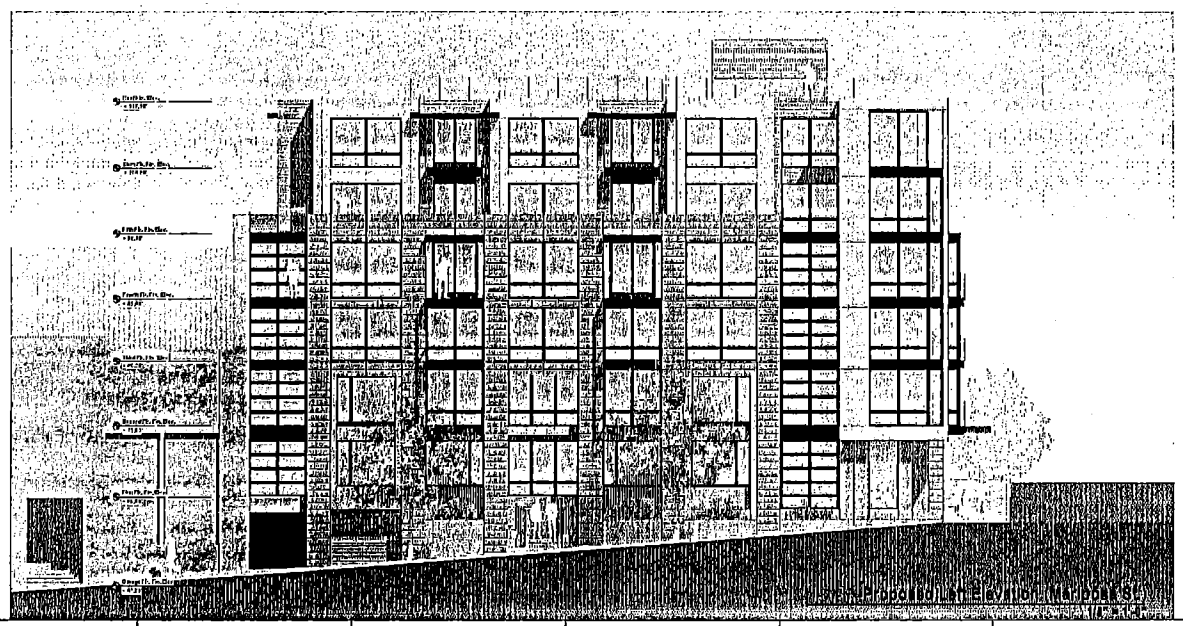
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1468
SHEET NO.	A-2.8





NOTE:
ANY GLAZING LARGER THAN 24 SQ. FT. MUST SHOW BIRD SAFE WINDOW TREATMENTS

PROJECT NAME

480 POTRERO AVE.
SAN FRANCISCO, CA

SIA CONSULTING CORPORATI
1256 HOWARD STRI
SAN FRANCISCO CA 94
TEL: (415) 922.0200
FAX: (415) 922.0203
WEBSITE:WWW. SIACONSULT.COM

SHEET TITLE

Building Elevations

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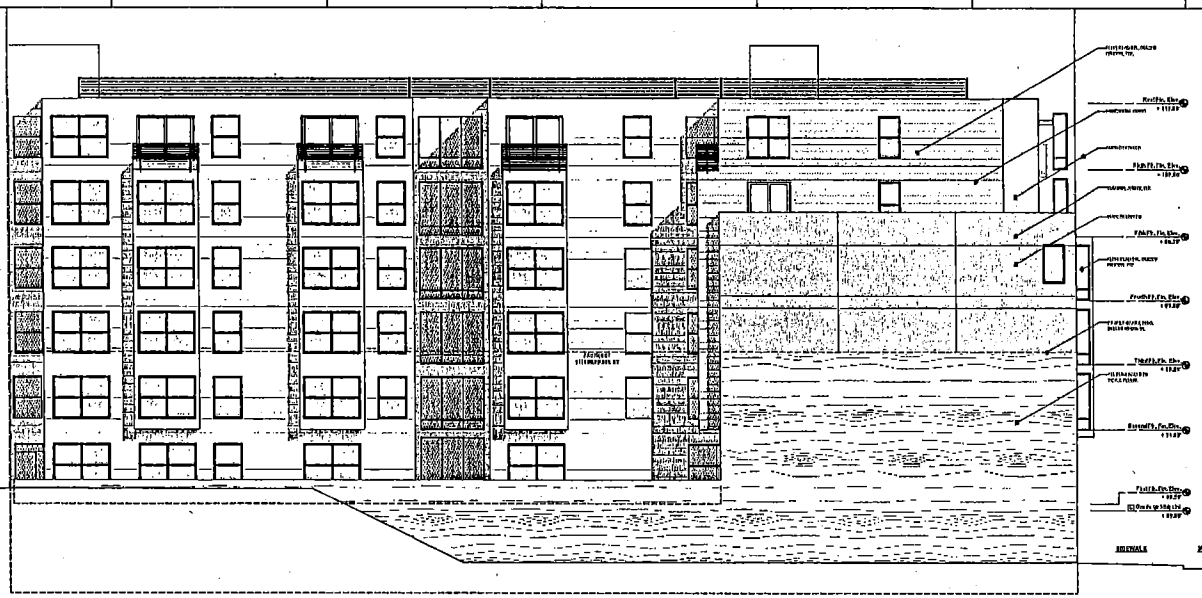
ISSUES / REVISIONS

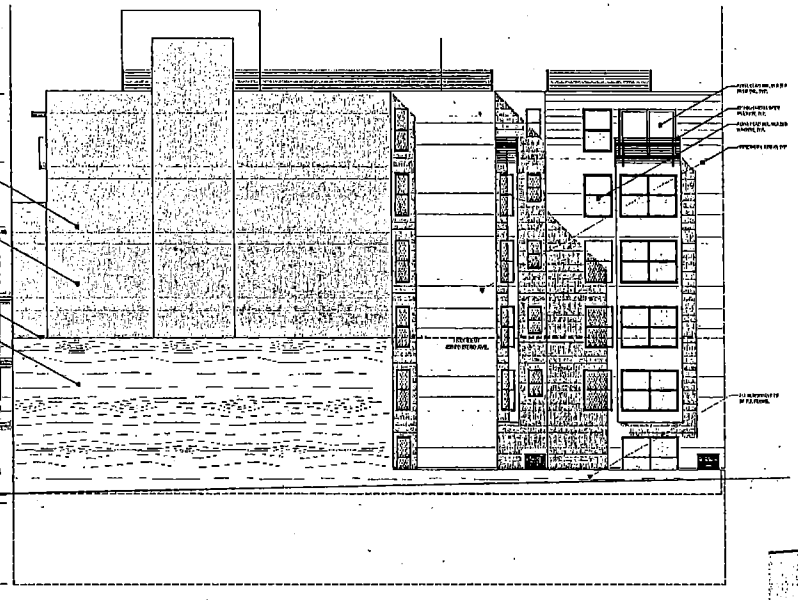
NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1459
SHEET NO.	A-3.1

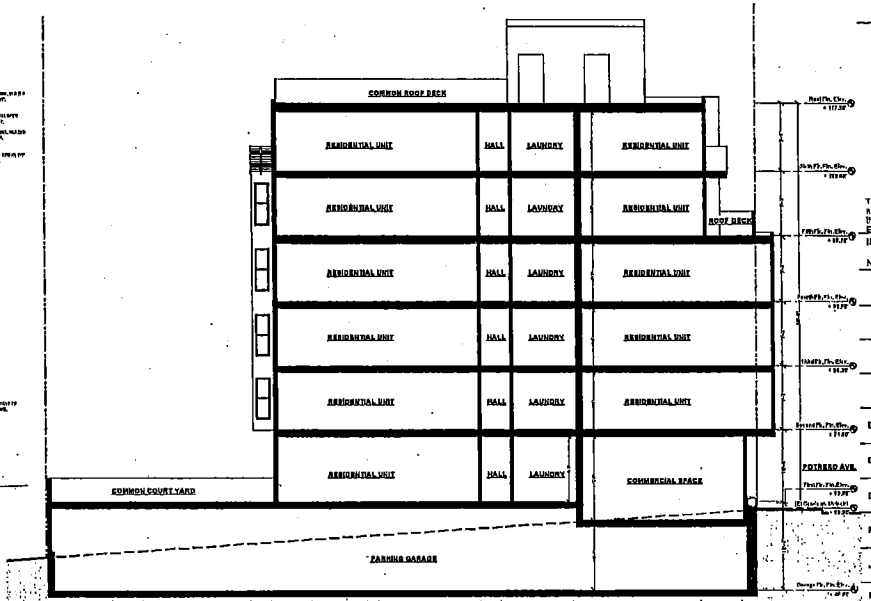
1711



Proposed Rear Elevation
1/8" = 1'-0"



Proposed Right Elevation
1/8" = 1'-0"



Proposed Section A-A
1/8" = 1'-0"

1112

PROJECT NAME

480 POTRERO AVE.
SAN FRANCISCO, CA

SIA CONSULTING CORPORATION
1256 HOWARD STRE
SAN FRANCISCO CA 94.
TEL: (415) 922.020
FAX: (415) 922.0203
WEBSITE:WWW. SIACONSULT.COM

SHEET TITLE

Building Elevations & Section A

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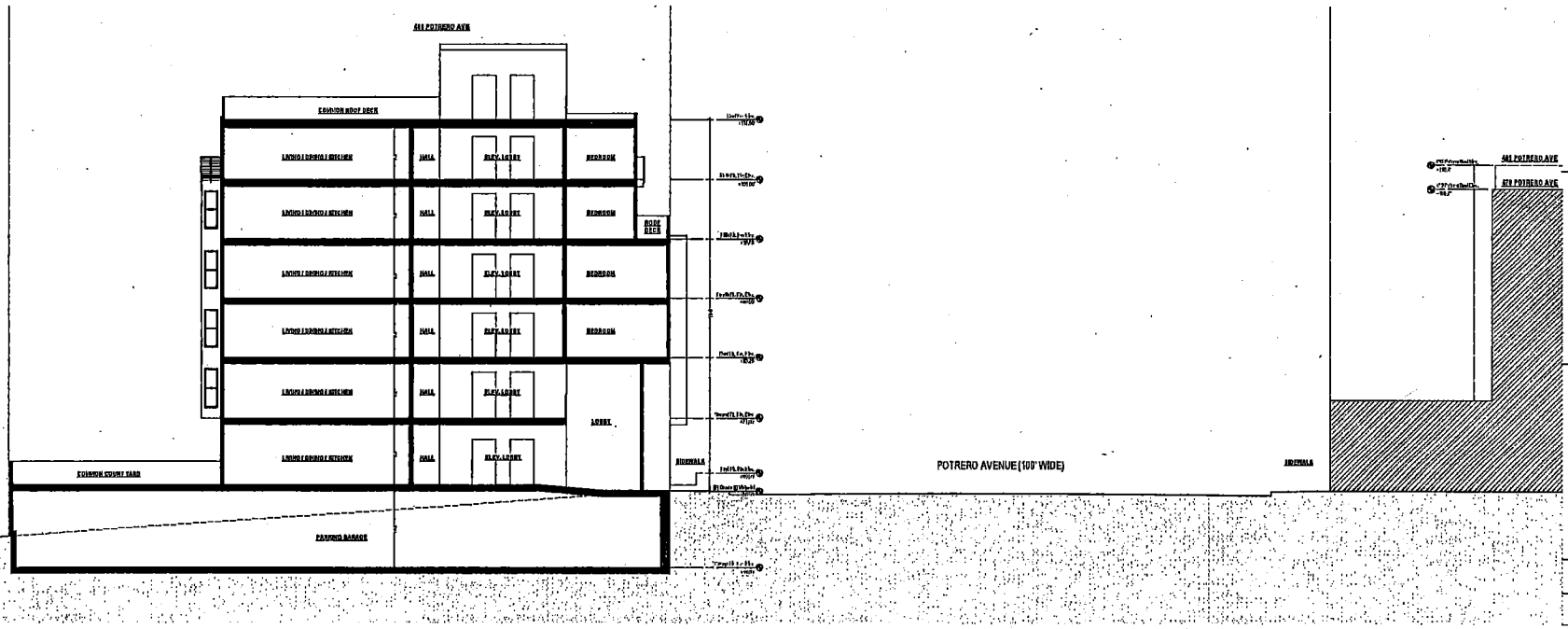
ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
POTRERO AVE.	
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1459
SHEET NO.	A-3.2



Proposed Section B-B
1/8" = 1'-0"

PROJECT NAME

480 POTRERO AVE.
SAN FRANCISCO, CA

SIA CONSULTING CORPORATI
1256 HOWARD STRI
SAN FRANCISCO CA 941
TEL: (415) 922.0200
FAX: (415) 922.0203
WEBSITE:WWW. SIACONSULT,COM

SHEET TITLE

Building Section B

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN	R.L.
CHECKED	R.K.
DATE	01/31/2011
REVISED DATE	07/31/2013
JOB NO.	11-1455
SHEET NO.	A-4.1

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion 18944

HEARING DATE: August 8, 2013

Case No.:	**2011.0430E**
Project Address:	**480 Potrero Avenue**
Zoning:	UMU (Urban Mixed Use) Zoning District 58-X Height and Bulk District
Block/Lot:	3973/002C
Lot Size:	15,000 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	Reza Khoshnevisan, Sia Consulting, (415) 922-0200
Staff Contact:	Don Lewis, (415) 575-9095, don.lewis@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2011.0430E FOR THE PROPOSED MIXED-USE PROJECT AT 480 POTRERO AVENUE WHICH INCLUDES 75 RESIDENTIAL UNITS, 974 SQUARE FEET OF GROUND-FLOOR RETAIL USE, AND 47 OFF-STREET PARKING SPACES.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On August 5, 2011, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.

2. On September 26, 2012, the Department determined that the Project, as proposed, could not have a significant effect on the environment.

3. On September 26, 2012, a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.

4. On October 10, 2012, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Dean Dinelli and Jean Bogiages.

5. On April 15, 2013, the Department amended the Preliminary Mitigation Negative Declaration.

6. A staff memorandum, dated July 10, 2013, addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff's findings to those points are

incorporated by reference herein as the Commission's own findings. Copies of that memorandum have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

7. On August 8, 2013, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.

8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the August 8, 2013 City Planning Commission hearing have been responded to either in Memorandum or orally at the public hearing.

9. After consideration of the points raised by appellant, both in writing and at the August 8, 2013 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.

10. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.

11. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The City Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on August 8, 2013.

Jonas Ionin

Acting Commission Secretary

AYES: Moore, Hillis, Fong, Wu, Borden, Antonini

NOES: Sugaya

ABSENT:

ADOPTED: August 8, 2013

SAN FRANCISCO
PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ■ Affordable Housing (Sec. 415)
- ☐ Jobs Housing Linkage Program (Sec. 413)
- ☐ Downtown Park Fee (Sec. 412)
- ■ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 414)
- ■ Other (EN Impact Fee – Sec. 423)

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Planning Commission Motion No. 18945

HEARING DATE: AUGUST 8, 2013

Date:	August 1, 2013
Case No.:	**2011.0430XE**
Project Address:	**480 Potrero Avenue**
Zoning:	UMU (Urban Mixed Use) Zoning District 58-X Height and Bulk District
Block/Lots:	3973 / 002C
Project Sponsor:	Reza Khoshnevisan SIA Consulting Corp. 1256 Howard Street San Francisco, Ca. 94103
Staff Contact:	Ben Fu – (415) 558-6613 ben.fu@sfgov.org

ADOPTING FINDINGS RELATING TO LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329 TO ALLOW THE CONSTRUCTION OF A NEW SIX-STORY, 58-FOOT BUILDING WITH UP TO 75 DWELLING UNITS, APPROXIAMTELY 970 SQUARE FEET OF RETAIL AND UP TO 47 OFF-STREET PARKING SPACES, AND TO ALLOW EXCEPTIONS INCLUDING (1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, (2) DWELLING UNIT EXPOSURE PER PLANNING CODE SECTION 140, AND (3) STREET FRONTAGE PER PLANNING CODE SECTION 145.1. THE SUBJECT PROPERTY IS LOCATED WITHIN THE UMU (URBAN MIXED USE) ZONING DISTRICT AND A 58-X HEIGHT AND BULK DESIGNATION, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On October 4, 2012, SIA Consulting Corporation (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Large Project Authorization under Planning Code Section 329 to allow construction of a new six-story, 58-foot building consisting of up to 75 dwelling units, approximately 970 square feet of ground floor retail, and parking for up to 47 spaces, and to allow exceptions for rear yard, dwelling unit exposure, and street frontage within the UMU (Urban Mixed Use) Zoning District and within a 58-X Height and Bulk Designation.

On September 26, 2012, Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until October 16, 2012; and

On October 17, 2012, an appeal of the Mitigated Negative Declaration was filed with the Department.

On August 8, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2011.0430X and the Appeal of the Mitigated Negative Declaration, 2011.0430E.

On August 8, 2013, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On August 8, 2013, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"): and

The Planning Department/Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2011.0430X at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On August 8, 2013, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2011.0430X.

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

MOVED, that the Commission hereby authorizes the Large Project Authorization requested in Application No. 2011.0430X, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Site Description and Present Use.** The rectangular project site (Assessor's Block 3973, Lot 2C) totals 15,000 square feet in size and is located at 480 Potrero Avenue on the northwest corner of Potrero Avenue and Mariposa Street near the boundary of the Mission and Potrero Hill neighborhoods, where the topography is primarily flat with a northwest slope and seven-foot grade change. The project site is currently a vacant lot with a 100-foot wide frontage on Potrero Avenue and a 150-foot wide frontage on Mariposa Street. The site is within the Urban Mixed Use (UMU) District and a 58-X Height and Bulk District. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

3. **Surrounding Properties and Neighborhood.** The project site is located at 480 Potrero Avenue, on the northwest corner of Potrero Avenue and Mariposa Street, near the boundary of the Mission and Potrero Hill neighborhoods. The surrounding zonings are UMU with PDR-1-G one block away to the west and RH-2 one block away to the east. Land uses in the surrounding neighborhood are mixed, and include residential, industrial, commercial, office, and automotive service facilities. Development along the west side of Potrero Avenue from Mariposa Street to 17th Street comprises a two-story, industrial building (Sunny Auto Body) and a two-story, office building (currently occupied by Horizons Unlimited) which also fronts on 17th Street. Along the east side of Potrero Avenue, from 17th Street to Mariposa Street, is a gasoline and service station and multiple residential, industrial, office and commercial buildings. Immediately adjacent to the project site, along the north side of Mariposa Street from Potrero Avenue to Hampshire Street is a two-story historic building (Verdi Hall), and a two-story office building that also fronts on Hampshire Street. Across the project site, along the south side of Mariposa from Potrero Avenue to Hampshire Street, is a 64-unit apartment complex that that fronts on Hampshire Street, Mariposa Street, and Hampshire Street; and a three-story, office building (Homeless Prenatal Program) that also fronts on 18th Street.

4. **Project Description.** The project proposes the construction of a six-story, 58-foot-tall, residential building of approximately 80,000 square feet in size on a vacant lot. The new building would contain 75 residential units (three studios, 39 one-bedrooms, 25 two-bedrooms and eight three-bedrooms) and 47 parking spaces in a one-level basement parking garage. Approximately 10,000 square feet of common open space would be provided by an open courtyard and a roof deck. Pedestrian access would be from both Potrero Avenue and Mariposa Street while vehicular access to the parking garage would be from Mariposa Street.

5. **Public Comment.** The Department has received general inquiries, opposition and support on the proposed project from members of the public. Most of the opposition expressed concerns on the height and scale of the proposed building.

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

   A. **Zoning District.** The project site is located within Urban Mixed Use (UMU) District in the Mission neighborhood and within the Mission Area Plan of the General Plan. 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. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. The project proposes retail and residential uses that include 40 percent two-bedroom units or larger, or family-sized units, in the UMU Zoning District.

   B. **Use.** Planning Code Section 843 identifies residential use and various nonresidential uses as principally permitted uses in the UMU Zoning District. In general, the principally permitted uses are industrial and business service, assembly and social service, retail, recreation and arts, and residential.

   The proposed residential and retail uses are compatible and consistent with the zoning designation.

   C. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth beginning at the lowest story containing a dwelling unit.

   The Project does not comply with the rear yard requirement as it does not provide a contiguous 25 percent depth for the full width of lot and is seeking an exception as part of the Large Project Authorization (See discussion under Finding No. 8).

   D. **Residential Open Space.** Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. At least 80 square feet of usable open space per dwelling unit, or 54 square feet per dwelling unit of publicly accessible open space, is required. Up to 50 percent of the publicly accessible open space may be provided off-site. The Project has a residential open space requirement of up to 6,000 square feet of usable open space if private, or 4,050 square feet of publically accessible open space.

   The Project complies with the open space requirement by providing a total of approximately 6,400 square feet of qualifying open space in the form of roof decks and balconies, in addition to over 4,300 square feet of non-qualifying open space in the form of balconies and common courtyard.

E. **Commercial Open Space.** Planning Code Section 135.3 requires usable open space for uses other than dwelling units. For retail use, one square foot per 250 square feet of occupied floor area of usable open space is required. In Eastern Neighborhoods Mixed Use Districts, this open space requirement may be satisfied through payment of a fee of $76 for each square foot of usable square footage not provided pursuant to this Code section.

The Project is required to provide at least four square feet of commercial open space. The project proposes more open space areas and square footage than the requirement.

F. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires improvement of the public right-of-way associated with development projects. The owner or developer of a new building in this District must install street trees. Each street tree must be a minimum of 24-inch box for every 20 feet of frontage of the property along each street or public alley with any remaining fraction of 10 feet or more of frontage requiring an additional tree.

The project has a tree requirement of five at the Mariposa Street frontage and eight at the Potrero Avenue frontage. The project complies with the requirement by providing the required number of street trees

G. **Bird-Safe Standards.** Planning Code Section 139 outlines bird-safe standards for new construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." Feature-related hazards may create increased risk to birds and need to be mitigated. The project site is not located within an urban bird refuge.

The Project meets the requirements of Planning Code Section 139, and does not contain any feature-related hazards, such as free-standing glass walls, wind barriers, or balconies that have unbroken glazed segments 24 square feet or larger in size.

H. **Dwelling Unit Exposure.** Planning Code Section 140 requires dwelling units to have at least one window facing a street or alley, a Code-complying rear yard.

Although all proposed dwelling units enjoy ample light and air with the proposed open spaces, setbacks and balconies, 36 of the proposed units facing the rear yard do not meet the dimensional requirements (see discussion under Finding No. 8).

I. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Eastern Neighborhood Mixed Use Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in UMU zoning district shall have a floor-to-floor height of 17-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in

front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) providing one 12-foot wide garage opening, which total less than 1/3 the width of the approximately 100-foot wide building at Mariposa Street frontage; (2) all off-street parking spaces are in the basement; (3) incorporating active uses on all street frontages, including commercial and dwellings with stoops within the first 25 feet of the building depth at ground floor and, (4) providing transparent windows at the ground floor active use. The project does not meet the floor-to-floor ground floor height of 17 feet for the commercial frontage for the proposed commercial space at the corner of Mariposa and Potrero. The project proposes a floor-to-floor ground floor height of 12 feet. Therefore, an exception is required and has been requested.

J. **Shadow.** Planning Code Section 147 requires reduction of substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Planning Code Section 295. Section 295 restricts new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission.

The Shadow Analysis conducted for the Project indicates that the Project will not cast shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Open Space.

K. **Residential Off-Street Parking.** Planning Section 151.1 allows for provision of up to three parking spaces for each four dwelling units. Additionally, up to one parking space is permitted for each dwelling unit that is two or more bedrooms and at least 1,000 square feet of occupied floor area, subject to the requirements of Sections 151.1. No additional parking is permitted above these amounts.

Based on the proposed dwelling unit mix, the maximum number of parking spaces permitted is 57, or a parking ratio of approximately .75 spaces per dwelling unit. The project proposes 47 parking spaces, or a parking ratio of approximately .63 spaces per dwelling unit. Therefore, the project complies with the principally permitted parking amounts.

L. **Off-Street Loading.** Planning Code Section 152.1 does not require off-street freight loading spaces for a residential use in UMU Districts when the gross floor area is less than 100,000 square feet.

The project proposes a gross floor area of 80, 000 square feet, less than 100,000 square feet. Therefore, off-street loading spaces are not required.

M. **Bicycle parking.** Planning Code Section 155.4 requires 3 bicycle spaces for commercial and industrial projects where the gross square footage of the floor area exceeds 25,000 square feet but is no greater than 50,000 feet. Planning Code Section 155.5 requires projects over 50 dwelling units to provide 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.

The project proposes approximately 970 square feet of retail space, less than the square footage trigger of 25,000 square feet. Therefore, no bicycle parking is provided for commercial uses. The proposed total number of 75 dwelling units requires a total of 31 bicycle parking spaces. The project complies with this requirement by providing up to 40 bicycle parking spaces.

O. **Car Share.** Planning Code Section 166 requires one space for a project proposes 50 to 200 dwelling units.

The project proposes a total of 75 units. Therefore, one car share space is required. The project complies with the requirement by providing one car share space.

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

The off-street parking spaces provided for the dwelling units will be unbundled and sold and/or leased separately from the dwelling units. Therefore, the Project meets this requirement.

Q. **Dwelling unit mix.** Planning Code Section 207.6 requires at least 40 percent of the total number of proposed dwelling units to contain two or more bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.

The Project will provide 40 percent of the dwelling units as 2-bedroom units or larger (33 units).

R. **Height Limit.** Planning Code Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The Project Site is within a 58-foot Height District.

The Project complies. The height of the roof is no higher than 58 feet measured per Planning Code Section 260.

S. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 14.4% of the proposed dwelling units as affordable. Pursuant to San Francisco Charter Section 16.110 (g), adopted by the voters in November, 2012, beginning on January 1, 2013, the City shall reduce by 20% the on-site inclusionary housing obligation for all on-site projects subject to the Inclusionary Affordable Housing, but in no case below 12%. Thus, under Charter Section 16.110 (g) all the on-site requirements here is reduced by 3% (20% of 18%) to 14.4%.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on June 6, 2013 and a draft of the Costa Hawkins agreement on June 6, 2013. The EE application was submitted on August 23, 2012. Pursuant San Francisco Charter Section 16.110 (g) the 18% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 18%) to 14.4%. Eleven units (one studio, six one-bedroom, three two-bedroom, and one three-bedroom) of the eleven units provided will be affordable rental units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. The Project must execute the Costa Hawkins agreement prior to Planning Commission approval or must revert to payment of the Affordable Housing Fee.

U. **Eastern Neighborhoods Public Benefit Fund.** The project shall comply with the provisions of Planning Code Section 423, including payment of the Eastern Neighborhoods Impact Fee, or execution of an In-Kind Agreement with the Planning Department prior to issuance of the first site or building permit.

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

A. Overall building massing and scale;
The Project conforms to the applicable height and bulk requirements. The neighborhood in the vicinity of the Project is continue to evolve with development in the Potrero Hill and the Mission areas, utilizing the Eastern Neighborhoods controls, and contains a range of building masses. The project, with residential and retail, will be consistent with the existing and evolving character of the area. The Project massing will improve the character of the neighborhood and general pedestrian circulation.

B. Architectural treatments, facade design and building materials;

The architecture of this Project responds to the site's location between the industrial nature and the contemporary and traditional architecture of the residential uses. The Project's facades present fenestration patterns and scale similar to the expressed frame of residential and industrial uses common in the area. The exterior is designed with modern materials including smooth stucco, horizontal wood siding, aluminum storefronts and windows. The aluminum punched window openings with stucco and siding recesses provide a stimulating and visually interesting buffer between the 101 Freeway and the Potrero Avenue and Mariposa Street facades. A prominent corner element accentuates the site location.

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

The ground floor character of the building is active with a viable retail space oriented at the corner of Potrero Avenue and Mariposa Street, which compliments the active residential spaces with transparent storefront and stoops at both street facades. Exposed and raised residential entries are present on both façades as expressed by the architecture of the building via stoops, recessed entries and landscape planters. Vehicular access is minimized to one existing curb cut at Mariposa Street. The second curb cut at Potrero Avenue will be removed. Street trees along all street frontages are proposed per the Planning Code. Although the proposed inner courtyard does not meet the dimensional requirements, it is 32 feet deep by 100 feet long and located at the rear of the property, and provides generous exposure to the west.

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

The Project provides adequate open space, all on-site. The open spaces are provided in the form of a courtyard and roof deck. The total open space over 10,000 square feet provided exceeds the total square footage of 6,000 required.

E. Streetscape and other public improvements, including tree planting, street furniture, and lighting;

The Project proposes the installation of street trees and planters along both frontages and open spaces.

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

The Project provides one ingress/egress accesses utilizing an existing curb cut on Mariposa Street. No additional ingress/egress is proposed to prevent possible conflicts and congestion.

G. Bulk limits;

The Project site is located in an X Bulk District, which requires no bulk restrictions.

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

The Project generally meets the Objectives and Policies of the General Plan.

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

   A. Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth beginning at the lowest story containing a dwelling unit. The subject property is a rectangular lot with two frontages. Planning Code Section 329(d) allows an exception for the rear yard requirement pursuant to requirements of Planning Code Section 134(f).

      1. Residential uses are included in the new or expanding development and a comparable amount of readily accessible usable open space is provided elsewhere on the lot:

         The Project is occupied by residential uses, a ground floor retail space, and a comparable amount of readily accessible open space. Per the Planning Code, the required rear yard should equal 25 percent of the lot depth and area, which is 3,750 square feet of area and 25 feet deep for this property. The proposed inner courtyard, roof decks, setbacks, and balconies combine to provide over 10,000 square feet. Furthermore, the proposed inner courtyard is 3,750 square feet, or 25 percent of the lot area.

      2. The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties:

         The Project will provide plenty of open space in the form of an inner courtyard, roof decks, setbacks and balconies. The inner court has minimum dimensions of 32 feet deep and 100 feet wide. The Project will result in no significant impediment on light and air to adjacent properties. The adjacent properties have buildings that are full lot coverage and no rear yard or mid-block open space. The project will enjoy significant exposure to light and air to the west via the proposed court yard.

      3. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties:

         The adjacent properties have buildings that are full lot coverage with no rear yard or mid-block open space. The proposed court yard provides a relief to the cluster of adjacent buildings without setbacks.

   B. Planning Code Section 140 requires dwelling units to have at least one window facing a street or alley, a Code-complying rear yard. 36 of the 75 proposed dwelling units ~~will~~ would not meet the dimensional requirements.

      Although the dwelling units enjoy ample light and air with proposed open space, setbacks, roof decks and balconies, 36 of the units that face the inner-court will not technically comply with the exposure requirement. However, the proposed 32-foor deep x 100-foot wide court yard will have western exposure and unobstructed access to light and air.

   C. Planning Code Section 145.1 requires all ground floor non-residential uses in UMU District to have a minimum floor-to-floor height of 17 feet, as measured from grade.

Although active uses are proposed on the ground floor, the proposed retail space has a floor-to-floor height of 12 feet. This deviation is needed to ensure adequate vehicular maneuverability in the parking area due to the steep slope of the lot. Active uses are proposed in the form of raised ground floor residential entries. The overall intent of Section 145.1 will still be met.

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

HOUSING

Objectives and Policies

OBJECTIVE 1
IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1
Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

Policy 1.8
Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

The Project is a medium density mixed-use development in an underutilized, transitioning industrial and residential area. The Project site is an ideal infill site that is currently vacant. The area around the Project site was recently rezoned to UMU as part of a long range planning goal to create a cohesive, higher density residential and mixed-use neighborhood. The project includes eleven on-site affordable housing units, which complies with the UMU District's goal to provide a higher level of affordability.

OBJECTIVE 11
SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1
Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2
Ensure implementation of accepted design standards in project approvals.

Policy 11.3
Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4

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

Policy 11.5
Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Policy 11.6
Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8
Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The architecture of this Project responds to the site's location as a transition between industrial zones and the contemporary and traditional architecture of residential zones. The Project's facades present fenestration patterns and scale similar to the expressed frame of residential and industrial uses common in the area. The exterior is designed with modern materials including smooth stucco, horizontal wood siding, aluminum storefronts and windows. The aluminum punched window openings with stucco and siding recesses provide a stimulating and visually interesting buffer between the 101 Freeway and the Potrero Avenue and Mariposa Street facades. Height limits were increased along Potrero Avenue to reflect importance of the street as transportation artillery and as a wide thoroughfare, which visually and from a development standpoint, could support higher densities.

OBJECTIVE 12
BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2
Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

The Project provides adequate open space, all on-site. The open spaces are provided in the form of a common inner court, a common roof deck, private roof decks and balconies. The open space areas are designed to include built-in seating and ample landscaping.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4:
PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.5:
Require private usable outdoor open space in new residential development.

Policy 4.6:
Assure the provision of adequate public open space to serve new residential development.

The Project will create private and common open space areas in a new residential mixed-use development through private balconies and roof decks, common inner court and roof deck, and ground floor open spaces. The project will not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:
IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:
Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.3:
Install pedestrian-serving street furniture where appropriate.

Policy 24.4:
Preserve pedestrian-oriented building frontages.

The Project will install street trees at approximately 20 foot intervals along frontages on Potrero Avenue and Mariposa Street. Frontages are designed with active spaces oriented at the pedestrian level.

OBJECTIVE 28:
PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:
Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3:
Provide parking facilities which are safe, secure, and convenient.

The Project includes 40 bicycle parking spaces in secure, convenient locations.

OBJECTIVE 34:

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

Policy 34.1:
Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:
Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

Policy 34.5:
Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

The Project has a parking to dwelling unit ratio of .63 space per unit. The parking spaces are accessed by one ingress/egress point from Mariposa Street utilizing an existing curb cut and removing an existing curb cut at Potrero Avenue. Parking is adequate for the project and complies with maximums prescribed by the Planning Code.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.7:
Recognize the natural boundaries of districts, and promote connections between districts.

OBJECTIVE 2:
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:
Respect the character of older development nearby in the design of new buildings.

The Project is located within the Mission neighborhood that is transitioning from industrial uses to higher density residential mixed-use neighborhood. As such, the proposed building provides more intricate street

façades that respond to the existing industrial built environment, while respecting the residential influences of the surrounding buildings.

OBJECTIVE 4:
IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.5:
Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:
Improve pedestrian areas by providing human scale and interest.

While the rectangular corner lot has two street frontages, it only provides one vehicular access point for the entire project, limiting conflicts with pedestrians and bicyclists. Numerous street trees will be planted on each street. Ample frontages, common and private open spaces, and ground floor active uses directly accessing the street will be provided. The pedestrian experience along the Project site will be improved. The site is currently vacant.

MISSION AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.2:
IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1.
Ensure that in-fill housing development is compatible with its surroundings.

Policy 1.2.2.
For new construction, and as part of major expansion of existing buildings in neighborhood commercial districts, require ground floor commercial uses in new housing development. In other mixed-use districts encourage housing over commercial or PDR where appropriate.

Policy 1.2.3:
In general, where residential development is permitted, control residential density through building height and bulk guidelines and bedroom mix requirements.

The Project has been designed to be compatible with the character-defining features of the neighborhood. The top two floors of the project have been setback five to seven feet from the street frontages to reduce the apparent height increase and to make massing more compatible with the adjacent buildings.

Built Form
OBJECTIVE 3.1:
PROMOTE AN URBAN FORM THAT REINFORCES THE MISSION'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 3.1.3.
Relate the prevailing heights of buildings to street and alley width throughout the Plan Area.

Policy 3.1.8.
New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located.

Though height limits in the area have been modified under the Eastern Neighborhood Controls, the project proposes façade setbacks at the top two floors. Although there are no pattern of rear yard or mid-block open space in the existing block and adjacent parcels, the project proposes high quality private and common open spaces in balconies, decks, courtyards, and roof decks.

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

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

There are no existing neighborhood-serving retail uses on the site. The site has been vacant since 2005. The Project will provide approximately 970 square feet of ground floor space adequate for various retail uses, including neighborhood serving retail, which will create opportunities for local resident employment and ownership opportunities.

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

No housing exists on the project site. The project will provide up to 75 new dwelling units, significantly increasing the neighborhood housing stock. The design of the Project is compatible with the surrounding neighborhood. For these reasons, the proposed project would protect and preserve the cultural and economic significance of the neighborhood.

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

The Project will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program, therefore increasing the stock of affordable housing units in the City.

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

The project site is well-served by public transportation. The majority of future residents are expected to use alternative methods of transportation other than private automobiles, and the number of vehicle trips generated by this project would not impede MUNI transit service or overburden streets. The site is serviced by MUNI lines 9, 33, 22and 27, all of which are within a few blocks of walking distance.

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

The Project does not include any commercial office development as proposed. The proposal, with dwelling units and retail spaces, will increase the diversity of the City's housing supply, a top priority in the City, and will provide potential neighborhood-serving uses.

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

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

G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The Project will not affect the City's parks or open space or their access to sunlight and vistas. A shadow study was completed and concluded that the Project will not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission.

