



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use/Planned Unit Development

HEARING DATE: MARCH 14, 2013

*Date:* March 7, 2013  
*Case No.:* 2012.0325EC  
*Project Address:* 344 FULTON STREET  
*Zoning:* NCT-3 (Neighborhood Commercial Transit) District  
65-X Height and Bulk District  
*Block/Lot:* 0785/029  
*Project Sponsor:* David Noyola  
Strada Investment Group  
100 Spear Street, Suite 2080  
San Francisco, CA 94105  
*Staff Contact:* Kevin Guy – (415) 558-6163  
kevin.guy@sfgov.org  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The proposal is to demolish the existing surface parking lot and construct two new buildings separated by a central courtyard. The easterly building would be a four-story building (Boys & Girls Club) containing approximately 33,500 square feet of recreational uses, including a pool, gymnasium, a game room, arts and craft space, a learning center, and other recreational and educational spaces for youth. The third and fourth story of the building would house approximately 10,425 square feet of administrative office uses for the Boys & Girls Club, as well as an outdoor terrace at the fourth floor. The facility is intended to replace the functions of the existing Ernest Ingold Clubhouse (located at 1950 Page Street in the Upper Haight) with a facility located closer to the clientele served by the organization. The westerly building would be a six-story mixed-use building containing approximately 69 dwelling units and approximately 1,800 square feet of ground-floor commercial uses, as well as other common area spaces that could be occupied by retail uses. No off-street parking would be provided for the residential uses, however, six tandem parking spaces accessed via Ash Street would be provided in the westerly building for use by the Boys & Girls Club. The project sponsor is seeking approval of a Planned Unit Development, including a number of specific modifications from the requirements of the Planning Code, as discussed under "Issues and Other Considerations" below.

### SITE DESCRIPTION AND PRESENT USE

The project site is a 28,714-square-foot lot at the northeast corner of Fulton and Gough Streets in the Market and Octavia Area Plan. The lot is currently used as a surface parking lot, but was formerly occupied by a portion of the Central Freeway which was removed following the 1989 Loma Prieta earthquake. There are currently no structures on the property. A stub of Ash Street approximately 80 feet in length borders the northwestern portion of the site

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

Parcels formerly occupied by the Central Freeway are situated to the northeast and southwest of the Project Site. While some of these parcels are used as surface parking lots, several of these sites have been recently developed, or are currently being developed with mixed-use buildings containing residential and retail uses. The adjacent property to the east is developed with a four-story building containing administrative offices for the San Francisco Unified School District. Gough Street along the western frontage of the Project Site is a major arterial, but also has a high volume of pedestrian traffic. The area to the west of the Project Site primarily consists of residential buildings of two to five stories in height. Ground floor retail and restaurant uses are found along Hayes Street two blocks south of the Project Site, while other isolated commercial establishments are scattered throughout the neighborhood. The Civic Center district is located to the east, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include Patricia's Green to the southwest, Jefferson Square and Hayward Playground to the northwest, and Civic Center Plaza to the east.

## ENVIRONMENTAL REVIEW

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Market and Octavia Area Plan Environmental Impact Report ("EIR"). State CEQA Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. On March 5, 2013 the Planning Department of the City and County of San Francisco determined that the proposed application qualified for a "Community Plan Exemption", requiring no further environmental review.

## HEARING NOTIFICATION

| TYPE               | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|--------------------|-----------------|----------------------|--------------------|---------------|
| Classified News Ad | 20 days         | February 22, 2013    | February 22, 2013  | 20 days       |
| Posted Notice      | 20 days         | February 22, 2013    | February 22, 2013  | 20 days       |
| Mailed Notice      | 20 days         | February 22, 2013    | February 22, 2013  | 20 days       |

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## PUBLIC COMMENT

- Staff has received one letter in opposition to the project, expressing concerns with the loss of light and open space in the area and with construction noise.

## ISSUES AND OTHER CONSIDERATIONS

- **Planned Unit Development Modifications.** The project does not strictly conform to several aspects of the Planning Code. As part of the Planned Unit Development (PUD) process, the Commission may grant modifications from certain requirements of the Planning Code for

projects that exhibit outstanding overall design and are complementary to the design and values of the surrounding area. The project requests modifications from regulations related to rear yard, bay window dimensions, dwelling unit exposure, streetscape transparency, and garage entry width.

- **Rear Yard.** The Planning Code requires that the project provide a rear yard equal to 25 percent of the lot depth at every residential level. The two buildings are organized around a central courtyard areas, a configuration which does not strictly meet these requirements. However, the proposed configuration reinforces traditional urban development pattern with buildings located at or near front property lines, creating an urban streetscape framing an interior core of mid-block open space. By using a courtyard, the Project restores a traditional pattern of mid-block open space within the project site. In addition to the courtyard, the project provides substantial open space for residents in the form of individual private decks and a common roof deck.
- **Bay Windows.** Section 136(c)(2) permits bay windows to project over the public right-of-way, provided that the bays meet specified limitations for dimensions and separation. The western building includes a curving bay feature that projects over the public right-of-way of Gough Street, near the corner at Fulton Street. This feature occurs at all levels above the ground floor. Section 136(c)(2) requires that bays be separated from property lines. By definition, this Section does not permit bays at corners. In addition, this feature exceeds the maximum bay width permitted by Section 136(c)(2), reaching a maximum width of up to approximately 33.5 feet. The bay does not meet the minimum requirements for glazed area or angled configuration, per Section 136(c)(2)(C). However, the bay feature serves to articulate and vary the massing of the project, and provide enhanced scale and prominence to the corner at Gough and Fulton Streets.
- **Dwelling Unit Exposure.** Section 140 requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions. The majority of the dwelling units have exposure onto Gough, Fulton, or Ash Streets. These units comply with the requirements of Section 140. A number of units have exposure only on the interior courtyard. Section 140 specifies that an open area (such as the courtyard) must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit and floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. According to this methodology, the open area above the courtyard would need to measure at least 25 feet in horizontal dimensions at the 2nd and 3rd floors, 30 feet at the 4th floor, 35 feet at the 5th floor, and 40 feet at the 6th floor of the Project. The central courtyard measures approximately 32 feet in width at all levels. Therefore, the courtyard does not comply with the required dimensions at the 5th and 6th floors, and a total of six dwellings units at the 2nd, 3rd, and 4th floors do not meet the exposure requirements of Section 140.
- **Streetscape Transparency.** Section 145.1 requires active uses to be located at the ground-floor of the Project, with the exception of space allow for parking, building egress, and access to mechanical systems. Active uses may include commercial uses with transparency along the sidewalk, walk-up residential units, and spaces accessory to residential uses.

The Fulton Street frontage of the eastern building is occupied by an a lobby/waiting area, an arts and crafts room, and a pool. While these would qualify as active uses, the Boys & Girls Club proposes to limit visibility from the sidewalk into the pool area, as well as the arts and crafts room, through the use of fritted glazing. Because the Boys & Girls Club hosts youth programs, clear and unobstructed visibility into these areas would create operational and security concerns. It should be noted that the pool area would include clerestory windows. While these windows would not allow visibility into the pool area from the sidewalk, open clerestory windows would reveal the sounds of the activities at the pool, creating interest for passing pedestrians.

- **Garage Entry Width.** Section 145.1 limits the maximum width of parking and loading entrances to 1/3 the width of a given street frontage of a building, or 20 feet, whichever is less. The Project includes six tandem off-street parking spaces to serve the Boys & Girls Club, accessed via an entry on Ash Street. This entry measures approximately 25 feet in width, exceeding the maximum entry width specified in Section 145.1. It should be noted that the project provides minimum off-street parking, and the depth of the parking area is shallow to preserve the ground-floor area of the western building for other uses. This shallow depth does not facilitate a flared-driveway configuration that would allow for a narrower entry along the Ash Street frontage.
- **Streetscapes and Ash Street Improvement.** The Project includes a curb extension at the intersection of Gough and Fulton Streets. These extensions can accommodate seating, planters, and other functional and aesthetic amenities to enhance the public realm. The Project also includes improvements to Ash Street, including a raised crosswalk at the intersection of Ash and Gough Streets. The Project Sponsor may also pursue additional bulb-outs at the remaining three corners of the intersection of Gough and Fulton Streets. These additional bulb-outs would not be required as conditions of Project approval, but could qualify as “in-kind” improvements which would offset a portion of the impact fees owed by the Project, pending further design study, as well as review and approval by the Citizen’s Advisory Committee and applicable City Departments and Agencies.
- **Parking and Vehicular Access.** The Project would provide no off-street parking for the residential uses. The Project includes six parking spaces for the Boys & Girls Club to accommodate employee parking and shuttles. This parking amount is far less than the maximum allowed parking for this use within the NCT-3 District. Therefore, the Project will encourage residents and visitors to favor travel by means other than private automobile use. The area is well-served by transit, and there are abundant goods and services available in the immediate vicinity. It should be noted that much of the clientele for the Boys & Girls Club lives in the area. By replacing the functions of the existing Ernest Ingold Clubhouse in the Upper Haight with a new Boys & Girls Club at this location, much of the clientele would be able to walk to reach the facility.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow development on a lot greater than 10,000 square feet, to allow a non-residential use greater than 6,000 square feet, and to approve a Planned Unit Development with the requested modifications from the requirements of the Planning Code.

## **BASIS FOR RECOMMENDATION**

- The project would add 69 dwelling units to the City's housing stock, including eight on-site affordable units, in a walkable and transit-rich area suited for dense, mixed-use development.
- The project would establish a Boys & Girls Club facility that will provide a diverse array of athletic, recreational, and educational services to youth in the area.
- Residents and visitors would be able to walk or utilize transit to commute and satisfy convenience needs without reliance on the private automobile. The parking proposes less than the amount that is principally permitted under the Planning Code.
- The project fulfills the intent of the Market and Octavia Area Plan to focus new housing in transit-served locations and to create active, vibrant streetscapes.
- The project includes a mix of studio and two-bedroom units to serve a diversity of household sizes and people with varied housing needs.
- The proposed ground-floor commercial spaces will expand the spectrum of retail goods and services available in the area, and will activate the sidewalk along Gough, Fulton, and Ash Streets..
- The project includes substantial landscaping and other improvements within the public realm, including curb extensions and a raised crosswalk at Ash Street.
- The project is necessary and desirable, is compatible with the surrounding neighborhood, and would not be detrimental to persons or adjacent properties in the vicinity.

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| <b>RECOMMENDATION:</b> <b>Approval with Conditions</b> |
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**Attachments:**

- Draft Motion, including Mitigation, Monitoring, and Reporting Program
- Community Plan Exemption
- Block Book Map
- Sanborn Map
- Aerial Photographs
- Public Correspondence
- In-Kind Improvement Concept Proposal
- Residential Pipeline
- Inclusionary Affordable Housing Program Affidavit
- Costa Hawkins Agreement
- Project Sponsor Submittal
  - Including "Applicant's Preferred Color Scheme"

Attachment Checklist

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project sponsor submittal   |
| <input checked="" type="checkbox"/> Draft Motion                | Drawings: <u>Existing Conditions</u>  |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>   |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Parcel Map                  | <input type="checkbox"/> Wireless Telecommunications Materials  |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> Health Dept. review of RF levels   |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> RF Report  |
| <input checked="" type="checkbox"/> Context Photos              | <input type="checkbox"/> Community Meeting Notice   |
| <input checked="" type="checkbox"/> Site Photos                 | <input checked="" type="checkbox"/> Housing Documents   |
|   | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
|   | <input checked="" type="checkbox"/> Residential Pipeline  |

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

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Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

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Subject to: (Select only if applicable)

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413)  | <input type="checkbox"/> Child Care Requirement (Sec. 414)            |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)             | <input checked="" type="checkbox"/> Other                             |

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## Planning Commission Draft Motion

HEARING DATE: MARCH 14, 2013

*Date:* March 7, 2013  
*Case No.:* **2012.0325C**  
*Project Address:* **344 FULTON STREET**  
*Zoning:* NCT-3 (Neighborhood Commercial Transit) District  
65-X Height and Bulk District  
*Block/Lot:* 0785/029  
*Project Sponsor:* David Noyola  
Strada Investment Group  
100 Spear Street, Suite 2080  
San Francisco, CA 94105  
*Staff Contact:* Kevin Guy – (415) 558-6163  
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**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION TO ALLOW DEVELOPMENT OF A LOT EXCEEDING 10,000 SQUARE FEET, A NON-RESIDENTIAL USE EXCEEDING 6,000 SQUARE FEET, AND A PLANNED UNIT DEVELOPMENT, PURSUANT TO SECTIONS 121.1, 121.2, 303, AND 304 OF THE PLANNING CODE, WITH SPECIFIC MODIFICATIONS TO PLANNING CODE REGULATIONS RELATED TO REAR YARD, DWELLING UNIT EXPOSURE, STREETScape TRANSPARENCY, GARAGE ENTRY WIDTH, AND BAY WINDOW DIMENSIONS, TO DEMOLISH AN EXISTING SURFACE PARKING LOT AND CONSTRUCT 1) A NEW FOUR-STORY RECREATIONAL BUILDING CONTAINING A POOL, GYMNASIUM, MISCELLANEOUS RECREATIONAL AND EDUCATIONAL SPACES, AND ADMINISTRATIVE OFFICES; AND, 2) A SIX-STORY MIXED-USE BUILDING CONTAINING APPROXIMATELY 69 DWELLING UNITS AND 1,800 SQUARE FEET OF GROUND-FLOOR COMMERCIAL USES, ON A PROPERTY LOCATED AT 344 FULTON STREET, LOT 029 IN ASSESSOR'S BLOCK 0785, WITHIN THE NCT-3 DISTRICT, AND THE 65-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

## **PREAMBLE**

On November 7, 2012, David Noyola, acting on behalf of the Boys & Girls Club of San Francisco ("Project Sponsor"), filed an application with the Planning Department ("Department") for Conditional Use Authorization to allow development on a lot exceeding 10,000 square feet and to allow a non-residential use exceeding 6,000 square feet under Planning Code Sections ("Sections") 121.1, 121.2, and 303 to allow a project that would demolish an existing surface parking lot and construct 1) a new four-story recreational building containing a pool, gymnasium, miscellaneous recreational and educational spaces, and administrative offices; and, 2) a six-story mixed-use building containing approximately 69 dwelling units and 1,800 square feet of ground-floor commercial uses, located at 344 Fulton Street, Lot 029 in Assessor's Block 0785, within the NCT-3 District and the 65-X Height And Bulk District. On January 15, 2013, the Project Sponsor submitted an amended application for Conditional Use Authorization requesting approval of a Planned Unit Development ("PUD"), with specific modifications of Planning Code regulations regarding rear yard, dwelling unit exposure, streetscape transparency, garage entry width, and bay window dimensions, pursuant to Section 304 (collectively, "Project", Case No. 2012.0325C).

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Market and Octavia Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on April 5, 2007, by Motion No. 17406, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The certification of the EIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Market and Octavia Area Plan, the Commission adopted CEQA Findings in its Motion No. 17406 and hereby incorporates such Findings by reference.

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

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on March 5, 2013, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market and Octavia Area Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

On March 14, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0325C.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0325C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is a 28,714-square-foot lot at the northeast corner of Fulton and Gough Streets in the Market and Octavia Area Plan. The lot is currently used as a surface parking lot, but was formerly occupied by a portion of the Central Freeway which was removed following the 1989 Loma Prieta earthquake. There are currently no structures on the property. A stub of Ash Street approximately 80 feet in length borders the northwestern portion of the site
3. **Surrounding Properties and Neighborhood.** Parcels formerly occupied by the Central Freeway are situated to the northeast and southwest of the Project Site. While some of these parcels are

used as surface parking lots, several of these sites have been recently developed, or are currently being developed with mixed-use buildings containing residential and retail uses. The adjacent property to the east is developed with a four-story building containing administrative offices for the San Francisco Unified School District. Gough Street along the western frontage of the Project Site is a major arterial, but also has a high volume of pedestrian traffic. The area to the west of the Project Site primarily consists of residential buildings of two to five stories in height. Ground floor retail and restaurant uses are found along Hayes Street two blocks south of the Project Site, while other isolated commercial establishments are scattered throughout the neighborhood. The Civic Center district is located to the east, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include Patricia's Green to the southwest, Jefferson Square and Hayward Playground to the northwest, and Civic Center Plaza to the east.

4. **Project Description.** The proposal is to demolish the existing surface parking lot and construct two new buildings separated by a central courtyard. The easterly building would be a four-story building (Boys & Girls Club) containing approximately 33,500 square feet of recreational uses, including a pool, gymnasium, a game room, arts and craft space, a learning center, and other recreational and educational spaces for youth. The third and fourth story of the building would house approximately 10,425 square feet of administrative office uses for the Boys & Girls Club, as well as an outdoor terrace at the fourth floor. The facility is intended to replace the functions of the existing Ernest Ingold Clubhouse (located at 1950 Page Street in the Upper Haight) with a facility located closer to the clientele served by the organization. The westerly building would be a six-story mixed-use building containing approximately 69 dwelling units and approximately 1,800 square feet of ground-floor commercial uses, as well as other common area spaces that could be occupied by retail uses. No off-street parking would be provided for the residential uses, however, six tandem parking spaces accessed via Ash Street would be provided in the westerly building for use by the Boys & Girls Club. The project sponsor is seeking approval of a Planned Unit Development, including a number of specific modifications from the requirements of the Planning Code, as discussed herein.
5. **Public Comment.** Staff has received one letter in opposition to the project, expressing concerns with the loss of light and open space in the area and with construction noise.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Use and Density.** Per Section 731.91, dwelling units within the NCT-3 District are principally permitted without specific density limitations, allowing physical controls such as height, bulk, and setbacks to define an allowable building envelope. Per Section 731.81, "Other Large Institutions" such as the Boys & Girls Club are principally permitted at all levels of a building. Per Section 731.4, retail uses are principally permitted at the ground floor within the NCT-3 District.

*The proposed residential uses, the proposed recreational facility, and the proposed ground-floor retail uses are principally permitted, and therefore comply with the Planning Code. No residential density limitations apply within the NCT-3 District, allowing physical design controls to define an allowable building envelope. The project is seeking a modification of several Planning Code requirements regarding physical design controls through the PUD process. However, the Project meets the intent of these requirements, as discussed under Item #10 below, as well as the policies of the General Plan and the Market and Octavia Area Plan, with respect to dwelling unit livability.*

- B. **Height and Bulk.** The subject property is located within a 65-X Height and Bulk District. Pursuant to Section 270, projects within "-X" Bulk Districts are not subject to specific bulk controls. Pursuant to Section 260(b), certain rooftop features may exceed the maximum permitted height limitation, provided that these features comply with specified dimensions. Pursuant to Section 261.1, upper portions of buildings that abut the southerly side of narrow streets must be set back to avoid penetrating a sun access plane defined by an angle of 45 degrees, extending from the directly opposite northerly property line. This additional height restriction applies to the portion of the narrow street frontage that is located 60 feet away from an intersection with a street wider than 40 feet.

*The eastern building reaches a maximum roof height of 54 feet, with a maximum parapet height of 58 feet. Therefore, this building complies with the 65-foot height limitation. The western building reaches a maximum roof height of 65 feet, with an elevator penthouse on a portion of the roof reaching a maximum height of 81 feet. Pursuant to Section 260(b)(1)(B), elevator penthouses may extend to a height 16 feet above the applicable height limitation. Therefore, the western building complies with the applicable height limit.*

*A portion of the Project Site along Ash Street is subject to the additional height limitation for buildings along narrow streets, per Section 261.1. The applicable sunlight access plane required by Section 261.1 applies above a height of 35 feet at the property line of the Project Site. Where the additional height limitation applies, the facade of the building is set back from the property line, and the dwelling units at the fifth and sixth floors are terraced to the south to comply with the sunlight access plane. Therefore, the Project complies with the additional height limitation*

- C. **Floor Area Ratio.** In the NCT-3 District, Section 124 allows a Floor Area Ratio (FAR) of up to 3.6 to 1. With a site area of 28,714 square feet, the allowable FAR would permit a building of up to 103,370 square feet of Gross Floor Area as defined in Section 102.9.

*The Project would measure a total of approximately 101,002 square feet. Pursuant to Section 124(b), within NC and R Districts, the cited Floor Area Ratio limits do not apply to residential uses. Subtracting the area of the residential uses, approximately 47,609 square feet of Gross Floor Area within the Project would be subject to the allowable FAR. The Project therefore complies with the maximum allowable FAR.*

- D. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at every residential level for the portion of the site within the NCT-3 District.

*The Project consists of two structures situated around a central courtyard situated toward the interior of the property. The configuration of this courtyard does not meet the requirements for a rear yard, and thus the Project requires a modification of the rear yard requirement through the PUD process. Compliance with the PUD criteria is discussed under Item #10.*

*Section 134(e)(1) identifies a process whereby the Zoning Administrator may reduce the rear yard requirements for a project within NC Districts. Because the Project is seeking a rear yard modification through the PUD, the process described by Section 134(e)(1) does not apply. It should be noted, however, that the project complies with the specified criteria of Section 134(e)(1), as follows:*

- i. Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.*
- ii. The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties.*

*Calculating the required rear yard to the Project Site would provide an open area of approximately 3,120 square feet. A common rooftop deck measures 1,569 square feet and the at-grade courtyard measures 2,797 square feet, for a total of 4,365 square feet of common open space. In addition, two studio units at the fifth floor include private decks that measure 292 square feet. In total, the Project provides a combination of private and common open spaces for the use of residents that measure approximately 4,657 square feet, exceeding the amount of open area that would be provided by a Code-complying rear yard.*

*The Project occupies a large corner lot bounded by Fulton Street, Gough Street, and a stub of Ash Street. The configuration of the Project along these frontages would not block access to light and air for adjacent properties, because the Project Site is separated from adjacent properties by public rights-of-way. The abutting property to the northeast of the Project is utilized as a surface parking lot, therefore, the Project would not block access to light and air for any structures to the north. The existing administrative office building for the San Francisco Unified School District is located on the abutting property to the east. This building contains some west-facing windows that would be partially obstructed by the construction of the recreational building. However, it should be noted that this abutting building is set back from its interior property line, therefore, construction of the Project will not completely block access to light and air for this building.*

*Providing a Code-complying rear yard for the Project would result in a configuration that does not reflect the traditional San Francisco development pattern, with buildings located at or near front property lines, creating an urban streetscape framing an interior core of mid-block open space. By using a courtyard, the Project restores a traditional pattern of mid-block open space within the Project Site.*

- E. Usable Open Space.** Section 135 requires that a minimum of 80 square feet of private usable open space, or 106.4 square feet of common usable open space be provided for dwelling units within the NCT-3 District. Pursuant to Section 135(d)(2), required open space for units measuring less than 350 square feet shall be 1/3 the requirement for all other dwelling units.

This Section specifies that the area counting as usable open space must meet minimum requirements for area, horizontal dimensions, and exposure.

*The Project proposes private decks for two of the dwelling units at the fifth floor. Applying the required common open space ratios for the remainder of the units, the Project requires 2,979 square feet of common open space to serve the 28 two-bedroom units, and 1,383 square feet of common open space to serve the 39 studio units, for a total of 4,362 square feet. The Project proposes a total of 4,365 square feet of common open space at the ground level and on a rooftop deck. The Project complies with the requirements for residential open space.*

- F. **Bay Window Dimensions.** Section 136(c)(2) permits bay windows to project over the public right-of-way, provided that the bays meet specified limitations for dimensions and separation.

*The western building includes a curving bay feature that projects over the public right-of-way of Gough Street, near the corner at Fulton Street. This feature occurs at all levels above the ground floor. Section 136(c)(2) requires that bays be separated from property lines. By definition, this Section does not permit bays at corners. In addition, this feature exceeds the maximum bay width permitted by Section 136(c)(2), reaching a maximum width of up to approximately 33.5 feet. The bay does not meet the minimum requirements for glazed area or angled configuration, per Section 136(c)(2)(C). However, the bay feature serves to articulate and vary the massing of the project, and provide enhanced scale and prominence to the corner at Gough and Fulton Streets. The Project requires a modification of the requirements of this Section through the PUD process. Compliance with the PUD criteria is discussed under Item #10.*

- G. **Streetscape and Pedestrian Improvements.** Section 138.1 requires that the Project include streetscape and pedestrian improvements appropriate to the site in accordance with the Better Streets Plan, as well as the planting of street trees.

*The conceptual plans for the Project show street trees, landscaping, benches, bike racks, and a continuous permeable paver strip within the public right-of-way along the Gough and Fulton Street frontages. Along Ash Street, the Project includes a raised crosswalk, as well as trees and planter areas situated outboard of the curb line. An elongated curb extension would be situated at the corner of Gough and Fulton Streets. Staff from the Planning Department and other appropriate agencies will coordinate with the Project Sponsor to refine the details of required streetscape improvements during the building permit review to ensure compliance with Section 138.1.*

*The Project Sponsor may also pursue additional bulb-outs at the remaining three corners of the intersection of Gough and Fulton Streets. These additional bulb-outs would not be required as conditions of Project approval, but could qualify as "in-kind" improvements which would offset a portion of the impact fees owed by the Project, pending further design study, as well as review and approval by the Citizen's Advisory Committee and applicable City Departments and Agencies.*

- H. **Dwelling Unit Exposure.** Section 140 requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

*The majority of the dwelling units have exposure onto Gough, Fulton, or Ash Streets. These units comply with the requirements of Section 140. A number of units have exposure only on the interior courtyard. Section 140 specifies that an open area (such as the courtyard) must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit and floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. According to this methodology, the open area above the courtyard would need to measure at least 25 feet in horizontal dimensions at the 2nd and 3rd floors, 30 feet at the 4th floor, 35 feet at the 5th floor, and 40 feet at the 6th floor of the Project.*

*The central courtyard measures approximately 32 feet in width at all levels. Therefore, the courtyard does not comply with the required dimensions at the 5th and 6th floors, and a total of six dwellings units at the 2nd, 3rd, and 4th floors do not meet the exposure requirements of Section 140. The Project requires a modification of the requirements of this Section through the PUD process. Compliance with the PUD criteria is discussed under Item #10.*

- I. **Active Street Frontages.** Section 145.1 requires active uses to be located at the ground-floor of the Project, with the exception of space allow for parking, building egress, and access to mechanical systems. Active uses may include commercial uses with transparency along the sidewalk, walk-up residential units, and spaces accessory to residential uses.

*The Gough, Fulton, and Ash Street frontages of the western building are occupied by several active spaces, including retail uses, an open fence and entry gate providing views into the courtyard, and common areas which could also be occupied by retail tenants. Therefore, the western building complies with the active street frontage requirements of Section 145.1.*

*The Fulton Street frontage of the eastern building is occupied by a lobby/waiting area, an arts and crafts room, and a pool. While these would qualify as active uses, the Boys & Girls Club proposes to limit visibility from the sidewalk into the pool area, as well as the arts and crafts room, through the use of fritted glazing. Because the Boys & Girls Club hosts youth programs, clear and unobstructed visibility into these areas would create operational and security concerns. It should be noted that the pool area would include clerestory windows. While these windows would not allow visibility into the pool area from the sidewalk, open clerestory windows would reveal the sounds of the activities at the pool, creating interest for passing pedestrians. The Project requires a modification of the requirements of this Section through the PUD process. Compliance with the PUD criteria is discussed under Item #10.*

- J. **Garage Entry Width.** Section 145.1 limits the maximum width of parking and loading entrances to 1/3 the width of a given street frontage of a building, or 20 feet, whichever is less.

*The Project includes six tandem off-street parking spaces to serve the Boys & Girls Club, accessed via an entry on Ash Street. This entry measures approximately 25 feet in width, exceeding the maximum entry width specified in Section 145.1. It should be noted that the project provides minimum off-street parking, and the depth of the parking area is shallow to preserve the ground-floor area of the western building for other uses. This shallow depth does not facilitate a flared-driveway configuration that would allow for a narrower entry along the Ash Street frontage. The Project requires a modification of the requirements of this Section through the PUD process. Compliance with the PUD criteria is discussed under Item #10.*

- K. **Off-Street Parking and Car Sharing.** Pursuant to Section 151.1, up to 36 off-street residential parking spaces could be principally permitted for the project (one space for each two dwelling units. Up to 29 non-residential parking spaces could be principally permitted for the project (one space for each 1,500 square feet of floor area within the recreational building).

*The Project proposes no off-street parking spaces to serve the residential uses. Six off-street parking spaces in a tandem configuration will be located in the western building to accommodate employee and shuttle vehicles for the Boys & Girls Club. The project therefore complies with the parking limitations of Section 151.1.*

- L. **Off-Street Loading.** Section 152 provides a schedule of required off-street freight loading spaces for all uses in districts other than C-3 or South of Market. Pursuant to this Section, residential uses measuring between less than 100,000 square feet do not require off-street loading spaces. In addition, non-residential and non-retail uses measuring less than 100,000 square feet do not require off-street loading spaces.

*The residential and recreational components of the Project would each measure less than 100,000 square feet. Therefore, no off-street loading spaces are required for the Project, and the Project complies with Section 152.*

- L. **Dwelling Unit Mix.** Section 207.6 requires that, for projects creating five or more dwelling units within the NCT-3 District, a minimum of 40 percent of the dwelling units contain at least two bedrooms.

*The Project proposes a total of 69 dwelling units. 28 of these units are two-bedroom units, which constitute 40.5 percent of the overall dwelling units. The Project complies with the dwelling unit mix requirements.*

- M. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable

Housing Alternative by providing 15% of the proposed dwelling units as affordable. Pursuant to San Francisco Charter Section 16.110 (g), adopted by the voters in November, 2012, beginning on January 1, 2013, the City shall reduce by 20% the on-site inclusionary housing obligation for all on-site projects subject to the Inclusionary Affordable Housing, but in no case below 12%. Thus, under Charter Section 16.110 (g) all the on-site requirements here is reduced by 3% (20% of 15%) to 12%.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on February 20, 2013 and a draft of the Costa Hawkins agreement on March 7, 2013. The EE application was submitted on August 7, 2012. Pursuant to San Francisco Charter Section 16.110 (g) the 15% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 15%) to 12%. 8 units (5 studio units and 3 two-bedroom units) of the 69 units provided will be affordable rental units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. The Project must execute the Costa Hawkins agreement prior to Planning Commission approval or must revert to payment of the Affordable Housing Fee.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. Projects that proposed a Planned Unit Development through the Conditional Use authorization process must meet these criteria, in addition to the PUD criteria of Section 304, discussed under Item #10. On balance, the project complies with the criteria of Section 303, in that:
  - a. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

*The Project will add significant housing opportunities at a density suitable for an urban context that is well served by public transit. In addition, the project will establish a new recreational facility, with a varied program of athletics, arts and crafts, games, and educational support facilities that serve area youth. Retail spaces in the project will provide employment opportunities, activate the streetscape, and will serve the residents of the Project and the larger neighborhood. By targeting infill, mixed-use development at such locations, residents will be able to walk, bicycle, or take transit to commute, shop, and meet other needs without reliance on private automobile use. In addition, children who utilize the Boys & Girls Club will be able to independently walk, bicycle, or take transit to visit the facility.*

*The existing development in the area surrounding the Project Site is varied in scale and intensity. The Project is taller than some buildings in the vicinity, and occupies a relatively large lot. The Project would consist of two separate structures, and the unique massing and architectural language of each building expresses the particular functions housed within.*

*The Project is necessary and desirable for, and is compatible with the neighborhood.*

- b. The use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:
  - i. The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.

*The Project site is a regularly-shaped lot formerly occupied by the Central Freeway that is adequately sized to accommodate the development. In lieu of providing a Code-complying rear yard, the Project is arranged around a central courtyard that establishes a pattern of mid-block open space that is currently lacking on the subject block. Existing development in the vicinity varies in size and intensity, and the Project is generally compatible with the eclectic character of the area. The Project is designed with recesses, varying heights and fenestration patterns, and differentiated architectural language to reduce the apparent scale of the Project. The shape and size of development on the subject property will not be detrimental to persons or adjacent properties in the vicinity.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.

*The Project does not require any off-street loading facilities under the Planning Code. The Project proposes several on-street loading facilities for both the residential and commercial uses. The Project provides no off-street parking for the residential uses, encouraging residents to walk, bicycle, or utilize transit rather than drive private automobiles to commute and to access goods and services in the vicinity. The Projects includes six spaces to serve the operational needs of the*

*Boys & Girls Club, a parking ratio which is far less than would be permitted by Section 151.1. No car-share parking spaces are provided, or are required by Section 166. Access to off-street parking would be provided via Ash Street, avoiding conflicts with pedestrians along the more heavily traveled frontages along Gough and Fulton Streets.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor.

*The Project includes residential and institutional uses that are typical of the Market and Octavia Plan and Civic Center areas, and should not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The building will not utilize mirrored glass or other highly reflective materials, therefore, the Project is not expected to cause offensive amounts of glare.*

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting, and signs.

*The Project provides open space in the form of private decks, common rooftop decks, and common open space within a central courtyard. The Project includes a curb extension at the intersection of Gough and Fulton Streets, as well as "living alley" improvements along Ash Street that create areas for seating, planters, and other functional and aesthetic amenities to enhance the public realm. No off-street parking is provided for the residential units, and minimal parking for the Boys & Girls Club is provided at a ratio less than the principally permitted amounts of Section 151.1. The area is well-served by transit and a variety of retail options within walking distance. Conditions of approval also require that, as the Project proceeds through the review of building permits, the Project Sponsor will continue to work the Department staff to refine details of project massing, lighting, signage, materials, street trees, and other aspects of the design.*

- c. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

*The Project generally complies with the applicable sections of the Code, with certain exceptions. The residential, recreational, and retail uses contemplated for the Project are permitted within the NCT-3 District. The Project seeks a number of modifications to the requirements of the Planning Code through the PUD process. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan. The requested modifications, and compliance with the PUD criteria are discussed under Item #10.*

*Considered as a whole, the Project would add housing, commercial goods and services, and youth-oriented recreational facilities to create a vibrant, active mixed-use node. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and reach*

*amenities by walking, transit, and bicycling. The Project includes a mix of unit types and sizes, including 41 studio unit and 28 two-bedroom units. This mix of units will ensure that the Project will serve a diversity of household sizes and people with varied housing needs. The Project conforms with multiple goals and policies of the General Plan, as described in further detail in Item #12.*

- d. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The Project is consistent with the stated purposes of the NCT-3 District in that it would provide ground floor commercial spaces suitable for neighborhood-serving retail, and would provide housing, a use that is strongly encouraged in the district. In addition, the Boys & Girls Club will provide recreational and educational opportunities, fulfilling a key social service function for youth in the area.*

8. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for projects within the NCT-3 District on lots that exceed 10,000 square feet, through the Conditional Use authorization process. On balance, the project complies with said criteria in that:

- a. The mass and facade of the proposed structure are compatible with the existing scale of the district.

*The existing development in the area surrounding the Project site is varied in scale and intensity. The Project is taller than some buildings in the vicinity, and occupies a relatively large lot. However, the Project uses distinct architectural language between the two buildings to distinguish their respective residential and recreational functions, and avoid the appearance of a uniform, singular development. Each building utilizes changes in plane, deep recesses, and changes in height, fenestration patterns, and materiality to divide the elevations into discrete modules.*

- b. The facade of the proposed structure is compatible with the design features of adjacent facades that contribute to the positive visual qualities of the district.

*Existing buildings in the area exhibit an eclectic architectural character, with no prevailing style establishing a dominant visual pattern for the neighborhood. The scale of development also varies somewhat in the vicinity. Existing development within Hayes Valley is primarily constructed in the late 19th and early 20th Century in a finer-grained pattern of individual buildings situated on narrow lots. Nearby development in the Western Addition is largely characterized by large, mid-century public housing projects that occupy full blocks. Development within the Civic Center to the east ranges in age and style from post-1906 Beaux-Arts buildings, to mid- to late-20<sup>th</sup> Century additions which are generally compatible with the monumental scale and character of older buildings. There are also examples of recent in-fill construction in the area, such as the Richardson Apartments at the southeast corner of the subject intersection.*

*While no single architectural style or development pattern predominates, the Project reflects the disparate elements of this context while establishing its own contemporary language. For the western building, the facade near the corner of Fulton and Gough Streets forms a gently sweeping curve finished with glazed tile, punctuated by a rhythm of windows that are framed by perforated screens. These screens vary in form, size, and configuration across the elevation, responding to the specific solar angle of each window. At the northwestern portion of the Project, the facade is expressed through as flat planes with a fenestration pattern that is distinct from the curving element near the corner. The Ash Street elevation is finished with fiber cement board with a random "batten" pattern that creates richness and texture.*

*The eastern building (housing the Boys and Girls Club), is articulated as a series of alternating planes of solid wall and glazing. The easternmost portion of the elevation along Fulton Street features more expansive movements which express the larger volumes of the pool and gymnasium spaces within. The western portion of this elevation is articulated as a finer-grained rhythm, with intricate and nuanced mullion patterns within this glazing. This expression is indicative of the smaller-scale functions housed in this area, including learning centers and administrative offices.*

*The unique architectural treatments, including varied massing, materials, and finishes, creates an appropriate scale and relationship to the surrounding context, acknowledging both the residential areas of Hayes Valley and the Western Addition to the west, and well as the more monumental character of the Civic Center area to the east.*

9. **Planning Code Section 121.2** establishes criteria for the Planning Commission to consider when reviewing applications for projects within the NCT-3 District on lots that contain non-residential uses greater than 6,000 square feet, through the Conditional Use authorization process. On balance, the project complies with said criteria in that:
  - a. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

*While the athletic, recreational, educational, and administrative functions within the Boys & Girls Club building are each relatively large, they would not compete with or otherwise foreclose the location of other needed neighborhood-serving uses in the area. Instead, the presence of the visitors and employees of the Boys & Girls Club would bolster the viability of the existing commercial spine of the neighborhood along Hayes Street, as well as the other scattered retail and restaurant uses in the vicinity. In addition, the western building would include ground-floor retail spaces that would enhance the diversity of goods and services in the area.*

- b. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

*The Project will contribute to and serve the neighborhood by providing recreational and educational opportunities to youth in the area. Recreational uses (particularly athletic spaces such as the pool and gymnasium) inherently require larger footprints and volumes to operate. By co-locating the*

*recreational and administrative functions of the Boys & Girls Club organization within the building, each function can utilize the common building systems and facilities. Accordingly, the Project results in a relatively compact structure in proportion to the multiple functions that it serves.*

- c. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

*As discussed under Item #5 above, the Project is situated in a context that is varied in height, scale, and visual character. The Project was intentionally design as two separate buildings, each expressing a distinct architectural character. The massing of the Boys & Girls Club building complements the larger performance and governmental buildings within the Civic Center area, but the height and design is also complementary to the fine-grained pattern and scale of residential areas to the west.*

10. **Planned Unit Development.** Section 304 establishes criteria and limitations for the authorization of PUD's over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. In cases of projects that exhibit outstanding overall design and are complementary to the design and values of the surrounding area, such projects may merit modification of certain Code requirements. On balance, the Project complies with said criteria in that it:

- a. Affirmatively promotes applicable objectives and policies of the General Plan;

*See discussion under Item #12.*

- b. Provides off-street parking adequate for the occupancy proposed.

*No off-street parking is required within the NCT-3 District, and development in the Market-Octavia Area is discouraged from providing abundant parking in order to encourage travel by means other than private automobiles. No off-street parking spaces are proposed to serve the residential use. Six spaces are proposed to accommodate employee parking and shuttle vehicles for the Boys & Girls Club, which is considered adequate and is less than the principally permitted quantity of parking within the NCT-3 District.*

- c. Provides open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by this Code;

*The Project proposes private decks for two of the dwelling units, and provides large common open space areas within a roof deck and the ground-floor courtyard to serve the residents. The Project would also provide robust improvements to the public realm which could be enjoyed by the general public, including street trees, landscaping, seating areas, bike racks, a raised pedestrian crossing at Ash Street, and a curb extension at the corner of Gough and Fulton Streets. The Project Sponsor may also pursue, as an "in-kind improvement", the provision of sidewalk bulb-outs at the other three corners of this intersection.*

d. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of the Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property.

*Dwelling units within the NCT-3 District are principally permitted without specific density limitations, with the development capacity defined by the building envelope that can be achieved by applying the physical development standards of the zoning district. While the Project requests minor modifications of certain development standards through the PUD process, the granting of the PUD would not be substantially equivalent to a reclassification of property.*

e. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

*As discussed in Item #6B above, the Project complies with the applicable height limitations for the Property.*

11. **Planned Unit Development Modifications.** The Project Sponsor requests a number of modifications from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification. Where indicated, certain requested PUD modifications are not granted by this approval, and conditions have been added such that the Project will comply with the applicable provisions of the Planning Code.

- i. Rear Yard: Item #6D*
- ii. Dwelling Unit Exposure: Item #6H*
- iii. Bay Window Configuration: Item #6F*
- iv. Streetscape Transparency: Item #6I*
- v. Garage Entry Width: Item #6J*

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

## COMMERCE AND INDUSTRY ELEMENT:

### Objectives and Policies

#### OBJECTIVE 6

**MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.**

**Policy 6.4:**

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

**Policy 6.10:**

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

*The Project would replace an existing surface parking lot with an intense, mixed-use development suited to an urban context. The Project includes 69 dwelling units. Residents of these units would shop for goods and services in the area, bolstering the viability of the existing businesses. In addition, the Project would provide approximately 1,800 square feet of ground-floor commercial uses, as well as other common area spaces that could be occupied by retail uses. These retail activities will contribute to the economic vitality of the area, fulfill shopping needs for residents, and will activate the streetscape.*

**HOUSING ELEMENT:**

**Objectives and Policies**

**OBJECTIVE 1**

**TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.**

**Policy 1.1:**

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.

**Policy 1.3**

Identify opportunities for housing and mixed-use districts near downtown and former industrial portions of the City.

**Policy 1.4:**

Locate in-fill housing on appropriate sites in established residential neighborhoods.

*The Project will add residential units to an area that is well-served by transit, services, and shopping opportunities. The site is suited for dense, mixed-use development, where residents can commute and satisfy convenience needs without frequent use of a private automobile. The Project Site is located within walking distance of the employment cluster of the Civic Center, and is in an area with abundant transit options with routes that travel to the South of Market and Financial District areas. The Project includes a*

*mix of studio and two-bedroom units in a range of sizes, to provide housing opportunities for various household types and socioeconomic groups within the neighborhood.*

## COMMUNITY FACILITIES ELEMENT:

### Objectives and Policies

#### OBJECTIVE 3

**ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.**

#### POLICY 3.1

Provide neighborhood centers in areas lacking adequate community facilities.

#### POLICY 3.5:

Develop neighborhood centers that are multipurpose in character, attractive in design, secure and comfortable, and inherently flexible in meeting the current and changing needs of the neighborhood served.

*The Project will establish a Boys & Girls Club which will provide diverse athletic, educational, and recreational, opportunities for youth in the area. The facility is intended to replace the functions of the existing Ernest Ingold Clubhouse (located at 1950 Page Street in the Upper Haight) with a facility located closer to the clientele served by the organization. The new facility will also include administrative offices needed to support the citywide organizations functions of the Boys & Girls Club of San Francisco.*

## MARKET AND OCTAVIA PLAN:

### Objectives and Policies

#### OBJECTIVE 1.1

**CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.**

#### Policy 1.1.2:

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

*The Project Site is situated in an area that is well-served by transit, and has amenities and convenience goods and services within walking distance. The retail spaces will diversify the mix of retail offerings in the area, and will be consistent with the small-scale retail uses along Hayes Street to the north. The Boys & Girls Club will fulfill a key social service need for youth in the area, and will contribute to the diversity of uses in the neighborhood.*

**OBJECTIVE 2.1:**

**REQUIRE DEVELOPMENT OF MIXED-USE RESIDENTIAL INFILL ON THE FORMER FREEWAY PARCELS.**

**Policy 2.1.1:**

Develop the Central Freeway parcels with mixed-use, mixed- income (especially low income) housing.

*The Project proposes a mixed-use development on a Central Freeway lot.*

**OBJECTIVE 2.2**

**ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.**

**Policy 2.2.2:**

Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

**Policy 2.2.4:**

Encourage new housing above ground-floor commercial uses in new development and in expansion of existing commercial buildings.

*The Project is a mixed-use infill development that includes a variety of dwelling unit types. The residential uses are situated over retail spaces, providing convenient access to goods and services for residents of the proposed project and the surrounding neighborhood.*

**OBJECTIVE 3.1:**

**ENCOURAGE NEW BUILDINGS THAT CONTRIBUTE TO THE BEAUTY OF THE BUILT ENVIRONMENT AND THE QUALITY OF STREETS AS PUBLIC SPACE.**

**Policy 3.1.1:**

Ensure that new development adheres to principles of good urban design.

*The Project would adhere to the following Fundamental Design Principles of the Market and Octavia Area Plan:*

- Most new buildings should be built to all property lines facing public rights-of-way.
- Building façades should include three-dimensional detailing; these may include bay windows, cornices, belt courses, window moldings, and reveals to create shadows and add interest.
- Building façades that face the public realm should be articulated with a strong rhythm of regular vertical elements.
- High-quality building materials should be used on all visible façades and should include stone, masonry, ceramic tile, wood (as opposed to composite, fiber-cement based synthetic wood

- materials), precast concrete, and high-grade traditional “hard coat” stucco (as opposed to “synthetic stucco” that uses foam).
- Ground floor retail use should be directly accessible from the street at the grade of the sidewalk onto which it fronts.
  - Ground-floor retail spaces should have at a minimum a 12-foot, ideally 15 feet, clear ceiling height.
  - Residential uses on the ground floor are encouraged on alleys.
  - Encourage rooftop gardens as a form of common open space.
  - If provided, off-street parking should be accessed via side streets or alleys where that is possible.

*The proposed Project would be built to the property lines along all frontages, with two separate buildings organized around a central courtyard. The ground-floor of the western building would have a well-defined, active base that includes retail spaces directly accessible from the sidewalk. Floor-to-floor heights of these spaces would be approximately 14 feet. The western building provides open space for residents in the form of a rooftop deck, as well as the central courtyard. The unique architectural treatments for each building, as well as the varied massing, materials, and finishes within each building, creates an appropriate scale and relationship to the surrounding context, acknowledging both the residential areas of Hayes Valley and the Western Addition to the west, as well as the more monumental character of the Civic Center area to the east. The minimal parking provided for the Boys & Girls Club will be accessed via Ash Street, preserving the remainder of the Project frontage for uninterrupted pedestrian spaces.*

## **OBJECTIVE 5.2**

### **DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.**

#### **Policy 5.2.1:**

Eliminate minimum off-street parking requirements and establish parking caps for residential and commercial parking.

#### **Policy 5.2.3:**

Minimize the negative impacts of parking on neighborhood quality.

