



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2013.0517E  
 Project Address: 98 Pennsylvania Avenue  
 Zoning: UMU (Urban Mixed Use) Zoning District  
 48-X Height and Bulk District  
 Block/Lot: 3948/002  
 Lot Size: 12,195 square feet  
 Plan Area: Eastern Neighborhoods Area Plan (Showplace Square/Potrero Hill)  
 Project Sponsor: Reza Khoshnevisan, SIA Consulting Corporation, (415) 922-0200  
 Staff Contact: Don Lewis – (415) 575-9168  
[don.lewis@sfgov.org](mailto:don.lewis@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
 Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project site is located on the north side of 17<sup>th</sup> Street between Pennsylvania Avenue and Mississippi Street in the Potrero Hill neighborhood. Immediately east of the project site is Interstate 280 (I-280), which is elevated. Underneath the freeway are the former Southern Pacific railroad tracks that are used by the Peninsula Commute rail service ("Caltrain"). The project site is currently used by Regents Cab Company as a surface vehicular parking lot with approximately 25 spaces, and contains a temporary, prefabricated trailer. The proposed project involves the removal of the parking lot and trailer, and construction of a five-story, 48-foot-tall (64 feet including the elevator penthouse) residential building approximately 48,094 gross square feet in size with 46 residential units. The proposed mix of units would be 3 studios, 24 one-bedroom units and 19 two-bedroom units. The proposed project would include an underground


(Continue on next page.)

### EXEMPT STATUS

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

### DETERMINATION

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

  
 SARAH B. JONES  
 Environmental Review Officer

February 18, 2016  
 Date

cc: Reza Khoshvesian, Project Sponsor  
 Supervisor Malia Cohen, District 10  
 Kimberly Durandet, Current Planning Division

Virna Byrd, M.D.F  
 Exemption/Exclusion File

## PROJECT DESCRIPTION (continued)

parking garage that would be accessed via a new 10-foot-wide curb cut on 17<sup>th</sup> Street. The garage would include 31 parking spaces and 46 Class I bicycle spaces. The proposed project would install a new 10-foot-wide sidewalk along 17<sup>th</sup> Street which would include two Class II bicycle spaces and seven street trees. The proposed project would include an approximately 3,002-square-foot common roof deck surrounded by an eight-foot-tall sound barrier (four feet of Plexiglas panels on top of a four-foot-tall parapet). During the 12-month construction period, the proposed project would require excavation of up to approximately 14 feet below ground surface and 1,742 cubic yards of soil would be removed from the project site. Construction of the proposed building would require a deep foundation that would use driven piles. The project site is located within the Showplace Square/Potrero Hill area of the Eastern Neighborhoods Plan Area.

## PROJECT APPROVAL

The proposed project at 98 Pennsylvania Avenue would require the following approvals:

### Actions by City Departments

- Approval of a site mitigation plan from the San Francisco Department of Public Health prior to the commencement of any excavation work.
- Approval of street and sidewalk permits from San Francisco Public Works.
- Approval of a building permit from the Planning Department and Department of Building Inspection for new construction.

The proposed project is subject to notification under Planning Code Section 312. If discretionary review before the Planning Commission is requested, the discretionary review decision constitutes the Approval Action for the proposed project. If no discretionary review is requested, the issuance of the building permit by the Department of Building Inspection constitutes the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code

## COMMUNITY PLAN EXEMPTION OVERVIEW

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

This determination evaluates the potential project-specific environmental effects of the 98 Pennsylvania Avenue project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>1</sup>. Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 98 Pennsylvania Avenue.

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

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

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

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

---

<sup>1</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>2</sup> San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR)*, August 7, 2008. Case No. 2004.0160E. Available at <http://www.sf-planning.org/index.aspx?page=1893>, accessed on January 13, 2016. This document also is available for review at 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case No. 2004.0160E.