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

and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

13. The Commission hereby finds that approval of the Large Project authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2011.0430X** under Planning Code Section 329 to allow the proposed construction of a new six-story, 58-foot building consisting of up to 75 dwelling units, approximately 970 square feet of ground floor retail, and parking for up to 47 spaces, and exceptions including rear yard, dwelling unit exposure and street frontage, within the UMU (Urban Mixed Use) Zoning District and within a 58-X Height and Bulk Designation. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 31, 2013, and stamped "EXHIBIT D", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the IS/MND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Large Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. 18945. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1650 Mission Street, Room 304, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 8, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Hillis, Sugaya, Fong, Antonini, Borden, Moore, and Wu

NAYES: None

ABSENT: None

ADOPTED: August 8, 2013

EXHIBIT A

AUTHORIZATION

This authorization is to allow a Large Project Authorization and including exceptions for (1) rear yard pursuant to Planning Code Section 134, (2) dwelling unit exposure pursuant to Planning Code Section 140, and (3) street frontage pursuant to Planning Code Section 145.1, for the proposed construction of a new six-story, 58-foot tall building consisting of up to 75 dwelling units, approximately 970 square feet of ground floor retail, and parking for up to 47 spaces; in general conformance with plans, dated July 31, 2013, and stamped "EXHIBIT D" included in the docket for Case No. 2011.0430X and subject to conditions of approval reviewed and approved by the Commission on August 8, 2013, under Motion No. 18945. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 8, 2013, under Motion No. 18945.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18945 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Large Project Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Large Project Authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

DESIGN

3. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design and the design and development of the streetscape and pedestrian elements in conformance with the Better Streets Plan. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6613, www.sf-planning.org

4. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6613, www.sf-planning.org*

5. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts to San Francisco streetscapes when improperly located. However, they may

not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

A. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
B. On-site, in a driveway, underground;
C. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
D. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding impacts on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
E. Public right-of-way, underground; and based on Better Streets Plan guidelines;
F. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
G. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, http://sfdpw.org*

AFFORDABLE HOUSING

6. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 18% of the proposed dwelling units as affordable to qualifying households. Pursuant San Francisco Charter Section 16.110 (g) the 18% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 18%) to 14.4%. The Project contains 77 units; therefore, eleven affordable units are required. The Project Sponsor will fulfill this requirement by providing the eleven affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

7. **Unit Mix.** The Project contains five studios, 41 one-bedroom, 23 two-bedroom, and eight three-bedroom units; therefore, the required affordable unit mix is one studio, six one-bedroom, three two-bedroom, and one three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

8. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

9. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

10. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

11. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Sections 415, 419 et seq., of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Sections 415 and 419. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at: http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451.
As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

    a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

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

c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.

d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.

e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.

f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.

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

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

PARKING AND TRAFFIC

12. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 419 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

13. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation impacts during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

EASTERN NEIGHBORHOODS INFRASTRUCTURE IMPACT FEE

14. **Impact Fees.** The Eastern Neighborhoods Public Benefits Fund is implemented in part through district-specific Eastern Neighborhoods Impact Fee which applies to the Project Area. Fees shall be charged on net additions of gross square feet which result in a net new residential unit, contribute to a 20 percent increase of non-residential space in an existing structure, or create non-residential space in a new structure. Fees shall be assessed on residential use, and on non-residential use within each use category of Cultural/Institution/Education; Management, Information & Professional Service; Medical & Health Service; Retail/Entertainment; and Visitor Services; with no substitutions across uses. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project. The project is within the Impact Fee Tier 1.

Prior to the issuance by the Department of Building Inspection (DBI) of the first site or building permit, the sponsor of any project subject to the Eastern Neighborhoods Impact Fee shall pay to

the Treasurer according to the schedule in Table 423.3. Planning Code Section 423.3 also provides alternatives satisfying this requirement.

PROVISIONS

15. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project. *For information about compliance, contact the First Source Hiring Manager at 415-401-4960, www.onestopSF.org*

MONITORING

16. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

17. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

18. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, http://sfdpw.org/*

19. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison

shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MITIGATION MEASURES

20. Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

ADDITIONAL CONDITIONS

21. The Sponsor shall construct temporary protective barriers for protection of the adjacent building to the north (Verdi Club) during construction.

22. A training program shall be created for construction workers to be made aware of the importance of the adjacent building to the north (Verdi Club) and the contributing elements of the historical resource that would be affected by the proposed. Constructors and operator of heavy machinery shall be cautious when working adjacent to the building especially during excavation.

23. The sponsor shall provide existing condition analysis of the Verdi Club by a historical architect and/or structural engineer prior to construction that would set the baseline conditions of the Verdi Club before construction starts and will be the reference point of any dispute or any potential damage, deterioration, or disturbance that may occur during the construction period. Such analysis shall be submitted to historic preservation staff for review.

24. Construction equipment and excessive impact to the Verdi club and the side walk shall be minimized.

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Adopted Mitigation Measures	MONITORING PROGRAM Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
A. MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
ARCHAEOLOGICAL RESOURCES The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.	Project sponsor	Prior to any soil disturbing activities	Distribute Planning Department Archeological Resource "ALERT" sheet to Prime Contractor, sub-contractors and utilities firms.	Project sponsor, archaeologist and Environmental Review Officer (ER0)	Prior to any soil disturbing activities.
	Project Sponsor			Submit signed affidavit of distribution to ERO.	Following distribution of "ALERT" sheet but prior to any soils disturbing activities.
Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.	Head Foreman and/or project sponsor	Accidental discovery	Suspend any soils disturbing activity.	Notify ERO of accidental discovery.	

Adopted Mitigation Measures	MONITORING PROGRAM Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/ cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.	Project Sponsor	In case of accidental discovery	If ERO determines an archeological resource may be present, services of a qualified archeological consultant to be retained.		
	Archeological consultant		Identify and evaluate archeological resources.	Make recommendation to the ERO	
Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	Project Sponsor	After determination by the ERO of appropriate action to be implemented following evaluation of accidental discovery.	Implementation of Archeological measure required by ERO.		
The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project Sponsor	Following completion of any* archeological field program. (* required.)	Submittal of Draft/Final FARR to ERO.		

Adopted Mitigation Measures	MONITORING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
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 MEA division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project Sponsor		Distribution of Final FARR.		

MONITORING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
Air Quality ***Mitigation Measure M-AQ-1 Construction Air Quality (Asbestos)*** A Site Mitigation (SMP) will be implemented to address the asbestos exposure to the construction workers, nearby residents, pedestrians and future users of the site. Dust control measures are to be implemented to reduce exposure during excavation, grading, loading and transporting of excavated materials. Soil/rock excavated and removed from the site will require appropriate disposal; additional sampling may be necessary. These measures are to include:	Project Sponsor	During demolition, site grading and excavation, and site development.	Handling, hauling and disposal of contaminated soils.	The contractor shall take the mitigation actions specified in the SMP and shall submit weekly monitoring reports to DPH. Project sponsor to provide DPH with weekly reports during construction period.	Considered complete upon receipt by DPH of final monitoring plan at completion of construction.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
			MONITORING PROGRAM		
• Site fencing. • Wetting exposed soil/rock – exposed soil/rock will be watered at least twice a day to prevent visible dust from migrating off-site. • Covering exposed soil/rock. In particular, stockpiles will be covered and trucks transporting contaminated soil/rock will be covered with a tarpaulin or other cover. • Preventing distribution of dust and soil/rock off-site by decontamination and other measures to prevent soil/rock from being tracked off-site by vehicles or carried off-site on clothes. Measures to achieve this include: water being misted or sprayed during the loading of soil/rock onto trucks for off-haul; wheels being cleaned prior to entering public streets; public streets will be swept daily if soil/rock is visible and excavation and loading activities will be suspended if winds exceed 20 miles per hour.	Project sponsor/Contractor	During demolition, site grading and excavation, and site development.	Handing, hauling and disposal of contaminated soils (see mitigation measure).	The contractor shall take the mitigation actions specified in the SMP and shall submit weekly monitoring reports to DPH. Project sponsor to provide DPH with weekly reports during construction period.	Considered complete upon receipt by DPH of final monitoring plan at completion of construction.
• Instituting a site-specific health and safety plan (HSP) developed by a certified industrial hygienist that represents the site contractors, which includes that air sampling and monitoring be conducted to evaluate the amount of airborne particles generated during excavation, grading, loading and transportation.	Project Sponsor/ Contractor/ Certified industrial hygienist	Prior to commencement of construction activities and ongoing	Contractor to implement a site specific health and safety plan (HSP)	DPH and San Francisco Planning Department to review and approve the HSP.	Considered complete after construction activities have ended.

MONITORING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
• Contacting BAAQMD and completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD prior to any excavation activities.	Project Sponsor	Prior to commencement of excavation activities and during excavation.	Completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD and implementation of requirements.	BAAQMD/DBI	Considered complete upon issuance of BAAQMD Permit and implementation of applicable BAAQMD requirements.
In order to control potential exposure during soil/rock disturbance, the soil/rock are to be moisture conditioned using dust suppressants, covering exposed soil/rock and stockpiles with weighed down plastic sheeting or capping the site with building asphalt or at least two feet of clean imported fill.	See above regarding measures addressed in Soil Mitigation Plan.				
Excavated soil is to be disposed off-site after proper profiling for disposal. Excavated soil/rock material will either be loaded directly into trucks and removed from the site or stockpiled onsite. If stockpiled, the soil/rock will be placed on visqueen, bermed and tarped at all times.	See above regarding measures addressed in Soil Mitigation Plan				
Direct contact to the underlying soil/rock by future site users will be mitigated by encapsulation with the concrete foundation system and buildings. It is not anticipated that groundwater will be encountered during construction.	See above regarding measures addressed in Soil Mitigation Plan				

Adopted Mitigation Measures	MONITORING PROGRAM Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
The SMP recommends that if unanticipated hazardous materials are encountered, the work is to stop; the site superintendent and project contractor are to be notified to conduct an inspection.	Contractor's Site Superintendent/Project Sponsor	During construction and excavation activities	If unanticipated hazardous materials are encountered, the work is to stop; the site superintendent is to notify Treadwell & Rollo who shall conduct an inspection.	Project Sponsor/Treadwell & Rollo to report findings to DPH in a weekly monitoring report.	

Adopted Mitigation Measures	MONITORING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to EHS-HWU at DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.	Project Sponsor	Following completion of excavation and foundation construction activities.	Preparation of a closure/certification report to EHS-HWU at DPH for review and approval	EHS-HWU at DPH	Considered complete upon submittal of a closure/certification report to EHS-HWU at DPH for review and approval and submittal of report to and San Francisco Planning Department.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
			MONITORING PROGRAM		
Mitigation Measure M-HZ-2B: Testing for and Handling, Hauling, and Disposal of Contaminated Soils **Step 1: Soil Testing.** Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for contamination. The project sponsor shall enter the San Francisco Voluntary Remedial Action Program (VRAP) under the DPH. The project sponsor shall submit a VRAP application and a fee of $592 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Site Assessment and Mitigation Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of $592 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first three hours, at a rate of $197 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The consultant shall submit the work plan to DPH for review and concurrence prior to performing the soil sampling. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples. The project sponsor shall submit the report on the soil testing to DPH for review and concurrence. DHP shall review the soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.	Project Sponsor	Prior to soil-disturbing activity.	DPH to review soil testing report and advise ERO and Department of Building Inspection (DBI) if Site Mitigation Plan (SMP) is required.	Prior to issuance of grading or excavation permit. Considered complete upon receipt by DPH, ERO, and DBI of monitoring report.
Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the project sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation/capping, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the Department of Public Health (DPH) for review and	Project Sponsor	Upon DPH determination that SMP is required.	If SMP is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to DBI and ERO, at end of construction.	Prior to issuance of certificate of occupancy. Considered complete upon receipt of monitoring report.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
			MONITORING PROGRAM		
approval at least six weeks prior to beginning demolition and construction work. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.					
Step 3: Handling, Hauling, Treatment, and Disposal of Contaminated Soils and Groundwater. (a) Specific work practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations) when such soils are encountered on the site. If excavated materials contain over one percent friable asbestos, they shall be treated as hazardous waste, and shall be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site. (b) Dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after construction work hours. (c) Surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather. (d) Soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade. (e) Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California. Any contaminated groundwater shall be subject to the requirements of the City's Industrial Waste Ordinance (Ord. No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the system.	Project Sponsor	During construction.	Project Sponsor to provide DPH with monitoring report following soil-disturbing construction period and final monitoring report at conclusion of building construction. Copies of reports to be provided to DBI and ERO.	Prior to issuance of certificate of occupancy. Considered complete upon receipt of monitoring report.

MONITORING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
Step 4: Preparation of Closure/Certification Report After construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.	Project Sponsor	At completion of foundation.	Project Sponsor to provide closure/ certification report to DPH, with copy to DBI and ERO.	Prior to issuance of certificate of occupancy. Considered complete upon receipt of monitoring report.
Mitigation Measure M-HZ-2C: Disposal of Contaminated Soil, Site Health and Safety Plan If, based on the results of the soil tests conducted, the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, any contaminated soils designated as hazardous waste and required by DPH to be excavated shall be removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with California and U.S. Environmental Protection Agency regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the DPH. If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan shall be required by the California Division of Occupational Safety and Health (Cal-OSHA) prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum: Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.	Project sponsor and construction contractor(s)	During construction.	Project Sponsor to provide DPH with monitoring report following soil-disturbing construction period and final monitoring report at conclusion of building construction. Copies of reports to be provided to DBI and ERO.	Prior to issuance of certificate of occupancy. Considered complete upon receipt of monitoring report.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	MONITORING PROGRAM Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.					
The dust controls specified in the Construction Dust Control Ordinance (176-08). This includes dust control during excavation and truck loading shall include misting of the area prior to excavation, misting soils while loading onto trucks, stopping all excavation work should winds exceed 25 mph, and limiting vehicle speeds onsite to 15mph.					
Protocols for managing stockpiled and excavated soils.					
The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:					
Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required.					
Posting of "no trespassing" signs.					
Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.					
If groundwater contamination is identified, the Site Health and Safety Plan and Site Mitigation Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.					
The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.					
The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures shall include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.					

Application to Request a
Board of Supervisors Appeal Fee Waiver

CASE NUMBER:

APPLICATION FOR
Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME:
JEAN BOGIAGES

APPLICANT ADDRESS:
550 UTAH ST.
SF CA 94110

TELEPHONE:
(415) 863 5109

EMAIL:
jean@woodwinds.net

NEIGHBORHOOD ORGANIZATION NAME:
MARIPOSA UTAH NEIGHBORHOOD ASSOCIATION (MONA)

NEIGHBORHOOD ORGANIZATION ADDRESS:
550 UTAH ST
SF CA 94110

TELEPHONE:
(415) 863 5109

EMAIL:
contact@sfmona.org

PROJECT ADDRESS:
480 POTRERO AVE, SF CA 94110

PLANNING CASE NO.:
2011.0430E

BUILDING PERMIT APPLICATION NO.:

DATE OF DECISION (IF ANY):
8/8/2013

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

☑ The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.

☑ The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.

☑ The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.

☑ The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only
Application received by Planning Department:

By: _____ Date: _____

Submission Checklist:

☐ APPELLANT AUTHORIZATION
☐ CURRENT ORGANIZATION REGISTRATION
☐ MINIMUM ORGANIZATION AGE
☐ PROJECT IMPACT ON ORGANIZATION

☐ WAIVER APPROVED ☐ WAIVER DENIED

SAN FRANCISCO
PLANNING
DEPARTMENT

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415.558.6409**
WEB: **http://www.sfplanning.org**

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**
Planning staff are available by phone and at the PIC counter.
No appointment is necessary.

SAN FRANCISCO
PLANNING DEPARTMENT

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Information:
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December 31, 2012

SFMUNA
San Francisco Mariposa-Utah-18th Neighborhood Association
c/o Jean Bogiages, Chairperson
550 Utah Street
San Francisco, CA 94110

RE: Appeal of Preliminary Negative Declaration to the Planning Commission - Application Fee Waiver Request for Neighborhood Organization
Project Address: 480 Potrero Avenue (Project # 2011.0430E)

Dear Jean:

We have confirmed that "SFMUNA" qualifies as a neighborhood organization and is therefore entitled to a fee waiver.

Enclosed is your original check (# 1043) of $ 521.00 issued on October 14, 2012 for the above referenced project application.

Thank you very much for your patience and cooperation.

Sincerely,

Keith DeMartini
Finance Manager

cc: Don Lewis, Planner (docket copy)

File #130843 Bds-11
CJB
City Atty
C Page

MARIPOSA-UTAH STREET NEIGHBORHOOD ASSOCIATION
550 UTAH ST.
SAN FRANCISCO, CA 94110

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AK

September 30, 2013

Re: Proposed Development at 480 Potrero: Appeal of Planning Commission Motion 18944, 2011.0430E Mitigated Negative Declaration.

Honorable Members of the Board of Supervisors:

The Mariposa-Utah Street Neighborhood Association respectfully requests that you grant its appeal of the Planning Department approval of the Mitigated Negative Declaration for the above-referenced project on the basis that the project as currently approved violates the California Environmental Quality Act and the City and County of San Francisco Planning Code. The basis of the appeal are set out in greater detail below and supported by the attached documents.

PMND upon which the MND was approved inaccurately describes the site existing condition in violation of CEQA and the exemption granted by the Planning Commission improperly refused to consider adverse parking impacts.

The City's CEQA exemption determination improperly dismisses parking impacts. This ignores the substantial parking that has been provided on the project site, which must be considered to avoid a misleading impact review that minimizes impacts of the project. The elimination of existing parking spaces has been held by the First District to be an environmental impact that, when significant triggers, preparation of an EIR. *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1003 (referring to various impacts of a project that triggered the requirement for an EIR, including "the elimination of on street parking on "B" Street and Center Street, aggravating present parking problems that already exist in the area"). Also, given that the lot was used for parking when the CEQA process started, the City cannot rely on the elimination of parking during the CEQA review as a basis for not evaluating this impact. This is the same type of misleading baseline that was rejected by the court in *Save Our Peninsula v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, where the water usage on a site was increased during the CEQA process, and the court held that use of the increased water use baseline resulted in a misleading environmental analysis. The City's CEQA review needs to focus on the real conditions on the ground, and that includes the elimination of the substantial parking that has been provided on this site. This is a potentially significant project specific impact that must be evaluated.

The City's exemption determination violates CEQA because it ignores the Verdi Club (a register eligible resource) and includes no analysis of mitigation measures to ensure significant impacts are avoided.

The City's exemption determination ignores the historic property that abuts the lot, and includes no analysis or mitigation measures to ensure that significant impacts are avoided. The Verdi Club abuts the site, would be affected by the construction, and has been determined eligible for listing – as admitted at the hearings. The City determined in 2011 that the Verdi Club was eligible for the California Register under Criterion 1 and 3. Under CEQA Guideline 15064.5, this property must be considered a historic resource for CEQA purposes. Impacts on this building were not evaluated in the Eastern Neighborhoods EIR, so the City's CEQA review for this project cannot simply ignore potential impacts on the Verdi Club. Those impacts are a project-specific impact of this project that must be evaluated.

The proponent also failed to submit a geotechnical report for the current project, rather they allowed the proponent to simply change the date on a report prepared in 2004 for a different and much smaller project. The Staff response to comments admits no project specific geotechnical report and then states the project will not result in any meaningful change in the topography of the site and there will be no piles. They ignore what is stated elsewhere that the project will require an excavation 16 feet in depth. All of this work is being done immediately adjacent to the Verdi Club. Again a report should be required to analyze of potential impact to the adjacent Verdi Club a recognized historical resource under the California Historic Preservation Act.

The project was not properly noticed. Specifically proper notice to the impacted community, specifically the residents of the 50 plus-units at Mariposa Gardens an Environmental Justice community was not made and proper site signage was not maintained prior to the hearing on the PMND.

No health risk assessment was required or completed before approval of the MND.

No analysis or even mention of the sensitive receptors (children attending classes at the adjacent Verdi Club, the large number of elderly using the Club and young children at the Mariposa Housing Development) in discussing the risk of exposure to asbestos and other chemicals admittedly on the project nor of noise impact of the project. The staff points to the EIR for the Eastern Neighbor Hoods which does not deal with sites where sensitive receptors are known to exist. Also the staff contends "no long term exposure to toxics" exists without discussing the risks of even short term exposure to these sensitive receptors. The proponent should be required to prepare a health risk assessment of the potential impacts of construction in serpentine rock containing high levels of asbestos in close proximity to the Verdi Club and Mariposa Gardens.

No contemporaneous Phase I ESA report was prepared or available to the public before the PMND was issued.

The only Phase I document submitted was admitted by the staff to be over 13 years old. Staff concludes this is sufficient without any information on impacts on the site for over a decade could be ignored. Instead the staff dismisses the need for a Phase I saying the Health Department will deal with it later. This precludes the public's right to have this issue addressed as part of the environmental review.

The project sponsor and Planning Department failed to provide noticed of the proposed development to Down Town High School which is located within a quarter mile of the proposed project. (California Code of Regulations – CCR Title 14: Guidelines §15186).

The Planning Dept. staff admitted at the Planning Commission hearing that no such notice was undertaken and provided no legal justification for the failure to provide notice.

The Planning Commission denied the appellants right to due process by considering its comments as public comments, rather than providing the appellant the required equal opportunity (15 minutes to present a case) as was provided to the proponent and Planning Department Staff.

The proposed project is completely out of character with the surrounding neighborhood and violates Planning Code Section 101.1(b).

The building will be at least 4 stories taller than any building along 10th street and Potrero between 10th and Mission Streets and the new General Hospital, and is completely out of character with any structures on the entire length of Potrero.). Staff provided no site specific justification for ignoring this concern, or explaining why an exemption should have been granted.

The PMND approved by the Planning Commission ignores a shadow study showing violation of Planning Code Section 147 and 295 and there is no requirement to mitigate the negative shadow impacts of the project.

The initial shadow analysis demonstrated the building would cast shadows on Franklin Square Park. Without redesign of the building, the Planning Department merely lowered the scale of measurement to generate a "No Impact Memorandum" for the case files and citation in the PMDN. The original "Impact Memorandum" was only made available after repeated requests under the SF Sunshine Ordinance (Public Records Act) for the complete case files. No explanation has been given by the Planning Department Staff as to why they failed even mention the initial study in the PMND or on request by appellants.

Jean Bogiages, MUNA Chair
550 Utah St., SF 94110

Juan Jayo, MUNA Steering Committee
530 Utah Street, SF 94110

Appendix A – Supporting Material

a. Neighborhood Character 101.1(b)(2) and Mission Plan Policy 1.2.1 "Ensure that infill housing is compatible with its surroundings ". The proposed 6 story 73ft (in a 58ft zone) building is not compatible with the lower height mostly Victorian homes. Green space is inadequate.

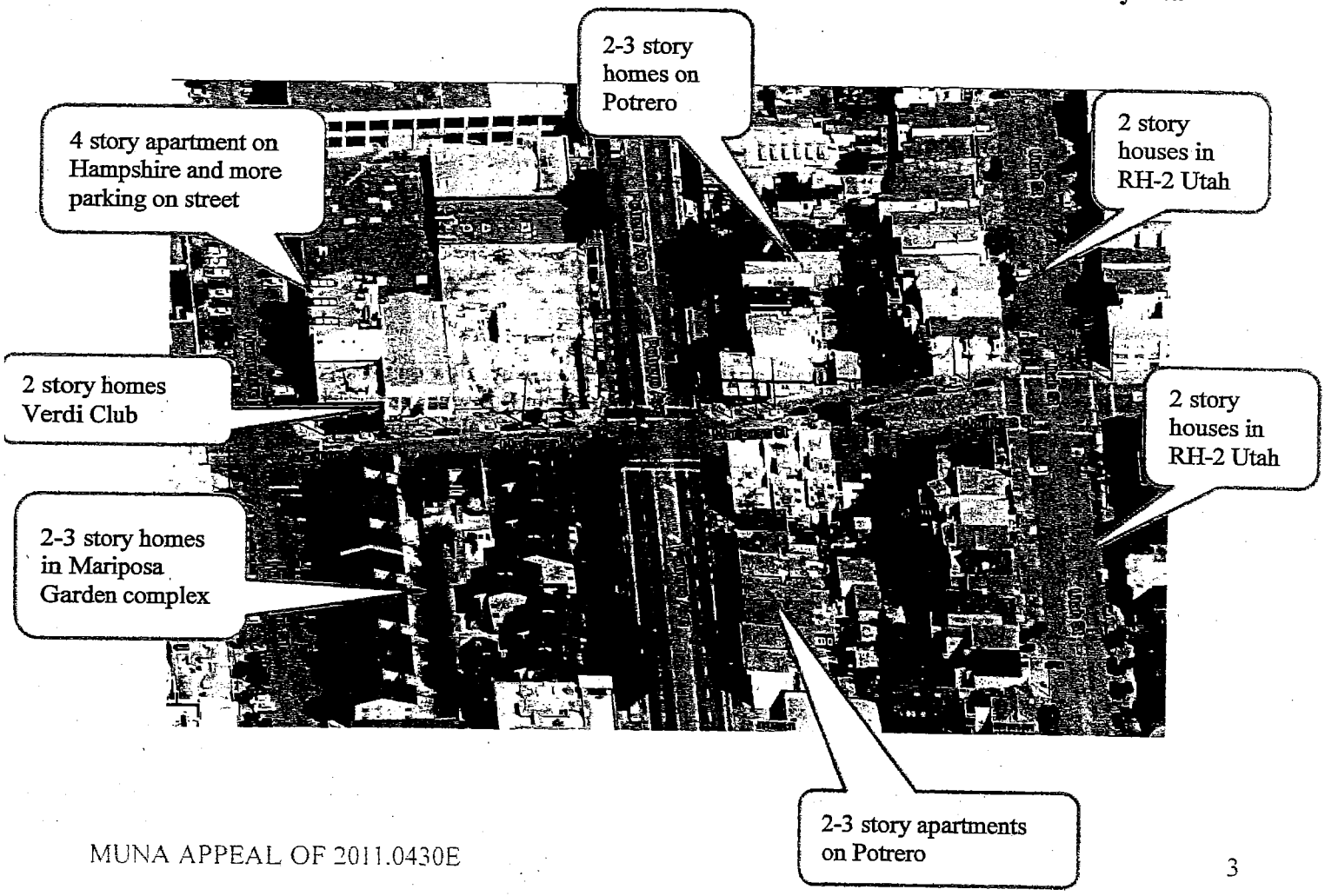
A walk from 24th to 16th street west side counts approximately:

Type	1 story	2 stories	3 stories	4 stories
commercial	9	9	1	0
residential	23	50	14	0

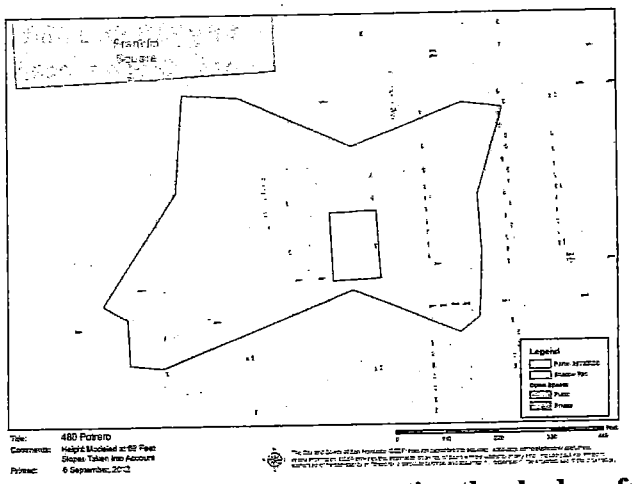
Note: bottom floor garage not counted as a story



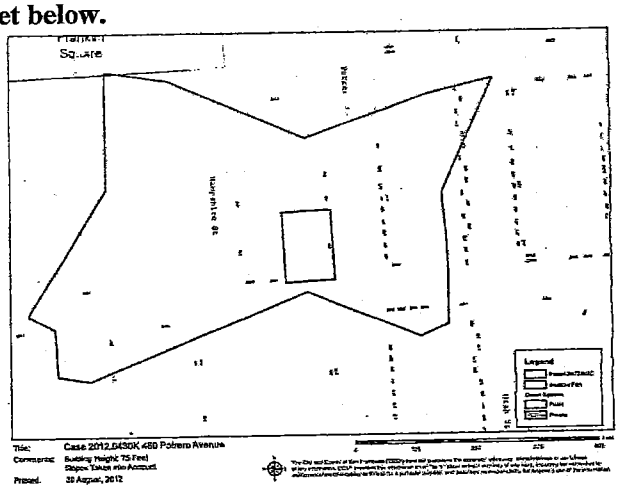
Mariposa Gardens, low income housing provides green space and is no higher than 3 stories. It also provides parking and green open space created by a large setback from the sidewalk and an interior courtyard..



b. **Shadow Analysis shows neighborhood gardens and potential solar panel locations shaded at 68ft height.**



Original Shadow analysis at 75 feet, more accurately representing the shadow, failed so a smaller height was declared to redo the analysis. Consider that elevator shafts and stair cases can be up to 15 feet and if the roof is used as open space there needs to be a strong high fence to keep children from climbing off or throwing things onto the street below.



c. **Use as a parking lot has been discontinued and about 50 cars are now on the street parking. Potrero Streetscape changes promise to remove 79 more spaces from Potrero Avenue between 21st & 25th Streets. Additional residential properties are in the process of seeking approval in an area where parking is already a serious issue.**



d. Verdi Club needs to be protected during construction. Sound analysis must include the existing land uses: entertainment and auto repair. Sound analysis must include recommendations for mitigation of event noise from the club. New tenants must be made aware of the noise if not mitigated.

Residential, Commercial, and Civic Development: 1929-1945

During the Depression and World War II virtually no non-industrial buildings were erected within the Showplace Square survey area. One important exception is the Verdi Club – an Italian-American men's social club – built in 1935 at 2424 Mariposa Street. Built of reinforced-concrete, the one-story, Art Deco-style commercial building is a rare example of a commercial building erected in the survey area during the period of significance. With its molded concrete "Mayan Deco" frieze, spandrel panels, and other ornament, it is an excellent example of the Art Deco style as well (Figure 45).

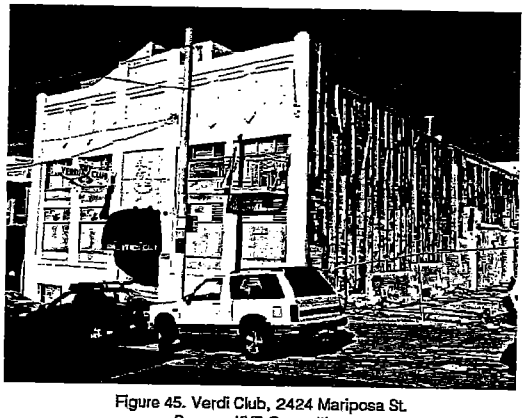
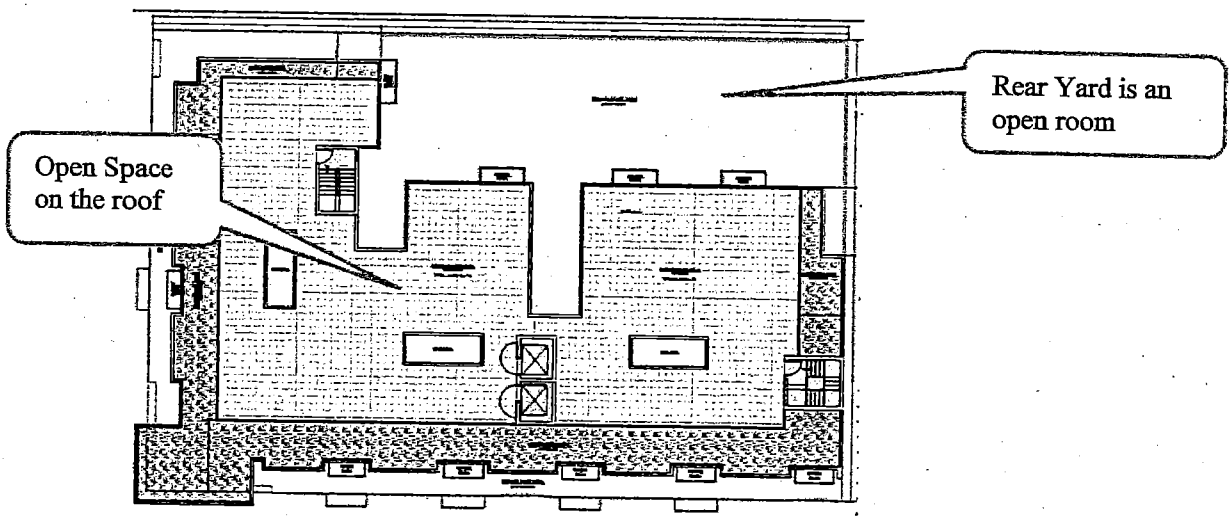


Figure 45. Verdi Club, 2424 Mariposa St.
Source: KVP Consulting

e. Open Space

Eastern Neighborhoods Community Planning, 2008, p 3: "**Open Space: In many areas, the amount of open space required as part of new development would be increased. Additionally these open spaces will be required to be greener and more usable**"

This project has proposed that open space be on the roof, in between elevator shaft stair cases and light wells. This concept actually adds height to the building which has a height limit of 58 ft. It is not green and is minimally usable.



Roof top open space – an attempt to satisfy the numbers, but not the intent of the Eastern Neighborhoods Plan. There is no "green" open space planed here.

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APPEAL OF FINAL MITIGATION NEGATIVE DELCARATION 480 POTRERO AVENUE

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DATE:	September 30, 2013
TO:	President David Chiu and Members of the Board of Supervisors
FROM:	Sarah Jones, Environmental Review Officer, San Francisco Planning Department, (415) 575-9034
RE:	File No. 130843, Planning Department Case No. 2011.0430E, Appeal of the Final Mitigated Negative Declaration for 480 Potrero Avenue
PROJECT SPONSOR:	Reza Khoshnevisan, Sia Consulting
APPELLANT:	Jean Bogiages and Juan M. Jayo, representing Mariposa Utah Neighborhood Association, and Mica I. Ringel.
HEARING DATE:	October 8, 2013
ATTACHMENTS:	A – Appeal Letters B – Final Mitigated Negative Declaration

INTRODUCTION:

This memorandum and the attached documents are a response to the letters of appeal to the Board of Supervisors (the Board) regarding the issuance of a Final Mitigated Negative Declaration (FMND) under the California Environmental Quality Act ("CEQA Determination") for the 480 Potrero Avenue Project (the proposed project). The FMND was certified by the Planning Commission (the Commission) on August 8, 2013. Two appeal letters were filed at the Board on August 28, 2013, one from Jean Bogiages and Juan M. Jayo, representing Mariposa Utah Neighborhood Association, and one from Mica I. Ringel.

The appeal letters are included with this Memorandum as Attachment A, and the FMND is included as Attachment B.

The decision before the Board is whether to uphold the certification of the FMND by the Commission and deny the appeal, or to overturn the Commission's decision to certify the FMND and return the project to the Planning Department for additional review.

PROJECT DESCRIPTION:

The project sponsor proposes the construction of a six-story, 58-foot-tall, mixed-use building approximately 82,544 square feet in size. The new building would contain 77 residential units, 974 square feet of ground-floor retail use, and 47 parking spaces in a one-level basement parking garage accessed from Mariposa Street. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

COMMUNITY PLAN EXEMPTION PROCESS:

For projects in plan areas, such as this, the proposal is reviewed for significant impacts that are not addressed in the Programmatic EIR (PEIR). Topics for which the PEIR identified a significant program-level impact are addressed in the Community Plan Exemption (CPE) Certification of Determination while project impacts for all other topics are discussed in the CPE Checklist. If the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the PEIR, then the impact would be addressed in a separate Focused Initial Study/Preliminary Mitigated Negative Declaration (IS/PMND) or EIR.

For this project, the applicable PEIR for the plan area is the Eastern Neighborhoods Rezoning and Area Plans Final EIR, and three documents were issued: a PMND with Initial Study, a CPE Certificate of Determination, and a CPE Checklist. Because the project would have a significant impact related to hazards and hazardous materials that was not identified in the PEIR, the Planning Department prepared a Focused IS/PMND for that topic only.

ENVIRONMENTAL REVIEW PROCESS FOR THE PROJECT:

An environmental evaluation application (2011.0430E) for the proposed project was filed by the project sponsor, Sia Consulting, on August 5, 2011. The Planning Department conducted a project-level environmental review for the 480 Potrero Avenue project and concluded that the proposed project, with the exception of hazards and hazardous materials, would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR (FEIR). On September 26, 2012, the Planning Department published a Preliminary Mitigated Negative Declaration (PMND) for the hazards and hazardous materials topic, and a Community Plan Exemption for all of the other environmental topics. On October 17, 2012, Dean Dinelli and Jean Bogiages filed a letter appealing the PMND. On March 29, 2013, the project sponsor revised their project to address concerns raised by the Planning Department and the community. Project changes include the following: addition of 974 square feet of ground-floor commercial space; decrease in number of residential units from 84 units to 77 units; increase in number of off-street parking spaces from 38 to 47; and decrease in size of the proposed building from 89,600 square feet to 82,544 square feet. As stated above, the revised project now involves the construction of a six-story, 58-foot-tall, mixed-use building approximately 82,544 square feet in size on a vacant lot. The new building would contain 77 residential units (29 one-bedroom and 48 two-bedroom), 974 square feet of ground-floor retail use, and 47 parking spaces in a one-level basement parking garage. The Planning Department determined that the revised project would not change the findings or conclusions of the PMND. Therefore, the PMND was amended on April 2, 2013. On August 8, 2013, the City Planning Commission denied the appeal and found that the proposed project could not have a significant effect on the environment.

RESPONSES TO ISSUES RAISED BY APPELLANT

Existing Conditions and Parking

ISSUE 1: The appellant states that the CEQA analysis is inadequate based on an erroneous statement of existing conditions.

"The CEQA review was inadequate because it was based on an erroneous statement of existing conditions at the time the PMND was issued i.e. a parking lot rather than as the proponent stated "a vacant lot".

There is a significantly increased impact of moving an average of 50 cars a day into the neighborhood as well as the increased parking from the project. This was not analyzed, nor was the project renoticed after the submission was issued. There is no mention in the Planning Commission Response to Comments on actions taken against the sponsor for submitting an erroneous application under penalty of perjury (the sponsor was leasing the property for a parking lot, while stating to the City the lot was vacant)." (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 1: The appellant does not provide any substantial evidence of a significant effect and the CEQA analysis is adequate.