*The Project proposes no parking for the residential uses, and provides less parking than is principally permitted within the NCT-3 District for the Boys & Girls Club facility. These characteristics of the Project will contribute to a built environment that encourages a variety of transportation options and discourages private automobile use as a primary mode of travel in walkable and transit-rich neighborhoods such as the Market and Octavia Plan Area.*

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

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

*The new residents and visitors to the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments. In addition, the Project would include retail spaces to provide goods and services to residents in the area, contribute to the economic vitality of the area, and will define and activate the streetscape.*

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

*The project will not diminish existing housing stock, and will add dwelling units and a neighborhood-serving recreational facility in a manner that enhances the vitality of the neighborhood.*

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

*No housing is removed for this Project. Eight affordable dwelling units will be provided on-site.*

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

*A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network.*

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

*The Project will not displace any service or industry establishment, and does not propose any office development. The Project will include retail spaces that will provide employment opportunities for area residents.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

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

*The Project will not cast shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces.*

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0325C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 14, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 14, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: March 14, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use authorization to allow development on a lot exceeding 10,000 square feet and to allow a non-residential use exceeding 6,000 square feet, and to approve a Planned Unit Development with specific modifications of Planning Code regulations regarding rear yard, dwelling unit exposure, streetscape transparency, garage entry width, and bay window dimensions, for the demolition of an existing surface parking lot and the construction of 1) a new four-story recreational building (d.b.a. Boys & Girls Club) containing a pool, gymnasium, miscellaneous recreational and educational spaces, and administrative offices; and, 2) a six-story mixed-use building containing approximately 69 dwelling units and 1,800 square feet of ground-floor commercial uses located at 344 Fulton Street, Block 0785, Lot 029), pursuant to Planning Code Sections 121.1, 121.2, 303, and 304 within the NCT-3 District and the 65-X Height and Bulk District; in general conformance with plans, dated March 14, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0325C and subject to conditions of approval reviewed and approved by the Commission on March 14, 2013 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on March 14, 2013 under Motion No XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

**Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### DESIGN – COMPLIANCE AT PLAN STAGE

**Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The streetscape improvement plan shall include details regarding the curb extension at the intersection of Gough and Fulton Streets, as well as the landscaping and raised crosswalk at Ash Street. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;

7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

**Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

**Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

**Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sfplanning.org](http://www.sfplanning.org)*

## PARKING AND TRAFFIC

**Bicycle Parking.** The Project shall provide no fewer than 30 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

**Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department,

and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

**First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

**Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

### **Inclusionary Affordable Housing Program.**

- a. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households. Pursuant San Francisco Charter Section 16.110 (g) the 15% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 15%) to 12%. The Project contains 69 units; therefore, 8 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 8 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- b. **Unit Mix.** The Project contains 41 studios and 28 two-bedroom units; therefore, the required affordable unit mix is 5 studios and 3 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- c. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- d. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site affordable units.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- e. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- f. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area

- Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
  - d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.
  - e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
  - f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert to payment of the Affordable Housing Fee.
  - g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
  - h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit,

the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

**Market Octavia Affordable Housing Fee.** Pursuant to Planning Code Section 416 (formerly 315.4), the Project Sponsor shall comply with the Market Octavia Affordable Housing requirements through payment of the Market Octavia Affordable Housing Fee in full to the Treasurer, prior to the issuance by Department of Building Inspection of the first certificate of occupancy for the development project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Market Octavia Community Improvements Fund.** Pursuant to Planning Code Section 421 (formerly 326), the Project Sponsor shall comply with the Market Octavia Community Improvements Fund provisions through payment of an Impact Fee in full to the Treasurer, or the execution of a Waiver Agreement, or an In-Kind agreement approved as described per Planning Code Section 421 (formerly 326) prior to the issuance by Department of Building Inspection of the construction document for the development project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

**Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

**Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

**Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

**Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

**Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM**  
 (includes text of improvement measures as well)

| Adopted Mitigation Measures  | MONITORING AND REPORTING PROGRAM  |  |  |   |  |
|--|-----------------------------------|--|--|---|--|
|  | Responsibility for Implementation | Mitigation Schedule                              | Mitigation Action  | Monitoring/Reporting Responsibility               | Monitoring Schedule  |
| <b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>  |                                   |  |  |   |  |
| <b>ARCHEOLOGICAL RESOURCES</b>   |                                   |  |  |   |  |
| <i>Mitigation Measure 1 – Archeological Monitoring</i>   |                                   |  |  |   |  |
| Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of <i>construction</i> can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c). | Project sponsor                   | Prior to issuance of grading or building permits | Project sponsor to retain archeological consultant to undertake archaeological monitoring program in consultation with ERO | Project sponsor, archeologist consultant, and ERO | Complete when project sponsor retains a qualified archeological consultant |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>  | <b>Responsibility for Implementation</b>   | <b>Mitigation Schedule</b>  | <b>Mitigation Action</b>                | <b>Monitoring/Reporting Responsibility</b>   | <b>Monitoring Schedule</b>   |                                 |  |  |   |
|---|--|---|---|--|--|---------------------------------|--|--|---|
| <p><i>Archeological Monitoring Program.</i> The archeological monitoring program shall minimally include the following provisions:</p>  | <p>Project sponsor, archeological consultant, archeological monitor, contractor(s) at the direction of the ERO</p> | <p>ERO and archeological consultant meet prior to commencement of soil-disturbing activity. Monitor throughout all soil-disturbing activities</p> | <p>Implement AMP</p>                    | <p>Archeological consultant and ERO</p>      | <p>Considered complete on findings by ERO that AMP implemented</p> |                                 |  |  |   |
| <ul style="list-style-type: none"> <li>▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the 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;</li> </ul> |  |   |   |  |  |                                 |  |  |   |
| <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> </ul>  |  |   |   |  |  | <p>Archeological consultant</p> | <p>Advise project contractor(s).</p>                     | <p>Archeological consultant and ERO.</p> | <p>During all soil disturbing activities.</p> |
| <ul style="list-style-type: none"> <li>▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</li> </ul>  |  |   |   |  |  | <p>Archeological consultant</p> | <p>Archeological monitor(s) shall be present on site</p> | <p>Archeological consultant and ERO</p>  | <p>During all soil disturbing activities</p>  |
| <ul style="list-style-type: none"> <li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> </ul>   | <p>Archeological consultant</p>  | <p>Record and collect soil samples</p>  | <p>Archeological consultant and ERO</p> | <p>During all soil disturbing activities</p> |  |                                 |  |  |   |

**MONITORING AND REPORTING PROGRAM**

| Adopted Mitigation Measures   | Responsibility for Implementation  | Mitigation Schedule  | Mitigation Action  | Monitoring/Reporting Responsibility | Monitoring Schedule   |
|---|--|--|--|-------------------------------------|---|
| <ul style="list-style-type: none"> <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 activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall 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> | Archeological consultant   | Discovery of archeological deposit   | Cease all soils-disturbing activities in the vicinity of the deposit<br><br>Redirect activities and equipment<br><br>Notify ERO if intact archeological deposit is encountered | Archeological consultant and ERO    | During all soil disturbing activities   |
| <p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site<sup>1</sup> associated with descendant Native Americans or the Overseas Chinese 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 consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if</p>   | Project sponsor, archeological consultant in consultation with any individual listed in the current Native American Contact List and | In the event of discovery of an archeological site associated with descendant Native Americans or Overseas Chinese | Contact any individual listed in the current Native American Contact List and Chinese Historical Society of  | Archeological consultant and ERO    | Considered complete upon notification of appropriate organization and implementation of any further mitigation as advised |

<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.

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>  | <b>Responsibility for Implementation</b>                              | <b>Mitigation Schedule</b>  | <b>Mitigation Action</b>   | <b>Monitoring/Reporting Responsibility</b>        | <b>Monitoring Schedule</b>             |
|---|---|---|--|---|--|
| 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.   | Chinese Historical Society of America                                 |   | America and implement any further mitigation advised   |   |  |
| <p>If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) 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.</p>  | Project sponsor, archeological consultant at the direction of the ERO | If ERO determines a significant archeological resource is present and could be adversely affected by the proposed project | The project sponsor makes a decision on either to re-design the project or implement a data recovery program, unless determined otherwise by ERO | Project sponsor, archeological consultant and ERO | During all soil disturbing activities. |
| <p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected</p> | Archeological consultant at the direction of the ERO                  | If there is determination by the ERO that an ADRP is required   | Prepare an ADRP  | Archeological consultant and ERO                  | During all soil disturbing activities  |

**MONITORING AND REPORTING PROGRAM**

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

data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

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

**MONITORING AND REPORTING PROGRAM**

| Adopted Mitigation Measures  | Responsibility for Implementation  | Mitigation Schedule  | Mitigation Action  | Monitoring/Reporting Responsibility     | Monitoring Schedule                             |
|--|--|--|--|---|---|
| <p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p> | <p>Project sponsor, archeological consultant in consultation with the San Francisco Coroner, NAHC, and MLD</p> | <p>In the event human remains and/or funerary objects are encountered</p>                          | <p>Contact San Francisco County Coroner. Implement regulatory requirements, if applicable, regarding discovery of Native American human remains and associated/unassociated funerary objects</p> | <p>Archeological consultant and ERO</p> | <p>During all soil disturbing activities</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>Project sponsor, archeological consultant at the direction of the ERO</p>                                   | <p>After completion of archeological data recovery, inventorying, analysis, and interpretation</p> | <p>Submit a draft FARR</p>   | <p>Archeological consultant and ERO</p> | <p>Considered complete on submittal of FARR</p> |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>   | <b>Responsibility for Implementation</b>             | <b>Mitigation Schedule</b>  | <b>Mitigation Action</b> | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b>                  |
|--|--|---|--------------------------|--|---|
| Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest 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. | Archeological consultant at the direction of the ERO | Written certification submitted to ERO that required FARR distribution has been completed | Distribute FARR          | Archeological consultant and ERO           | Considered complete on distribution of FARR |

**AIR QUALITY**

*Mitigation Measure 2 – Construction Emissions Minimization*

A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall

|                                |  |                           |  |  |
|--------------------------------|--|---------------------------|--|--|
| Project sponsor, contractor(s) | Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code | Prepare and submit a Plan | Project sponsor, contractor(s) and the ERO | Considered complete on findings by ERO that Plan is complete |
|--------------------------------|--|---------------------------|--|--|

**MONITORING AND REPORTING PROGRAM**

| Adopted Mitigation Measures | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
|-----------------------------|-----------------------------------|---------------------|-------------------|-------------------------------------|---------------------|
|-----------------------------|-----------------------------------|---------------------|-------------------|-------------------------------------|---------------------|

meet the following requirements:

- a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
- b) All off-road equipment shall have:
  - i. Engines that meet or exceed either United States Environmental Protection Agency or California Air Resources Board (ARB) Tier 2 off-road emission standards, *and*
  - ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).<sup>3</sup>
- c) Exceptions:
  - i. Exceptions to A(1)(a) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.
  - ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road

<sup>3</sup> Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>   | <b>Responsibility for Implementation</b> | <b>Mitigation Schedule</b> | <b>Mitigation Action</b> | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b> |
|--|--|----------------------------|--------------------------|--|----------------------------|
| <p>equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).</p> <p>iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table A1 below.</p> |  |                            |                          |  |                            |

**MONITORING AND REPORTING PROGRAM**

| Adopted Mitigation Measures | Responsibility<br>for<br>Implementation | Mitigation<br>Schedule | Mitigation<br>Action | Monitoring/<br>Reporting<br>Responsibility | Monitoring<br>Schedule |
|-----------------------------|---|------------------------|----------------------|--|------------------------|
|-----------------------------|---|------------------------|----------------------|--|------------------------|

**TABLE A1  
OFF-ROAD EQUIPMENT COMPLIANCE STEP DOWN  
SCHEDULE\***

| Compliance<br>Alternative | Engine Emission<br>Standard | Emissions<br>Control |
|---------------------------|-----------------------------|----------------------|
| 1                         | Tier 2                      | ARB Level 2<br>VDECS |
| 2                         | Tier 2                      | ARB Level 1<br>VDECS |
| 3                         | Tier 2                      | Alternative Fuel*    |

\*How to use the table. If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

\*\*Alternative fuels are not a VDECS

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than *two* minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
3. The project sponsor shall require that construction

**MONITORING AND REPORTING PROGRAM**

| Adopted Mitigation Measures  | Responsibility for Implementation     | Mitigation Schedule | Mitigation Action             | Monitoring/Reporting Responsibility               | Monitoring Schedule  |
|--|---------------------------------------|---------------------|-------------------------------|---|--|
| <p>operators properly maintain and tune equipment in accordance with manufacturer specifications.</p>  |                                       |                     |                               |   |  |
| <p>4. 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. Off-road equipment descriptions and information 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: 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, reporting shall indicate the type of alternative fuel being used.</p> |                                       |                     |                               |   |  |
| <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p>   |                                       |                     |                               |   |  |
| <p>B. <i>Reporting.</i> Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition,</p>   | <p>Project sponsor, contractor(s)</p> | <p>Monthly</p>      | <p>Submit monthly reports</p> | <p>Project sponsor, contractor(s) and the ERO</p> | <p>Considered complete on findings by ERO that Plan is being/was</p> |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>  | <b>Responsibility for Implementation</b> | <b>Mitigation Schedule</b>   | <b>Mitigation Action</b>                         | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b>                                   |
|---|--|--|--|--|--|
| for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.   |  |  |  |  | implemented  |
| Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used. |  | Within six months of completion of construction activities               | Submit a final report of construction activities |  |  |
| C. <i>Certification Statement and On-site Requirements.</i> Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.   | Project sponsor, contractor(s)           | Prior to construction activities requiring the use of off-road equipment | Submit certification statement                   | Project sponsor, contractor(s) and the ERO | Considered complete on submittal of certification statement. |

**GEOLOGY AND SOILS**

*Mitigation Measure 3 – Construction Related Soils*

Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy: protect disturbed areas through minimization and duration of exposure; control surface runoff and maintain low runoff velocities; trap sediment on-site; and minimize the length and steepness of slopes.

|                                |                     |  |   |                     |
|--------------------------------|---------------------|--|---|---------------------|
| Project sponsor, contractor(s) | During construction | Implement BMP erosion control features | Project sponsor, contractor(s), and Department of Building Inspection | During construction |
|--------------------------------|---------------------|--|---|---------------------|

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>  | <b>Responsibility for Implementation</b> | <b>Mitigation Schedule</b>  | <b>Mitigation Action</b>  | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b>   |
|---|--|---|---|--|--|
| <p><b>HAZARDS AND HAZARDOUS MATERIALS</b><br/> <i>Mitigation Measure 4 – Hazardous Materials</i><br/>                     The project sponsor, or their construction contractor, shall submit a site mitigation plan (SMP) to the San Francisco Department of Public Health (DPH) Site Assessment and Mitigation (SAM). A SMP shall be prepared to address the testing and management of contaminated soils, contingency response actions, worker health and safety, dust control, stormwater-related items, and noise control. The SMP shall address:</p> <p>Handling and documentation of soil removal and disposal;</p> <ul style="list-style-type: none"> <li>• Identify the proposed soil transporter and disposal locations;</li> <li>• Figure showing the extent of the planned excavation, including elevator pits and the anticipated areas of soil to be handled as clean or Class II soil;</li> <li>• Soils to be reused should be analyzed to verify the absence of contamination;</li> <li>• Confirmation sampling – include the estimated location and number of samples;</li> <li>• Additional excavation shall be performed, or other measures acceptable to DPH SAM implemented, if confirmation samples exceed residential clean up guidelines. If additional excavation will be performed, additional confirmation samples shall be collected and analyzed;</li> <li>• The results of the confirmation sampling and a figure showing sample locations shall be submitted to DPH SAM within 60 days of sample collection. The confirmation samples information may be submitted with, or as part of, the final</li> </ul> | Project sponsor, contractor(s)           | SMP shall be submitted at least four weeks prior to excavation work; health and safety plan and dust control plan may be submitted two weeks prior to excavation work | Submit a SMP, health and safety plan and dust control plan to DPH | Project sponsor, contractor(s), and DPH    | Considered complete upon submittal of SMP, health and safety plan and dust control plan to DPH and they confirm completeness |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>   | <b>Responsibility for Implementation</b> | <b>Mitigation Schedule</b> | <b>Mitigation Action</b>  | <b>Monitoring/Reporting Responsibility</b>           | <b>Monitoring Schedule</b>                   |
|--|--|----------------------------|---|--|--|
| <p>report, which is described below;</p> <ul style="list-style-type: none"> <li>• Soil samples should be analyzed for the appropriate Total Petroleum Hydrocarbons ranges and metals;</li> <li>• If site dewatering will occur, pumped and collected water shall be discharged per a Batch Discharge Permit issued by the San Francisco Public Utilities Commission, Water Department;</li> <li>• Dust control plan and measures per SF Health Code Article 22B;</li> <li>• Contingency plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material;</li> <li>• Site specific health and safety plan; and</li> <li>• Storm water control and noise control protocols as applicable.</li> </ul> <p>The project sponsor shall submit the SMP at four weeks prior to beginning construction excavation work. The health and safety plan and dust control plan may be submitted two weeks prior to beginning construction field work.</p> |  |                            |   |  |  |
| <p>Should an underground storage tank (UST) be encountered, work shall be suspended and the project sponsor notified. The project sponsor or their representative shall notify DPH of the situation and of the proposed response actions. The UST shall be removed under permit with DPH-Hazardous Materials and Waste Program (HMWP) and the San Francisco Fire Department (SFFD). DPH SAM shall be sent a copy of any documents received for or prepared for HMWP or the SFFD.</p>   | <p>Project sponsor, contractor(s)</p>    | <p>Discovery of UST</p>    | <p>Suspend all work and the project sponsor shall notify DPH. UST shall be removed under permit from DPH HMWP and</p> | <p>Project sponsor, contractor(s), DPH, and SFFD</p> | <p>During all soil disturbing activities</p> |

**MONITORING AND REPORTING PROGRAM**

| Adopted Mitigation Measures  | Responsibility for Implementation     | Mitigation Schedule  | Mitigation Action  | Monitoring/Reporting Responsibility                          | Monitoring Schedule   |
|--|---------------------------------------|--|--|--|---|
| <p>A final report describing the SMP implementation shall be submitted to DPH SAM following completion of excavation and earthwork performed per the SMP. The final report shall include site map showing areas of excavation and fill, sample locations and depths, and tables summarizing analytical data. Report appendices shall include: copies of permits (including dewatering permit, if applicable), manifests or bills of lading for removed soil and/or water, and laboratory reports for soil disposal profiling and water samples, not previously submitted to DPH SAM. DPH SAM will consider issuance of a final No Further Action Letter upon review of the final report. The DPH SAM case will be considered finalized and closed upon issuance of the No Further Action Letter.</p> | <p>Project sponsor, contractor(s)</p> | <p>A final report describing the SMP shall be submitted following completion of excavation and earthwork performed per the SMP</p> | <p>Submit a final report describing the SMP<br/><br/>DPH consider issuance of a No Further Action Letter and case closed</p> | <p>SFFD<br/><br/>Project sponsor, contractor(s), and DPH</p> | <p>Case considered finalized and closed upon issuance of No Further Action Letter</p> |

**MONITORING AND REPORTING PROGRAM**

| Adopted Improvement Measures   | Responsibility for Implementation | Improvement Schedule                  | Improvement Action  | Monitoring/Reporting Responsibility | Monitoring Schedule      |
|--|-----------------------------------|---------------------------------------|---|-------------------------------------|--------------------------|
| <b>IMPROVEMENT MEASURES AGREED TO BY PROJECT SPONSOR</b>   |                                   |                                       |   |                                     |                          |
| <b>TRANSPORTATION AND CIRCULATION</b>  |                                   |                                       |   |                                     |                          |
| <i>Improvement Measure 1 – Boys &amp; Girls Club Safewalk Program</i>  |                                   |                                       |   |                                     |                          |
| <p>The Boys &amp; Girls Clubs of San Francisco (Club) should consider including schools within ¼ mile of the new Clubhouse for the Safewalk program, including the Tenderloin Elementary School, located at the intersection of Van Ness Avenue/Turk Street, and the French and Chinese International Schools, located at the intersection of Oak Street/Franklin Street. Rosa Parks and John Muir Elementary Schools, which are located within ½ mile of the Parcel F Clubhouse, and Creative Arts Charter School, which is located within ¾ mile of the Parcel F Clubhouse, could be also candidates for a Safewalk group. It is recommended that a Club staff person or volunteer meets students at the Safewalk program schools at the end of the school day and escorts a group of students to the new Clubhouse. The Club could also consider expanding the Safewalk program to include walking groups from the Clubhouse to residential areas near the new Clubhouse, particularly those in the Western Addition or Tenderloin neighborhoods.</p> | Club                              | Prior to and ongoing during operation | Expand Safewalk program to include new schools and residential areas nearby | Club                                | Ongoing during operation |
| <p>The Club should also consider expanding the Safewalk program and sponsoring a walking and bicycling safety course on a quarterly or half-yearly basis for students. The course could be paired with other encouragement activities, such as Bike/Walk to School Day (<a href="http://www.walkbiketoschool.org">www.walkbiketoschool.org</a>). The course should provide children (including those who do not participate in</p>   | Club                              | Prior to and ongoing during operation | Expand Safewalk program to include walking and bicycling safety courses     | Club                                | Ongoing during operation |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Improvement Measures</b>   | <b>Responsibility for Implementation</b> | <b>Improvement Schedule</b>           | <b>Improvement Action</b>   | <b>Monitoring/Reporting Responsibility</b>     | <b>Monitoring Schedule</b>  |
|---|--|---------------------------------------|---|--|---|
| <p>Safewalk) with information on walking and bicycling safety skills and on other transportation options besides driving. This course could also target parents who currently pick-up their students at the end of the day with information on other transportation options to travel to and from the new Clubhouse.</p>  |  |                                       |   |  |   |
| <p>The Safewalk program could also include bicycle safety education targeted at encouraging high school participants to bicycle to school and to the new Clubhouse. The Urban School (Page Street/Masonic Avenue), Galileo High School (Polk Street/Francisco Street), Gateway High School (Scott Street/Geary Street) and Ida B Wells High School (Hayes Street/Pierce Street) are located within a 15 minute bicycle ride of the new Clubhouse and are good candidates for bicycle safety education.</p>  | Club                                     | Prior to and ongoing during operation | Expand Safewalk program to include bicycle safety education at targeted schools | Club   | Ongoing during operation  |
| <p><i>Improvement Measure 2 – Public Right-of-Way Improvements</i></p> <p>The project sponsor should coordinate with the San Francisco Municipal Transportation Agency (SFMTA) and Department of Public Works (DPW) on project-related improvements to Gough Street (i.e., sidewalk bulbout and raised crosswalk across Ash Street) so that it does not interfere with DPW or SFMTA planned construction work or occur after DPW planned construction work. In addition, the project sponsor should coordinate with the DPW and SFMTA to recommend including the following pedestrian restriping and signal improvements:</p> | Project sponsor, contractor(s)           | Prior to construction                 | Coordinate with SFMTA and DPW on improvements to Gough Street                   | Project sponsor, contractor(s), SFMTA, and DPW | Considered complete upon construction of improvements to Gough Street |

**MONITORING AND REPORTING PROGRAM**

| Adopted Improvement Measures   | Responsibility for Implementation | Improvement Schedule | Improvement Action | Monitoring/Reporting Responsibility       | Monitoring Schedule |
|--|-----------------------------------|----------------------|--------------------|---|---------------------|
| <ul style="list-style-type: none"> <li>When the roadways are restriped by DPW, recommend advanced stop bars at the intersections of Gough/Fulton Street and Franklin/Fulton Street intersections, to reduce vehicle encroachment into the crosswalk when pedestrians have the right-of-way</li> </ul>  |                                   |                      |                    | Project sponsor, contractor(s), and DPW   |                     |
| <ul style="list-style-type: none"> <li>When the roadway is restriped by DPW, recommend restriping the northeast and northwest corners of Gough/Fulton Street intersection to provide, at a minimum, 10-foot-long red zones. This would improve sight distance between pedestrians and approaching motorists turning from Gough Street to Fulton Street.</li> </ul>   |                                   |                      |                    | Project sponsor, contractor(s), and DPW   |                     |
| <ul style="list-style-type: none"> <li>When pedestrian signals are installed by the SFMTA at Gough/Fulton Street and Franklin/Fulton Street intersections, recommend that the pedestrian signals should include a leading pedestrian interval, where pedestrians are given a head start before vehicles receive a green signal. This would require signal hardware improvements, including new pedestrian signals, and retiming of the coordination on both Gough and Franklin Streets.</li> </ul> |                                   |                      |                    | Project sponsor, contractor(s), and SFMTA |                     |

The above pedestrian restriping and signal improvements are subject to the approval of the DPW and SFMTA.

*Improvement Measure 3 – Passenger Loading Zone and Monitoring*

To manage participant pick-up and drop-off, the Boys & Girls Clubs of San Francisco (Club) should work with the San Francisco Municipal Transportation Agency (SFMTA) to implement a part-time passenger loading zone (white curb) along the north side of

Club

Upon operation of the new Clubhouse

Work with SFMTA to implement a part-time passenger

Club and SFMTA

Considered complete upon decision by SFMTA

**MONITORING AND REPORTING PROGRAM**

| Adopted Improvement Measures   | Responsibility for Implementation | Improvement Schedule                       | Improvement Action   | Monitoring/Reporting Responsibility | Monitoring Schedule             |
|--|-----------------------------------|--|--|-------------------------------------|---------------------------------|
| <p>Fulton Street in front of the Parcel F Clubhouse to allow drivers to pull out of the westbound travel lane. The part-time passenger loading zone could be in effect between 5:00 PM and 8:00 PM and be used as regular parking (or on-street commercial loading) during the rest of the day. A passenger-loading zone is subject to the approval of the SFMTA, and a change to the parking regulations adjacent to the project site would need to be requested and legislated through the SFMTA’s curb management program.</p>  |                                   |  | <p>loading zone along the north side of Fulton Street</p>  |                                     |                                 |
| <p>Pick-up and drop-off peak periods should be monitored/managed by a Club representative (representative). The representative should be responsible for, but not limited to, the following:</p>   | Club                              | <p>Upon operation of the new Clubhouse</p> | <p>Monitor pick-up and drop-off peak periods to:</p>   | Club                                | <p>Ongoing during operation</p> |
| <ul style="list-style-type: none"> <li>• If a passenger loading zone is provided, monitoring and ensuring vehicles (including Club bus and vans) use the zone efficiently by directing vehicles to move if vehicles dwell in the passenger zone for long durations and cause queuing into the travel lanes on Fulton Street.</li> <li>• If a passenger loading zone is not provided or less than 300 lineal feet, monitoring and ensuring vehicles (including Club bus and vans) double-park efficiently by directing vehicles to move if vehicles dwell for long durations and ensuring double-parking does not extend and affects vehicle movements at the Gough/Fulton Street or Franklin/Fulton Street intersections.</li> </ul> |                                   |  | <p>-Ensure vehicles use the passenger loading zone efficiently</p> <p>-Ensure vehicles double-park efficiently</p> |                                     |                                 |
| <p>If a recurring queue occurs and/or double-parking extends and affects vehicle movements at the Gough/Fulton Street or</p>   |                                   |  | <p>Employ abatement methods</p>  | <p>Club and potentially SFMTA</p>   |                                 |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Improvement Measures</b>   | <b>Responsibility for Implementation</b> | <b>Improvement Schedule</b>   | <b>Improvement Action</b>              | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b>      |
|---|--|---|--|--|---------------------------------|
| <p>Franklin/Fulton Street intersections by Club participant pick-up and/or drop-off, the Club should employ abatement methods as needed. Suggested abatement methods include but are not limited to the following: expanding Club bus and van services for participant drop-off; working with the SFMTA to add a white zone along the south side of Fulton Street.</p>  |  |   |  |  |                                 |
| <p>If the Planning Director, or his or her designee, suspects that the Club participant pick-up and/or drop-off cause vehicle queues to be present and/or double-parking extends and affects vehicle movements at the Franklin/Fulton Street or Gough/Fulton Street intersections, the Planning Department should notify the Club in writing. Upon request, the Club should hire a qualified transportation consultant to evaluate the conditions at the project site for no less than seven days. The consultant should prepare a monitoring report to be submitted to the Department for review. If the Department determines that Club participant pick-up and/or drop-off cause a recurring queue to exist and/or double-parking extends and affects vehicle movements at the Gough/Fulton Street or Franklin/Fulton Street intersections, the Club should have 90 days from the date of the written determination to abate the queue and/or double-parking so that it does not extend and affect vehicle movements at the Gough/Fulton Street or Franklin/Fulton Street intersections.</p> | <p>Planning Department and Club</p>      | <p>Upon suspecting a recurring pick-up and/or drop-off cause certain recurring conditions</p> | <p>Issuance of a notice in writing</p> | <p>Planning Department</p>                 | <p>Ongoing during operation</p> |
| <p><i>Improvement Measure 4 – Boys &amp; Girls Club Van Program</i><br/>The Boys &amp; Girls Clubs of San Francisco (Club) should consider expanding the reach of the van program (program) to reduce the</p>   | <p>Club</p>                              | <p>Prior to and ongoing during operation</p>  | <p>Expand Safewalk program to</p>      | <p>Club</p>                                | <p>Ongoing during operation</p> |

**MONITORING AND REPORTING PROGRAM**

| Adopted Improvement Measures   | Responsibility for Implementation | Improvement Schedule | Improvement Action         | Monitoring/Reporting Responsibility | Monitoring Schedule |
|--|-----------------------------------|----------------------|----------------------------|-------------------------------------|---------------------|
| <p>number of participants who might otherwise be driven to the new Clubhouse afterschool. The program should be modified based on the participant origins and targeted participants for the Club. If the new Clubhouse has a substantial number of participants from Grattan Elementary School, New Traditions, Cobb Elementary School, and the Urban School, as they do currently at the existing Clubhouse, these schools would be good candidates for the Club program. Rosa Parks, John Muir, and Creative Arts Charter could be candidates for the program if a Safewalk group is not established at these schools, or if a Safewalk group is established for older students and a van is used for younger students. Depending on van ridership, one van route could provide service to New Traditions, Grattan, the Urban School, and John Muir, while a second route could serve Cobb, Rosa Parks, and Creative Arts Charter.</p> |                                   |                      | <p>include new schools</p> |                                     |                     |

**WIND**

*Improvement Measure 5 – Wind Reduction on New Rooftop Decks*

To reduce wind and improve usability on the new rooftop decks on the new mixed-use building and new Clubhouse, the project sponsor should landscape these areas. Suggestions include Planning Code compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to a solid surface.

|                 |  |                         |                 |  |
|-----------------|--|-------------------------|-----------------|--|
| Project sponsor | Upon construction of the rooftop decks | Landscape rooftop decks | Project sponsor | Considered complete when rooftop decks are landscaped to reduce wind and improve usability |
|-----------------|--|-------------------------|-----------------|--|



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Case No.:* 2012.0325E  
*Project Title:* 344 Fulton Street – Central Freeway Parcel F  
*Zoning/Plan Area:* NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Use District;  
65-X Height and Bulk District  
Market and Octavia Neighborhood Plan  
*Block/Lot:* 0785/029  
*Lot Size:* 28,714 square feet  
*Project Sponsor:* Boys & Girls Clubs of San Francisco  
C/O David Noyola, Strada Investment Group - (415) 263-9144  
dnoyola@stradasf.com  
*Staff Contact:* Wade Wietgreffe – (415) 575-9050  
Wade.Wietgreffe@sfgov.org

### PROJECT DESCRIPTION:

The project site consists of one lot at the southwest corner of the block bounded by McAllister Street to the north, Franklin Street to the east, Fulton Street to the south, and Gough Street to the west. The project site is a former California Department of Transportation property, which contained structural supports for the portion of the elevated Central Freeway that was removed in 2003. Currently, the project site is used as a surface vehicular parking lot. The proposed project involves the removal of the surface vehicular parking lot and construction of two new buildings: a new four-story, 58-foot-tall Boys & Girls Clubs of San Francisco (Boys & Girls Club) clubhouse and office headquarters (new Clubhouse) comprised of 43,928 square feet (sq. ft.) on the eastern portion and a new six-story, 65-foot-tall (81 feet tall with a mechanical penthouse) mixed-use residential/retail building comprised of 56,320 sq. ft., including 70 dwelling units, on the western portion.

[Continued on the following page]

### EXEMPT STATUS:

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and 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 Jones  
Acting Environmental Review Officer

  
Date

cc: Boys & Girls Club of San Francisco, Project Sponsor  
David Noyola, Project Contact

Virna Byrd, M.D.F.  
Kevin Guy, Current Planning Division

**PROJECT DESCRIPTION (continued):*****Background***

In 1989, the Central Freeway sustained damage due to the Loma Prieta earthquake. After discussions between the City and County of San Francisco (City) and the California Department of Transportation (Caltrans), in 1999, the Central Freeway right-of-way, located along Octavia Boulevard, was transferred from Caltrans to the City. As part of transferring this right-of-way, Caltrans transferred 22 properties, including the project site (Parcel F property) to the City. The last of the elevated Central Freeway and associated structural supports were removed in 2003. Currently, the project site is leased by the City to the San Francisco Opera for use as a surface vehicular parking lot.

The Boys & Girls Clubs of San Francisco, a nonprofit organization founded in 1891, provides programs and services to approximately 17,000 youth (ages 6 to 18) annually. The Boys & Girls Club provides programs and services to approximately 1,200 youth per day during after school hours and approximately 1,500 youth per day during the summer time. The Boys & Girls Club currently operates nine clubhouses throughout the City with its office headquarters employing 35 employees at 55 Hawthorne Street. One of the nine existing clubhouses is the Ernest Ingold Clubhouse at 1950 Page Street (“existing Clubhouse”), approximately 2.1 miles west of the project site. The existing Clubhouse was constructed in 1952 and primarily serves the neighborhoods of Haight/Ashbury and Western Addition neighborhoods. The existing Clubhouse would be vacated with the intention of being sold upon the operation of the new Clubhouse.

The Boys & Girls Club approached the City for the purchase of the project site and in the fall of 2010, the City’s Real Estate Division entered into sale negotiations with the Boys & Girls Club. Subsequently in January and February 2012, the Board of Supervisors passed, and the Mayor signed, Resolution 15-12 (File Number 111250) authorizing the Director of the City’s Real Estate Division to enter into an agreement with the Boys & Girls Club to purchase the project site. However, the closing of the purchase and sale of the project site is subject to and conditioned on the completion of environmental review and entitlement of the proposed project.

***Existing Site and Surroundings***

The project site consists of one lot within the Downtown/Civic Center neighborhood and adjacent to the Western Addition (also known as within the Hayes Valley) neighborhood. As shown in Figure 1, the project site is at the southwest corner of the block bounded by McAllister Street to the north, Franklin Street to the east, Fulton Street to the south, and Gough Street to the west. The project site is separated from mixed-use buildings to the north by a narrow (35-foot-wide) dead-end public right-of-way, Ash Street. The existing surface vehicular parking lot contains approximately 100 – 110 parking spaces and 17 trees; four additional trees are located on the adjacent sidewalk. Vehicles access the parking lot from an approximately 30-foot-wide curb cut along Fulton Street.

As shown in Figure 2, land uses adjacent to the project site include ground-floor commercial uses with one-to-two-story residential buildings above and a surface parking lot (Central Freeway Parcel E) across Ash Street to the north, a three-story office (San Francisco Unified School District) building abutting the project site to the east, four-to-five story residential and lodging (hotel) buildings across Fulton Street to the south, and two-to-three-story residential buildings across Gough Street to the west.

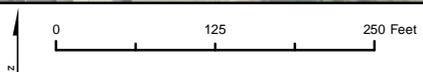
Figure 1, Project Vicinity



Figure 2, Existing and Surrounding Project Site Uses



Comments: SFUSD - San Francisco Unified School District



Land uses in the project vicinity vary. Van Ness Avenue (Highway 101) is approximately 625 feet east of the project site and the land uses near Van Ness Avenue are predominantly institutional, cultural, or governmental, including City Hall, War Memorial Complex (Veterans Building, Opera House, and Memorial Court aka Open Space), and Davies Symphony Hall. A mixture of residential and commercial land uses exist further north and south of the project site along Gough Street and Franklin Street, whereas the land uses to the west of the project site are predominately residential along McAllister Street and Fulton Street.

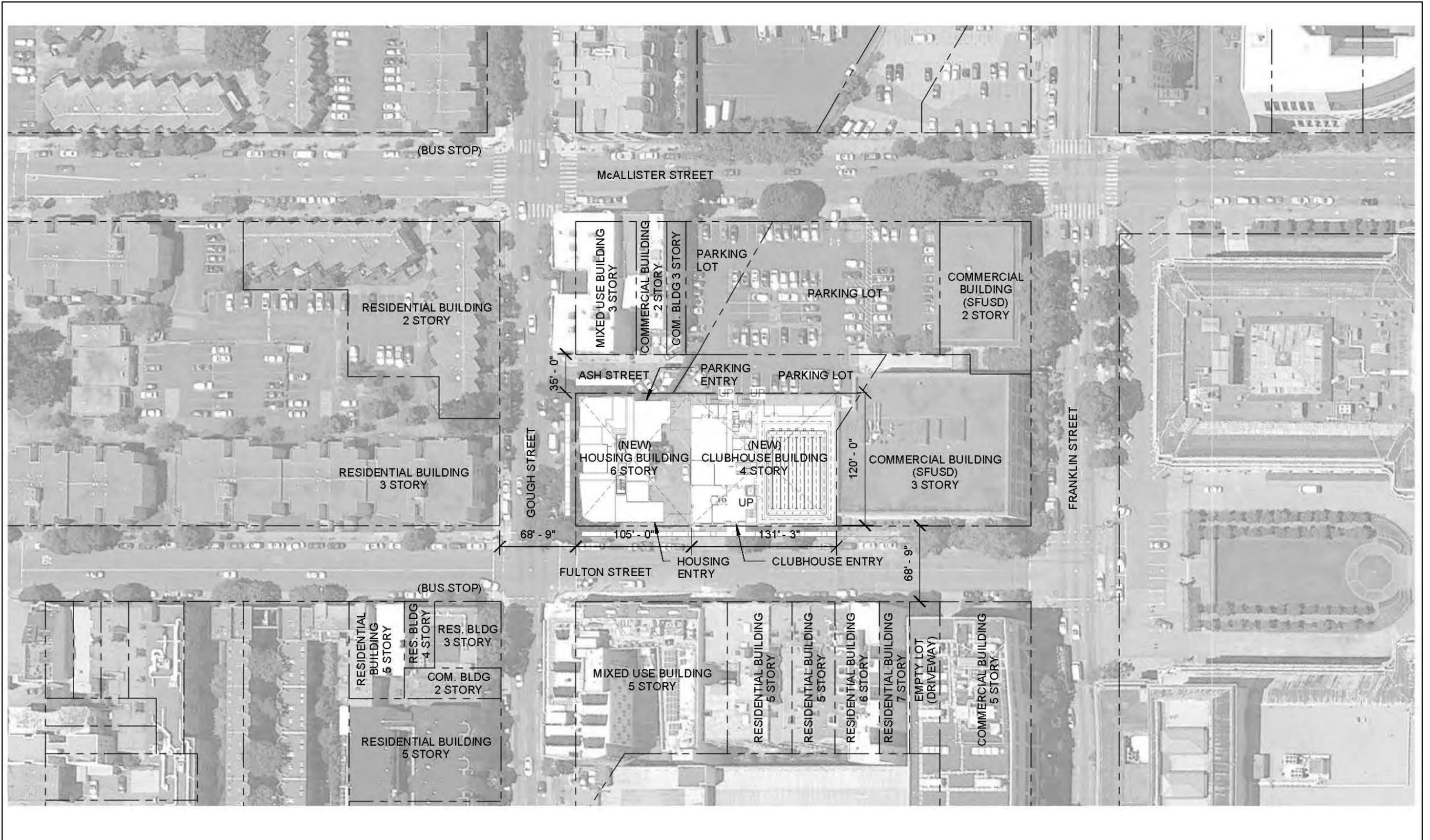
### ***Proposed Project***

The proposed project includes the removal of the surface vehicular parking lot use and construction of two new buildings on the project site. The eastern portion of the project site would contain a new Clubhouse for the Boys & Girls Club and the western portion of the project site would contain a new mixed-use residential/retail building (see Figure 3). The proposed project would require the removal of the 17 existing trees from within the project site and four trees on the adjacent sidewalk and the planting of 20 new trees along the perimeter of the project site.

### **New Clubhouse**

The new 43,928-square-foot, 58-foot-tall Clubhouse would include approximately 24,491 sq. ft. of space dedicated to programming for users including a gymnasium and swimming pool, 9,533 sq. ft. of service and internal circulation space, and 9,904 sq. ft. of space dedicated to offices for employees that currently work at the Boys & Girls Club office headquarters at 55 Hawthorne Street (see Figure 4 and 5). In addition, the new Clubhouse would include 10 bicycle spaces on the ground-floor. The new Clubhouse would be intended to serve the users from the existing Clubhouse at 1950 Page Street. The existing Clubhouse would be vacated with the intention of being sold. As shown in Table 1, the new Clubhouse's space and operations, with the exception of the Boys & Girls Club office headquarters, would be similar to that at the existing Clubhouse. Approximately 45 employees and 198 youth (participants) would visit the new Clubhouse daily during the hours of operation, 8:00 AM to 8:00 PM.

Figure 3, Proposed Site Plan

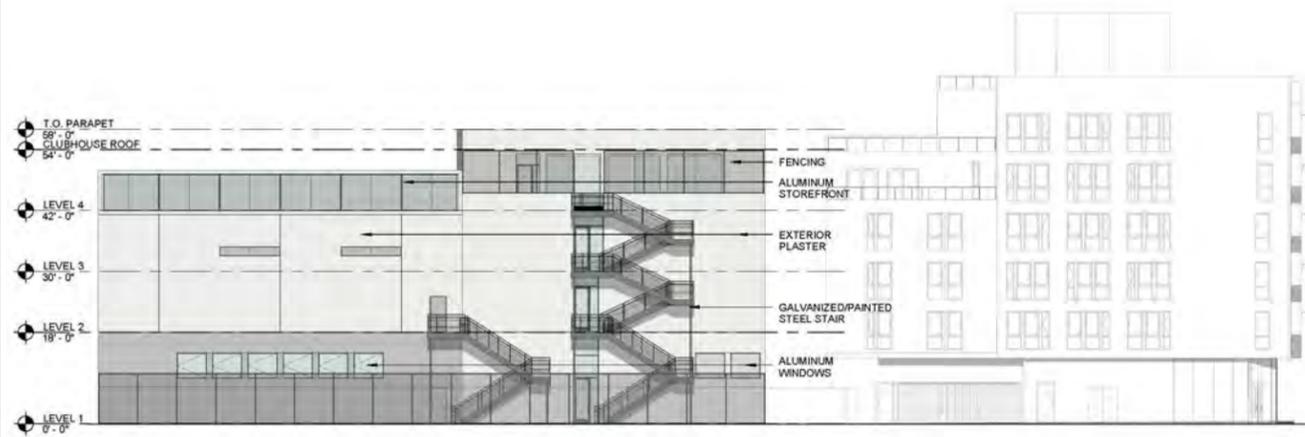


Comments: Not to Scale  
 Source: Tom Eliot Fisch, David Baker & Partners, G0.3, February 27, 2013.





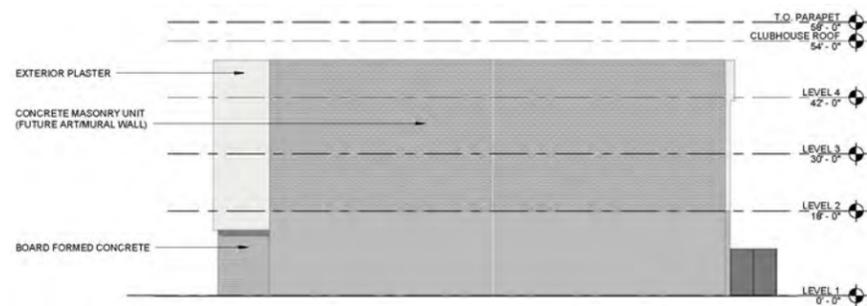
Figure 5, Proposed Clubhouse - Elevations



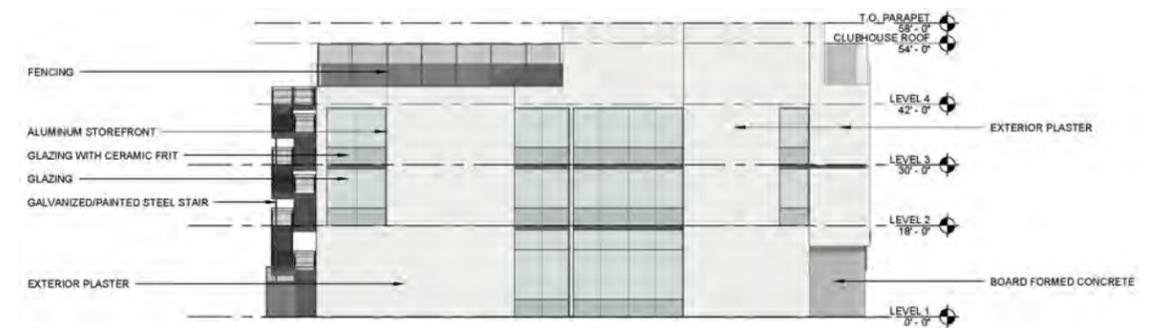
North Elevation (Ash Street)



South Elevation (Fulton Street)



East Elevation (SFUSD building)



West Elevation (new courtyard)

Comments: Not to Scale  
 Source: Tom Eliot Fisch, David Baker & Partners, A2.1A - A2.4A, February 27, 2013.

**TABLE 1  
COMPARISON OF EXISTING AND NEW CLUBHOUSE**

|  | <b>Existing Ernest Ingold Clubhouse at<br/>1950 Page Street</b> | <b>New Clubhouse</b>   |
|--|---|--|
| Days and Hours of Operation                        | Monday – Friday, Saturdays seasonal<br>12:00 PM to 8:00 PM      | Monday – Friday, Saturdays seasonal<br>8:00 AM to 8:00 PM <sup>c</sup> |
| Number of Employees per Day                        | 10  | 45 (including 35 from office<br>headquarters)                          |
| Number of Participants by Day <sup>a</sup>         | 135   | 198  |
| <b>Total Building Square Footage</b>               | <b>31,151</b>   | <b>43,928</b>  |
| Subtotal Program Clubhouse Space <sup>b</sup>      | 25,616  | 24,491   |
| Subtotal Service and Internal Circulation<br>Space | 5,535   | 9,533  |
| Office Headquarters Space                          | 0   | 9,904  |

- a. Existing Clubhouse participant data is derived from a survey conducted in December 2012. New Clubhouse participant data is estimated based on information received from the Boys & Girls Club. Although the programmable space at the new Clubhouse would be slightly smaller than the existing Clubhouse, participant numbers would be expected to increase at the new Clubhouse because of proposed program options at the new Clubhouse would be expanded and because of the new Clubhouse's location near a substantial segment of the existing Clubhouse's participant base. Fehr & Peers, *Circulation Study for the Relocation of the Ernest Ingold Boys and Girls Clubhouse to Parcel F (344 Fulton Street)*, February 25, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.
- b. Programming space would be similar between the two buildings. The existing Clubhouse has and the new Clubhouse would have space for a gym, pool, locker rooms, games room, teen center, learning center, arts & crafts, multi-purpose dining area, kitchen, lobby/atrium, main offices, club staff offices, and support spaces.
- c. Hours of operation would be different between the existing Clubhouse and new Clubhouse because the 35 relocated office headquarters employees would access the new Clubhouse in the morning.

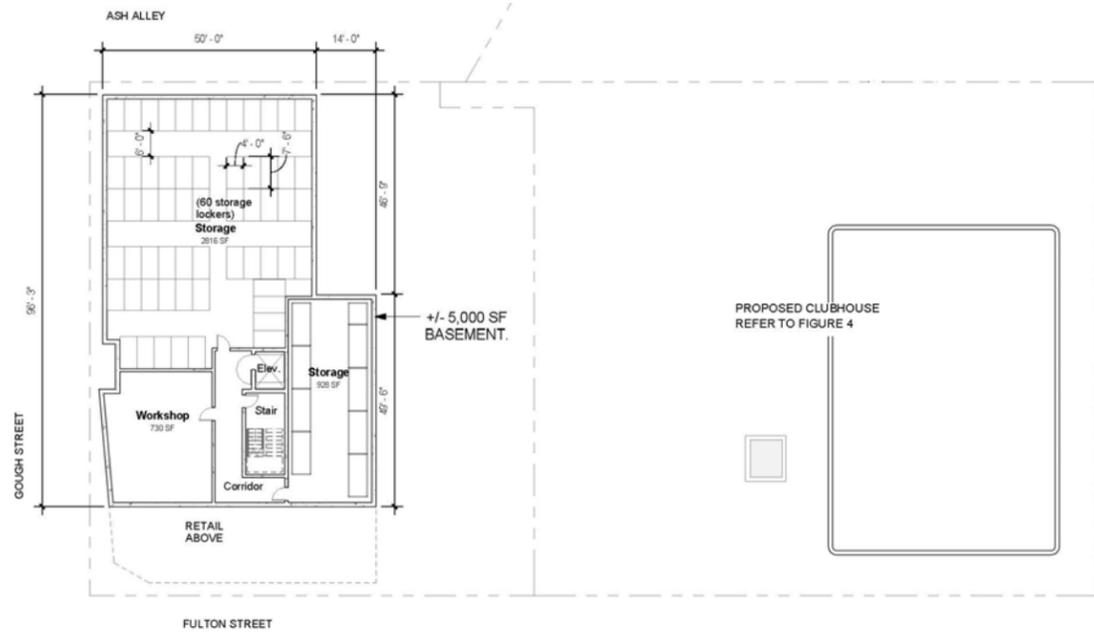
### **New Mixed-Use Building**

The new 56,320-square-foot, 65-foot-tall (81 feet tall with a mechanical penthouse) mixed-use building would include 70 dwelling units (40 studio units and 30 two-bedroom units); 4,678 sq. ft. of ground-level retail and common space; ground-level garbage and service space; three ground-level tandem parking spaces (six total parking spaces) to be used solely by Boys & Girls Club staff; and one subterranean level including 60 storage lockers and other storage space (see Figures 6 and 7). Vehicles would access the tandem parking spaces from a new 24-foot-wide curb cut along Ash Street. Between the new Clubhouse and the new mixed-use building would be a private fenced-in 2,797-square-foot ground-floor open space area (courtyard) and 70 covered exterior bicycle spaces for the residents of the new mixed-use building. The roof would include a 966-square-foot exterior deck for resident use, a mechanical penthouse, and solar hot water panels.

