



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Community Plan Evaluation

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

*Case No.:* 2015-001360ENV  
*Project Address:* 793 South Van Ness Avenue  
*Zoning:* NC-3 (Moderate-Scale Neighborhood Commercial) Use District  
55-X Height and Bulk District  
*Block/Lot:* 3591/024  
*Lot Size:* 17,600 square feet  
*Plan Area:* Eastern Neighborhoods Area Plan (Mission)  
*Project Sponsor:* Joe Toboni, 799 South Van Ness LLC  
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### PROJECT DESCRIPTION

The project site is an approximately 17,600-square-foot lot located at 793 South Van Ness Avenue in San Francisco's Mission District on the northeast corner of South Van Ness Avenue and 19<sup>th</sup> Street. The project site is a former gas station built in 1968 that has been out of service since 2002. The proposed project would demolish two remaining structures on the site (a 20-foot tall gas pump canopy and an approximately 2,000-square-foot, single-story building), and construct an approximately 75-foot-tall (approximately 81 feet tall with rooftop appurtenances), seven-story, mixed-use building with 75 residential units, approximately 4,500 square feet of ground floor retail space, and 38 off-street parking spaces.

(Continued on next page.)

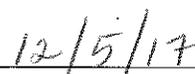
### CEQA DETERMINATION

The project is eligible for streamlined environmental review per section 21083.3 of the California Environmental Quality Act (CEQA) and section 15183 of the CEQA Guidelines.

### DETERMINATION

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

  
\_\_\_\_\_  
Lisa M. Gibson  
Environmental Review Officer

  
\_\_\_\_\_  
Date

cc: Joe Toboni, Project Sponsor; Supervisor Hilary Ronen, District 9; Kimberly Durandet, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT DESCRIPTION (continued)

The proposed project seeks to use the state density bonus law (California Government Code sections 65915-65918) to obtain a 35% increase in density above what would otherwise be permitted under current NC-3 zoning district controls. The density increase is allowed in exchange for the project sponsor providing 20% of the project's base 55 units for low-income households.<sup>1</sup> The proposed project would construct an approximately 86,000-square-foot building containing 75 units, comprised of 30 two-bedroom units and 45 one-bedroom units. The proposed project would provide two separate retail spaces: an approximately 3,900-square-foot retail space on the corner of 19<sup>th</sup> Street and South Van Ness Avenue and an approximately 600-foot retail space on 19<sup>th</sup> Street.

The state density bonus law permits project sponsors to select three waivers or concessions from local development standards if a certain percentage of affordable units are included in the project. Under the state density bonus law, this proposed project is seeking two concessions for the proposed project: an increase in height from 55 feet to 75 feet and modification of the rear yard requirement as defined in section 134 of the San Francisco Planning Code.

### *Open Space*

The proposed project would provide common open space for the residential component of the project on the second and sixth stories of the building. The proposed project would provide an approximately 3,500-square-foot corner rear yard and a 1,100-square-foot roof deck on the sixth floor.

### *Site Circulation*

The proposed project would provide 37 off-street vehicle parking spaces and one car share space located on the ground floor level of the building. Vehicle parking would be provided via a pit stacker parking system<sup>2</sup> for 30 of the proposed 37 parking spaces. The proposed project would provide 86 bicycle parking spaces comprised of 75 class 1 spaces and five class 2 spaces for the residential uses and two class 1 spaces and four class 2 spaces for the retail uses.<sup>3</sup> Four class 2 bicycle spaces would be located on 19<sup>th</sup> Street, two class 2 bicycle spaces would be located on South Van Ness Avenue, and three class 2 spaces would be located on the ground floor level inside of the proposed building.