The existing legal description of the project site is vacant and there are no structures on the project site. The project site contains the remnants of the foundation from the former four-story structure that was demolished in 2005. Sunny's Auto Body, adjacent to the project site, currently uses the vacant lot as a parking lot. Since a parking lot is not a permitted use in the Urban Mixed-Use zoning district, the Department opened an enforcement case on May 14, 2013 for this illegal use. The appellant is correct in stating that the CEQA documents did not mention that the project site is currently used as an illegal parking lot as there was no indication of such use on the application materials. Nonetheless, this would not change the analysis or findings, and re-notice would not be required.

The appellant states that "there is a significantly increased impact of moving an average of 50 cars a day into the neighborhood" which is incorrect. In terms of trip generation, there would be less of an impact if the analysis included the existing vehicle trips for the 50-some vehicles that illegally park at the project site as these trips would have been deducted from the trips of the proposed uses. Therefore, the trip generation analysis in the CEQA documents represents a conservative approach since the Department did not deduct the existing vehicle trips generated by the illegal parking lot. However, as the appellant states, the loss of approximately 50-some illegal parking spaces would decrease the already limited amount of parking supply. For the purposes of CEQA analysis, the project would have a significant effect on the environment if it would result in a substantial parking deficit and create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians. As discussed below, parking would not be considered a significant effect on the environment and the appellant does not provide any substantial evidence to the contrary.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. While parking conditions change over time, a substantial deficit in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a deficit in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial deficit in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts cause by congestion), depending on the project and its setting.

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and

biking), would be in keeping with the City's "Transit First" policy and numerous San Francisco General Plan Polices, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, would reasonably address potential secondary effects.

The proposed project would provide 47 off-street parking spaces (including one car-share space) and 40 bicycle spaces. The parking demand for the new uses associated with the proposed project was determined based on the methodology presented in the *Transportation Guidelines*. On an average weekday, the demand for parking would be 110 spaces. Thus, the project would have an unmet parking demand of 63 spaces. While the proposed off-street parking spaces would be less than the anticipated parking demand, the resulting parking deficit would not result in a significant impact.

The existing parking conditions were reviewed within a parking study area bounded by 16th Street, Bryant Street, 19th Street, and San Bruno Avenue. Most on-street parking within the vicinity of the proposed project is comprised of non-metered spaces. Parking conditions within the parking study area were assessed for the weekday mid-afternoon period (1:30 to 3:30 PM) and the weekday evening period (6:30 to 8:00 PM). Based on field observations, on-street parking in the project study area is nearly full, with parking occupancy during the weekday mid-day period ranging from 80 to 100 percent full (and over 100 percent full where cars parked illegally in front of driveways), and moderately full during the weekday evening period, ranging from 50 to 80 percent full.

The Mission Area Plan of the Eastern Neighborhoods Land Use Plan includes objectives and policies related to parking that would minimize parking demand associated with new development by prioritizing improvements to public transit, pedestrian, and bicycle infrastructure. These policies include eliminating parking requirements for residential and commercial uses, requiring parking to be rented, leased or sold separately (i.e., unbundled) from tenants; and prioritizing short-term use of parking rather than arrangements that encourage everyday use of vehicles.

Planning Code Section 843.08 does not require off-street parking for residential use at the project site. Section 151.1 would permit up to 0.75 off-street parking space for each dwelling unit in the UMU district. The proposed project includes 77 dwelling units with 47 off-street parking spaces, and therefore would be principally permitted. Planning Code Section 166 would require the proposed project to provide at least one certified car-share parking space in the parking garage. The project sponsor has indicated that one space in the parking garage would be allocated to a car-share vehicle.

The long-term residential parking demand would be accommodated either in the 47 dedicated residential parking spaces in the proposed project's garage or on the street. As indicated in the transportation study, daytime occupancy is between 80 and 100 percent on blocks near the project site, averaging 90 percent occupancy throughout the parking study area. With the addition of the proposed project's parking demand and the loss of the illegal parking lot at the project site, daytime parking availability would continue to be limited.

The location of the proposed project, near the Potrero Avenue transit corridor and near other residential and commercial areas, make transit, walking, bicycling and taxis viable alternatives to driving. The project site is well-served by several local and regional transit lines including Muni lines 9, 9L, 12, 19, 22, 27, and 33, and in the vicinity of the project site there are six on-street bicycle facilities. In addition, there are adequate sidewalk and crosswalk widths near the project site.

People that would otherwise drive and search for parking may shift to these other modes. Increase in the transit ridership would not cause transit near the site to operate over capacity during the PM peak hour, nor could increases in walking or biking be unable to be accommodated on the surrounding streets. Additionally, the project includes one accessible car-share space to encourage residents not to own a private vehicle.

The proposed project provides 47 off-street parking spaces in the basement level garage for residential uses, while those driving to the non-residential portion of the proposed project would need to park in available on-street spaces. Some of the unmet parking demand could be accommodated within existing on-street and off-street parking spaces within the project vicinity. Additionally, the project site is well served by public transit and bicycle facilities. An unmet demand of 63 parking spaces associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays are created.

In summary, the proposed project would not result in a substantial parking deficit and would not create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians. Therefore, parking impacts would be less than significant. In addition, the number of parking spaces was considered and approved by the Planning Commission during the Large Project Authorization hearing on August 8, 2013.

Neighborhood Notification

ISSUE 2. The appellant states that the project was not properly noticed.

"The project was not properly noticed. Specifically proper notice to the impacted community, specifically the residents of the 50 plus-units at Mariposa Gardens an EJ community was not made and proper site signage was not maintained prior to the hearing on the PMND." (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 2: The environmental review was noticed according to the requirements of CEQA and Chapter 31 of the San Francisco Administrative Code.

Notice requirements have been substantially met. Consistent with current practices, the project sponsor provided a list of owners within a 300-foot-radius of the project site, and the Department mailed out the "Notification of a Project Receiving Environmental Review" on May 23, 2012. This notice was also sent to all parties on the Mission Neighborhood List. Ensuring that proper parties are identified on the 300-foot-

radius list for notification purposes is the responsibility of the project sponsor. Notice was again sent out for the Notice of Availability (NOA) of the PMND on September 26, 2012. The mailing list for the NOA includes all owners on the 300-foot-radius list and all interested parties. In addition, the NOA was posted at the site, and the Department placed an ad in the newspaper as required. Upon receipt of the appeal, the Department posted an ad in the local newspaper and notified interested parties. Accordingly, environmental notification for this project was adequate and appropriate, and complies with current and customary notification practices of the Planning Department and state and local law. The appellant states that the tenants of Mariposa Gardens (located across Mariposa Street to the south of the project site) were not notified. CEQA and Chapter 31 of the Administrative Code does not require notice to adjacent tenants, only owners. However, it should be noted that the project sponsor held four community meetings at the Mariposa Gardens. The appellant further states that notice of the PMND appeal hearing was not posted at the site. CEQA and Chapter 31 does not require site posting for a PMND appeal hearing. However, notice of the PMND appeal hearing was included in the Large Project Authorization notice that was mailed out on May 31, 2013 to all owners within a 300-foot-radius and all occupants within a 150-foot-radius. Therefore, the environmental review was noticed according to the requirements of CEQA and Chapter 31 of the San Francisco Administrative Code.

ISSUE 3: The appellant states that the Department failed to notify the Down Town High School.

"No notice of the project was provided to Down Town High school as is required by law since it is within ¼ mile of the project. Staff has ignored this specific requirement." (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 3: Implementation of the proposed project would not adversely affect students or faculty of the Down Town High School.

The appellant does not provide any evidence of how implementation of the proposed project would adversely affect students and faculty of the Down Town High School, which is located approximately 1,112 feet (0.21 miles) east of the project site. Pursuant to Section 15186 of the CEQA Guidelines, consultation and notification to schools within a ¼-mile radius is required when a project involves the construction or alteration of a facility that might reasonably be anticipated to emit hazardous air emissions or handle an extremely hazardous substance that may impose a safety hazard to persons at the school. The hazards and hazardous materials topic was adequately addressed in the Focused PMND. The PMND states that the project site is underlain by approximately three feet of fill overlying serpentinite bedrock, and explains that serpentinite commonly contains naturally occurring chrysotile asbestos, a fibrous mineral that can be hazardous to human health if it becomes airborne and this could be a significant human health effect if not addressed. As stated on page 25 of the PMND, implementation of Mitigation Measures M-HZ-2A: Construction Air Quality (Asbestos)[1] would require the project sponsor to implement a Site Mitigation Plan (SMP) and comply with the Asbestos Airborne Toxic Control Measure that would ensure that project impacts related to exposure to naturally-occurring asbestos in soils and rock during construction would be reduced to a less than significant level. This mitigation measure would avoid any long-term environmental or health and safety risks caused by the excavation of serpentinite bedrock. Therefore, the proposed project's potential hazardous materials impact would be reduced to less-than-significant and the project would not contribute to any cumulatively considerable

[1] Please see page 26 and 27 of PMND for specific details.

significant effects related to hazards and hazardous materials. Notification of Down Town High School was not required under CEQA or Chapter 31 of the Administrative Code.

Human Health Risks

ISSUE 4: The appellant states that there would be human health risks associated with implementation of the proposed project.

"No health risk assessment was required or completed. No analysis or even mention of the sensitive receptors (children attending classes at the adjacent Verdi Club, the large number of elderly using the Club and young children at the Mariposa Housing Development) in discussing the risk of exposure to asbestos and other chemicals admittedly on the project nor of noise impact of the project. The staff points to the EIR for the Eastern Neighbor Hoods which does not deal with sites where sensitive receptors are known to exist. Also the staff contends "no long term exposure to toxics" exists without discussing the risks of even short term exposure to these sensitive receptors. The proponent should be required to prepare a health risk assessment of the potential impacts of construction in serpentine rock containing high levels of asbestos in close proximity to the Verdi Club and Mariposa Gardens."

Response 4: The CEQA documents accurately and adequately address hazards and hazardous materials, and the proposed project would not result in any significant human health effect.

The appellant brings forth no evidence that construction of the proposed mixed-use building would lead to a significant human health risk beyond the issues addressed in the PMND. As stated on page 16 of the CPE Checklist, because there is a potentially significant hazardous materials impact that is peculiar to the proposed project that was not fully analyzed in the Eastern Neighborhoods Final EIR, the hazards and hazardous materials topic was addressed in a Focused PMND, consistent with CEQA Guidelines Section 15183(b)(1). The PMND states that the project site is underlain by approximately three feet of fill overlying serpentinite bedrock, and explains that serpentinite commonly contains naturally occurring chrysotile asbestos, a fibrous mineral that can be hazardous to human health if it becomes airborne and this could be a significant human health effect. As stated on page 25 of the PMND, implementation of Mitigation Measures M-HZ-2A: Construction Air Quality (Asbestos)[2] would require the project sponsor to implement a Site Mitigation Plan (SMP) and comply with the Asbestos Airborne Toxic Control Measure that would ensure that project impacts related to exposure to naturally-occurring asbestos in soils and rock during construction would be reduced to a less than significant level. This mitigation measure would avoid any long-term environmental or health and safety risks caused by the excavation of serpentinite bedrock.

In addition, the PMND noted that the project site is likely underlain with approximately three feet of fill that possibly contains elevated concentrations of petroleum hydrocarbons and heavy metals. The sources of these chemicals generally result from past regional industrial activities and debris from the 1906 Earthquake and Fire. Workers and members of the public in the area during project construction could be exposed to contaminated soils (petroleum hydrocarbons and heavy metals), and this potential exposure to hazardous materials is a potentially significant impact. Implementation of Mitigation Measures M-HZ-2B and M-HZ-2C, which would include the preparation of a soil management plan and

[2] Please see page 26 and 27 of PMND for specific details.

a health and safety plan prior to construction and were developed in consultation with the SFDPH's Environmental Health Section, would reduce this impact to a less-than-significant level.

Therefore, the proposed project's potential hazardous materials impact would be reduced to less-than-significant and the project would not contribute to any cumulatively considerable significant effects related to hazards and hazardous materials, and the appellant does not provide any substantial evidence to the contrary.

The appellant does not provide any substantial evidence of how the proposed project might adversely affect nearby sensitive receptors. For the purposes of CEQA review, sensitive receptors include residences, hospitals, nursing homes, senior citizen centers, schools, churches, and libraries. The presence of such receptors is noted in the PMND, and the analysis accounts for impacts associated with the project site's proximity to residential uses and other receptors. Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and generally accepted in urban areas. The noise generated by the occupants of the proposed project would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

Construction of the proposed project would not involve pile driving and would not create noise levels that could substantially affect any nearby sensitive receptors, including the tenants of Mariposa Gardens. Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that construction work be conducted in the following manner: 1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); 2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) to best accomplish maximum noise reduction; and 3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 3 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be obliged to comply with the City's Noise Ordinance.

Phase I Environmental Site Assessment

ISSUE 5: The commenter states that the PMND is flawed because the analysis relied on a Phase I ESA that is 13 years old.

"No contemporaneous Phase I ESA report was prepared or available to the public before the PMND was issued. The only Phase I document submitted was admitted by the staff to be over 13 years old. Staff concludes this is sufficient without any information on impacts on the site over a decade could be ignored. Instead the staff dismisses the need for a Phase I saying the Health Department will deal with it later. This precludes the public's right to have this issue addressed as part of the environmental review." (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 5: The appellant does not provide any evidence of a potential significant impact related to hazardous materials.

The PMND relied on a Phase I ESA that was completed 13 years ago and the Department found it to provide sufficient information to conduct environmental review. The PMND provided mitigation measures for hazardous materials that include: soil testing; preparation of a site mitigation plan; measures for handling, hauling, and disposal of contaminated soils; preparation of closure/certification report for DPH's review and approval; and a health and safety plan. In addition, and as stated in Mitigation Measure M-HZ-2B, the sponsor is required to submit a Voluntary Remedial Action Program (VRAP) with DPH. The mitigation measures in the PMND would avoid any long-term environmental or health and safety risks caused by the proposed development. No activities occurred on the site that would change report conclusions. Nevertheless, subsequent to the publication of the PMND, the sponsor obtained a new Phase I ESA dated January 28, 2013. The Department reviewed this document and determined that the new Phase I ESA does not change any findings. The mitigation measures in the PMND cover any potential hazardous materials issue, and the commenter does not provide any evidence to the contrary; therefore, no further response is required. When the project sponsor submits the required VRAP with DPH, DPH may require the sponsor to update their Phase I ESA in accordance with ASTM standards before issuance of the building permit.

Geotechnical Investigation

ISSUE 6: The appellant states that the PMND relied on a geotechnical investigation that was eight years old and was for a different project, and that potential construction impacts on the adjacent Verdi Club building should be addressed.

"The proponent failed to submit a geotechnical report for the current project, rather than reliance on one from 2004 prepared for a different and much smaller project. The Staff response to comments admits no project specific geotechnical report and then states the project will not result in any meaningful change in the topography of the site and there will be no piles. They ignore what is stated elsewhere that the project will require an excavation 16 feet in depth. Most of this work is being done immediately adjacent to the Verdi club. The report should include an analysis of potential impact to the adjacent Verdi Club a recognized historical resource under the California Historic Preservation Act." (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 6: The appellant does not provide any evidence of a potential significant impact related to geology or cultural resources.

The proposed project involves the construction of a new six-story, mixed-use building with an underground parking garage on a vacant lot that contains the remnants of the foundation from the former four-story concrete live/work structure that was demolished in 2005. The proposed project would require excavation ranging from approximately 6 to 16 feet below ground surface. The proposed building would be supported by spread footings bearing in bedrock; no pile driving is required. The project site is located adjacent to the Verdi Club building, which is located at 2424 Mariposa Street. The Verdi Club building is a two-story-over-basement, reinforced-concrete, Art Deco-style, commercial building that was constructed in 1935. The Verdi Club building appears eligible for listing in the California Register under Criteria 1 (Events) and 3 (Design/Construction).

2004 Geotechnical Investigation
The Community Plan Exemption for the 480 Potrero Avenue project relied on a Treadwell & Rollo Geotechnical Investigation dated December 17, 2004. The 2004 report was for a previously proposed project at 480 Potrero Avenue that involved demolition of an existing building and construction of a five-story senior living facility that included one basement level. The report stated that new footings should not impose any surcharge loads on the adjacent structure's walls or footings, and that new foundation elements adjacent to the Verdi Club basement may require excavating to about the same level as the Verdi Club's foundations. Prior to the design of shoring and underpinning, the elevation of the Verdi Club basement relative to the proposed excavation should be determined. It can then be evaluated as to whether the Verdi Club needs to be underpinned. The report states that there are several possible methods of providing lateral support for the excavation, and recommended that a soldier pile and lagging system would be the most suitable and economical. Steel sheet piles would not be suitable because of the anticipated difficulty of driving them through the underlying bedrock. In addition, driving sheet piles would cause vibration and thus, cause some damage to adjacent buildings. Furthermore, Treadwell & Rollo recommended that soldier piles should not be driven or vibrated into place as strong vibrations could result in damage to adjacent facilities. The piles should be placed in drilled shafts, and drilled holes for soldier piles adjacent to existing buildings (within 5 feet) should be cased for the entire drilled depth.

2013 Geotechnical Investigation
On July 30, 2013, Treadwell & Rollo completed a Geotechnical Investigation for the proposed six-story, mixed-use building, and the report offered several possible methods of excavation, and demonstrated that excessive vibration levels could be avoided. Spread footings bearing in bedrock may be used to support the proposed building, and drilled piers may be an alternative to spread footings at the bedrock below the planned excavation level in the southwest corner of the site. The project would require excavation of up to six feet at the southwest corner of the site and up to 16 feet at the northeast corner of the site. Where the excavation will extend below foundations of adjacent existing buildings on the north and west sides of the site, these buildings should be underpinned. Treadwell & Rollo anticipates that hoe rams and/or jack hammers will likely be required to excavate the bedrock materials at the site in the lower portions of the excavation.

Similar to their recommendations in the 2004 report, new foundations should not impose surcharge loads on the adjacent structure's walls or footings. To avoid strong vibrations that could result in damage to

adjacent facilities, soldier piles should not be driven or vibrated into place. A monitoring program should be established to evaluate the effects of the construction on the adjacent improvements. The contractor should install surveying points to monitor the movement of shoring and settlement of adjacent structures during excavation.

Prior to construction, Treadwell & Rollo recommend that they should review the project plans, shoring calculations, and specifications to check that they conform with the intent of their recommendations. During construction, a field engineer should provide on-site observation and testing during shoring installation, site preparation, placement and compaction of backfill, preparation of the building slab subgrade and installation spread footing foundation. These observations would allow Treadwell & Rollo to compare actual with anticipated soil conditions and to verify that the contractor's work conforms with the geotechnical aspects of the plans and specifications.

Historical Resource

A "substantial adverse change" on a historical resource is defined by CEQA Guidelines Section 15064.5 as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." While the proposed project would be constructed next to an adjacent building that is considered a historic resource, project construction would involve conventional excavation and construction equipment and methods that would not be considered to exceed acceptable levels of vibration in an urban environment. This is a common condition in San Francisco and the Department of Building Inspection (DBI) permit procedures adequately address this situation. The project site is not located in a liquefaction zone, pile driving is not proposed, and the adjacent Verdi Club building is not an unreinforced masonry building.[3] There are several possible methods of providing lateral support for the proposed excavation, and project construction would not require special measures since there is nothing unusual about the project site or the proposed project that would require construction equipment or methods that could result in excessive vibration. Treadwell & Rollo's Geotechnical Investigations clearly demonstrate that excessive vibration levels could be avoided.

DBI would be required to ensure that the construction of the proposed project meets all applicable building code provisions. In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. Potential geologic hazards would be avoided during the permit review process through these measures. To ensure compliance with all Building Code provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. The referenced geotechnical investigations would be available for use by DBI during its review of building permits for the site, and DBI could require additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site would be avoided through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code. DBI's involvement in

[3] Tim Kelley, DPR523 Survey Form for 2424 Mariposa Street, June 12, 2008. This document is available for review at http://ec2-50-17-237-182.compute-1.amazonaws.com/docs/DPRForms/3973002B.pdf.

the review and approval of the building permit application would ensure the construction of the proposed project would not result in excessive vibration.

Construction adjacent to historic resources is a common situation in San Francisco. Existing codes and regulations adequately address the situation and there is no substantial evidence that construction of the proposed project would materially impair the adjacent building. The proposed project relies on the impact analysis in the Eastern Neighborhoods EIR, and this EIR does not identify construction damage to historic resources as a significant impact requiring mitigation, because there is no evidence that this damage would not be avoided through application of the Building Code. Staff believes that no substantial evidence of a significant environmental effect has been presented that would warrant preparation of a new EIR.

Through its discretion, the Planning Commission adopted conditions of approval at the August 8, 2013 Large Project Authorization hearing for the proposed project intended to avoid any damage to the Verdi Club building. These measures were not associated with any significant impact identified in the environmental review.

In light of the above, the proposed project would not materially impair the adjacent Verdi Club building. The appellant does not provide any evidence to the contrary and therefore no further response is required.

Planning Commission Hearing

ISSUE 7: The appellant states that the Planning Commission denied the appellant a 15-minute presentation.

"The Planning Commission denied the appellants right to due process by considering its comments as public comments, rather than providing the appellant the required equal opportunity (15 minutes to present a case) as was provided to the proponent and Planning Department Staff." (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 7: The Planning Commission hearing on August 8, 2013 followed all of its rules and regulations, and the appellant did not raise this issue to the Planning Commission at the hearing.

As stated in the Planning Commission's Hearing Procedures, Rules and Regulations, "A presentation of opposition to the proposal by organized opposition for a period not to exceed 15 minutes with a minimum of three (3) speakers. Organized opposition will be recognized only upon written application to the President (through the Commission Secretary) prior to the hearing. Such application should identify the organization(s) and speaker(s)." Since the appellant did not provide written notice to the Planning Commission, the Commission was not aware of the appellants request to present for 15 minutes. In addition, the appellant did not make this request known during the hearing. Therefore, the hearing on August 8, 2013 complies with the Planning Commission's Rules and Regulations. The appellant has not connected this issue to any potential significant environmental effect. No further response is required.

Visual Quality and Neighborhood Character

ISSUE 8: The appellant asserts that the proposed project is out of character with neighborhood and would degrade the existing visual character of the surrounding area.

"The project violates Section 101.1(b), is completely out of character with the surrounding neighborhood, will restrict the viewscape and will degrade the existing visual character of the surrounding area. (The building will be at least 4 stories taller than any building between 10th and Mission Streets and the new General Hospital, and is completely out of character with any structures on the entire length of Potrero). Staff provided no site specific justification for ignoring this concern, or explaining why any exemption should have been granted." (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 8: The proposed project is consistent with the height and bulk controls and would not have a substantial impact upon the existing character of the surrounding neighborhood.

As a result of the Eastern Neighborhoods Rezoning and Area Plans, the 480 Potrero Avenue parcel was designated and envisioned as a site with a building up to 58 feet in height and containing residential and commercial use. The proposed project would develop a 58-foot-tall, mixed-use building. The proposed building is consistent with the height and bulk controls and the proposed uses are permitted within the UMU zoning controls.

The Planning Department has determined that the proposed project is consistent with the development assumptions in the Eastern Neighborhoods Final EIR, satisfies the requirements of the General Plan and the Planning Code, and is eligible for a Community Plan Exemption. While implementation of the proposed project would result in a building that would be viewed as one of the larger buildings in the area, the appellant brings forth no substantial evidence that the proposed project would result in either project-specific effects which are peculiar to the project or its site or, based on substantial information not known at the time the FEIR was certified, would result in a more severe adverse impact than discussed in the FEIR.

With respect to views, the Eastern Neighborhoods Final EIR found that while development pursuant to the Plan would result in height increases and use district changes, the rezoning would not substantially degrade the views and new development up to the proposed height limits may even help define the street edge and better frame urban views. Therefore, Eastern Neighborhoods Final EIR found that the Plan would not be considered to result in a significant adverse impact with regard to views.

While the new building would change the visual appearance of the site, it would not substantially degrade its visual character or quality. The proposed building would be three to four stories taller than existing development in the vicinity. This difference in height does not constitute a significant environmental impact in and of itself. The impacts associated with the 58-foot height limit on the site were analyzed in the PEIR and in the project's environmental review, and no substantial adverse impacts associated with the height were identified.

Design and aesthetics are by definition subjective, and open to interpretation by decision-makers and members of the public. A proposed project would, therefore, be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The

proposed project would not have such change. As described in the CPE Certificate of Determination, the proposed building envelope meets Planning Code requirements for the UMU zoning district.

The proposed project would be visible from some residential and commercial buildings within the project site vicinity. Some reduced views on private property would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected. Nonetheless, the change in views would not exceed that commonly expected in an urban setting, and the loss of those private views would not constitute a significant impact under CEQA.

Senate Bill 743 (SB 743) was signed by Governor Jerry Brown on September 27, 2013. This legislation establishes that aesthetics are not considered a potential significant impact under CEQA in defined "transit priority areas". The project is located in a transit priority area as defined in SB 743. The environmental review for the 480 Potrero Avenue project occurred prior to the change in the state legislation, and therefore aesthetic impacts were appropriately analyzed. However, this change in state legislation clearly establishes that infill development consistent with applicable land use regulations does not have the potential to result in a substantial adverse impact on visual resources in an urban setting.

The proposed project's potential aesthetic effects would be consistent with the effects considered in the Eastern Neighborhoods FEIR, which were determined to be less-than-significant. In summary, the project would not result in a significant effect with regard to aesthetics so there would be no significant environmental effect peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

It is not clear why the appellant states that the project violates Section 101.1(b). Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. The Planning Commission found that the project complies with Section 101.1(b) on August 8, 2013.

ISSUE 9: The appellant states that the project will result in a shadow impact.

"The project violates Planning Code Section 147 and 295. (The Planning Department ignored a shadow study showing violations.)" (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 9: The CEQA documents are accurate and adequate with respect to its analysis and conclusions regarding shadow.

Section 295 of the Planning Code was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Planning Code Section 295 restricts net new shadow on public open spaces under the jurisdiction of, or to be acquired by, the Recreation and Park Commission by any structure exceeding 40 feet unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant. The proposed development would be 58 feet in height. To determine whether this proposed project would conform to

Section 295, a shadow fan analysis was prepared by Planning Department staff.[4] The shadow fan indicated that project shadows could not reach any site under Recreation and Park Commission jurisdiction.

In addition, Section 147 requires reduction of substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Planning Code Section 295. The shadow analysis found that the proposed project would not case shadow upon public plazas or other publicly-accessible open space.

The proposed building would add new shade to portions of adjacent properties, sidewalks and streets. However, because the height of the proposed building would not be substantially taller than surrounding buildings, and because of the existing configuration of surrounding buildings, the net new shadow would not be considered substantial and would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. In the dense urban fabric of the city, the loss of sunlight on private residences or property is not considered to be a significant environmental impact and the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA. Therefore, the proposed project's potential to increase shadow in the project vicinity would be both individually and cumulatively less than significant.

The appellant states that the Department ignored a shadow study that shows a "violation" which is incorrect. During the Preliminary Project Assessment for 480 Potrero Avenue, the Department conducted a preliminary shadow fan for a building with an overall height of 74 feet. Planning Code Section 260 provides a height exemption of 16 feet for elevator penthouses regardless of the height limit of the building. Therefore, the Department conducted a preliminary shadow fan for a building with a maximum height of 74 feet and found it to have the potential to shade a portion of Franklin Square, the nearest park under the jurisdiction of the Recreation and Park Commissions. With the submittal of the Environmental Evaluation application, the Department received more detailed plans from the sponsor, and a new shadow fan was conducted at 68 feet since the proposed 58-foot-tall building only had a 10-foot-tall elevator penthouse. As previously stated, the shadow fan indicates that project shadows could not reach Franklin Square.

Non-CEQA Issues

The following issues are related to the merits of the project not the adequacy of the environmental documents. For informational purposes, responses are provided for each issue raised.

ISSUE 10: The appellant states the project does not meet the rear yard requirement.

"The project violates Planning Code Section 134 (required back yards) and there is no reasonable basis of the approved exception." (*Jean Bogiages* and *Juan Jayo*)

---

[4] Diego Sanchez, San Francisco Planning Department, to Siavash Tahbazof, letter dated September 11, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, San Francisco, as part of Case No. 2011.0430E.

RESPONSE 10: The appellant has not connected the sponsor's proposed amount of rear yard to any potential significant environmental effect.

The appellant has not connected the sponsor's proposed amount of rear yard to any potential significant environmental effect. No substantial evidence of a significant environmental effect has been presented that would warrant preparation of further environmental review. The appellant does not raise any new environmental concerns that were not already addressed in the CEQA documents. No further response is required.

For information, Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth beginning at the lowest story containing a dwelling unit. The project does not comply with the rear yard requirement as it does not provide a contiguous 25 percent depth for the full width of lot and is seeking an exception as part of the Large Project Authorization. Section 329 allows exceptions for Large Projects in the Eastern Neighborhoods Mixed Use Districts. The project is occupied by residential uses, a ground floor retail space, and a comparable amount of readily accessible open space. Per the Planning Code, the required rear yard should equal 25 percent of the lot depth and area, which is 3,750 square feet of area and 25 feet deep for this property. The proposed inner courtyard, roof decks, setbacks, and balconies combine to provide over 10,000 square feet. Furthermore, the proposed inner courtyard is 3,750 square feet, or 25 percent of the lot area. The Planning Commission approved this exception on August 8, 2013.

ISSUE 11: The appellant states that the project does not comply with open space requirements and light and air exposure requirements for dwelling units.

"The project does not comply with the open space requirements of the code, not just fencing in a part of the roof and calling it open space. (Planning Code Section 135 (required open space)." (*Jean Bogiages* and *Juan Jayo*)

"The project does not comply with Planning Code Section 140. (48% of the units do not meet code requirements for light and air exposure.)" (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 11: The proposed project provides adequate amount of open space per the Planning Code, and the appellant has not connected the proposed project's dwelling unit exposure to any potential significant environmental effect.

The appellant has not connected the sponsor's proposed amount of open space to any potential significant environmental effect. No evidence of a significant environmental effect has been presented that would warrant preparation of further environmental review. The appellant does not raise any new environmental concerns that were not already addressed in the CEQA documents.

For information, Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. At least 80 square feet of usable open space per dwelling unit, or 54 square feet per dwelling unit of publicly accessible open space, is required. Up to 50 percent of the publicly accessible open space may be provided off-site. The proposed project has a residential open space requirement of up to 6,000 square feet of usable open space if private, or 4,050 square feet of publically accessible open space. The project complies with the open space requirement by providing a total of

approximately 6,400 square feet of qualifying open space in the form of roof decks and balconies, in addition to over 4,300 square feet of non-qualifying open space in the form of balconies and common courtyard.

Planning Code Section 140 requires dwelling units to have at least one window facing a street or alley, a code-complying rear yard. Although all proposed dwelling units enjoy ample light and air with the proposed open spaces, setbacks and balconies, 36 of the proposed units facing the rear yard do not meet the dimensional requirements. As stated above, Section 329 allows exceptions for Large Projects. The project will provide plenty of open space in the form of an inner courtyard, roof decks, setbacks and balconies. The project will result in no significant impediment on light and air to adjacent properties. The adjacent properties have buildings that are full lot coverage and no rear yard or mid-block open space. The project will enjoy significant exposure to light and air to the west via the proposed court yard. The Planning Commission approved this exception on August 8, 2013.

ISSUE 12: The appellant states that the height of the proposed building violates the 58-X height and bulk district.

"The project violates Planning Code Section 260." (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 12: The proposed 58-foot-tall building complies with the 58-X height and bulk district.

No evidence of a significant environmental effect has been presented that would warrant preparation of further environmental review. The appellant does not raise any new environmental concerns that were not already addressed in the CEQA documents. For information, Planning Code Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The project site is within a 58-foot height district. The height of the roof is no higher than 58 feet measured per Planning Code Section 260. Therefore, the project complies with Section 260.

ISSUE 13: The appellant states that the plans for the project should be reviewed, approved and signed by a licensed architect as required by law.

"The Planning Department has not required that the plans for the project be reviewed, approved and signed by a licensed architect as required by law." (*Jean Bogiages* and *Juan Jayo*)

RESPONSE 13: The Department does not require project plans to be approved and signed by a licensed architect.

The Planning Department does not require plans of a project to be approved and signed by a licensed architect. That is a requirement of the Department of Building Inspection. No evidence of a significant environmental effect has been presented that would warrant preparation of further environmental review.

CONCLUSION:

For all of the reasons provided in this appeal response, the Planning Department believes that the Final MND complies with the requirements of CEQA and the CEQA Guidelines, and provides an adequate, accurate, and objective analysis of the potential impacts of the proposed project. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of an Environmental Impact Report. Therefore, the Planning Department respectfully recommends that the Board uphold the Planning Commission's certification of the Final MND.

RECEIVED
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2013 AUG 28 AM 11: 38

MARIPOSA-UTAH STREET NEIGHBORHOOD ASSOICATION
550 UTAH ST.
SAN FRANCISCO, CA
94110

August 27, 2013

Re: Proposed Development at 480 Potrero: Appeal of Planning Commission Motion 18944, 2011.0430E Mitigated Negative Declaration.

Honorable Members of the Board of Supervisors:

MUNA appeals the ill-considered approval of the Mitigated Negative Declaration, 2011.0430E by the San Francisco Planning Commission, requests that the approval be over turned and that the Planning Department Staff to require the proponent of this project to comply with the applicable provisions of CEQA and the SF Planning Code. We request that all of our repeated communications to the Planning Department Staff seeking their enforcement of the legal requirements (including the communications from the Verdi Club and the surrounding community), which have all been ignored by the Planning Commission staff, be included in the record of this appeal. We also request that the video recording of the hearing by the Planning Commission during which the appellants' attempt to present their case were limited to "comments by the public at 3 minutes each" rather than being provided the mandated time to present their appeal as required by the Commission rules be made a part of the record.

Specifically, based on the following, we request that the approval of the MND be over turned and that the proponent be required undertake the following actions and to prepare a formal Environmental Impact Report for this project:

- The CEQA review was inadequate because it was based on an erroneous statement of existing conditions at the time the PMND was issued i.e. a parking lot rather than as the proponent stated "a vacant lot". There is a significantly increased impact of moving an average of 50 cars a day into the neighborhood as well as the increased parking from the project. This was not analyzed, nor was the project renoticed after the submission was issued. There is no mention in the Planning Commission Response to Comments on actions taken against the sponsor for submitting an erroneous application under penalty of perjury (the sponsor was leasing the property for a parking lot, while stating to the City the lot was vacant).
- The project was not properly noticed. Specifically proper notice to the impacted community, specifically the residents of the 50 plus-units at Mariposa Gardens an EJ community was not made and proper site signage was not maintained prior to the hearing on the PMND.
- No health risk assessment was required or completed. No analysis or even mention of the sensitive receptors (children attending classes at the adjacent Verdi Club, the large number of elderly using the Club and young children at the Mariposa Housing Development) in discussing the risk of exposure to asbestos and other chemicals admittedly on the project nor of noise impact of the project. The staff points to the EIR for the Eastern Neighbor Hoods which does not deal with sites where sensitive receptors are known to exist. Also the staff contends "no long term exposure to toxics" exists without discussing the risks of even short term exposure to these sensitive receptors. The proponent should be required to prepare a health risk assessment of the potential impacts of construction in serpentine rock containing high levels of asbestos in close proximity to the Verdi Club and Mariposa Gardens.
- No contemporaneous Phase I ESA report was prepared or available to the public before the PMND was issued. The only Phase I document submitted was admitted by the staff to be over 13 years old. Staff

concludes this is sufficient without any information on impacts on the site for over a decade could be ignored. Instead the staff dismisses the need for a Phase I saying the Health Department will deal with it later. This precludes the public's right to have this issue addressed as part of the environmental review.

- No notice of the project was provided to Down Town High school as is required by law since it is within1/4 mile of the project. Staff has ignored this specific requirement. There is no precedent which allows staff to simply ignore the law.
- The proponent failed to submit a geotechnical report for the current project, rather than reliance on one from 2004 prepared for a different and much smaller project. The Staff response to comments admits no project specific geotechnical report and then states the project will not result in any meaningful change in the topography of the site and there will be no piles. They ignore what is stated elsewhere that the project will require an excavation 16 feet in depth. Most of this work is being done immediately adjacent to the Verdi Club. The report should include an analysis of potential impact to the adjacent Verdi Club a recognized historical resource under the California Historic Preservation Act.
- The Planning Commission denied the appellants right to due process by considering its comments as public comments, rather than providing the appellant the required equal opportunity (15 minutes to present a case) as was provided to the proponent and Planning Department Staff.
- The project violates Section 101.1(b), is completely out of character with the surrounding neighborhood, will restrict the viewscape and will degrade the existing visual character of the surrounding area. (The building will be at least 4 stories taller than any building between 10th and Mission Streets and the new General Hospital, and is completely out of character with any structures on the entire length of Potrero.). Staff provided no site specific justification for ignoring this concern, or explaining why an exemption should have been granted.
- The project does not comply with the open space requirements of the code, not just fencing in a part of the roof and calling it open space. (Planning Code Section 135 (required open space))

We also raise the following violations of the San Francisco Planning Code which were not properly considered by the Planning Commission.

- The project violates Planning Code Section 134 (required back yards) and there is no reasonable basis of the approved exception.
- The project does not comply with Planning Code Section 140. (48% of the units do not meet code requirements for light and air exposure.)
- The project violates Planning Code Section 147 and 295. (The Planning Department ignored a shadow study showing violation.)
- The project violates Planning Code Section 260,
- The Planning Department has not required that the plans for the project be reviewed, approved and signed by a licensed architect as required by law.

In light of the incomplete attempts to follow the CEQA law, we request a formal Environmental Impact Report for this project.