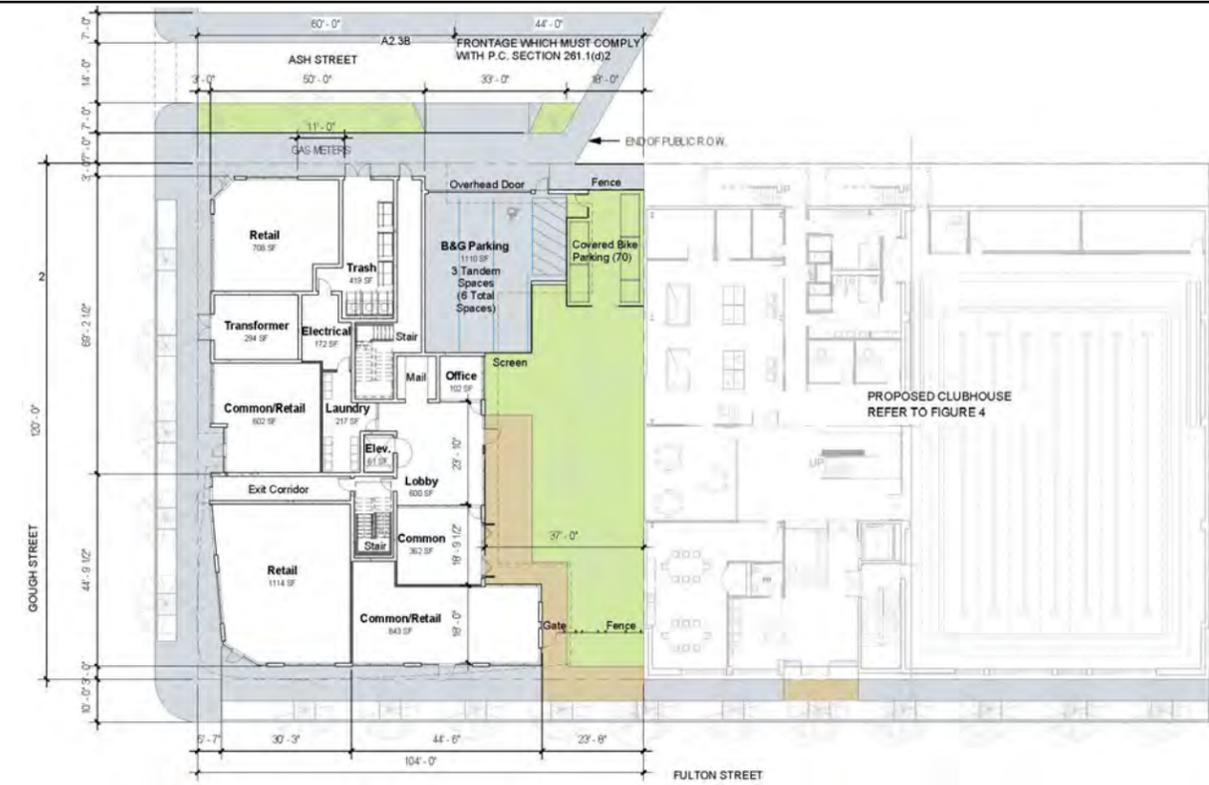
### **Circulation/Public Right-of-Way Improvements**

The proposed project would include the installation of a sidewalk bulbout at the northeast corner of the Gough Street and Fulton Street intersection. The proposed project would also reconstruct and use Ash Street as an access point for service vehicles and Boys & Girls Club van parking. The three existing on-street parking spaces along the south side of Ash Street would be removed and replaced with a seven-foot sidewalk extension/landscape zone. In addition, the proposed project would include the installation of a raised crosswalk across Ash Street at the Gough Street intersection.

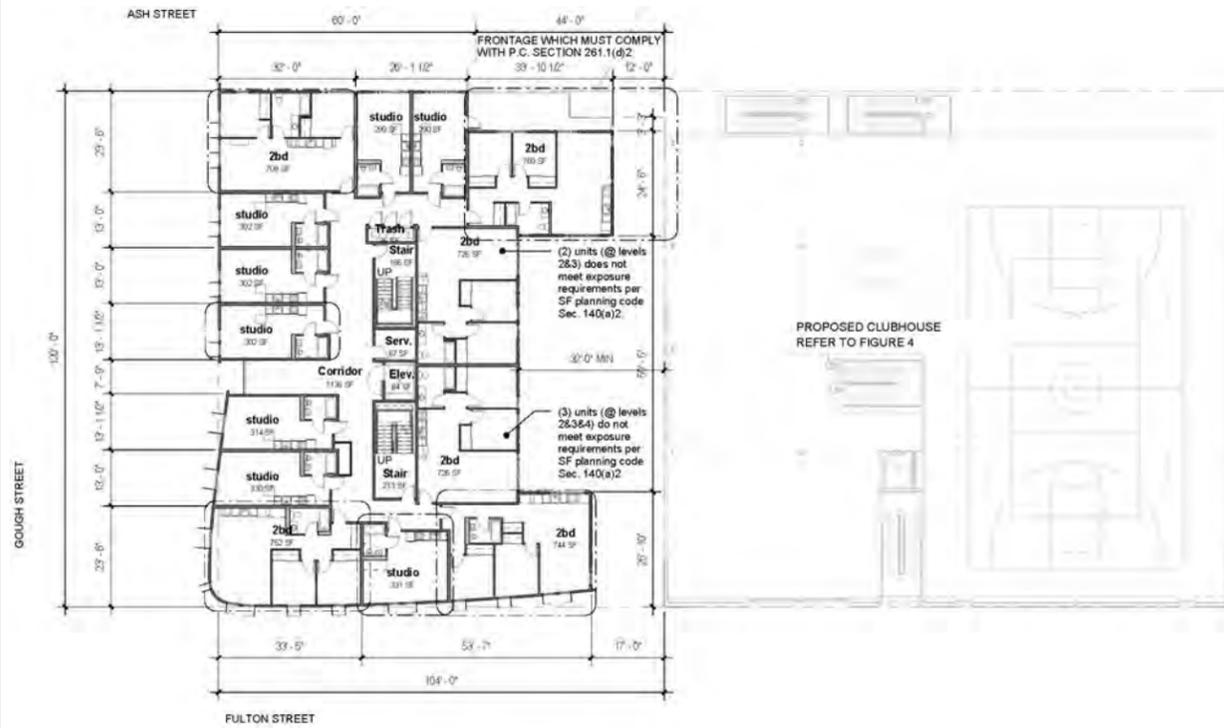
Figure 6, Proposed Mixed-Use Building - Floor Plans



Basement Level



Level 1

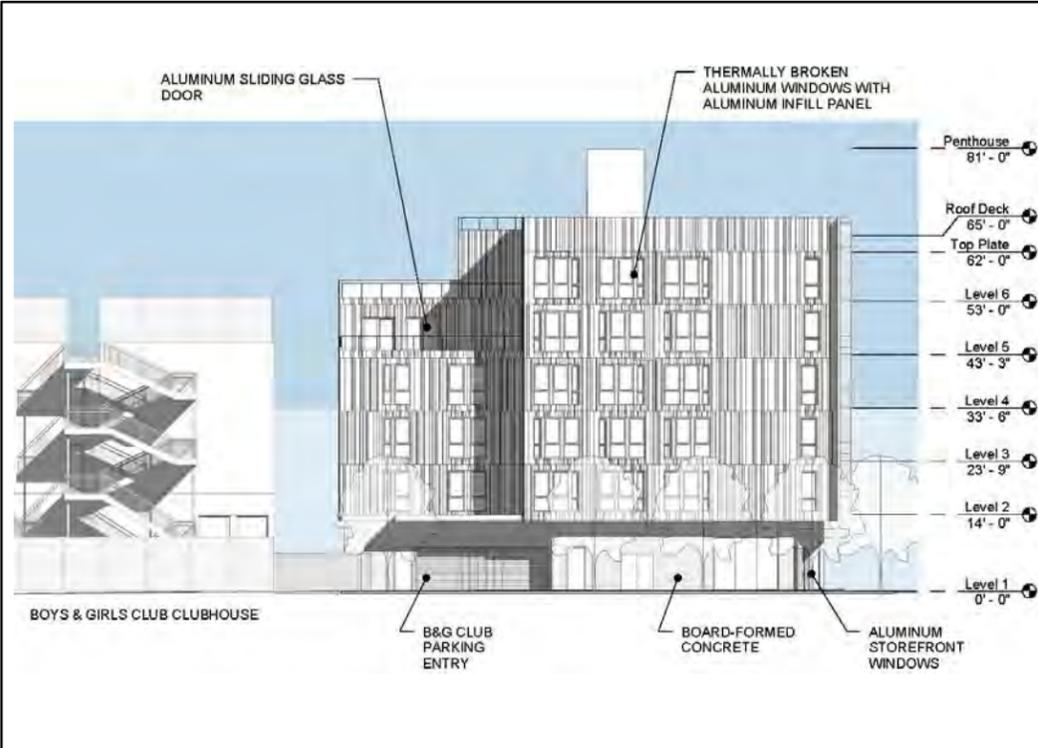


Levels 2 - 4 (Typical)

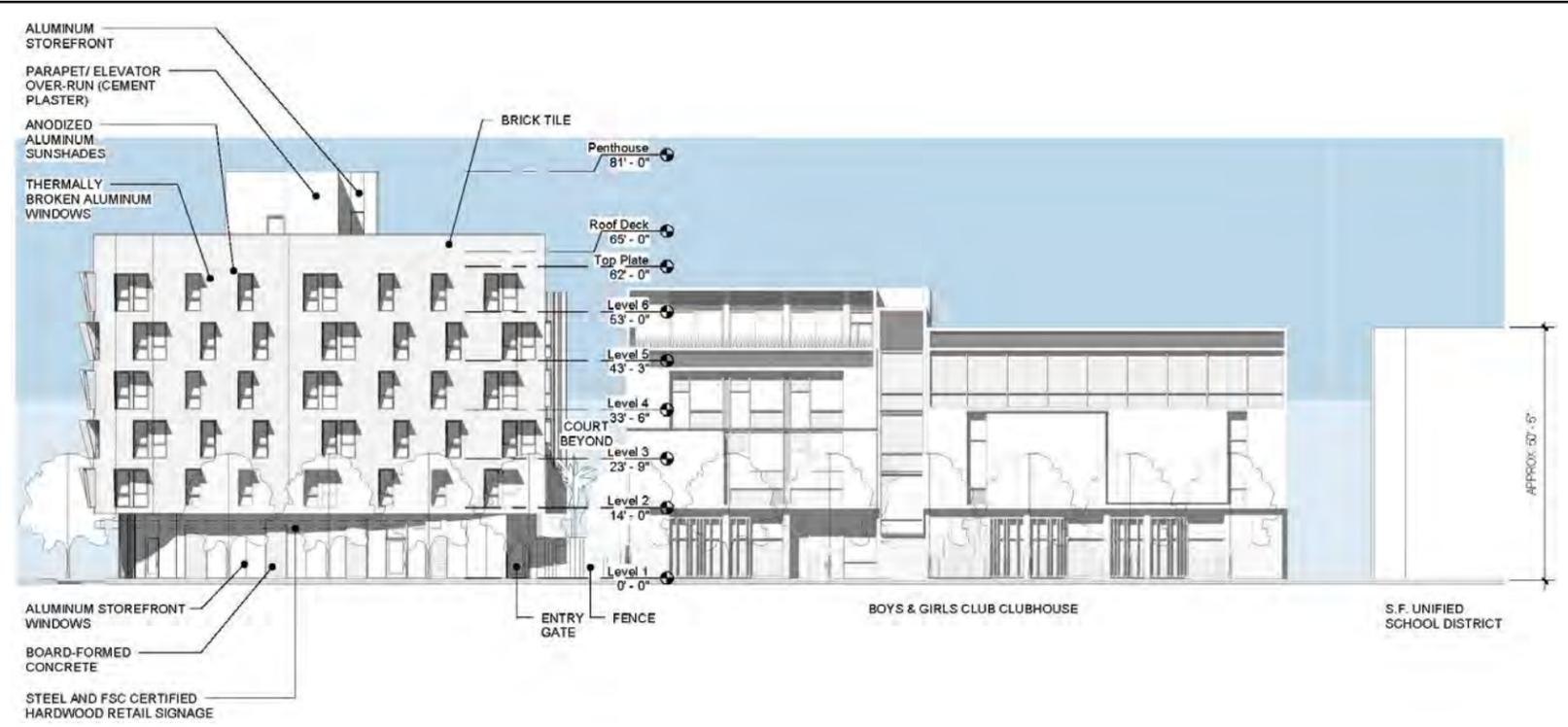
Comments: Not to Scale  
 Source: Tom Eliot Fisch, David Baker & Partners, A1.0B - A1.2B, February 27, 2013.



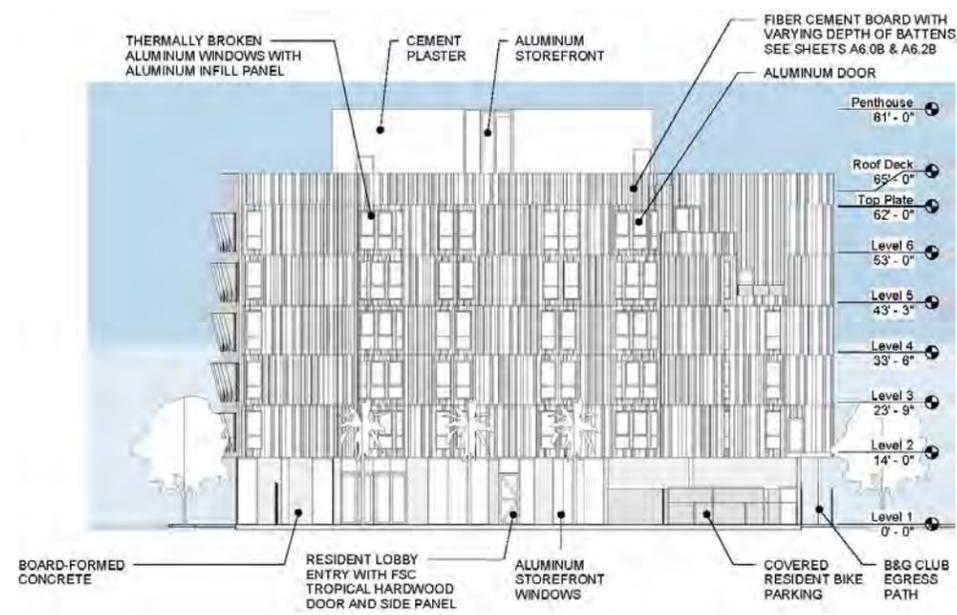
Figure 7, Proposed Mixed-Use Building - Elevations



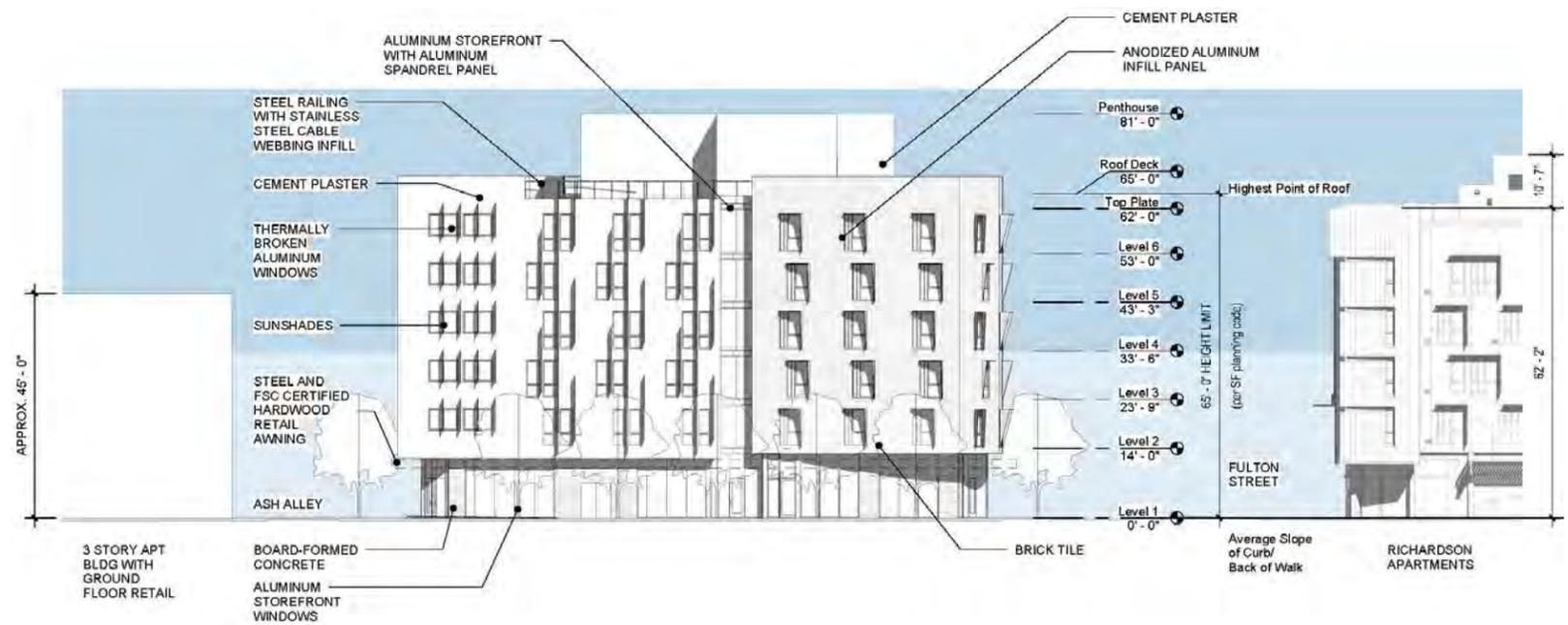
North Elevation (Ash Street)



South Elevation (Fulton Street)



East Elevation (new courtyard)



West Elevation (Gough Street)

Comments: Not to Scale  
 Source: Tom Eliot Fisch, David Baker & Partners, A2.1B - A2.4B, February 27, 2013.

The Boys & Club sponsors a “Safewalk” program, where a Boys & Girls Club staff person or volunteer meets students at schools at the end of the school day and escorts a group of students to their assorted clubhouses throughout the City. At the existing Clubhouse, staff persons or volunteers currently walk youth to the existing Clubhouse from New Traditions Elementary School (approximately 2,000 feet away). The Boys & Girls Club anticipates maintaining this program at the new Clubhouse, but does not know the details of which schools would participate at this time.

The Boys & Girls Club also sponsors a bus and van service for youth traveling to the existing Clubhouse from select schools (i.e., Cobb Elementary School (1.8 miles away), Creative Arts Charter School (1.5 miles away), and Grattan Elementary School (3,200 feet away)). Vans are also used to transport youth between programs at different Boys & Girls Club sites.<sup>1</sup> One bus and two vans currently serve the existing Clubhouse and drop off participants curbside at the existing Clubhouse. One bus and two vans are also proposed at the new Clubhouse and drop-off would occur along Fulton Street. The Boys & Girls Club does not know the details of the time and frequency of the service or which schools would participate in the bus and van service at this time.

### **Air Quality and Noise Measures**

The proposed project would include the installation of an air filtration system in the new Clubhouse and new mixed-use buildings’ ventilation system which would remove at least 80 percent of the outdoor PM<sub>2.5</sub> concentrations from habitable areas. A maintenance plan, along with a disclosure to buyers and renters, would also be established as part of the installation process for the air filtration system.<sup>2</sup> In addition, the proposed project would apply at least Outdoor-Indoor Transmission Class 28 and Sound Transmission Class 33 for all windows facing Gough Street to reduce noise.

### **Construction**

On-site construction work for each of the two components of the proposed project (the new Clubhouse and the new mixed-use building) would occur simultaneously. Construction would last approximately 17 months (73 weeks), assuming work would occur five days per week. Diesel-generating equipment would be required for the proposed project during the initial and middle phases of construction for approximately eight months (34 weeks). Below ground surface (bgs) construction would be required during some of these initial phases for approximately three months (13 weeks) for the new Clubhouse pool and the new mixed-use building basement. Excavation would occur to approximately nine feet bgs for the new pool and 11 feet bgs for the new basement. In addition, both new buildings would include drilled, cast-in-place concrete piers to approximately 17 feet bgs. The remainder of the construction period, 14 months (approximately 60 weeks), would consist of exterior wall construction and glazing and building construction interior and finishes.

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<sup>1</sup> The vans also take a small percentage (three percent) of participants home after program activities.

<sup>2</sup> Two letters from the project sponsor (one for the new Clubhouse, dated January 31, 2013, and one for the new mixed-use building, dated November 5, 2012) committing to these requirements with the Department of Public Health is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

## Required Approvals

The proposed project would require the following approvals:

### *Planning Commission*

- Conditional use authorization to allow development on a lot exceeding 10,000 sq. ft. and to allow a non-residential use exceeding 6,000 sq. ft.; and a Planned Unit Development approval, with specific modifications of Planning Code regulations regarding rear yard, dwelling unit exposure, streetscape transparency, garage entry width, and bay window dimensions.

### *Department of Building Inspection*

- Approval of a Building Permit.

### *Department of Public Works*

- Approval of construction within the public right-of-way (e.g., bulbout).

## REMARKS:

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

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is consistent with the requirements (i.e., development density) of the Market and Octavia Neighborhood Plan., as evaluated in the final programmatic EIR, *Market and Octavia Neighborhood Plan Final EIR* (Market and Octavia FEIR or FEIR – Case No. 2003.0347E; State Clearinghouse No. 2004012118)<sup>3,4</sup> This Certificate of Determination (determination) evaluates the topics for which a significant impact is identified in the Market and Octavia FEIR and evaluates whether the

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<sup>3</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 344 Fulton Street, October 30, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

<sup>4</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning, 344 Fulton Street, February 19, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

proposed project would result in impacts that would contribute to the impact identified in the FEIR. Mitigation measures identified in the FEIR applicable to the proposed project are identified in the text of the determination under each topic area. The Community Plan Exemption Checklist (Attachment A) identifies the potential environmental impacts of the proposed project and indicates whether such impacts are addressed in the Market and Octavia FEIR.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia FEIR. This determination does not identify new or additional information that would alter the conclusions of the Market and Octavia FEIR. This determination also identifies mitigation measures contained in the Market and Octavia FEIR that would be applicable to the proposed project at Parcel F. Relevant information pertaining to prior environmental review conducted for the Market and Octavia Neighborhood Plan is included below, as well as an evaluation of potential environmental effects.

### ***Background***

On April 5, 2007, the San Francisco Planning Commission certified the FEIR for the Market and Octavia Neighborhood Plan. The certification of the FEIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The FEIR analyzed amendments to the Planning Code and Zoning Maps and the Market and Octavia Neighborhood Plan, an element of the *San Francisco General Plan*. The FEIR analysis was based upon an assumed development and activity that were anticipated to occur under the Market and Octavia Neighborhood Plan. In addition to the programmatic review of the Neighborhood Plan, the FEIR also contained a project-level environmental analysis for the development of 22 Central Freeway parcels, including Parcel F, and a limited number of near-term public street and open space improvements within the Plan Area.

Subsequent to the certification of the FEIR, on May 30, 2008, the Board of Supervisors approved, and the Mayor signed into law, revisions to the Planning Code, Zoning Maps, and General Plan that constituted the "project" analyzed in the Market and Octavia FEIR. The legislation created several new zoning controls which allows for flexible types of new housing to meet a broad range of needs, reduces parking requirements to encourage housing and services without adding cars, balances transportation by considering people movement over auto movement, and builds walkable "whole" neighborhoods meeting everyday needs.

Individual projects that occur under the Market and Octavia Neighborhood Plan will undergo project-level evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development, and to determine if additional environmental review is required.

### ***Potential Environmental Effects***

The Market and Octavia FEIR included analyses of the following environmental issues: plans and policies; land use and zoning; population, housing, and employment (growth inducement); urban design and visual quality; shadow and wind; historical resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services and utilities; hydrology; and biology.

The proposed project at Parcel F is in conformance with the development density for the site described in the Market and Octavia FEIR and would represent a small part of the growth that was forecast for the Market and Octavia FEIR. Thus, the Market and Octavia FEIR considered the incremental impacts of the proposed project at Parcel F. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia FEIR.

In the Market and Octavia FEIR, project-level impacts from the development of the 22 Central Freeway parcels were often the same or similar as those impacts for the programmatic review of the Neighborhood Plan and certain mitigation measures applied at both the program- and project-level. In other instances, the Market and Octavia FEIR did not identify project-level impacts from the development of Central Freeway parcels where impacts were identified from implementation of the Neighborhood Plan or identified project-level impacts from certain individual Central Freeway parcels only. In the latter instance, a mitigation measure identified at the program-level was applicable to the individual Central Freeway parcel. No mitigation measures from the Market and Octavia FEIR were specific only to Central Freeway parcels. The following discussion includes a description of the Market and Octavia FEIR program-level analysis, but also includes a description of project-level analysis of Central Freeway Parcel F, if the impact determination was different than the program-level analysis.

The following discussion demonstrates that the proposed project would not result in peculiar impacts that were not identified or a more severe adverse impact than discussed in the Market and Octavia FEIR for the development of Central Freeway Parcel F, including proposed project-specific impacts related to archeological resources, transportation and circulation, air quality, wind and shadow, geology and soils, and hazards and hazardous materials.

### **Archeological Resources**

The Market and Octavia FEIR identified potential archeological impacts related to the Market and Octavia Neighborhood Plan, including development of the Central Freeway parcels, and identified four archeological mitigation measures that would reduce impacts to archeological resources to less than significant. Mitigation Measure C1 (also known as 5.6.A1) applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the Planning Department, which includes 13 Central Freeway parcels. Mitigation Measure C2 (also known as 5.6.A2) applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA, which includes eight Central Freeway parcels. Mitigation Measure C3 (also known as 5.6.A3) is similar to C2, but it applies to public street and open space improvements. Mitigation Measure C4 (also known as 5.6.A4), which applies to properties in the Mission Dolores Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology.

The project site is one of the properties subject to Mitigation Measure C2. Mitigation Measure C2 states any project resulting in soils disturbance of 4 feet or greater below existing grade proposed within the Plan Area for which no archeological assessment has been prepared shall be required to prepare a preliminary archeological impact assessment by an archeological consultant with expertise in California

prehistoric and urban historical archeology. Based on the study, a determination shall be made if additional measures are needed to reduce potential effects of a project on archeological resources to a less-than-significant level. The Planning Department's archeologist conducted a preliminary archeological review of the project site in conformance with the study requirements of Mitigation Measure C2 and is summarized below.<sup>5</sup>

The project site is underlain by fill of variable depth but at least to 3 ft bgs and possibly to 17 ft bgs. Below the fill is native sand dune deposits with some indications of moderate stability (medium dense sand to clayey sand). In the absence of greater sampling it is unknown if any soils that indicate prehistoric habitation are present.

The project site is located five blocks to the north of the study area of *The San Francisco Central Freeway Replacement Project: Archaeological Research Design and Treatment Plan* prepared for Caltrans.<sup>6</sup> The historical archeological research design of the 1998 report was revised in 2003.<sup>7</sup> No previous archeological documentation or investigations have been undertaken for the project site per se.

The remains of various building foundations and a redwood-lined privy were found during archeological monitoring of the 400 Grove Street (aka Central Freeway Parcel H) project area, two blocks to the southwest of the project site, by Pacific Legacy in June 2012.<sup>8</sup> Sparse and primarily non-diagnostic building materials and fragmented domestic artifacts were recovered from the privy feature. Other nearby recorded archeological sites are National Register of Historic Places-eligible domestic archeological features excavated for the Central Freeway Replacement Project<sup>9</sup> to the east of Octavia Boulevard, approximately six blocks to the southwest of the project site. The privies were associated with late 19<sup>th</sup> century German and Irish households.

No prehistoric sites have been discovered near the project site area north of Market Street, probably because of its distance from former bay or lagoon shorelines or wetlands. The project site is within the 160-acre Hayes Valley Tract homesteaded by Colonel Thomas Hayes in the 1850s. Since that time, various buildings and structures have occupied the project site and vicinity.

The 1859 US Coast Survey map shows a group of four buildings that extend into the southwest corner of the subject block, which includes the project site. The 1869 US Coast Survey map shows that the street grid has been extended to this area. A single building is shown on the project site fronting on Fulton

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<sup>5</sup> Environmental Planning Preliminary Archeological Review: checklist for 344 Fulton Street – Central Freeway Parcel F from Allison Vanderslice, February 14, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

<sup>6</sup> Ziesing, Grace H., *The San Francisco Central Freeway Replacement Project: Archaeological Research Design and Treatment Plan*, June 1998.

<sup>7</sup> Van Bueren, Thad et al., *Revised Historical Archaeology Research Design for the Central Freeway Replacement Project*, August 4, 2003.

<sup>8</sup> Pacific Legacy, *Final Report on Construction Monitoring Results and the Testing Program for Privy Feature 1 at the 401 Grove Street Project in San Francisco, California*, September 18, 2012.

<sup>9</sup> St. Clair, Michelle, et al., *Report on Technical and Interpretive Studies for Historical Archaeology Central Freeway Replacement Project*, n.d.

Street. The 1886 Sanborn Map shows the Gough Street Boarding Stable fronting on Gough Street. Fulton Street is lined with two to two-one-half story dwellings and flats, most with rear outbuildings. The Oakland Dairy Stables stand adjacent to the east of the Gough Street Boarding Stable and fronts on Ash Street. To the east of the Oakland Dairy Stables, on Ash Street, is a two-story dwelling. A brass foundry also fronts on Ash Street, to the east of the dwelling. The 1899 Sanborn map shows a similar mix of residential and commercial uses. The Gough Street Boarding Stable still stands along Gough Street and a wagon house with second floor residences is shown at the corner of Gough and Fulton streets. The two eastern most residential buildings have been expanded to the north (rear expansion). These are part of a group of four buildings that were labeled as two-and-a-half story residences on the 1886 map, but are shown here with two-story-over-basement. The Oakland Dairy Stables has added a few sheds to the south (rear expansion). The brass foundry on Ash Street has been replaced by a shed.

The 1913 Sanborn Map shows that the project site was occupied by the New Monarch Livery and Club Livery. By 1950, the Sanborn map shows a distribution center, auto repair shop, and apartment buildings located on the project site. Only the four-story apartment building located at the eastern edge of the project site is shown having a basement. By the 1960s, the Central Skyway passes over the site and no buildings are shown on the project site. The last of the elevated Central Freeway and associated structural supports were removed in 2003. Currently, the project site is leased by the City to the San Francisco Opera for use as a surface vehicular parking lot.

No archival research has been undertaken to determine the ethnic, racial, place of origin, occupational, household type, or religious affiliation of the 19<sup>th</sup> century residents who occupied the project site. In the absence of such demographic characteristics associated with the 19<sup>th</sup> century households who occupied the project site, no conclusive assessment can currently be made regarding the potential information value of any late 19<sup>th</sup> century domestic historical archeological deposits that may be present within project site. Historical archeological deposits associated with the late nineteenth century businesses operating within the project site may contain potential information value on working class culture, working conditions, industrial process, etc.

The proposed project would result in below-ground surface construction to approximately nine feet bgs for the new pool and 11 feet bgs for the new basement. In addition, both new buildings would include drilled, cast-in-place concrete piers to approximately 17 feet bgs. Some below-ground surface construction would occur below fill and into native sand dune deposits. Below-ground surface construction could potentially encounter historical archeological deposits associated with late nineteenth century businesses that could contain potential information of archeological significance. Therefore, based on the Preliminary Archeological Review, it has been determined that the Planning Department's second standard archeological mitigation measure (monitoring) would apply to the proposed project. The Preliminary Archeological Review and its requirements (e.g., monitoring) are consistent with Mitigation Measure C2 from the Market and Octavia FEIR. With implementation of this mitigation measure, impacts related to archeological resources would be less than significant. In accordance with the Market & Octavia FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 1, as updated below.

With compliance with Project Mitigation Measure 1, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to archeological resources.

**Project Mitigation Measure 1 – Archeological Monitoring (Mitigation Measure C2 of the Market and Octavia FEIR).** Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

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

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

archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

*Consultation with Descendant Communities:* On discovery of an archeological site<sup>10</sup> associated with descendant Native Americans or the Overseas Chinese an appropriate representative<sup>11</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 consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

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

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

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

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<sup>10</sup> By the term “archeological site” is intended here to minimally included any archeological deposit, feature, burial, or evidence of burial.

<sup>11</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.

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

The scope of the ADRP shall include the following elements:

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

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (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.

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

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archeological Site Survey

Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

### **Transportation and Circulation**

The Market and Octavia FEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit delays and identified eight transportation mitigation measures. Three of the mitigation measures were found to be infeasible (D1, D2, and D7 (also known as 5.7.A, 5.7.B, and 5.7.G)). Even with the remaining five mitigation measures, however, it was anticipated that the significant adverse cumulative traffic and transit impacts at certain local intersections could not be fully mitigated because of uncertainty in other agencies adopting these mitigation measures and the uncertainty of feasibility of these mitigation measures. Thus, these impacts were found to be significant and unavoidable. However, the development of the Central Freeway parcels was found not to represent a considerable contribution to adverse traffic or transit conditions, and impacts were considered less-than-significant.

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, topic 16c from the CEQA Guidelines, Appendix G is not applicable.

### **Trip Generation**

The new mixed-use building's trip generation rate were calculated using information in the *Transportation Impact Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>12</sup> The site is located in the City's Superdistrict 2 traffic analysis area. The new Clubhouse's trip generation rate, as well as other travel demand characteristics, was calculated based on a Circulation Study prepared for the proposed project.<sup>13</sup> The Circulation Study based the new Clubhouse's trip generation rate on surveys done at the existing Ernest Ingold Clubhouse at 1950 Page Street and data provided by the Boys & Girls Club. Based on these sources, the proposed project, as a whole, would generate an estimated average 1,778 daily person-trips including 324 daily person-trips during the PM peak hour.<sup>14</sup> These 324 PM peak person-trips would be distributed among various modes of

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<sup>12</sup> Wade Wietgreffe, San Francisco Planning Department, Transportation Calculations, February 20, 2013. These calculations are available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

<sup>13</sup> Fehr & Peers, *Circulation Study for the Relocation of the Ernest Ingold Boys and Girls Clubhouse to Parcel F (344 Fulton Street)*, February 25, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

<sup>14</sup> For conservative purposes, the new Clubhouse PM peak hour rates presented in this analysis are based on peak hour of the facility (between 5:30 PM and 6:30 PM) numbers, instead of peak hours of adjacent street traffic (between 5:00 PM and 6:00 PM) documented in the Fehr & Peers *Circulation Study*.

transportation, including 159 automobile trips (107 vehicle trips), 99 public transit trips, 54 pedestrian trips, and 12 other trips, including bicycle and Boys & Girls Club van.

### Traffic

The proposed project's vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions with extremely long delays. LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. Available LOS data of intersections within three blocks of the project site indicate that these intersections currently operate during the weekday PM peak hour at LOS A (Gough/Fell Street and Franklin/Fell Street intersections), and LOS C (Gough/Hayes Street, Franklin/Hayes Street, and Van Ness Avenue/Hayes Street intersections).<sup>15</sup> The proposed project would generate 107 new PM peak hour vehicle trips to surrounding intersections. These new PM peak hour vehicle trips are not anticipated to substantially increase traffic volumes at these or other nearby intersections, substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or substantially increase average delay at intersections that currently operate at unacceptable LOS.

The Market and Octavia FEIR identified significant and unavoidable cumulative (2025) impacts relating to weekday PM peak hour traffic conditions at seven intersections from implementation of the Plan. Of those intersections, the project site is near Hayes Street/Van Ness Avenue, Hayes/Gough Streets, and Hayes/Franklin Street which each deteriorated to LOS F under cumulative weekday PM peak hour operating conditions. Specific mitigation measures were proposed for each of these mitigation measures, but these mitigation measures were found infeasible, and not adopted. Therefore, cumulative impacts at the above intersections were found to be significant and unavoidable and a Statement of Overriding Considerations related to the significant and unavoidable cumulative traffic impacts was adopted as part of the FEIR Certification and project approval.

The proposed project would not contribute considerably to these conditions as its contribution of 107 PM peak hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Market and Octavia's projects. The proposed project would not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative traffic impacts.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to traffic.

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<sup>15</sup> LOS is for the year 2009 and comes from the 205 Franklin Street (SF Jazz) Project Impact Analysis. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2008.1234!.

Transit

The project site is located within proximity of several local transit lines including Muni lines 5, 6, 19, 21, 31, 47, 49 and 71/71L and Muni Metro stop at Van Ness Avenue and Market Street. The proposed project would generate 99 new PM peak hour transit trips dispersed among the wide availability of transit lines. These new PM peak hour transit trips would not be anticipated to cause a substantial increase in transit demand that could not be accommodated by adjacent transit capacity, resulting in unacceptable levels of transit service; or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service levels could result.

The Market and Octavia FEIR identified significant and unavoidable cumulative (2025) impacts relating to weekday PM peak hour on transit as a result of increase in delays at Hayes Street intersections at Van Ness Avenue, Franklin Street, and Gough Street because of changes to the configuration of Hayes Street as part of the Plan. The increase in delays would decrease the attractiveness and efficiency of transit, because it would result in increase on travel times on Muni and substantially affect transit operations. The project site is near all three intersections, which each deteriorated to LOS F under cumulative weekday PM peak hour operating conditions. Mitigation Measure D8 (also known as 5.7.H) addresses this transit impact by proposing to reroute the 21-Hayes Muni bus around congested intersections. Even with Mitigation Measure D8, however, cumulative impacts at the above intersections were found to be significant and unavoidable and a Statement of Overriding Considerations related to the significant and unavoidable cumulative transit impact was adopted as part of the FEIR Certification and project approval.

The proposed project would not contribute considerably to these conditions as its minor contribution of 107 PM peak hour vehicle trips would not be a substantial proportion of the overall traffic generated by Market and Octavia projects. In addition, the proposed project's minor contribution of 99 PM peak hour transit trips would not be anticipated to cause a substantial increase in transit demand that could not be accommodated by adjacent transit capacity, resulting in unacceptable levels of transit service; or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service levels could result. The proposed project would not contribute considerably to 2025 cumulative transit conditions and thus, the proposed project would not result in any significant cumulative transit impacts.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to transit.

Pedestrian

The proposed project would not include sidewalk narrowing, roadway widening, or removal of a center median; conditions that can negatively impact pedestrians. The proposed project would add a curb cut at Ash Street to provide vehicular access to the new buildings. However, Ash Street is not identified in the General Plan as a "Citywide Network Pedestrian Street," "Neighborhood Commercial Street," or "Neighborhood Network Connection Street" and the frequency of vehicles entering and exiting the project site from Ash street would not be substantial enough to cause a hazard to pedestrians or otherwise interfere with pedestrian accessibility to the project site and adjoining areas.

Pedestrian activity would increase as a result of the proposed project (54 PM peak hour pedestrian trips), but not to a degree that would result in substantial overcrowding on public sidewalks. Many of these trips are anticipated to cross at the Gough/Fulton Street intersection, where the proposed project would include a sidewalk bulbout at the northeast corner of this intersection. As part of the Department of Public Works' Road Repaving and Safety Bond, Gough and Franklin Streets are scheduled to be repaved in late 2013. At the time the streets are repaved, new curb ramps would be constructed and crosswalks at Gough/Fulton Street and Franklin /Fulton Street would be restriped. The existing standard crosswalks at the intersections of Gough/Fulton Street and Franklin/Fulton Street would be restriped to be white "continental"-style crosswalks. The San Francisco Municipal Transportation Agency (SFMTA) is also working on identifying funding for additional pedestrian improvements along the streets, including pedestrian countdown signals; however, funding has not been identified at this time. Repaving and signal upgrades do not need to occur simultaneously and pedestrian signals could be installed after repaving occurs if funding is not identified by the time repaving begins in 2013.

The proposed project would also extend the sidewalk seven feet along the south side of Ash Street, and include a raised crosswalk across Ash Street at the Gough Street intersection, which would improve local conditions for pedestrians. In addition, as part of the proposed project, some participants at the new Clubhouse would participate in the Boys & Girls Club Safewalk program, although the details of the program are not known at this time, to improve walking conditions for participants from nearby schools. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to pedestrians.

While the proposed project's pedestrian impacts would be less than significant, improvement measures could be implemented to further reduce these less-than-significant impacts by defining and expanding the Boys & Girls Club Safewalk program and through coordination with the DPW and SFMTA on any project-related improvements in the public right-of-way and additional improvements in the public right-of-way.

#### **Project Improvement Measure 1 – Boys & Girls Club Safewalk Program**

The Boys & Girls Clubs of San Francisco (Club) should consider including schools within ¼ mile of the new Clubhouse for the Safewalk program, including the Tenderloin Elementary School, located at the intersection of Van Ness Avenue/Turk Street, and the French and Chinese International Schools, located at the intersection of Oak Street/Franklin Street. Rosa Parks and John Muir Elementary Schools, which are located within ½ mile of the Parcel F Clubhouse, and Creative Arts Charter School, which is located within ¾ mile of the Parcel F Clubhouse, could be also candidates for a Safewalk group. It is recommended that a Club staff person or volunteer meets students at the Safewalk program schools at the end of the school day and escorts a group of students to the new Clubhouse. The Club could also consider expanding the Safewalk program to include walking groups from the Clubhouse to residential areas near the new Clubhouse, particularly those in the Western Addition or Tenderloin neighborhoods.

The Club should also consider expanding the Safewalk program and sponsoring a walking and bicycling safety course on a quarterly or half-yearly basis for students. The course could be paired with other encouragement activities, such as Bike/Walk to School Day

([www.walkbiketoschool.org](http://www.walkbiketoschool.org)). The course should provide children (including those who do not participate in Safewalk) with information on walking and bicycling safety skills and on other transportation options besides driving. This course could also target parents who currently pick-up their students at the end of the day with information on other transportation options to travel to and from the new Clubhouse.

The Safewalk program could also include bicycle safety education targeted at encouraging high school participants to bicycle to school and to the new Clubhouse. The Urban School (Page Street/Masonic Avenue), Galileo High School (Polk Street/Francisco Street), Gateway High School (Scott Street/Geary Street) and Ida B Wells High School (Hayes Street/Pierce Street) are located within a 15 minute bicycle ride of the new Clubhouse and are good candidates for bicycle safety education.

### **Project Improvement Measure 2 – Public Right-of-Way Improvements**

The project sponsor should coordinate with the San Francisco Municipal Transportation Agency (SFMTA) and Department of Public Works (DPW) on project-related improvements to Gough Street (i.e., sidewalk bulbout and raised crosswalk across Ash Street) so that it does not interfere with DPW or SFMTA planned construction work or occur after DPW planned construction work. In addition, the project sponsor should coordinate with the DPW and SFMTA to recommend including the following pedestrian restriping and signal improvements:

- When the roadways are restriped by DPW, recommend advanced stop bars at the intersections of Gough/Fulton Street and Franklin/Fulton Street intersections, to reduce vehicle encroachment into the crosswalk when pedestrians have the right-of-way.
- When the roadway is restriped by DPW, recommend restriping the northeast and northwest corners of Gough/Fulton Street intersection to provide, at a minimum, 10-foot-long red zones. This would improve sight distance between pedestrians and approaching motorists turning from Gough Street to Fulton Street.
- When pedestrian signals are installed by the SFMTA at Gough/Fulton Street and Franklin/Fulton Street intersections, recommend that the pedestrian signals should include a leading pedestrian interval, where pedestrians are given a head start before vehicles receive a green signal. This would require signal hardware improvements, including new pedestrian signals, and retiming of the coordination on both Gough and Franklin Streets.

The above pedestrian restriping and signal improvements are subject to the approval of the DPW and SFMTA.

### **Bicycle**

An existing Class II bikeway exists on Fulton Street, west of Octavia Boulevard. Class II bikeways are bicycle lanes striped with the paved areas of roadways, and established for the preferential use of bicycles. An existing Class III facility, sharrows, exists on McAllister Street, one block north of the project site. Sharrows are a traffic control device which consists of pavement markings within the traffic lane. The markings are intended to alert drivers that bicyclists share the traffic lane and to reduce the chance of bicyclists running into the open doors of parked vehicles. The proposed project would not include a curb cut on either of these bicycle facilities. The proposed project would be adding 80 bicycle spaces at the

project site and would generate a demand of 12 PM peak hour other (which includes bicycles) trips. Although the proposed project would increase the number of vehicles in the project vicinity, it would not cause a hazard to bicyclists or otherwise interfere with bicyclist accessibility to the project site and adjoining areas. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to bicycles.

While the proposed project's bicycle impacts would be less than significant, an improvement measure could be implemented to further reduce these less-than-significant impacts by defining and expanding the Boys & Girls Club Safewalk program.

### **Project Improvement Measure 1 – Boys & Girls Club Safewalk Program**

#### **Freight Loading**

Per the requirements of the Planning Code, the proposed project would not be required to provide a loading space. Therefore, the proposed project would not conflict with the loading requirements of the Planning Code.

Regarding freight loading demand, it is not anticipated that this type of use would require frequent freight loading. The project's freight loading would be accessed from the dead-end public right-of-way, Ash Street, where trucks would be able to park temporarily without creating potentially hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians.

#### **Passenger Loading**

Regarding the new Clubhouse participant loading demand during the peak hour, the new Clubhouse would generate 114 PM peak hour arrivals (inbound vehicle trips plus outbound vehicle trips) at the facility (between 5:30 and 6:30 PM).<sup>16</sup> This loading demand is based on existing survey data and field observations at the existing Clubhouse and information obtained from the Boys & Girls Club, as documented in the Circulation Study. Using the passenger loading/unloading contained in the SF Guidelines, Appendix H, the proposed project would generate the need for 380 lineal feet of curb space to accommodate passenger loading/unloading during any one minute of the peak 15 minute period.<sup>17</sup> The 380 lineal feet is a conservative estimate because a majority of the observed pick-ups at the existing Clubhouse occurred in less than five minutes. Additionally, field observations at the existing Clubhouse indicated that the peak queue represented only about 20 percent of the total number of peak hour vehicles arriving to pick-up a participant. Thus, the field measured data at the existing Clubhouse suggest that the peak drop-off would be required to accommodate 11 vehicles (approximate 220 lineal feet).<sup>18</sup> If these two reference points are averaged (380 and 220 lineal feet), the new Clubhouse would

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<sup>16</sup> Because each of the participant vehicle trips is a pick-up, although no person physically enters the new Clubhouse, a vehicle would arrive at the site and be considered an inbound and outbound vehicle trip for the loading analysis.