The project site has four existing curb cuts, varying in width from approximately 27 feet to 45 feet. The proposed project would remove two existing curb cuts on South Van Ness Avenue and one existing curb cut on 19<sup>th</sup> Street. The proposed project would retain the fourth curb cut on 19<sup>th</sup> Street, but reduce the width from 30 feet to 10 feet to allow for vehicle access for the buildings at-grade parking on the ground floor. A warning system alerting pedestrians when a vehicle is exiting from the garage would be installed at the garage entrance. One bicycle parking area would be accessed via the lobby entrance on 19<sup>th</sup> Street and a second bicycle parking area would be accessed via the ground floor garage. Additionally, a striped yellow passenger loading zone is proposed in front of the entrance to the building on 19<sup>th</sup> Street.

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<sup>1</sup> The "base project" describes the maximum density permitted under the Planning Code without the state density bonus.

<sup>2</sup> Pit stackers are a type of stacker parking device in which cars drive into a multi-level system, located within a single parking space. The levels are then adjusted in or out of the pit to allow for the stacked parking of two vehicles in one parking space.

<sup>3</sup> Section 155.1(a) of the Planning Code defines class 1 bicycle spaces as "spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residences, nonresidential occupants, and employees" and defines class 2 bicycles as "spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use".

*Construction Activities*

Construction of the proposed project would occur over approximately 24 months. The majority of construction staging would occur on site. The curb lane on 19<sup>th</sup> Street in front of the project site may be used for construction staging at certain points during the construction of the proposed project. The proposed project would require excavation to a maximum depth of approximately 8 feet for the installation of the 15 vehicle pit stacker systems and elevator pit. Approximately 2,400 cubic yards of soil would be removed from the project site during construction activities.

**PROJECT APPROVALS**

The proposed project at 793 South Van Ness Avenue would require the following approvals:

## Actions by the Planning Commission

- Conditional Use Authorization (Planning Commission)

## Actions by other City Departments

- Demolition, Site, and Building Permits (Department of Building Inspection)
- Street Improvement Permit for modifications to public sidewalks, street trees, and curb cuts (Public Works Bureau of Street Use and Mapping)
- Review for compliance with Article 22A of the San Francisco Health Code (Department of Public Health)
- Stormwater Management Plan (San Francisco Public Utilities Commission)
- Approval of a proposed passenger loading space (San Francisco Municipal Transportation Agency's color curb program)

The approval of the Conditional Use Authorization from the Planning Commission will constitute the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

**COMMUNITY PLAN EVALUATION OVERVIEW**

CEQA section 21083.3 and CEQA Guidelines section 15183 provide that 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, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. 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 793 South Van Ness Avenue proposed project described above, and incorporates by reference information contained in

the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>4</sup>. Project-specific studies were prepared for the proposed project to determine if either 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 the 793 South Van Ness 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>5,6</sup>

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

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

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

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<sup>4</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>5</sup> San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

<sup>6</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

<sup>7</sup> Table 2 Forecast Growth by Rezoning Option Chapter IV of the Eastern Neighborhoods Draft EIR shows projected net growth based on proposed rezoning scenarios. A baseline for existing conditions in the year 2000 was included to provide context for the scenario figures for parcels affected by the rezoning.

rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

As a result of the Eastern Neighborhoods rezoning process, the 793 South Van Ness Avenue project site was rezoned to a NC-3 District. The NC-3 Districts are intended to offer a wide range of goods and services with a mix of residential units. Housing development in new buildings is encouraged above the second story. Prior to the Eastern Neighborhoods Plan, the project site was zoned as an NC-1 District.<sup>8</sup> NC-1 Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods, primarily during daytime hours. Similar to NC-3 Districts, housing development in new buildings is encouraged above the ground story in most districts. The proposed project and the relation to PDR land supply and cumulative land use effects is discussed further in the project-specific initial study, under Land Use. The 793 South Van Ness Avenue site, which is located in the Mission District of the Eastern Neighborhoods, was designated as a site allowing buildings up to 55 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 793 South Van Ness Avenue are consistent with and were 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 793 South Van Ness Avenue project, and identified the mitigation measures applicable to the 793 South Van Ness 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>9,10</sup> Therefore, no further CEQA evaluation for the 793 South Van Ness Avenue proposed project is required. In sum, the Eastern Neighborhoods PEIR and this certificate of determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site is an approximately 17,600-square-foot lot located at 793 South Van Ness Avenue in San Francisco's Mission District on the northeast corner of South Van Ness Avenue and 19<sup>th</sup> Street. The project site is currently occupied by the remains of a former gas station, which has not been operated since 2002. West of the site, the uses are predominately residential characterized by buildings three-to-four stories in height. The building immediately adjacent to the north of the project site is a four-story residential building. The building immediately adjacent to the east of the project site is a two-story, mixed-use building with the ground floor space occupied by San Francisco Auto Repair Center. The southwest and southeast corners of South Van Ness Avenue and 19<sup>th</sup> Street are zoned NC-1 (Neighborhood Commercial

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<sup>8</sup> San Francisco Planning Department. Amendments to the Zoning Map. Block Number/Lot Number 3591/024, Case No. 2004.0160EMTZUUU. Available at: [http://sf-planning.org/sites/default/files/FileCenter/Documents/1383-Map\\_amendments\\_height%26zoning\\_by\\_BlockLot\\_Initiation.pdf](http://sf-planning.org/sites/default/files/FileCenter/Documents/1383-Map_amendments_height%26zoning_by_BlockLot_Initiation.pdf)

<sup>9</sup> Adam Varat, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 793 South Van Ness Avenue, August 4, 2016. 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. 2015-001360ENV.

<sup>10</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 793 South Van Ness Avenue, October 27, 2017.

Cluster) with a two-story, mixed-use building with a ground floor restaurant occupying the southwest corner and three-story, mixed-use building with ground floor retail occupied by the Kaiser Glass Company on the southeast corner. The project site is located approximately 0.4 miles from the 16<sup>th</sup> Street Bay Area Rapid Transit (BART) station and is within a quarter-mile of several Muni lines including the 12- Folsom, 14-Mission, 14R-Mission, 22-Fillmore, 27-Bryant, 33-Ashbury/18<sup>th</sup> Street, and 49-Van Ness/Mission.

## 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 project at 793 South Van Ness Avenue would include a height increase of two stories (20 feet) above the 55-X height and bulk district pursuant to the state density bonus law. Consistent with the state density bonus law, the San Francisco Planning Department determined that the proposed project is in conformance with the height, use, and density described in the Eastern Neighborhoods PEIR. The proposed project 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 793 South Van Ness 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. As a result of the adoption of the Plan, the project site was rezoned from an NC-1 District to an NC-3 District. The proposed project would demolish a vacant PDR land use to construct a mixed-use residential and retail use. Therefore, proposed project would contribute to significant and unavoidable impacts on land use with respect to PDR land supply. This conversion was already considered in the Eastern Neighborhoods PEIR, and therefore, the proposed project would not contribute to any impact related to PDR uses not already identified in the PEIR. The proposed project would not contribute to the impact on historic architectural resources because no resources are located at the project site and the project site is not located in a designated state or local historic district. The proposed project would increase the volume of transit ridership, but would not contribute considerably to the transit impacts identified in the Eastern Neighborhoods PEIR. The proposed project would not contribute to the shadow impact because it would not cast shadows on any parks or open spaces. Three mitigation measures identified in the Eastern Neighborhoods PEIR are necessary to reduce the proposed project's impacts to less than significant. These mitigation measures address the potential to impact archeological resources as a result of ground disturbing activities, the development and implementation of a set of noise attenuation measures during construction, and the proper removal and disposal of hazardous building materials.

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 2** below lists the mitigation measures identified in the Eastern Neighborhoods PEIR and states whether each measure would apply to the proposed project.