Very truly yours,

Jean Bogiages , MUNA Chair
550 Utah Street
San Francisco, CA

Juan M. Jayo. MUNA Steering Committee
530 Utah Street
San Francisco. CA

MICA I. RINGEL
485 Potrero Avenue, Unit C
San Francisco, California 94110
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August 28, 2013

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 AUG 28 PM 4:24

Board President David Chiu
and Members of the Board of Supervisors
c/o Ms. Angela Calvillo,
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

BY HAND DELIVERY

Re: Appeal of Mitigated Negative Declaration
480 Potrero Avenue
Case No. 2011.0430E

Dear President Chiu and Supervisors:

Notice is hereby given of appeal to the Board of Supervisors from the following Mitigated Negative Declaration 2011.0430E taken by action of the City Planning Commission on August 8, 2013 for the Large Project to be located at 480 Potrero Avenue.

The City Planning Department adopted the so-called "Mitigated" Negative Declaration twenty days ago and according to the interim rules for CEQA appeals, this appeal is timely filed.

I understand an appeal has already been filed by the Mariposa Utah Neighborhood Association [MUNA] with the Board of Supervisors. Please note my concerns are *in addition to* and *independent of* those being appealed by MUNA.

Two appeals have been filed with the Board of Appeals of the underlying Large Project Authorization 2011.0430X and the project is currently suspended until after their hearing on the matter calendared for October 23, 2013.

There have been numerous procedural and substantive violations of the California Environmental Quality Act by the Planning Department and in light of the *"Fair Arguments"* presented; the Commission should have mandated an Environmental Impact Report be prepared.

Evidence of this project's adverse environmental impacts will be submitted to the Board detailing its significant and cumulative impacts on aesthetics, views, shadows, noise, traffic, greenhouse gas emissions and toxic hazards after the matter has been calendared for hearing by the Clerk, but with sufficient time for your review.

I look forward to explaining why a full Environmental Impact Report and Health Impact Assessment must be prepared.

Respectfully,

Mica I. Ringel

MICA I. RINGEL

SAN FRANCISCO
PLANNING DEPARTMENT

~~Preliminary~~ Amended Mitigated Negative Declaration

(Amendments to the PMND reflect the project as modified. Corrections and additions are shown by bold underlines and deletions are shown by strike-outs.)

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

Reception:
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415.558.6409

Planning
Information:
415.558.6377

Date:	September 26, 2012; Amended April 15, 2013
Case No.:	2011.0430E
Project Address:	480 Potrero Avenue
Zoning:	UMU (Urban Mixed Use) Zoning District 58-X Height and Bulk District
Block/Lot:	3973/002C
Lot Size:	15,000 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	Reza Khoshnevisan, Sia Consulting, (415) 922-0200
Staff Contact:	Don Lewis, (415) 575-9095, don.lewis@sfgov.org

PROJECT DESCRIPTION:

The rectangular project site is located at the northwest corner of Potrero Avenue and Mariposa Street on the boundary of the Mission and Potrero Hill neighborhoods. The project site is currently a vacant lot containing the remnants of the foundation from the former four-story concrete live/work structure that was demolished in 2005. The project sponsor proposes the construction of a six-story, 58-foot-tall, ~~residential~~ mixed-use building approximately ~~89,600~~ 82,544 square feet in size. The new building would contain ~~84~~ 77 residential units (~~26~~ 29 one-bedroom and ~~58~~ 48 two-bedroom), 973 square feet of ground-floor retail use, and ~~38~~ 46 parking spaces in a one-level basement parking garage accessed from Mariposa Street. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See pages 33 - 38.

cc: Reza Khoshnevisan, Project Sponsor; Supervisor David Campos, District 9; Ben Fu, Current Planning Division; Exemption/Exclusion File; Virna Byrd, M.D.F.

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INITIAL STUDY
480 POTRERO AVENUE
PLANNING DEPARTMENT CASE NO. 2011.0430E

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

The rectangular project site (Assessor's Block 3973, Lot 2C) totals 15,000 square feet in size and is located at 480 Potrero Avenue on the northwest corner of Potrero Avenue and Mariposa Street (the "project site") on the boundary of the Mission and Potrero Hill neighborhoods, where the topography is primarily flat with a northwest slope (see Figure 1, Site Location). The project site is currently a vacant lot containing the remnants of the foundation from a former four-story concrete live/work structure that was demolished in 2005. The project site has frontages on both Potrero Avenue and Mariposa Street. The site is within the Urban Mixed Use (UMU) District and a 58-X Height and Bulk District. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

Proposed Project

The project sponsor proposes the construction of a six-story, 58-foot-tall, ~~residential~~ **mixed-use** building approximately ~~89,600~~ **82,544** square feet in size on a vacant lot. The new building would contain ~~84~~ **77** residential units (~~26~~ **29** one-bedroom and ~~58~~ **48** two-bedroom), **974 square feet of ground-floor retail use,** and ~~38~~ **46** parking spaces in a one-level basement parking garage (see Figures 2 – 11: Site Plan, Floor Plans, and Sections). Approximately ~~9,354~~ **8,901** square feet of common open space would be provided by an open courtyard and a roof deck. Pedestrian access would be from Potrero Avenue while vehicular access to the parking garage would be from Mariposa Street. The proposed project would involve up to 16 feet of excavation and the removal of approximately 550 cubic yards of soil for the proposed underground parking garage. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. Project construction would take approximately 12 months. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size.

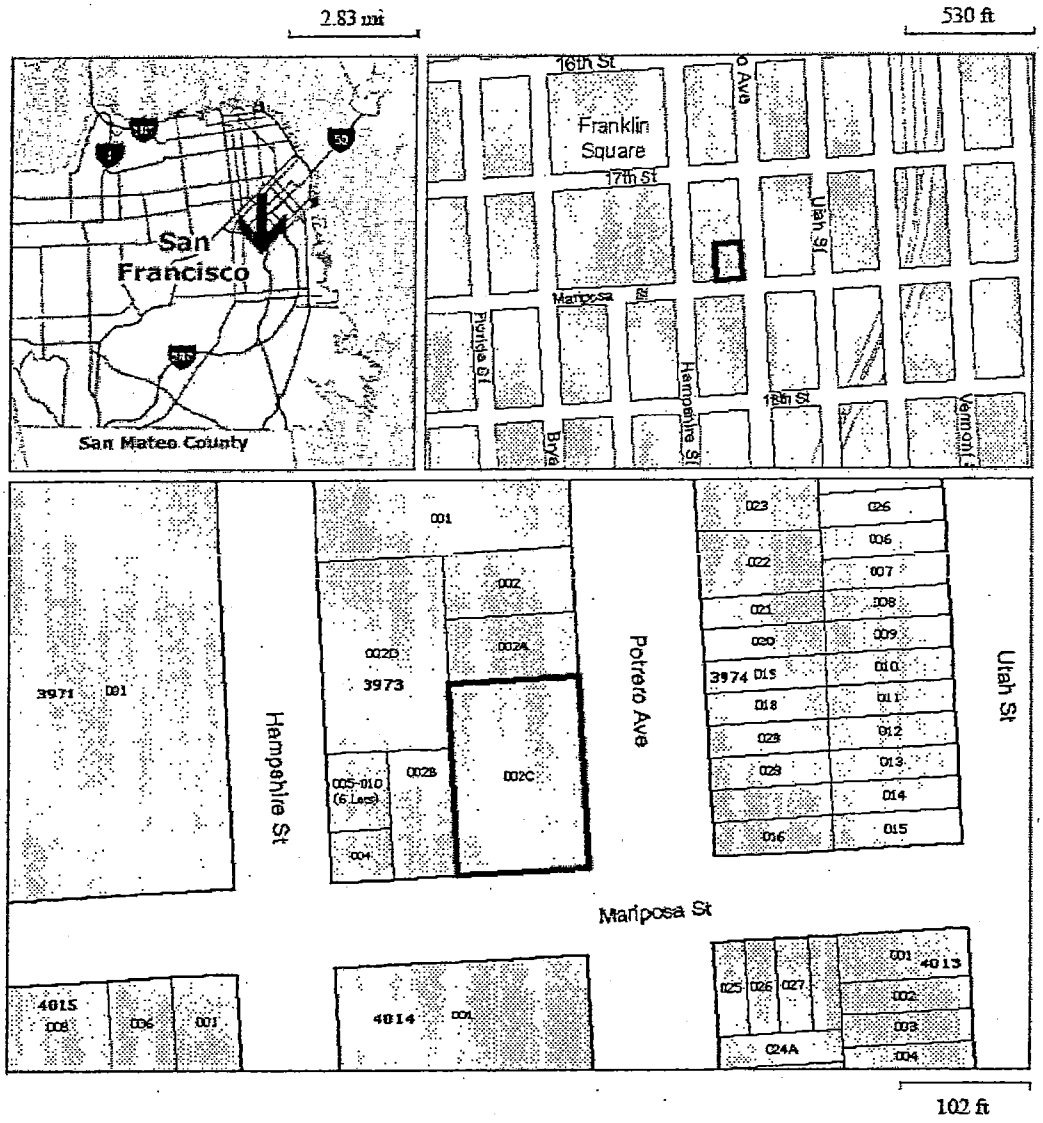

Figure 1 – Project Location Map
480 Potrero Avenue
Source: Planning Department, August 2012

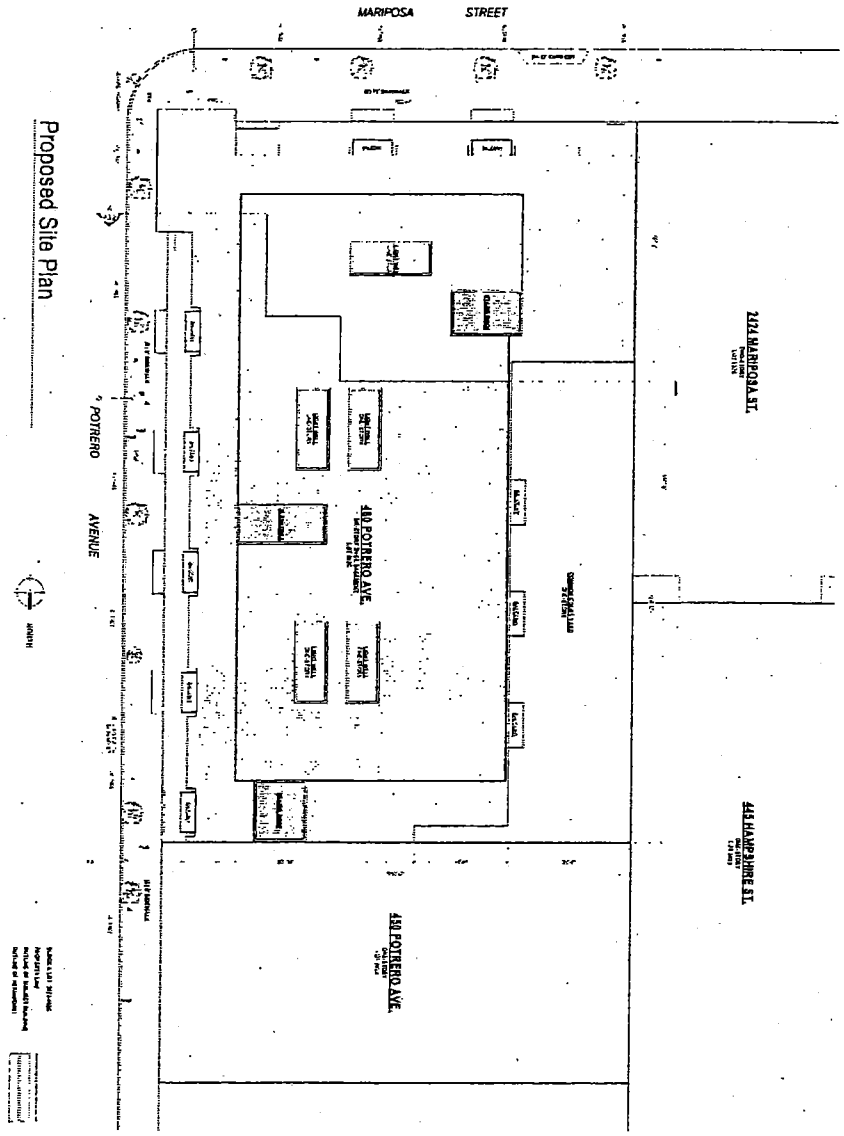

Figure 2 – Project Site Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ **March 29, 2013**

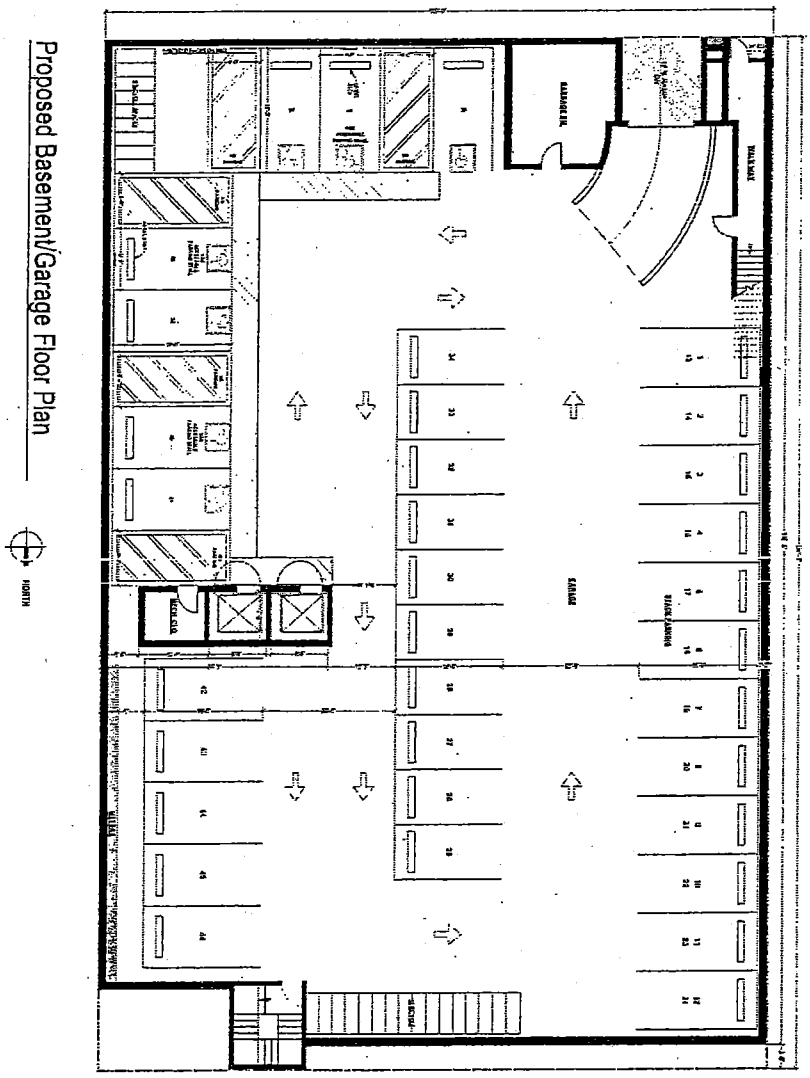

Figure 3 – Basement Floor Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

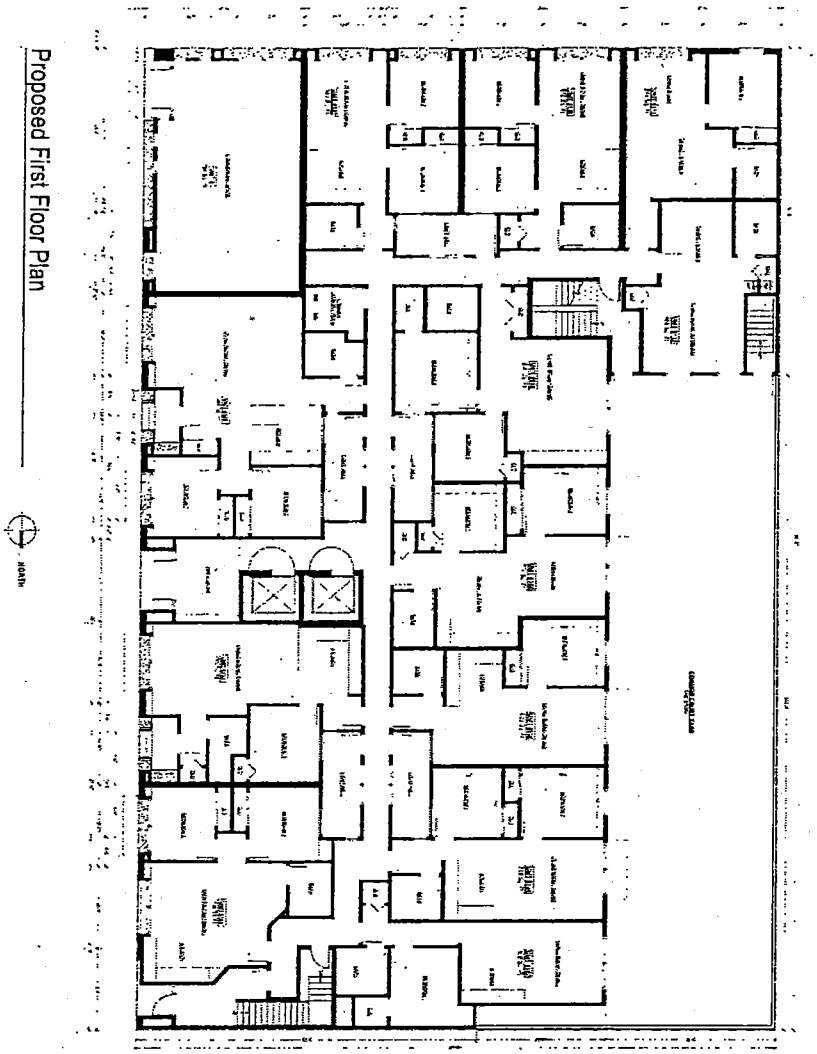

Figure 4 – First Floor Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ **March 29, 2013**

Figure 5 – Second Floor Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ **March 29, 2013**

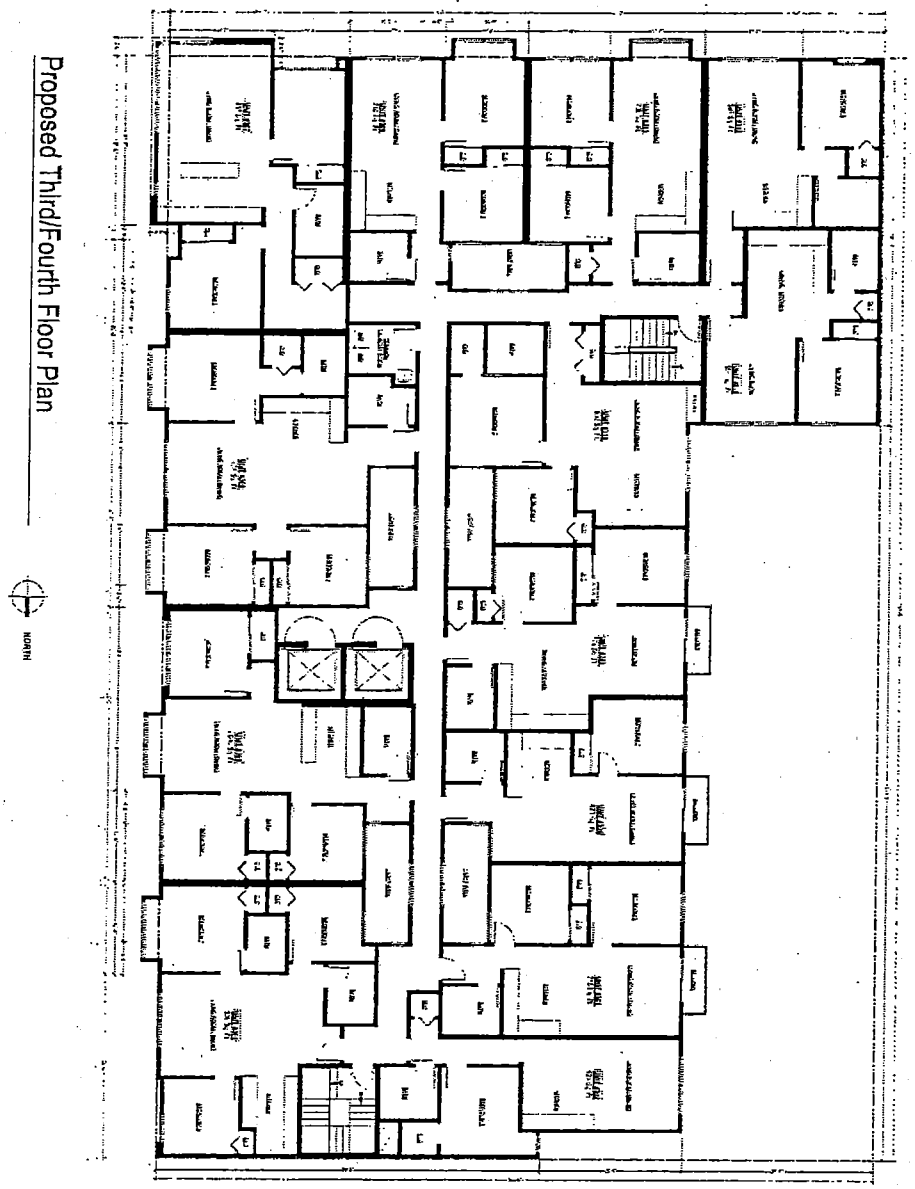

Figure 6 – Third/Fourth Floor Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ **March 29, 2013**

Figure 7 – Fifth Floor Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

Figure 8 – Sixth Floor Plan
480 Potrero Avenue

Source: Sia Consulting, ~~August 2012~~ March 29, 2013

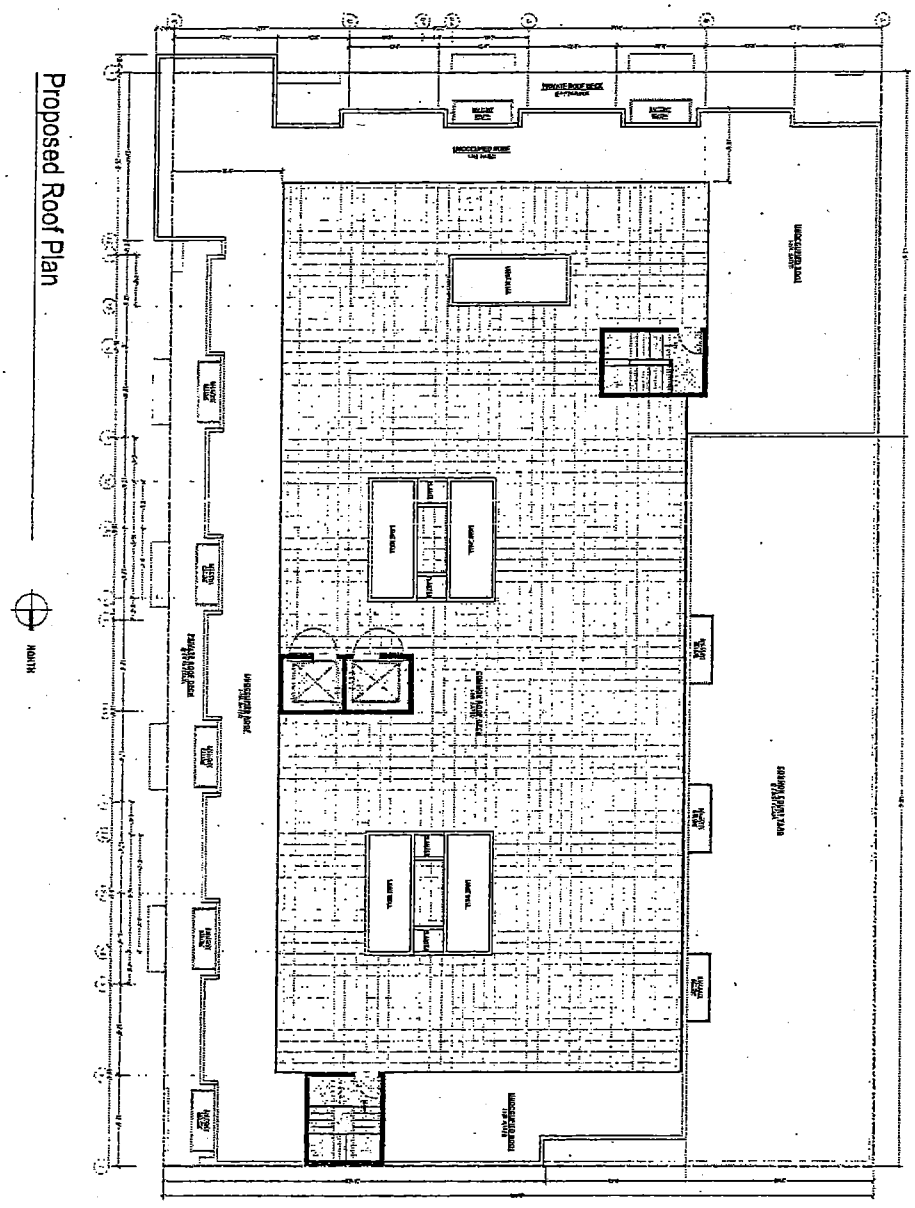

Figure 9 – Roof Plan
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

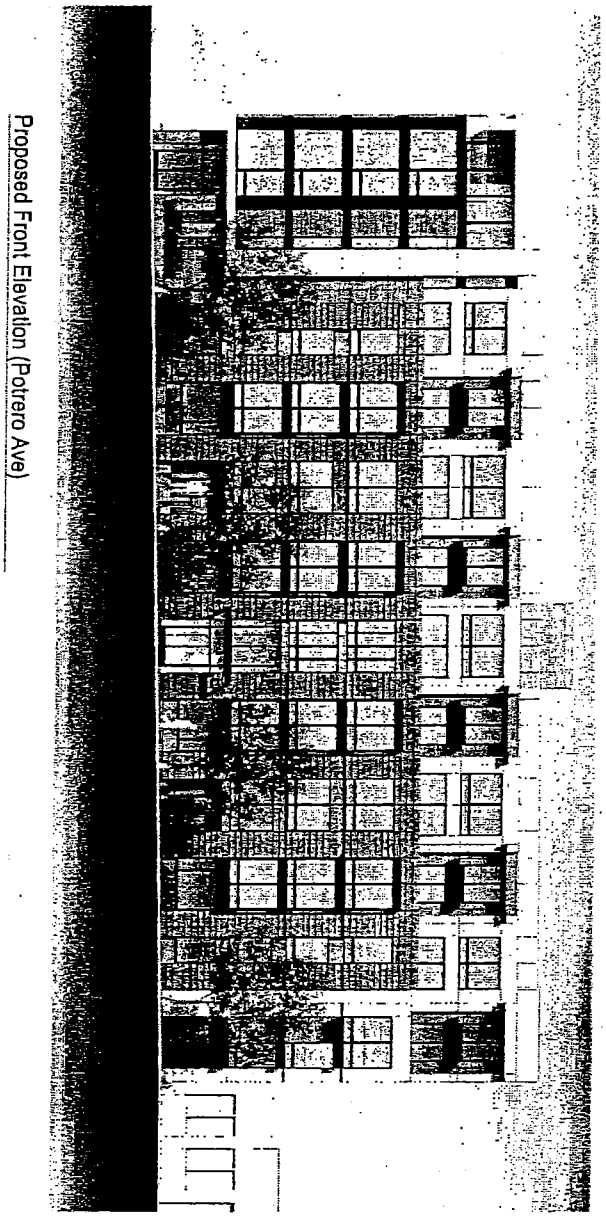

Figure 10 – East Elevation (Potrero Avenue)
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ **March 29, 2013**

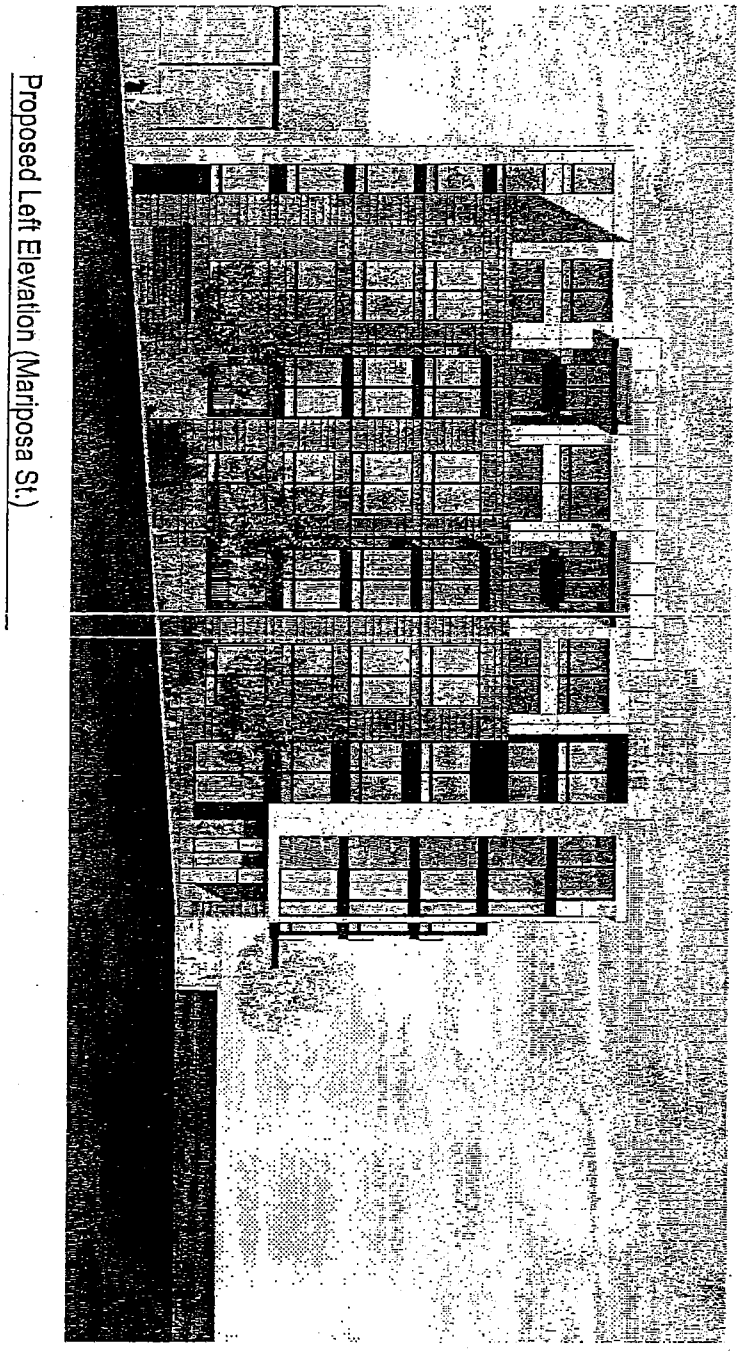

Figure 11 – South Elevation (Mariposa Street)
480 Potrero Avenue
Source: Sia Consulting, ~~August 2012~~ March 29, 2013

B. PROJECT SETTING

The project site is located at 480 Potrero Avenue, on the northwest corner of Potrero Avenue and Mariposa Street, at the boundary of the Mission and Potrero Hill neighborhoods. Land uses in the surrounding neighborhood are mixed, and include residential, industrial, commercial, office, and automotive service facilities.

Development along the west side of Potrero Avenue from Mariposa Street to 17th Street, comprises a two-story, industrial building (Sunny Auto Body), and a two-story, office building (currently occupied by Horizons Unlimited) which also fronts on 17th Street.

Along the east side of Potrero Avenue, from 17th Street to Mariposa Street, is a gasoline and service station; a three-story, three-unit apartment building; a two-story industrial building with office use; a two-story, three-unit residential building; a two-story, three-unit residential building; a two-story, two-unit residential building; a three-story, three-unit residential building; and a two-story, two-unit building with ground-floor commercial use (Sadie's Flying Elephant), which is directly across from the project site and also fronts on Mariposa Street.

Immediately adjacent to the project site, along the north side of Mariposa Street from Potrero Avenue to Hampshire Street is a two-story club building (Verdi Hall), and a two-story office building that also fronts on Hampshire Street.

Across the project site, along the south side of Mariposa from Potrero Avenue to Hampshire Street, is a 64-unit apartment complex that that fronts on Hampshire Street, Mariposa Street, and Hampshire Street; and a three-story, office building (Homeless Prenatal Program) that also fronts on 18th Street.

The project site, similar to other parcels along Potrero Avenue, is zoned Urban Mixed Use (UMU). 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 (Production, Distribution, and Repair) districts in the Eastern Neighborhoods. Within the UMU, allowed uses include PRD uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Family-sized dwelling units are encouraged. Beyond this UMU district is RH-2 (Residential, House, Two-

Family) to the south and east and PDR-1-G (Production, Distribution, and Repair - General) to the west and north of project site. In relation to height regulations, surrounding parcels range from 68-X, 58-X, 55-X, and 40-X height and bulk districts.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Applicable	*Not Applicable*
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	☒	☐
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	☐	☒
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	☒	☐

SAN FRANCISCO PLANNING CODE

The *San Francisco Planning Code (Planning Code)*, which incorporates by reference the City's Zoning Maps, governs permitted uses, densities, and configuration of buildings within San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless the proposed project conforms to the *Planning Code*, an exception is granted pursuant to provisions of the *Planning Code*, or a reclassification of the site occurs.

The proposed project is a ~~residential~~ **mixed-use** development which is a permitted use in the UMU zoning district. As mentioned above, 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. Within the UMU, family-sized dwelling units are encouraged. The UMU district does not provide a residential density limit. However, pursuant to Planning Code Section 207.6, no less than 40% of all dwelling units must contain two or more bedrooms, or 30% of all dwelling units must contain three or more bedrooms. The proposed project would provide ~~58~~ 48 two-bedroom units or ~~69%~~ 62% of the ~~84~~ 77 total units, and a conditional use authorization is not required pursuant to Section 207.6.

The project site is located within a 58-X height and bulk district and the proposed building would be 58 feet tall. Bulk restrictions are not required.

Planning Code Section 843.08 **and 843.10** does not require off-street parking for residential use **or non-residential use, respectively**. Section 151.1 would permit up to 0.75 off-street parking space for each dwelling unit in the UMU district. As principally permitted, the project, with ~~84~~ 77 dwelling units, proposes ~~38~~ 46 off-street parking spaces. **Section 151.1 would also permit up to one off-street parking space for each 1,500 square feet of gross floor area. The proposed project does not include non-residential off-street parking.** Section 155.5 of the Planning Code requires that residential projects of 50 dwelling units or more provide 25 bicycle parking spaces plus 1 for every 4 dwellings over 50 dwelling units. The project proposes ~~84~~ 77 dwelling units and thus would be required to provide ~~33~~ 31 bicycle parking spaces. ~~Thirty-three~~ Thirty-one bicycle parking spaces would be provided in the parking garage.

Pursuant to Section 135 of the Planning Code, approximately 80 square feet of private open space or 54 square feet of common open space per dwelling unit, or some equivalent combination of private and common open space is required. The proposed project would be required to provide ~~4,536~~ 4,158 square feet of common open space, and the project would provide ~~9,354~~ 8,901 square feet of common open space at the first floor courtyard and roof deck. The project would provide more open space than the required amount.

The proposed project would require a Large Project Authorization by the Planning Commission since the proposed project involves new construction of more than 25,000 gross square feet (Section 329).

Projects proposing five or more dwelling units are subject to the Inclusionary Affordable Housing Program outlined in Section 415 of the Code. The project sponsor would fulfill their requirement of complying with Section 415 by providing ~~13~~ 12 on-site rental units.

The proposed project would require building permit(s) from the Department of Building Inspection (DBI). Any curb or street modifications would require approval by the Department of Parking and Traffic within the Municipal Transportation Agency (SFMTA) and from the Department of Public Works (DPW). Protection and addition of street trees would require approval from DPW. Prior to disturbing soils on the project site, the San Francisco Department

of Public Health (DPH) shall approve a Site Mitigation Plan (SMP) for the exposure to naturally-occurring asbestos and potential contaminants in soils during construction.

PLANS AND POLICIES

San Francisco General Plan Priority Planning Policies

The San Francisco *General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The compatibility of the project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project and any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City's *Planning Code* to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, b, f, and g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13 a-d, Geology, Soils, and Seismicity); (7) landmark and historic building preservation (Question 4a, Cultural Resources); and (8) protection of open space (Questions 8 a and b, Wind and Shadow, and Questions 9a and c, Recreation and Public Space). Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in the Evaluation of Environmental Effects.

Other Plans

Environmental plans and policies are those, like the Bay Area Air Quality Plan, that directly address environmental issues and/or contain targets or standards, which must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

Eastern Neighborhoods Rezoning and Area Plans

The project site is located within the Mission Area Plan, one of four area plans analyzed in the Eastern Neighborhoods Rezoning and Area Plans EIR that was adopted in December 2008. The Eastern Neighborhoods planning effort was intended 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 also included changes to existing height and bulk districts in some areas.

During the Eastern Neighborhoods adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods Final EIR by Motion 176591 and adopted the Preferred Project for final recommendation to the Board of Supervisors.[2]

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 current project at 480 Potrero Avenue is based on the findings of the Eastern Neighborhoods Final EIR, a comprehensive programmatic document that presents an analysis of the

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[1] *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Planning Department Case No. 2004.0160E, certified August 7, 2008. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: http://www.sfgov.org/site/planning_index.asp?id=67762.

[2] San Francisco Planning Commission Motion 17659, August 7, 2008. http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/Draft_Resolution_Public%20Parcels_FINAL.pdf

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 Final EIR.