<sup>17</sup> A.  $(114 \text{ arrivals/departures} * \text{peaking factor of two}) / (\text{four}) = 57 \text{ vehicles during the peak 15 minutes.}$  B.  $(57 \text{ vehicles during the peak 15 minutes} * 5 \text{ minutes average duration of stop}) / (15 \text{ minutes}) = 19 \text{ vehicles during the peak minute of the hour.}$  C.  $(19 \text{ vehicles} * 20 \text{ feet per vehicle}) = 380 \text{ lineal feet.}$

<sup>18</sup> Using the formula provided in SF Guidelines, this would suggest a length of stay of three to four minutes.

generate the need for approximately 300 lineal feet of curbside passenger loading space. The proposed project would not include a curbside loading space.

In order to determine the potential for hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians from participant loading, the Circulation Study provided a comparison between the conditions at the existing Clubhouse and new Clubhouse, which is summarized below.

Fulton Street between Gough Street and Franklin Street (where the entrance to the new Clubhouse would be located) is approximately 400 feet long and has one lane of travel in each direction. The project site has approximately 240 linear curb feet along Fulton Street, beginning at Gough Street to the west. The western end of the new Clubhouse would be located approximately 100 feet from the Gough Street intersection and 300 feet from the Franklin Street intersection. In the Circulation Study, Fulton Street was observed to have relatively low traffic volumes because it ends at Franklin Street. In addition, Fulton Street does not contain any transit or bicycle facilities. The street is currently unmetered for parking. These characteristics are similar to Page Street (where the entrance to the existing Clubhouse is located), except Page Street also contains a Class III bicycle facility, sharrows.

The existing Clubhouse does not have a designated curbside passenger-loading space. During the observation period in the Circulation Study, vehicles double-parked in the westbound travel lane on Page Street waiting to pick-up or drop-off participants in front of the existing Clubhouse.<sup>19</sup> Double-parking occurred most frequently at the peak pick-up times, approximately at 6:00 PM. The double-parked queue ranged from two vehicles to eight vehicles, with vehicles pausing between thirty seconds and ten minutes. When queues extended more than two vehicles, eastbound traffic on Page Street would pause to allow westbound vehicles to pass the queue. Traffic on Page Street was generally light, and no substantial conflicts were observed during the observation period. Bicyclists were able to bypass the queue. The driveways and lack of on-street parking on the south side of the street permitted these activities to occur more easily.

The intersections at Sanyan Street/Page Street (signalized) and Shrader Street/Page Street (all-way stop controlled) were also observed during the observation period in the Circulation Study. Both intersections operated with low levels of delay. The existing Clubhouse is located approximately 125 feet from each intersection. The western end of the existing Clubhouse pick-up queue generally started at this distance from Sanyan Street and allowed room for up to six vehicles to queue at the signal; although, the westbound queue at the signal never exceeded two or three vehicles during field observations. At times, the existing Clubhouse queue extended from the western end of the existing Clubhouse to Shrader Street (distance of approximately 280 feet); however, other westbound traffic was light and able to navigate around the queue without substantially affecting eastbound traffic. Eastbound traffic generally yielded and paused curbside if a westbound vehicle was passing the queue. The driveways on the south side of Page Street allowed eastbound vehicle extra room for this maneuver. Additionally, vehicle queues did not form on the other approaches (i.e., northbound, southbound, eastbound) of the Shrader Street/Page Street intersection.

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<sup>19</sup> The existing Clubhouse is located on the north side of Page Street or in front of the westbound travel lane.

If a dedicated passenger loading zone is not provided for the new Clubhouse, the participant pick-up and drop-off would likely result in double parking. Fulton Street is a low-volume street without transit facilities, and vehicles and bicyclists would likely yield to on-coming traffic, similar to what occurs on Page Street, a low-volume street, adjacent to the existing Clubhouse. The double parking queue would occur adjacent to the on-street parked vehicles in the travel lane and thus would not block pedestrian access. The project site block is a similar size to the existing Clubhouse block and a similar number of participants would be anticipated to be picked up by vehicles at the new Clubhouse as the existing Clubhouse. Thus, the double parking queue would not be anticipated to back up into the Franklin Street intersection or block westbound vehicles from accessing the Gough Street intersection. Therefore, the new Clubhouse participant pick-up and drop-off would not be expected to create potentially hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians.

Vans would be used to transport youth between programs at different Boys & Girls Club sites. One bus and two vans are also proposed at the new Clubhouse and drop-off would occur along Fulton Street. The Boys & Girls Club does not know the details of the time and frequency of the service or which schools would participate in the service at this time. However, it is anticipated that drop-offs would occur at a similar time and a similar frequency as they do at the existing Clubhouse, which is outside the peak hour, limited in frequency (approximately 34 percent of participants arrive at the existing Clubhouse and three percent leave the existing Clubhouse), and requires limited duration to unload. Therefore, the bus and vans would likely double-park and drop-off participants without creating potentially hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians because Fulton Street is a low-volume street without transit facilities and the limited frequency and duration of bus and van service drop-off.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to freight and passenger loading.

While the proposed project's loading impacts would be less than significant, an improvement measure could be implemented to further reduce these less-than-significant impacts to improve participant drop-off and pick-up along Fulton Street. Provision of a loading zone, even shorter than the recommended 300 feet, along with monitoring of participant pick-up/drop-off activities would reduce the likelihood of queues occurring within the travel lane. In addition, another improvement measure could be implemented by defining and expanding the Boys & Girls Club van program.

### **Project Improvement Measure 3 – Passenger Loading Zone and Monitoring**

To manage participant pick-up and drop-off, the Boys & Girls Clubs of San Francisco (Club) should work with the San Francisco Municipal Transportation Agency (SFMTA) to implement a part-time passenger loading zone (white curb) along the north side of Fulton Street in front of the Parcel F Clubhouse to allow drivers to pull out of the westbound travel lane. The part-time passenger loading zone could be in effect between 5:00 PM and 8:00 PM and be used as regular parking (or on-street commercial loading) during the rest of the day. A passenger-loading zone is subject to the approval of the SFMTA, and a change to the parking regulations adjacent to the project site would need to be requested and legislated through the SFMTA's curb management program.

Pick-up and drop-off peak periods should be monitored/managed by a Club representative (representative). The representative should be responsible for, but not limited to, the following:

- If a passenger loading zone is provided, monitoring and ensuring vehicles (including Club bus and vans) use the zone efficiently by directing vehicles to move if vehicles dwell in the passenger zone for long durations and cause queuing into the travel lanes on Fulton Street.
- If a passenger loading zone is not provided or less than 300 lineal feet, monitoring and ensuring vehicles (including Club bus and vans) double-park efficiently by directing vehicles to move if vehicles dwell for long durations and ensuring double-parking does not extend and affects vehicle movements at the Gough/Fulton Street or Franklin/Fulton Street intersections.

If a recurring queue occurs and/or double-parking extends and affects vehicle movements at the Gough/Fulton Street or Franklin/Fulton Street intersections by Club participant pick-up and/or drop-off, the Club should employ abatement methods as needed. Suggested abatement methods include but are not limited to the following: expanding Club bus and van services for participant drop-off; working with the SFMTA to add a white zone along the south side of Fulton Street.

If the Planning Director, or his or her designee, suspects that the Club participant pick-up and/or drop-off cause recurring vehicle queues to be present and/or double-parking extends and affects vehicle movements at the Franklin/Fulton Street or Gough/Fulton Street intersections, the Planning Department should notify the Club in writing. Upon request, the Club should hire a qualified transportation consultant to evaluate the conditions at the project site for no less than seven days. The consultant should prepare a monitoring report to be submitted to the Department for review. If the Department determines that Club participant pick-up and/or drop-off cause a recurring queue to exist and/or double-parking extends and affects vehicle movements at the Gough/Fulton Street or Franklin/Fulton Street intersections, the Club should have 90 days from the date of the written determination to abate the queue and/or double-parking so that it does not extend and affect vehicle movements at the Gough/Fulton Street or Franklin/Fulton Street intersections.

#### **Project Improvement Measure 4 – Boys & Girls Club Van Program**

The Boys & Girls Clubs of San Francisco (Club) should consider expanding the reach of the van program (program) to reduce the number of participants who might otherwise be driven to the new Clubhouse afterschool. The program should be modified based on the participant origins and targeted participants for the Club. If the new Clubhouse has a substantial number of participants from Grattan Elementary School, New Traditions, Cobb Elementary School, and the Urban School, as they do currently at the existing Clubhouse, these schools would be good candidates for the Club program. Rosa Parks, John Muir, and Creative Arts Charter could be candidates for the program if a Safewalk group is not established at these schools, or if a Safewalk group is established for older students and a van is used for younger students. Depending on van ridership, one van route could provide service to New Traditions, Grattan, the Urban School, and John Muir, while a second route could serve Cobb, Rosa Parks, and Creative Arts Charter.

### Emergency Access

The proposed project would not close off any existing streets or entrances to public uses. Therefore, the proposed project would not result in a significant impact related to emergency access nor result in any significant impacts related to emergency access that were not identified in the Market and Octavia FEIR related to emergency access.

### Construction

The proposed project's construction activities would last approximately 17 months and would include below-ground surface construction and building construction. Although construction activities would result in additional vehicle trips to the project site from workers, soil hauling, and material and equipment deliveries, these activities would be limited in duration. Therefore, the proposed project's construction would not result in a substantial impact to transportation or significant impacts that were not identified in the Market and Octavia FEIR related to construction.

While the proposed project's construction impacts would be less than significant, an improvement measures could be implemented to further reduce these less-than-significant impacts through coordination with the DPW and SFMTA on any project-related improvements in the public right-of-way.

## **Project Improvement Measure 2 – Public Right-of-Way Improvements**

### Parking

San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. The San Francisco Planning Department acknowledges, however, that parking conditions may be of interest to the public and the decision makers. Therefore, this report presents a parking analysis for information purposes.

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

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (CEQA Guidelines § 15131(a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy.

The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." As stated above, the project site is well served by transit and bicycle lanes and the proposed project includes ample bicycle parking.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

In summary, changes in parking conditions are considered to be social impacts rather than impacts on the physical environment. Accordingly, the following parking analysis is presented for informational purposes only.

The proposed project involves the removal of the existing surface vehicular parking lot, containing approximately 100 – 110 parking spaces. Per the requirements of the Planning Code, no off-street parking spaces are required. The proposed project would provide three ground-level tandem parking spaces (six total parking spaces) in the new mixed-use building to be used solely by Boys & Girls Club staff and accessed from Ash Street.

Regarding parking demand, according to the SF Guidelines and the Circulation Study, the proposed project would generate a demand for 124 parking spaces. The 100 – 110 vehicles currently parking on the project site would be displaced to other off-street facilities in the area, or to on-street parking spaces. In addition, the proposed project would remove three existing on-street parking spaces along the south side of Ash Street and, if Project Improvement Measure 3 is implemented, up to approximately 19 on-street parking spaces along the north side of Fulton Street would be removed for a white zone during certain pick-up periods. Combined, the parking shortfall of the proposed project and the displacement of existing parking spaces would increase both on-street and off-street parking demand and occupancy would be anticipated to increase. As described above, the unmet demand for parking spaces is considered a social effect, rather than a physical impact on the environment as defined by CEQA.

### **Air Quality**

The Market and Octavia FEIR identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and pollutant emissions related to the operation of fossil fuel burning equipment that would expose sensitive receptors to substantial pollutant concentrations for Plan or individual project implementation, including development of the Central Freeway parcels. The Market and Octavia FEIR identified two mitigation measures that would reduce these air quality impacts to less-than-significant levels.

Mitigation Measure E1 (also known as 5.8.A) requires individual projects, including Central Freeway parcels, which include construction activities to include dust control measures. Subsequent to the certification of the FEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection. Construction activities from the proposed project would result in dust, primarily from ground-disturbing activities. The proposed project would be subject to and would comply with the Construction Dust Control Ordinance, therefore Mitigation Measure E1 is not applicable to the proposed project.

Mitigation Measure E2 (also known as 5.8.B) requires individual projects, including Central Freeway parcels, which include construction activities to reduce short-term exhaust emissions. For determining potential health risk impacts, San Francisco has partnered with the Bay Area Air Quality Management District (BAAQMD) to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco and identify portions of the City that result in additional health risks for affected populations (“hot spots”). Air pollution hot spots were identified based on two health based criteria:

- (1) Excess cancer risk from all sources > 100; and
- (2) PM<sub>2.5</sub> concentrations from all sources including ambient >10µg/m<sup>3</sup>.

Sensitive receptors<sup>20</sup> within these hot spots are more at risk for adverse health effects from exposure to substantial air pollutant concentrations than sensitive receptors located outside these hot spots. These locations (i.e., within hot spots) require additional consideration when projects or activities have the potential to emit toxic air contaminants (TACs), including diesel particulate matter (DPM) emissions from temporary and variable construction activities.

Construction activities from the proposed project would result in DPM and other TACs from equipment exhaust, construction-related vehicular activity, and construction worker automobile trips. Construction would be expected to last approximately 17 months (73 weeks). Diesel-generating equipment would be required for approximately eight months (34 weeks).

The project site is located within an identified hot spot, therefore, the proposed project’s temporary and variable construction activities would result in short-term emissions of DPM and other TACs that would add emissions to areas already adversely affected by poor air quality. Thus, Mitigation Measure E2 is applicable to the proposed project and updated below. Compliance with the Construction Emissions Minimization measures would result in less-than-significant impacts from construction vehicles and

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<sup>20</sup> The BAAQMD considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) Residential dwellings, including apartments, houses, condominiums, 2) schools, colleges, and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. Bay Area Air Quality Management District (BAAQMD), *Recommended Methods for Screening and Modeling Local Risks and Hazards*, May 2011, page 12.

equipment. In accordance with the Market and Octavia FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 2, as updated below.

**Project Mitigation Measure 2 – Construction Emissions Minimization (Mitigation Measure E2 of the Market and Octavia FEIR)**

- A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:
1. All off-road equipment greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
    - a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
    - b) All off-road equipment shall have:
      - i. Engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards, *and*
      - ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).<sup>21</sup>
    - c) Exceptions:
      - i. Exceptions to A(1)(a) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.
      - ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).
      - iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table A1 below.

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<sup>21</sup> Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

**TABLE A1  
OFF-ROAD EQUIPMENT COMPLIANCE STEP DOWN SCHEDULE\***

| Compliance Alternative | Engine Emission Standard | Emissions Control  |
|------------------------|--------------------------|--------------------|
| 1                      | Tier 2                   | ARB Level 2 VDECS  |
| 2                      | Tier 2                   | ARB Level 1 VDECS  |
| 3                      | Tier 2                   | Alternative Fuel** |

\*How to use the table. If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

\*\*Alternative fuels are not a VDECS

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than *two* minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
  3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
  4. 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. Off-road equipment descriptions and information 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: 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, reporting shall indicate the type of alternative fuel being used.
  5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.
- B. *Reporting.* Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the

report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

- C. *Certification Statement and On-site Requirements.* Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

The Market and Octavia FEIR noted that the provisions in the *General Plan* provide development policies and guidelines that are designed to provide for protection of the public from exposure to operational TACs. The proposed project would include the installation of an air filtration system in the new Clubhouse and new mixed-use building's ventilation system which would remove at least 80 percent of the outdoor PM<sub>2.5</sub> concentrations from habitable areas. A maintenance plan, along with a disclosure to buyers and renters, would also be established as part of the installation process for the air filtration system.<sup>22</sup> Therefore, the proposed would result in less-than-significant impacts from exposure operational TACs.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to air quality.

## Wind and Shadow

### Wind

The Market and Octavia FEIR identified potential wind impacts related to the Market and Octavia Neighborhood Plan, including development of the Central Freeway parcels, and identified two mitigation measures. Mitigation Measure B1 (also known as 5.5.B1) applies to all buildings, including development of Central Freeway parcels, in excess of 85 feet in height to reduce wind hazard impacts to less than significant. The proposed project buildings are less than 85 feet in height, and therefore, Mitigation Measure B1 does not apply to the proposed project. Mitigation Measure B2 was intended to further reduce wind levels, including development of Central Freeway parcels, which were already less than significant.

A project-specific evaluation of the probable wind impacts of the proposed project was completed by Donald Ballanti.<sup>23</sup> This evaluation states the proposed project's exposure to prevailing winds is limited by: the shelter from existing structures (although the upper stories of the buildings could be exposed to moderately windy conditions from prevailing westerly to northwesterly winds); the proposed project's massing that provides a complex building face where exposed to wind (e.g., ground floor setback to create an overhang, vertical not cut into the face, and a curving building face at the Gough/Fulton corner);

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<sup>22</sup> Two letters from the project sponsor (one for the new Clubhouse, dated January 31, 2013, and one for the new mixed-use building, dated November 5, 2012) committing to these requirements with the Department of Public Health is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

<sup>23</sup> Donald Ballanti, Certified Consulting Meteorologist, *Wind/Comfort Impact Evaluation for the Boys and Girls Club of San Francisco Project, San Francisco*, November 6, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

and the orientation of the proposed project buildings' long axis aligned along a west to east direction which aligns with the prevailing wind direction. Based on consideration of the exposure, massing, and orientation of the proposed project, the proposed project as designed would not have the potential to result in significant wind hazard impact and wind mitigation measures from the FEIR would not apply to the proposed project.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to wind.

While the proposed project's wind hazard impacts would be less than significant, an improvement measure could be implemented to reduce wind and improve usability of the new rooftop decks on the new mixed-use building and new Clubhouse.

**Project Improvement Measure 5 – Wind Reduction on New Rooftop Decks**

To reduce wind and improve usability on the new rooftop decks on the new mixed-use building and new Clubhouse, the project sponsor should landscape these areas. Suggestions include Planning Code compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to a solid surface.

**Shadow**

The Market and Octavia FEIR did not identify any significant shadow impacts related to the Market and Octavia Neighborhood Plan, including development of the Central Freeway parcels, to parks and open space subject to Planning Code Section 295. Section 295 generally prohibits new buildings greater than 40 feet in height that would cast new shadow on parks and open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. The FEIR stated that future development projects would be subject to Planning Code Section 295 assessments and compliance would ensure that future development projects would not adversely affect existing or proposed open spaces under jurisdiction of the Recreation and Park Department. No mitigation measures were identified in the FEIR for the Section 295 properties.

The proposed project would construct two new buildings taller than 40 feet in height on the project site: a 58-foot-tall new Clubhouse on the eastern portion and a new 65-foot-tall (81 feet tall with a mechanical penthouse) mixed-use building on the western portion. Therefore, a shadow study was conducted consistent with Section 295.<sup>24</sup> Shadow effects attributed to the proposed project were analyzed on an hourly basis, at the top of the hour from one hour after sunrise (Sunrise + 1 hour) to one hour before sunset (Sunset - 1 hour) for the following four dates: Spring Equinox (March 21) - shadows are midway through a period of shortening; Summer Solstice (June 21) - midday sun is at its highest and shadows are at their shortest; Fall Equinox (September 21) - shadows are midway through a period of lengthening; and Winter Solstice (December 21) - midday sun is lowest and shadows are at their longest. Shadows on

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<sup>24</sup> Tom Eliot Fisch, *Shadow Study Summary, Boys and Girls Club of San Francisco*, November 1, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

any other day would be within the range of shadows presented in the shadow study. The shadow study shows that shadows cast by the proposed project would not shade Section 295 properties.

The Market and Octavia FEIR identified potential shadow impacts related to the Market and Octavia Neighborhood Plan on parks and open space not subject to Section 295, including War Memorial Open Space from development on Franklin Street, and identified one mitigation measure. Project-level impacts were not identified from the development of the Central Freeway Parcel F. Mitigation Measure A1 (also known as 5.5.A2) applies to new buildings and additions to existing buildings in the Plan Area where building height exceeds 50 feet and where substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295 would occur. Mitigation Measure A1 states that where new buildings and additions to existing building, where the building height exceeds 50 feet, shall be shaped, consistent with the dictates of good design and without unduly restricting the development of potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than protected under Planning Code Section 295. The Market and Octavia FEIR stated implementation of Mitigation Measure A1 would reduce the shadow impact, but may not eliminate shadow impacts; therefore the impact was identified as significant and unavoidable.

In determining shadow effects on public plazas and other publicly accessible spaces, the following factors are taken into account: the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded. The aforementioned shadow study shows that shadows cast by the proposed project would shade portions of nearby streets, sidewalks, private property, and War Memorial Open Space.<sup>25</sup>

The new shadows cast on nearby streets and sidewalks would not exceed levels commonly expected in urban areas and impacts would be considered less-than-significant. The loss of sunlight for private property is rarely considered to be a significant impact on the environment under CEQA. During all study dates, the proposed project would cast new shadows during the morning hours on residential properties to the west, across Gough Street. In June, the proposed project would cast new shadows during the evening hours on the residential and hotel buildings to the south, across Fulton Street. In March and September, the proposed project would cast new shadows during the afternoon hours on the residential buildings to the north, across Ash Street. In addition, the proposed project would cast new shadows on these northern buildings for most of the study hours during December. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading would not be considered a significant impact under CEQA.

The War Memorial Open Space is part of the War Memorial Complex located between the Veterans Building and Opera House, approximately 325 east of the project site, bounded by McAllister Street to the north, Van Ness Avenue to the east, Fulton Street to the south, and Franklin Street to the west. The War Memorial Complex is operated by the San Francisco War Memorial and Performing Arts Center, a department of the City and County of San Francisco. The War Memorial Complex was built to honor the men and women of San Francisco who served during the First World War. The War Memorial Open Space contains a paved roadway for service vehicles around the interior perimeter between the two

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<sup>25</sup> *Ibid.*

buildings. A double row of trees separates the roadway from a horseshoe shaped courtyard inscribed within a rectangular lawn; no formal seating areas are provided. Ornamental fencing lines the open space's Franklin Street and Van Ness Avenue frontages, each with gated entries. The property is occasionally used for arts and veterans' organizations events.

The following describes shadows at the property under existing conditions. In March and September, War Memorial Open Space is partially shaded throughout the study hours, with the most shading occurring after 6:00 PM, when the majority of the property is shaded. In June, War Memorial Open Space receives little to no shading until 5:00 PM during the study hours, when shadows start to come in and almost completely cover the property by 8:00 PM. In December, the majority of War Memorial Open Space is shaded throughout the study hours.

The proposed project would add new shadows to the War Memorial Open Space in March and September; no new shadows would be added in June or December. In March, project-related new shading would start sometime between 5:00 PM and 6:00 PM and would likely last until the end of the study hours (approximately 6:20 PM). New shadows would be cast near the center of the property and extend east towards Van Ness Avenue. In September, project-related new shading would occur sometime immediately prior to 5:00 PM and likely end before 6:00 PM, when the new buildings' shadows would be included as part of existing shadows. New shadows would be cast near the western edge of the property and angled eastward.

As stated above, the majority of War Memorial Open Space is shaded during time periods of new shadow. In addition, the proposed project's new shadow would not substantially affect the use of the open space as the new shading would not deter arts and veterans' organization events from occurring there. Therefore, the proposed project's shadow would not substantially affect outdoor recreation facilities or other public areas and this mitigation measure is not applicable.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to shadow.

### **Geology and Soils**

The Market and Octavia FEIR identified the potential for temporary, construction-related exposure of soil to wind and storm water erosion with implementation of the Market and Octavia Neighborhood Plan, including development of the Central Freeway parcels, and identified one construction-related mitigation measure that would reduce impacts to less than significant. Mitigation Measure G1 (also known as 5.11.A) applies to development of new buildings or public improvements in the Plan Area, including development of Central Freeway parcels. Thus, Mitigation Measure G1 is applicable to the proposed project. Compliance with the soil erosion control measures would result in less-than-significant impacts during construction. In accordance with the Market and Octavia FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 3, below.

**Project Mitigation Measure 3 – Construction Related Soils (Mitigation Measure G1 of the Market and Octavia FEIR)**

Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy: protect disturbed areas through minimization and duration of exposure; control surface runoff and maintain low runoff velocities; trap sediment on-site; and minimize the length and steepness of slopes.

**Hazards and Hazardous Materials**

The Market and Octavia FEIR identified potential hazardous materials impacts related to the Market and Octavia Neighborhood Plan, including development of the Central Freeway parcels, from construction activities on workers and other people in the area and identified one mitigation measure. Mitigation Measure F1 (also known as 5.10A) provided measures that generally apply to new developments in the Plan Area, including the development of Central Freeway parcels, that would have temporary impacts or risk during construction and noted that program or project level measures would vary depending upon the type and extent of contamination associated with each individual project.

According to the Phase II Environmental Site Assessment prepared for the proposed project, the project site is underlain by approximately two to three feet of undocumented fill over native sand. Portions of the fill material contain soluble lead concentrations exceeding the State of California waste criteria. This fill material would need to be disposed as State of California Class I hazardous waste and the remaining fill disposed of as Class II non-hazardous waste.<sup>26</sup> The San Francisco Department of Public Health (DPH) has reviewed the Phase II Environmental Site Assessment and agrees with its findings.<sup>27</sup> Thus, Mitigation Measure F1 is applicable to the proposed project and updated below per DPH requirements. Compliance with the Hazardous Materials measures would result in less-than-significant impacts from hazardous materials exposure during construction. In accordance with the Market and Octavia FEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure 4, as updated below.

**Project Mitigation Measure 4 – Hazardous Materials (Mitigation Measure F1 of the Market and Octavia FEIR)**

The project sponsor, or their construction contractor, shall submit a site mitigation plan (SMP) to the San Francisco Department of Public Health (DPH) Site Assessment and Mitigation (SAM). A SMP shall be prepared to address the testing and management of contaminated soils, contingency response actions, worker health and safety, dust control, stormwater-related items, and noise control. The SMP shall address:

- Handling and documentation of soil removal and disposal;
- Identify the proposed soil transporter and disposal locations;

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<sup>26</sup> Treadwell & Rollo "Phase II Environmental Site Assessment, Parcel F, Fulton and Gough Street, San Francisco, California," July 23, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

<sup>27</sup> San Francisco Department of Public Health, Environmental Health, "Request for Site Mitigation Plan, Boys and Girls Club Development Project, 344 Fulton Street, San Francisco, SMED 913," January 16, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

- Figure showing the extent of the planned excavation, including elevator pits and the anticipated areas of soil to be handled as clean or Class II soil;
- Soils to be reused should be analyzed to verify the absence of contamination;
- Confirmation sampling – include the estimated location and number of samples;
- Additional excavation shall be performed, or other measures acceptable to DPH SAM implemented, if confirmation samples exceed residential clean up guidelines. If additional excavation will be performed, additional confirmation samples shall be collected and analyzed;
- The results of the confirmation sampling and a figure showing sample locations shall be submitted to DPH SAM within 60 days of sample collection. The confirmation samples information may be submitted with, or as part of, the final report, which is described below;
- Soil samples should be analyzed for the appropriate Total Petroleum Hydrocarbons ranges and metals;
- If site dewatering will occur, pumped and collected water shall be discharged per a Batch Discharge Permit issued by the San Francisco Public Utilities Commission, Water Department;
- Dust control plan and measures per SF Health Code Article 22B;
- Contingency plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material;
- Site specific health and safety plan; and
- Storm water control and noise control protocols as applicable.

The project sponsor shall submit the SMP at four weeks prior to beginning construction excavation work. The health and safety plan and dust control plan may be submitted two weeks prior to beginning construction field work.

Should an underground storage tank (UST) be encountered, work shall be suspended and the project sponsor notified. The project sponsor or their representative shall notify DPH of the situation and of the proposed response actions. The UST shall be removed under permit with DPH-Hazardous Materials and Waste Program (HMWP) and the San Francisco Fire Department (SFFD). DPH SAM shall be sent a copy of any documents received for or prepared for HMWP or the SFFD.

A final report describing the SMP implementation shall be submitted to DPH SAM following completion of excavation and earthwork performed per the SMP. The final report shall include site map showing areas of excavation and fill, sample locations and depths, and tables summarizing analytical data. Report appendices shall include: copies of permits (including dewatering permit, if applicable), manifests or bills of lading for removed soil and/or water, and laboratory reports for soil disposal profiling and water samples, not previously submitted to DPH SAM. DPH SAM will consider issuance of a final No Further Action Letter upon review of the final report. The DPH SAM case will be considered finalized and closed upon issuance of the No Further Action Letter.

***Public Notice and Comment***

A “Notification of Project Receiving Environmental Review” was mailed on November 5, 2012, to owners of properties within 300 feet of the project site, adjacent occupants, and neighborhood groups. One comment was received regarding physical environmental effects of the proposed project concerning the height of the proposed buildings and vista towards City Hall. This comment has been addressed in the Community Plan Exemption Checklist, under topic 2, Aesthetics.

***Conclusion***

The Market and Octavia FEIR incorporated and adequately addressed all potential impacts of the proposed project at Parcel F. As described above, the proposed project would not have any additional or significant adverse effects not examined in the Market and Octavia FEIR, nor has any new or additional information come to light that would alter the conclusions of the Market and Octavia FEIR. Thus, the proposed project at Parcel F would not result in any environmental impacts substantially greater than described in the FEIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.

## **Attachment A Community Plan Exemption Checklist**

*Case No.:* **2012.0325E**  
*Project Title:* **344 Fulton Street – Central Freeway Parcel F**  
*Zoning/Plan Area:* NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Use District; 65-X Height and Bulk District  
Market and Octavia Neighborhood Plan  
*Block/Lot:* 0785/029  
*Lot Size:* 28,714 square feet  
*Project Sponsor:* Boys & Girls Clubs of San Francisco  
C/O David Noyola, Strada Investment Group - (415) 263-9144  
dnoyola@stradasf.com  
*Staff Contact:* Wade Wietgreffe – (415) 575-9050  
Wade.Wietgreffe@sfgov.org

### **A. PROJECT DESCRIPTION**

The project site consists of one lot at the southwest corner of the block bounded by McAllister Street to the north, Franklin Street to the east, Fulton Street to the south, and Gough Street to the west. The project site is a former California Department of Transportation property, which contained structural supports for the portion of the elevated Central Freeway that was removed in 2003. Currently, the project site is used as a surface vehicular parking lot. The proposed project involves the removal of the surface vehicular parking lot and construction of two new buildings: a new four-story, 58-foot-tall Boys & Girls Clubs of San Francisco (Boys & Girls Club) clubhouse and office headquarters (new Clubhouse) comprised of 43,928 square feet (sq. ft.) on the eastern portion and a new six-story, 65-foot-tall (81 feet tall with a mechanical penthouse) mixed-use residential/retail building comprised of 56,320 sq. ft. on the western portion.

The proposed project would require a conditional use authorization to allow development on a lot exceeding 10,000 sq. ft. and a non-residential use exceeding 6,000 sq. ft., planned unit development approval with specific modifications of Planning Code regulations, building permits, and approval of construction within the public right-of-way.

### **B. EVALUATION OF ENVIRONMENTAL EFFECTS**

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

measures identified in the FEIR applicable to the proposed project are identified in the text of the Certificate of Determination under each topic area.

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

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

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

***No Significant Impacts Identified in FEIR***

The *Market and Octavia Neighborhood Plan FEIR* (Market and Octavia FEIR or FEIR) determined that the Plan would create opportunities for infill development that would reunite those segments of the Plan Area that were divided by the Central Freeway structure, therefore, the Plan would not physically divide an established community. In addition, the Market and Octavia FEIR determined that changes in land use would be consistent with goals of the San Francisco *General Plan* and the Better Neighborhoods Program to increase housing in the city, particularly affordable housing, reduce dependence on automobiles, and improve the value of streets as civic places. Furthermore, although changes in land use and zoning would result from the Plan, these changes would not result in a significant adverse impact in land use character. Therefore, the Plan, including development of the former Central Freeway parcels, would not result in a significant land use impact. No mitigation measures were identified in the FEIR.

***No Peculiar Impacts***

The proposed project would not create any new physical barriers in the Market and Octavia Neighborhood. The project site is a surface vehicular parking lot. The proposed project involves the removal of the surface vehicular parking lot and construction of two new buildings on the majority of the existing surface vehicular parking lot. Consequently, the proposed project would not physically disrupt or divide the project area or individual neighborhoods or subareas.

The project site is in the Market and Octavia Area Plan of the San Francisco General Plan. The project site is in the Moderate-Scale Neighborhood Commercial Transit (NCT-3) District, which is intended to maximize residential and commercial opportunities on or near major transit services. Permitted uses within the NCT-3 District include other large institutions, such as a non-publicly-owned recreation building, residential, and retail. The proposed project's uses, Boys & Girls Club, residential, and retail, is consistent with uses permitted within the NCT-3 District.

Furthermore, the Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is consistent with the NCT-3 Zoning and satisfies the requirements of the General Plan and the Planning Code.<sup>1, 2</sup>

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to land use.

| <i>Topics:</i>   | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|--|---------------------------------------|--|---|-------------------------------------|
| <b>2. AESTHETICS—Would the project:</b>  |                                       |  |   |                                     |
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting? | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?                   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

***No Significant Impacts Identified in FEIR***

The Market and Octavia FEIR determined that the Plan, including development of the Central Freeway parcels, would not have a demonstrable negative effect on scenic views or vistas; a substantial, demonstrable negative aesthetic effect on the existing visual character or quality of the area and its surrounding; or generate light or glare that would adversely affect views or other

<sup>1</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 344 Fulton Street, October 30, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

<sup>2</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning, 344 Fulton Street, February 19, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

properties. Therefore, the Plan, including development of the former Central Freeway parcels, would not result in a significant aesthetics impact. No mitigation measures were identified in the FEIR.

### ***No Peculiar Impacts***

The existing character of the project site and surroundings is dominated by uses typical in an urban setting, mostly one-to-five-story residential uses, mixed-use commercial/residential uses, and the project site itself, a surface vehicular parking lot with a limited number of trees (17). No scenic resources exist at the project site. Public viewpoints in the project vicinity are dominated by these existing nearby buildings and a view of the western entrance and dome of City Hall (approximately 750 feet east of the project site), looking east along Fulton Street and through the War Memorial Open Space. The Urban Design Element of the *General Plan* identifies this as a "Street View of Important Building." The *General Plan* also identifies Fulton Street one block west of the project site as "Average Quality" for street views. Gough Street, adjacent to the project site, is also identified as "Average Quality" for street views and the "Route of Forty-Nine Mile Scenic Drive." The closest scenic vista point to the project site is Alamo Square, approximately 0.5 mile west of the project site, as it is identified as an "Important Vista Points to be Protected" in the Urban Design Element of the *General Plan*. The project site may be partially visible from various areas at this vista, but the predominate views from this vista are of City Hall and the skyline of downtown.

The proposed project involves the removal of the surface vehicular parking lot and construction of two new buildings: a new four-story, 58-foot-tall new Clubhouse comprised of 43,928 square feet (sq. ft.) on the eastern portion and a new six-story, 65-foot-tall (81 feet tall with a mechanical penthouse) mixed-use residential/retail building comprised of 56,320 sq. ft. on the western portion. In addition, the proposed project would require the removal of 21 existing trees at the project site (four of which are located on the adjacent sidewalk) and the planting of 20 trees around the perimeter of the project site. The new buildings and associated trees may be visible from Alamo Square, but they would not have a substantial adverse effect on this scenic vista as the proposed project would not block the views of City Hall and/or the skyline of downtown.

Although the new buildings would change the visual appearance of the project site and surroundings, the proposed project would not substantially degrade its visual character or quality as the views of City Hall would be maintained. In addition, the new buildings would not be substantially taller than the existing development in the project vicinity, such as the 72-foot-tall (including mechanical penthouse) building at the southeast corner of Fulton Street and Gough Street and 45-foot-tall building at the northeast corner of McAllister Street and Gough Street. Furthermore, the proposed project would not obstruct longer-range views from various locations in the Plan Area and the City as a whole. As described in the Land Use section above, the proposed building envelope and design meets Planning Code requirements for NCT-3 zoning district.

The new buildings would introduce a new source of light and glare, but not in amounts unusual for a developed urban area. In addition, the new Clubhouse would be subject to and would

comply with the City’s Green Building Code,<sup>3</sup> which requires all newly constructed non-residential buildings to design interior and exterior lighting such that zero direct-beam illumination leaves the building site, except for emergency lighting and lighting required for nighttime activity. Therefore, the new lighting would not adversely affect day or nighttime views in the area or substantially impact other people or properties because the lighting would not extend beyond the project site. Furthermore, Planning Commission Resolution No. 9212 (1981) established guidelines aimed at limiting glare from proposed buildings and the City’s Standards for Bird-Safe Buildings requires that new structures do not create a substantial source of glare. The proposed project would be subject to and would comply with this resolution and regulation.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to aesthetics.

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

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

***No Significant Impacts Identified in FEIR***

The Market and Octavia Neighborhood Plan encourage transit-oriented development by creating housing, jobs, and services near the existing transportation infrastructure. A net increase of 7,620 residents with implementation of the Plan is anticipated by the year 2025, including 1,495 to 1,680 residents from housing on the Central Freeway parcels. In addition, the Plan anticipated a limited amount of employment growth. The Market and Octavia FEIR determined that while the

<sup>3</sup> Building Code, 2010 Edition, Section 13.C.5.106.8

additional development that would result from the adoption of the Plan would generate household growth, it would not cause an adverse physical impact because it would focus new housing development in San Francisco in an established urban area that has a high level of transportation and other public services that can accommodate the expected population increase. The Plan could result in the displacement of existing businesses or residences as specific sites are developed due to market pressures for higher density development with proposed new zoning or to accommodate planned transportation and public open space improvements. However, this displacement was not considered a significant environmental impact, as implementation of the Plan would not be expected to displace a substantial number of residential units or businesses. Therefore, the Plan, including development of the former Central Freeway parcels, would not result in a significant population and housing impact. No mitigation measures were identified in the FEIR.

***No Peculiar Impacts***

The proposed project would construct a new Clubhouse on the eastern portion and a mixed-use residential/retail building on the western portion. The new Clubhouse would be intended to serve the users from the existing Ernest Ingold Clubhouse at 1950 Page Street, and it provides office space for existing employees that work at the Boys & Girls Club office headquarters at 55 Hawthorne Street. Therefore, the new Clubhouse would not induce substantial population growth in the area. The mixed-use residential/retail building would include 70 dwelling units and 4,678 sq. ft. of ground-level retail and common space. As stated above, the Market and Octavia FEIR anticipated a net increase of 7,620 residents in the Plan Area and limited number of employment growth. The addition of 70 dwelling units (and associated population) and minor amount of ground-level retail space (and associated jobs) would be among those anticipated to be added in the Market and Octavia FEIR. In addition, the proposed project would not add any new infrastructure that would indirectly induce population growth.

The project site is an existing surface vehicular parking lot. The proposed project does not involve the displacement of housing or people. No housing or existing businesses would be removed; therefore the construction of replacement housing would not be necessary.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to population and housing.

| <u>Topics:</u>  | <u>Sig. Impact<br/>Identified<br/>in FEIR</u> | <u>Project<br/>Contributes<br/>to Sig. Impact<br/>Identified in<br/>FEIR</u> | <u>Project Has<br/>Sig. Peculiar<br/>Impact</u> | <u>LTS/<br/>No Impact</u>           |
|---|---|--|---|-------------------------------------|
| <b>4. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:</b>   |   |  |   |                                     |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code? | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |

| <u>Topics:</u>  | <u>Sig. Impact<br/>Identified<br/>in FEIR</u> | <u>Project<br/>Contributes<br/>to Sig. Impact<br/>Identified in<br/>FEIR</u> | <u>Project Has<br/>Sig. Peculiar<br/>Impact</u> | <u>LTS/<br/>No Impact</u>           |
|---|---|--|---|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/>                      | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/>                      | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                        | <input type="checkbox"/>            |

For a discussion on Topics 4b, c, and d, please see the Certificate of Determination.

***FEIR***

The Market and Octavia Neighborhood Plan determined that the Plan, including development of the former Central Freeway parcels, would result in infill development throughout the Plan Area that could indirectly affect historic architectural resources in the immediate vicinity by potentially altering their historic setting. In addition, while no specific projects in the Plan are identified on the sites that have historic architectural resources, the greater densities allowable under the Plan could create greater development pressures on known historic architectural resources than under current land use controls, potentially replacing them with newer and larger buildings that are more economically viable for their location. The FEIR concluded that when individual projects are proposed for development each will be evaluated for its impact on historic resources per the requirements of CEQA and the procedures for evaluation of historic architectural resources, including: 1) whether the project itself would have a direct impact on historic architectural resources and 2) whether the project would impact the historic context of a particular resource and/or would have an incidental impact on nearby resources. Furthermore, the distance between any historic architectural resources and the Central Freeway parcels, could provide a sufficient buffer between them and new development. While the context would be altered to some degree, it would not be altered to the extent that the nearby Hayes Valley Historic District or individually-eligible buildings would no longer qualify as historic architectural resources. Therefore, the Plan, including development of the former Central Freeway parcels, would not result in a significant historic architectural resources impact because of these procedures. No mitigation measures were identified in the FEIR for historic architecture resources.

***No Peculiar Impacts***

The existing project site is a surface vehicular parking lot. The project site does not contain any historical structures, sites, or architectural features. The project site is not located in a known historic district and would not have an incidental impact on nearby resources (e.g., War Memorial Complex). Therefore, the proposed project would not cause a substantial adverse change in the significance of a historic architectural resource.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to historic architectural resources.

| <i>Topics:</i>  | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|---|---------------------------------------|--|---|-------------------------------------|
| <b>5. TRANSPORTATION AND CIRCULATION—<br/>Would the project:</b>  |                                       |  |   |                                     |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input checked="" type="checkbox"/>   | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input type="checkbox"/>            |
| b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?   | <input checked="" type="checkbox"/>   | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input type="checkbox"/>            |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?  | <input checked="" type="checkbox"/>   | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input type="checkbox"/>            |

Please see the Certificate of Determination for discussion of this topic.

| <i>Topics:</i>  | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|---|---------------------------------------|--|---|-------------------------------------|
| <b>6. NOISE—Would the project:</b>  |                                       |  |   |                                     |
| a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

| <i>Topics:</i>   | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|--|---------------------------------------|--|---|-------------------------------------|
| d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels? | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| g) Be substantially affected by existing noise levels?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

***No Significant Impacts Identified in FEIR***

The Market and Octavia FEIR noted that the key potential noise impacts associated with the Plan are from increasing thoroughfare traffic; stationary sources, such as electrical and mechanical air conditioning equipment; and construction-related impacts from building demolition, excavation, and new construction. The FEIR concluded that while certain intersections will become noisier due to arterial changes, the increase in noise levels from mobile sources will result in a less-than-significant impact. The FEIR concluded that new stationary sources would include noise, but existing ambient noise conditions within the Plan Area would generally mask noise from the stationary sources and it will result in a less-than-significant impact. The FEIR concluded that construction noise will be subject to Article 29 of the San Francisco Police Code, which limits the hours of construction and the decibel levels of individual pieces of construction equipment, thus construction noise impacts will be less than significant. Therefore, the Plan, including development of the former Central Freeway parcels, would not result in significant noise impacts. No mitigation measures were identified in the FEIR.

***No Peculiar Impacts***

Residential uses are considered noise sensitive uses because they may contain noise sensitive receptors, including children and the elderly. Residential development in noisy environments could expose these noise sensitive receptors to noise levels in excess of established standards. The U.S. Department of Housing and Urban Development (HUD) has developed minimum national noise standards for land use compatibility. HUD considers noise levels below 65 dB as generally “acceptable,” between 65 dB and 75 dB as “normally unacceptable,” and in excess of 75 dB as “considered unacceptable” for residential land uses.<sup>4</sup> The California State Office of Planning and Research (OPR) have developed similar statewide guidelines.<sup>5</sup> OPR’s guidelines have largely been incorporated into the Environmental Protection Element of the San Francisco

<sup>4</sup> Code of Federal Regulations, Title 24, Part 51, Section 51.100 – 51.105.

<sup>5</sup> Office of Planning and Research, State of California General Plan Guidelines, October 2003.

General Plan.<sup>6</sup> In addition, the California Building Code and Title 24 of the California Code of Regulations have regulations to limit interior noise levels to 45 dBA L<sub>dn</sub>.<sup>7, 8</sup> In instances where exterior noise levels exceed 60 dBA L<sub>dn</sub>, Title 24 requires an acoustical report to be submitted with the building plans describing the noise control measures that have been incorporated into the design of the proposed project to meet the noise requirements.

The project site is located along a street with citywide modeled noise levels above 75 dBA L<sub>dn</sub> and potential existing noise-generating land uses are nearby. Therefore, a noise analysis was prepared for the residential portion of the proposed project by Wilson Ihrig & Associates, a firm qualified in acoustical analysis, and the results are summarized below.<sup>9</sup>

Wilson Ihrig & Associates completed ambient noise level measurements at the project site. Long-term measurements (continuous measurements with 15-minute intervals) were made on the branches of a tree and a utility pole at an elevation 12 feet above the sidewalk adjacent to the project site at Fulton Street and Gough Street, respectively between November 7<sup>th</sup> and 14<sup>th</sup>, 2012. Short-term measurements were made near both long-term measurement locations at an elevation 25 feet above grade on November 7<sup>th</sup>, 2012. These noise level measurement locations are near the proposed new mixed-use building's façade for the residential units. The primary noise source in the area is transportation noise from Gough Street and Fulton Street, with the former having louder noise given the higher traffic volume than the latter. The calculated noise levels for the long-term measurements was 72 dBA L<sub>dn</sub> at Gough Street and between 67 and 69 dBA L<sub>dn</sub> at Fulton Street and the calculated maximum noise level measurements was between 65 and 100 dBA L<sub>max</sub>.

Based upon measured existing noise levels and projected future changes in the project vicinity (e.g., traffic level increases from new development), Wilson Ihrig & Associates predicted future noise levels along Gough Street at 73 dBA L<sub>dn</sub> and between 68 and 70 dBA L<sub>dn</sub> along Fulton Street. Typical residential building construction will generally provide exterior-to-interior noise level reduction performance of no less than 25 dB when exterior windows and doors are closed. In this case, exterior noise exposure would need to exceed 70 dBA L<sub>dn</sub> to produce interior noise levels in excess of the City's and Title 24's interior noise criterion (45 dBA L<sub>dn</sub>). Given the future predicted exterior noise level of 73 dBA L<sub>dn</sub> along Gough Street, Wilson Ihrig & Associates provided recommendations to achieve the interior noise criterion of 45 dBA L<sub>dn</sub>.

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<sup>6</sup> San Francisco General Plan, Environmental Protection Element, Policy 11.1.

<sup>7</sup> dBA refers to the sound level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

<sup>8</sup> L<sub>dn</sub> refers to the day-night average level or the average equivalent A-weighted sound level during a 24-hour day, obtained after the addition of 10 decibels to sound levels in the night after 10 PM and before 7 AM.

<sup>9</sup> Wilson Ihrig & Associates, *Preliminary Noise Study, 344 Fulton Street Housing, San Francisco, California*, November 30, 2012. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

Wilson Ihrig & Associates recommendations include, but are not limited to, applying at least Outdoor-Indoor Transmission Class (OITC) 28 and Sound Transmission Class (STC) 33 for all windows facing Gough Street. The proposed project would be subject to and would comply with these recommendations to ensure that Title 24 requirements could be met. Furthermore, through the building permit review process, the Department of Building Inspection (DBI) would ensure that Title 24 requirements would be met. Therefore, the proposed project would not expose persons to noise levels in excess of applicable noise standards or be substantially affected by existing noise levels.

Ambient noise levels in San Francisco are largely influenced by traffic-related noise. As stated above, ambient noise levels in the project vicinity are between 68 and 73 dBA  $L_{dn}$ , particularly from traffic-related noise. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels barely perceptible to most people (3 decibel increase). The proposed project would not double traffic volumes because the proposed project would include a minor amount vehicle trips adjacent to Gough Street and Franklin Street, both roadways with heavy traffic volumes. In addition, the proposed project would not include any other constant noise sources (e.g., diesel generator) that would be perceptible in the project vicinity. Therefore, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity.

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

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 AM to 5:00 PM). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 17 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary (approximately 17 months), intermittent, and restricted in occurrence and level, as the contractor would be subject to and would comply with the Noise Ordinance.