**Table 2 – Eastern Neighborhoods PEIR Mitigation Measures**

<b>Mitigation Measure</b>	<b>Applicability</b>	<b>Compliance</b>
<b>F. Noise</b>		
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving is not proposed.	Not Applicable
F-2: Construction Noise	Applicable: temporary construction noise from the use of heavy equipment would occur in proximity to noise-sensitive receptors.	The project sponsor has agreed to implement Project Mitigation Measure 2, which includes the development and implementation of a set of noise attenuation measures during construction.
F-3: Interior Noise Levels	Not Applicable: interior noise would be required to meet acoustical standards in Title 24 of the Building Code.	Not Applicable
F-4: Siting of Noise-Sensitive Uses	Not Applicable: interior noise would be required to meet acoustical standards in Title 24 of the Building Code.	Not Applicable
F-5: Siting of Noise-Generating Uses	Not Applicable: the proposed project would not include noise-generating uses.	Not Applicable
F-6: Open Space in Noisy Environments	Not Applicable: CEQA no longer requires the consideration of the effects of the existing environment on a proposed project's future users or residents where that project would not exacerbate existing noise levels.	Not Applicable
<b>G. Air Quality</b>		
G-1: Construction Air Quality	Not Applicable: these requirements have been superseded by the San Francisco Dust Control Ordinance.	The project is required to comply with the San Francisco Dust Control Ordinance.
G-2: Air Quality for Sensitive Land Uses	Not Applicable: the project site is not located within the Air Pollutant Exposure Zone.	Not Applicable

Mitigation Measure	Applicability	Compliance
G-3: Siting of Uses that Emit Diesel Particulate Matter (DPM)	Not Applicable: the residential and retail uses associated with the proposed project are not expected to emit substantial levels of DPMs.	Not Applicable
G-4: Siting of Uses that Emit other Toxic Air Contaminants (TACs)	Not Applicable: the proposed project would not include a backup diesel generator or other use that emits TACs.	Not Applicable
<b>J. Archeological Resources</b>		
J-1: Properties with Previous Studies	Not Applicable: the proposed project are within Archeological Mitigation Zone J2: Properties with no Previous Studies.	Not Applicable
J-2: Properties with no Previous Studies	Applicable: the proposed project are within Archeological Mitigation Zone J2: Properties with no Previous Studies.	The project sponsor has agreed to implement Project Mitigation Measure 1, which includes archeological testing.
J-3: Mission Dolores Archeological District	Not Applicable: the proposed project are within Archeological Mitigation Zone J2: Properties with no Previous Studies.	Not Applicable
<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	Not Applicable
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.	Not Applicable
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.	Not Applicable

Mitigation Measure	Applicability	Compliance
<b>L. Hazardous Materials</b>		
L-1: Hazardous Building Materials	Applicable: the proposed project involves the demolition of an existing gasoline service station that was constructed before 1970.	The project sponsor has agreed to implement this requirement as Project Mitigation Measure 3, which requires removal and proper disposal of hazardous building materials according to applicable federal, state, and local laws prior to the start of demolition.
<b>E. Transportation</b>		
E-1: Traffic Signal Installation	Not Applicable: automobile delay removed from CEQA analysis.	Not Applicable
E-2: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis.	Not Applicable
E-3: Enhanced Funding	Not Applicable: automobile delay removed from CEQA analysis.	Not Applicable
E-4: Intelligent Traffic Management	Not Applicable: automobile delay removed from CEQA analysis.	Not Applicable
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA.	Not Applicable
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA.	Not Applicable
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA.	Not Applicable
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA.	Not Applicable
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA.	Not Applicable
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA.	Not Applicable
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA.	Not Applicable