The project site is located in the Mission Area of the Eastern Neighborhoods, and the Planning Department's Citywide Planning, Environmental Planning, and Current Planning staff have determined that the proposed project is consistent with density established with the Eastern Neighborhoods, satisfies the requirements of the General Plan and the Planning Code, and is eligible for a Community Plan Exemption.[3,4] The sufficiency of the Eastern Neighborhoods EIR for environmental review of the proposed project was considered in the Community Plan Exemption Checklist, discussed below.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor checked below.

[3] San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 480 Potrero Avenue. This document is on file and available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[4] San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 480 Potrero Avenue. This document is on file and available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

☐ Land Use	☐ Air Quality	☐ Biological Resources
☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Geology and Soils
☐ Population and Housing	☐ Wind and Shadow	☐ Hydrology and Water Quality
☐ Cultural and Paleo. Resources	☐ Recreation	☒ Hazards/Hazardous Materials
☐ Transportation and Circulation	☐ Utilities and Service Systems	☐ Mineral/Energy Resources
☐ Noise	☐ Public Services	☐ Agricultural and Forest Resources
	☒ Mandatory Findings of Significance	

E. EVALUATION OF ENVIRONMENTAL EFFECTS

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

An initial analysis, in the form of a Community Plan Exemption Checklist and Determination, was conducted by the Planning Department to evaluate potential project-specific environmental

effects peculiar to the 480 Potrero Avenue project, and it incorporated by reference information contained within the Eastern Neighborhoods Final EIR (Case No. 2004.0160E; State Clearinghouse No. 2005032048). This initial analysis assessed the proposed project's potential to cause environmental impacts and concluded that, with the exception of hazardous materials, the proposed project would not result in new, potentially significant peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR.[5] Due to the potentially significant peculiar impact concerning hazardous materials, this Focused Initial Study was prepared for that topic area only.

Topics:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
1.	HAZARDS AND HAZARDOUS MATERIALS Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
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?	☐	☒	☐	☐	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☐	☒
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?	☐	☐	☐	☐	☒

5 Community Plan Exemption Checklist, 480 Potrero Avenue, September 26, 2012. This document is on file and available for review as part of Case File No. 2012.0110E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☒	☐

The project site is not located within one-quarter mile of an existing or proposed school, and therefore, Topic 1c is not applicable to the proposed project. The project site is not included on the Department of Toxic Substances Control (DTSC) list compiled pursuant to Government Code Section 65962.5 of hazardous materials sites in San Francisco, and therefore, Topics 1d is not applicable to the proposed project. The project site is not located within an airport land use plan area, nor is it in the vicinity of a private airstrip, and therefore, Topics 1e and 1f are not applicable to the proposed project. The Maher Ordinance (Ordinance 253-86) is a San Francisco ordinance that requires certain hazardous materials reporting and handling for parcels primarily located "Bayward of the high-tide-line." The project site is not within the limits of the Maher Zone.

Impact HZ-1: The proposed project would not create a significant hazard through routine transport, use, disposal, handling or emission of hazardous materials. (Less than Significant)

The project would involve the construction of a new ~~residential~~ **mixed-use** development containing ~~84~~ 77 dwelling units **and 974 square feet of ground-floor commercial use** on a vacant lot. As with other ~~residential~~ **mixed-use** developments, the development would likely handle common types of hazardous materials, such as cleaners and disinfectants. These products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. Businesses are required by law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers who handle hazardous materials, and adequately training workers. For these reasons, hazardous materials used during project operation would not pose any substantial public health or safety hazards related to hazardous materials. Thus, there would be less-than-significant impacts related to hazardous materials use, with development of the proposed project.

Impact HZ-2: Demolition and excavation of the project site would result in handling and accidental release of contaminated soils and the exposure of serpentinite bedrock. (Less than Significant with Mitigation Incorporated)

The subject property was developed in 1946 and was previously used as a warehouse by a mechanical contractor, manufacturing parts for the American Racing Company, and a machine shop for welding and lifting devices. The project site is currently a vacant lot containing the remnants of the foundation for the former four-story concrete live/work structure that was demolished in 2005.

A Phase I Environmental Site Assessment (ESA) was prepared for the project site.[6] An ESA describes current and prior uses of the property, reviews environmental agency databases and records, reports site reconnaissance observations, and summarizes potential soil and groundwater contamination issues. The following is a summary from the Phase I ESA for the proposed project.

According to the ESA, the 1900 Sanborn map shows that the project site, as well as properties to the north, south, and west, were unoccupied. To the east a vacant lot and some residential development are present. The 1914 Sanborn map indicated scattered lumber piles occupying the site. The property to the north was also occupied by scattered lumber piles, and the St. Francis Welfare League Club House. The property to the east shows more residential development since the 1900 Sanborn map. To the south, the California Card Manufacturing Company and an office are located. To the west scattered lumber piles are evident. The 1950 Sanborn map indicates a number of changes from the 1914 Sanborn map. The site is occupied by an office building and a vacant lot at 480 Potrero Avenue, and J.D. Christian Machinery Manufacturing at 460 to 470 Potrero Avenue. To the north, a rubber products warehouse is located and to the east, residential property is located. The property to the south remains unchanged from the 1914 Sanborn map. To the west, an Athletic Club and furniture warehouse is present. To the west across Hampshire Street, the San Francisco Municipal Railways Garage Bus Service and Repair is present.

[6] Treadwell & Rollo, Phase I Environmental Site Assessment, 460-480 Potrero Avenue, San Francisco, August 17, 2000. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2011.0430E.

The 1975 Sanborn map shows no significant changes to the site at 480 Potrero Avenue. At 460 and 470 Potrero, the site is occupied by a Manufacturing Marine and Industrial Equipment warehouse. The property to the north is occupied by a Market Equipment warehouse, and the property to the east remains unchanged from the 1950 map. The property to the south is now vacant and the property to the west is unchanged from the previous Sanborn map. The 1987, 1989, and 1991 Sanborn maps shows the site as it was during the site reconnaissance for the Phase I ESA. The properties to the north, east, and west remains unchanged from the previous Sanborn map and the Mariposa Apartment complex now occupies the property to the south.

The ESA reports that the site is not listed on regulatory agency database and no records were found at the San Francisco Department of Public Health (SFDPH) or San Francisco Fire Department files regarding fuel or hazardous material releases at the site. However, one underground storage tank was removed from the site on July 11, 2000. Two soil samples collected from beneath the former tank did not detect any petroleum hydrocarbons contamination at or above method reporting limits. Based on the analytical results, case closure with no further action was requested to SFDPH. The site has been granted Case Closure and a Remedial Action Completion Certificate from the San Francisco Department of Public Health (SFDPH) dated August 1, 2000 and no additional environmental investigation or groundwater monitoring is required.[7] Therefore, potential hazardous materials impacts related to groundwater would be less-than-significant. As such, the mitigation measures discussed below pertain to potential soil contamination.

In addition, there are four facilities within the ESA study area that appear on agency lists. These facilities are located at 2440 Mariposa Street, about 150 feet southwest and up gradient of the project site; 445 Hampshire Street, about 400 feet northwest and cross gradient of the project site; 2650 18th Street, about 600 feet southwest and up gradient of the project site; and 626 Potrero Avenue, about 700 feet south and cross gradient of the project site. There is no readily available evidence that these facilities have affected or are likely to affect the environmental conditions of the site.

The project site is likely underlain with approximately three feet of fill that possibly contains elevated concentrations of petroleum hydrocarbons and heavy metals. The sources of these

[7] A copy of the SFDPH letter can be reviewed at 1650 Mission Street, Suite 400 in Case File No. 2011.0430E.

chemicals generally result from past regional industrial activities and debris from the 1906 Earthquake and Fire. In the site vicinity, previous investigations encountered groundwater at approximately 12 to 14 feet below existing grade.

The proposed project, the construction of a six-story ~~residential~~ **mixed-use** building containing ~~84~~ **77 residential** units **and 974 square feet of ground-floor retail use**, would require excavation of up to approximately 16 feet below grade. The project sponsor proposes to support the ~~residential~~ **mixed-use** building with a concrete foundation system. This project design feature would encapsulate the soil and groundwater underneath the project site. Therefore, implementation of the proposed project would further reduce any health risk through dermal contact, inhalation, and ingestion as the proposed building's concrete foundation would provide a physical barrier between any contaminations and site users.

Results of subsurface investigation also indicate that the site is underlain by approximately three feet of fill overlying serpentinite bedrock.[8] When serpentine is exposed, it becomes weathered. The serpentine mineral is released and becomes part of the soil. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA), a fibrous mineral that can be hazardous to human health if it becomes airborne. In the absence of proper controls, the asbestos could become airborne during the excavation and the handling of excavated materials. On-site workers and the public could be exposed to the airborne asbestos unless appropriate control measures are implemented.

A Site Mitigation Plan (SMP) would be required for the proposed project due to the presence of the serpentinite bedrock. The SMP would present the soil management measures for soil/rock excavation and grading activities that would occur as part of construction at the project site. It should include measures to mitigate potential risks to the environment and to protect on-site construction workers, nearby residents, and pedestrians from potential exposure to substances encountered during soil excavation and grading activities.

The project sponsor would be required to ensure that the construction contractors comply with the asbestos Airborne Toxic Control Measure (ATCM) to prevent airborne (fugitive) dust containing asbestos from migrating beyond property boundaries during excavation and handling

[8] Treadwell and Rollo, "Geotechnical Investigation, 480 Potrero Avenue, San Francisco, California," December 17, 2004. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Project File No. 2011.0430E.

of excavated materials. The measures implemented would protect the workers themselves as well as the public. The California Air Resources Board (CARB) adopted the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations, which became effective in the Bay Area Air Quality Management District (BAAQMD) on November 19, 2002.[9] The ATCM protects public health and the environment by requiring the use of best available dust mitigation measures to prevent off-site migration of asbestos-containing dust from road construction and maintenance activities, construction and grading operations, and quarrying and surface mining operations in areas of ultramafic rock,[10] serpentine,[11] or asbestos.[12] The BAAQMD implements this regulation in the Bay Area.

Implementation of **Mitigation Measure M-HZ-2A**, which would include a requirement for the project sponsor to implement a Site Mitigation Plan (SMP) and comply with the Asbestos ATCM, would ensure that project impacts related to exposure to naturally-occurring asbestos in soils and rock during construction would be reduced to a less than significant level.

Workers and members of the public in the area during project construction could also be exposed to contaminated soils (petroleum hydrocarbons and heavy metals), and this potential exposure to hazardous materials is a potentially significant impact. Implementation of **Mitigation Measures M-HZ-2B and M-HZ-2C**, which would include the preparation of a soil management plan and a health and safety plan prior to construction and were developed in consultation with the SFDPH's Environmental Health Section, would reduce this impact to a less-than-significant level. The following mitigation measures would mitigate any long-term environmental or health and safety risks caused by the presence of the low-level petroleum hydrocarbons in the soil and groundwater, as well as any project impacts related to exposure to naturally-occurring asbestos in soils and rock during construction.

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9 California Air Resources Board, Regulatory Advisory, *Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations*, July 29, 2002.

10 Ultramafic rocks are formed in high temperature environments well below the surface of the earth.

11 Serpentine is a naturally occurring group of minerals that can be formed when ultramafic rocks are metamorphosed during uplift to the earth's surface. Serpentinite is a rock consisting of one or more serpentine minerals, formed when ultramafic rocks metamorphose. This rock type is commonly associated with ultramafic rock along faults such as the Hayward fault. Small amounts of chrysotile asbestos, a fibrous form of serpentine minerals are common in serpentinite.

12 Asbestos is a term used for several types of naturally occurring fibrous materials found in many parts of California.

Mitigation Measure M-HZ-2A: Construction Air Quality (Asbestos)

A Site Mitigation Plan (SMP) will be implemented to address the asbestos exposure to the construction workers, nearby residents, pedestrians and future users of the site. Dust control measures are to be implemented to reduce exposure during excavation, grading, loading and transporting of excavated materials. Soil/rock excavated and removed from the site will require appropriate disposal; additional sampling may be necessary. These measures are to include:

- Site fencing.
- Wetting exposed soil/rock – exposed soil/rock will be watered at least twice a day to prevent visible dust from migrating off-site.
- Covering exposed soil/rock. In particular, stockpiles will be covered and trucks transporting contaminated soil/rock will be covered with a tarpaulin or other cover.
- Preventing distribution of dust and soil/rock off-site by decontamination and other measures to prevent soil/rock from being tracked off-site by vehicles or carried off-site on clothes. Measures to achieve this include: water being misted or sprayed during the loading of soil/rock onto trucks for off-haul; wheels being cleaned prior to entering public streets; public streets will be swept daily if soil/rock is visible and excavation and loading activities will be suspended if winds exceed 20 miles per hour.
- Instituting a site-specific health and safety plan (HSP) developed by a certified industrial hygienist that represents the site contractors, which includes that air sampling and monitoring be conducted to evaluate the amount of airborne particles generated during excavation, grading, loading and transportation.
- Contacting BAAQMD and completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD prior to any excavation activities.

In order to control potential exposure during soil/rock disturbance, the soil/rock are to be moisture conditioned using dust suppressants, covering exposed soil/rock and stockpiles with weighed down plastic sheeting or capping the site with building asphalt or at least two feet of clean imported fill.

Excavated soil is to be disposed off-site after proper profiling for disposal. Before disposal of asbestos materials, the soils will be characterized and will be analyzed for chromium and nickel.

Excavated soil/rock material will either be loaded directly into trucks and removed from the site or stockpiled onsite. If stockpiled, the soil/rock will be placed on visqueen, bermed and tarped at all times.

Direct contact to the underlying soil/rock by future site users will be mitigated by encapsulation with the concrete foundation system and buildings. It is not anticipated that groundwater will be encountered during construction.

If unanticipated hazardous materials are encountered, the work is to stop; the site superintendent and project contractor are to be notified to conduct an inspection.

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to EHS-HWU at DPH for review and approval. The closure/certification report shall include mitigation measures for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-2B: Testing for and Handling, Hauling, and Disposal of Contaminated Soils

Step 1: Soil Testing. Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for contamination. The project sponsor shall enter the San Francisco Voluntary Remedial Action Program (VRAP) under the DPH. The project sponsor shall submit a VRAP application and a fee of $592 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Site Assessment and Mitigation Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of $592 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first three hours, at a rate of $197 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The consultant shall submit the work plan to DPH for review and concurrence prior to performing the soil sampling. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing that includes the results of the soil testing and a map that shows the locations

of stockpiled soils from which the consultant collected the soil samples. The project sponsor shall submit the report on the soil testing to DPH for review and concurrence. DHP shall review the soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the project sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation/capping, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval at least six weeks prior to beginning demolition and construction work. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.

Step 3: Handling, Hauling, and Disposal of Contaminated Soils

(a) Specific work practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations) when such soils are encountered on the site. If excavated materials contain over one percent friable asbestos, they shall be treated as hazardous waste, and shall be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.

(b) Dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after construction work hours.

(c) Surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) Soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.

(e) Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California. Any contaminated groundwater shall be subject to the requirements of the City's Industrial Waste Ordinance (Ord. No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the system.

Step 4: Preparation of Closure/Certification Report. After construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-2C: Disposal of Contaminated Soil, Site Health and Safety Plan

If, based on the results of the soil tests conducted, the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, any contaminated soils designated as hazardous waste and required by DPH to be excavated shall be removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with California and U.S. Environmental Protection Agency

regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the DPH.

If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan shall be required by the California Division of Occupational Safety and Health (Cal-OSHA) prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in the Construction Dust Control Ordinance (176-08). This includes dust control during excavation and truck loading shall include misting of the area prior to excavation, misting soils while loading onto trucks, stopping all excavation work should winds exceed 25 mph, and limiting vehicle speeds onsite to 15mph.
- Protocols for managing stockpiled and excavated soils.
- The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:
- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required.
- Posting of "no trespassing" signs.

- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

If groundwater contamination is identified, the Site Health and Safety Plan and Site Mitigation Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.

The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.

The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures shall include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.

Impact HZ-3: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant)

The implementation of the proposed project could add to congested traffic conditions in the immediate area in the event of an emergency evacuation. However, the proposed project would be relatively insignificant within the dense urban setting of the project site and it is expected that traffic would be dispersed within the existing street grid such that there would be no significant adverse effects on nearby traffic conditions. Therefore, the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan and this impact would be less than significant.

Impact HZ-5: The proposed project would not expose people or structures to a significant risk of loss, injury or death involving fires. (Less than Significant)

San Francisco ensures fire safety and emergency accessibility within new and existing developments through provisions of its Building and Fire Codes. The project would conform to these standards, which may include development of an emergency procedure manual and an exit drill plan for the proposed development. Potential fire hazards (including those associated with hydrant water pressure and blocking of emergency access points) would be addressed during the permit review process. Conformance with these standards would ensure appropriate life safety protections. Consequently, the project would not have a significant impact on fire hazards nor interfere with emergency access plans.

Impact C-HZ: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would not have a substantial cumulative impact with hazards and hazardous materials. (Less than Significant)

Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. Any hazards present at surrounding sites would be subject to the same safety requirements discussed for the proposed project above, which would reduce any cumulative hazard effects to levels considered less than significant. Overall, with implementation of Mitigation Measures M-HZ-2A to M-HZ-2C described above, the proposed project would not contribute to any cumulatively considerable significant effects related to hazards and hazardous materials.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
2. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒	☐

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	☐

The proposed project would involve the construction of a six-story, 58-foot-tall, ~~residential~~ mixed-use building containing ~~84~~ 77 residential units with 974 square feet of ground-floor retail use on a vacant lot. As previously discussed, an initial analysis was conducted and found that, with the exception of hazardous materials, the proposed project would not result in any new, peculiar potentially significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR. Due to the peculiar impact found concerning hazardous materials, this Focused Initial Study was prepared for this topic area only.

The foregoing analysis identifies potentially significant impacts regarding hazardous materials, which would be mitigated to a less-than-significant level through implementation of Mitigation Measures M-HZ-2A to M-HZ-2C, as set forth above, would reduce the potential impacts of the proposed project to less-than-significant levels. Therefore, the proposed project would not result in any new significant environmental impacts not already described in the Eastern Neighborhoods Program EIR.

F. MITIGATION MEASURES

Mitigation Measure M-HZ-2A: Construction Air Quality (Asbestos)

A Site Mitigation Plan (SMP) will be implemented to address the asbestos exposure to the construction workers, nearby residents, pedestrians and future users of the site. Dust control measures are to be implemented to reduce exposure during excavation, grading, loading and

transporting of excavated materials. Soil/rock excavated and removed from the site will require appropriate disposal; additional sampling may be necessary. These measures are to include:

- Site fencing.
- Wetting exposed soil/rock – exposed soil/rock will be watered at least twice a day to prevent visible dust from migrating off-site.
- Covering exposed soil/rock. In particular, stockpiles will be covered and trucks transporting contaminated soil/rock will be covered with a tarpaulin or other cover.
- Preventing distribution of dust and soil/rock off-site by decontamination and other measures to prevent soil/rock from being tracked off-site by vehicles or carried off-site on clothes. Measures to achieve this include: water being misted or sprayed during the loading of soil/rock onto trucks for off-haul; wheels being cleaned prior to entering public streets; public streets will be swept daily if soil/rock is visible and excavation and loading activities will be suspended if winds exceed 20 miles per hour.
- Instituting a site-specific health and safety plan (HSP) developed by a certified industrial hygienist that represents the site contractors, which includes that air sampling and monitoring be conducted to evaluate the amount of airborne particles generated during excavation, grading, loading and transportation.
- Contacting BAAQMD and completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD prior to any excavation activities.

In order to control potential exposure during soil/rock disturbance, the soil/rock are to be moisture conditioned using dust suppressants, covering exposed soil/rock and stockpiles with weighed down plastic sheeting or capping the site with building asphalt or at least two feet of clean imported fill.

Excavated soil is to be disposed off-site after proper profiling for disposal. Before disposal of asbestos materials, the soils will be characterized and will be analyzed for chromium and nickel. Excavated soil/rock material will either be loaded directly into trucks and removed from the site or stockpiled onsite. If stockpiled, the soil/rock will be placed on visqueen, bermed and tarped at all times.

Direct contact to the underlying soil/rock by future site users will be mitigated by encapsulation with the concrete foundation system and buildings. It is not anticipated that groundwater will be encountered during construction.

If unanticipated hazardous materials are encountered, the work is to stop; the site superintendent and project contractor are to be notified to conduct an inspection.

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to EHS-HWU at DPH for review and approval. The closure/certification report shall include mitigation measures for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-2B: Testing for and Handling, Hauling, and Disposal of Contaminated Soils

Step 1: Soil Testing. Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for contamination. The project sponsor shall enter the San Francisco Voluntary Remedial Action Program (VRAP) under the DPH. The project sponsor shall submit a VRAP application and a fee of $592 in the form of a check payable to the San Francisco Department of Public Health (DPH), to the Site Assessment and Mitigation Program, Department of Public Health, 1390 Market Street, Suite 210, San Francisco, California 94102. The fee of $592 shall cover three hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first three hours, at a rate of $197 per hour. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The consultant shall submit the work plan to DPH for review and concurrence prior to performing the soil sampling. The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report on the soil testing that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples. The project sponsor shall submit the report on the soil testing to DPH for review and concurrence. DHP shall review the

soil testing program to determine whether soils on the project site are contaminated with lead or petroleum hydrocarbons at or above potentially hazardous levels.

Step 2: Preparation of Site Mitigation Plan. Prior to beginning demolition and construction work, the project sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation/capping, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval at least six weeks prior to beginning demolition and construction work. A copy of the SMP shall be submitted to the Planning Department to become part of the case file. Additionally, the DPH may require confirmatory samples for the project site.

Step 3: Handling, Hauling, and Disposal of Contaminated Soils

(a) Specific work practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations) when such soils are encountered on the site. If excavated materials contain over one percent friable asbestos, they shall be treated as hazardous waste, and shall be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.

(b) Dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after construction work hours.

(c) Surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) Soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.

(e) Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California. Any contaminated groundwater shall be subject to the requirements of the City's Industrial Waste Ordinance (Ord. No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the system.

Step 4: Preparation of Closure/Certification Report. After construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure M-HZ-2C: Disposal of Contaminated Soil, Site Health and Safety Plan

If, based on the results of the soil tests conducted, the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, any contaminated soils designated as hazardous waste and required by DPH to be excavated shall be removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with California and U.S. Environmental Protection Agency regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the DPH.

If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan shall be required by the California Division of Occupational Safety and Health (Cal-OSHA) prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in the Construction Dust Control Ordinance (176-08). This includes dust control during excavation and truck loading shall include misting of the area prior to excavation, misting soils while loading onto trucks, stopping all excavation work should winds exceed 25 mph, and limiting vehicle speeds onsite to 15mph.
- Protocols for managing stockpiled and excavated soils.
- The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:
- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required.
- Posting of "no trespassing" signs.
- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

If groundwater contamination is identified, the Site Health and Safety Plan and Site Mitigation Plan shall identify protocols for managing groundwater during construction to minimize worker

and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.

The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.

The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures shall include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.

G. PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on May 23, 2012 to owners of properties within 300 feet of the project site and adjacent occupants. Fifteen members of the public expressed concerns related to the proposed project but none of the comments were related to hazardous materials. All concerns raised by the public were addressed in the Community Plan Exemption Certificate.[13]

[13] Community Plan Exemption Certificate, 480 Potrero Avenue. This document is on file and available for review as part of Case No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

H. DETERMINATION

On the basis of this Initial Study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

~~Bill Wycko~~ Sarah B. Jones
Acting Environmental Review Officer
for
John Rahaim
Director of Planning

DATE April 18, 2013

SAN FRANCISCO
PLANNING DEPARTMENT

Attachment A: Amended Certificate of Determination
EXEMPTION FROM ENVIRONMENTAL REVIEW

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.:	**2011.0430E**
Project Address:	**480 Potrero Avenue**
Zoning:	UMU (Urban Mixed Use) Zoning District 58-X Height and Bulk District
Block/Lot:	3973/002C
Lot Size:	15,000 square feet
Plan Area:	Mission Subarea of the Eastern Neighborhoods
Project Sponsor:	Reza Khoshnevisan, Sia Consulting, (415) 922-0200
Staff Contact:	Don Lewis, (415) 575-9095, don.lewis@sfgov.org

PROJECT DESCRIPTION:

The rectangular project site is located at the northwest corner of Potrero Avenue and Mariposa Street on the boundary of the Mission and Potrero Hill neighborhoods. The project site is currently a vacant lot containing the remnants of the foundation from the former four-story concrete live/work structure that was demolished in 2005. The project sponsor proposes the construction of a six-story, 58-foot-tall, ~~residential~~ **mixed-use** building approximately ~~89,600~~ 82,544 square feet in size. The new building would contain ~~84~~ 77 residential units (~~26~~ 29 one-bedroom and ~~58~~ 48 two-bedroom), **974 square feet of ground-floor retail use,** and ~~38~~ 46 parking spaces in a one-level basement parking garage accessed from Mariposa Street. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

EXEMPT STATUS:

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

REMARKS:

(See next page.)

DETERMINATION:

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

~~BILL WYCKO~~ Sarah B. Jones
Acting Environmental Review Officer

Apr 18, 2013
Date

cc: Reza Khoshnevisan, Project Sponsor; Supervisor David Campos, District 9; Ben Fu, Current Planning Division; Exemption/Exclusion File; Virna Byrd, M.D.F.

REMARKS:

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

This determination evaluates the potential project-specific environmental effects peculiar to the 480 Potrero Avenue ~~residential~~ mixed-use project described above, and incorporates by reference information contained within the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods Final EIR) (Case No. 2004.0160E; State Clearinghouse No. 2005032048). Project-specific studies summarized in this determination were prepared for the proposed project at 480 Potrero Avenue to determine if there would be significant impacts attributable to the proposed project.

With the exception of hazards and hazardous materials, this determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR.[1] With the exception of hazards and hazardous materials, this determination does not identify new or additional information that would alter the conclusions of the Eastern Neighborhoods Final EIR. This determination also identifies mitigation measures contained in the Eastern Neighborhoods Final EIR that would be applicable to the proposed project at 480 Potrero Avenue. Relevant information pertaining to prior environmental review conducted for the Eastern Neighborhoods is included below, as well as an evaluation of potential environmental effects. A Focused Initial Study/ Mitigated Negative Declaration was also prepared for the proposed project to cover potentially significant project-specific impacts regarding hazards and hazardous materials. Additional mitigation measures, not included in the FEIR, are described in the Initial Study/ Mitigated Negative Declaration.

Background

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods Final EIR was adopted in December 2008. The Eastern Neighborhoods Final EIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving

[1] A Focused Initial Study will be conducted for hazards and hazardous materials topic. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2011.0430E.

an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods Final EIR also included changes to existing height and bulk districts in some areas, including the project site at 480 Potrero Avenue.

During the Eastern Neighborhoods adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods Final EIR by Motion 176592 and adopted the Preferred Project for final recommendation to the Board of Supervisors.[3]

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

The Eastern Neighborhoods Final EIR 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 Final EIR.

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

The project site, as a result of the Eastern Neighborhoods, has been rezoned to Urban Mixed Use (UMU). 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 (Production, Distribution, and Repair) districts in the Eastern Neighborhoods. Within the UMU, allowed uses include PDR uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Family-sized dwelling units are encouraged. The proposed project and its

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[2] *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Planning Department Case No. 2004.0160E, certified August 7, 2008. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: http://www.sfgov.org/site/planning_index.asp?id=67762.

[3] San Francisco Planning Commission Motion 17659, August 7, 2008. http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/Draft_Resolution_Public%20Parcels_FINAL.pdf

relation to PDR land supply and cumulative land use effects is discussed further in this determination under Land Use, below. The 480 Potrero Avenue site was designated and envisioned as a site with a building up to 58 feet in height and containing residential with ground-floor retail use.

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. With the exception of hazards and hazardous materials, this determination concludes that the proposed residential project at 480 Potrero Avenue is consistent with and was encompassed within the analysis in the Eastern Neighborhoods Final EIR. This determination also finds, with the exception of hazards and hazardous materials, that the Eastern Neighborhoods Final EIR adequately anticipated and described the impacts of the proposed 480 Potrero Avenue project, and identified the mitigation measures applicable to the 480 Potrero Avenue project. The proposed project is also consistent with the zoning controls for the project site. Therefore, with the exception of hazards and hazardous materials, no further CEQA evaluation for the 480 Potrero Avenue project is necessary. In sum, the Eastern Neighborhoods FEIR, this Certificate of Exemption, and Focused Initial Study/ Mitigated Negative Declaration for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

Potential Environmental Effects

The Eastern Neighborhoods Final EIR 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 project. The proposed 480 Potrero Avenue project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods Final EIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods. Thus, the project analyzed in the Eastern Neighborhoods Final EIR considered the incremental impacts of the proposed 480 Potrero Avenue project. As a result, the proposed project, with the exception of hazards and hazardous materials, would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods Final EIR. Topics for which the Final EIR identified a significant program-level impact are addressed in this Certification of Determination, with the exception of hazards and hazardous materials, while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.[4] With the exception of hazards and hazardous materials, the following discussion demonstrates that the 480 Potrero Avenue Street project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods Final EIR, including project-specific impacts related to land use, archeological resources, historic architectural resources, transportation, noise, and shadow. The FEIR did not include a discussion of greenhouse gas emissions, mineral and energy resources or agricultural and forest resources so those topics are also considered in this Certificate of Determination of Exemption from Environmental Review.

[4] San Francisco Planning Department, Community Plan Exemption Checklist, 480 Potrero Avenue, September 26, 2012. This document is on file and is available for review as part of Case File No. 2011.0430E at 1650 Mission Street, Suite 400, San Francisco, CA.

Land Use

The Eastern Neighborhoods Rezoning and Area Plans re-zoned much of the city's industrially-zoned land in the Mission, Central Waterfront, East South of Market and Showplace Square/Potrero Hill neighborhoods. The four main goals that guided the Eastern Neighborhood planning process were to reflect local values, increase housing, maintain some industrial land supply, and to improve the quality of all existing areas with future development. The re-zoning applied new residential and mixed-used zoning districts to parts of the Eastern Neighborhoods currently zoned for industrial, warehousing, and commercial service use.

The Eastern Neighborhoods Final EIR evaluated three land use options "alternatives" and under each of these options the subject property was designated Urban Mixed Use (UMU). 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. Within the UMU, allowed uses include PDR uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling.

The proposed project would replace an existing vacant lot with a 58-foot-tall ~~residential~~ mixed-use building. The proposed building is consistent with the height and bulk controls and the proposed uses are permitted within the UMU zoning controls. Further, the project is proposed on an in-fill site, and would not substantially impact upon the existing character of the vicinity and would not physically divide an established community.

The Eastern Neighborhoods Final EIR identified an unavoidable significant land use impact due to the cumulative loss of PDR. The proposed project would contribute to this impact because the project precludes an opportunity for PDR; however, the incremental loss in PDR opportunity is not considerable due to the size of the project site.

In addition, Citywide Planning and Neighborhood Planning have both determined that the proposed project is consistent with the Eastern Neighborhoods Final EIR and satisfies the requirements of the General Plan and the Planning Code.[5,6] Therefore, the project is eligible for a Community Plan Exemption.

Archeological Resources

The Eastern Neighborhoods Final EIR identified a significant impact related to archeological resources and determined that *Mitigation Measures J-1: Properties with Previous Studies, J-2: Properties With No Previous Studies,* and *J-3: Mission Dolores Archeological District* would reduce effects to a less-than-significant level. Since the proposed site is located outside Archeological Mitigation Zone A and B, and since no previous

[5] San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 480 Potrero Avenue. This document is on file and available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

[6] San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Analysis, 480 Potrero Avenue. This document is on file and available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

studies have been conducted on the project site, *Mitigation Measure J-2* applies to the proposed project. Pursuant to *Mitigation Measure J-2*, a Preliminary Archeological Sensitivity Study memorandum was prepared for the proposed project.[7] This memorandum determined that no CEQA-significant archeological resources are expected within project-affected soils. However, in the event such resources are encountered during ground-disturbing activities, implementation of *Mitigation Measure J-2* would reduce potential effects to a less-than-significant level. Therefore, Eastern Neighborhoods *Mitigation Measure J-2* (see Project Mitigation Measure 1 on page ~~24~~ 25 of this Certificate of Determination) shall be undertaken to reduce the potential significant impact to a less than significant level from soils-disturbing activities on buried archeological resources.

Historic Architectural Resources

The Eastern Neighborhoods FEIR anticipated that program implementation may result in demolition of buildings identified as historical resources, and 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.

Eastern Neighborhoods FEIR *Mitigation Measure K-1, Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area,* required certain projects to be presented to the Landmarks Preservation Advisory Board (now the Historic Preservation Commission). This mitigation measure is no longer relevant, because the Showplace Square/Northeast Mission historic resource survey was completed and adopted by the Historic Preservation Commission on June 15, 2011. *Mitigation Measures K-2* and *K-3*, which amended Article 10 of the Planning Code to reduce potential adverse effects to contributory structures within the South End Historic District (East SoMa) and the Dogpatch Historic District (Central Waterfront), do not apply the proposed project because it is not located within the South End or Dogpatch Historic Districts.

The subject property is a vacant lot and is not located within the boundaries of an identified or known historic district. Therefore, the subject property is not considered a historic resource for purposes of CEQA, and the proposed project would not result in impacts on a historical resource.

In summary, the project would not result in a significant effect with regard to historic architectural resources.

Transportation

Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.[8] The proposed project would generate about ~~775~~ 844 person trips (inbound and outbound) on a weekday daily basis, consisting of ~~61~~ 71 person trips by auto, ~~45~~ 34 transit trips, ~~8~~ 20

[7] Randall Dean, EP archeologist, memorandum to Don Lewis, EP planner, August 11, 2011. This memorandum is available for review at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2011.0430E.

[8] ~~Wade Wietgrefe~~ Don Lewis, San Francisco Planning Department, *Transportation Trip Generation Tables for Revised Project,* ~~September 2012~~ April 2, 2013. These calculations are available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

walk trips and ~~20~~ 8 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 53 vehicle trips (accounting for vehicle occupancy data for this Census Tract).

The estimated 53 new p.m. peak hour vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco.

A transportation study was completed for a previously proposed project which included 13,155 square feet of commercial space and 78 dwelling units.[9] The transportation study analyzed the LOS of the following five intersections: Potrero Avenue/10th Street/Brannan Street/Division Street; Potrero Avenue/16th Street; Potrero Avenue/17th Street; Potrero Avenue/Mariposa Street; and Bryant Street/Mariposa Street. With the exception of the Potrero Avenue/10th Street/Brannan Street/Division Street intersection, all of the LOS for these intersections are at an acceptable LOS B or better, and would continue to operate acceptably with the addition of project traffic, which would be considerably less than what was analyzed in the transportation study since the current project no longer proposes commercial use. The Potrero Avenue/10th Street/Brannan Street/Division Street intersection is operating at LOS D under existing conditions and would remain operating at LOS D under existing plus project conditions. As such, the proposed project would not result in a significant adverse impact at these intersections under existing plus project conditions. Therefore, the proposed project's impact on existing vehicular traffic is considered less than significant.

Given that the proposed project would add approximately 53 p.m. peak hour vehicle trips to surrounding intersections, it is not anticipated that the proposed project would substantially increase traffic volumes at these or other nearby intersections, nor substantially increase average delay that would cause these intersections to deteriorate to unacceptable levels of service.

The Eastern Neighborhoods Final EIR evaluated three land use options. The proposed project is located in the Mission Subarea of the Eastern Neighborhoods. The nearest intersection to the project site that was analyzed (existing and 2025 operating conditions) in the Eastern Neighborhoods Final EIR is located at Potrero Avenue/16th Street (two blocks away). With the Eastern Neighborhood Rezoning, this intersection is anticipated to change from LOS B to LOS F under 2025 weekday p.m. peak hour conditions under all Plan options as well as under the 2025 No Project option.[10]

The nearest Mission Subarea intersection in which the Eastern Neighborhoods Final EIR identified a significant impact under 2025 weekday p.m. peak hour was at 13th Street/Bryant Street (about six blocks to the north of the project site) which operated at LOS C under existing (baseline) conditions and would

[9] Fehr and Peers, *480 Potrero Avenue, Transportation Impact Study*, September 2012. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2011.0430!

[10] This intersection was not considered a significant unavoidable impact under the Eastern Neighborhoods Final EIR.

deteriorate to LOS E under 2025 weekday p.m. peak hour operating conditions under Plan Options B and C. It is likely these conditions would occur with or without the proposed project, and the proposed project's contribution of 53 p.m. peak hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods' projects, should they be approved. Under the Eastern Neighborhoods Final EIR, specific mitigation measures were not proposed for the 13th Street/Bryant Street intersection, and a Statement of Overriding Considerations related to the significant and unavoidable cumulative (2025) traffic impacts was adopted as part of the EIR Certification and project approval on January 19, 2009. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have any significant cumulative traffic impacts.

Transit

As indicated above, the proposed project is estimated to add ~~260~~ 206 daily transit person trips, of which ~~45~~ 34 are estimated to occur in the p.m. peak hour. The project site is well-served by several local and regional transit lines including Muni lines 9, 9L, 12, 19, 22, 27, and 33. Transit trips to and from the proposed project would utilize the nearby Muni lines, and would transfer to and from other Muni lines. The addition of ~~45~~ 34 p.m. peak hour transit trips would increase Muni ridership; however, this net increase would not be substantial as existing transit lines have the capacity to accommodate these new trips. Additionally, the proposed project would not substantially interfere with any nearby transit routes. Therefore, the project would have a less-than-significant impact on transit.