<sup>3</sup> San Francisco Planning Department, *San Francisco Planning Commission Motion 17659*, August 7, 2008. Available at <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned from M-2 (Heavy Industrial) to UMU (Urban Mixed Use). The UMU District is intended to promote a vibrant mix of uses and serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Exemption (CPE) Checklist, under Land Use. The 98 Pennsylvania Avenue project site, which is located in the Showplace Square/Potrero Hill area of the Eastern Neighborhoods, was designated as a site with a building up to 48 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 98 Pennsylvania Avenue is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR, including the Eastern Neighborhoods PEIR development projections. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 98 Pennsylvania Avenue project, and identified the mitigation measures applicable to the 98 Pennsylvania Avenue project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>4,5</sup> Therefore, no further CEQA evaluation for the 98 Pennsylvania Avenue project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site is located on the north side of 17<sup>th</sup> Street between Pennsylvania Avenue and Mississippi Street in the Potrero Hill neighborhood. The project site is currently used by Regents Cab Company as a surface parking lot with approximately 25 spaces, and contains a temporary, prefabricated trailer. Immediately east of the project site, the area is dominated by I-280, which is elevated at approximately 50 feet. Underneath the freeway are the former Southern Pacific railroad tracks that are presently used by the Peninsula Commute rail service (“Caltrain”). Immediately adjacent to the west of the project site is a three-story, live/work building (constructed in 2002) with 19 units. Adjacent to that building, at the northeast corner of 17<sup>th</sup> and Mississippi streets is a one-story industrial building (“San Francisco Scrap Metal”) that was constructed in 1949. Across from the project site along the south side of 17<sup>th</sup> Street from Pennsylvania Avenue to Mississippi Street, is a newly constructed five-story, mixed-use building with 44 residential units and 4,380 square feet of ground-floor retail, a three-story, live/work building with ten units (constructed in 1999), and a two-story, industrial building (constructed in 1900) with office use. Immediately adjacent to the southeast of the project site includes plantings and an unpaved walkway that serves as a sidewalk on the east side of Pennsylvania Avenue. Mariposa Park is located approximately 500 feet southeast of the project site.

One block the west of the project site at 901 16<sup>th</sup> Street/1200 17<sup>th</sup> Street (Case No. 2011.1300E) is a proposed project that involves the demolition of two industrial buildings and a modular office structure for the construction of two new buildings with a total of 395 dwelling units, 24,668 square feet of retail use, and

---

<sup>4</sup> San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 98 Pennsylvania Avenue*, February 19, 2015. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.0517E.

<sup>5</sup> San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, 98 Pennsylvania Avenue*, December 30, 2015.

388 vehicular parking spaces. One block south of the project site at 249 Pennsylvania Avenue (Case 2014.1279ENV) is a proposed project that involves the demolition of two existing industrial buildings for the construction of a new four-story, mixed-use building with 59 dwelling units, 5,000 square feet of retail, and 46 vehicular spaces. Approximately 0.3 miles to the east of the project site is the Golden State Warriors' project (Case No. 2014.1441E), which is located on Assessor's Block 8722, Lots 001 and 008. The Warriors' project involves the construction of a multi-purpose event center and a variety of mixed uses, including office, retail, open space and structured parking on an approximately 11-acre site. The proposed event center would host the Golden State Warriors basketball team during the NBA season, as well as provide a year-round venue for a variety of other uses, including concerts, family shows, other sporting events, cultural events, conferences and conventions.

The project site is served by transit lines (Muni lines 10-Townsend, 22-Fillmore, 55-16<sup>th</sup> Street, and 14X-Mission Express) and bicycle facilities (there are bicycle routes on 16<sup>th</sup>, Mariposa, and Mississippi streets). The area surrounding the project site is composed of mixed uses including industrial, wholesale, office, retail, and residential land uses in buildings ranging in height from one to five stories. All of the surrounding parcels are within the 40-X, 48-X, and 68-X height and bulk district. Zoning districts in the vicinity of the project site are UMU, and parcels east of I-280 are in the Mission Bay South Redevelopment Plan.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 98 Pennsylvania Avenue project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 98 Pennsylvania Avenue project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The approximately 12,195 -square-foot project site at 98 Pennsylvania Avenue is currently undeveloped with no permanent structures or existing PDR uses. The proposed project involves the construction of a five-story, 46-unit, residential building which would preclude an opportunity for PDR uses. Due to the relatively small size of the project site, the proposed project would not contribute considerably to any impact related to loss of PDR uses that was identified in the Showplace Square/Potrero Hill Area Plan of the Eastern Neighborhoods PEIR. The proposed project does not involve demolition of a structure and the project site is not located within a historic district. Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR. Traffic and transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Eastern Neighborhoods PEIR. Based on the shadow fan analysis, the proposed building is not expected to shade any Planning Code Section 295 or non-Section 295 open

spaces. The proposed project would shade nearby private property at levels commonly expected in urban areas.