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 June 5, 2017 to adjacent occupants and owners of properties within 300 feet of the 793 South Van Ness Avenue project site. The Planning Department received comments from seven individuals on the proposed project, all of which expressed concerns about the height and/or density of the proposed building. All seven of the commenters also indicated concern about transportation-related issues including pedestrian safety, parking, congestion, public transit, and traffic hazards. Four commenters conveyed concerns about public services, specifically how the proposed project would impact emergency services and water, sewer, and electrical infrastructure. Four commenters raised concerns related to noise impacts generated during project construction as well as noise impacts from the increased density that would occur in the neighborhood. Three commenters expressed concerns related to air quality impacts associated with construction activities as well as the emissions associated with the operations of the proposed building. Two commenters conveyed concerns related to the project site’s designation as an area prone to flooding, with one commenter stating that the sewer system would not be able to handle additional runoff resulting from the proposed project. Two commenters expressed concerns related to the potential shadow impacts on nearby properties. One commenter inquired about the potential wind impacts from the proposed building on the surrounding area. One commenter expressed concern about character of the building in a historic district. Three individuals requested that the Planning Department send them the final environmental documentation for the project. These concerns were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. 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 project-specific initial study:<sup>11</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

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<sup>11</sup> The initial study is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2015-001360ENV.

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

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

**ATTACHMENT A: MITIGATION MONITORING AND REPORTING PROGRAM  
 (Including the Text of the Mitigation Measures and Project-Specific Improvement Measures)**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
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**Mitigation Measures from the Eastern Neighborhoods Area Plan EIR**

<b>Archeology</b>				
<p><b>Project Mitigation Measure 1- Archeological Testing (Implementing Eastern Neighborhoods Mitigation J-2)</b>                      Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).</p> <p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site<sup>1</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>2</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological</p>	<p>Project Sponsor, project contractor, and project archeologist.</p>	<p>Prior to issuance of any permit for soil-disturbing activities and during construction activities.</p>	<p>The Environmental Review Officer (ERO) to review and approve the Archeological Research Design and Treatment Plan (ARDTP).</p>	<p>The project archeologist to report on progress bi-monthly to the ERO. Considered complete after review and approval of ARDTP by the ERO.</p>

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

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

**ATTACHMENT A: MITIGATION MONITORING AND REPORTING PROGRAM  
 (Including the Text of the Mitigation Measures and Project-Specific Improvement Measures)**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> <li>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</li> <li>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</li> </ul> <p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>▪ The archeological consultant, project sponsor, and ERO shall</li> </ul>				

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<p>meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> <li>▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</li> <li>▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</li> <li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> <li>▪ If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving or deep foundation activities (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving or deep foundation activities may affect an archeological resource, the pile driving or deep foundation activities shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</li> </ul>				

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<p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> <li>▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>▪ <i>Final Report.</i> Description of proposed report format and distribution of results.</li> <li>▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul> <p><i>Human Remains, Associated or Unassociated Funerary Objects.</i> The</p>				

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<p>treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached State regulations shall be followed including the reinterment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).</p> <p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>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</p>				

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transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.				
<b>Noise</b>				
<p><b>Project Mitigation Measure 2- Construction Noise (Implementing Eastern Neighborhoods PEIR Mitigation Measure F-2)</b></p> <p>The project sponsor is required to develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. The Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> <li>• Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;</li> <li>• Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;</li> <li>• Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;</li> <li>• Monitor the effectiveness of noise attenuation measures by taking noise measurements; and</li> <li>• Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.</li> </ul>	Project Sponsor and project contractor	During construction	Project Sponsor to provide Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of construction.
<b>Hazardous Materials</b>				
<p><b>Project Mitigation Measure 3 (Implementing Eastern Neighborhoods PEIR Mitigation Measure L-1)</b></p> <p>The sponsor shall ensure that any equipment containing PCBs or DEHP,</p>	Project Sponsor	Prior to demolition activities.	Planning Department, in consultation with Department of Public	Considered complete upon submittal of a monitoring report.