The Eastern Neighborhoods Final EIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership due to the change from 2025 No-Project operating conditions for Muni lines 9, 10, 12, 14, 14L, 22, 27, 47, 49 and 67 under all Eastern Neighborhoods rezoning options. Mitigation measures proposed to address these impacts related to pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information and storage/maintenance capabilities for Muni lines in Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above lines were found to be significant and unavoidable and a Statement of Overriding Considerations with findings was adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on August 7, 2008. The proposed project would not conflict with the implementation of these mitigation measures, and it is likely the significant and unavoidable cumulative transit conditions would occur with or without the proposed project. The proposed project's contribution of ~~45~~ 34 p.m. peak hour transit trips would not be a substantial proportion of the overall transit volume generated by Eastern Neighborhood projects, should they be approved. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would not have a significant cumulative transit impact.

Loading

Based on the *SF Guidelines*, the proposed project would generate an average loading demand of ~~0.12~~ 0.09 truck-trips per hour. *Planning Code* Section 152.1 does not require off-street loading for residential development less than 100,000 square feet **and for retail development less than 10,000 square feet**. Therefore, off-street loading spaces are not required for the proposed project, which would include ~~85,490~~ 55,739 square feet of residential use **and 974 square feet of retail use**. The proposed project would avoid the potential for impacts to adjacent roadways due to loading activities by limiting all long-term

and construction loading/staging operations to the existing on-street parking area along Potrero Avenue and Mariposa Street. Vehicles performing move in/move out activities would be able to obtain temporary parking permits for loading and unloading operations on Potrero Avenue and Mariposa Street.

Pedestrian and Bicycle Conditions

The proposed project would generate approximately ~~8~~ 20 p.m. peak-hour pedestrian trips. The proposed project would not cause a substantial amount of pedestrian and vehicle conflicts, as there are adequate sidewalk and crosswalk widths and the project does not propose any new curb cuts. Pedestrian activity would increase as a result of the project, but not to a degree that could not be accommodated on local sidewalks or would result in safety concerns.

In the vicinity of the project site, there are six on-street bicycle facilities. There is a Class II route on Potrero Avenue south of Alameda Street; a Class III route on Potrero Avenue north of Alameda Street approaching Division Street; a Class II route on 16 Street east of Kansas Street; a Class II route on 17th Street from Kansas Street to Potrero Avenue, and from Treat Street to Church Street; a Class II on Division Street from 9th Street to 11th Street; and a Class II on Harrison Street from 11th Street to 22th Street. Although the proposed project would result in an increase in the number of vehicles in the project vicinity, this increase would not substantially affect bicycle travel in the area.

In conclusion, the proposed project would not substantially increase pedestrian and bicycle hazards.

Parking

While the proposed project would not be required to provide off-street parking spaces pursuant to *Planning Code* Section 843.08, the project includes ~~38~~ 46 parking spaces in an underground garage, consistent with the allowable 0.75 to 1 ratio under the Planning Code. Based on the methodology presented in the SF Guidelines, on an average weekday, the demand for parking would be ~~116~~ 110 spaces. Thus, the project would have an unmet parking demand of ~~78~~ 64 spaces. Additionally, the project site is located on a transit corridor and in a relatively dense area well-served by a mix of uses. As such, it is expected that many of the residents would be encouraged not to make their trips by car.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, day to night, month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents, should however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines §15131a). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles, or travel by

foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well-served by public transit, which provides alternatives to auto travel. Therefore, the creation of, or increase in parking demand resulting from a proposed project that cannot be met by existing or proposed parking facilities would not be considered a significant effect.

In summary, the project would not result in a significant effect with regard to transportation.

Noise

The Eastern Neighborhoods FEIR identified potential conflicts related to residences and other noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural, institutional, educational, and office uses. In addition, the Eastern Neighborhoods FEIR noted that the project would incrementally increase traffic-generated noise on some streets in the project area, and result in construction noise impacts from pile driving and other construction activities. With implementation of six noise mitigation measures cited in the FEIR, Plan-related noise impacts were found to be less than significant.

Eastern Neighborhoods FEIR Mitigation Measures F-1 and F-2, which require noise controls on the use of pile driving equipment and other construction equipment, are not applicable to the proposed project because project construction would not involve pile driving and would not create noise levels that could substantially affect any nearby sensitive receptors.[11]

Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and generally accepted in urban areas. The noise generated by the occupants of the proposed project would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

The *San Francisco General Plan* noise guidelines indicate that any new residential development in areas with noise levels above 60 dBA[12] should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. In areas where

[11] Sensitive receptors include residences, hospitals, nursing homes, senior citizen centers, schools, churches, and libraries.

[12] The dBA, or A weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements must be done and needed noise insulation features included in the design. According to the Eastern Neighborhoods Final EIR, noise levels on Potrero Avenue are between 60 and 75 dBA. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects (including hotels, motels, and live/work developments). This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents.

The Eastern Neighborhoods Final EIR identified a significant impact related to new development including noise-sensitive uses located along streets with noise levels above a day-night average of 60 dBA (Ldn), where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations. Since the 480 Potrero Street project, a multi-unit residential project, is subject to Title 24, *Mitigation Measure F-3: Interior Noise Levels* from the Eastern Neighborhoods Final EIR is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses. Since the proposed project includes noise-sensitive uses with sensitive receptors, *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* (see Project Mitigation Measure 2 on page ~~25~~ 26 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, a noise specialist was hired by the project sponsor to conduct a noise study that included a 24-hour noise measurement and site survey of noise-generating uses within 900 feet of the project site.[13]

The 24-hour noise measurement recorded a day-night noise average of 70.2 dBA (Ldn), which is comparable to what was forecasted by the noise modeling undertaken by the Department of Public Health, which predicts a traffic noise level of between 60 dBA and 75 dBA (Ldn) for the project block. The only substantial noise-generating uses within 900 feet of the site with a direct line-of-sight to the project site are transportation noise sources from Potrero Avenue and an auto body shop (Sunny Auto Body) that is adjacent to the project site. The noise assessment revealed that the primary noise source at the project site was from trucks, buses, emergency vehicles, and motorcycles traveling on Potrero Avenue.

Given the noise environment, the noise study concluded that it would appear that the interior noise level can typically be maintained below the State standards of 45 dBA (Ldn) by standard residential construction methods with the incorporation of forced-air mechanical ventilation systems in residential units. Preliminary calculations suggest that the residential units nearest Potrero Avenue would require windows and doors with a minimum Sound Transmission Class rating of 27 STC (70.2 – 27 = 43.2) and a suitable form of mechanical ventilation to ensure that the interior average noise level of 45 dBA (Ldn) is met as required by the San Francisco Building Code. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. Therefore, the

[13] ARC Management, Environmental Noise Report, 480 Potrero Avenue, June 18, 2012. This document is on file and is available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

noise study demonstrates that acceptable interior noise levels consistent with those in the Title 24 standards would be attained by the proposed project and no further acoustical analysis or engineering is required.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing sensitive receptors and new noise-generating uses and determined that *Mitigation Measures F-5: Siting of Noise-Generating Uses* would reduce effects to a less-than-significant level. Since the proposed residential development would not be expected to generate noise levels in excess of ambient noise in the vicinity of the project site, *Mitigation Measure F-5* is not applicable.

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

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 3 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be obliged to comply with the City's Noise Ordinance.

In summary, the project would not result in a significant effect with regard to noise.

Air Quality

The Eastern Neighborhoods FEIR identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and pollutant emissions; roadway-related air quality impacts on sensitive land uses; and the siting of uses that emit diesel particulate matter (DPM) and toxic air contaminants (TACs) as part of everyday operations. The Eastern Neighborhoods FEIR identified four mitigation measures that would reduce air quality impacts to less-than-significant levels.

Eastern Neighborhoods FEIR Mitigation Measure G-1 requires individual projects that include construction activities to include dust control measures and maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. This mitigation measure was identified in the Initial Study. Subsequent to publication of the Initial Study, the San

Francisco Board of Supervisors 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 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 the Department of Building Inspection.

Also subsequent to publication of the Initial Study, the Bay Area Air Quality Management District (BAAQMD), the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), provided updated 2011 BAAQMD *CEQA Air Quality Guidelines* (Air Quality Guidelines),[14] which provided new methodologies for analyzing air quality impacts, including construction activities. The Air Quality Guidelines provide screening criteria for determining whether a project's criteria air pollutant emissions may 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. If a project meets the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of their proposed project's air pollutant emissions and construction or operation of the proposed project would result in a less-than-significant air quality impact..

For determining potential health risk impacts, San Francisco has partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco and identify portions of the City that result in additional health risks for affected populations ("hot spots"). Air pollution hot spots were identified based on two health based criteria: (1) Excess cancer risk from all sources > 100; and (2) $PM_{2.5}$ concentrations from all sources including ambient >10$\mu g/m^3$.

Sensitive receptors[15] within these hot spots are more at risk for adverse health effects from exposure to substantial air pollutant concentrations than sensitive receptors located outside these hot spots. These locations (i.e., within hot spots) require additional consideration when projects or activities have the potential to emit toxic air contaminants (TACs), including diesel particulate matter (DPM) emissions from temporary and variable construction activities.

Construction activities from the proposed project may result in dust, primarily from ground-disturbing activities. The proposed project would be subject to and would comply with the Construction Dust Control Ordinance, therefore the portions of Mitigation Measure G-1 that deal with dust control are not applicable to the proposed project. Construction activities from the proposed project would also result in

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[14] Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, updated May 2011.

[15] The 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. Bay Area Air Quality Management District (BAAQMD), *Recommended Methods for Screening and Modeling Local Risks and Hazards*, May 2011, page 12.

the emission of criteria air pollutants and DPM from equipment exhaust, construction-related vehicular activity, and construction worker automobile trips. Construction would last approximately 12 months.

The project site is not located within an identified hot spot, therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. The proposed project's construction activities would be temporary and variable in nature. Furthermore, the proposed project would be subject to California regulations limiting idling times to five minutes, which would further reduce sensitive receptors exposure to temporary and variable DPM emissions.[16] Therefore, the construction of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. In addition, the proposed project meets the construction screening criteria provided in the BAAQMD studies for construction-related criteria air pollutants. Therefore, the remainder of Mitigation Measure G-1 that deals with maintenance and operation of construction equipment is not applicable to the proposed project.

Mitigation Measure G-2 requires new sensitive receptors near sources of TACs, including DPM, to include an analysis of air pollutant concentrations ($PM_{2.5}$) to determine whether those concentrations would result in a substantial health risk to new sensitive receptors. The proposed project would include new sensitive receptors. However, the project site is not located within an identified air pollution hot spot, therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. Therefore, Mitigation Measure G-2 is not applicable to the proposed project.

Mitigation Measure G-3 minimizes potential exposure of sensitive receptors to DPM by requiring uses that would be served by at least 100 trucks per day or 40 refrigerated trucks per day be located no less than 1,000 feet from residential units and other sensitive receptors. The proposed project would construct ~~84~~ 77 residential units **with 974 square feet of retail use,** and it is not expected to be served by 100 trucks per day or 40 refrigerator trucks per day. Furthermore, the project site is not located within an identified hot spot, therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. Therefore, Mitigation Measure G-3 is not applicable to the proposed project.

Mitigation Measure G-4 involves the siting of commercial, industrial, or other uses that emit TACs as part of everyday operations. The proposed project would construct ~~84~~ 77 residential units **with 974 square feet of retail use,** and would not generate more than 10,000 vehicle trips per day, 1,000 truck trips per day, or include a new stationary source. Furthermore, the project site is not located within an identified hot spot, therefore, the ambient health risk to sensitive receptors from air pollutants is not considered substantial. Therefore, Mitigation Measure G-4 is not applicable to the proposed project.

The proposed project would result in an increase in operational-related criteria air pollutants including from the generation of daily vehicle trips and energy demand. The proposed project meets the screening criteria provided in the BAAQMD *CEQA Air Quality* Guidelines (May 2011) for operational-related criteria air pollutants

[16] California Code of Regulations, Title 13, Division 3, § 2485.

For the above reasons, the proposed project would not result in peculiar impacts that were not identified in the Eastern Neighborhoods FEIR related to air quality.

The project site is underlain by approximately three feet of fill overlying serpentinite bedrock. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA), a fibrous mineral that can be hazardous to human health if it becomes airborne. Please see the Focused Initial Study/ Mitigated Negative Declaration for the discussion of potential impacts related to the exposure of airborne asbestos.

Greenhouse Gas Emissions

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO_2E).[17]

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.[18]

The California Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO_2E ($MMTCO_2E$), or about 535 million U.S. tons.[19] The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.[20] In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions,

[17] Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

[18] California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: http://www.climatechange.ca.gov/publications/faqs.html. Accessed November 8, 2010.

[19] California Air Resources Board (ARB), "California Greenhouse Gas Inventory for 2000-2006— by Category as Defined in the Scoping Plan." http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf. Accessed March 2, 2010.

[20] Ibid.

each accounting for approximately 36% of the Bay Area's 95.8 MMTCO2E emitted in 2007.[21] Electricity generation accounts for approximately 16% of the Bay Area's GHG emissions followed by residential fuel usage at 7%, off-road equipment at 3% and agriculture at 1%.[22]

In 2006, the California legislature passed Assembly Bill No. 32 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires ARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.[23] The Scoping Plan estimates a reduction of 174 million metric tons of CO_2E ($MMTCO_2E$) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 1, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.[24] Some measures may require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

AB 32 also anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and notes that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.

Table 1. GHG Reductions from the AB 32 Scoping Plan Sectors[25]

GHG Reduction Measures By Sector	GHG Reductions ($MMT CO_2E$)
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5

[21] Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx. Accessed March 2, 2010.

[22] Ibid.

[23] California Air Resources Board, California's Climate Plan: Fact Sheet. Available online at: http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf. Accessed March 4, 2010.

[24] California Air Resources Board. AB 32 Scoping Plan. Available Online at: http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf. Accessed March 2, 2010.

[25] Ibid.

High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
Total	**174**
Other Recommended Measures	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste	
• Commercial Recycling	
• Composting	9
• Anaerobic Digestion	
• Extended Producer Responsibility	
• Environmentally Preferable Purchasing	
Total	**42.8-43.8**

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Metropolitan Transportation Commission's 2013 RTP would be its first plan subject to SB 375.

Senate Bill 97 (SB 97) required the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. In response, OPR amended the CEQA guidelines to provide guidance for analyzing GHG emissions. Among other changes to the CEQA Guidelines, the amendments add a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs.

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). As part of their role in air quality regulation, BAAQMD has prepared the CEQA air quality guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements. On June 2, 2010, the BAAQMD adopted new and revised CEQA air quality thresholds of significance and issued revised guidelines that supersede the 1999 air quality guidelines. The *2010 CEQA Air Quality Guidelines* provide for the first time CEQA thresholds of significance for greenhouse gas emissions. OPR's amendments to the CEQA Guidelines as well as BAAQMD's *2010 CEQA Air Quality Guidelines* and thresholds of significance have been incorporated into this analysis accordingly.

The most common GHGs resulting from human activity are CO_2, CH_4, and N_2O.[26] State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would increase the activity onsite by replacing the existing vacant lot with a ~~residential~~ **mixed-use** development consisting of ~~84~~ 77 dwelling units **and 974 square feet of retail use**. The proposed project could result in an increase in overall energy and also water usage which generates indirect emissions from the energy required to pump, treat and convey water. The expansion could also result in an increase in discarded landfill materials. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

As discussed above, the BAAQMD has adopted CEQA thresholds of significance for projects that emit GHGs, one of which is a determination of whether the proposed project is consistent with a Qualified Greenhouse Gas Reduction Strategy, as defined in the *2010 CEQA Air Quality Guidelines*. On August 12, 2010, the San Francisco Planning Department submitted a draft of the City and County of San Francisco's *Strategies to Address Greenhouse Gas Emissions* to the BAAQMD.[27] This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy in compliance with the BAAQMD's *2010 CEQA Air Quality Guidelines* and thresholds of significance.

San Francisco's GHG reduction strategy identifies a number of mandatory requirements and incentives that have measurably reduced greenhouse gas emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses and taxis), and a mandatory composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

San Francisco's climate change goals as are identified in the 2008 Greenhouse Gas Reduction Ordinance as follows:

- By 2008, determine the City's 1990 GHG emissions, the baseline level with reference to which target reductions are set;

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[26] Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review.* June 19, 2008. Available at the Office of Planning and Research's website at: http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf. Accessed March 3, 2010.

[27] San Francisco Planning Department. *Strategies to Address Greenhouse Gas Emissions in San Francisco.* 2010. The final document is available online at: http://www.sfplanning.org/index.aspx?page=1570.

- Reduce GHG emissions by 25 percent below 1990 levels by 2017;
- Reduce GHG emissions by 40 percent below 1990 levels by 2025; and
- Reduce GHG emissions by 80 percent below 1990 levels by 2050.

The City's 2017 and 2025 GHG reduction goals are more aggressive than the State's GHG reduction goals as outlined in AB 32, and consistent with the State's long-term (2050) GHG reduction goals. San Francisco's *Strategies to Address Greenhouse Gas Emissions* identifies the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies, and concludes that San Francisco's policies have resulted in a reduction in greenhouse gas emissions below 1990 levels, meeting statewide AB 32 GHG reduction goals. As reported, San Francisco's 1990 GHG emissions were approximately 8.26 million metric tons (MMT) CO_2E and 2005 GHG emissions are estimated at 7.82 $MMTCO_2E$, representing an approximately 5.3 percent reduction in GHG emissions below 1990 levels.

The BAAQMD reviewed San Francisco's *Strategies to Address Greenhouse Gas Emissions* and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA Guidelines (2010) and stated that San Francisco's "aggressive GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."[28]

Based on the BAAQMD's 2010 *CEQA Air Quality Guidelines*, projects that are consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions* would result in a less than significant impact with respect to GHG emissions. Furthermore, because San Francisco's strategy is consistent with AB 32 goals, projects that are consistent with San Francisco's strategy would also not conflict with the State's plan for reducing GHG emissions. As discussed in San Francisco's *Strategies to Address Greenhouse Gas Emissions*, new development and renovations/alterations for private projects and municipal projects are required to comply with San Francisco's ordinances that reduce greenhouse gas emissions. Applicable requirements are shown below in Table 2.

Table 2. Regulations Applicable to the Proposed Project

Regulation	Requirements	Project Compliance	Discussion
Transportation Sector			
Emergency Ride Home Program	All persons employed in San Francisco are eligible for the emergency ride home program.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with this program.

[28] Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: http://www.sfplanning.org/index.aspx?page=1570. Accessed November 12, 2010.

Regulation	Requirements	Project Compliance	Discussion
Transportation Management Programs (Planning Code, Section 163)	Requires new buildings or additions over a specified size (buildings >25,000 sf or 100,000 sf depending on the use and zoning district) within certain zoning districts (including downtown and mixed-use districts in the City's eastern neighborhoods and south of market) to implement a Transportation Management Program and provide on-site transportation management brokerage services for the life of the building.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with Section 163.
Transit Impact Development Fee (Administrative Code, Chapter 38)	Establishes the following fees for all commercial developments. Fees are paid to the SFMTA to improve local transit services.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project includes commercial space and therefore would be required to comply with the Transit Impact Development Fee.
Bicycle parking in Residential Buildings (Planning Code, Section 155.5)	(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units. (B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	Planning Code Section 155.5 applies to the proposed project.
Car Sharing Requirements (Planning Code, Section 166)	New residential projects or renovation of buildings being converted to residential uses within most of the City's mixed-use and transit-oriented residential districts are required to provide car share parking spaces.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	Planning Code Section 166 applies to the proposed project.
Parking requirements for San Francisco's Mixed-Use zoning districts (Planning Code Section 151.1)	The Planning Code has established parking maximums for many of San Francisco's Mixed-Use districts.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project site is located within a mixed-use neighborhood and therefore would be required to comply with Section 151.1

Regulation	Requirements	Project Compliance	Discussion
Energy Efficiency Sector			
San Francisco Green Building Requirements for Energy Efficiency (SF Building Code, Chapter 13C)	Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the City's Green Building Ordinance.
San Francisco Green Building Requirements for Stormwater Management (SF Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. These projects are required to comply with LEED® Sustainable Sites Credits 6.1 and 6.2, or comply with the City's Stormwater ordinance and stormwater design guidelines.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project will be disturbing more than 5,000 square feet and will therefore be required to comply with the City's Stormwater Management Ordinance.
Commercial Water Conservation Ordinance (SF Building Code, Chapter 13A)	Requires all existing commercial properties undergoing tenant improvements to achieve the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with the Commercial Water Conservation Ordinance.
Residential Water Conservation Ordinance (SF Building Code, Housing Code, Chapter 12A)	Requires all residential properties (existing and new), prior to sale, to upgrade to the following minimum standards: 1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm)	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Residential Water Conservation Ordinance.

Regulation	Requirements	Project Compliance	Discussion
	2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm 4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf) 5. All urinals have a maximum flow rate of 1.0 gpf 6. All water leaks have been repaired. Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.		
Residential Energy Conservation Ordinance (SF Building Code, Housing Code, Chapter 12)	Requires all residential properties to provide, prior to sale of property, certain energy and water conservation measures for their buildings: attic insulation; weather-stripping all doors leading from heated to unheated areas; insulating hot water heaters and insulating hot water pipes; installing low-flow showerheads; caulking and sealing any openings or cracks in the building's exterior; insulating accessible heating and cooling ducts; installing low-flow water-tap aerators; and installing or retrofitting toilets to make them low-flush. Apartment buildings and hotels are also required to insulate steam and hot water pipes and tanks, clean and tune their boilers, repair boiler leaks, and install a time-clock on the burner. Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Residential Energy Conservation Ordinance.
Renewable Energy Sector			
San Francisco Green Building Requirements for renewable energy (SF Building Code, Chapter 13C)	By 2012, all new commercial buildings will be required to provide on-site renewable energy or purchase renewable energy credits pursuant to LEED® Energy and Atmosphere Credits 2 or 6. Credit 2 requires providing at least 2.5% of the buildings energy use from on-site renewable sources. Credit 6 requires providing at least	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would comply with the San Francisco Green Building Requirements.

Regulation	Requirements	Project Compliance	Discussion
	35% of the building's electricity from renewable energy contracts.		
Waste Reduction Sector			
San Francisco Green Building Requirements for solid waste (SF Building Code, Chapter 13C)	Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the San Francisco Green Building Code requirements for solid waste.
Mandatory Recycling and Composting Ordinance (Environment Code, Chapter 19)	The mandatory recycling and composting ordinance requires all persons in San Francisco to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with the Mandatory Recycling and Composting Ordinance.
Environment/Conservation Sector			
Street Tree Planting Requirements for New Construction (Planning Code Section 428)	Planning Code Section 428 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The project would be required to comply with Section 428.
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fire places except for the following: • Pellet-fueled wood heater • EPA approved wood heater • Wood heater approved by the Northern Sonoma Air Pollution Control District	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would not include a wood burning fireplace.
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	Requires (among other things): • All diesel generators to be registered with the Department of Public Health • All new diesel generators must be equipped with the best available air emissions control technology.	☒ Project Complies ☐ Not Applicable ☐ Project Does Not Comply	The proposed project would be required to comply with Article 30 of the San Francisco Health Code.

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, nor impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1)

San Francisco has implemented regulations to reduce greenhouse gas emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels; (3) San Francisco has met and exceeded AB 32 greenhouse gas reduction goals for the year 2020; (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's *Strategies to Address Greenhouse Gas Emissions* meet BAAQMD's requirements for a Qualified GHG Reduction Strategy, projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project would be required to comply with these requirements, and was determined to be consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions.*[29] As such, the proposed project would result in a less than significant impact with respect to GHG emissions.

Shadow

The Eastern Neighborhoods EIR notes that Section 295[30] would limit potential new shadow impacts on parks and that new shadow impacts would be evaluated on a project-specific basis, but that without detailed development proposals, the potential for new shadow impacts could not be determined and the EIR concluded that increasing heights as part of the rezoning effort could potentially result in significant and unavoidable shadow impacts, requiring individual projects to undergo a detailed shadow analysis.

Section 295 of the Planning Code was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Planning Code Section 295 restricts net new shadow on public open spaces under the jurisdiction of, or to be acquired by, the Recreation and Park Commission by any structure exceeding 40 feet unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant. The proposed development would be 58 feet in height. To determine whether this proposed project would conform to Section 295, a shadow fan analysis was prepared by Planning Department staff.[31] The shadow fan indicated that project shadows could not reach any site under Recreation and Park Commission jurisdiction.

The proposed building would add new shade to portions of adjacent properties, sidewalks and streets. However, because the height of the proposed building would not be substantially taller than surrounding buildings, and because of the existing configuration of surrounding buildings, the net new shadow would not be considered substantial and would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. Due to the dense urban fabric of the city, the loss of sunlight on private residences or property is rarely considered to be a significant

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[29] Revised Greenhouse Gas Analysis: Compliance Checklist. ~~July 3, 2012~~ April 2, 2013. This document is on file in Case File No. 2011.0430E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

[30] Section 295 of the Planning Code provides that new structures above 40 feet in height that would cast additional shadows on properties under the jurisdiction of or designated to be acquired by the Recreation and Parks Department can only be approved by the Planning Commission.

31 Diego Sanchez, San Francisco Planning Department, to Siavash Tahbazof, letter dated September 11, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, San Francisco, as part of Case No. 2011.0430E.

environmental impact and the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

The proposed project's potential to increase shadow in the project vicinity would be both individually and cumulatively less than significant.

Mitigation Measures

In accordance with Eastern Neighborhoods Final EIR requirements, the project sponsor has agreed to implement the following mitigation measures.

Project Mitigation Measure 1 – Archeological Resources (J-2: Properties With No Previous Studies in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

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

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

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

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Project Mitigation Measure 2 – Noise (Mitigation Measure F-4: Siting of Noise-Sensitive Uses in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)

New development with noise-sensitive uses require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained. ARC Management conducted a noise study that demonstrated that the proposed project can attain Title 24 standards. Therefore, Project Mitigation Measure 2 has already been implemented.

Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on May 23, 2012 to owners of properties within 300 feet of the project site and adjacent occupants, and fifteen members of the public expressed their concerns and issues. 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. Members of the public expressed concerns regarding the size of the project, number of units, increased demand for street parking, traffic congestion, pollution, neighborhood character, and public notice. All issues appropriate for CEQA analysis have been adequately addressed in the Eastern Neighborhoods FEIR and this Certificate of Exemption. The proposed project would not result in significant adverse environmental impacts associated with those issues identified by the public, and there is no substantial evidence that any of these topics could have a significant effect on the environment.

Other comments by members of the public in response to the public notice expressed either support for or opposition to the proposed project. Comments regarding the merits of the project are not relevant to CEQA analysis but may be taken into account by decision-makers as part of the project approval process.

Conclusion

With the exception of hazards and hazardous materials, the Eastern Neighborhoods Final EIR incorporated and adequately addressed all potential impacts of the proposed 480 Potrero Avenue project. As described above, and except for hazards and hazardous materials, the 480 Potrero Avenue project would not have any additional or peculiar significant adverse effects not examined in the Eastern Neighborhoods Final EIR, nor has any new or additional information come to light that would alter the conclusions of the Eastern Neighborhoods Final EIR. Thus, with the exception of hazards and hazardous materials, the proposed 480 Potrero Avenue project would not have any new significant or peculiar effects on the environment not previously identified in the Final EIR for the Eastern Neighborhoods Rezoning and Area Plans, nor would any environmental impacts be substantially greater than described in the Eastern Neighborhoods Final EIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code. Due to the peculiar impact found concerning hazards and hazardous materials, a Focused Mitigated Negative Declaration has been prepared for these topics only.[32]

[32] Preliminary Mitigated Negative Declaration, 480 Potrero Avenue, September 26, 2012. This document is on file and available for review as part of Case File No. 2011.0430E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

Attachment B
Amended Community Plan Exemption Checklist

Case No.:	2011.0430E
Project Address:	480 Potrero Avenue
Zoning:	UMU (Urban Mixed Use) Zoning District 58-X Height and Bulk District
Block/Lot:	3973/002C
Lot Size:	15,000 square feet
Project Sponsor:	Reza Khoshnevisan, Sia Consulting, (415) 922-0200
Plan Area:	Eastern Neighborhoods
Staff Contact:	Don Lewis - (415) 575-9095, don.lewis@sfgov.org

A. PROJECT DESCRIPTION

The rectangular project site is located at the northwest corner of Potrero Avenue and Mariposa Street on the boundary of the Mission and Potrero Hill neighborhoods. The project site is currently a vacant lot containing the remnants of the foundation from the former four-story concrete live/work structure that was demolished in 2005. The project sponsor proposes the construction of a six-story, 58-foot-tall, ~~residential~~ **mixed-use** building approximately ~~89,600~~ **82,544** square feet in size. The new building would contain ~~84~~ **77** residential units (~~26~~ **29** one-bedroom and ~~58~~ **48** two-bedroom), **974 square feet of ground-floor retail use,** and ~~38~~ **46** parking spaces in a one-level basement parking garage accessed from Mariposa Street. The proposed building would include windows and doors with a minimum Sound Transmission Class rating of 27 and mechanical ventilation. The proposed project would require Planning Commission authorization under Planning Code Section 329 for construction of a building greater than 25,000 square feet in size. The project site is located in the eastern portion of the Mission Area Plan, which is one of the area plans adopted through the Eastern Neighborhoods Planning effort.

B. EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether any such impacts are addressed in the applicable programmatic final EIR (FEIR) for the plan area, the Eastern Neighborhoods Rezoning and Area Plans. Items checked "Sig. Impact Identified in FEIR" identify topics for which a significant impact is identified in the FEIR. In such cases, the analysis considers whether the proposed project would result in impacts that would contribute to the impact identified in the FEIR. If the analysis concludes that the proposed project would contribute to a significant impact identified in the FEIR, the item is checked "Project Contributes to Sig. Impact Identified in FEIR." Mitigation measures identified in the FEIR applicable to the proposed project are identified in the text of the Certificate of Determination under each topic area.

Items checked "Project Has Sig. Peculiar Impact" identify topics for which the proposed project would result in a significant impact that is peculiar to the project, i.e., the impact is not identified as significant in the FEIR. Any impacts not identified in the FEIR will be addressed in a separate Focused Initial Study or EIR.

Any item that was not addressed in the FEIR (i.e., greenhouse gases) is discussed in the Certificate of Determination. For any topic that was found to be less than significant (LTS) in the FEIR and for the proposed project or would have no impacts, the topic is marked LTS/No Impact and is discussed in the Checklist below.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FPEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
1. LAND USE AND LAND USE PLANNING—Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Have a substantial impact upon the existing character of the vicinity?	☒	☐	☐	☒

Please see the Certificate of Determination (Appendix A) for discussion of this topic.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
2. AESTHETICS—Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	☐	☐	☐	☒

The Eastern Neighborhoods Final EIR evaluated three land use options "alternatives" and under each of these options, it was not anticipated that the proposed project would substantially damage scenic resources that contribute to a scenic public setting. As a proposed rezoning and planning process the project would not directly result in any physical damage. Rather, any changes in urban form and visual quality would be the secondary result of individual development projects that would occur subsequent to the adoption of changes in zoning and community plans.

With respect to views, the Eastern Neighborhoods Final EIR found that while development pursuant to the Plan would result in height increases and use district changes, the rezoning would not substantially degrade the views and new development up to the proposed height limits may even help define the street edge and better frame urban views. The Plan would not be considered to result in a significant adverse impact with regard to views. New construction in the Project area would generate additional night lighting but not in amounts unusual in industrial zones and within developed urban areas in general. Thus, the Final EIR concluded that light and glare impacts would be less than significant.

The proposed project would replace an existing vacant lot with a 58-foot-tall ~~residential~~ mixed-use building. While the new building would change the visual appearance of the site, it would not substantially degrade its visual character or quality. Furthermore, the proposed building would not be substantially taller than the existing development in the project vicinity and thus, would not obstruct longer-range views from various locations in the Plan Area and the City as a whole.

Design and aesthetics are by definition subjective, and open to interpretation by decision-makers and members of the public. A proposed project would, therefore, be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change. The proposed project would not have such change. As described in the Certificate of Determination (Appendix A), the proposed building envelope meets Planning Code requirements for the UMU zoning district.

The proposed project would be visible from some residential and commercial buildings within the project site vicinity. Some reduced views on private property would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals affected. Nonetheless, the change in views would not exceed that commonly expected in an urban setting, and the loss of those private views would not constitute a significant impact under CEQA.

The proposed project's potential aesthetic effects would be consistent with the effects considered in the Eastern Neighborhoods FEIR, which were determined to be less-than-significant. In summary, the project would not result in a significant effect with regard to aesthetics so there would be no significant environmental effect peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
3. POPULATION AND HOUSING— Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

One of the objectives of the Eastern Neighborhoods Rezoning and Area Plans Final EIR (FEIR) was to identify appropriate locations for housing in the City's industrially zoned land to meet a citywide need for more housing. According to the FEIR, the rezoning would not create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply. The proposed project would increase the population on site by constructing ~~84~~ 77 dwelling units and 974 square feet of ground-floor retail use. This increase in population would not be expected to have an adverse physical environmental impact.

The proposed project is not anticipated to create a substantial demand for increased housing as the project ~~does not~~ only proposes 974 square feet of ~~a~~ commercial use. Additionally, the proposed project would not displace substantial numbers of people because the project site is currently a vacant lot. As such, construction of replacement housing would not be necessary.

The proposed new residential units are consistent with the projections in the FEIR and there would be no significant environmental effects peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*?	☒	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Please see the Certificate of Determination (Appendix A) for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
5. TRANSPORTATION AND CIRCULATION—Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☒	☐	☐	☒
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?	☒	☐	☐	☒
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?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒

Topics 5c and 5d are not applicable to the proposed project. Please see the Certificate of Determination (Appendix A) for discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
6. **NOISE—Would the project:**				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☒	☐	☐	☒
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☒	☐	☐	☒
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☒
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Be substantially affected by existing noise levels?	☒	☐	☐	☒

Topics 6e and 6f are not applicable to the proposed project. All other noise-related topics are discussed in the Certificate of Determination (Appendix A).

Topics:		Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FPEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
7.	**AIR QUALITY** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☒
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)?	☐	☐	☐	☒
d)	Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☒
e)	Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Please see the Certificate of Determination (Appendix A) for the discussion of this topic. Please see the Focused Initial Study/ Mitigated Negative Declaration for the discussion of potential impacts related to the exposure of airborne asbestos.

Topics:		Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
8.	**GREENHOUSE GAS EMISSIONS—Would the project:**				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b)	Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

When the Eastern Neighborhoods project was initially analyzed in 2005, the initial study checklist did not contain a category concerning greenhouse gas emissions. Please see the Certificate of Determination (Appendix A) for a discussion of this topic.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
9. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☐	☒
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☒	☐	☐	☒

Topic 9b is discussed in the Certificate of Determination (Appendix A).

Wind impacts are judged to be less-than-significant at a plan level of analysis and for cumulative development. Specific projects within Eastern Neighborhoods require analysis of wind impacts where deemed necessary. Thus, wind impacts were determined not to be significant in the Eastern Neighborhoods Initial Study and were not analyzed in the FEIR. No mitigation measures were identified in the FEIR.

Based on consideration of the height and location of the proposed 58-foot-tall ~~residential~~ mixed-use building, the proposed project does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the project site. As a result, the proposed project would not have any significant wind impacts.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
10. RECREATION—Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒
c) Physically degrade existing recreational resources?	☐	☐	☐	☒

The FEIR concluded that the Eastern Neighborhoods Rezoning and Area Plan 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 were identified in the FEIR.

The proposed project would provide on-site open space for passive recreational use for project residents through a combination of a common outdoor space. In addition, the project site is served by the following existing parks: Franklin Square (about two blocks away), Fallen Bridge Park (about two blocks away), McKinley Square (about six blocks away) and Jackson Playground (about eight blocks away). With the ~~projected~~ addition of ~~84~~ 77 dwelling units, the proposed project would be expected to generate minimal additional demand for recreational facilities. The increase in demand would not be in excess of amounts expected and provided for in the area and the City as a whole. The additional use of the recreational facilities would be relatively minor compared with the existing use and therefore, the proposed project would not result in substantial physical deterioration of existing recreational resources. Thus, the proposed project would not result in significant impacts, either individually or cumulatively, in regard to recreation facilities, nor require the construction or expansion of public recreation facilities.

Topics:		*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
11.	**UTILITIES AND SERVICE SYSTEMS—Would the project:**				
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

The Eastern Neighborhoods Initial Study analyzed growth projections and determined that the program's impacts on the provision of water, wastewater collection and treatment, and solid

waste collection and disposal would not be significant. No mitigation measures were identified in the FEIR.

The proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. The proposed project would have sufficient water supply available from existing entitlement, and solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity, and the project would not result in a significant solid waste generation impact. Utilities and service systems would not be adversely affected by the project, individually or cumulatively, and no significant impact would ensue. The proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already disclosed in the Eastern Neighborhoods FEIR.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS No Impact*
12. 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?	☐	☐	☐	☒

The Eastern Neighborhoods Initial Study analyzed growth projections and determined that the program's impacts on public services such as fire protection, police protection, and public schools would not be significant. No mitigation measures were identified in the FEIR. Impacts on parks are discussed under Questions 9 and 10.

The proposed project would not substantially increase demand for police or fire protection services and would not necessitate new school facilities in San Francisco. The proposed project would not result in a significant impact to public services. The proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already disclosed in the Eastern Neighborhoods FEIR, associated with public services.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
13. 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

The Eastern Neighborhoods FEIR found that there would be no significant impact on biological resources. The project site is a vacant lot that is located in a developed urban area which does not support or provide habitat for any rare or endangered wildlife species, animal, or plant life or habitat, and would not interfere with any resident or migratory species. Accordingly, the proposed project would result in no impact on sensitive species, special status species, native or migratory fish species, or wildlife species.