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, topics 6e and 6f are not applicable.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to noise.

| <u>Topics:</u>   | <i>Sig. Impact<br/>Identified<br/>in FEIR</i> | <i>Project<br/>Contributes<br/>to Sig. Impact<br/>Identified in<br/>FEIR</i> | <i>Project Has<br/>Sig. Peculiar<br/>Impact</i> | <i>LTS/<br/>No Impact</i>           |
|--|---|--|---|-------------------------------------|
| <b>7. AIR QUALITY</b>  |   |  |   |                                     |
| Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. <b>Would the project:</b>   |   |  |   |                                     |
| a) Conflict with or obstruct implementation of the applicable air quality plan?  | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?   | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?   | <input type="checkbox"/>                      | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| e) Create objectionable odors affecting a substantial number of people?  | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |

For a discussion on Topic 7d, please see the Certificate of Determination.

***FEIR***

The Market and Octavia FEIR noted that the Plan would be in conformance with the *Clean Air Plan* (at the time of the FEIR, the *2000 Clean Air Plan*) because of the Plan’s small contribution to overall regional growth, the Plan Area’s close proximity to transit, and elements of the Plan that would comply with Transportation Control Measures listed in the *Clean Air Plan*. The FEIR further stated that local area plans that are consistent with the *Clean Air Plan* will not impede obtainment of the air quality standards or have a significant cumulative air quality impact. The FEIR also noted that the provisions in the *General Plan* provide development policies and guidelines that are designed to provide for protection of the public from nuisance odors. Therefore, the Plan, including development of the former Central Freeway parcels, would not result in a conflict with implementation of the applicable air quality plan; a violation of any air quality standard or contribute substantially to an existing or projected air quality violation; result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment; or create objectionable odors affecting a substantial number of people. Impacts were considered less than significant. No mitigation measures were identified in the FEIR for these items.

**No Peculiar Impacts**

Subsequent to publication of the FEIR, the Bay Area Air Quality Management District (BAAQMD), the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), provided updated 2011 BAAQMD CEQA Air Quality Guidelines (Air Quality Guidelines),<sup>10</sup> which provided new methodologies for analyzing air quality impacts. The Air Quality Guidelines provide screening criteria for determining whether a project’s criteria air pollutant emissions may violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. If a project meets the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of their proposed project’s air pollutant emissions and construction or operation of the proposed project would result in a less-than-significant air quality impact. In addition, the CEQA Air Quality Guidelines provide screening criteria for assessing odor impacts. The proposed project meets the screening criteria provided in the BAAQMD studies for construction-related and operational-related criteria air pollutants and odors.<sup>11</sup>

The most recently applicable air quality plan for the proposed project is the 2010 Clean Air Plan. The proposed project would not conflict with the 2010 Clean Air Plan because the proposed project does not result in a significant and unavoidable air quality impact; the proposed project would include applicable control measures from the 2010 Clean Air Plan through existing regulations as required by the Planning Code and other existing regulations such as those described below in Topic 8, in the City’s Greenhouse Gas Reduction Strategy; and the proposed project does not disrupt or hinder implementation of a 2010 Clean Air Plan control measure, such as precluding the extension of a transit line or bike path or proposing excessive parking beyond parking requirements.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to air quality.

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

<sup>10</sup> Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, updated May 2011.

<sup>11</sup> *Ibid*, Chapter 3.

## **FEIR**

The Market and Octavia FEIR did not analyze the effects of greenhouse gas emissions.

### **Environmental Setting**

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), ozone, and water vapor.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. While the presence of the primary GHGs in the atmosphere is naturally occurring, CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of CO<sub>2</sub> are largely by-products of fossil fuel combustion, whereas CH<sub>4</sub> results from off-gassing associated with agricultural practices and landfills. Black carbon has recently emerged as a major contributor to global climate change, possibly second only to CO<sub>2</sub>. Black carbon is produced naturally and by human activities as a result of the incomplete combustion of fossil fuels, biofuels and biomass.<sup>12</sup> N<sub>2</sub>O is a byproduct of various industrial processes and has a number of uses, including use as an anesthetic and as an aerosol propellant. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in "carbon dioxide-equivalent" measures (CO<sub>2</sub>E).<sup>13</sup>

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Many impacts resulting from climate change, including increased fires, floods, severe storms and heat waves, are occurring already and will only become more frequent and more costly.<sup>14</sup> Secondary effects of climate change are likely to include a global rise in sea level, impacts to agriculture, the state's electricity system, and native freshwater fish ecosystems, an increase in the vulnerability of levees in the Sacramento-San Joaquin Delta, changes in disease vectors, and changes in habitat and biodiversity.<sup>15, 16</sup>

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<sup>12</sup> Center for Climate and Energy Solutions. What is Black Carbon?, April 2010. Available online at: <http://www.c2es.org/docUploads/what-is-black-carbon.pdf>. Accessed September 27, 2012.

<sup>13</sup> Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

<sup>14</sup> California Climate Change Portal. Available online at: <http://www.climatechange.ca.gov>. Accessed September 25, 2012.

<sup>15</sup> California Climate Change Portal. Available online at: <http://www.climatechange.ca.gov/>. Accessed September 25, 2012.

<sup>16</sup> California Energy Commission. California Climate Change Center. Our Changing Climate 2012. Available online at: <http://www.energy.ca.gov/2012publications/CEC-500-2012-007/CEC-500-2012-007.pdf>. Accessed August 21, 2012.

The California Air Resources Board (ARB) estimated that in 2009 California produced about 457 million gross metric tons of CO<sub>2</sub>E (MMTCO<sub>2</sub>E).<sup>17</sup> The ARB found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state generation and imported electricity) at 23 percent and industrial sources at 18 percent. Commercial and residential fuel use (primarily for heating) accounted for nine percent of GHG emissions.<sup>18</sup> In the Bay Area, the transportation (on-road motor vehicles, off-highway mobile sources, and aircraft) and industrial/commercial sectors were the two largest sources of GHG emissions, each accounting for approximately 36 percent of the Bay Area's 95.8 MMTCO<sub>2</sub>E emitted in 2007.<sup>19</sup> Electricity generation accounts for approximately 16 percent of the Bay Area's GHG emissions followed by residential fuel usage at seven percent, off-road equipment at three percent and agriculture at one percent.<sup>20</sup>

### **Regulatory Setting**

In 2005, in recognition of California's vulnerability to the effects of climate change, then-Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emissions of GHGs would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 MMTCO<sub>2</sub>E); by 2020, reduce emissions to 1990 levels (estimated at 427 MMTCO<sub>2</sub>E); and by 2050 reduce statewide GHG emissions to 80 percent below 1990 levels (approximately 85 MMTCO<sub>2</sub>E).

In response, the California legislature passed Assembly Bill No. 32 in 2006 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires ARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction from forecast emission levels).<sup>21</sup>

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. The Scoping Plan is the State's overarching plan for addressing climate change. In order to meet these goals, California must reduce its GHG emissions by 30

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<sup>17</sup> California Air Resources Board (ARB). California Greenhouse Gas Inventory for 2000-2009— by Category as Defined in the Scoping Plan. Available online at: [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_scopingplan\\_00-09\\_2011-10-26.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-09_2011-10-26.pdf). Accessed August 21, 2012.

<sup>18</sup> ARB. California Greenhouse Gas Inventory for 2000-2009— by Category as Defined in the Scoping Plan. Available online at: [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_scopingplan\\_00-09\\_2011-10-26.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_00-09_2011-10-26.pdf). Accessed August 21, 2012.

<sup>19</sup> Bay Area Air Quality Management District (BAAQMD). Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, February 2010. Available online at: [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007\\_2\\_10.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx). Accessed August 21, 2012.

<sup>20</sup> BAAQMD. Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007\\_2\\_10.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx). Accessed August 21, 2012.

<sup>21</sup> Governor's Office of Planning and Research (OPR). Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, June 19, 2008. Available online at: <http://opr.ca.gov/docs/june08-ceqa.pdf>. Accessed August 21, 2012.

percent below projected 2020 business as usual emissions levels, or about 15 percent from 2008 levels.<sup>22</sup> The Scoping Plan estimates a reduction of 174 million metric tons of CO<sub>2</sub>E (MMT<sub>CO2E</sub>) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 1, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.<sup>23</sup>

**TABLE 1.**  
**GHG REDUCTIONS FROM THE AB 32 SCOPING PLAN SECTORS<sup>24,25</sup>**

| <b>GHG Reduction Measures By Sector</b>                  | <b>GHG Reductions (MMT CO<sub>2</sub>E)</b> |
|--|---|
| Transportation Sector                                    | 62.3  |
| Electricity and Natural Gas                              | 49.7  |
| Industry   | 1.4   |
| Landfill Methane Control Measure (Discrete Early Action) | 1   |
| Forestry   | 5   |
| High Global Warming Potential GHGs                       | 20.2  |
| Additional Reductions Needed to Achieve the GHG Cap      | 34.4  |
| <b>Total</b>   | <b>174</b>                                  |
| <b>Other Recommended Measures</b>                        |   |
| Government Operations                                    | 1-2   |
| Methane Capture at Large Dairies                         | 1   |
| Additional GHG Reduction Measures:                       |   |
| Water  | 4.8   |
| Green Buildings  | 26  |
| High Recycling/ Zero Waste                               |   |
| • Commercial Recycling                                   |   |
| • Composting   |   |
| • Anaerobic Digestion                                    | 9   |
| • Extended Producer Responsibility                       |   |
| • Environmentally Preferable Purchasing                  |   |
| <b>Total</b>   | <b>41.8-42.8</b>                            |

The AB 32 Scoping Plan recommendations are intended to curb projected business-as-usual growth in GHG emissions and reduce those emissions to 1990 levels. Therefore, meeting AB 32 GHG reduction goals would result in an overall annual net decrease in GHGs as compared to current levels and accounts for projected increases in emissions resulting from anticipated growth.

The Scoping Plan also relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State’s GHG reduction goals. SB 375

<sup>22</sup> ARB. California’s Climate Plan: Fact Sheet. Available online at: [http://www.arb.ca.gov/cc/facts/scoping\\_plan\\_fs.pdf](http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf). Accessed August 21, 2012.

<sup>23</sup> ARB. Assembly Bill 32: Global Warming Solutions Act. Available online at: <http://www.arb.ca.gov/cc/ab32/ab32.htm/>. Accessed August 21, 2012.

<sup>24</sup> ARB. Climate Change Scoping Plan, December 2008. Available online at: [http://www.arb.ca.gov/cc/scopingplan/document/adopted\\_scoping\\_plan.pdf](http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf). Accessed August 21, 2012.

<sup>25</sup> ARB. California’s Climate Plan: Fact Sheet. Available online at: [http://www.arb.ca.gov/cc/facts/scoping\\_plan\\_fs.pdf](http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf). Accessed August 21, 2012.

requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a “sustainable communities strategy” in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Bay Area Metropolitan Transportation Commission’s 2013 RTP, Plan Bay Area, would be its first plan subject to SB 375.

AB 32 further anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and noted that successful implementation of the Scoping Plan relies on local governments’ land use planning and urban growth decisions because local governments have the primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.<sup>26</sup> The BAAQMD has conducted an analysis of the effectiveness of the region in meeting AB 32 goals from the actions outlined in the Scoping Plan and determined that in order for the Bay Area to meet AB 32 GHG reduction goals, the Bay Area would need to achieve an additional 2.3 percent reduction in GHG emissions from the land use driven sector.<sup>27</sup>

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

The BAAQMD is the primary agency responsible for air quality regulation in the nine county SFBAAB. The BAAQMD recommends that local agencies adopt a Greenhouse Gas Reduction Strategy consistent with AB 32 goals and that subsequent projects be reviewed to determine the significance of their GHG emissions based on the degree to which that project complies with a Greenhouse Gas Reduction Strategy.<sup>28</sup> As described below, this recommendation is consistent with the approach to analyzing GHG emissions outlined in the CEQA Guidelines.

At a local level, the City has developed a number of plans and programs to reduce the City’s contribution to global climate change. San Francisco’s GHG reduction goals, as outlined in the 2008 Greenhouse Gas Reduction ordinance are as follows: by 2008, determine the City’s GHG

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<sup>26</sup> ARB. Climate Change Scoping Plan. December 2008. Available online at: [http://www.arb.ca.gov/cc/scopingplan/document/adopted\\_scoping\\_plan.pdf](http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf). Accessed August 21, 2012.

<sup>27</sup> BAAQMD. California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance, December 2009. Available online at: <http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Proposed%20Thresholds%20of%20Significance%20Dec%207%202009.ashx>. Accessed September 25, 2012.

<sup>28</sup> BAAQMD. California Environmental Quality Act Air Quality Guidelines, May 2012. Available online at: [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines\\_Final\\_May%202012.ashx?la=en](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en). Accessed September 25, 2012.

emissions for the year 1990, the baseline level with reference to which target reductions are set; by 2017, reduce GHG emissions by 25 percent below 1990 levels; by 2025, reduce GHG emissions by 40 percent below 1990 levels; and finally by 2050, reduce GHG emissions by 80 percent below 1990 levels. San Francisco's Greenhouse Gas Reduction Strategy documents the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies. As identified in the Greenhouse Gas Reduction Strategy, the City has implemented a number of mandatory requirements and incentives that have measurably reduced GHG emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses), and a mandatory recycling and composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

The Greenhouse Gas Reduction Strategy concludes that San Francisco's policies and programs have resulted in a reduction in GHG emissions below 1990 levels, exceeding statewide AB 32 GHG reduction goals. As reported, San Francisco's communitywide 1990 GHG emissions were approximately 6.15 MMTCO<sub>2</sub>E. A recent third-party verification of the City's 2010 communitywide and municipal emissions inventory has confirmed that San Francisco has reduced its GHG emissions to 5.26 MMTCO<sub>2</sub>E, representing a 14.5 percent reduction in GHG emissions below 1990 levels.<sup>29,30</sup>

### **Approach to Analysis**

In compliance with SB 97, OPR amended the CEQA Guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. Among other changes to the CEQA Guidelines, the amendments added a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs. The potential for a project to result in significant GHG emissions which contribute to the cumulative effects global climate change is based on the CEQA Guidelines and CEQA Checklist, as amended by SB 97, and is determined by an assessment of the proposed project's compliance with local and state plans, policies and regulations adopted for the purpose of reducing the cumulative effects of climate change. GHG emissions are analyzed in the context of their contribution to the cumulative effects of climate change because a single land use project could not generate enough GHG emissions to noticeably change the global average temperature. CEQA Guidelines Sections 15064.4 and 15183.5 address the analysis and determination of significant impacts from a proposed project's GHG emissions. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and

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<sup>29</sup> ICF International. "Technical Review of the 2010 Community-wide GHG Inventory for City and County of San Francisco." Memorandum from ICF International to San Francisco Department of the Environment, April 10, 2012. Available online at: <http://www.sfenvironment.org/download/community-greenhouse-gas-inventory-3rd-party-verification-memo>. Accessed September 27, 2012.

<sup>30</sup> ICF International. "Technical Review of San Francisco's 2010 Municipal GHG Inventory." Memorandum from ICF International to San Francisco Department of the Environment, May 8, 2012. Available online at: <http://www.sfenvironment.org/download/third-party-verification-of-san-franciscos-2010-municipal-ghg-inventory>. Accessed September 27, 2012.

mitigate GHG emissions as part of a larger plan for the reduction of greenhouse gases and describes the required contents of such a plan. As discussed above, San Francisco has prepared its own Greenhouse Gas Reduction Strategy, demonstrating that San Francisco's policies and programs have collectively reduced communitywide GHG emissions to below 1990 levels, meeting GHG reduction goals outlined in AB 32. The City is also well on its way to meeting the long-term GHG reduction goal of reducing emissions 80 percent below 1990 levels by 2050. Chapter 1 of the City's *Strategies to Address Greenhouse Gas Emission* (the Greenhouse Gas Reduction Strategy) describes how the strategy meets the requirements of CEQA Guidelines Section 15183.5. The BAAQMD has reviewed San Francisco's Greenhouse Gas Reduction Strategy, concluding that "Aggressive GHG reduction targets and comprehensive strategies like San Francisco's help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."<sup>31</sup>

With respect to CEQA Guidelines Section 15064.4(b), the factors to be considered in making a significance determination include: 1) the extent to which GHG emissions would increase or decrease as a result of the proposed project; 2) whether or not a proposed project exceeds a threshold that the lead agency determines applies to the project; and finally 3) demonstrating compliance with plans and regulations adopted for the purpose of reducing or mitigating GHG emissions.

The GHG analysis provided below includes a qualitative assessment of GHG emissions that would result from a proposed project, including emissions from an increase in vehicle trips, natural gas combustion, and/or electricity use among other things. Consistent with the CEQA Guidelines and BAAQMD recommendations for analyzing GHG emissions, the significance standard applied to GHG emissions generated during project construction and operational phases is based on whether the project complies with a plan for the reduction of GHG emissions. The City's Greenhouse Gas Reduction Strategy is the City's overarching plan documenting the policies, programs and regulations that the City implements towards reducing municipal and communitywide GHG emissions. In particular, San Francisco implements 42 specific regulations that reduce GHG emissions which are applied to projects within the City. Projects that comply with the Greenhouse Gas Reduction Strategy would not result in a substantial increase in GHGs, since the City has shown that overall communitywide GHGs have decreased and that the City has met AB 32 GHG reduction targets. Individual project compliance with the City's Greenhouse Gas Reduction Strategy is demonstrated by completion of the Compliance Checklist for Greenhouse Gas Analysis.

In summary, the two applicable greenhouse gas reduction plans, the AB 32 Scoping Plan and the City's Greenhouse Gas Reduction Strategy, are intended to reduce GHG emissions below current levels. Given that the City's local greenhouse gas reduction targets are more aggressive than the State's 2020 GHG reduction targets and consistent with the long-term 2050 reduction targets, the City's Greenhouse Gas Reduction Strategy is consistent with the goals of AB 32. Therefore,

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<sup>31</sup> BAAQMD. Letter from J. Roggenkamp, BAAQMD, to B. Wycko, San Francisco Planning Department, October 28, 2010. Available online at: [http://www.sf-planning.org/ftp/files/MEA/GHG-Reduction\\_Letter.pdf](http://www.sf-planning.org/ftp/files/MEA/GHG-Reduction_Letter.pdf). Accessed September 24, 2012.

proposed projects that are consistent with the City's Greenhouse Gas Reduction Strategy would be consistent with the goals of AB 32, would not conflict with either plan, and would therefore not exceed San Francisco's applicable GHG threshold of significance. Furthermore, a locally compliant project would not result in a substantial increase in GHGs.

The following analysis of the proposed project's impact on climate change focuses on the project's contribution to cumulatively significant GHG emissions. Given the analysis is in a cumulative context, this section does not include an individual project-specific impact statement.

### ***No Peculiar Impacts***

The proposed project would generate greenhouse gas emissions, but not in levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions.

The most common GHGs resulting from human activity associated with land use decisions are CO<sub>2</sub>, black carbon, CH<sub>4</sub>, and N<sub>2</sub>O.<sup>32</sup> Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would increase the activity onsite by introducing two new buildings on an existing surface vehicular parking lot. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use and wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

As discussed above and consistent with the state CEQA Guidelines and BAAQMD recommendations for analyzing GHG emissions under CEQA, projects that are consistent with San Francisco's *Strategies to Address Greenhouse Gas Emissions* would result in a less-than-significant GHG impact. Based on an assessment of the proposed project's compliance with San Francisco's *Strategies to Address Greenhouse Gas Emissions*, the proposed project would be required to comply with the following ordinances that reduce greenhouse gas emissions, see Table 2.

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<sup>32</sup> OPR. Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, June 19, 2008. Available at the Office of Planning and Research's website at: <http://www.opr.ca.gov/ceqapdfs/june08-ceqa.pdf>. Accessed March 3, 2010.

**TABLE 2  
REGULATIONS APPLICABLE TO THE PROPOSED PROJECT**

| Regulation   | Requirements  | Project Compliance  | Discussion   |
|--|---|---|--|
| <b>Transportation Sector</b>   |   |   |  |
| Commuter Benefits Ordinance (San Francisco Environment Code, Section 421)                              | <p>All employers of 20 or more employees must provide at least one of the following benefit programs:</p> <p>1. A Pre-Tax Election consistent with 26 U.S.C. § 132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for transit passes or vanpool charges, or</p> <p>(2) Employer Paid Benefit whereby the employer supplies a transit pass for the public transit system requested by each Covered Employee or reimbursement for equivalent vanpool charges at least equal in value to the purchase price of the appropriate benefit, or</p> <p>(3) Employer Provided Transit furnished by the employer at no cost to the employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the employer.</p> | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | Boys & Girls Clubs of San Francisco offers a pre-tax transit benefit.  |
| Emergency Ride Home Program  | All persons employed in San Francisco are eligible for the emergency ride home program.   | <input type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input checked="" type="checkbox"/> Project Does Not Comply | Although the proposed project is not registered for this program, it does offer commuter benefits to employees. Emergency ride home program is not required. |
| Transit Impact Development Fee (San Francisco Planning Code, Section 411)                              | <p>Establishes the following fees for all commercial developments. Fees are paid to DBI and provided to SFMTA to improve local transit services.</p> <p>Review Planning Code Section 411.3(a) for applicability.</p>  | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be subject to and comply with this regulation.  |
| Bicycle Parking in New and Renovated Commercial Buildings (San Francisco Planning Code, Section 155.4) | <p>Professional Services:</p> <p>(A) Where the gross square footage of the floor area is between 10,000-20,000 feet, 3 bicycle spaces are required.</p> <p>(B) Where the gross square footage of the floor area is between 20,000-50,000 feet, 6 bicycle spaces are required.</p> <p>(3)Where the gross square footage of the floor area exceeds 50,000 square feet, 12 bicycle spaces are required.</p> <p>Retail Services:</p> <p>(A) Where the gross square footage of</p>   | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | Ten (10) Class 1 bike parking spots provided for the new Clubhouse.  |

| Regulation   | Requirements   | Project Compliance  | Discussion   |
|--|--|---|--|
|  | <p>the floor area is between 25,000 square feet - 50,000 feet, 3 bicycle spaces are required.</p> <p>(2) Where the gross square footage of the floor area is between 50,000 square feet- 100,000 feet, 6 bicycle spaces are required.</p> <p>(3) Where the gross square footage of the floor area exceeds 100,000 square feet, 12 bicycle spaces are required.</p>   |   |  |
| Bicycle parking in Residential Buildings (San Francisco Planning Code, Section 155.5)  | <p>(A) For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units.</p> <p>(B) For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.</p>  | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | <p>Required spaces for 70 units:<br/>           First 50 units = 25 spaces.<br/>           20 Units / 4 = 5 spaces<br/>           (30) spaces are required and (70) bicycle spaces will be provided. Therefore, the proposed project complies.</p> |
| <b>Energy Efficiency Sector</b>  |  |   |  |
| San Francisco Green Building Requirements for Energy Efficiency (San Francisco Building Code, Chapter 13C.5.201.1.1)         | New construction of non-residential buildings requires the demonstration of a 15% energy reduction compared to 2008 California Energy Code, Title 24, Part 6.  | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be subject to and comply with this regulation.  |
| San Francisco Green Building Requirements for Energy Efficiency (LEED EA3, San Francisco Building Code, Chapter 13C.5.410.2) | <p>For New Large Commercial Buildings - Requires Enhanced Commissioning of Building Energy Systems</p> <p>For new large buildings greater than 10,000 square feet, commissioning shall be included in the design and construction to verify that the components meet the owner's or owner representative's project requirements.</p>   | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be subject to and comply with this regulation.  |
| San Francisco Green Building Requirements for Energy Efficiency (San Francisco Building Code, Chapter 13C)                   | Commercial buildings greater than 5,000 sf will be required to be a minimum of 14% more energy efficient than Title 24 energy efficiency requirements. As of 2008 large commercial buildings are required to have their energy systems commissioned, and as of 2010, these large buildings are required to provide enhanced commissioning in compliance with LEED® Energy and Atmosphere Credit 3. Mid-sized commercial buildings are required to have their systems commissioned by 2009, with enhanced commissioning as of 2011. | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be subject to and comply with this regulation.  |

| Regulation  | Requirements   | Project Compliance  | Discussion  |
|---|--|---|---|
| San Francisco Green Building Requirements for Energy Efficiency (San Francisco Building Code, Chapter 13C)  | Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more energy efficient than Title 24 energy efficiency requirements.  | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The residential portion of the proposed project would comply by demonstrating energy efficiency to be, at minimum, 15% below Title 24 requirements. |
| San Francisco Green Building Requirements for Stormwater Management (San Francisco Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2) | Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. Projects subject to the Green Building Ordinance Requirements must comply with either LEED® Sustainable Sites Credits 6.1 and 6.2, or with the City's Stormwater Management Ordinance and stormwater design guidelines.   | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be reviewed by the SFPUC for compliance with the City's stormwater ordinance.  |
| San Francisco Green Building Requirements for water efficient landscaping (San Francisco Building Code, Chapter 13C)  | All new commercial buildings greater than 5,000 square feet are required to reduce the amount of potable water used for landscaping by 50%.  | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be subject to and comply with this regulation.   |
| San Francisco Green Building Requirements for water use reduction (San Francisco Building Code, Chapter 13C)  | All new commercial buildings greater than 5,000 sf are required to reduce the amount of potable water used by 20%.   | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be subject to and comply with this regulation.   |
| Indoor Water Efficiency (San Francisco Building Code, Chapter 13C sections 13C.5.103.1.2, 13C.4.103.2.2, 13C.303.2.)  | <p><b>If meeting a LEED Standard;</b></p> <p>Reduce overall use of potable water within the building by a specified percentage – for showerheads, lavatories, kitchen faucets, wash fountains, water closets and urinals.</p> <p>New large commercial and New high rise residential buildings must achieve a 30% reduction.</p> <p>Commercial interior, commercial alternation and residential alteration should achive a 20% reduction below UPC/IPC 2006, et al.</p> <p><b>If meeting a GreenPoint Rated</b></p> | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be subject to and comply with this regulation.   |

| Regulation   | Requirements   | Project Compliance   | Discussion  |
|--|--|--|---|
|  | <p><b>Standard:</b></p> <p>Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets and urinals.</p>   |  |   |
| <p>San Francisco Water Efficient Irrigation Ordinance</p>  | <p>Projects that include 1,000 square feet (sf) or more of new or modified landscape are subject to this ordinance, which requires that landscape projects be installed, constructed, operated, and maintained in accordance with rules adopted by the SFPUC that establish a water budget for outdoor water consumption.</p> <p>Tier 1: 1,000 sf &lt;= project landscape &lt; 2,500 sf</p> <p>Tier 2: Project landscape area is greater than or equal to 2,500 sf. Note; Tier 2 compliance requires the services of landscape professionals.</p> <p>See the SFPUC Web site for information regarding exemptions to this requirement.</p> <p><a href="http://www.sfwater.org/landscape">www.sfwater.org/landscape</a></p>  | <p><input checked="" type="checkbox"/> Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p> | <p>The proposed project would comply, though applicable only to residential component, which proposes over 2,500 SF of landscaped area and will comply with Tier 2 SFPUC requirements with appropriate plant selections and water and soil management strategies.</p> |
| <p>Residential Water Conservation Ordinance (San Francisco Building Code, Housing Code, Chapter 12A)</p> | <p>Requires all residential properties (existing and new), prior to sale, to upgrade to the following minimum standards:</p> <ol style="list-style-type: none"> <li>1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm)</li> <li>2. All showers have no more than one showerhead per valve</li> <li>3. All faucets and faucet aerators have a maximum flow rate of 2.2 gpm</li> <li>4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf)</li> <li>5. All urinals have a maximum flow rate of 1.0 gpf</li> <li>6. All water leaks have been repaired.</li> </ol> <p>Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.</p> | <p><input checked="" type="checkbox"/> Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p> | <p>The proposed project would be subject to and comply with this regulation.</p>  |
| <p>Residential Energy Conservation Ordinance (San</p>  | <p>Requires all residential properties to provide, prior to sale of property, certain energy and water conservation</p>  | <p><input checked="" type="checkbox"/> Project Complies</p> <p><input type="checkbox"/> Not Applicable</p>   | <p>The proposed project would comply by incorporating the following into the design; attic insulation; weather-stripping</p>  |

| Regulation  | Requirements   | Project Compliance   | Discussion  |
|---|--|--|---|
| <p>Francisco Building Code, San Francisco Housing Code, Chapter 12)</p>   | <p>measures for their buildings: attic insulation; weather-stripping all doors leading from heated to unheated areas; insulating hot water heaters and insulating hot water pipes; installing low-flow showerheads; caulking and sealing any openings or cracks in the building's exterior; insulating accessible heating and cooling ducts; installing low-flow water-tap aerators; and installing or retrofitting toilets to make them low-flush. Apartment buildings and hotels are also required to insulate steam and hot water pipes and tanks, clean and tune their boilers, repair boiler leaks, and install a time-clock on the burner.</p> <p>Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.</p> | <p><input type="checkbox"/> Project Does Not Comply</p>  | <p>all doors leading from heated to unheated areas; insulating hot water heaters; installing low-flow showerheads; caulking and sealing any openings or cracks in the building's exterior; insulating accessible heating and cooling ducts; installing low-flow water-tap aerators; installing low-flush toilets; insulating hot water pipes and tanks; tuning boilers and installing a time-clock on the burner.</p> |
| Renewable Energy Sector   |  |  |   |
| <p>San Francisco Green Building Requirements for renewable energy (San Francisco Building Code, Chapter 13C)</p>  | <p>As of 2012, all new large commercial buildings are required to either generate 1% of energy on-site with renewables, or purchase renewable energy credits pursuant to LEED® Energy and Atmosphere Credits 2 or 6, or achieve an additional 10% beyond Title 24 2008.</p> <p>Credit 2 requires providing at least 2.5% of the buildings energy use from on-site renewable sources. Credit 6 requires providing at least 35% of the building's electricity from renewable energy contracts.</p>   | <p><input checked="" type="checkbox"/> Project Complies<br/><input type="checkbox"/> Not Applicable<br/><input type="checkbox"/> Project Does Not Comply</p> | <p>The proposed project would be subject to and comply with this regulation.</p>  |
| Waste Reduction Sector  |  |  |   |
| <p>Mandatory Recycling and Composting Ordinance (San Francisco Environment Code, Chapter 19) and San Francisco Green Building Requirements for solid waste (San Francisco Building Code, Chapter 13C)</p> | <p>All persons in San Francisco are required to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.</p> <p>Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.</p>   | <p><input checked="" type="checkbox"/> Project Complies<br/><input type="checkbox"/> Not Applicable<br/><input type="checkbox"/> Project Does Not Comply</p> | <p>The proposed project would be subject to and comply with this regulation.</p>  |

| Regulation   | Requirements  | Project Compliance  | Discussion   |
|--|---|---|--|
| Environment/Conservation Sector  |   |   |  |
| Street Tree Planting Requirements for New Construction (San Francisco Planning Code Section 138.1)   | Planning Code Section 138.1 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage.  | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be subject to and comply with this regulation.  |
| Light Pollution Reduction (San Francisco Building Code, Chapter 13C5.106.8)  | For nonresidential projects, comply with lighting power requirements in CA Energy Code, CCR Part 6. Requires that lighting be contained within each source. No more than .01 horizontal lumen footcandles 15 feet beyond site, or meet LEED credit SSc8.  | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be subject to and comply with this regulation.  |
| Construction Site Runoff Pollution Prevention for New Construction<br><br>(San Francisco Building Code, Chapter 13C)   | <p>Construction Site Runoff Pollution Prevention requirements depend upon project size, occupancy, and the location in areas served by combined or separate sewer systems.</p> <p>Projects meeting a LEED® standard must prepare an erosion and sediment control plan (LEED® prerequisite SSP1).</p> <p>Other local requirements may apply regardless of whether or not LEED® is applied such as a stormwater soil loss prevention plan or a Stormwater Pollution Prevention Plan (SWPPP).</p> <p>See the SFPUC Web site for more information:<br/>www.sfwater.org/CleanWater</p> | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The total lot area is less than 1 acre and will not be required to submit a SWPPP. However, the proposed project would comply with this requirement by implementing Best Management Practices as defined by the SFPUC to reduce runoff to the sewer or other receiving water bodies. |
| Enhanced Refrigerant Management (San Francisco Building Code, Chapter 13C.5.508.1.2)   | All new large commercial buildings must not install equipment that contains chlorofluorocarbons (CFCs) or halons.   | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The proposed project would be subject to and comply with this regulation.  |
| Low-emitting Adhesives, Sealants, and Caulks (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2, 13C.504.2.1) | <p><b>If meeting a LEED Standard:</b></p> <p>Adhesives and sealants (VOCs) must meet SCAQMD Rule 1168 and aerosol adhesives must meet Green Seal standard GS-36.</p> <p>(Not applicable for New High Rise residential)</p> <p><b>If meeting a GreenPoint Rated Standard:</b></p>  | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The new Clubhouse portion of the proposed project would comply. The residential portion of the proposed project would be designed to meet GreenPoint Rated standards and will comply by using adhesives and sealants that meet the SCAQMD Rule 1168.                                 |

| Regulation  | Requirements  | Project Compliance  | Discussion  |
|---|---|---|---|
|   | Adhesives and sealants (VOCs) must meet SCAQMD Rule 1168.   |   |   |
| Low-emitting materials (San Francisco Building Code, Chapters 13C.4. 103.2.2,   | <p>For Small and Medium-sized Residential Buildings - Effective January 1, 2011 meet GreenPoint Rated designation with a minimum of 75 points.</p> <p>For New High-Rise Residential Buildings - Effective January 1, 2011 meet LEED Silver Rating or GreenPoint Rated designation with a minimum of 75 points.</p> <p>For Alterations to residential buildings submit documentation regarding the use of low-emitting materials.</p> <p><b>If meeting a LEED Standard:</b></p> <p>For adhesives and sealants (LEED credit EQ4.1), paints and coatings (LEED credit EQ4.2), and carpet systems (LEED credit EQ4.3), where applicable.</p> <p><b>If meeting a GreenPoint Rated Standard:</b></p> <p>Meet the GreenPoint Rated Multifamily New Home Measures for low-emitting adhesives and sealants, paints and coatings, and carpet systems,</p> | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The residential portion of the proposed project would meet the GreenPoint Rated Standard and would meet the measures for low-emitting adhesives and sealant, paints and coatings, and carpet systems. |
| Low-emitting Paints and Coatings (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2 13C.504.2.2 through 2.4)           | <p><b>If meeting a LEED Standard:</b></p> <p>Architectural paints and coatings must meet Green Seal standard GS-11, anti-corrosive paints meet GC-03, and other coatings meet SCAQMD Rule 1113.</p> <p>(Not applicable for New High Rise residential)</p> <p><b>If meeting a GreenPoint Rated Standard:</b></p> <p>Interior wall and ceiling paints must meet &lt;50 grams per liter VOCs regardless of sheen. VOC Coatings must meet SCAQMD Rule 1113.</p>   | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The new Clubhouse portion would comply and the residential portion of the proposed project would meet the GreenPoint Rated Standard.  |
| Low-emitting Flooring, including carpet (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2, 13C.504.3 and 13C.4.504.4) | <p><b>If meeting a LEED Standard:</b></p> <p>Hard surface flooring (vinyl, linoleum, laminate, wood, ceramic, and/or rubber) must be Resilient Floor Covering Institute FloorScore certified; carpet must meet the Carpet and Rug Institute (CRI) Green Label Plus; Carpet cushion must meet CRI Green Label; carpet adhesive must meet LEED EQc4.1.</p> <p>(Not applicable for New High Rise</p>   | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The new Clubhouse portion would comply and the residential portion of the proposed project would meet the GreenPoint Rated Standard.  |

| Regulation   | Requirements   | Project Compliance  | Discussion  |
|--|--|---|---|
|  | residential)<br><br><b>If meeting a GreenPoint Rated Standard:</b><br><br>All carpet systems, carpet cushions, carpet adhesives, and at least 50% of resilient flooring must be low-emitting.  |   |   |
| Low-emitting Composite Wood (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2 and 13C.4.504.5) | <b>If meeting a LEED Standard:</b><br><br>Composite wood and agrifiber must not contain added urea-formaldehyde resins and must meet applicable CARB Air Toxics Control Measure.<br><br><b>If meeting a GreenPoint Rated Standard:</b><br><br>Must meet applicable CARB Air Toxics Control Measure formaldehyde limits for composite wood. | <input checked="" type="checkbox"/> Project Complies<br><input type="checkbox"/> Not Applicable<br><input type="checkbox"/> Project Does Not Comply | The new Clubhouse portion would comply and the residential portion of the proposed project will meet the Greenpoint Rated Standard. |

Depending on a proposed project’s size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State’s ability to meet statewide GHG reduction targets outlined in AB 32, or impact the City’s ability to meet San Francisco’s local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce GHG emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco’s sustainable policies have resulted in the measured reduction of annual GHG emissions; (3) San Francisco has met and exceeds AB 32 GHG reduction goals for the year 2020 and is on track towards meeting long-term GHG reduction goals; (4) current and probable future state and local GHG reduction measures will continue to reduce a project’s contribution to climate change; and (5) San Francisco’s *Strategies to Address Greenhouse Gas Emissions* meet the CEQA and BAAQMD requirements for a Greenhouse Gas Reduction Strategy, projects that are consistent with San Francisco’s regulations would not contribute significantly to global climate change. The proposed project would be required to comply with the requirements listed above, and was determined to be consistent with San Francisco’s *Strategies to Address Greenhouse Gas Emissions*.<sup>33</sup> As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to greenhouse gases.

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<sup>33</sup> San Francisco Planning Department, Greenhouse Gas Analysis: Compliance Checklist, February 14, 2013. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

| <i>Topics:</i>   | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|--|---------------------------------------|--|---|-------------------------------------|
| <b>9. WIND AND SHADOW—Would the project:</b>   |                                       |  |   |                                     |
| a) Alter wind in a manner that substantially affects public areas?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas? | <input checked="" type="checkbox"/>   | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input type="checkbox"/>            |

Please see the Certificate of Determination for discussion of this topic.

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

***No Significant Impacts Identified in FEIR***

The Market and Octavia FEIR determined that the Plan, including development of the Central Freeway parcels, would negligibly increase the demand for open space in the Plan Area, but the provision of new open space and other measures aimed at improving the quality of residential streets and alleys as neighborhood open spaces or multi-use areas would offset the increased demand. Therefore, the Plan, including development of the former Central Freeway parcels, would not result in a significant recreation impact. No mitigation measures were identified in the FEIR.

***No Peculiar Impacts***

As discussed further in Population and Housing above, the proposed project would add a minor amount of population and jobs in the Plan Area, but the new population and jobs would be among those anticipated to be added in the Market and Octavia FEIR. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to recreational resources.

| <u>Topics:</u>   | <u>Sig. Impact<br/>Identified<br/>in FEIR</u> | <u>Project<br/>Contributes<br/>to Sig. Impact<br/>Identified in<br/>FEIR</u> | <u>Project Has<br/>Sig. Peculiar<br/>Impact</u> | <u>LTS/<br/>No Impact</u>           |
|--|---|--|---|-------------------------------------|
| <b>11. UTILITIES AND SERVICE SYSTEMS—Would the project:</b>  |   |  |   |                                     |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                     | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                              | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?  | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?   | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?  | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |

***No Significant Impacts Identified in FEIR***

The Market and Octavia FEIR determined that the Plan, including development of the Central Freeway parcels, would not increase demand beyond that already anticipated by utility and service system providers, such as the San Francisco Public Utilities Commission (SFPUC). Therefore, the Plan, including development of the former Central Freeway parcels, would not result in a significant utilities and service systems impact. No mitigation measures were identified in the FEIR.

***No Peculiar Impacts***

As discussed further in Population and Housing above, the proposed project would add a minor amount of population and jobs in the Plan Area, but the new population and jobs would be among those anticipated to be added in the Market and Octavia FEIR. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to utilities and service systems.

| <u>Topics:</u>  | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS No Impact</i>                |
|---|---------------------------------------|--|---|-------------------------------------|
| <b>12. PUBLIC SERVICES— Would the project:</b>  |                                       |  |   |                                     |
| a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services? | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

***No Significant Impacts Identified in FEIR***

The Market and Octavia FEIR determined that the Plan, including development of the Central Freeway parcels, would negligibly increase the demand for public services in the Plan Area, but the Plan would not require the development of new public services to accommodate significant growth beyond that which was already anticipated by the City. Therefore, the Plan, including development of the former Central Freeway parcels, would not result in a significant public services impact. No mitigation measures were identified in the FEIR.

***No Peculiar Impacts***

As discussed further in Population and Housing above, the proposed project would add a minor amount of population and jobs in the Plan Area, but the new population and jobs would be among those anticipated to be added in the Market and Octavia FEIR. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to public services.

| <u>Topics:</u>   | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|--|---------------------------------------|--|---|-------------------------------------|
| <b>13. BIOLOGICAL RESOURCES— Would the project:</b>  |                                       |  |   |                                     |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

| <i>Topics:</i>   | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|--|---------------------------------------|--|---|-------------------------------------|
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                                   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

The project site does not contain any riparian habitat, other sensitive natural community or wetlands nor is it located within an adopted conservation plan, therefore Topics 13 b, c, and f are not applicable.

***No Significant Impacts Identified in FEIR***

The Market and Octavia FEIR did not identify any significant impacts related to biological resources because the Plan Area is in a developed urban area that is completely covered by structures, impervious surfaces, and introduced landscaping. The FEIR noted that no rare, threatened, or endangered animal plant species are known to exist in the Plan Area. In addition, the FEIR noted implementation of the Plan would not interfere with any resident or migratory species, nor would it require removal of substantial numbers of mature, scenic trees. No mitigation measures were identified in the FEIR.

***No Peculiar Impacts***

Conditions have not changed in the Plan Area such that the project site is now known to contain any rare, threatened, or endangered animal or plant species. The proposed project would construct two new buildings on an existing surface vehicular parking lot and remove a total of 21 trees. Structures in an urban setting may present risks for birds’ migratory paths from their location and/or their features. The City has adopted guidelines to provide regulations for bird-safe design within the City.<sup>34</sup>

The proposed project would require the removal of the 17 existing trees from within the project site and four trees on the adjacent sidewalk. The loss of an active nest during tree removal or disturbance from construction noise would be considered a significant impact under CEQA if

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34 San Francisco Planning Department, “Standards for Bird-Safe Buildings.” Available online at: <http://sfplanning.org/index.aspx?page=2506>.

that nest were occupied by a special-status bird species. However, disruption of nesting migratory or native birds is not permitted under the federal Migratory Bird Treaty Act (MBTA)<sup>35</sup> or the California Department of Fish and Wildlife (CDFW) Code.<sup>36</sup> Thus, the loss of any active nest (i.e., removing a tree or shrub or demolishing a building containing a nest) must be avoided under federal and State law. Therefore, to reduce potential for effects on nesting birds, the project sponsor would conduct tree removal and pruning activities, as well as other construction activities, outside the bird nesting season (January 15 to August 15)<sup>37</sup> to the extent feasible. If construction during bird nesting season cannot be fully avoided, preconstruction nesting surveys would be conducted by a qualified wildlife biologist prior to work in order to comply with the MBTA and the CDFW Code. The project sponsor would conduct preconstruction bird nesting surveys within seven days of the start of construction (i.e., active ground disturbance or vegetation removal). If active nests are located during the preconstruction bird nesting survey, the project sponsor would contact the CDFW for guidance on avoiding take. Such guidance may include setting up and maintaining a line-of-sight buffer area around the active nest and prohibiting construction activities within the buffer; modifying construction activities; and/or removing or relocating active nests.

The proposed project would be subject to and would comply with City adopted regulations for bird-safe buildings and federal and state law for removal of trees during nesting season, therefore, the proposed project would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. Impacts are considered less than significant.

The proposed project would require the removal of the 17 existing trees from within the project site and four trees on the adjacent sidewalk. The San Francisco Board of Supervisors adopted legislation that amended the City's Urban Forestry Ordinance, Public Works Code Section 801 et. Seq., to require a permit from the Department of Public Works (DPW) to remove any protected trees.<sup>38</sup> All permit applications that could potentially impact a protected tree must include a Planning Department "Tree Disclosure Statement." Protected trees include landmark trees, significant trees, or streets trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco. If a project would result in tree removal subject to the Urban Forestry Ordinance and the DPW would grant a permit, the DPW shall require that replacement trees be planted (at a one-to-one ratio) by the project sponsor or that an in-lieu fee be paid by the project sponsor (Section 806(b)). Of the 21 trees removed by the proposed project, eight are significant trees and four are street trees. In addition, the proposed

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<sup>35</sup> Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and seabirds. The MBTA makes it unlawful to "take" (kill, harm, harass, shoot, etc.) any migratory bird listed in Code of Federal Regulations, Title 50, Part 10, including a bird's nest, eggs, or young.

<sup>36</sup> California Department of Fish and Wildlife Code Section 3511 and 3513; Section 3513 reinforces the federal Migratory Bird Treaty Act.

<sup>37</sup> Bird nesting season is generally recognized to be from March 15 to August 15 in most areas of California, but can begin as early as January 15th in the San Francisco Bay Area.

<sup>38</sup> San Francisco Planning Department, "Director's Bulletin No. 2006-01, Planning Department Implementation of Tree Protection Legislation," October 2009. Available online at: [http://www.sf-planning.org/ftp/files/publications\\_reports/DB\\_01\\_Tree\\_Protection.pdf](http://www.sf-planning.org/ftp/files/publications_reports/DB_01_Tree_Protection.pdf).

project would require planting of 20 new trees along the perimeter of the project site. The proposed project would be subject to and would comply with Public Works Code Section 806(b) and Planning Department requirements prior to the issuance of a building permit, therefore, the proposed project would not conflict with any policies or ordinances protecting trees. Impacts are considered less than significant.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to biological resources.

| <i>Topics:</i>   | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|--|---------------------------------------|--|---|-------------------------------------|
| <b>14. GEOLOGY AND SOILS—</b>  |                                       |  |   |                                     |
| <b>Would the project:</b>  |                                       |  |   |                                     |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                                       |  |   |                                     |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| iv) Landslides?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                          | <input type="checkbox"/>                | <input type="checkbox"/>            |
| c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| f) Change substantially the topography or any unique geologic or physical features of the site?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

For a discussion on Topic 14b, please see the Certificate of Determination. In addition, the proposed project would connect to the sewer system, therefore Topic 14e is not applicable.

## ***FEIR***

The Market and Octavia FEIR did not identify any significant operational impacts related to geology and soils as proposed projects would have to comply with applicable codes and recommendations made in project-specific geotechnical analyses. This would not eliminate earthquake risk, but would reduce them to an acceptable level, given the seismically active characteristics of the Bay Area. Therefore, the Plan, including development of the former Central Freeway parcels, would not result in significant operational impacts to geology. No mitigation measures were identified in the FEIR for these items.

## ***No Peculiar Impacts***

A geotechnical investigation was prepared for the proposed project.<sup>39</sup> The following discussion relies on the information provided in the geotechnical investigation.

The topography of the project site slopes is relatively flat, with a gently slowing down slope from McAllister Street (Elevation 74 feet) to Fulton Street (Elevation 69 feet) in the project vicinity. Geotechnical soil borings were excavated to a maximum depth of approximately 31.5 feet below ground surface (bgs). Based on the soil analysis of the borings, the soil profile was: top layer of previously placed filled soils to approximately 8 – 17 feet bgs (with the thickest near the area of the former Central Freeway foundations); and a bottom layer of very dense sand and clayey sand to the maximum explored depth at 31.5 feet bgs. Groundwater was encountered at approximately 14 to 15 bgs.

The project site does not lie within an Alquist-Priolo Earthquake Fault Zone as defined by the California Division of Mines and Geology. No known active faults cross the project site. The closest mapped active fault in the vicinity of the project site is the San Andreas Fault, located approximately 6.8 miles west from the project site. The proximity would likely result in strong to very strong earthquake shaking at the project site.