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

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

Mitigation Measure	Applicability	Compliance
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Applicable: pile driving may be required	The project sponsor has agreed to pre-drill piles, to use pile-driving equipment with state-of-the-art noise shielding and muffling devices, and to schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.
F-2: Construction Noise	Applicable: temporary construction noise from use of heavy equipment	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Applicable: noise-sensitive uses where street noise exceeds 60 dBA	<b>Completed:</b> The project sponsor has conducted and submitted a detailed analysis of noise reduction requirements.
F-4: Siting of Noise-Sensitive Uses	Applicable: noise-sensitive uses where street noise exceeds 60 dBA	<b>Completed:</b> The project sponsor has conducted and submitted a detailed analysis of noise reduction requirements.
F-5: Siting of Noise-Generating Uses	Not Applicable: no noise-generating uses proposed (residential use only)	N/A
F-6: Open Space in Noisy Environments	Applicable: new noise sensitive uses (dwelling units) proposed	<b>Completed:</b> The proposed project includes an eight-foot-tall sound barrier which demonstrates that the users of the proposed open space would be adequately protected from the existing ambient noise levels.

Mitigation Measure	Applicability	Compliance
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Applicable: only the construction exhaust emissions portion of this mitigation measure is applicable because construction would occur within an Air Pollutant Exposure Zone	The project sponsor has agreed to comply with the construction exhaust emissions reduction requirements.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: superseded by applicable Article 38 requirements	N/A
G-3: Siting of Uses that Emit DPM	Not Applicable: proposed residential uses are not uses that would emit substantial levels of DPM	N/A
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed residential land uses are not uses that would emit substantial levels of other TACs	N/A
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: project site does not contain any previous archaeological studies	N/A
J-2: Properties with no Previous Studies	Applicable: project site is located in an area with no previous archaeological studies	The project sponsor has agreed to implement the Planning Department's Standard Mitigation Measure #1 (Accidental Discovery).
J-3: Mission Dolores Archeological District	Not Applicable: project site is not located within the Mission Dolores Archaeological District	N/A
<b>K. Historical Resources</b>		
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan area	Not Applicable: plan-level mitigation completed by Planning Department	N/A
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A

<b>Mitigation Measure</b>	<b>Applicability</b>	<b>Compliance</b>
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission	N/A
<b>L. Hazardous Materials</b>		
L-1: Hazardous Building Materials	Not Applicable: project does not involve demolition of an existing building	N/A
<b>E. Transportation</b>		
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA	N/A
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA	N/A
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA	N/A
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department	N/A
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA	N/A
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA	N/A
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA	N/A
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA	N/A
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA	N/A
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA	N/A

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures. With implementation of these mitigation measures the proposed



project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods PEIR.

## PUBLIC NOTICE AND COMMENT

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

Concerns raised by the public include the following: the project would increase traffic; pedestrian safety; the existing site is not conducive to residential use; future residents would be subject to air quality pollutants and hazardous materials; and more off-street parking needs to be provided due to the lack of on-street parking.

Transportation impacts of the proposed project are discussed in the Transportation and Circulation section of the attached CPE Checklist. The amount of new vehicle trips would not substantially increase traffic volumes in the project vicinity such that hazardous conditions or significant delays would be created. The proposed project is within the scope of the development projected under the Eastern Neighborhoods, and there would be no additional project-level or cumulative impacts beyond those analyzed in the Eastern Neighborhoods PEIR.

Implementation of the proposed project would improve pedestrian circulation by creating a new 10-foot-wide sidewalk in front of the project site where one does not currently exist. The new pedestrian trips that would be generated by the proposed project could be accommodated on sidewalks and crosswalks adjacent to the project site. Although the proposed project would result in an increase in the number of vehicles in the vicinity of the project site, this increase would not be substantial enough to create potentially hazardous conditions for pedestrian or otherwise substantially interfere with pedestrian accessibility to the site and adjacent areas. In addition, the project site was not identified as being in a high-injury corridor as defined by Vision Zero, which is the City’s adopted road safety policy that aims for zero traffic deaths in San Francisco by 2024.<sup>6</sup>

As discussed in the Land Use section of the attached CPE Checklist, the proposed residential project is permitted in the UMU zoning district and is consistent with the land uses envisioned in the Showplace Square/Potrero Hill Area Plan. As discussed in the Air Quality and Hazardous Materials sections of the attached CPE Checklist, the project site is located within an Air Pollutant Exposure Zone, as defined by Article 38 of the San Francisco Health Code, and within Article 22A of the Health Code, also known as the Maher Ordinance. Compliance with Article 38 and 22A would reduce any air quality and hazardous materials impacts to a less than significant level.