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<p>such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>			<p>Health (DPH); Project Sponsor or contractor will submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction.</p>	

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<b>Transportation and Circulation</b>				
<p><b>Project Improvement Measure 1 – Construction Management Plan and Public Updates</b></p> <ul style="list-style-type: none"> <li><i>Construction Management Plan</i> – The project sponsor will develop and, upon review and approval by the SFMTA and Public Works, implement a Construction Management Plan, addressing transportation-related circulation, access, staging and hours of delivery. The Construction Management Plan would disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruption and ensure that overall circulation in the project area is maintained to the extent possible, with particular focus on ensuring transit, pedestrian, and bicycle connectivity. The Construction Management Plan would supplement and expand, rather than modify or supersede, and manual, regulations, or provisions set forth by the SFMTA, Public Works, or other City departments and agencies, and the California Department of Transportation. Management practices could include: best practices for accommodating pedestrians and bicyclists, identifying routes for construction trucks to utilize, minimizing deliveries and travel lane closures during the a.m. (7:30 a.m. to 9:00 a.m.) and p.m. (4:30 p.m. to 6:00 p.m.) peak periods along South Van Ness Avenue and 19<sup>th</sup> Street (Monday through Friday).</li> <li><i>Carpool, Bicycle, Walk and Transit Access for Construction Workers</i> - To minimize parking demand and vehicle trips associated with construction workers, the construction contractor could include as part of the Construction Management Plan methods to encourage carpooling, bicycle, walk and transit access to the project site by construction workers (such as providing secure bicycle parking spaces, participating in free-to-employee and employer ride matching program from www.511.org, participating in emergency ride home program through the City of San Francisco (www.sferh.org), and providing transit information to construction workers.</li> <li><i>Construction Worker Parking Plan</i> - As part of the Construction Management Plan that will be developed by the construction contractor, the location of construction worker parking could be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking could be discouraged. The project sponsor could provide on-site parking once the below grade parking garage is usable.</li> <li><i>Project Construction Updates for San Francisco Fire and Police</i></li> </ul>	Project Sponsor	Two months prior to construction and quarterly for the entirety of project construction activities.	Project Sponsor and project contractor in consultation with the San Francisco Police and Fire Department; Project Sponsor and project contractor will submit construction schedules to the San Francisco Police and Fire Departments, with a copy to the Planning Department. Project sponsor will include the Planning Department on any additional correspondence and submittals to the San Francisco Fire and Police Departments.	Ongoing

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<p><i>Departments</i> - The project sponsor will coordinate with the San Francisco Fire and Police Departments for the duration of project construction activities regarding the construction schedule and activities that could temporarily impact 19th Street access. Two months prior to beginning construction, the project sponsor will provide the San Francisco Fire and Police Departments the proposed construction schedule and indicate the proposed activities that could temporarily impact 19th Street access. Subsequent updates or addendums to the proposed schedule and a list of construction activities will be provided to the Fire and Police Departments on a quarterly basis to avoid conflict between project construction activities and emergency services.</p>				
<p><b>Project Improvement Measure 2: Queue Abatement</b>                      To minimize the vehicle queues at the project driveway into the public right-of-way, the project will be subject to the Planning Department's vehicle queue abatement conditions of approval:</p> <ul style="list-style-type: none"> <li>• It will be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley, or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.</li> <li>• If a recurring queue occurs, the owner/operator of the parking facility will employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).</li> <li>• Suggested abatement methods include but are not limited to the following: redesign of the facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of "LOT FULL" signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking,</li> </ul>	Project sponsor	During project operation	Project sponsor to implement queue abatement measures on an as-needed basis and in consultation with the Planning Department.	Ongoing

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<p>time-of-day parking surcharge, or validated parking.</p> <ul style="list-style-type: none"> <li>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Planning Department will notify the property owner in writing. Upon request, the owner/operator will hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant will prepare a monitoring report to be submitted to the Planning Department for review. If the Planning Department determines that a recurring queue does exist, the facility owner/operator will have 90 days from the date of the written determination to abate the queue.</li> </ul>				