The project site is not within a liquefaction potential zone as mapped by the California Division of Mines and Geology for the City and County of San Francisco. Based on the results of the on-site borings, an evaluation was performed of the potential for liquefaction-induced settlement and lateral spreading from differential compaction. The results of the analysis conclude that the potential for liquefaction-induced settlement and lateral spreading at the project site is very low because the soils have sufficient cohesion and density to resist liquefaction. The project site is underlain by medium dense sand fill and the results of the analysis also predict that settlement of the soils above the groundwater due to differential compaction of dry sand during a major earthquake may be on the order of approximately ½- to 1-inch.

The geotechnical investigation concluded that the potential hazard associated with fault rupture and earthquake-induced landsliding was less-than-significant.

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<sup>39</sup> Construction, Testing, and Engineering, Inc., "Preliminary Geotechnical Investigation, Proposed Audi Showroom Structure, 300 South Van Ness Avenue, San Francisco, California," September 2, 2011. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2012.0325E.

The geotechnical investigation provided recommendations for the proposed project's construction. These recommendations include, but are not limited to, removal of the existing fill beneath the project site and replacement with engineered fill or supporting the new buildings on a deep foundation consisting of drilled, cast-in-place concrete piers to a minimum of 15 feet bgs (currently proposal is to 17 feet bgs). The deep support system would be intended to reduce differential compaction.

Based on the above-noted recommendations, the geotechnical investigation concluded that the project would not cause significant operational geology and soil impacts. The proposed project would be subject to and would comply with the recommendations of the geotechnical investigation by incorporating the recommendations into the final building design. Furthermore, the proposed project would be subject to the building permit review process. DBI, through the process, reviews the geotechnical investigation to determine the adequacy of necessary engineering and design features to ensure compliance with all Building Code provisions regarding structural safety. Past geological and geotechnical investigation would be available for use by DBI during its review of building permits for the project site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to geology and soils.

| <i>Topics:</i>  | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|---|---------------------------------------|--|---|-------------------------------------|
| <b>15. HYDROLOGY AND WATER QUALITY—</b>   |                                       |  |   |                                     |
| <b>Would the project:</b>   |                                       |  |   |                                     |
| a) Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

| <u>Topics:</u>   | <i>Sig. Impact<br/>Identified<br/>in FEIR</i> | <i>Project<br/>Contributes<br/>to Sig. Impact<br/>Identified in<br/>FEIR</i> | <i>Project Has<br/>Sig. Peculiar<br/>Impact</i> | <i>LTS/<br/>No Impact</i>           |
|--|---|--|---|-------------------------------------|
| f) Otherwise substantially degrade water quality?  | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map? | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?   | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?                 | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |

***No Significant Impacts Identified in FEIR***

The Market and Octavia FEIR determined that the Plan, including development of the Central Freeway parcels, would not substantially affect the area of impervious surface, substantially alter site drainage, substantially deplete groundwater supplies, or violate water quality standards. In addition, the Plan Area is not located within a flooding or tsunami zone. Therefore, the Plan, including development of the former Central Freeway parcels, would not result in a significant hydrology and water quality impact. No mitigation measures were identified in the FEIR.

***No Peculiar Impacts***

The existing project site is completely covered by a surface parking lot. The proposed project would construct two new buildings on the entirety of the project site. Groundwater is approximately 14 to 15 feet bgs of the project site. The proposed project’s construction has the potential to encounter groundwater, which could impact water quality. Any groundwater encountered during construction of the proposed project would be subject to requirements of the City’s Sewer Use Ordinance (Ordinance Number 19-92, amended 116-97), as supplemented by Department of Public Works Order No. 158170, requiring a permit from the Wastewater Enterprise Collection System Division of the SFPUC. A permit may be issued only if an effective pretreatment system is maintained and operated. Each permit for such discharge shall contain specified water quality standards and may require the project sponsor to install and maintain meters to measure the volume of the discharge to the combined sewer system. Although dewatering would be required during construction, any effects related to lowering the water table would be temporary and would not be expected to substantially deplete groundwater resources.

Groundwater is relatively shallow throughout the project site, approximately 14 to 15 feet bgs. The proposed project would not require long-term, continuous dewatering following construction. The underground structure would be waterproofed to prevent groundwater seepage and constructed to withstand the hydrostatic pressure of the groundwater. The specifications for construction dewatering and protection against long-term groundwater

intrusion are outlined in the geotechnical investigation for the proposed project and will be reviewed by DBI as part of the building permit process. In addition, the project site is located in the Downtown San Francisco Groundwater Basin. This basin is not used as a drinking water supply and no plans for development of this basin exist for groundwater production.<sup>40</sup>

The proposed project would not increase the amount of impervious surface area on the project site. In accordance with the Stormwater Management Ordinance (Ordinance No. 83-10), the proposed project would be subject to and would comply with Low Impact Design (LID) approaches and stormwater management systems to comply with the Stormwater Design Guidelines. Therefore, the proposed project would not adversely affect runoff and drainage. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to hydrology and water quality.

| <b>Topics:</b>   | <b>Sig. Impact Identified in FEIR</b> | <b>Project Contributes to Sig. Impact Identified in FEIR</b> | <b>Project Has Sig. Peculiar Impact</b> | <b>LTS/ No Impact</b>               |
|--|---------------------------------------|--|---|-------------------------------------|
| <b>16. HAZARDS AND HAZARDOUS MATERIALS</b>   |                                       |  |   |                                     |
| <b>Would the project:</b>  |                                       |  |   |                                     |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                          | <input type="checkbox"/>                | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                          | <input type="checkbox"/>                | <input type="checkbox"/>            |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                          | <input type="checkbox"/>                | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

<sup>40</sup> San Francisco Planning Department, *Transit Center District Plan and Transit Tower Draft EIR*, September 2011. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File Nos. 2007.0558E and 2008.0789E.

| <i>Topics:</i>   | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|--|---------------------------------------|--|---|-------------------------------------|
| h) Expose people or structures to a significant risk of loss, injury or death involving fires? | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

For a discussion on Topic 14b, c, and d, please see the Certificate of Determination. In addition, the project site is not located within an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip, therefore topics 16e and f are not applicable.

**FEIR**

The Market and Octavia FEIR did not identify any significant impacts related to routine transport, use, or disposal of hazardous materials; impairing implementation of or physically interfering with an emergency response or evacuation plan; or potential fire hazards. The FEIR noted that subsequent development would have to comply with provisions of existing regulations that would reduce potential hazards. No mitigation measures were identified in the FEIR for the items.

**No Peculiar Impacts**

The proposed project would be subject to existing regulations as those described in the FEIR for protecting against potential hazard impacts associated with routine transport, use, or disposal of hazardous materials; emergency response or evacuation plans; and fire hazards. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to hazards and hazardous materials.

| <i>Topics:</i>  | <i>Sig. Impact Identified in FEIR</i> | <i>Project Contributes to Sig. Impact Identified in FEIR</i> | <i>Project Has Sig. Peculiar Impact</i> | <i>LTS/ No Impact</i>               |
|---|---------------------------------------|--|---|-------------------------------------|
| <b>17. MINERAL AND ENERGY RESOURCES—<br/>Would the project:</b>   |                                       |  |   |                                     |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?  | <input type="checkbox"/>              | <input type="checkbox"/>                                     | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

**FEIR**

The Market and Octavia FEIR did not analyze the effects on mineral and energy resources.

**No Peculiar Impacts**

No operational mineral resource recovery sites exist in the project area whose operations or accessibility would be affected by the proposed project. The energy demand for the proposed project would be typical for such project and would meet, or exceed, current state or local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulation enforced by DBI. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to mineral and energy resources.

| <u>Topics:</u>  | <u>Sig. Impact<br/>Identified<br/>in FEIR</u> | <u>Project<br/>Contributes<br/>to Sig. Impact<br/>Identified in<br/>FEIR</u> | <u>Project Has<br/>Sig. Peculiar<br/>Impact</u> | <u>LTS/<br/>No Impact</u>           |
|---|---|--|---|-------------------------------------|
| <b>18. AGRICULTURE AND FOREST RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – <b>Would the project:</b> |   |  |   |                                     |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?  | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?  | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?  | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?   | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                        | <input checked="" type="checkbox"/> |

**FEIR**

The Market and Octavia FEIR did not analyze the effects on agricultural and forest resources.

**No Peculiar Impacts**

The project site is a surface parking lot and is located within the Plan Area analyzed under the Market and Octavia FEIR. Therefore, no agricultural uses, forest land, or timberland exist at the project site. For the above reasons, the proposed project would not result in significant impacts that were not identified in the Market and Octavia FEIR related to agricultural and forest resources.

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

***Significant Impacts Identified in FEIR***

The Market and Octavia FEIR identified significant impacts related to archeological resources, transportation and circulation, air quality, wind and shadow, geology and soils, and hazardous materials. Mitigation measures reduced all impacts to less than significant, with the exception of those related to transportation and circulation (traffic impacts at seven intersections and transit impacts at three intersections on Hayes Street) and shadow (impacts on parks and open spaces not subject to Section 295).

***No Peculiar Impacts***

The proposed project would include construction of a two new buildings the project site. As discussed in this document, the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already and disclosed in the Market and Octavia FEIR.

**C. DETERMINATION**

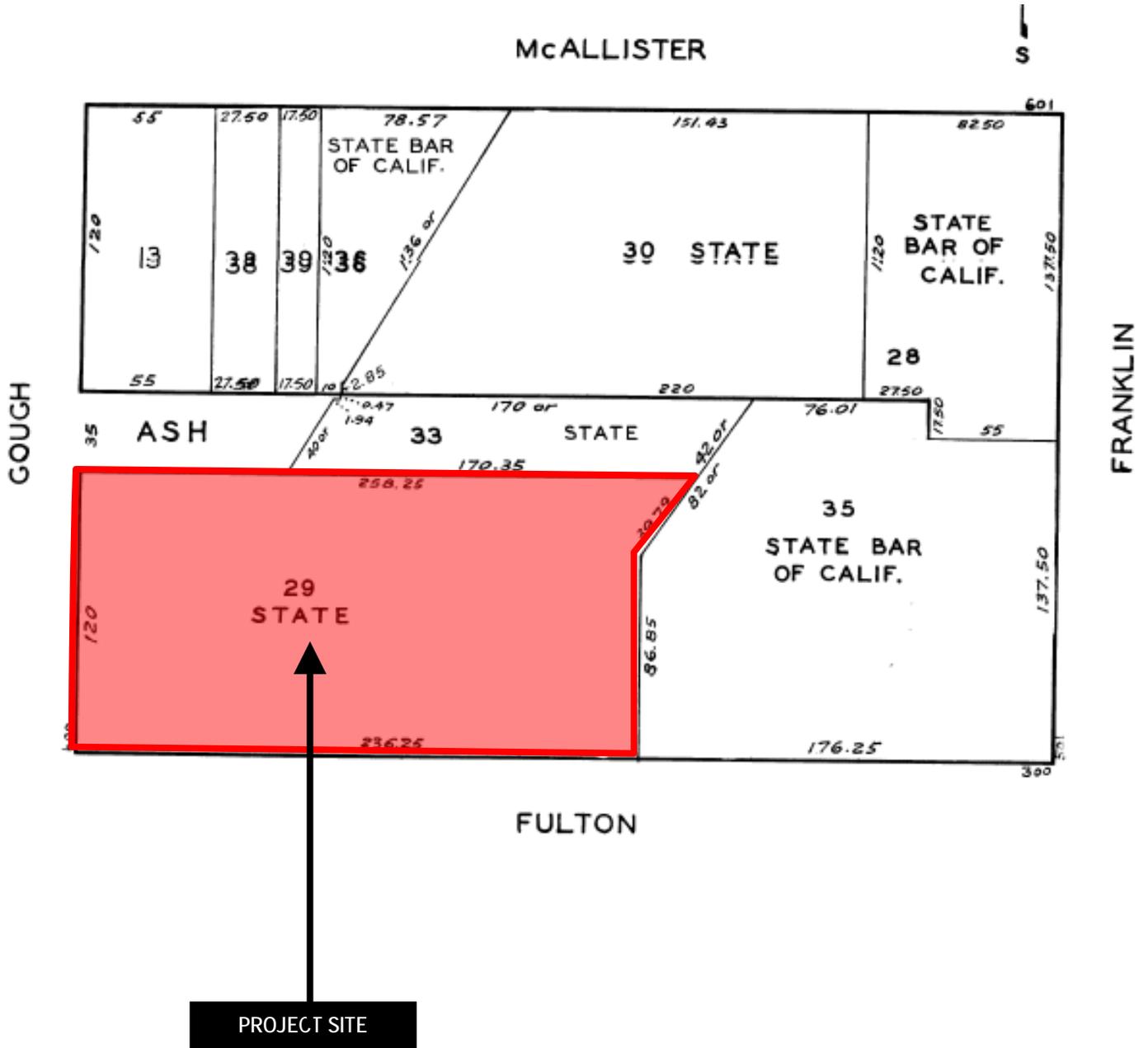
On the basis of this review, it can be determined that:

- The proposed project qualifies for consideration of a Community Plan exemption based on the applicable General Plan and zoning requirements; **AND**
- All potentially significant individual or cumulative impacts of the proposed project were identified in the applicable programmatic EIR (PEIR) for the Plan Area, and all applicable mitigation measures have been or incorporated into the proposed project or will be required in approval of the project.
- The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above, but that this impact can be reduced to a less-than-significant level in this case because revisions in the project have been made by or agreed to by the project proponent. A focused Initial Study and **MITIGATED NEGATIVE DECLARATION** is required, analyzing the effects that remain to be addressed.
- The proposed project may have a potentially significant impact not identified in the PEIR for the topic area(s) identified above. An **ENVIRONMENTAL IMPACT REPORT** is required, analyzing the effects that remain to be addressed.

  
\_\_\_\_\_  
Sarah Jones  
Acting Environmental Review Officer  
for  
John Rahaim, Planning Director

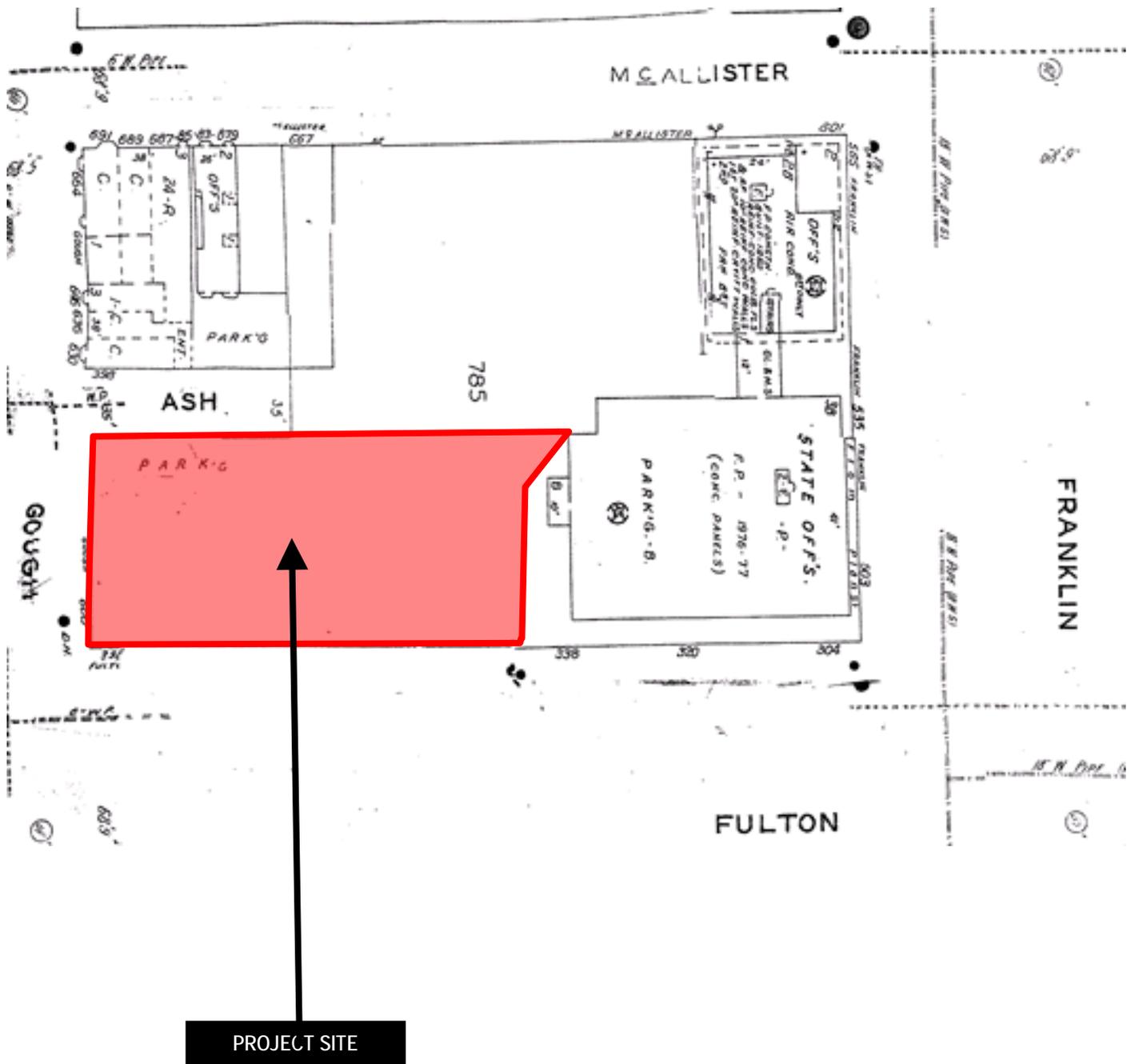
DATE March 5, 2013

# Parcel Map



Conditional Use Authorization  
Case Number 2012.0325C  
344 Fulton Street

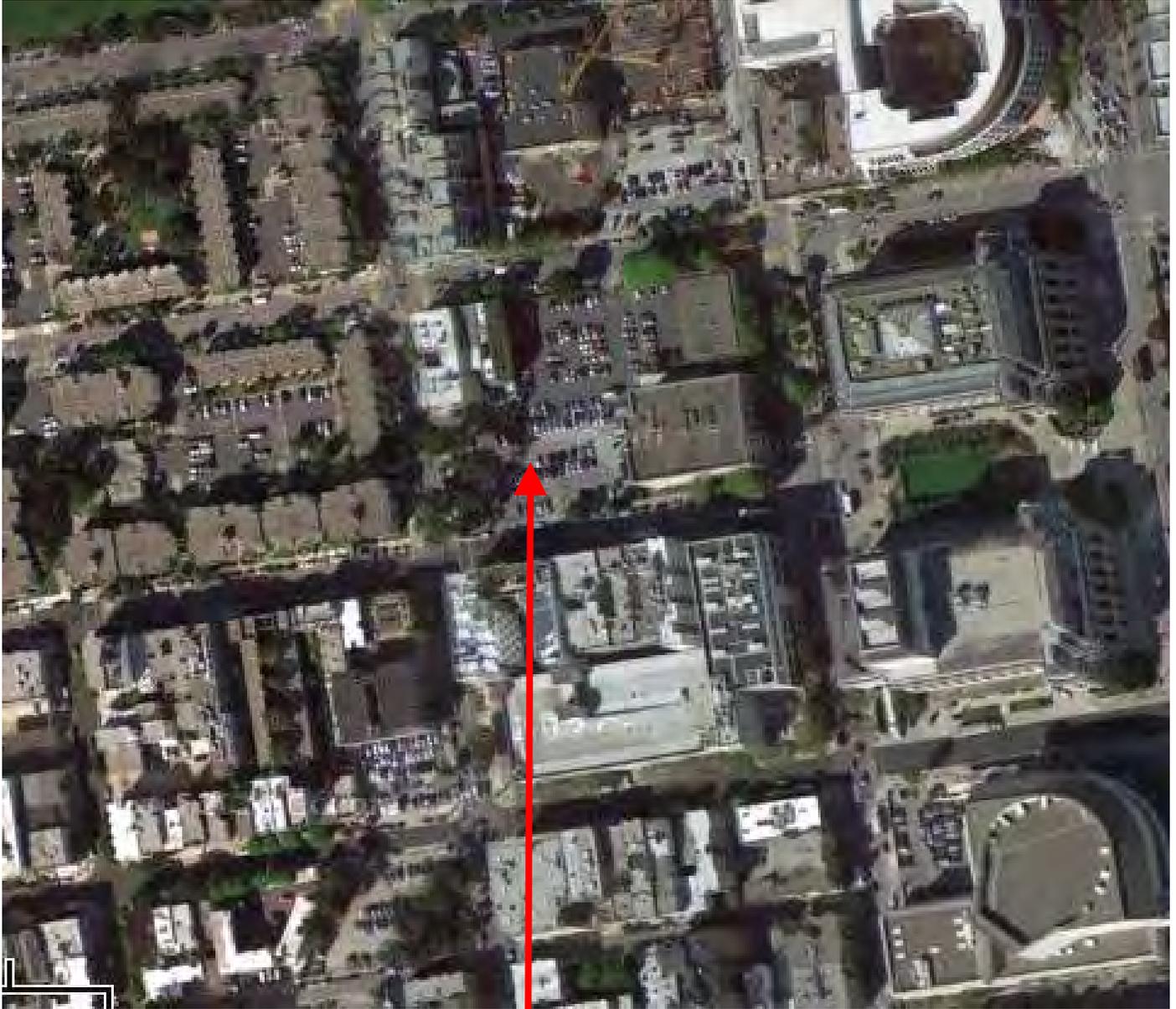
# Sanborn Map\*



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



# Aerial Photo

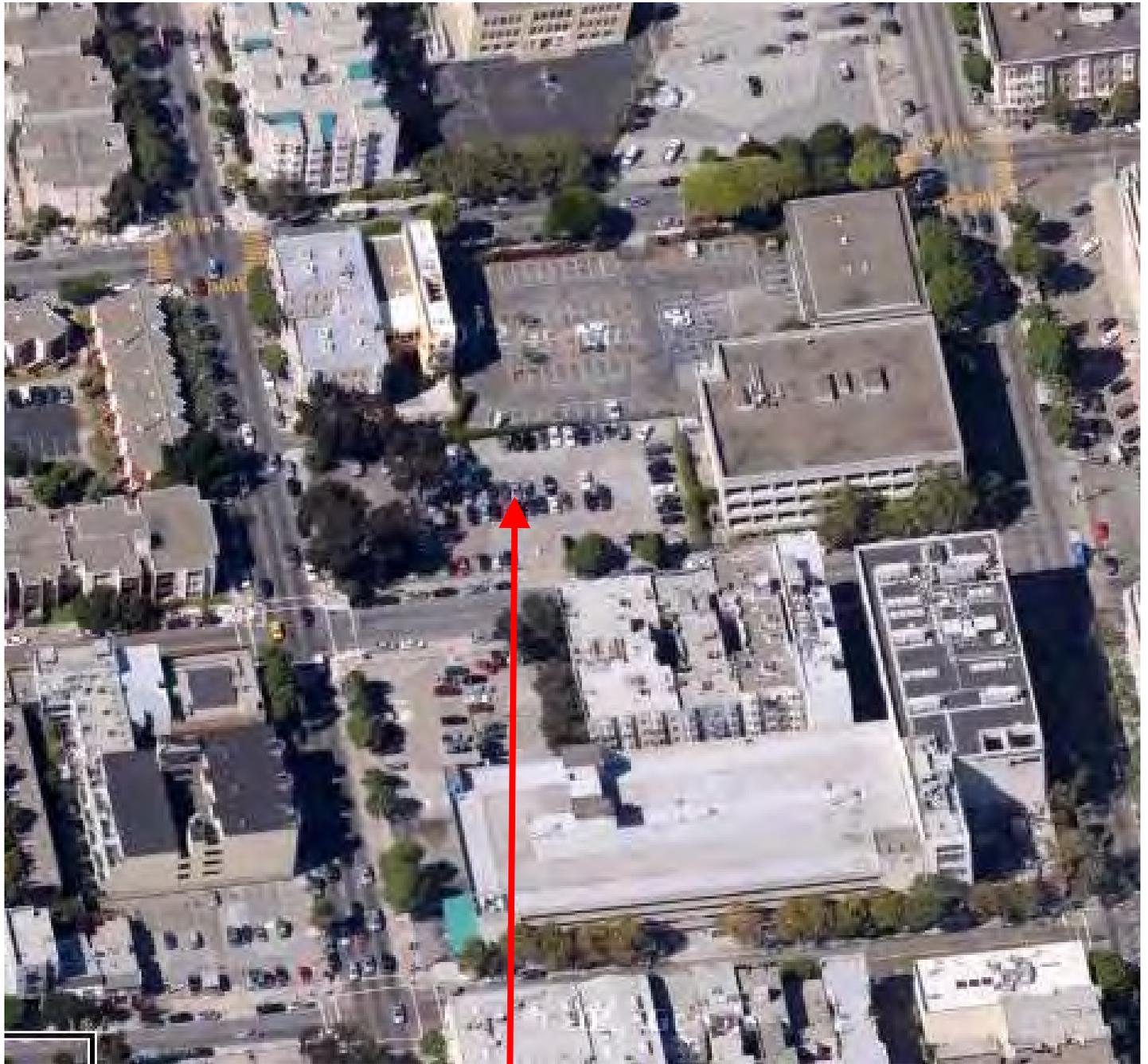


PROJECT SITE



Conditional Use Authorization  
Case Number 2012.0325C  
344 Fulton Street

# Aerial Photo



PROJECT SITE



Conditional Use Authorization  
Case Number 2012.0325C  
344 Fulton Street

# Zoning Map



Conditional Use Authorization  
Case Number 2012.0325C  
344 Fulton Street

March 1, 2013

From:

Mary Dakai  
365 Fulton St #320  
San Francisco, CA 94102

Attn:

Kevin Guy, Planning Department  
1650 Mission St #400  
San Francisco, CA 94103

Dear Mr. Guy,

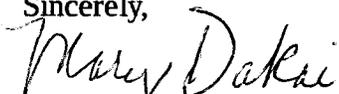
I am writing to express my concern regarding the proposed development of 344 Fulton St. I am a resident of the Richardson Apartments, across the street from the planned site. I live in an apartment with a window directly facing the site, which is currently a parking lot. I believe that this development will have a negative impact on me and others.

Initially, I believe that this development will greatly reduce the open air space, as there will be large buildings on every corner of the intersection of Fulton St & Gough St. This will reduce the light, the number of visible trees and the view of the sky. I feel it is important in city planning to ensure that there are not too many buildings clustered into one area.

Furthermore, the noise from the months of construction will cause considerable disruption to me, as I am currently recovering from a stroke and need to sleep during significant portions of the day.

While I understand that this development is for a good cause, and while I support the creation of more housing and opportunities for youth, I am hopeful that you will explore other location options.

Sincerely,

  
Mary Dakai

March 1, 2013

TO: Kevin Guy, S.F. Planning Department  
FR: Ben Golvin, Equity Community Builders  
RE: Fulton/Gough Development (Boys & Girls Club and Residential Project)  
Consideration of the Inclusion of Bulb-Outs at 3 Adjacent Corners  
CC: David Noyola, Strada Investment Group

On behalf of the Boys & Girls Clubs of San Francisco (“BGCSF”) and of Fulton & Gough Associates (“FGA”), the two Sponsors proposing to develop, respectively, a new Clubhouse and a 69-unit residential project on the northeast corner of Fulton and Gough Streets (the “Project”), I am writing to acknowledge that the San Francisco Planning Department has requested that the Sponsors consider, in constructing the Project, undertaking the design, permitting and installation of bulb-outs of the sidewalk at the three corners adjacent to the Project. The three affected corners are shown on the attached exhibit.

It is the understanding of the Sponsors that:

- Undertaking the design, permitting and installation of the bulb-outs is not a condition of approval of the Project.
- The decision as to whether to undertake the design, permitting or installation of the bulb-outs is entirely up to the Sponsors.
- The Sponsors are expected to request of the City that the costs of designing, permitting and installing the bulb-outs be offset dollar-for-dollar against the Community Infrastructure Impacts Fee to be charged to the Project under the terms of the Market-Octavia Plan.
- Implementation of the improvements on the three adjacent corners will require further review by the Market & Octavia Citizens Advisory Committee and other relevant city departments.

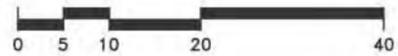
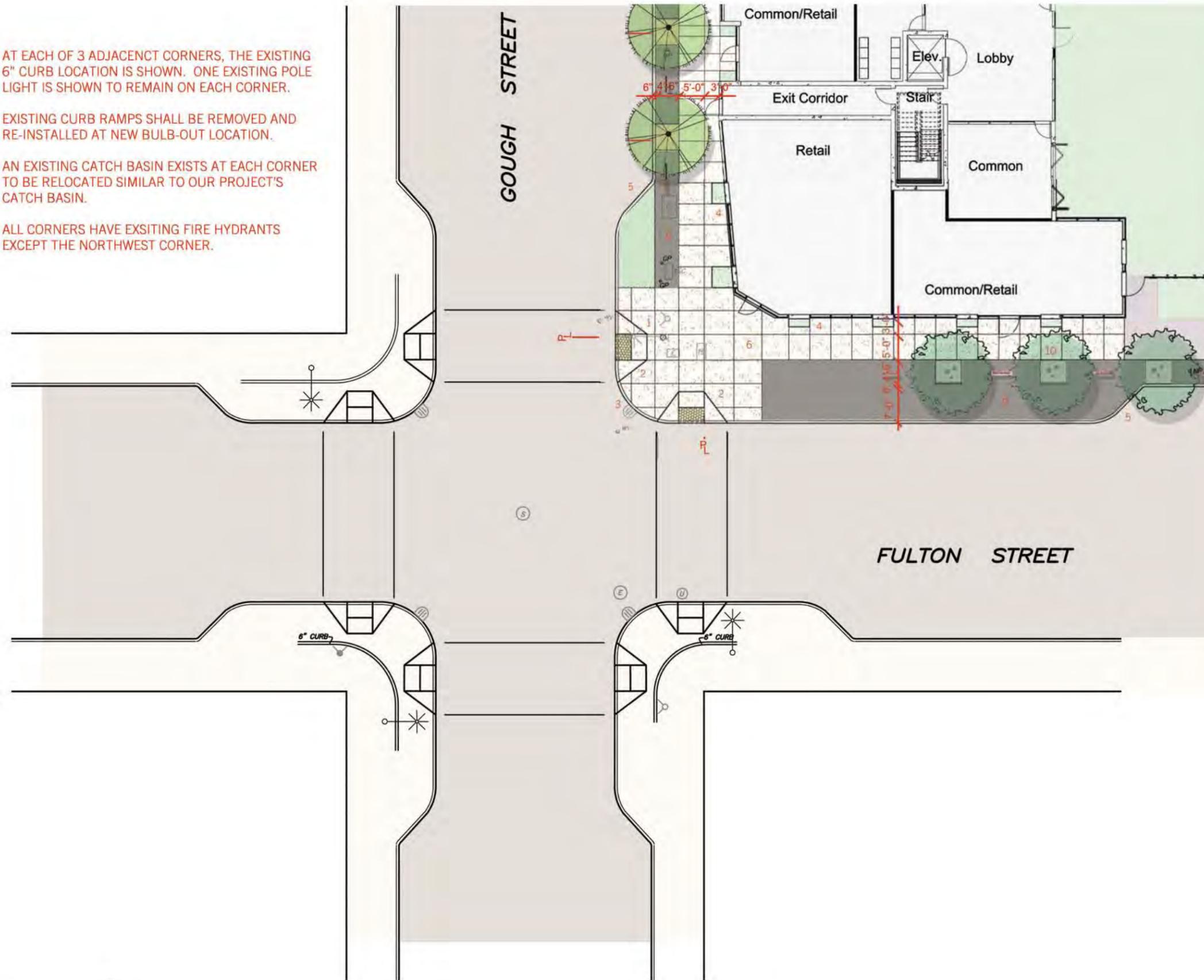
Based on this understanding, the Sponsors hereby state our willingness to consider undertaking the design, permitting and installation of the bulb-outs as shown on the attached exhibit.

AT EACH OF 3 ADJACENT CORNERS, THE EXISTING 6" CURB LOCATION IS SHOWN. ONE EXISTING POLE LIGHT IS SHOWN TO REMAIN ON EACH CORNER.

EXISTING CURB RAMPS SHALL BE REMOVED AND RE-INSTALLED AT NEW BULB-OUT LOCATION.

AN EXISTING CATCH BASIN EXISTS AT EACH CORNER TO BE RELOCATED SIMILAR TO OUR PROJECT'S CATCH BASIN.

ALL CORNERS HAVE EXISTING FIRE HYDRANTS EXCEPT THE NORTHWEST CORNER.



SCALE: 1"=20'

**GLS** Landscape/Architecture  
 2877 Mission Street #200, San Francisco, CA 94118  
 415/285 3614 415/285 3624 gls@glsearch.com

T O M E L I O T F I S C H

**db** david baker + partners



# SAN FRANCISCO PLANNING DEPARTMENT

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## Residential Pipeline

### ENTITLED HOUSING UNITS 2007 TO Q1 2012

State law requires each city and county to adopt a Housing Element as a part of its general plan. The State Department of Housing and Community Development (HCD) determines a Regional Housing Need Allocation (RHNA) that the Housing Element must address. The need is the minimum number of housing units that a region must plan for in each RHNA period.

This table represents all development projects adding residential units that have been entitled since January 2007. The total number of entitled units is tracked by the San Francisco Planning Department, and is updated quarterly in coordination with the Pipeline Report. Subsidized housing units, including moderate and low income units, are tracked by the Mayor's Office of Housing, and are also updated quarterly.

| 2012 - QUARTER 1                        | RHNA Allocation<br>2007-2014 | Units Entitled<br>To Date | Percent<br>Entitled |
|---|------------------------------|---------------------------|---------------------|
| <b>Total Units Entitled<sup>1</sup></b> | <b>31,193</b>                | <b>11,130</b>             | <b>35.7%</b>        |
| Above Moderate (> 120% AMI)             | 12,315                       | 7,457                     | 60.6%               |
| Moderate Income (80-120% AMI)           | 6,754                        | 360                       | 5.3%                |
| Low Income (< 80% AMI)                  | 12,124                       | 3,313                     | 27.3%               |

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<sup>1</sup> Total does not include entitled major development projects such as Treasure Island,, Candlestick, and Park Merced. While entitled, these projects are not projected to be completed within the current RHNA reporting period (through June 2014).

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

# Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

2/20/2013  
Date

I, DAVID NOYOLA, do hereby declare as follows:

a. The subject property is located at (address and block/lot):

N.E. CORNER OF FULTON + GOUGH STREETS  
Address

0785/029  
Block / Lot

b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case Number and/or Building Permit Number is:

2012.0325  
Planning Case Number

\_\_\_\_\_  
Building Permit Number

This project requires the following approval:

- Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
- This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

KEVIN BOY  
Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

- Yes (if yes, please indicate Tier) \_\_\_\_\_
- No

This project is exempt from the Inclusionary Affordable Housing Program because:

- This project uses California Debt Limit Allocation Committee (CDLAC) funding.
- This project is 100% affordable.

c. This project will comply with the Inclusionary Affordable Housing Program by:

- Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).
- On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

d. If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

- Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- Rental.** Exemption from Costa Hawkins Rental Housing Act.<sup>2</sup> The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:
  - Direct financial contribution from a public entity.
  - Development or density bonus or other public form of assistance.
  - Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

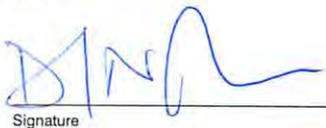
f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this day in:

SAN FRANCISCO  
Location

2/20/2013  
Date

  
Signature

DAVID NOYOLA, AUTHORIZED AGENT FOR OWNER  
Name (Print), Title

cc: Mayor's Office of Housing  
Planning Department Case Docket  
Historic File, if applicable  
Assessor's Office, if applicable

(415) 263-9144  
Contact Phone Number

## Unit Mix Tables

| NUMBER OF ALL UNITS IN PRINCIPAL PROJECT: |     |         |                   |                   |                     |
|---|-----|---------|-------------------|-------------------|---------------------|
| Total Number of Units                     | SRO | Studios | One-Bedroom Units | Two-Bedroom Units | Three-Bedroom Units |
| 69  |     | 41      |                   | 28                |                     |

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

- On-site Affordable Housing Alternative (Charter Section 16.110 (g) and Planning Code Section 415.6): calculated at 12% of the unit total.

| NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE |     |         |                   |                   |                     |
|--|-----|---------|-------------------|-------------------|---------------------|
| Total Affordable Units                           | SRO | Studios | One-Bedroom Units | Two-Bedroom Units | Three-Bedroom Units |
| 8  |     | 5       |                   | 3                 |                     |

- Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

| NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE |     |         |                   |                   |                     |
|---|-----|---------|-------------------|-------------------|---------------------|
| Total Affordable Units                            | SRO | Studios | One-Bedroom Units | Two-Bedroom Units | Three-Bedroom Units |
|   |     |         |                   |                   |                     |

|  |                            |   |  |  |
|--|----------------------------|---|--|--|
| Area of Dwellings in Principal Project (in sq. feet) | Off-Site Project Address   |   |  |  |
| Area of Dwellings in Off-Site Project (in sq. feet)  |                            |   |  |  |
| Off-Site Block/Lot(s)                                | Motion No. (if applicable) | Number of Market-Rate Units in the Off-site Project |  |  |
|  |                            |   |  |  |

- Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:

Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee \_\_\_\_\_ % of affordable housing requirement.
2. On-Site \_\_\_\_\_ % of affordable housing requirement.

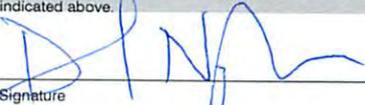
| NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE |     |         |                   |                   |                     |
|--|-----|---------|-------------------|-------------------|---------------------|
| Total Affordable Units                           | SRO | Studios | One-Bedroom Units | Two-Bedroom Units | Three-Bedroom Units |
|  |     |         |                   |                   |                     |

3. Off-Site \_\_\_\_\_ % of affordable housing requirement.

| NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE |     |         |                   |                   |                     |
|---|-----|---------|-------------------|-------------------|---------------------|
| Total Affordable Units                            | SRO | Studios | One-Bedroom Units | Two-Bedroom Units | Three-Bedroom Units |
|   |     |         |                   |                   |                     |

|  |                            |   |  |  |
|--|----------------------------|---|--|--|
| Area of Dwellings in Principal Project (in sq. feet) | Off-Site Project Address   |   |  |  |
| Area of Dwellings in Off-Site Project (in sq. feet)  |                            |   |  |  |
| Off-Site Block/Lot(s)                                | Motion No. (if applicable) | Number of Market-Rate Units in the Off-site Project |  |  |
|  |                            |   |  |  |

Affidavit for **Compliance with the Inclusionary Affordable Housing Program**

| CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT   | CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)   |
|---|---|
| Company Name<br>STRADA INVESTMENT GROUP   | Company Name  |
| Print Name of Contact Person<br>DAVID NOYOLA  | Print Name of Contact Person  |
| Address<br>100 SPEAR ST, SUITE 2080   | Address   |
| City, State, Zip<br>SAN FRANCISCO, CA 94105   | City, State, Zip  |
| Phone, Fax<br>415-263-9144  | Phone, Fax  |
| Email<br>DNOYOLA@STRADASE.COM   | Email   |
| I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above. | I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above. |
|    |   |
| Signature<br>DAVID NOYOLA, AUTHORIZED AGENT<br>Name (Print), Title<br>FOR OWNER   | Signature<br><br>Name (Print), Title  |

March 7, 2013

Mr. David Noyola  
Strada Investment Group  
100 Spear Street, Suite 2080  
San Francisco, CA 94105

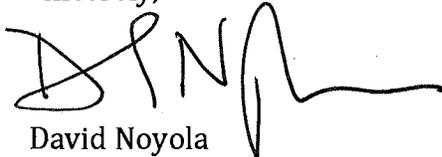
Mr. Kevin Guy  
San Francisco Department of City Planning  
1650 Mission Street Suite 400  
San Francisco, CA

Re: Costa Hawkins Waiver Agreement for Project at 344 FULTON STREET—  
CENTRAL FREEWAY PARCEL F PROJECT

Dear Kevin,

I am the project sponsor of the proposed development at 344 Fulton Street—Central Freeway Parcel F (the "Project"). This confirms that the project sponsor will execute the draft "Agreement to Provide On-Site Affordable Housing Units" attached hereto prior to the Planning Commission's hearing to consider approval of a Conditional Use authorization for the Project, which is currently scheduled for March 14, 2013. The final executed agreement will be in substantially the same form as the attached draft, which provides that project sponsor agrees to provide on-site rental inclusionary units in exchange for certain development incentives conferred by the City and County of San Francisco.

Sincerely,

  
David Noyola

Free Recording Requested Pursuant to  
Government Code Section 27383

When recorded, mail to:  
San Francisco Planning Department  
1650 Mission Street, Room 400  
San Francisco, California 94103  
Attn: Director

Lot 029 in Assessor's Block 0785

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**AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS BETWEEN  
THE CITY AND COUNTY OF SAN FRANCISCO AND  
FULTON AND GOUGH ASSOCIATES LLC, RELATIVE TO THE  
DEVELOPMENT KNOWN AS 344 FULTON STREET—CENTRAL FREEWAY  
PARCEL F PROJECT**

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS (“Agreement”) dated for reference purposes only as of this \_\_\_\_ day of March, 2013, is by and between the CITY AND COUNTY OF SAN FRANCISCO, a political subdivision of the State of California (the “City”), acting by and through its Planning Department, and Fulton & Gough Associates LLC, a California limited liability company (“Developer”) with respect to the project approved for 344 Fulton Street—Central Freeway Parcel F. City and Developer are also sometimes referred to individually as a “Party” and together as the “Parties.”

**RECITALS**

This Agreement is made with reference to the following facts:

A. Code Authorization. Chapter 4.3 of the California Government Code directs public agencies to grant concessions and incentives to private developers for the production of housing for lower income households. The Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 et seq., hereafter “Costa-Hawkins Act”) imposes limitations on the establishment of the initial and all subsequent rental rates for a dwelling unit with a certificate of occupancy issued after February 1, 1995, with exceptions, including an exception for dwelling units constructed pursuant to a contract with a public entity in consideration for a direct financial contribution or any other form of assistance specified in Chapter 4.3 of the California Government Code (Section 1954.52(b)). Pursuant to Civil Code Section 1954.52(b), the City’s Board of Supervisors has enacted as part of the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq, procedures and requirements for entering into an agreement with a private developer to memorialize the concessions and incentives granted to the developer and to provide an exception to the Costa-Hawkins Act for the inclusionary units included in the developer’s project.

B. Property Subject to this Agreement. The property that is the subject of this Agreement consists of the real property in the City and County of San Francisco, California, at 344 Fulton Street—Central Freeway Parcel F, Lot 029 in Assessor’s Block 0785 and located at

Free Recording Requested Pursuant to  
Government Code Section 27383

When recorded, mail to:  
San Francisco Planning Department  
1650 Mission Street, Room 400  
San Francisco, California 94103  
Attn: Director

Lot 029 in Assessor's Block 0785

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**AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS BETWEEN  
THE CITY AND COUNTY OF SAN FRANCISCO AND  
FULTON AND GOUGH ASSOCIATES LLC, RELATIVE TO THE  
DEVELOPMENT KNOWN AS 344 FULTON STREET—CENTRAL FREEWAY  
PARCEL F PROJECT**

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS (“Agreement”) dated for reference purposes only as of this 7th day of March, 2013, is by and between the CITY AND COUNTY OF SAN FRANCISCO, a political subdivision of the State of California (the “City”), acting by and through its Planning Department, and Fulton & Gough Associates LLC, a California limited liability company (“Developer”) with respect to the project approved for 344 Fulton Street—Central Freeway Parcel F. City and Developer are also sometimes referred to individually as a “Party” and together as the “Parties.”

**RECITALS**

This Agreement is made with reference to the following facts:

A. Code Authorization. Chapter 4.3 of the California Government Code directs public agencies to grant concessions and incentives to private developers for the production of housing for lower income households. The Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 et seq., hereafter “Costa-Hawkins Act”) imposes limitations on the establishment of the initial and all subsequent rental rates for a dwelling unit with a certificate of occupancy issued after February 1, 1995, with exceptions, including an exception for dwelling units constructed pursuant to a contract with a public entity in consideration for a direct financial contribution or any other form of assistance specified in Chapter 4.3 of the California Government Code (Section 1954.52(b)). Pursuant to Civil Code Section 1954.52(b), the City’s Board of Supervisors has enacted as part of the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq, procedures and requirements for entering into an agreement with a private developer to memorialize the concessions and incentives granted to the developer and to provide an exception to the Costa-Hawkins Act for the inclusionary units included in the developer’s project.

B. Property Subject to this Agreement. The property that is the subject of this Agreement consists of the real property in the City and County of San Francisco, California, at 344 Fulton Street—Central Freeway Parcel F, Lot 029 in Assessor’s Block 0785 and located at

the northeast corner of Fulton and Gough Streets (hereinafter “Property”). The Property is more particularly described in Exhibit A attached hereto. The City currently owns the Property in fee. The Boys & Girls Club approached the City for the purchase of the project site and in the fall of 2010, the City’s Real Estate Division entered into sale negotiations with the Boys & Girls Club. Subsequently in January and February 2012, the Board of Supervisors passed, and the Mayor signed, Resolution 15-12 (File Number 111250) authorizing the Director of the City’s Real Estate Division to enter into an agreement with the Boys & Girls Club to purchase the project site. The closing of the purchase and sale of the project site is subject to and conditioned on the completion of environmental review and entitlement of the Project. Upon entitlement of the Project, the Boys and Girls Club will sell a portion of the Property to the Developer, the sale of which is conditioned upon the completion of environmental review and entitlement of the Project.

C. Development Proposal; Intent of the Parties. The Developer proposes to construct a new building containing residential and commercial uses on the Property, which is currently improved with a parking lot. Specifically, the new 55,215-square-foot, 65-foot-tall (81 feet tall with a mechanical penthouse) mixed-use building would include 69 dwelling units (41 studio units and 28 two-bedroom units); 4,678 sq. ft. of ground-level retail and common space; and ground-level garbage and service space (the “Project”). The Developer would comply with Planning Code Section 415 by providing 12% of the market rate units as onsite below market rate (BMR) units (a total of 8 BMR units). The BMR units would be offered as rental units.

On \_\_\_\_\_, 2013, the Planning Commission granted (1) pursuant to Motion No. \_\_\_\_\_ a conditional use authorization (“CU”) to (a) allow development on a lot greater than 10,000 square feet, and (b) to approve a Planned Unit Development (the “PUD”) with the requested modifications from the requirements of the Planning Code. The PUD grants modifications from the requirements of the Planning Code to allow for (i) a rear yard that does not meet the standard size requirements of the Planning code that the rear yard be equal in size to 25 percent of the lot depth at every residential level, (ii) to permit bay windows that are larger than typically permitted by Planning Code section 136(c)(2), (iii) to allow for dwelling units that do not face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions as required by Planning Code section 140. The PUD also provides exemptions from the Planning Code requirements for streetscape transparency and garage width entry. The CU and PUD are collectively referred to herein as the “Project Approvals”.

The dwelling units that are the subject of this Agreement are the Project’s on-site inclusionary units representing twelve percent (12%) of the Project’s dwelling units, which assuming that the maximum number of residential units allowed under the current Project Approvals are constructed, would total eight (8) inclusionary units (the “Inclusionary Units”). The dwelling units in the Project that are not Inclusionary Units, representing eighty-eight percent (88%) of the Project’s dwelling units, which assuming that the maximum number of residential units allowed under the current Project Approvals are constructed would total 61 units, are referred to herein as the “Market Rate Units”. This Agreement is not intended to impose restrictions on the Market Rate Units or any portions of the Project other than the

Inclusionary Units. The Parties acknowledge that this Agreement is entered into in consideration of the respective burdens and benefits of the Parties contained in this Agreement and in reliance on their agreements, representations and warranties.

D. Inclusionary Affordable Housing Program. The Inclusionary Affordable Housing Program, San Francisco Planning Code Section 415 et seq. (the "Affordable Housing Program") provides that developers of any housing project consisting of ten or more units shall pay an Affordable Housing Fee, as defined therein. The Affordable Housing Program provides that developers may be eligible to meet the requirements of the program through the alternative means of entering into an agreement with the City and County of San Francisco pursuant to Chapter 4.3 of the California Government Code for concessions and incentives, pursuant to which the developer covenants to provide affordable on-site units as an alternative to payment of the Affordable Housing Fee to satisfy the requirements of the Affordable Housing Program and in consideration of the City's concessions and incentives.