As discussed in the Aesthetics and Parking Impacts for Transit Priority Infill Development section of the attached CPE Checklist, Public Resources Code Section 21099(d) amended CEQA by stating that parking impacts of a residential project on an infill site located within a transit priority area, such as this project, shall not be considered a significant impact on the environment. The project site is located in the UMU zoning district where under Section 151.1 of the Planning Code, the proposed project would not be required to provide any off-street parking spaces. In addition, the project site is served by transit lines

---

<sup>6</sup> Vision Zero High Injury Network map, accessed on December 17, 2015, is available online at:

<http://sfgov.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=335c508503374f5d94c95cb2a1f3f4f4>.

(Muni lines 10-Townsend, 22-Fillmore, 55-16<sup>th</sup> Street, and 14X-Mission Express) and bicycle facilities (there are bicycle routes along 16<sup>th</sup>, Mariposa, and Mississippi streets). The proposed project would not result in a substantial parking shortfall that would create hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians.

Other non-environmental comments submitted include general project opposition and support, as well as requests to receive future project updates. These comments have been noted in the project record, but do not pertain to CEQA environmental review topics. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

## CONCLUSION

As summarized above and further discussed in the CPE Checklist<sup>7</sup>:

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

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

---

<sup>7</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.0517E.

**EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>MONITORING AND REPORTING PROGRAM</b>			
	<b>Responsibility for Implementation</b>	<b>Mitigation/Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p><b>MITIGATION MEASURES</b></p> <p><b><u>Project Mitigation Measure 1: Accidental Discovery (Implementing Eastern Neighborhoods PEIR Mitigation Measure J-2)</u></b></p> <p>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 <i>CEQA Guidelines</i> Section 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is responsible for ensuring that 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</p>	Project sponsor, project archeologist.	Prior to issuance of any permit for soils-disturbing activities and during construction activities.	Project sponsor, project archeologist, ERO.	During soils-disturbing and construction activities.

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
--	--	--	--	----------------------------

the Alert Sheet.

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

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

Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
--	--	--	--	----------------------------

archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning 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 Environmental Planning Division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
<p><b><u>Project Mitigation Measure 2: Construction Noise (Implementing Eastern Neighborhoods PEIR Mitigation Measure F-1)</u></b></p> <p>The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors shall be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The project sponsor shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.</p>	<p>Project sponsor, construction contractor(s).</p>	<p>During construction.</p>	<p>Project sponsor, Planning Department.</p>	<p>Project sponsor shall submit monthly reports to the Planning Department during construction period.</p>

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p><b><u>Project Mitigation Measure 3: Construction Noise (Implementing Eastern Neighborhoods PEIR Mitigation Measure F-2)</u></b></p> <p>The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection (DBI) to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> <li>• Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;</li> <li>• Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;</li> <li>• Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;</li> <li>• Monitor the effectiveness of noise attenuation measures by taking noise measurements; and</li> <li>• Post signs on-site pertaining to permitted</li> </ul>	Project sponsor, construction contractor(s).	Prior to and during any demolition or construction activities.	Project sponsor, Planning Department.	Project sponsor shall submit monthly reports to the Planning Department during construction period.

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.</p> <p><b><u>Project Mitigation Measure 7: Construction Air Quality (Implementing Eastern Neighborhoods PEIR Mitigation Measure G-1)</u></b></p> <p>A. <i>Engine Requirements.</i></p> <ol style="list-style-type: none"> <li>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</li> <li>2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</li> <li>3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location,</li> </ol>	<p>Project sponsor, construction contractor(s).</p>	<p>Prior to the start of and during use of on-site heavy diesel equipment.</p>	<p>Project sponsor, Planning Department.</p>	<p>During demolition and construction activities. The project sponsor shall submit quarterly reports to the ERO during the construction period and a final report at the end of the construction period.</p>



**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.</p> <p>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>B. <i>Waivers.</i></p> <p>1. The Planning Department’s Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).</p>				

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to the table below.</p>				

**Table – Off-Road Equipment Compliance Step-down Schedule**

<b>Engine Emission Standard</b>	<b>Emissions Control</b>
Tier 2	ARB Level 2 VDECS
Tier 2	ARB Level 1 VDECS
Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3. Alternative fuels are not a VDECS.

C. *Construction Emissions Minimization Plan.* Before

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/ Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <ol style="list-style-type: none"> <li>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</li> <li>2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications.</li> </ol>				

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/ Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p>D. <i>Monitoring.</i> After start of construction activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>				