The San Francisco Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees is implemented. The DPW Code Section 8.02-8.11 requires disclosure and protection of Landmark, Significant, and Street trees, collectively "protected trees" located on private and public property. A Landmark Tree has the highest level of protection and must meet certain criteria for age, size, shape, species, location, historical association, visual quality, or other contribution to the city's character and have been

found worthy of Landmark status after public hearings at both the Urban Forestry Council and the Board of Supervisors. A Significant tree is either on property under the jurisdiction of the DPW, or on privately owned land within 10 feet of the public-right-of-way, that is greater than 20 feet in height or which meets other criteria.

A Tree Disclosure Statement prepared for the project in April 2011 noted that there are no Significant trees on the project site.[1] The proposed project would remove the three existing street trees to allow for construction of the proposed project, and would include the planting of nine trees (five along Potrero Avenue and four along Mariposa Street). The removal of a protected tree would require issuance of a permit from the Director of Public Works, and may be subject to replacement or payment of an in-lieu fee in the form of a contribution to the City's Adopt-a-Tree Fund. Compliance with the requirements set forth in DPW Code Section 8.02-8.11 would ensure that potential impacts to trees protected under the City's Tree Preservation Ordinance would be less than significant. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The project would not result in any significant effect with regard to biology, nor would the project contribute to any potential cumulative effects on biological resources. Thus, there would be no significant environmental impact peculiar to the project or its site. No mitigation measure was identified in the FEIR, and none would be required for the proposed project.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
14. GEOLOGY AND SOILS— Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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.)	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒

[1] The Tree Disclosure Statement is available for public review in Case No. 2011.0430E at 1650 Mission Street, 4th Floor, San Francisco.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒

The Eastern Neighborhoods Initial Study concluded that the project would indirectly increase the population that would be subject to an earthquake, including seismically induced ground-shaking, liquefaction, and landslides. The Initial Study 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 Eastern Neighborhoods Initial Study concluded that the program would not result in significant impacts with regard to geology, and no mitigation measures were identified in the FEIR.

The maximum depth of soil disturbing activities for the proposed project would be 16 feet below ground surface. It is anticipated that the building would be supported by spread footings. The completed project would not alter the overall topography of the site.

A geotechnical investigation has been performed at the project site.[2] The project site is blanketed by up to four feet of undocumented, non-engineered fill, consisting of clay, sand, and gravel mixtures. Bedrock consisting of Serpentinite was encountered underneath the fill. The bedrock is shallowest at the north end of the site, where it was encountered at about one feet deep, and is deepest in the southwest corner, where it was encountered at a depth of six feet.

The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building

[2] Treadwell and Rollo, "Geotechnical Investigation, 480 Potrero Avenue, San Francisco, California," December 17, 2004. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Project File No. 2011.0430E.

inspectors' working knowledge of areas of special geologic concern. Potential geologic hazards would be mitigated during the permit review process through these measures. To ensure compliance with all Building Code provisions regarding structure safety, when DBI reviews the geotechnical report and building plans for a proposed project, they will determine the adequacy of necessary engineering and design features. The above-referenced geotechnical investigation would be available for use by the DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI implementation of the Building Code.

The proposed project would not result in a significant effect related to geology, either individually or cumulatively.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
15. HYDROLOGY AND WATER QUALITY— Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
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 of siltation on- or off-site?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☐	☒
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The Eastern Neighborhoods Initial Study evaluated population increases on the combined sewer system and the potential for combined sewer outflows, and concluded that programmatic effects related to hydrology and water quality would not be significant. No mitigation measures were identified in the FEIR.

The project site is completely covered by the remnants of the foundation from a four-story building that was demolished in 2005 and would continue to be covered by the proposed residential building. The proposed project would not change the amount of impervious surface area on the site and runoff and drainage would not be adversely affected. Effects related to water resources would not be significant, either individually or cumulatively.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
16. HAZARDS AND HAZARDOUS MATERIALS Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
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?	☒	☒	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☒
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?	☐	☐	☐	☒

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☐	☒

Please see the Focused Initial Study/ Mitigated Negative Declaration for the discussion of this topic because there are potentially significant impacts that are peculiar to the proposed project.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
17. **MINERAL AND ENERGY RESOURCES— Would the project:**				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☐	☒

The Eastern Neighborhoods FEIR determined that the program 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 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 the San Francisco Department of Building Inspection. The project area does not include any natural

resources routinely extracted, and the proposed rezoning does not result in any natural resource extraction program. For these reasons, the Eastern Neighborhoods FEIR concluded that the program would not cause a wasteful use of energy, and would have a less-than-significant impact on energy and mineral resources. No mitigation measures were identified in the FEIR.

The proposed project would not result in a significant physical environmental effect with respect to mineral and energy resources.

Topics:	*Sig. Impact Identified in FEIR*	*Project Contributes to Sig. Impact Identified in FEIR*	*Project Has Sig. Peculiar Impact*	*LTS/ No Impact*
18. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – **Would the project:**				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

When the Eastern Neighborhoods project was initially analyzed in 2005, the initial study checklist did not contain a category concerning agricultural and forest resources. Nonetheless, all of San Francisco is identified by the California Department of Conservation's Farmland Mapping and Monitoring Program as "Urban and Built-up Land" (Department of Conservation, 2002). In addition, no part of San Francisco falls under the State Public Resource Code definitions of forest land or timberland; therefore, these topics are not applicable to any project in San Francisco.

The project site does not contain agricultural uses and is not zoned for such uses. Therefore, the proposed project would not result in any significant impacts related to agricultural resources.

Topics:	Sig. Impact Identified in FEIR	Project Contributes to Sig. Impact Identified in FEIR	Project Has Sig. Peculiar Impact	LTS/ No Impact
19. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☒
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☒	☐	☐	☒
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

The Eastern Neighborhoods FEIR identified significant impacts related to land use, transportation, cultural resources, shadow, noise, air quality, and hazardous materials. Mitigation measures reduced all impacts to less than significant, with the exception of those related to land use (cumulative impacts on PDR use), transportation (traffic impacts at nine intersections, and transit impacts), cultural (demolition of historical resources), and shadow (impacts on parks).

As discussed in this document and the CPE Certificate of Determination, and with the exception of hazards and hazardous materials, the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods FEIR. A Focused Initial Study and Mitigated Negative Declaration has been prepared for the hazards and hazardous materials.[3]

[3] San Francisco Planning Department Focused Initial Study, 480 Potrero Avenue, September 26, 2012. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2011.0430E.

C. DETERMINATION

On the basis of this review, it can be determined that:

☒ The proposed project qualifies for consideration of a Community Plan exemption based on the applicable General Plan and zoning requirements; **AND**

☐ All potentially significant individual or cumulative impacts of the proposed project were identified in the applicable programmatic EIR (PEIR) for the Plan Area, and all applicable mitigation measures have been or incorporated into the proposed project or will be required in approval of the project.

☒ The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above, but that this impact can be reduced to a less-than-significant level in this case because revisions in the project have been made by or agreed to by the project proponent. A focused Initial Study and MITIGATED NEGATIVE DECLARATION is required, analyzing the effects that remain to be addressed.

☐ The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above. An ENVIRONMENTAL IMPACT REPORT is required, analyzing the effects that remain to be addressed.

DATE April 18, 2013

Sarah B. Jones
Acting Environmental Review Officer
for
John Rahaim, Planning Director

REUBEN, JUNIUS & ROSE, LLP

RECEIVED
BOARD OF SUPERVISORS
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2013 SEP 27 PM 4:41

September 27, 2013

By U.S. Mail and Messenger

Board of Supervisors, City and County of San Francisco
Attn: Clerk of the Board
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: 480 Potrero Avenue (Block 3973, Lot 002C)
Project Sponsor's Brief in Opposition to Appeal of Negative Declaration
Planning Department Case No. 2011.0430E
Planning Commission Motion No. 18944
Our File No. 7837.01

Dear Clerk of the Board,

Please find enclosed an original and 17 copies of Project Sponsor's brief in Opposition to Appeal of Negative Declaration in connection with the above-referenced project. Should you have any questions, please do not hesitate to contact this office.

Thank you.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

Lenore M. ElKarou
Assistant to John Kevlin

cc: John Kevlin

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin
Sheryl Reuben[1] | David Silverman | Thomas Tunny | Jay F. Drake | John Kevlin
Lindsay M. Petrone | Melinda A. Sarjapur | Kenda H. McIntosh | Jared Eigerman[2,3] | John McInerney III[2]
1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

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REUBEN, JUNIUS & ROSE, LLP

RECEIVED
BOARD OF SUPERVISORS
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2013 SEP 27 PM 4:42

September 27, 2013

By U.S. Mail and Messenger

Board of Supervisors, City and County of San Francisco
Attn: Clerk of the Board
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: 480 Potrero Avenue (Block 3973, Lot 002C)
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Planning Department Case No. 2011.0430E
Planning Commission Motion No. 18944
Our File No. 7837.01

Dear Board of Supervisors,

We represent project sponsor Sia Consulting ("Project Sponsor") regarding the proposed mixed-use development project (the "Project") at 480 Potrero Avenue (the "Property"), and submit this letter in opposition to the appeal of the Project's Mitigated Negative Declaration, which was certified by the Planning Commission on August 8, 2013, after a public hearing.

I. Background

The Project proposes construction of a six-story, 58-foot tall mixed-use building approximately 80,000 square feet in size, containing 75 residential units, 974 square feet of ground-floor retail use, and 47 parking spaces in a single-level basement garage. The Property is located at the northwest corner of Potrero Avenue and Mariposa Street.

The Project's environmental evaluation application was filed on August 5, 2011. On September 26, 2012, the Planning Department published a Preliminary Mitigated Negative Declaration ("PMND"). The Planning Department concluded after project-level environmental review that the Project would not result in new environmental effects not addressed in the Eastern Neighborhoods Final EIR, with the exception of hazardous materials, which would be mitigated through compliance with a program of soils testing and proper hazardous materials removal. This program requires testing of the Property's soil and development of a plan to properly remove and dispose of any hazardous materials, overseen by the Department of Public Health.

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The PMND was appealed to the Planning Commission on October 17, 2012. In response to community and Planning Department feedback, the Project was revised to its present proposal, and on April 15, 2013 the PMND was amended to reflect that the present Project would not change the findings or conclusions of the PMND.

After notice and a public hearing, the Planning Commission held an initial hearing on the Project on July 18, 2013, and certified a Final Mitigated Negative Declaration at a hearing on August 8, 2013. The Mariposa-Utah Street Neighborhood Association ("MUSNA") appealed the Planning Commission's decision on August 27, 2013, and an appeal from individual Mica I. Ringel was submitted the following day.

II. Responses to Issues Raised by Appellants

a. The Transportation Study Accurately Characterized the Property, per CEQA

Appellants point out that the PMND, and specifically the transportation study, characterized the Property as a vacant lot, rather than a parking lot, and therefore the impact of the loss of the parking spaces was not properly analyzed. This criticism is misplaced for several reasons.

First, the parking lot ceased operations in June of 2013. As a result, there is no longer any parking at the Property. This fact is completely independent of the Project. There will be no parking lot at the Property regardless of whether the Project is built. No additional analysis can even be conducted at this point. Since the parking operation is no longer in existence, the existing condition for the transportation study, and the PMND, would be a vacant lot – which is exactly how it is characterized in the PMND.

Further, the PMND was prepared pursuant to clear CEQA case law. The basis for this rule is CEQA Guidelines Section 15125(a), which states:

> An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, *or if no notice of preparation is published, at the time environmental analysis is commenced.* (Italics added.)

Courts have applied this rule in the case of EIRs, negative declarations and exemptions. (*Napa Valley Wine Train, Inc. v. Public Utilities Commission* (1990) 50 Cal.3d 370 (exemption); *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428 (EIR); *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270 (negative declaration).

Environmental analysis of the Project began on August 5, 2011, when the Project Sponsor filed an environmental evaluation application. The lease of the vacant lot to the

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adjacent autobody shop did not commence until October 1, 2011. Per the CEQA Guidelines, environmental review properly examined the Property's conditions as they existed at the time environmental review commenced. By the time the PMND was certified by the Planning Commission, the parking operation was no longer in existence.

The length of time the Property was used as an illegal parking lot was minimal, and therefore would have minimal impact on parking availability in the vicinity. The Property was used as a parking lot from October 1, 2011 until June 10, 2013 – just over a year and a half. The Property had previously been a vacant lot since 2005, and was a live/work development prior to that. The transportation study and PMND studied the existing parking conditions at the Property as they had existed for many years prior to the short period of time the Property was used for parking.

Finally, even if the Property had been characterized as a parking lot, the Planning Department has specifically determined that it still would not have a significant negative effect on parking in the area.

The transportation study and PMND correctly did not recognize the parking operation at the Property and even if they had, no significant impacts on available parking in the area would have resulted. The Appellant's claim about how the Property was characterized does not justify their appeal.

b. The Project Adequately Mitigates Possible Hazardous Material Environmental Effects

The Project Sponsor has complied with – and will continue to follow – the PMND's hazardous materials mitigation measure, which ensures the proper identification and disposal of any hazardous materials at the Property.

The PMND concluded that compliance with existing city hazardous materials programs – now incorporated within the Maher Ordinance – would ensure the Project would not create a significant hazard to the public or the environment involving the release of hazardous materials into the environment. In the absence of proper controls, exposure of the serpentinite bedrock underneath the Project site could cause naturally-occurring chrysotile asbestos to become airborne. Additionally, the Project site may be underlain with three feet of fill containing elevated concentrations of petroleum hydrocarbons and heavy metals. The PMND required soil contamination testing, as well as dust control and contaminated soil handling measures during the excavation, grading, loading, transporting, and disposal of the bedrock and fill.

The Project Sponsor has already begun this process. Two Phase I Environmental Site Assessments have been provided to DPH, the most recent one dated January 8, 2013. Preliminary soils testing has been conducted, and a report summarizing the results of the soils testing dated August 5, 2013 has been filed with DPH. On August 29, 2013, DPH issued a letter

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to Project Sponsor directing further soil testing on the Property. Once this round of soils testing is complete, DPH will require the Project Sponsor to develop a Site Mitigation Plan, which will regulate excavation and soil removal from the Property. A copy of this letter is attached as **Exhibit A**.

The Project Sponsor is already proceeding under the PMND hazardous materials mitigation measure and the city's Maher Ordinance to ensure all excavation and soils removal from the Property is completed in a safe manner. These are the city's recognized processes for properly conducting excavation and soils removal in the city, and DPH is the expert agency in overseeing this work. **The specific purpose of this city process is to protect construction workers and nearby residents from harmful exposure to potential hazardous soil.** As a result, the Project will have no negative impacts on the environment due to hazardous materials.

c. Concerns Regarding Construction Impacts on the Verdi Club are Adequately Addressed

Appellants argue that the geotechnical report prepared for the Project was inadequate due to its preparation in 2004. What Appellants don't mention is that a second geotechnical report was prepared for the Project on July 30, 2013. The report recommends an appropriate foundation system, and also states that underpinning should be used on the north and west property lines in order to protect the existing buildings there. This is a common and accepted method of protecting adjacent buildings to a new construction project in San Francisco. Infill development is the norm in this city, and underpinning is necessary for most new projects.

Further, the Planning Commission has adopted specific conditions of approval for the Project to protect the Verdi Club building, including (1) providing barriers between the Property and the Verdi Club, (2) instituting a special training program for construction contractors to educate them on how to specifically protect the Verdi Club during construction, and (3) conducting a historic analysis of the Verdi Club by a historic preservationist, in order to ensure no damage is caused by the Project. **The Project is already required to conduct a historic analysis of the Verdi Club building, which is exactly what the Appellant's request in their appeal letter.**

d. Noise Concerns Will be Mitigated by the City's Noise Ordinance

Appellants also state concerns with construction-related noise of the Project. San Francisco regulates and protects nearby residents of construction projects through its Noise Ordinance. The Noise Ordinance sets the limits of acceptable noise levels caused by construction, and any construction activities that exceed that acceptable limit must take place during certain hours of the day so as not to disturb nearby residents. The Noise Ordinance specifically states "[i]n order to protect public health, it is hereby declared to be the policy of San Francisco to prohibit unwanted, excessive, and avoidable noise. It shall be the policy of San Francisco to maintain noise levels in areas with existing healthful and acceptable levels of noise

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and to reduce noise levels, through all practicable means, in those areas of San Francisco where noise levels are above acceptable levels as defined by the World Health Organization's Guidelines on Community Noise." (Police Code §2900(c).)

San Francisco has already taken the lead on protecting its residents from harmful noise levels caused by a project's construction or its operation post-construction, and the Project is required to comply with the city's Noise Ordinance.

e. A Shadow Study was Properly Prepared for the Project

Appellants claim that the Project does not comply with Planning Code sections 147 and 295, and that the Planning Department ignored a shadow study showing violations. In fact, a proper shadow study was prepared, and it concluded that a 68-foot tall building at the Property would not create an impact on any nearby park. Note that the current Project proposes a height of 58 feet. The shadow study and Planning Department shadow clearance letter are attached as **Exhibit B**.

f. Appellants Were Afforded Sufficient Opportunity to Raise their Concerns at the Planning Commission Hearing

Appellants were not denied due process at either the July 18, 2013 or August 8, 2013 Planning Commission hearings. The San Francisco Administrative Code ("Admin. Code") requires that the Planning Commission must hold a public hearing on all appeals of preliminary negative declarations. (Admin. Code, § 31.11(f).) The public hearing on the PMND appeal was initially held on July 18, 2013 and a second hearing was held on August 8, 2013. The Planning Commission is permitted to establish procedures governing appeals of negative declarations. (CEQA Guidelines, § 15074(f).) The Planning Commission's Rules and Regulations require the Commission to allow each opponent of a proposal to speak for three (3) minutes, and permit opponents who request in writing prior to the hearing up to fifteen (15) minutes of public testimony. (San Francisco Planning Commission, Rules and Regulations, Appendix A, Section B, Paragraph III.)

No requests for a 15-minute block of testimony were received by the Planning Commission Secretary prior to the July 18 or August 8 hearings. Pursuant to the Planning Commission's rules, all individual project opponents at both hearings were entitled to three minutes of public testimony. A number of members of MUSNA elected to speak against the Project at both hearings, for a total of approximately 40 minutes of testimony at each.

g. Adoption of the PMND was Properly Noticed

The PMND adoption hearing before the Planning Commission was properly noticed.

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Notice of intent to adopt a negative declaration or mitigated negative declaration must be provided to the owners of all real property within 300 feet of the project area. (Admin. Code § 31.11(d); CEQA Guidelines, § 15072(b)-(c).) Project Sponsor caused notice to be provided to all property owners within 300 feet of the Property and the Planning Department has confirmed this.

Appellants also contend the PMND certification should be overturned because Down Town High School did not receive notice of the Project. The CEQA Guidelines require notice to schools within ¼ of a mile of a project site when a project proposes "construction or alteration of a facility...anticipated to emit hazardous air emissions" or a facility that "would handle an extremely hazardous substance." (CEQA Guidelines, § 15186(b).) Here, the Project will construct a mixed-use residential over neighborhood-serving retail; no facilities which emit hazardous air emissions or which handle extremely hazardous substances will be constructed. Therefore, notice to Downtown Continuation High School was not required pursuant to CEQA Guideline § 15186.

III. Conclusion

The Project is consistent with the recent Eastern Neighborhoods Plan rezoning, and will fulfill the Plan's goals for the Property. The Project's environmental review is adequate. In fact, there are no specific actions that the Appellants request that can be taken. The Eastern Neighborhoods EIR, and the environmental processes that stem from it, are the most advanced and expressly-defined environmental review procedures in the city. The Project is and has properly followed these procedures and the PMND is consistent with all existing San Francisco laws, guidelines, and processes. Many of Appellants arguments relate to the approved Project, not environmental review. These claims would be properly made at the Board of Appeals, where Appellants have already filed at least one appeal of the Project approval. We respectfully urge that you deny this appeal, and uphold the PMND certified by the Planning Commission.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

John Kevlin

cc: Reza Khoshnevisan, Sia Consulting
Don Lewis, San Francisco Planning Department

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Exhibit A

City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SECTION

Edwin M. Lee, Mayor
Barbara Garcia, MPA, Director of Health
Rajiv Bhatia, MD, MPH, Director of EH

August 29, 2013

SST Investments, LLC
c/o
Mr. Aidin Massoudi
SIA Consulting
1256 Howard Street,
San Francisco CA 94103

Subject: Subsurface Investigation Review
480 Potrero, San Francisco
SMED 949

Dear Mr. Massoudi:

In accordance with the San Francisco Maher Ordinance, San Francisco Health Code Article 22A, the San Francisco Department of Public Health, Site Assessment and Mitigation (DPH SAM) has reviewed the following documents:

- Phase I Environmental Site Assessment 460-480 Potrero Avenue San Francisco CA, Treadwell & Rollo, August 17, 2000
- Phase I Environmental Site Assessment 480 Potrero, AEI Consultants, January 28, 2013
- Subsurface Investigation Report, Potrero Avenue San Francisco CA, Sequoia Environmental &Engineering Corporation, August 5, 2013

Site Description
The subject property is a 0.34 acre rectangular lot, San Francisco Block 3973 Lot 002C, located on the northwest corner of Potrero and Mariposa streets. The property is currently vacant, contains foundations of a previous building and is used as a parking lot per photographs in the AEI Phase I Environmental Site Assessment (Phase I).

Planned Use
DPH SAM understands that the current development plans include construction of a new 77 unit residential building with basement parking. The information provided to DPH SAM shows a maximum basement depth of 12 to 14 feet. Please provide figures showing the maximum planned depth of excavation for elevator pits and foundation elements.

Site History
Per the T&R Phase I, the property may have been used as a lumber stage yard in the early 1900s. Maps from 1900 and 1914 showed no structures on the site. Site use was mainly manufacturing from 1945 to 2000. Machinery manufacturers and a company, Plexiframe, were among the building occupants. Manufacturing occurred in the basement where floor

drains were observed. The 2000 Phase I indicates that the site was occupied by a 3 and 4 story live/work building

A 500 gallon gasoline underground storage tank (UST) was removed from the property in 2000 with SF DPH oversight. Soil samples from the base of the tank pit did not reveal petroleum contaminants or lead at concentrations of regulatory concern and the UST case was closed. An auto body shop occupied the property adjacent to the north and a retail gasoline station previously occupied the property adjacent to the south.

Phase II Subsurface Investigation

A Phase II report describing analysis of samples collected from two borings advanced near a former underground gasoline storage tank was reviewed. The four soil samples, two at 5 ft bgs and two at 9 ft bgs, were analyzed for Total Petroleum Hydrocarbons as gasoline (TPHg), gasoline components benzene, toluene, ethyl benzene and xylenes (BTEX), methyl tert butyl ether (MTBE) and total lead. The analytical results showed no TPHg or BTEX detected at concentrations above the laboratory reporting limits (ND). Lead was detected in the two 5 ft bgs samples only, at 6.1 and 5.1 milligrams per kilogram (mg/kg).

Site lithology was described as silty and sandy fill to 5 feet below the ground surface (ft bgs). Greenish sand was encountered at 9 ft bgs. Auger refusal was encountered at 9.5 ft bgs. The material at 9.5 ft bgs had the appearance of weathered rock. Groundwater was not encountered in the two borings advanced or the August 2013 Phase II investigation.

The investigation performed is sufficient to indicate a lack of subsurface gasoline contamination in the sidewalk area near a former gasoline underground storage tank. A copy of the laboratory results report was not included in the Phase II report. Submit this documentation to DPH SAM. **The site should be further characterized as described below.** Please submit a site characterization work plan as described below.

Maher Action Program Activities

DPH SAM requests a subsurface investigation work plan to assess potential contaminants beneath the proposed residential building.

Proposed borings should extend at least to the proposed depth of the elevator pits or other excavations associated with the proposed construction. Grab groundwater samples should be collected. Analyses should include total petroleum hydrocarbons, VOC, SVOC, asbestos, the CAM 17 list of metals and any other analyses required by Article 22A. Any rock encountered should be sampled and analyzed for at least materials and asbestos. If elevated concentrations of contaminants are detected in soil or groundwater, soil vapor samples may be requested. Site sample results may be used to design a contaminant mitigation system for the proposed residential building.

Based on the results of the subsurface investigation, DPH SAM may request preparation of a Site Mitigation Plan (SMP). The SMP describes environmental soil and site management procedures, identifies the proposed soil transporter and disposal locations, and describes collection of post excavation confirmation samples. The SMP should also include a

description of, and design drawings for any mitigating measures, environmental contingency procedures, and a commitment to prepare a final project report. The SMP should also include or reference construction related documents such as an environmental health and safety plan, dust, stormwater, odor and noise controls.

It is not uncommon for previously unknown tanks to be discovered at sites with a long history of development. Should an underground storage tank (UST), other item of environmental concern or contamination be encountered, work will be suspended and the owner notified. The site owner will notify the San Francisco Department of Public Health of the situation and of the proposed response actions. A UST shall be removed under permit with the San Francisco Department of Public Health- Hazardous Materials and Waste Program (HMWP) and the San Francisco Fire Department. DPH SAM should be sent a copy of any documents received from or prepared for HMWP.

Should you have any questions or wish to discuss details of the work plan, please contact Elyse Heilshorn at (415) 252-3885 or elyse.heilshorn@sfdph.org, or Scott Nakamura at (415) 252-3994.

Sincerely,

Scott J. Nakamura, REHS]
Program Manager

cc: Kei Zushi, SF Envir Planning
Edward Sweeney, DBI

Exhibit B

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

September 11, 2012

Siavash Tahbazof
1256 Howard Street
San Francisco, CA 94103

CASE NO: 2012.0430K
ADDRESS: 480 Potrero Avenue
BLOCK/ LOT: 3973 / 002C

Dear Mr. Tahbazof:

The Planning Department has reviewed the proposed project at the revised site location for compliance with Section 295 of the San Francisco Planning Code. Section 295 restricts new shadow, cast by structures exceeding a height of forty feet, upon property under the jurisdiction of the Recreation and Park Commission.

A shadow fan was developed based on the drawings submitted with the application at a building height of 68 feet to determine the shadow impact of the project on properties protected by the Sunlight Ordinance. The fan indicates that there is no shadow impact from the subject property on any property protected by the Ordinance at a building height of 68 feet. Therefore, the Planning Department concludes that the proposed project is in compliance with Section 295 of the Planning Code.

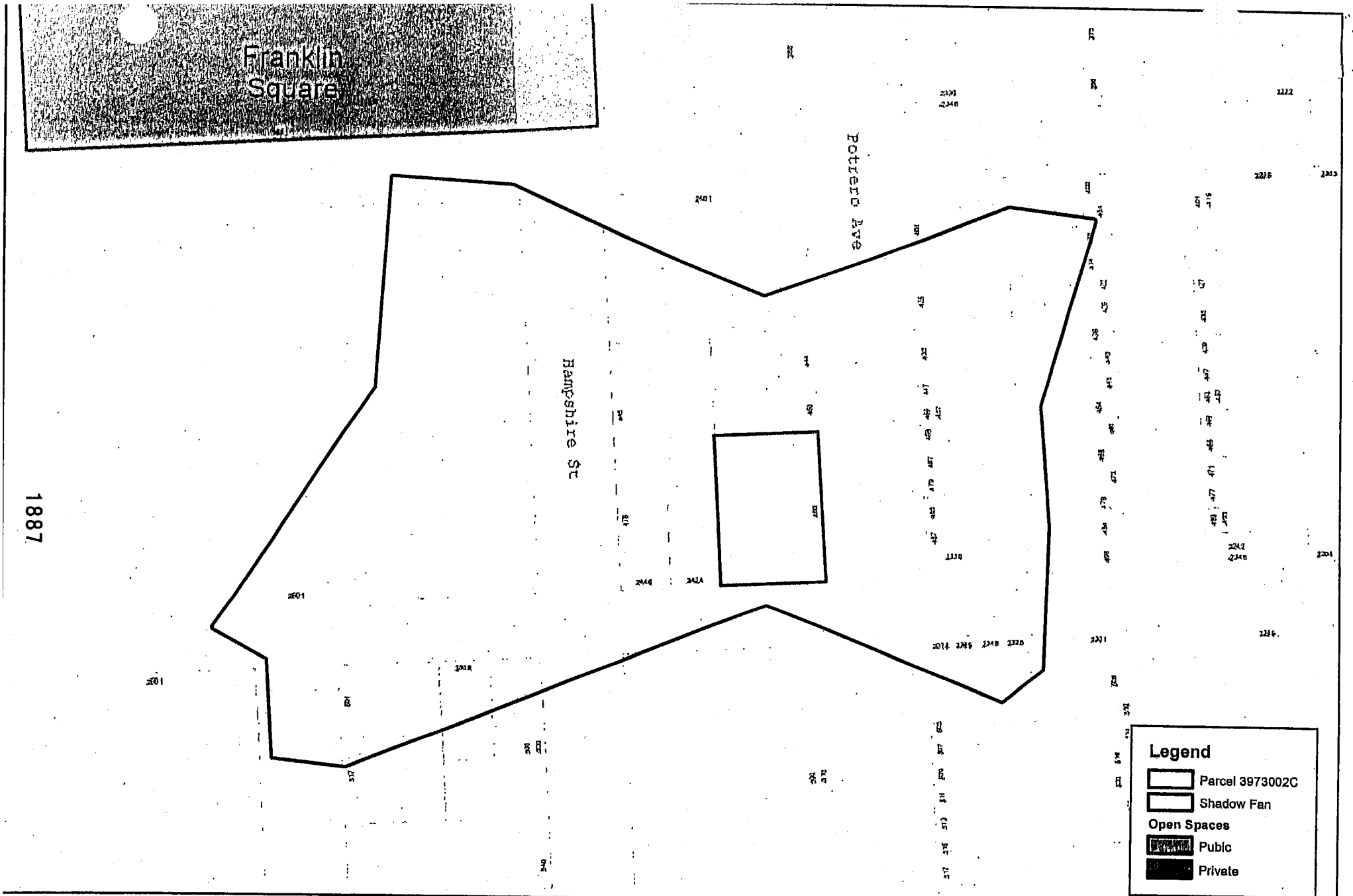
Should you have any questions, please contact me at 415.575.9082 or diego.sanchez@sfgov.org.

Sincerely,

Diego R Sánchez, Planner

cc: Ben Fu

DRS: G:\DOCUMENTS\Shadow Study\480 Potrero\480 Potrero Letter 08.30.12.doc



Title: 480 Potrero

Comments: Height Modeled at 68 Feet
Slopes Taken into Account

Printed: 6 September, 2012

The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Tuesday, October 8, 2013**

Time: **3:00 p.m.**

Location: **Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102**

Subject: **File No. 130843. Hearing of persons interested in or objecting to the Planning Commission's approval of a Final Mitigated Negative Declaration (Case No. 2011.0430E) adopted and issued on August 8, 2013, for the proposed construction of a six-story, 58-foot-tall mixed-use building, which would include residential, ground-floor retail, and parking uses within the UMU (Urban Mixed Use) Zoning District and a 58-X Height and Bulk District, on property located at 480 Potrero Avenue, Assessor's Block No. 3973, Lot No. 002C. (District 10) (Appellants: Jean Bogiages and Juan M. Jayo, on behalf of the Mariposa Utah Neighborhood Association; and Mica I. Ringel) (Filed August 28, 2013).**

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Friday, October 4, 2013.

Angela Calvillo

Angela Calvillo, Clerk of the Board

DATED: September 26, 2013
MAILED/POSTED: September 27, 2013

Lamug, Joy

From: Lewis, Don (CPC)
Sent: Friday, September 06, 2013 12:05 PM
To: Caldeira, Rick
Cc: Lamug, Joy; Wise, Viktoriya
Subject: RE: Forward Board Calendar
Attachments: 480 Potrero Avenue Mailing list.doc

Hello,

Attached is the mailing list for 480 Potrero Avenue.

I haven't received the appeal letters yet. Can you please forward them to me?

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 *fax*

From: Caldeira, Rick
Sent: Wednesday, September 04, 2013 2:18 PM
To: Wise, Viktoriya
Cc: Lewis, Don (CPC); Lamug, Joy
Subject: RE: Forward Board Calendar

9/9 will be fine. Joy will be sending out the confirmation shortly.

Rick Caldeira, MMC
Legislative Deputy Director
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-7711 | Fax: (415) 554-5163
rick.caldeira@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfbos.org/index.aspx?page=104

From: Wise, Viktoriya
Sent: Wednesday, September 04, 2013 2:14 PM
To: Caldeira, Rick
Cc: Lewis, Don (CPC); Lamug, Joy
Subject: RE: Forward Board Calendar

How quickly do you need it? Is 9/9 okay or do you need it sooner?

anks.

Viktoriya Wise, AICP, LEED AP
Deputy ERO/Deputy Director of Environmental Planning

Planning Department| City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9049| Fax: 415-558-6409
Email: viktoriya.wise@sfgov.org
Web: www.sfplanning.org



From: Caldeira, Rick
Sent: Wednesday, September 04, 2013 2:13 PM
To: Wise, Viktoriya
Cc: Lewis, Don (CPC)
Subject: RE: Forward Board Calendar

We received the determination, it is timely and Joy will be requesting Planning's information shortly.

Rick Caldeira, MMC
Legislative Deputy Director
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-7711 | Fax: (415) 554-5163
rick.caldeira@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfbos.org/index.aspx?page=104

From: Wise, Viktoriya
Sent: Wednesday, September 04, 2013 1:59 PM
To: Caldeira, Rick
Cc: Lewis, Don (CPC)
Subject: RE: Forward Board Calendar

Thanks Rick. I will be on vacation after tomorrow but I alerted staff assigned to this project that you are still waiting for the city atty decision as to timeliness and ripeness, which I am sure it will be. The project planner will supply you with the distribution list on 9/9.

Viktoriya Wise, AICP, LEED AP
Deputy ERO/Deputy Director of Environmental Planning

Planning Department| City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9049| Fax: 415-558-6409
Email: viktoriya.wise@sfgov.org
Web: www.sfplanning.org



From: Caldeira, Rick
Sent: Wednesday, September 04, 2013 1:53 PM
To: Caldeira, Rick; BOS-Supervisors; BOS-Legislative Aides; Givner, Jon; Byrne, Marlena; Stacy, Kate; Pearson, Catherine; Fisher, Allie; Elliott, Jason; Rodgers, AnMarie
Cc: BOS-Legislative Services; Calvillo, Angela; Nevin, Peggy; Wise, Viktoriya
Subject: Forward Board Calendar

Please find attached as of 9/4/13.

Rick Caldeira, MMC
Legislative Deputy Director
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-7711 | Fax: (415) 554-5163
rick.caldeira@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfbos.org/index.aspx?page=104

Karin Bauer
2200 Mariposa
SF, CA 94110

Jefferson and Kate Eppler
453 Utah St
SF, CA 94110

Dean Dinelli
448 Utah St
SF, CA 94110

Jean Bogiages
550 Utah
SF, CA 94110

Dr. Michael Bastach
2001 20th Street
SF, CA 94107

Juan M Jayo
530 Utah Street
SF, CA 94110

Susan Chapman
2419 18th Street
SF, CA 94110

M. Philips
362 Utah Street
SF, CA 94102

Tammy Brooks
493 Utah Street
SF, CA 94102

Alvin Lam
479 Potrero Avenue, #A
SF, CA 94110

Jeremy Sutton
465 Utah Street, Apt. 1
SF, CA 94110

Jim Lind
Wolf General Contracting
445A Hampshire Street
SF, CA 94110

Diane, Mica, and Adam Ringel
485 Potrero Ave C
SF, CA 94110

Robin Talamya
510 Utah Street
SF, CA 94110

Sue Jin Hwang
459 Potrero Avenue
SF, CA 94110

Olga Kist
467 Potrero Ave
SF, CA 94110

Carol Fager Higgins
500 Utah Street
SF, CA 94110

Jay Jaworiski
487 Potrero Avenue
SF, CA 94110

Dorothy Dinelli
275 Gerard Street
SF, CA 94410

Maria Eliza
499 Alabama Street
SF, CA 94410

Jim Lind
Jlind_wolfgc@sbcglobal.net
Jlindwolfgc@gmail.com

John Markos O'Neill
johnmarkos@gmail.com

Molly Watson
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Nicholas Vereczkei
Nicholas@tobelerdesign.com

Susan Olk
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Jean Bogiages
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C. Wayand
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Mica Ringel
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alexis@pelosilawgroup.com

480 Potrero Ave Planning
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SF, CA 94110

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SF, CA 94110

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SF, CA 94110

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SF, CA 94110

Robin Talamya
510 Utah Street
SF, CA 94110

Dr. Michael Bastach
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SF, CA 94107

Sue Jin Hwang
459 Potrero Avenue
SF, CA 94110

Juan M Jayo
530 Utah Street
SF, CA 94110

Olga Kist
467 Potrero Ave
SF, CA 94110

Susan Chapman
2419 18th Street
SF, CA 94110

Carol Fager Higgins
500 Utah Street
SF, CA 94110

M. Philips
362 Utah Street
SF, CA 94102

Jay Jaworiski
487 Potrero Avenue
SF, CA 94110

Tammy Brooks
493 Utah Street
SF, CA 94102

Dorothy Dinelli
275 Gerard Street
SF, CA 94410

Alvin Lam
479 Potrero Avenue, #A
SF, CA 94110

Maria Eliza
499 Alabama Street
SF, CA 94410

Mica I. Ringel
485 Potrero Avenue, Unit C
San Francisco, California 94110
415-519-7523
supermica@gmail.com

September 26, 2013

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 SEP 26 PM 4:42
BY _____ AK

Ms. Angela Calvillo,
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Re: Notification Labels
480 Potrero Avenue
CEQA Appeal

Dear Ms. Calvillo:

The Appellants have combined the enclosed Notification Labels for the CEQA Appeal of 480 Potrero Avenue.

The list includes the addresses of:

1. The 180+ signed petitions against the project on file at the Planning Department;
2. All Verdi Club members are fractional owners;
3. Other members of the Mariposa Utah Neighborhood Association (MUNA) who are not the listed owners of their property.