E. Developer's Election to Provide On-Site Units. Developer has elected to enter into this Agreement to provide the Inclusionary Units in lieu of payment of the Affordable Housing Fee in satisfaction of its obligation under the Affordable Housing Program and to provide for an exception to the rent restrictions of the Costa-Hawkins Act for the Inclusionary Units only.

F. Compliance with All Legal Requirements. It is the intent of the Parties that all acts referred to in this Agreement shall be accomplished in such a way as to fully comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA"), Chapter 4.3 of the California Government Code, the Costa-Hawkins Act, the San Francisco Planning Code, and all other applicable laws and regulations.

G. Project's Compliance with CEQA. The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Market and Octavia Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on April 5, 2007, by Motion No. 17406, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The certification of the EIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Market and Octavia Area Plan, the Commission adopted CEQA Findings in its Motion No. 17406 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established

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

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on March 5, 2013, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market and Octavia Area Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

H. General Plan Findings. This Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable area or specific plan, and the Priority Policies enumerated in Planning Code Section 101.1, as set forth in Planning Commission Motion No. \_\_\_\_\_.

## **AGREEMENT**

The Parties acknowledge the receipt and sufficiency of good and valuable consideration and agree as follows:

### **1. GENERAL PROVISIONS**

1.1 Incorporation of Recitals and Exhibits. The preamble paragraph, Recitals, and Exhibits, and all defined terms contained therein, are hereby incorporated into this Agreement as if set forth in full.

### **2. CITY'S DENSITY BONUS AND CONCESSIONS AND INCENTIVES FOR THE INCLUSIONARY UNITS.**

2.1 Exceptions, Concessions and Incentives. The Developer has received the following exceptions, concessions and incentives for the production of the Inclusionary Units on-site.

2.1.1 Project Approvals and Density Bonus. The Project Approvals included the granting of Exceptions to the Planning Code pursuant to Planning Code Section 304. The Exceptions granted by the Project Approvals allow the building to be bulkier and larger than permitted (by allowing the Project to construct rear yard that is smaller than required and by allowing development on a lot larger than 10,000 square feet in size) and to construct six (6) dwelling units more than would typically be permitted by the Code (by allowing for six dwelling units that do not meet the minimum dwelling unit exposure requirements of Planning Code section 140). The Project Approvals also provide exemptions from the requirements of Planning Code section 145.1 for streetscape transparency of Planning Code and garage width entry, as well as the requirements of Planning Code Section 136 regarding bay window dimensions. The Project Approvals granted a density bonus to the Project by permitting a greater density that would have otherwise been permitted by the Planning Code and by allowing a larger building with more square footage than principally permitted.

2.1.2 Waiver of Affordable Housing Fee. City hereby determines that the Developer has satisfied the requirements of the Affordable Housing Program by covenanting to provide the Inclusionary Units on-site, as provided in Section 3.1, and accordingly hereby waives the obligation of the Developer to pay the Affordable Housing Fee. City would not be willing to enter into this Agreement and waive the Affordable Housing Fee without the understanding and agreement that Costa-Hawkins Act provisions set forth in California Civil Code section 1954.52(a) do not apply to the Inclusionary Units as a result of the exemption set forth in California Civil Code section 1954.52(b). Upon completion of the Project and identification of the Inclusionary Units, Developer agrees to record a notice of restriction against the Inclusionary Units in the form required by the Affordable Housing Program.

2.2 Costa-Hawkins Act Inapplicable to Inclusionary Units Only.

2.2.1 Inclusionary Units. The parties acknowledge that, under Section 1954.52(b) of the Costa-Hawkins Act, the Inclusionary Units are not subject to the Costa Hawkins Act. Through this Agreement, Developer hereby enters into an agreement with a public entity in consideration for forms of concessions and incentives specified in California Government Code Sections 65915 et seq. The concessions and incentives are comprised of, but not limited to, the concessions and incentives set forth in Section 2.1.

2.2.2 Market Rate Units. The Parties hereby agree and acknowledge that this Agreement does not alter in any manner the way that the Costa-Hawkins Act or any other law, including the City's Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code) apply to the Market Rate Units.

**3. COVENANTS OF DEVELOPER**

3.1 On-Site Inclusionary Affordable Units. In consideration of the concessions and incentives set forth in Section 2.1 and in accordance with the terms and conditions set forth in the Affordable Housing Program and the Project Approvals, upon Developer obtaining its first certificate of occupancy for the Project, Developer shall provide twelve percent (12%) of the units as on-site Inclusionary Units in lieu of payment of the Affordable Housing Fee. For example, based on the contemplated total of 69 units within the Project, a total of 8 Inclusionary Units would be required in the aggregate for the entire Project in lieu of payment of the Affordable Housing Fee.

3.2 Developer's Waiver of Rights Under the Costa-Hawkins Act Only as to the Inclusionary Units. The Parties acknowledge that under the Costa-Hawkins Act, the owner of newly constructed residential real property may establish the initial and all subsequent rental rates for dwelling units in the property without regard to the City's Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code). The Parties also understand and agree that the Costa-Hawkins Act does not and in no way shall limit or otherwise affect the restriction of rental charges for the Inclusionary Units because this Agreement falls within an express exception to the Costa-Hawkins Act as a contract with a public entity in consideration for a direct financial contribution or other forms of assistance specified in Chapter 4.3 (commencing with section 65915) of Division 1 of Title 7 of the California Government Code including but not limited to the density bonus, concessions and incentives specified in Section 2. Developer acknowledges that the density bonus and concessions and incentives result in identifiable and actual cost reductions to the Project. Should the Inclusionary Units be deemed subject to the Costa-Hawkins Act, as a material part of the consideration for entering into this Agreement, Developer, on behalf of itself and all its successors and assigns to this Agreement, hereby expressly waives, now and forever, any and all rights it may have under the Costa-Hawkins Act with respect only to the Inclusionary Units (but only the Inclusionary Units and not as to the Market Rate Units) consistent with Section 3.1 of this Agreement. Without limiting the forgoing, Developer, on behalf of itself and all successors and assigns to this Agreement, agrees not to bring any legal or other action against City seeking application of the Costa-Hawkins Act to the Inclusionary Units for so long as the Inclusionary Units are subject to the restriction on rental rates pursuant to the Affordable Housing Program. The Parties understand and agree that the City would not be willing to enter into this Agreement without the waivers and agreements set forth in this Section 3.2.

3.3 Developer's Waiver of Right to Seek Waiver of Affordable Housing Program. Developer specifically agrees to be bound by all of the provisions of the Affordable Housing Program applicable to on-site inclusionary units with respect to the Inclusionary Units. Developer covenants and agrees that it will not seek a waiver of the provisions of the Affordable Housing Program applicable to the Inclusionary Units.

#### **4. MUTUAL OBLIGATIONS**

4.1 Good Faith and Fair Dealing. The Parties shall cooperate with each other and act in good faith in complying with the provisions of this Agreement and implementing the Project Approvals.

4.2 Other Necessary Acts. Each Party shall execute and deliver to the other all further instruments and documents as may be reasonably necessary to carry out this Agreement, the Project Approvals, the Affordable Housing Program (as applied to the Inclusionary Units) and applicable law in order to provide and secure to each Party the full and complete enjoyment of its rights and privileges hereunder.

4.3 Effect of Future Changes to Affordable Housing Program. The City hereby acknowledges and agrees that, in the event that the City adopts changes to the Affordable Housing Program after the date this Agreement is executed by both Parties, nothing in this Agreement shall be construed to limit or prohibit any rights Developer may have to modify Project requirements with respect to the Inclusionary Units to the extent permitted by such changes to the Affordable Housing Program.

## **5. DEVELOPER REPRESENTATIONS, WARRANTIES AND COVENANTS.**

5.1 Interest of Developer. Developer represents that, after the Project is fully entitled and the Property is sold by the City, it will become the legal and equitable fee owner of the Property, that it has the power and authority to bind all other persons with legal or equitable interest in the Inclusionary Units to the terms of this Agreement, and that all other persons holding legal or equitable interest in the Inclusionary Units are to be bound by this Agreement. Developer is a limited liability company, duly organized and validly existing and in good standing under the laws of the State of California. Developer has all requisite power and authority to own property and conduct business as presently conducted. Developer has made all filings and is in good standing in the State of California.

5.2 No Conflict With Other Agreements; No Further Approvals; No Suits. Developer warrants and represents that it is not a party to any other agreement that would conflict with the Developer's obligations under this Agreement. Neither Developer's articles of organization, bylaws, or operating agreement, as applicable, nor any other agreement or law in any way prohibits, limits or otherwise affects the right or power of Developer to enter into and perform all of the terms and covenants of this Agreement. No consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person is required for the due execution, delivery and performance by Developer of this Agreement or any of the terms and covenants contained in this Agreement. To Developer's knowledge, there are no pending or threatened suits or proceedings or undischarged judgments affecting Developer or any of its members before any court, governmental agency, or arbitrator which might materially adversely affect Developer's business, operations, or assets or Developer's ability to perform under this Agreement.

5.3 No Inability to Perform; Valid Execution. Developer warrants and represents that it has no knowledge of any inability to perform its obligations under this Agreement. The execution and delivery of this Agreement and the agreements contemplated hereby by Developer have been duly and validly authorized by all necessary action. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms.

5.4 Conflict of Interest. Through its execution of this Agreement, the Developer acknowledges that it is familiar with the provisions of Section 15.103 of the City's Charter, Article III, Chapter 2 of the City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the California Government Code, and certifies that it does not know of any facts which constitute a violation of said provisions and agrees that it will immediately notify the City if it becomes aware of any such fact during the term of this Agreement.

5.5 Notification of Limitations on Contributions. Through execution of this Agreement, the Developer acknowledges that it is familiar with Section 1.126 of City's Campaign and Governmental Conduct Code, which prohibits any person who contracts with the City, whenever such transaction would require approval by a City elective officer or the board on which that City elective officer serves, from making any campaign contribution to the officer at any time from the commencement of negotiations for the contract until three (3) months after the date the contract is approved by the City elective officer or the board on which that City elective officer serves. San Francisco Ethics Commission Regulation 1.126-1 provides that negotiations are commenced when a prospective contractor first communicates with a City officer or employee about the possibility of obtaining a specific contract. This communication may occur in person, by telephone or in writing, and may be initiated by the prospective contractor or a City officer or employee. Negotiations are completed when a contract is finalized and signed by the City and the contractor. Negotiations are terminated when the City and/or the prospective contractor end the negotiation process before a final decision is made to award the contract.

5.6 Nondiscrimination. In the performance of this Agreement, Developer agrees not to discriminate on the basis of the fact or perception of a person's, race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes, against any City employee, employee of or applicant for employment with the Developer, or against any bidder or contractor for public works or improvements, or for a franchise, concession or lease of property, or for goods or services or supplies to be purchased by the Developer. A similar provision shall be included in all subordinate agreements let, awarded, negotiated or entered into by the Developer for the purpose of implementing this Agreement.

## **6. AMENDMENT; TERMINATION**

6.1 Amendment or Termination. Except as provided in Sections 6.2 (Automatic Termination) and 8.3 (Remedies for Default), this Agreement may only be amended or terminated with the mutual written consent of the Parties.

6.1.1 Amendment Exemptions. No amendment of a Project Approval shall require an amendment to this Agreement. Upon approval, any such matter shall be deemed to be incorporated automatically into the Project and this Agreement (subject to any conditions set forth in the amendment). Notwithstanding the foregoing, in the event of any direct conflict

between the terms of this Agreement and any amendment to a Project Approval, then the terms of this Agreement shall prevail and any amendment to this Agreement shall be accomplished as set forth in Section 6.1 above.

6.2 Automatic Termination. This Agreement shall automatically terminate in the event that the Inclusionary Units are no longer subject to regulation as to the rental rates of the Inclusionary Units and/or the income level of households eligible to rent the Inclusionary Units under the Affordable Housing Program, or successor program.

**7. TRANSFER OR ASSIGNMENT; RELEASE; RIGHTS OF MORTGAGEES; CONSTRUCTIVE NOTICE**

7.1 Agreement Runs With The Land. Developer may assign or transfer its duties and obligations under this Agreement to another entity, provided such entity is the legal and equitable fee owner of the Property (“Transferee”). As provided in Section 9.2, this Agreement runs with the land and any Transferee will be bound by all of the terms and conditions of this Agreement.

7.2 Rights of Developer. The provisions in this Section 7 shall not be deemed to prohibit or otherwise restrict Developer from (i) granting easements or licenses to facilitate development of the Property, (ii) encumbering the Property or any portion of the improvements thereon by any mortgage, deed of trust, or other device securing financing with respect to the Property or Project, (iii) granting a leasehold interest in all or any portion of the Property, or (iv) transferring all or a portion of the Property pursuant to a sale, transfer pursuant to foreclosure, conveyance in lieu of foreclosure, or other remedial action in connection with a mortgage. None of the terms, covenants, conditions, or restrictions of this Agreement or the other Project Approvals shall be deemed waived by City by reason of the rights given to the Developer pursuant to this Section 7.2. Furthermore, although the Developer initially intends to operate the Project on a rental basis, nothing in this Agreement shall prevent Developer from later selling all or part of the Project on a condominium basis, provided that such sale is permitted by, and complies with, all applicable City and State laws including, but not limited to that, with respect to any inclusionary units, those shall only be sold pursuant to the City Procedures for sale of inclusionary units under the Affordable Housing Program.

7.3 Developer’s Responsibility for Performance. If Developer transfers or assigns all or any portion of the Property or any interest therein to any other person or entity, Developer shall continue to be responsible for performing the obligations under this Agreement as to the transferred property interest until such time as there is delivered to the City a legally binding agreement pursuant to which the Transferee assumes and agrees to perform Developer’s obligations under this Agreement from and after the date of transfer of the Property (or an interest therein) to the Transferee (an “Assignment and Assumption Agreement”). The City is entitled to enforce each and every such obligation assumed by the Transferee directly against the Transferee as if the Transferee were an original signatory to this Agreement with respect to such obligation. Accordingly, in any action by the City against a Transferee to enforce an obligation assumed by the Transferee, the Transferee shall not assert any defense against the City’s

enforcement of performance of such obligation that is attributable to Developer's breach of any duty or obligation to the Transferee arising out of the transfer or assignment, the Assignment and Assumption Agreement, the purchase and sale agreement, or any other agreement or transaction between the Developer and the Transferee. The transferor Developer shall remain responsible for the performance of all of its obligations under the Agreement prior to the date of transfer, and shall remain liable to the City for any failure to perform such obligations prior to the date of the transfer.

7.4 Release Upon Transfer or Assignment. Upon the Developer's transfer or assignment of all or a portion of the Property or any interest therein, including the Developer's rights and interests under this Agreement, the Developer shall be released from any obligations required to be performed from and after the date of transfer under this Agreement with respect to the portion of the Property so transferred; provided, however, that (i) the Developer is not then in default under this Agreement and (ii) the Transferee executes and delivers to the City the legally binding Assignment and Assumption Agreement. Following any transfer, in accordance with the terms of this Section 7, a default under this Agreement by the Transferee shall not constitute a default by the Developer under this Agreement and shall have no effect upon the Developer's rights under this Agreement as to the remaining portions of the Property owned by the Developer. Further, a default under this Agreement by the Developer as to any portion of the Property not transferred or a default under this agreement by the Developer prior to the date of transfer shall not constitute a default by the Transferee and shall not affect any of Transferee's rights under this Agreement.

7.5 Rights of Mortgagees; Not Obligated to Construct; Right to Cure Default.

7.5.1 Notwithstanding anything to the contrary contained in this Agreement (including without limitation those provisions that are or are intended to be covenants running with the land), a mortgagee or beneficiary under a deed of trust, including any mortgagee or beneficiary who obtains title to the Property or any portion thereof as a result of foreclosure proceedings or conveyance or other action in lieu thereof, or other remedial action, ("Mortgagee") shall not be obligated under this Agreement to construct or complete the Inclusionary Units required by this Agreement or to guarantee their construction or completion solely because the Mortgagee holds a mortgage or other interest in the Property or this Agreement. The foregoing provisions shall not be applicable to any other party who, after such foreclosure, conveyance, or other action in lieu thereof, or other remedial action, obtains title to the Property or a portion thereof from or through the Mortgagee or any other purchaser at a foreclosure sale other than the Mortgagee itself. A breach of any obligation secured by any mortgage or other lien against the mortgaged interest or a foreclosure under any mortgage or other lien shall not by itself defeat, diminish, render invalid or unenforceable, or otherwise impair the obligations or rights of the Developer under this Agreement.

7.5.2 Subject to the provisions of the first sentence of Section 7.5.1, any person, including a Mortgagee, who acquires title to all or any portion of the mortgaged property by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise shall succeed to all of the rights and obligations of the Developer under this Agreement and shall take title subject to all of

the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote any portion of the Property to any uses, or to construct any improvements, other than the uses and improvements provided for or authorized by the Project Approvals and this Agreement.

7.5.3 If City receives a written notice from a Mortgagee or from Developer requesting a copy of any Notice of Default delivered to Developer and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any Notice of Default delivered to Developer under this Agreement. In accordance with Section 2924 of the California Civil Code, City hereby requests that a copy of any notice of default and a copy of any notice of sale under any mortgage or deed of trust be mailed to City at the address shown on the first page of this Agreement for recording, provided that no Mortgagee or trustee under a deed of trust shall incur any liability to the City for any failure to give any such notice of default or notice of sale except to the extent the City records a request for notice of default and notice of sale in compliance with Section 2924b of the California Civil Code (a "Request for Special Notice") with respect to a specific mortgage or deed of trust and the Mortgagee or trustee fails to give any notice required under Section 2924b of the California Civil Code as a result of the recordation of a Request for Special Notice.

7.5.4 A Mortgagee shall have the right, at its option, to cure any default or breach by the Developer under this Agreement within the same time period as Developer has to remedy or cause to be remedied any default or breach, plus an additional period of (i) thirty (30) calendar days to cure a default or breach by the Developer to pay any sum of money required to be paid hereunder and (ii) ninety (90) days to cure or commence to cure a non-monetary default or breach and thereafter to pursue such cure diligently to completion; provided that if the Mortgagee cannot cure a non-monetary default or breach without acquiring title to the Property, then so long as Mortgagee is diligently pursuing foreclosure of its mortgage or deed of trust, Mortgagee shall have until ninety (90) days after completion of such foreclosure to cure such non-monetary default or breach. Mortgagee may add the cost of such cure to the indebtedness or other obligation evidenced by its mortgage, provided that if the breach or default is with respect to the construction of the improvements on the Property, nothing contained in this Section or elsewhere in this Agreement shall be deemed to permit or authorize such Mortgagee, either before or after foreclosure or action in lieu thereof or other remedial measure, to undertake or continue the construction or completion of the improvements (beyond the extent necessary to conserve or protect improvements or construction already made) without first having expressly assumed the obligation to the City, by written agreement reasonably satisfactory to the City, to complete in the manner provided in this Agreement the improvements on the Property or the part thereof to which the lien or title of such Mortgagee relates. Notwithstanding a Mortgagee's agreement to assume the obligation to complete in the manner provided in this Agreement the improvements on the Property or the part thereof acquired by such Mortgagee, the Mortgagee shall have the right to abandon completion of the improvement at any time thereafter.

7.5.5 If at any time there is more than one mortgage constituting a lien on any portion of the Property, the lien of the Mortgagee prior in lien to all others on that portion of the mortgaged property shall be vested with the rights under this Section 7.5 to the exclusion of the

holder of any junior mortgage; provided that if the holder of the senior mortgage notifies the City that it elects not to exercise the rights sets forth in this Section 7.5, then each holder of a mortgage junior in lien in the order of priority of their respective liens shall have the right to exercise those rights to the exclusion of junior lien holders. Neither any failure by the senior Mortgagee to exercise its rights under this Agreement nor any delay in the response of a Mortgagee to any notice by the City shall extend Developer's or any Mortgagee's rights under this Section 7.5. For purposes of this Section 7.5, in the absence of an order of a court of competent jurisdiction that is served on the City, a then current title report of a title company licensed to do business in the State of California and having an office in the City setting forth the order of priority of lien of the mortgages shall be reasonably relied upon by the City as evidence of priority.

7.6 Constructive Notice. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Project or the Property is and shall be constructively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Project or the Property.

## **8. ENFORCEMENT OF AGREEMENT; REMEDIES FOR DEFAULT; DISPUTE RESOLUTION**

8.1 Enforcement. The only parties to this Agreement are the City and the Developer. This Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person or entity whatsoever.

8.2 Default. For purposes of this Agreement, the following shall constitute a default under this Agreement: the failure to perform or fulfill any material term, provision, obligation, or covenant hereunder and the continuation of such failure for a period of thirty (30) calendar days following a written notice of default and demand for compliance; provided, however, if a cure cannot reasonably be completed within thirty (30) days, then it shall not be considered a default if a cure is commenced within said 30-day period and diligently prosecuted to completion thereafter, but in no event later than one hundred twenty (120) days.

8.3 Remedies for Default. In the event of an uncured default under this Agreement, the remedies available to a Party shall include specific performance of the Agreement in addition to any other remedy available at law or in equity. In addition, the non-defaulting Party may terminate this Agreement subject to the provisions of this Section 8 by sending a Notice of Intent to Terminate to the other Party setting forth the basis for the termination. The Agreement will be considered terminated effective upon receipt of a Notice of Termination. The Party receiving the Notice of Termination may take legal action available at law or in equity if it believes the other Party's decision to terminate was not legally supportable.

8.4 No Waiver. Failure or delay in giving notice of default shall not constitute a waiver of default, nor shall it change the time of default. Except as otherwise expressly provided in this Agreement, any failure or delay by a Party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies; nor

shall it deprive any such Party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any such rights or remedies.

## 9. MISCELLANEOUS PROVISIONS

9.1 Entire Agreement. This Agreement, including the preamble paragraph, Recitals and Exhibits, constitute the entire understanding and agreement between the Parties with respect to the subject matter contained herein.

9.2 Binding Covenants; Run With the Land. From and after recordation of this Agreement, all of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the Parties, and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, and all persons or entities acquiring the Property, any lot, parcel or any portion thereof, or any interest therein, whether by sale, operation of law, or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. Regardless of whether the procedures in Section 7 are followed, all provisions of this Agreement shall be enforceable during the term hereof as equitable servitudes and constitute covenants and benefits running with the land pursuant to applicable law, including but not limited to California Civil Code Section 1468.

9.3 Applicable Law and Venue. This Agreement has been executed and delivered in and shall be interpreted, construed, and enforced in accordance with the laws of the State of California. All rights and obligations of the Parties under this Agreement are to be performed in the City and County of San Francisco, and such City and County shall be the venue for any legal action or proceeding that may be brought, or arise out of, in connection with or by reason of this Agreement.

9.4 Construction of Agreement. The Parties have mutually negotiated the terms and conditions of this Agreement and its terms and provisions have been reviewed and revised by legal counsel for both City and Developer. Accordingly, no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. Language in this Agreement shall be construed as a whole and in accordance with its true meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. Each reference in this Agreement to this Agreement or any of the Project Approvals shall be deemed to refer to the Agreement or the Project Approval as it may be amended from time to time pursuant to the provisions of the Agreement, whether or not the particular reference refers to such possible amendment.

9.5 Project Is a Private Undertaking; No Joint Venture or Partnership.

9.5.1 The development proposed to be undertaken by Developer on the Property is a private development. The City has no interest in, responsibility for, or duty to third persons concerning any of said improvements. The Developer shall exercise full dominion and control

over the Property, subject only to the limitations and obligations of the Developer contained in this Agreement or in the Project Approvals.

9.5.2 Nothing contained in this Agreement, or in any document executed in connection with this Agreement, shall be construed as creating a joint venture or partnership between the City and the Developer. Neither Party is acting as the agent of the other Party in any respect hereunder. The Developer is not a state or governmental actor with respect to any activity conducted by the Developer hereunder.

9.6 Signature in Counterparts. This Agreement may be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.

9.7 Time of the Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties under this Agreement.

9.8 Notices. Any notice or communication required or authorized by this Agreement shall be in writing and may be delivered personally or by registered mail, return receipt requested. Notice, whether given by personal delivery or registered mail, shall be deemed to have been given and received upon the actual receipt by any of the addressees designated below as the person to whom notices are to be sent. Either Party to this Agreement may at any time, upon written notice to the other Party, designate any other person or address in substitution of the person and address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

**To City:**

John Rahaim  
Director of Planning  
San Francisco Planning Department  
1650 Mission Street  
San Francisco, California 94102

with a copy to:

Dennis J. Herrera, Esq.  
City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Attn: Evan Gross, Dep. City Attorney

**To Developer:**

Fulton & Gough Associates LLAC  
Attn: Margaret Miller

The John Stewart Company  
1388 Sutter Street, 11th Floor  
San Francisco, CA 94109

with a copy to:

Gibson Dunn & Crutcher LLP  
Attn: Jim M. Abrams  
555 Mission Street Suite 3000  
San Francisco, CA 94105

9.9 Severability. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect unless enforcement of the remaining portions of the Agreement would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

9.10 MacBride Principles. The City urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in San Francisco Administrative Code Section 12F.1 et seq. The City also urges San Francisco companies to do business with corporations that abide by the MacBride Principles. Developer acknowledges that it has read and understands the above statement of the City concerning doing business in Northern Ireland.

9.11 Tropical Hardwood and Virgin Redwood. The City urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood, or virgin redwood wood product.

9.12 Sunshine. The Developer understands and agrees that under the City's Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the State Public Records Law (Gov't Code Section 6250 et seq.), this Agreement and any and all records, information, and materials submitted to the City hereunder are public records subject to public disclosure.

9.13 Effective Date. This Agreement will become effective on the date that the last Party duly executes and delivers this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

**CITY**

CITY AND COUNTY OF SAN FRANCISCO,  
a municipal corporation

Approved as to form:  
Dennis J. Herrera, City Attorney

By: \_\_\_\_\_  
John Rahaim  
Director of Planning

By: \_\_\_\_\_  
Evan Gross  
Deputy City Attorney

**DEVELOPER**

Fulton & Gough Associates LLC  
a California limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

(Notary Seal)

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

(Notary Seal)

**EXHIBIT A**

**Legal Description of Property**



TOM  
ELIOT  
FISCH  
201 POST STREET, 7TH FLOOR  
SAN FRANCISCO, CA 94108  
TEL (415) 391-7918  
WWW.TOMELOTFISCH.COM

**db**  
david baker + partners  
461 SECOND STREET, LOFT C127  
SAN FRANCISCO, CA 94107  
TEL (415) 896-6700  
WWW.DBARCHITECT.COM



# BGC/SF | PC

BOYS & GIRLS CLUBS OF SAN FRANCISCO

SUBMITTAL TO PLANNING COMMISSION  
CASE NO.: 2013.0325C



(IMAGES VIA BOYS AND GIRLS CLUB NATIONAL FINE ARTS EXHIBIT 2011/2010)

27 FEBRUARY 2013

FULTON AND GOUGH  
SAN FRANCISCO, CA 94102

# CLUBHOUSE PROJECT INFORMATION

| AREA SCHEDULE           |             |
|-------------------------|-------------|
| Name                    | Area        |
| CLUBHOUSE               | (USABLE SF) |
| 2 STORY ATRIUM          | 1,472 SF    |
| ADJUNCT LEARNING CENTER | 424 SF      |
| ARTS AND CRAFTS         | 748 SF      |
| BREAKROOM               | 266 SF      |
| CIRCULATION             | 518 SF      |
| CONFERENCE              | 620 SF      |
| COPY                    | 112 SF      |
| DINING                  | 301 SF      |
| ELEV.                   | 260 SF      |
| FOCUS                   | 223 SF      |
| GAMES ROOM              | 1,218 SF    |
| GYM                     | 6,847 SF    |
| JAN.                    | 145 SF      |
| JAN. / STORAGE          | 196 SF      |
| KITCHEN                 | 157 SF      |
| LEARNING CENTER         | 877 SF      |
| LIBRARY                 | 206 SF      |
| LOBBY                   | 535 SF      |
| LOCKER ROOM             | 219 SF      |
| MEETING                 | 246 SF      |
| MIDDLE SCHOOL CENTER    | 469 SF      |
| MULTIPURPOSE ROOM       | 637 SF      |
| OFFICE                  | 7,322 SF    |
| OPEN OFFICE             | 207 SF      |
| OPENSOURCE              | 2,872 SF    |
| PANTRY                  | 37 SF       |
| POOL                    | 3,912 SF    |
| POOL DECK               | 2,942 SF    |
| POOL EQUIPMENT          | 243 SF      |
| POOL MECHANICAL         | 270 SF      |
| POOL OFFICE             | 85 SF       |
| RESTROOM                | 1,213 SF    |
| ROOF DECK               | 438 SF      |
| SERVICE                 | 264 SF      |
| STAIR 1                 | 474 SF      |
| STORAGE                 | 435 SF      |
| TEEN CENTER             | 953 SF      |
| TOILET                  | 189 SF      |
| WAITING                 | 423 SF      |
| WELLNESS CENTER         | 472 SF      |

CLUBHOUSE GROSS SF: 43,928 SF  
 HOUSING GROSS SF: 57,074 SF

**TOTAL GROSS SF: 101,002 SF**

# VICINITY MAP



PROJECT LOCATION: LATITUDE: 37.779  
 LONGITUDE: -122.4228

ADDRESS: 344 FULTON STREET  
 SAN FRANCISCO, CA 94102

BLOCK / LOT: 0785 / 029

LOT DIMENSIONS: 120'-0" x 236'-3"

LOT AREA: 28,714 SF

ZONING DISTRICT: NCT-3  
 (MODERATE SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT)

HEIGHT AND BULK DISTRICT: 65-X

REGULATION CONTROL: PC SECTION 261.1(B)1  
 (HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN RTO AND NCT DISTRICTS)

CLUBHOUSE PROGRAM: CLUBHOUSE, GYM, POOL, AND OFFICES.

CLUBHOUSE BUILDING HEIGHT: 58'-0"

BIKE PARKING: (10) CLASS 1 SPACES

THE BOYS & GIRLS CLUB OF SAN FRANCISCO CLUBHOUSE AND 344 FULTON HOUSING WOULD INCLUDE THE INSTALLATION OF AN AIR FILTRATION SYSTEM IN THE BUILDINGS' VENTILATION SYSTEM WHICH WOULD REMOVE AT LEAST 80% OF THE OUTDOOR PM2.5 CONCENTRATIONS FROM HABITABLE AREAS. A MAINTENANCE PLAN, ALONG WITH A DISCLOSURE TO BUYERS AND RENTERS, SHALL BE ESTABLISHED AS PART OF THE INSTALLATION PROCESS OF THE AIR FILTRATION SYSTEM.

THE 344 FULTON HOUSING WOULD APPLY AT LEAST AN OUTDOOR-INDOOR TRANSMISSION CLASS 28 AND SOUND TRANSMISSION CLASS 33 FOR ALL WINDOWS FACING GOUGH STREET TO REDUCE NOISE.

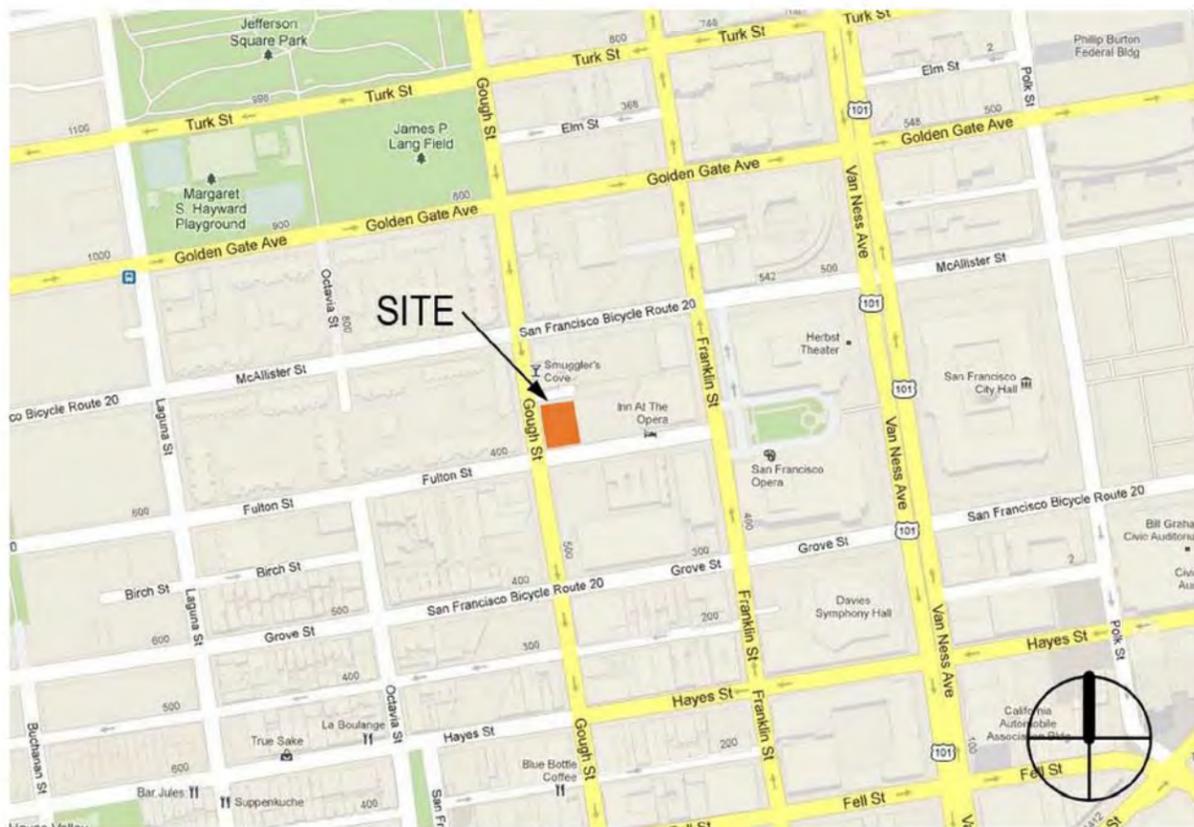
# DRAWING LIST

- G0.0 COVER
- G0.1 CLUBHOUSE PROJECT INFORMATION
- G0.2 HOUSING PROJECT INFORMATION
- G0.3 SITE PLAN
- G0.4 KEYPLAN OF SITE IMAGES
- G0.5 EXISTING SITE IMAGES
- G0.6 EXISTING SITE IMAGES
- G0.7 HOUSING OPEN SPACE DIAGRAMS
- G0.8 HOUSING BAY DIAGRAM
- G0.9 HOUSING REAR YARD DIAGRAM
- G0.10 NEIGHBORHOOD BUILDING SCALE DIAGRAM
  
- L1.0 SITE PLAN - BASE SCHEME
- L1.1 COURTYARD AND ROOF DECK
  
- A1.1A CLUBHOUSE LEVEL 1 PLAN
- A1.2A CLUBHOUSE LEVEL 2 PLAN
- A1.3A CLUBHOUSE LEVEL 3 PLAN
- A1.4A CLUBHOUSE LEVEL 4 PLAN
- A1.5A CLUBHOUSE ROOF PLAN
  
- A1.0B HOUSING BASEMENT PLAN
- A1.1B HOUSING LEVEL 1 PLAN
- A1.2B HOUSING TYP. UPPER LEVEL PLAN (LVL 2-4)
- A1.3B HOUSING LEVEL 5 PLAN
- A1.4B LEVEL 6 PLAN
- A1.5B HOUSING ROOF PLAN
  
- A2.1A CLUBHOUSE SOUTH ELEVATION
- A2.2A CLUBHOUSE WEST ELEVATION
- A2.3A CLUBHOUSE NORTH ELEVATION
- A2.4A CLUBHOUSE EAST ELEVATION
  
- A2.1B HOUSING SOUTH ELEVATION
- A2.2B HOUSING WEST ELEVATION
- A2.3B HOUSING NORTH ELEVATION
- A2.4B HOUSING EAST ELEVATION
  
- A3.1A CLUBHOUSE EAST-WEST SECTION
- A3.2A CLUBHOUSE NORTH-SOUTH SECTION
  
- A3.1B HOUSING EAST-WEST SECTION 1
- A3.2B HOUSING EAST-WEST SECTION 2
- A3.3B HOUSING NORTH-SOUTH SECTION
  
- A4.1A CLUBHOUSE EXTERIOR VIEW
  
- A4.1B AERIAL CONTEXT VIEW
- A4.2B EXTERIOR VIEW - FULTON STREET
- A4.3B EXTERIOR VIEW - FULTON STREET VIGNETTE
- A4.4B EXTERIOR VIEW - GOUGH AND FULTON
- A4.5B EXTERIOR VIEW - FULTON AND GOUGH
- A4.6B EXTERIOR VIEW - GOUGH AND ASH ALLEY
- A4.7B EXTERIOR VIEW - ASH ALLEY VIGNETTE
  
- A5.1B STUDIO PLAN
- A5.2B 2 BEDROOM A PLAN
  
- A6.0B MATERIAL PALETTE
- A6.1B THIN BRICK PRECEDENTS
- A6.2B EXTERIOR DETAILS
- A6.3B EXTERIOR DEATILS



SITE AERIAL

PROJECT SITE



344 FULTON HOUSING

SCALE: As indicated

HOUSING PROJECT INFORMATION

PROJECT TEAM

**DEVELOPER**  
 Fulton and Gough Associates LLC  
 1388 Sutter Street, Suite 1100  
 San Francisco, CA 94109  
 t: 415-345-4490  
 f: 415-614-9175  
 Attn: Margaret Miller  
 mmiller@jisco.net

**ARCHITECT**  
 David Baker FAIA + Partners  
 461 Second Street Loft c127  
 San Francisco, CA 94107  
 t: 415.896.6700  
 f: 415.896.6103  
 Attn: Daniel Simons  
 danielsimons@dbarchitect.com

PROJECT INFORMATION

PROJECT LOCATION

THE SITE IS LOCATED AT 344 FULTON STREET. AT THE NORTHEAST CORNER OF FULTON STREET AND GOUGH STREET IN SAN FRANCISCO, CALIFORNIA. BOUNDED BY ASH, GOUGH AND FULTON STREETS.

**HOUSING:** THE HOUSING WILL CONSIST OF 69 STUDIO & TWO-BEDROOM UNITS. THE UNITS ARE CLUSTERED AROUND A COURTYARD. A PORTION OF THE GROUND FLOOR WILL CONTAIN RETAIL SPACES. THE BASEMENT WILL CONTAIN RESIDENTIAL BIKE PARKING AND STORAGE

PROJECT BLOCK & LOT

BLOCK 0785, A PORTION OF LOT 29  
 PROPOSED HOUSING LOT AREA 12,348 S.F.  
 LAND-USE DESIGNATION: NCT-3 (NEIGHBORHOOD COMMERCIAL TRANSIT)  
 HEIGHT DISTRICT: 65-X  
 BULK DISTRICT: X

PLANNING CODE BUILDING HEIGHT

DEVELOPER CHOOSES TO MEASURE HEIGHT BASED ON THE ASH STREET FRONTAGE. CHOICE IS ALLOWED PER 102.12 (d)  
 ELEVATION AT CL OF BUILDING ALONG ASH: 63.1'  
 BUILDING HEIGHT = 65'

| Building Area      |          |
|--------------------|----------|
| circulation        | 6647 SF  |
| common             | 1411 SF  |
| common/retail      | 1445 SF  |
| garage / bike room | 1110 SF  |
| residential        | 33318 SF |
| retail             | 1822 SF  |
| service / trash    | 1791 SF  |
| stairs / elevator  | 3928 SF  |
| storage            | 3744 SF  |
|                    | 55215 SF |

| Parking Schedule |   |
|------------------|---|
| Tandem           | 4 |
| Van ADA          | 1 |
| Van Tandem       | 1 |
|                  | 6 |

ALL PARKING IS FOR THE BOYS AND GIRLS CLUB BUILDING, NO PARKING FOR THE RESIDENTIAL UNITS

**BICYCLE PARKING:**  
 PER PLANNING CODE TABLE 155.1,  
 FOR 69 UNITS TOTAL:

50 UNITS = 25 SPACES  
 19 UNITS/4 = (4.75) ~ 5 SPACES

30 BICYCLE SPACES REQUIRED

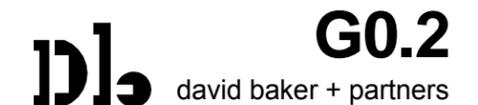
| Unit Tabulation |    |        |
|-----------------|----|--------|
| 2bd             | 28 | 747 SF |
| studio          | 41 | 309 SF |
|                 | 69 |        |

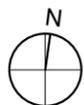
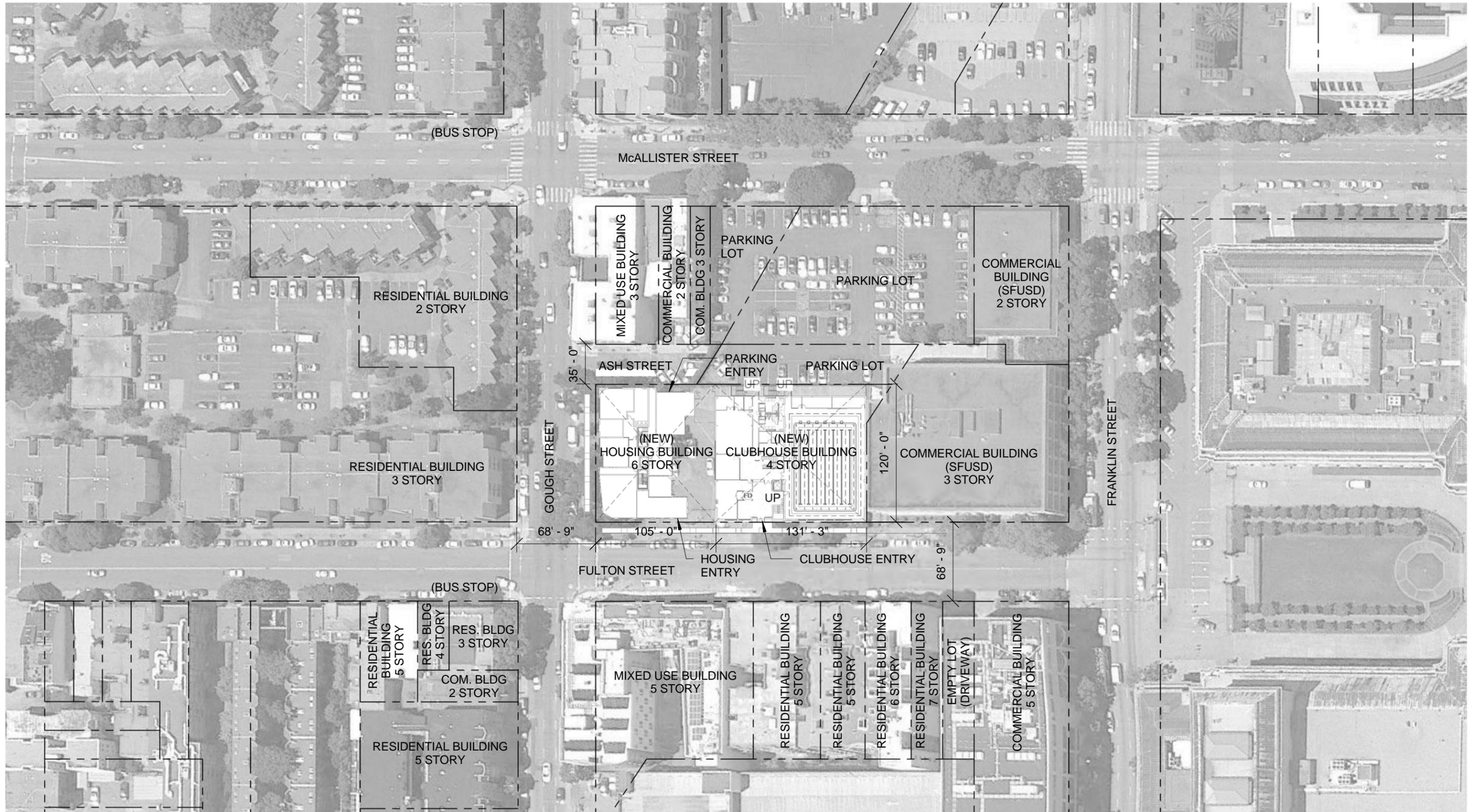
SQUARE FOOTAGES ARE THE AVERAGE FOR EACH UNIT TYPE.