These labels are to supplement the list of owners provided by the Planning Department.

Regards,

M. Ringel

--M. Ringel

Emily Wilson
514 Utah St.
San Francisco, CA 94110

Dennis Winstead
25 Sierra St. #202
San Francisco, CA 94107

Steven Wolf
526 Utah St.
San Francisco, CA 94110

Michael Woollud
515 Potrero Ave
San Francisco, CA 94110

Robin Zander
486 Utah St.
San Francisco, CA 94110

Margaret Anderson
2657 30th Ave
San Francisco, CA 94116

Mary Andretta
548 Burrows St.
San Francisco, CA 94134

Emiliana & Fiorio Baldocchi
1227 34th Ave
San Francisco, CA 94122

Beatrice & Emiliana Bertana
222 Trumbull Ct
San Francisco, CA 94112

Vincent Boiteux
1648 Kain Ave
San Bruno, CA 94066

James Broussard
255 Steiner #703
San Francisco, CA 94117

Sarah Broussard
78 Alta Vista Way
Daly City, CA 94014

Susan Canale
590 Fernando Ave
San Francisco, CA 94306

Barbara & Benny Cardinalli
79 Oaklawn Dr. #23
San Francisco, CA 94015

Arlene Carlino
1483 Madeira Dr.
Pacifica, CA 94044

Emilia & Don Cervelli
341 Lisbon St.
San Francisco, CA 94112

John Congi
509 Corbett Ave
San Francisco, CA 94114

Richard & Leo Costello
427 Utah St.
San Francisco, CA 94110

Rosemary Karlsberg
1285 34th Ave
San Francisco, CA 94122

Steven Curto
30 Elm St.
Sonora, CA 95370

Dennis Davison
1 Los Palmos Dr.
San Francisco, CA 94122

Flora DiMartini
347 Guttenberg St.
San Francisco, CA 94112

Edward Borg
P.O. Box 1151
San Bruno, CA 94066

Gene & Ruth Duden
1545 Eucalyptus Ave
San Francisco, CA 94132

Rocky Garcia
438 Andover Dr.
Pacifica, CA 94044

Sean Gawel
130 Frederick St. Apt 203
San Francisco, CA 94117

Evelyn & Frank George
3716 Kenwood Ave
San Mateo, CA 94403

Frances & Bernard Glaser
369 Hegland Ave
San Francisco, CA 94110

Brian Groman
1344b Alabama St.
San Francisco, CA 94110

Gianpaolo Guerri
1786 34th Ave
San Francisco, CA 94122

William & Giuseppina Del Rio
223- 38th Ave
Francisco, CA, 94122

Joseph & Frances Sigona
1071 Springfield Dr.
Millbrae, CA 94030

Dan & Darcy Proctor
2311 Cassidy Court
Santa Rosa, CA 95403

Vrej & Maida Mekhalian
526 Southgate Ave
Daly City, CA 940 15

Florio & Emily Baldocchi
1227 34th Ave
San Francisco, CA 94122

Leo & Phyllis Schlocker
1759 Lexington Ave
San Mateo, CA 94402

John & Olympia DeMicheli
2240 20th St.
San Francisco, CA 94107

Frank & Rosemary Navarra
183 Marview Way
San Francisco, CA 94131

Gino & Doris Bava
1372 Murchison Dr.
Millbrae, CA 94030

Thomas & Carol Perez
1174 Burrows St.
San Francisco, CA 94134

Thomas & Shirley Northen
321 Malcom Ave
Belmont, CA 94002

Louis & Mary Glaser
5 Waterbury Place
San Ramon, CA 94583

Benny & Barbara Cardinalli
70 Oaklawn Dr., Apt. 23
Daly City, CA 94015

Robert & Dolores Johnson
2219 Kingston Ave
San Bruno, CA 94066

Gerald & Jeanne Button
173 Warren Dr.
San Francisco, CA 94131

George & Dorothy Sestak
124 Juanita Ave
Pacifica, CA 94044

Don Larsen
112 2nd St.
So. San Francisco, CA 94080

Robert & Joanne Scagliola
5230 Blank Road
Sebastopol. CA 95447

John & Joanne Madrigal
129 Silliman St.
San Francisco, CA 94134

David & Katherine Longacre
118 Country Club Dr.
San Francisco, CA 94132

Susan Olk
4200 17th St.
San Francisco, CA 94114

Susan Chapman
2419 18th St.
San Francisco, CA 94110

Alvin Lam
479 Potrero Ave. #A
San Francisco, CA 94110

Occupant
517 Potrero Ave
San Francisco, CA 94110

Nicholas Vereczkei
591 Vermont St,
San Francisco, CA 94107

Lind Plumbing
445 Hampshire St.
San Francisco, CA 94110

Grand Central
445 Hampshire St. #C
San Francisco, CA 94110

Kanaway Films
2440 Mariposa St.
San Francisco, CA 94110

Occupant
400 Utah St.
San Francisco, CA 94110

Occupant
402 Utah St.
San Francisco, CA 94110

Occupant
2365 Mariposa St. #1
San Francisco, CA 94110

Occupant
2365 Mariposa St. #2
San Francisco, CA 94110

Occupant
2345 Mariposa St. #1
San Francisco, CA 94110

Occupant
2345 Mariposa St. #2
San Francisco, CA 94110

Occupant
2345 Mariposa St. #3
San Francisco, CA 94110

Hampshire Studios
540 Hampshire St.
San Francisco, CA 94110

Socratic Tech.
2540 Mariposa St.
San Francisco, CA 94110

Nimlok
535 York St.
San Francisco, CA 94110

Saatchi
501 York St.
San Francisco, CA 94110

Hutton Home
2427 17th St.
San Francisco, CA 94110

ASN Stone
2415 17th St.
San Francisco, CA 94110

Horizons
440 Potrero Ave
San Francisco, CA 94110

Art Explosion
2425 17th St.
San Francisco, CA 94110

Andronaco
445B Hampshire St.
San Francisco, CA 94110

Nicole Burke
445D Hampshire St.
San Francisco, CA 94110

Occupant
520 Hampshire St.
San Francisco, CA 94110

Occupant
530 Hampshire St.
San Francisco, CA 94110

Slow Club
2501 Mariposa St.
San Francisco, CA 94110

Occupant
515 Potrero Ave
San Francisco, CA 94110

Occupant
515 1/2 Potrero Ave
San Francisco, CA 94110

Occupant
513 Potrero Ave
San Francisco, CA 94110

Occupant
513 1/2 Potrero Ave
San Francisco, CA 94110

Occupant
511 Potrero Ave
San Francisco, CA 94110

Occupant
511B Potrero Ave
San Francisco, CA 94110

Occupant
511A Potrero Ave
San Francisco, CA 94110

Occupant
511C Potrero Ave
San Francisco, CA 94110

Occupant
509 Potrero Ave
San Francisco, CA 94110

Occupant
509B Potrero Ave
San Francisco, CA 94110

Occupant
509A Potrero Ave
San Francisco, CA 94110

Occupant
501 Potrero Ave
San Francisco, CA 94110

Occupant
506 Utah St.
Francisco, CA 94110

Occupant
514A Utah St.
San Francisco, CA 94110

Occupant
516 Utah St.
San Francisco, CA 94110

Occupant
480 Utah St.
San Francisco, CA 94110

Occupant
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San Francisco, CA 94110

Wolf General Contractors
445A Hampshire St.
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Mission Hill Saloon
491 Potrero Ave
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Tae Kim
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David Adams
2412 18th St.
San Francisco, CA 94110

Joshua Anunrud
517 Potrero Ave
San Francisco, CA 94110

Karin Bauer
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San Francisco, CA 94110

JD Beltran
531 Utah
San Francisco, CA 94110

Sarah Billingsley
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San Francisco, CA 94110

Auguste & Robert Broucaret
425 Potrero Ave
San Francisco, CA 94110

Rena Buchgraber
485 Potrero Ave B
San Francisco, CA 94110

James Bullard
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Angela Butler
515 1/2 Potrero Ave
San Francisco, CA 94110

Grace Chang
457 Potrero
San Francisco, CA 94110

Sunny & Denny Chen
450 Potrero Ave
San Francisco, CA 94110

Scott Cole
550 Utah St.
San Francisco, CA 94110

Andrew Davies
391 Missouri St.
San Francisco, CA 94107

Patricia DeLarios
506 Utah St.
San Francisco, CA 94110

Michael Hunter & Diana Vasquez
469 Potrero Ave
San Francisco, CA 94110

Heather Dominey
484 Utah St.
San Francisco, CA 94110

Patrick Doyle
522 Utah St.
San Francisco, CA 94110

Ian Dunbarhall
484 Utah St.
San Francisco, CA 94110

Kate & Jefferson Eppler
453 Utah St.
San Francisco, CA 94110

Carol Fager-Higgins
500 Utah St.
San Francisco, CA 94110

Eredina & Judith Flores
505 Potrero Ave
San Francisco, CA 94110

Tim Garafola
2330 Mariposa St.
San Francisco, CA 94110

Abel Gonzales
422 Utah St.
San Francisco, CA 94110

Kim Griess
593 Potrero Ave
San Francisco, CA 94110

Jasmin Guiterrez
505 Potrero Ave
San Francisco, CA 94110

Scott Hightower
434 Utah St.
San Francisco, CA 94110

Anna Ho
2445 Mariposa #217
San Francisco, CA 94110

Maryanne Horinne
711 San Bruno Ave
San Francisco, CA 94107

Shelia & Berl Huffman
799 Lakeshore Dr.
lwood City, CA 94065

Harrison Leung
410 Potrero Ave
San Francisco, CA 94110

Joseph Salamen
2249 17th St.
San Francisco, CA 94110

Sally Sengones
493 Utah St.
San Francisco, CA 94110

Edward & Francine Wolf
14599 Acacia St.
San Leandro, CA 94579

Saverio & Grace Zolfarelli
15593 Tilden St.
San Leandro, CA 94579

George & Edna Acri
1220 Maxwell Lane
Redwood City, CA 94062

Emanuel & Yovanka Biagini
216 Canyon Dr.
Daly City, CA 94014

Mark & Annette Schutz
3906 26th St.
San Francisco, CA 94131

Wallace & Dina Anderson
1552 Murre Lane
Sunnyvale, CA 94087

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Daly City, CA 94015

George & Dorothy Sestak
124 Juanita Avenue #4
Pacifica, CA 94044

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San Francisco, CA 93112

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Oakland, CA 94618

Anthony Cannuli
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San Carlos, CA 94070

oe & Amy Avendano
132 Colby St.
San Francisco, CA 94134

John Zotti
3545 Citrus Avenue
Walnut Creek, CA 94598

George Campi II
437 28th St.
San Francisco, CA 94131

obert Smith
0 Clearview Dr.
aly City, CA 94015

Robert & Marlene Spano
1490 Crystal Dr.
Hillsbough, CA 94010

David & Lorraine Stimmel
2 Cape Breton Court
Pacifica, CA 94044

aniel & Geri Lee Singer
01 Baltic Circle, Unit 507
edwood City, CA 94065

Jeffrey Spano
1230 Academy Avenue
Belmont, CA 94002

John & Michele Starelli
34 Stoneyford Avenue San
Francisco, CA 94112

om & Mary Swift
64 Highland Ave.
an Francisco, CA 94110

Steve & Jennie Balich
12991 Occidental Road
Sebastopol, CA 95472

Julio & Angelita Borruso
303 Camino Arroya East
Danville, CA 94506

orghello
2 westmont Dr.
aly City, CA 94015

William & Barbara Cendak
120- 30th Avenue
San Mateo, CA 94403

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Brisbane, CA 94005

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San Francisco, CA 94066

Dorothy Landucci
10 9th Ave
San Mateo, CA 94401

William Magidson
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San Francisco, CA 94112

Virginia & George Malson
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San Francisco, CA 94121

Gloria & Ronald McGoldrick
455 Guerro St.
San Francisco, CA 94110

George & Rosalie McIlroy
3451 Longview Dr.
San Bruno, CA 94066

Robert & Karen Micallef
172 Everson St.
San Francisco, CA 94131

Elio Minucciani
2416 Union St.
San Francisco, CA 94123

Ernesting Murray
341 Silver Ave
San Francisco, CA 94112

Joseph Natole
1423 21st Ave
San Francisco, CA 94122

Jess & Angelina Ortiz
30 Foss Dr.
Daly City, CA 94026

Eleanor Paceretti
1423 20th Ave
San Francisco, CA 94122

Frank Panacci
119 Riverview Dr.
San Francisco, CA 94132

Jean Perata
1 Los Palmos Dr.
San Francisco, CA 94122

Gene & Jacqueline Pettinari
33 Conrad Ct.
So. San Francisco, CA 94080

James & Despina Poulos
285 Goettingen St.
San Francisco, CA 94134

Constantin Roboostoff
2984 21st Ave
San Francisco, CA 94132

Billie Ruetz
916 Fiesta Dr.
San Francisco, CA 94403

Willamette Sampino
56 Rice St. 94112
San Mateo, CA 94112

Annette & Mark Schutz
3906 26th St.
San Francisco, CA 94131

Adelina & Henry Serata
30 Denslo Dr.
San Francisco, CA 94132

Frances & Joe Signora
1071 Springfield Dr.
Millbrea, CA 94030

Robert Smith Jr.
50 Clearview Dr.
San Francisco, CA 94015

Frank Takemori
1122 2nd Ave
San Mateo, CA 94401

Amy Takemori
2829 Benson Way
Belmont, CA 94002

Meda Travertini
731 Paris St.
San Francisco, CA 94112

Rosemary K. Vaternick
1632 12th Ave
San Francisco, CA 94122

Teresa A Cronin
466 Utah St.
San Francisco, CA 94112

Darius Contractor & Pricilla Scala
440 Utah St.
San Francisco, CA 94113

Tammy Brooks
493 Utah St.
San Francisco, CA 94110

Arvrid & Norma Lindgren
2565 Alemany Blvd
Francisco, CA 94112

Joe Goggiano
1102 Royal Lane
San Carlos, CA 94070

Corrado & Maria DeMartini
72 Berkeley Way
San Francisco, CA 94131

Arthur & Diane Luhman
37 Windsor Dr.
Daly City, CA 94015

Leonard & June Graham
1180 El Camino Real, S
Colma, CA 940 14

Mark & Susan DePaula
3932 Branson Dr.
San Mateo, CA

Arnold & Pat Gridley
1175 Encanto Way
Pacifica, CA 94044

William Magidson
2448 Alemany Blvd
San Francisco, CA 94112

Jack & Sylvia Hidalgo
796 St. Francis Blvd
Daly City, CA 94015

Al & Tony Ravella
1996 Carmelita Dr.
San Carlos, CA 94070

Anthony & Nancy Olea
3529 Appleton Dr.
San Jose, CA 95117

George & Virginia Malson
554 34th Avenue
San Francisco, CA 94121

Joseph & Elena Malta
1840 Capistrano Way
Burlingame, CA 94010

Richard & Cynthia Rodriguez
37 Brentwood Avenue
San Francisco. CA 94127

Jess & Angie Ortiz
30 Foss St.
Redwood City, CA 94062

Jerold & Ricki Rosenberg
202 Laverne Avenue
Mill Valley, CA 94941

Ronald & Gloria McGoldrick
455 Guerrero St.
San Francisco, CA 94110

William & Sheryl Palma
1098 Grand Teton Dr.
Pacifica, CA 94044

Guenter & Harlean Morawietz
425 Hazel Avenue
San Bruno, CA 94066

John & Christine Peterson
1920 Claremont Dr.
San Bruno, CA 94066

San Filippo, Sal & Barbara
1348 Paloma Avenue
Belmont, CA 94002

Joe & Janet Mordinoia
306 Holloway Ave
San Francisco, CA 94112

Joe Natale
1423 20th Avenue
San Francisco, CA 94122

Paul & Ruth Saroff
762 Park Way
So. San Francisco, CA 94080

Morris Piha
100 Upland Dr.
San Francisco, CA 94127

Thomas & Judy Mullarkey
760 McDonnell Dr.
So. San Francisco, CA 94080

Joseph & Mary Nano
61 First Avenue
Daly City, CA 94014

[illegible]rd & Diana Pignone
5 Angelica Way
Morgan Hill, CA 95037

Thomas & Mildred Corsiglia
2150 42nd Avenue
San Francisco. CA 94116

John & Rose Sigona
651 Hale Avenue
Morgan Hill, CA 95037

Dave & Sue Armstrong
88 Alta Vista Way
Daly City, CA 94014

George & Joan Asborno
600 Westridge Dr.
Portola Valley, CA 94028

Edmond Bordenave
256 Theresa St.
San Francisco, CA 94112

Edward R. Bagnani
788 Clearfield Dr.
Millbrea, CA 94030

Maurice & Lucia Edwards
71 Jersey St.
San Francisco, CA 94114

Joseph & Carol Corvino
96 El Bonito Way
Millbrae, CA 94030

oseph LaSala
638 Fairway Dr.
Belmont, CA 94002

ilbert Estrada
700 44th Avenue
an Francisco, CA 94116

ernard & Fran Glaser
59 Highland Ave
an Francisco, CA 94110

rank & Cleo Delosa
77 Clipper St.
an Francisco, CA 94114

Henry & Mary Aragon
813 Newman Dr.
So San Francisco, CA 94080

John & Carol Casaccia
1024 San Remo Way
San Carlos. Ct. 94070

Paul & Carol Biber
84 Broadway
Los Gatos, CA 95080

Charles & Katie Cendak
9 Aura Vista
Millbrae, CA 94030

William & Diana Hoem
115 Conejo Dr.
Millbrae, CA 94030

Kenneth & Valerie March
745 Plymouth Way
Burlingame, CA 94010

James & Linda Landa
8750 Chalk Hill Road
Healdsburg, CA 95448

Fiore & Florence Giannini
146 Shawnee Avenue
San Francisco, CA 94112

Joseph Leonora Corvi
105 Marview Way
San Francisco, CA 94131

Dennis & Jean Davison
Los Palmos Dr.
San Francisco, CA 94127

Vince Boiteux
1648 Kains Avenue
San Bruno, CA 94066

Nick & Frances Cannuli
616 Barcelona Dr.
Millbrae, CA 94030

Frank & Arlene Cavallero
214 El Campo Dr.
So San Francisco, CA 94080

Emil & Bea Bertana
222 Trumbull St.
San Francisco, CA 94112

Robert & Helen Cope
170 Everson St.
San Francisco, CA 94131

Berl & Maria Huffman
799 Lakeshore Dr.
Redwood City, CA 94065

Ray & Sherry Lenci
3001 Sir Robert Ct
El Dorado Hills, CA 95762

Ray Gigliati
20 Holyoke St.
San Francisco, CA 94134

Raymond & Mary Crosat
42 Seminole Avenue
San Francisco, CA 94112

Frank & Trish Cvetovac
9755 Los Lagos Circle N
Granite Bay, CA 95746

Occupant
406 Utah St.
S Francisco, CA 94110

Occupant
410 Utah St.
San Francisco, CA 94110

Occupant
414A Utah St.
San Francisco, CA 94110

Occupant
416A Utah St.
San Francisco, CA 94110

Occupant
416 Utah St.
San Francisco, CA 94110

Occupant
436 Utah St.
San Francisco, CA 94110

Occupant
438 Utah St.
San Francisco, CA 94110

Occupant
454 Utah St.
San Francisco, CA 94110

Occupant
466 Utah St.
San Francisco, CA 94110

Occupant
468 Utah St.
San Francisco, CA 94110

Occupant
472 Utah St.
San Francisco, CA 94110

Occupant
478 Utah St.
San Francisco, CA 94110

Occupant
496 Utah St.
San Francisco, CA 94110

Occupant
498 Utah St.
San Francisco, CA 94110

Occupant
2330 Mariposa St.
San Francisco, CA 94110

Occupant
2332 Mariposa St.
San Francisco, CA 94110

Occupant
455A Potrero Ave
San Francisco, CA 94110

Occupant
447 Potrero Ave
San Francisco, CA 94110

Occupant
2301 Mariposa St.
San Francisco, CA 94110

Occupant
520 Utah St.
San Francisco, CA 94110

Occupant
522 Utah St.
San Francisco, CA 94110

Catherine Wayland
263 Connecticut St.
San Francisco, CA 94110

Occupant
517 Potrero Ave
San Francisco, CA 94110

Occupant
517 1/2 Potrero Ave
San Francisco, CA 94110

Occupant
517B Potrero Ave
San Francisco, CA 94110

Occupant
2325 Mariposa St.
San Francisco, CA 94110

Occupant
2375 Mariposa St. #1
San Francisco, CA 94110

Occupant
2375 Mariposa St. #2
San Francisco, CA 94110

11

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

☐ 1. For reference to Committee: [ ]

An ordinance, resolution, motion, or charter amendment.

☐ 2. Request for next printed agenda without reference to Committee.

☐ 3. Request for hearing on a subject matter at Committee: [ ]

☐ 4. Request for letter beginning "Supervisor [ ] inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. [ ] from Committee.

☐ 7. Budget Analyst request (attach written motion).

☐ 8. Substitute Legislation File No. [ ]

☐ 9. Request for Closed Session (attach written motion).

☐ 10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Clerk of the Board

Subject:

Public Hearing - Appeal of Final Mitigated Negative Declaration - 480 Potrero Avenue

The text is listed below or attached:

Hearing of persons interested in or objecting to the Planning Commission's approval of a Final Mitigated Negative Declaration (Case No. 2011.0430E) adopted and issued on August 8, 2013, for the proposed construction of a six-story, 58-foot-tall mixed-use building, which would include residential, ground-floor retail, and parking uses within the UMU (Urban Mixed Use) Zoning District and a 58-X Height and Bulk District, on property located at 480 Potrero Avenue, Assessor's Block No. 3973, Lot No. 002C. (District 10) (Appellants: Jean Bogiages and Juan M. Jayo, on behalf of the Mariposa Utah Neighborhood Association; and Mica I. Ringel) (Filed August 28, 2013).

130843

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

From: Board of Supervisors
To: BOS-Supervisors
Subject: File 130843: I support the Appeal of the Negative Declaration for 480 Potrero Avenue.

From: Abbie Van Earwage [mailto:abbieva@gmail.com]
Sent: Thursday, October 03, 2013 7:42 PM
To: Board of Supervisors
Subject: I support the Appeal of the Negative Declaration for 480 Potrero Avenue.

I am writing to express my support for the appeal of the Negative Declaration for 480 Potrero Avenue. As a resident, alongside my husband and young son, I am particularly considered about the environmental impact to the neighborhood residents. I believe an Environmental Impact Report [EIR] should be required.

Thank you,

Abbie Van Earwage
485 Potrero Ave (Unit A)
San Francisco, CA 94110
(415-518-9959)

From: Board of Supervisors
To: BOS Supervisors
Subject: File 130843: 134 signers: 480 Potrero must have an EIR petition

From: MUNA [mailto:petitions@moveon.org]
Sent: Thursday, October 03, 2013 10:38 AM
To: Board of Supervisors
Subject: 134 signers: 480 Potrero must have an EIR petition

Dear SF Board of Supervisors,

I started a petition to you titled *480 Potrero must have an EIR*. So far, the petition has 134 total signers.

You can post a response for us to pass along to all petition signers by clicking here:
http://petitions.moveon.org/target_talkback.html?tt=tt-51586-custom-28271-20131017-lBMkjG

The petition states:

> "Why Does 480 Potrero Project Need an EIR? The Mitigated Neg Dec created by the planning department is not complete and to satisfy CEQA, the project needs: 1) Mitigation to protect the Verdi Club, a historic resource, 2) A full analysis of the environmental effects of digging down 16 feet in the soil containing serpentine and industrial history, 3) Full analysis of the traffic and parking conditions, 4) Full analysis of the shadow effects on parks and public ways, 5) An evaluation of the aesthetics of a building that does not fit the character of the neighborhood. Without improvements to the infrastructure and transportation this building contributes to a reduction in the quality of life for old and new residents in the neighborhood. "

To download a PDF file of all your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=993261&target_type=custom&target_id=28271

Thank you.

--MUNA

If you have any other questions, please email petitions@moveon.org.

The links to download the petition as a PDF and to respond to all of your constituents will remain available for the next 14 days.

This email was sent through MoveOn's petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you don't want to receive further emails updating you on how many people have signed this petition, click here:
http://petitions.moveon.org/delivery_unsub.html?e=A6ccxHGcs0jUQkZWj4v0gUJvYXJkLm9mLlN1cGVydmlzb3JzQHNmZ292Lm9yZw--&petition_id=51586.

From: Board of Supervisors
To: BOS-Supervisors
Subject: File: 130843 - 119 signers: 480 Potrero must have an EIR petition

From: MUNA [mailto:petitions@moveon.org]
Sent: Tuesday, October 01, 2013 10:27 AM
To: Board of Supervisors
Subject: 119 signers: 480 Potrero must have an EIR petition

Dear SF Board of Supervisors,

I started a petition to you titled *480 Potrero must have an EIR*. So far, the petition has 119 total signers.

You can post a response for us to pass along to all petition signers by clicking here:
http://petitions.moveon.org/target_talkback.html?tt=tt-51586-custom-28271-20131015-bG9QTd

The petition states:

> "Why Does 480 Potrero Project Need an EIR? The Mitigated Neg Dec created by the planning department is not complete and to satisfy CEQA, the project needs: 1) Mitigation to protect the Verdi Club, a historic resource, 2) A full analysis of the environmental effects of digging down 16 feet in the soil containing serpentine and industrial history, 3) Full analysis of the traffic and parking conditions, 4) Full analysis of the shadow effects on parks and public ways, 5) An evaluation of the aesthetics of a building that does not fit the character of the neighborhood. Without improvements to the infrastructure and transportation this building contributes to a reduction in the quality of life for old and new residents in the neighborhood. "

To download a PDF file of all your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=990654&target_type=custom&target_id=28271

Thank you.

--MUNA

If you have any other questions, please email petitions@moveon.org.

The links to download the petition as a PDF and to respond to all of your constituents will remain available for the next 14 days.

This email was sent through MoveOn's petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you don't want to receive further emails updating you on how many people have signed this petition, click here:
http://petitions.moveon.org/delivery_unsub.html?e=A6ccxHGcs0jUQkZWj4v0gUJvYXJkLm9mLlN1cGVydmlzb3JzQHNmZ292Lm9yZw--&petition_id=51586.

From: Board of Supervisors
To: BOS-Supervisors
Subject: File 130843: 102 signers: 480 Potrero must have an EIR petition

From: MUNA [mailto:petitions@moveon.org]
Sent: Sunday, September 29, 2013 8:27 AM
To: Board of Supervisors
Subject: 102 signers: 480 Potrero must have an EIR petition

Dear SF Board of Supervisors,

I started a petition to you titled *480 Potrero must have an EIR*. So far, the petition has 102 total signers.

You can post a response for us to pass along to all petition signers by clicking here:
http://petitions.moveon.org/target_talkback.html?tt=tt-51586-custom-28271-20131013-OVpRFW

The petition states:

> "Why Does 480 Potrero Project Need an EIR? The Mitigated Neg Dec created by the planning department is not complete and to satisfy CEQA, the project needs: 1) Mitigation to protect the Verdi Club, a historic resource, 2) A full analysis of the environmental effects of digging down 16 feet in the soil containing serpentine and industrial history, 3) Full analysis of the traffic and parking conditions, 4) Full analysis of the shadow effects on parks and public ways, 5) An evaluation of the aesthetics of a building that does not fit the character of the neighborhood. Without improvements to the infrastructure and transportation this building contributes to a reduction in the quality of life for old and new residents in the neighborhood. "

To download a PDF file of all your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=988977&target_type=custom&target_id=28271

Thank you.

--MUNA

If you have any other questions, please email petitions@moveon.org.

The links to download the petition as a PDF and to respond to all of your constituents will remain available for the next 14 days.

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http://petitions.moveon.org/delivery_unsub.html?e=A6ccxHGcs0jUQkZWj4v0gUJvYXJkLm9mLlN1cGVydmlzb3JzQHNmZ292Lm9yZw--&petition_id=51586.

From: Board of Supervisors
To: BOS-Supervisors
Subject: File 130843: I'm the 14th signer: "480 Potrero must have an EIR"

From: Kristen Black [mailto:petitions-noreply@moveon.org]
Sent: Thursday, September 26, 2013 2:56 PM
To: Board of Supervisors
Subject: I'm the 14th signer: "480 Potrero must have an EIR"

Dear SF Board of Supervisors,

I just signed a petition addressed to you titled *480 Potrero must have an EIR*. So far, 14 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-51586-custom-28271-20131010-2Ngj8v

The petition states:

> "Why Does 480 Potrero Project Need an EIR? The Mitigated Neg Dec created by the planning department is not complete and to satisfy CEQA, the project needs: 1) Mitigation to protect the Verdi Club, a historic resource, 2) A full analysis of the environmental effects of digging down 16 feet in the soil containing serpentine and industrial history, 3) Full analysis of the traffic and parking conditions, 4) Full analysis of the shadow effects on parks and public ways, 5) An evaluation of the aesthetics of a building that does not fit the character of the neighborhood. Without improvements to the infrastructure and transportation this building contributes to a reduction in the quality of life for old and new residents in the neighborhood. "

My additional comments are:

> This project does NOT fit the character of the charming Victorian quiet neighborhood. In addition, there are NOT enough parking spots available!!!

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=987192&target_type=custom&target_id=28271

Kristen Black
San Francisco, CA

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here:

http://petitions.moveon.org/delivery_unsub.html?e=A6ccxHGcs0jUQkZWj4...gUJvYXJkLm9mLlN1cGVydmlzb3JzQHNmZ292Lm9yZw--&petition_id=51586.

From: Board of Supervisors
To: BOS-Supervisors
Subject: File 130843: I'm the 15th signer: "480 Potrero must have an EIR"

From: James Poulos [mailto:petitions-noreply@moveon.org]
Sent: Thursday, September 26, 2013 3:38 PM
To: Board of Supervisors
Subject: I'm the 15th signer: "480 Potrero must have an EIR"

Dear SF Board of Supervisors,

I just signed a petition addressed to you titled *480 Potrero must have an EIR*. So far, 15 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-51586-custom-28271-20131010-2Ngj8v

The petition states:

> "Why Does 480 Potrero Project Need an EIR? The Mitigated Neg Dec created by the planning department is not complete and to satisfy CEQA, the project needs: 1) Mitigation to protect the Verdi Club, a historic resource, 2) A full analysis of the environmental effects of digging down 16 feet in the soil containing serpentine and industrial history, 3) Full analysis of the traffic and parking conditions, 4) Full analysis of the shadow effects on parks and public ways, 5) An evaluation of the aesthetics of a building that does not fit the character of the neighborhood. Without improvements to the infrastructure and transportation this building contributes to a reduction in the quality of life for old and new residents in the neighborhood. "

My additional comments are:

> I believe that a full and just environmental report is fully necessary before this project is allowed to go forward.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=987222&target_type=custom&target_id=28271

James Poulos
San Francisco, CA

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http://petitions.moveon.org/delivery_unsub.html?e=A6ccxHGcs0jUQkZWj[illegible]gUJvYXJkLm9mLlN1cGVydmlzb3JzQHNmZ292Lm9yZw--&petition_id=51586.

From: Board of Supervisors
To: BOS-Supervisors
Subject: File 130843: I'm the 12th signer: "480 Potrero must have an EIR"

From: Olga Kist [mailto:petitions-noreply@moveon.org]
Sent: Thursday, September 26, 2013 2:29 PM
To: Board of Supervisors
Subject: I'm the 12th signer: "480 Potrero must have an EIR"

Dear SF Board of Supervisors,

I just signed a petition addressed to you titled *480 Potrero must have an EIR*. So far, 13 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-51586-custom-28271-20131010-2Ngj8v

The petition states:

> "Why Does 480 Potrero Project Need an EIR? The Mitigated Neg Dec created by the planning department is not complete and to satisfy CEQA, the project needs: 1) Mitigation to protect the Verdi Club, a historic resource, 2) A full analysis of the environmental effects of digging down 16 feet in the soil containing serpentine and industrial history, 3) Full analysis of the traffic and parking conditions, 4) Full analysis of the shadow effects on parks and public ways, 5) An evaluation of the aesthetics of a building that does not fit the character of the neighborhood. Without improvements to the infrastructure and transportation this building contributes to a reduction in the quality of life for old and new residents in the neighborhood. "

My additional comments are:

> I object to the height of the building which makes it alien to the character of the neighborhood. The proposed building is six stories with a rooftop with elevator shafts intended by virtue of an exception to the code to the open space. That makes it almost 7 stories. It will be one block south of 17th Street on Potrero. The next 6 story building is the SF General Hospital at 22nd Street and none to the North to the Bay; or to downtown for 1/4 miles. The shadow cast by the building will reach as far as the middle of the back yards between Potrero and Utah Street residents. I am one of those residents. The density is so disproportionate to the space that 41% of the units have no exposure to natural light by way of windows. This was another exception granted to the developer. The previous industrial building it is replacing was two stories with a penthouse that enclosed the single elevator. Though the zoning was for a taller building, the previous building was no more than 3 ½ stories. Before the building was demolished there was a geotechnical report done in 2004. That is the report the developer submitted and was accepted by the planning department. One of the previous businesses on the site cut acrylic plastics and used various solvents. Yet, no Environmental Impact Report (EIR) was required. We on the other side of Potrero Ave (Potrero Hill) are in the direct path of the West winds when the fog comes in and they will be digging into Serpentine Rock that has not been properly sampled since there was a building over the whole the site when the only single sample was taken. Yet no EIR was required which was the determination by the SF planning department and the SF planning commissioners. We are requesting an EIR. As a 28-year

resident and witness to the whole process, I felt that it was not transparent and not fair from the way the EN plan was adopted to this so radical project being proposed and accepted. It so radically undermines every quality of life issue San Franciscans have fought for. As a witness to the whole process, I felt that it was not transparent and not fair since it was so radical and so radically undermining every quality of life issue San Franciscans stand for. Some San Franciscans believe that limiting cars is good idea which is the goal of the Eastern Neighborhood (EN) plan but how can it be reconciled with housing for families. Our community is for families. How can these dictums be reconciled with freedom of choice and the recent innovations in the auto industry in the last 10 years since the E N plan was adopted? Please sigh our petition.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=987177&target_type=custom&target_id=28271

Olga Kist
San Francisco, CA

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=A6ccxHGcs0jUQkZWj4v0gUJvYXJkLm9mLlN1cGVydmlzb3JzQHNmZ292Lm9yZw--&petition_id=51586.

From: Board of Supervisors
To: BOS-Supervisors
Subject: File 130843: I'm the 3rd signer: "480 Potrero must have an EIR"

From: Rena B Meyer [mailto:petitions-noreply@moveon.org]
Sent: Thursday, September 26, 2013 2:25 PM
To: Board of Supervisors
Subject: I'm the 3rd signer: "480 Potrero must have an EIR"

Dear SF Board of Supervisors,

I just signed a petition addressed to you titled *480 Potrero must have an EIR*. So far, 11 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-51586-custom-28271-20131010-2Ngj8v

The petition states:

> "Why Does 480 Potrero Project Need an EIR? The Mitigated Neg Dec created by the planning department is not complete and to satisfy CEQA, the project needs: 1) Mitigation to protect the Verdi Club, a historic resource, 2) A full analysis of the environmental effects of digging down 16 feet in the soil containing serpentine and industrial history, 3) Full analysis of the traffic and parking conditions, 4) Full analysis of the shadow effects on parks and public ways, 5) An evaluation of the aesthetics of a building that does not fit the character of the neighborhood. Without improvements to the infrastructure and transportation this building contributes to a reduction in the quality of life for old and new residents in the neighborhood. "

My additional comments are:

> Height, view and shadows on our building across the street will negatively affect our property value, and of course we're concerned about parking and health impacts!

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=987157&target_type=custom&target_id=28271

Rena B Meyer
San Francisco, CA

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here:



http://petitions.moveon.org/delive[illegible]_unsub.html?e=A6ccxHGcs0jUQkZWj[illegible]gUJvYXJkLm9mLlN1cGVydmlzb3JzQHNmZ292Lm9yZw--&petition_id=51586.

File 130843

From: Kim [petitions-noreply@moveon.org]
Sent: Thursday, September 26, 2013 2:25 PM
To: Board of Supervisors
Subject: I'm the 7th signer: "480 Potrero must have an EIR"

Dear SF Board of Supervisors,

I just signed a petition addressed to you titled *480 Potrero must have an EIR*. So far, 11 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-51586-custom-28271-20131010-2Ngj8v

The petition states:

> "Why Does 480 Potrero Project Need an EIR? The Mitigated Neg Dec created by the planning department is not complete and to satisfy CEQA, the project needs: 1) Mitigation to protect the Verdi Club, a historic resource, 2) A full analysis of the environmental effects of digging down 16 feet in the soil containing serpentine and industrial history, 3) Full analysis of the traffic and parking conditions, 4) Full analysis of the shadow effects on parks and public ways, 5) An evaluation of the aesthetics of a building that does not fit the character of the neighborhood. Without improvements to the infrastructure and transportation this building contributes to a reduction in the quality of life for old and new residents in the neighborhood. "

My additional comments are:

> I am against the construction of tall apt buildings in this area as it would negatively impact parking, property value, not to mention traffic congestion.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=987158&target_type=custom&target_id=28271

Kim
San FRancisco, CA

This email was sent through MoveOn's public petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you have any questions, please email petitions@moveon.org. If you don't want to receive further emails updating you on how many people have signed this petition, click here: http://petitions.moveon.org/delivery_unsub.html?e=A6ccxHGcs0jUQkZWj4v0gUJvYXJkLm9mLlN1cGVydmlzb3JzQHNmZ292Lm9yZw--&petition_id=51586.