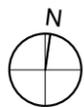
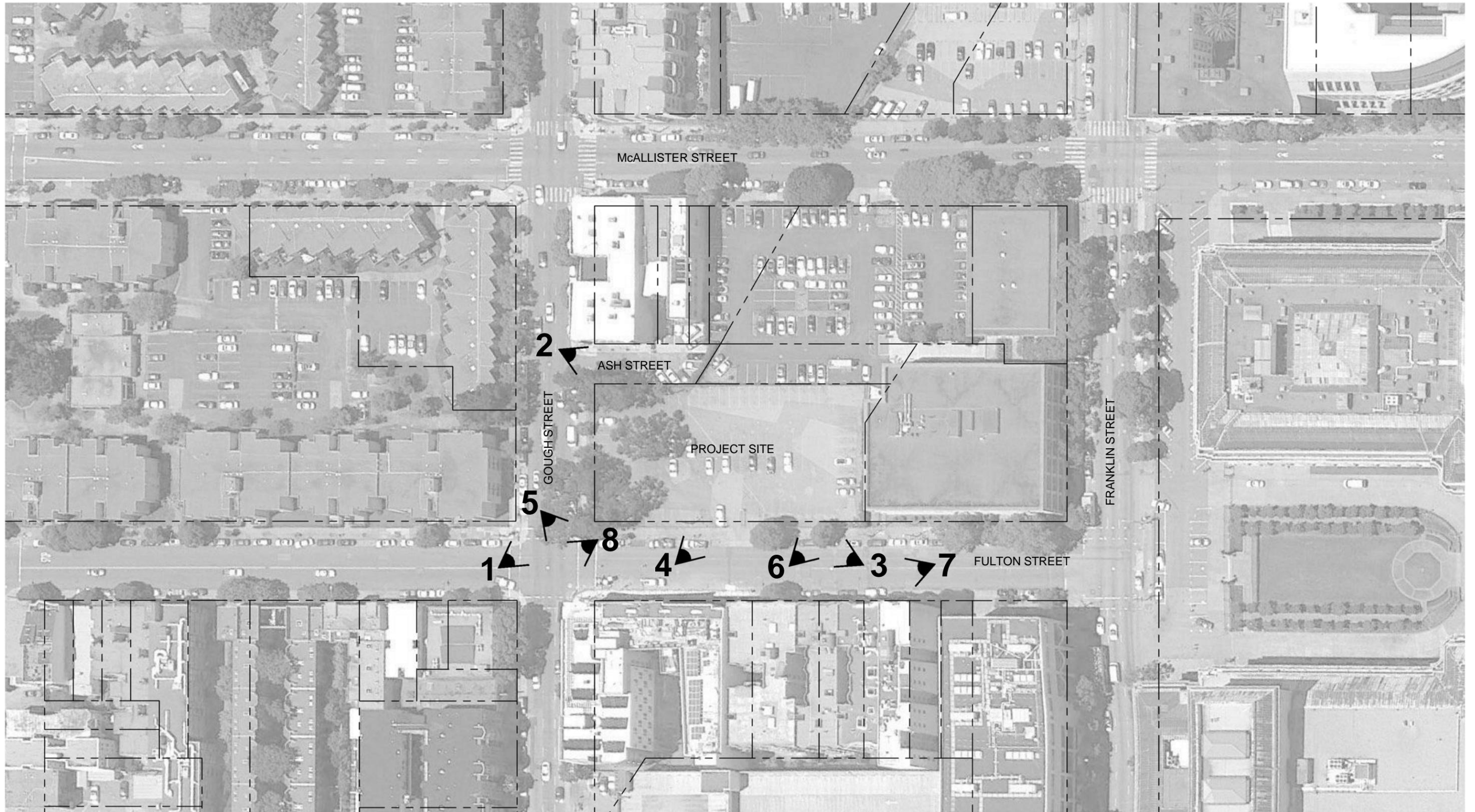
| Open Space |         |
|------------|---------|
| Public     |         |
| Courtyard  | 2797 SF |
| Roof Deck  | 1279 SF |
|            | 4075 SF |
| Private    |         |
| Deck       | 475 SF  |
|            | 475 SF  |

| Bicycle Parking Provided |    |
|--------------------------|----|
| Courtyard                | 70 |
|                          | 70 |

SEE SHEET G0.7 FOR  
 OPENSOURCE CALCULATIONS  
 AND COMPLIANCE







VIEW FROM CORNER OF FULTON AND GOUGH STREETS



VIEW TOWARDS ASH STREET



VIEW ALONG FULTON STREET TOWARDS GOUGH STREET



VIEW ALONG FULTON STREET TOWARDS FRANKLIN STREET

BUILDING AT SOUTHEAST CORNER OF FULTON AND GOUGH STREETS

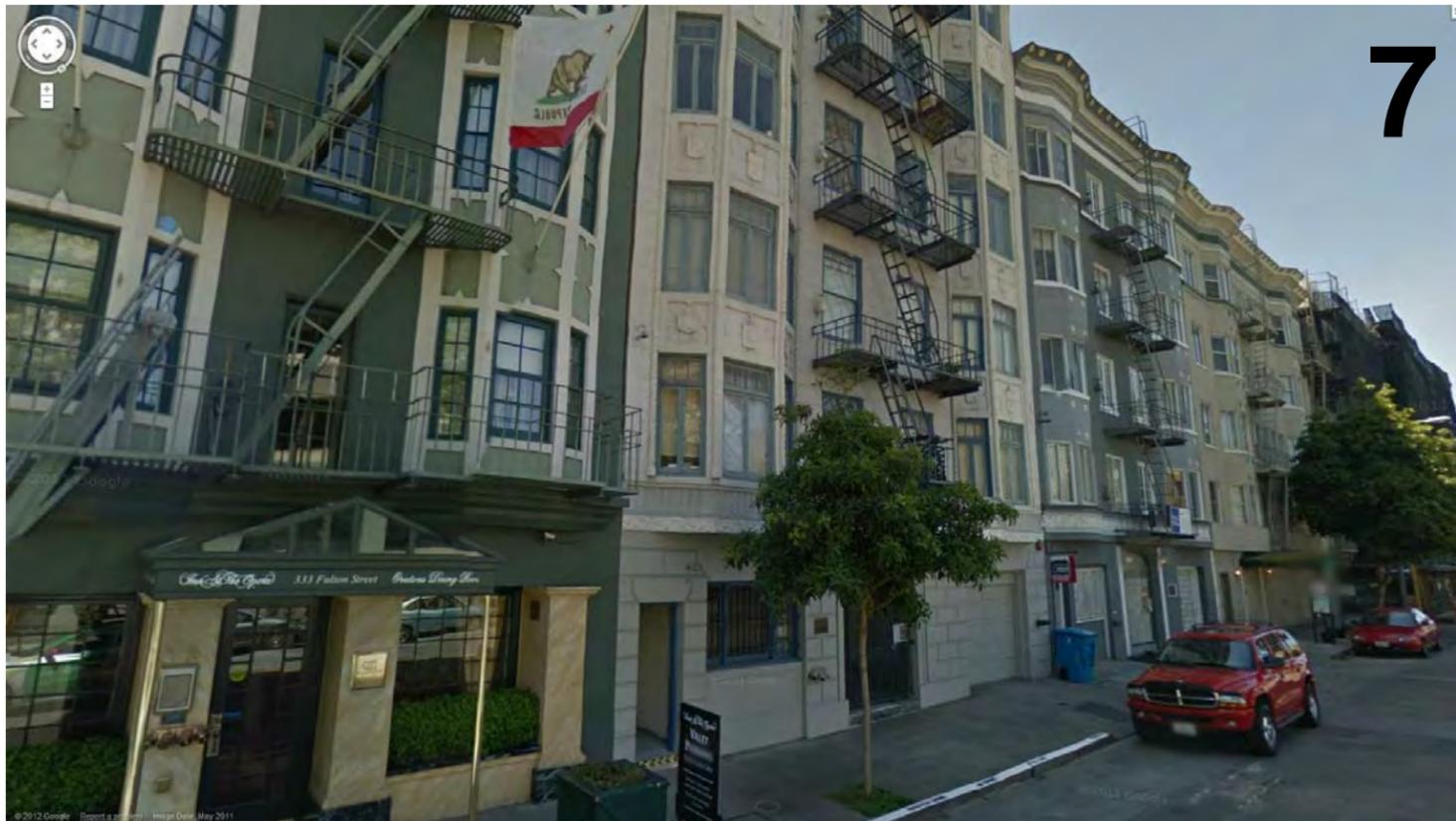


5

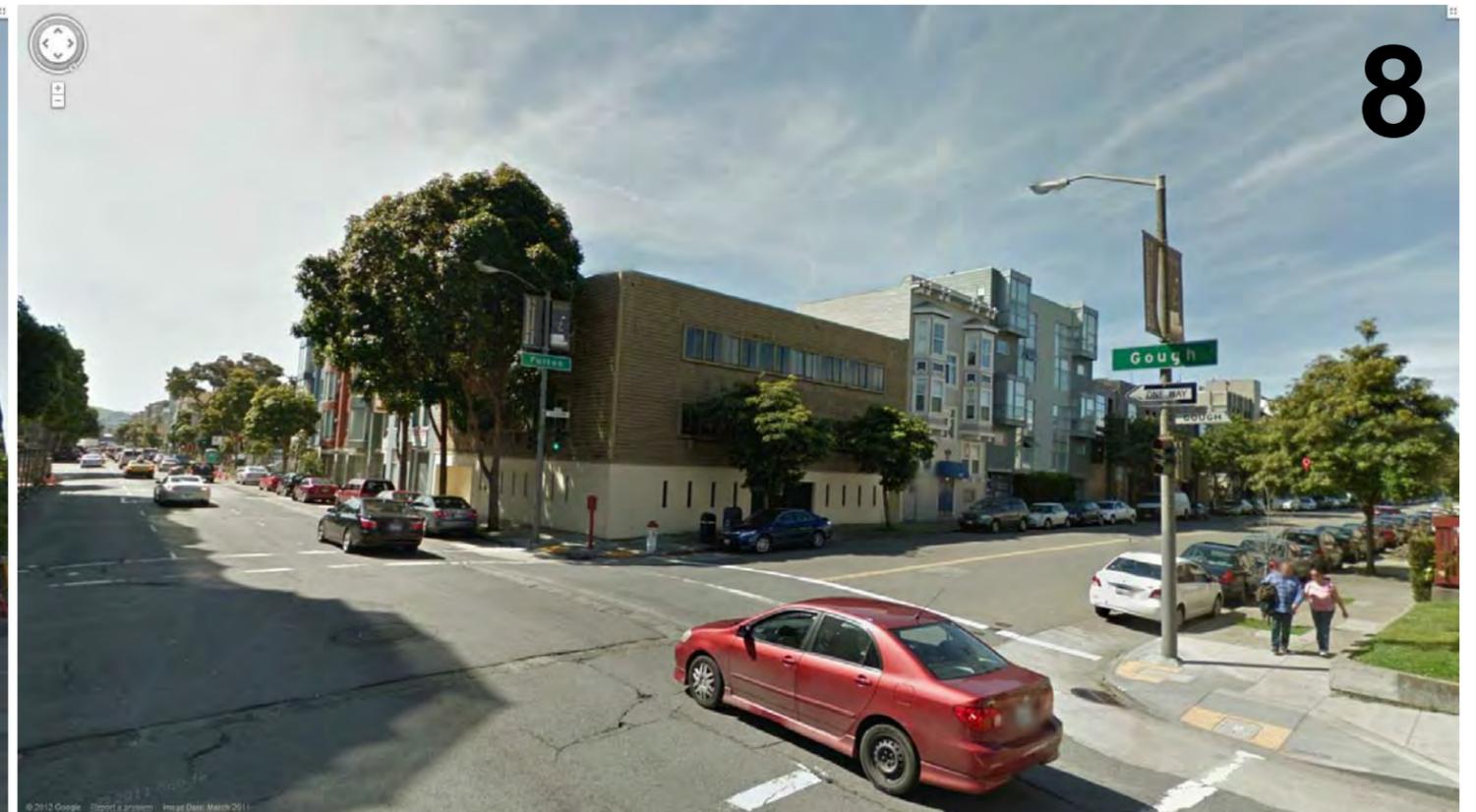
BUILDING EAST OF SITE ON FULTON STREET



6



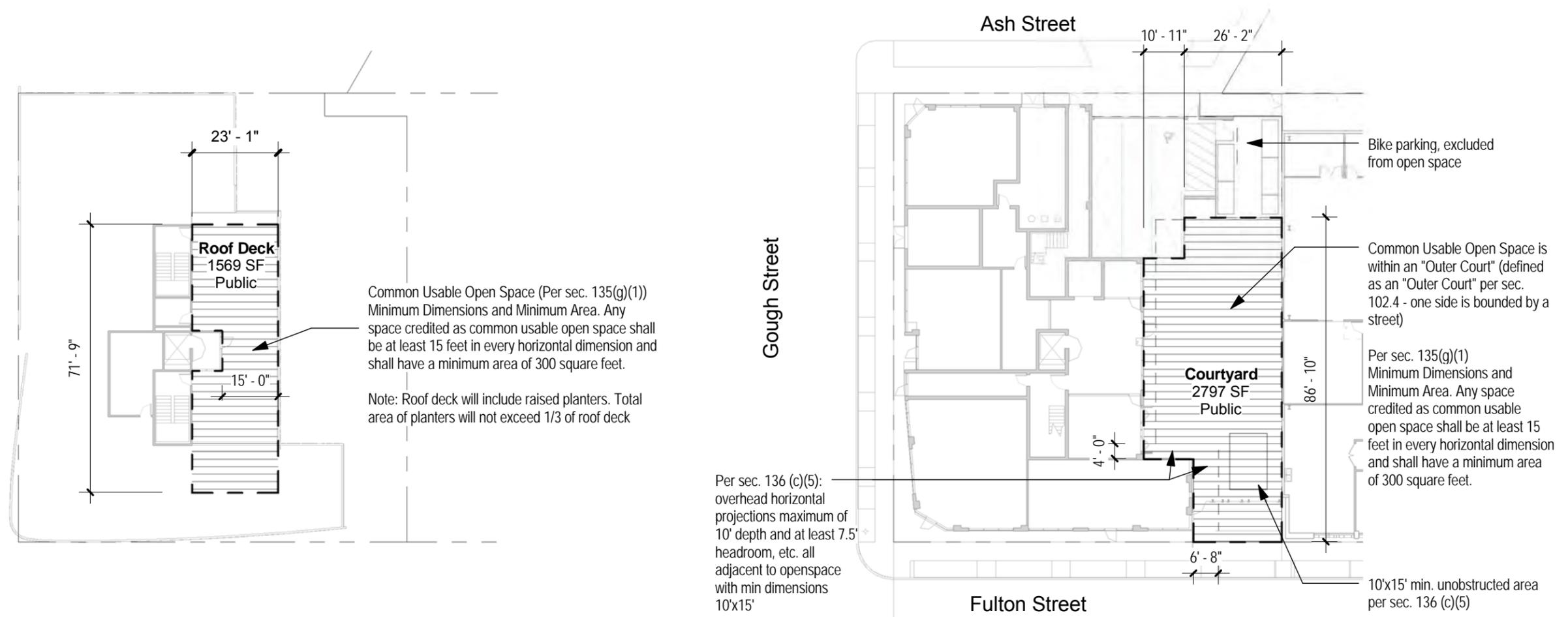
7



8

BUILDINGS OPPOSITE OF SITE ON FULTON STREET

BUILDING AT SOUTHWEST CORNER OF FULTON AND GOUGH STREET



**Area Schedule (Open Space Provided)**

|         |      |        |
|---------|------|--------|
| Private |      |        |
| Level 5 | Deck | 169 SF |
| Level 5 | Deck | 123 SF |
|         |      | 292 SF |

|           |           |         |
|-----------|-----------|---------|
| Public    |           |         |
| Level 1   | Courtyard | 2797 SF |
| Roof Deck | Roof Deck | 1569 SF |
|           |           | 4365 SF |

|                   |    |
|-------------------|----|
| <b>Unit Count</b> |    |
| 2bd               | 28 |
| Studio            | 41 |
| 69                |    |

Private Usable Open Space Required:

2 studio units meet requirement for open space with private open space

Common Usable Open Space Required per Table 135A:

|                                       |                     |
|---------------------------------------|---------------------|
| For 28 2 bedroom units (80 s.f./unit) | 2240                |
|                                       | <u>2240 X 1.33</u>  |
|                                       | 2979.2 sf ~ 2980 sf |
| For 39 Studios* (80 s.f./3 units)     | 1040                |
|                                       | <u>1040 X 1.33</u>  |
|                                       | 1383.2 sf ~ 1384 sf |
| <b>Total Required</b>                 | <b>4364 sf</b>      |

**Planning Code Excerpts**

There appears to be two conflicting standards for measuring open space in the NCT-3 zone:

TABLE 135A  
MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING  
OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT

| District | Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private | Ratio of Common Usable Open Space That May Be Substituted for Private |
|----------|---|---|
| NCT-3    | 80 sf   | 1.33  |

Per PC Code Section 135(d) 2 (pasted below) the studio units are required to have 1/3 the amount of open space required for a typical dwelling unit.

*SEC. 135(d) 2*

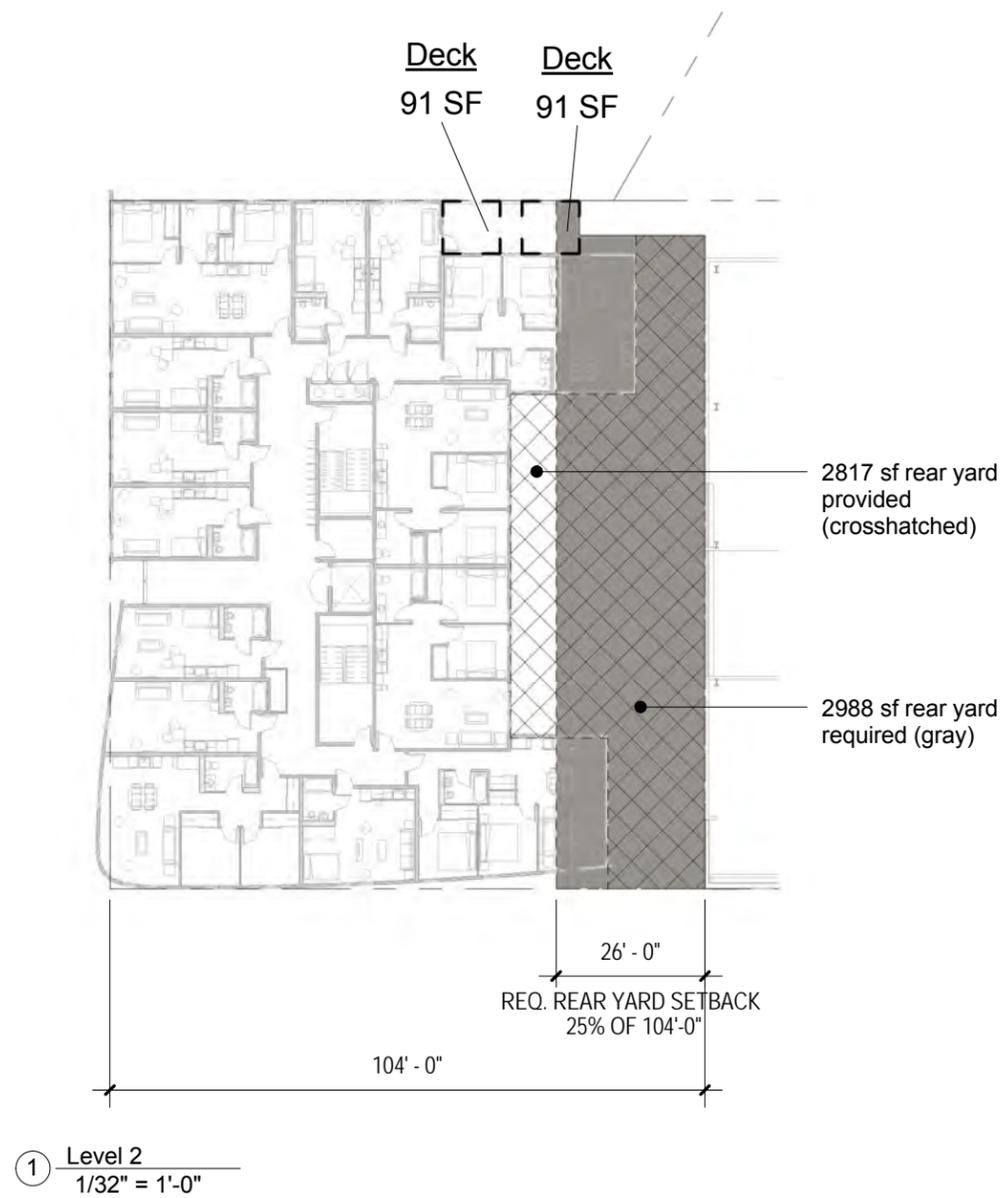
For group housing structures, SRO units, and dwelling units that measure less than 350 square feet plus a bathroom, the minimum amount of usable open space provided for use by each bedroom or SRO unit shall be 1/3 the amount required for a dwelling unit as specified in Paragraphs (d)(1) above and (d)(4) and (d)(5), below. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

195 SF AREA PERMITTED  
IN R.O.W. (PER FLOOR)



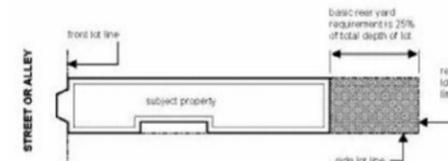
SCALE: 3/32" = 1'-0"

FULTON STREET

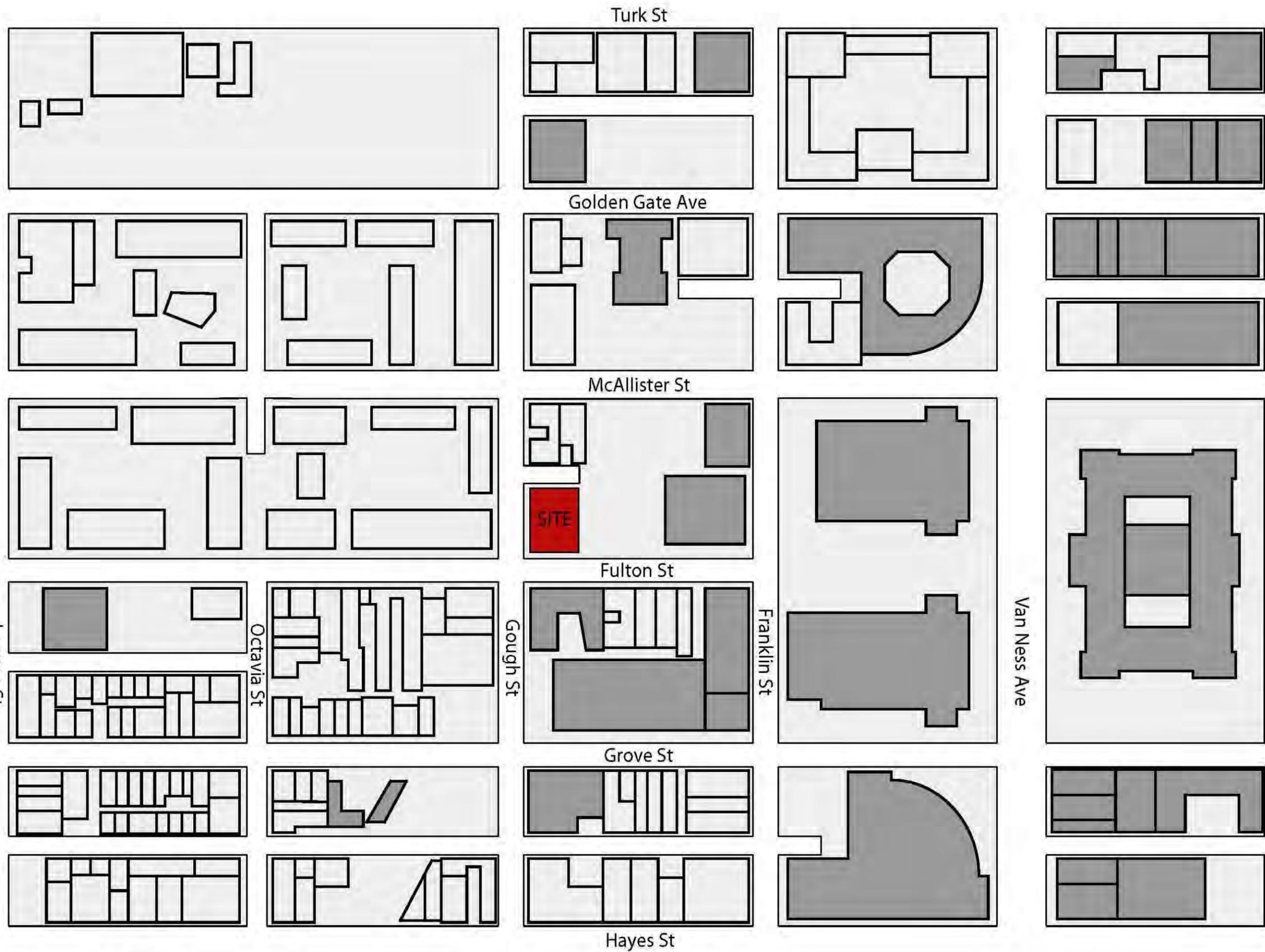


SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR, SLI AND SSO DISTRICTS.

(B) NC-2, NCT-2, Ocean Avenue, Castro Street, Inner Clement Street, Upper Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission and Glen Park Districts. Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the first story if it contains a dwelling unit.



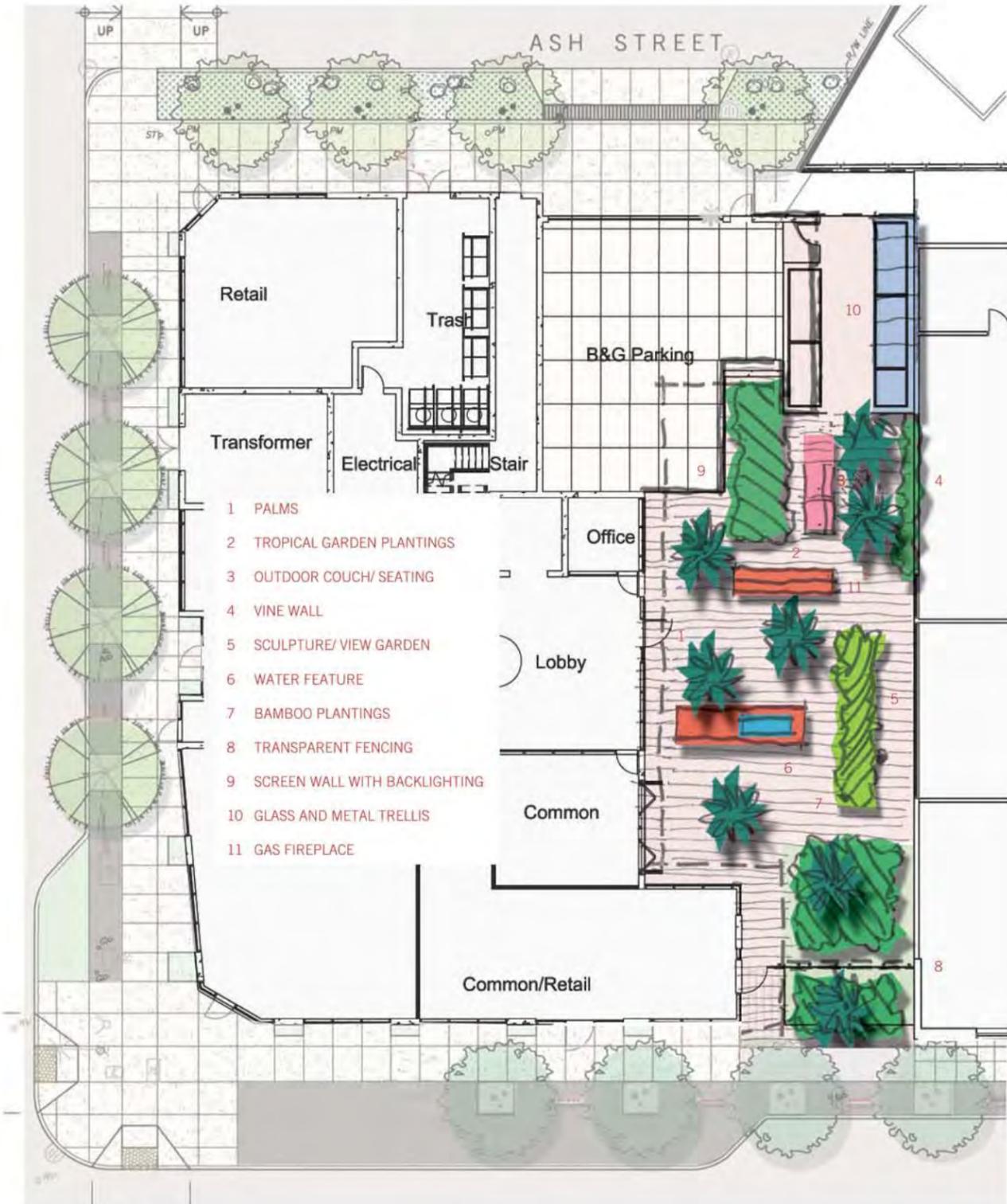
(C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI, SSO, MUR, MUG, MUO, and UMU Districts. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for dwelling units per Section 135 of this Code, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.



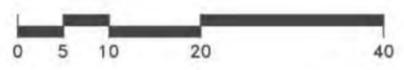
LEGEND

- Broken Facade
- 50'+ Unbroken Facade





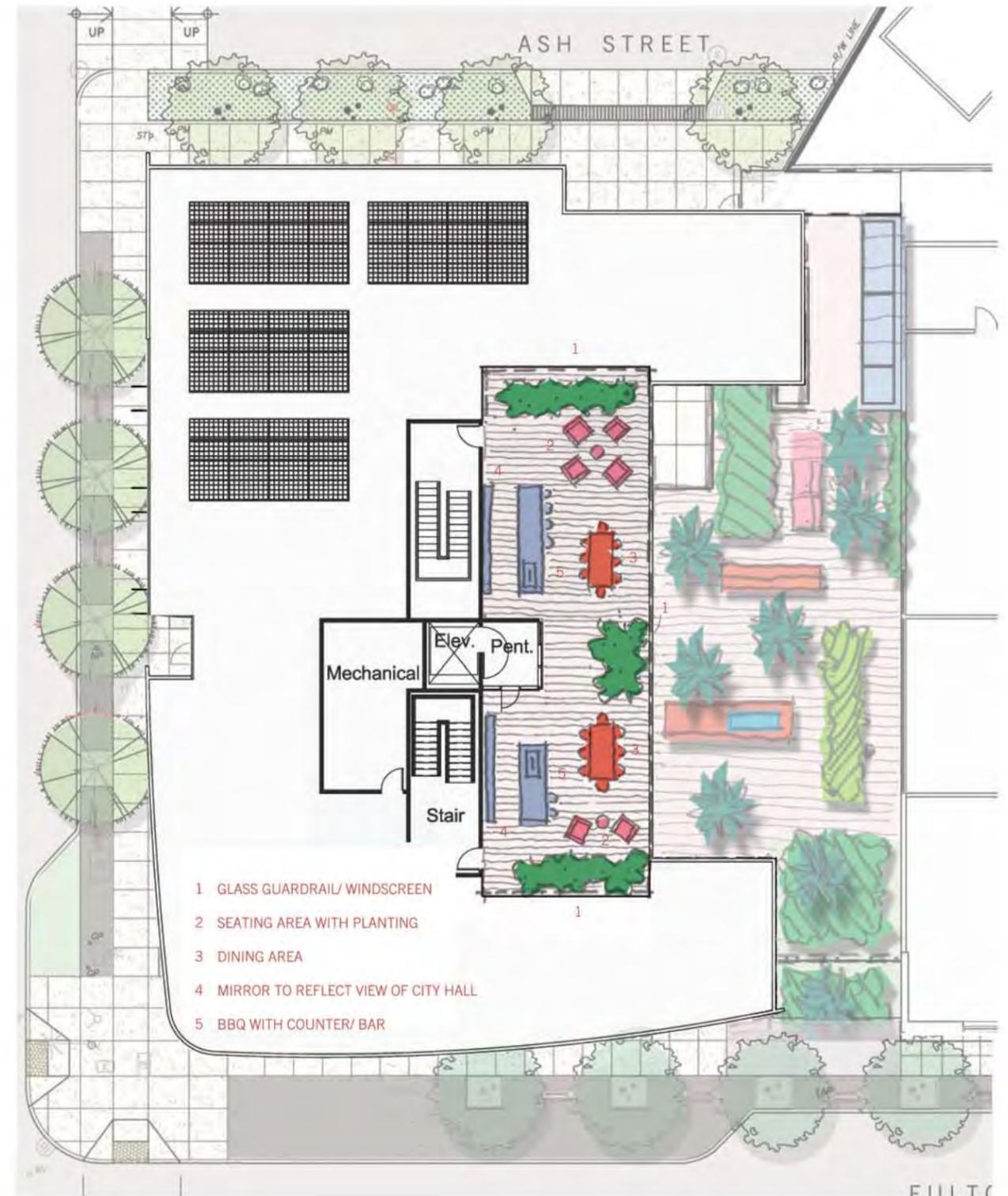
Courtyard Plan



SCALE: 1"=20'

344 FULTON HOUSING

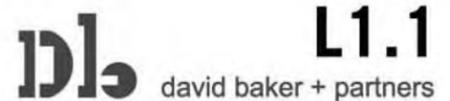
Courtyard & Roof



Roof Plan

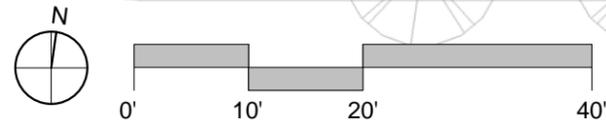
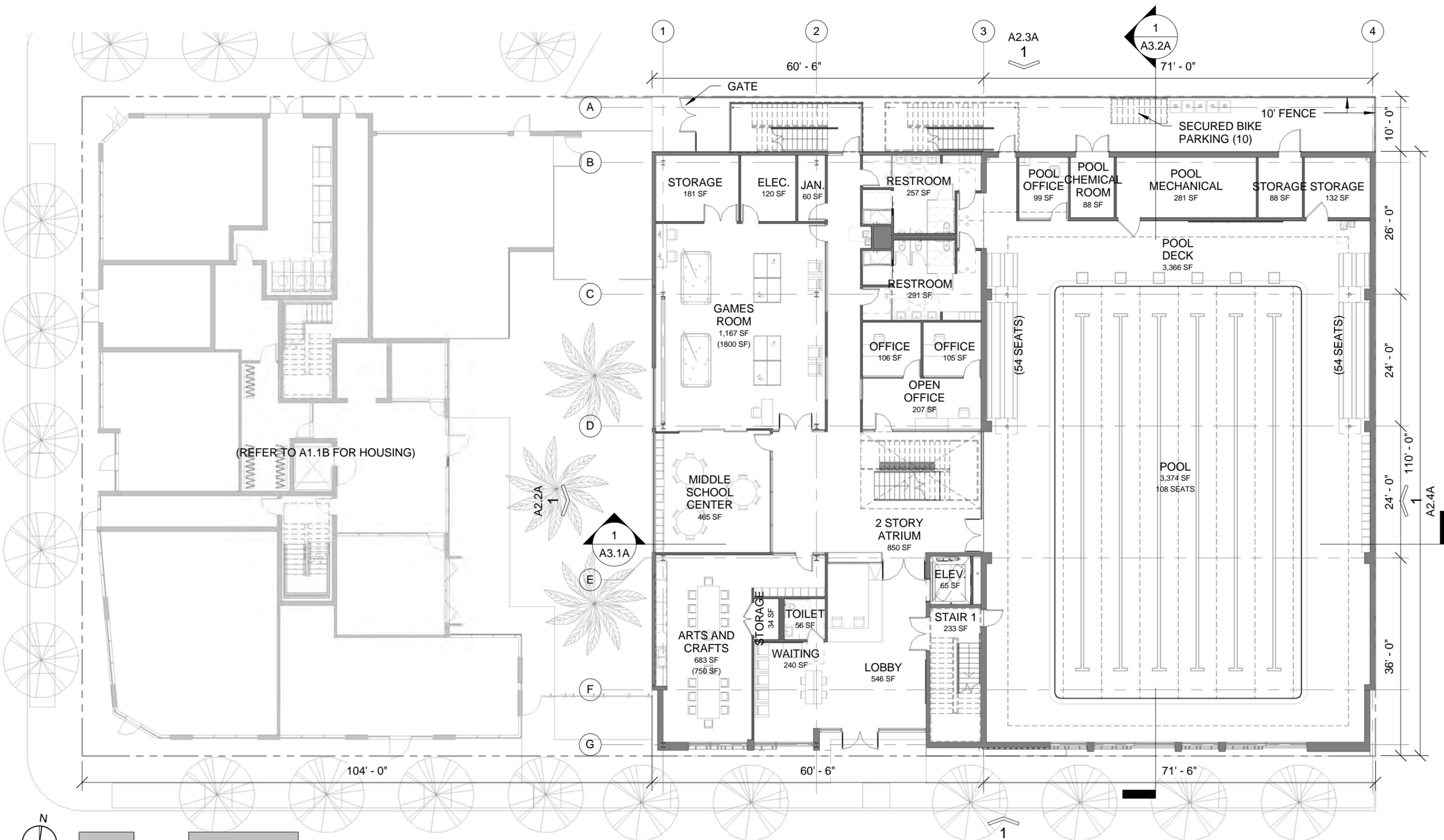


T O M E L I O T F I S C H



L1.1

27 FEB 2013

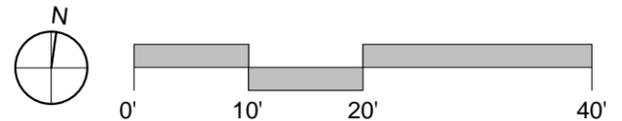


BOYS & GIRLS CLUBS OF SAN FRANCISCO  
 CLUBHOUSE LEVEL 1 PLAN

SCALE: 1/16" = 1'-0"

**A1.1A**  
 T O M E L I O T F I S C H

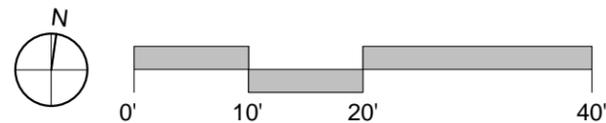
27 FEBRUARY 2013

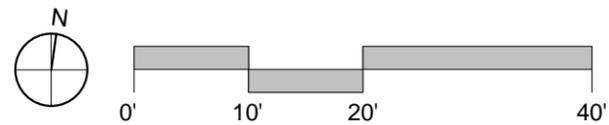
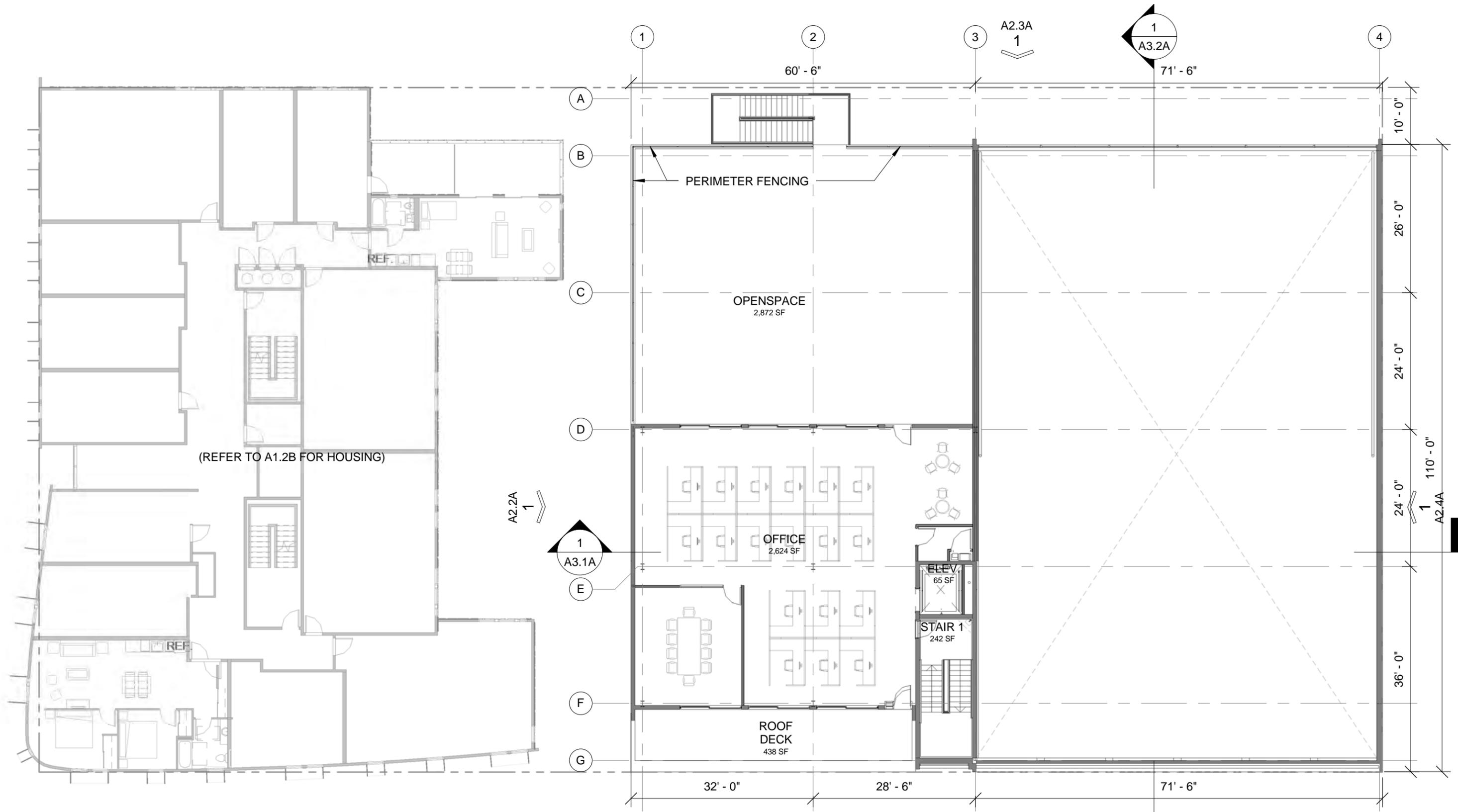


A2.1A



(REFER TO A1.2B FOR HOUSING)





BOYS & GIRLS CLUBS OF SAN FRANCISCO

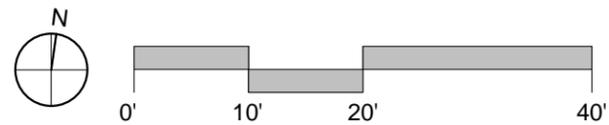
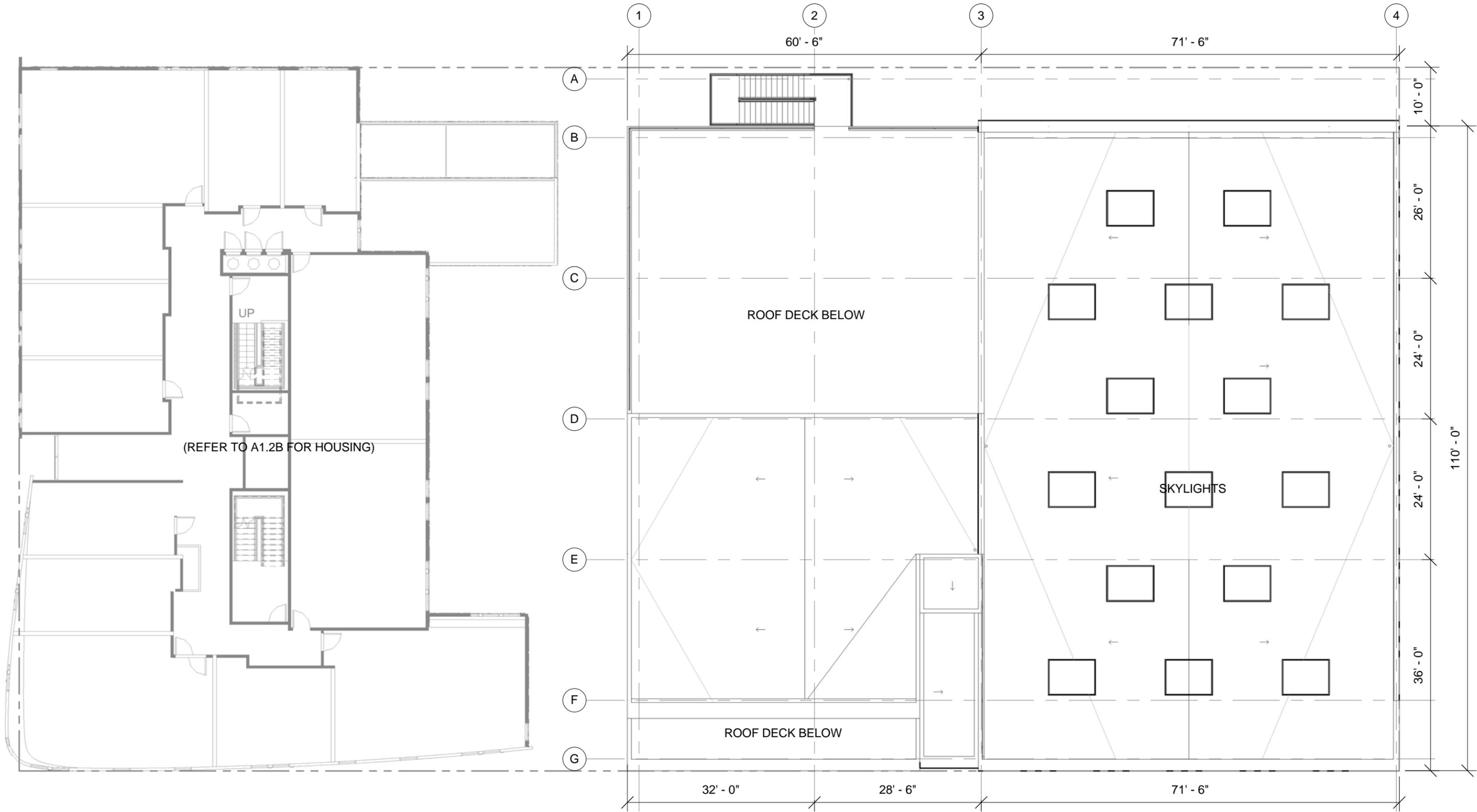
SCALE: 1/16" = 1'-0"

CLUBHOUSE LEVEL 4 PLAN

**A1.4A**

T O M E L I O T F I S C H

27 FEBRUARY 2013



BOYS & GIRLS CLUBS OF SAN FRANCISCO

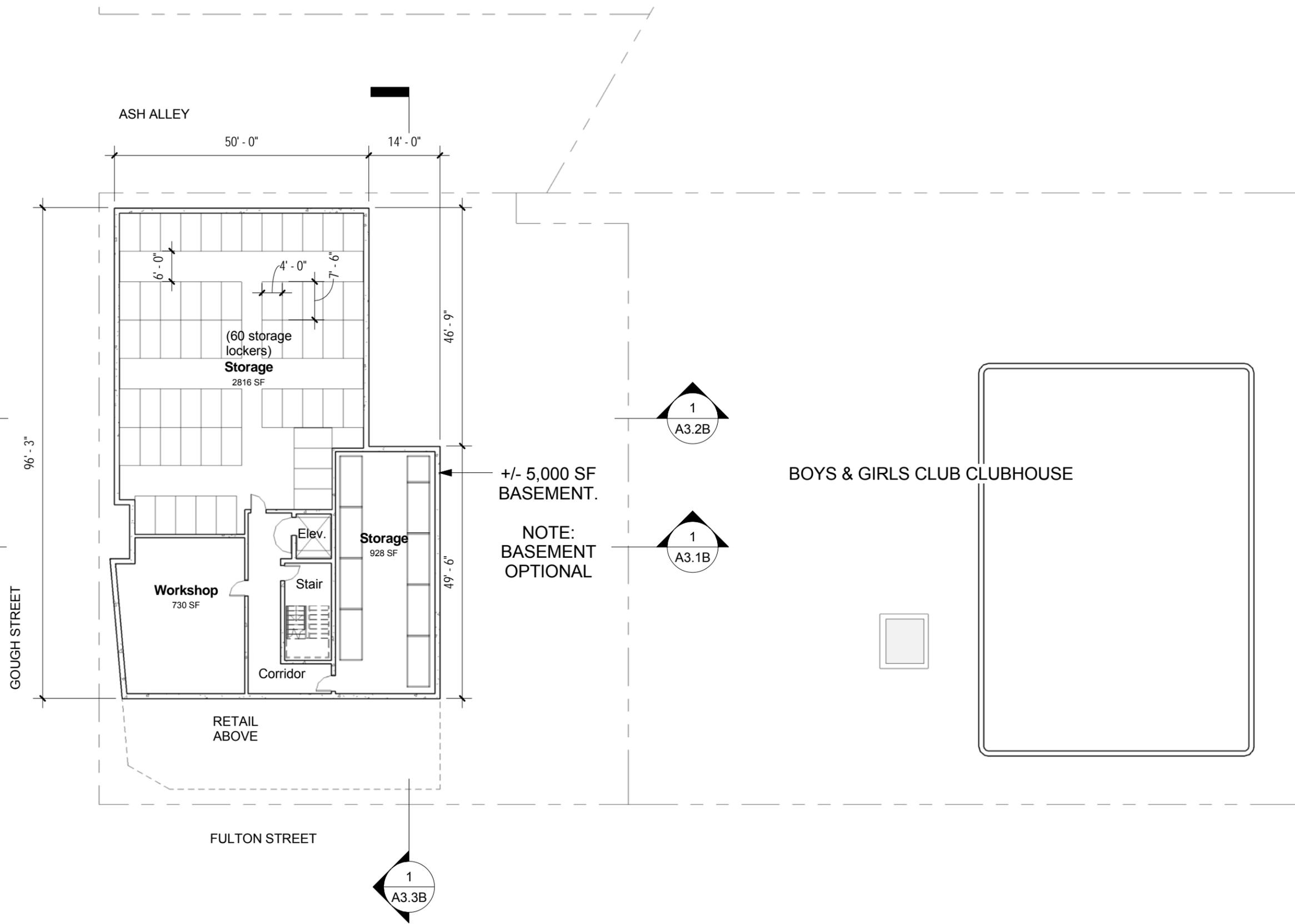
SCALE: 1/16" = 1'-0"

CLUBHOUSE ROOF PLAN

**A1.5A**

T O M E L I O T F I S C H

27 FEBRUARY 2013



ASH ALLEY

50'-0"

14'-0"

96'-3"

GOUGH STREET

RETAIL ABOVE

FULTON STREET

6'-0"

4'-0"

7'-6"

(60 storage lockers)

**Storage**

2816 SF

**Workshop**

730 SF

**Storage**

928 SF

Elev.

Stair

Corridor

46'-9"

49'-6"

+/- 5,000 SF BASEMENT.

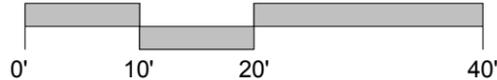
NOTE: BASEMENT OPTIONAL

BOYS & GIRLS CLUB CLUBHOUSE

1  
A3.2B

1  
A3.1B

1  
A3.3B

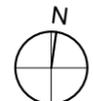
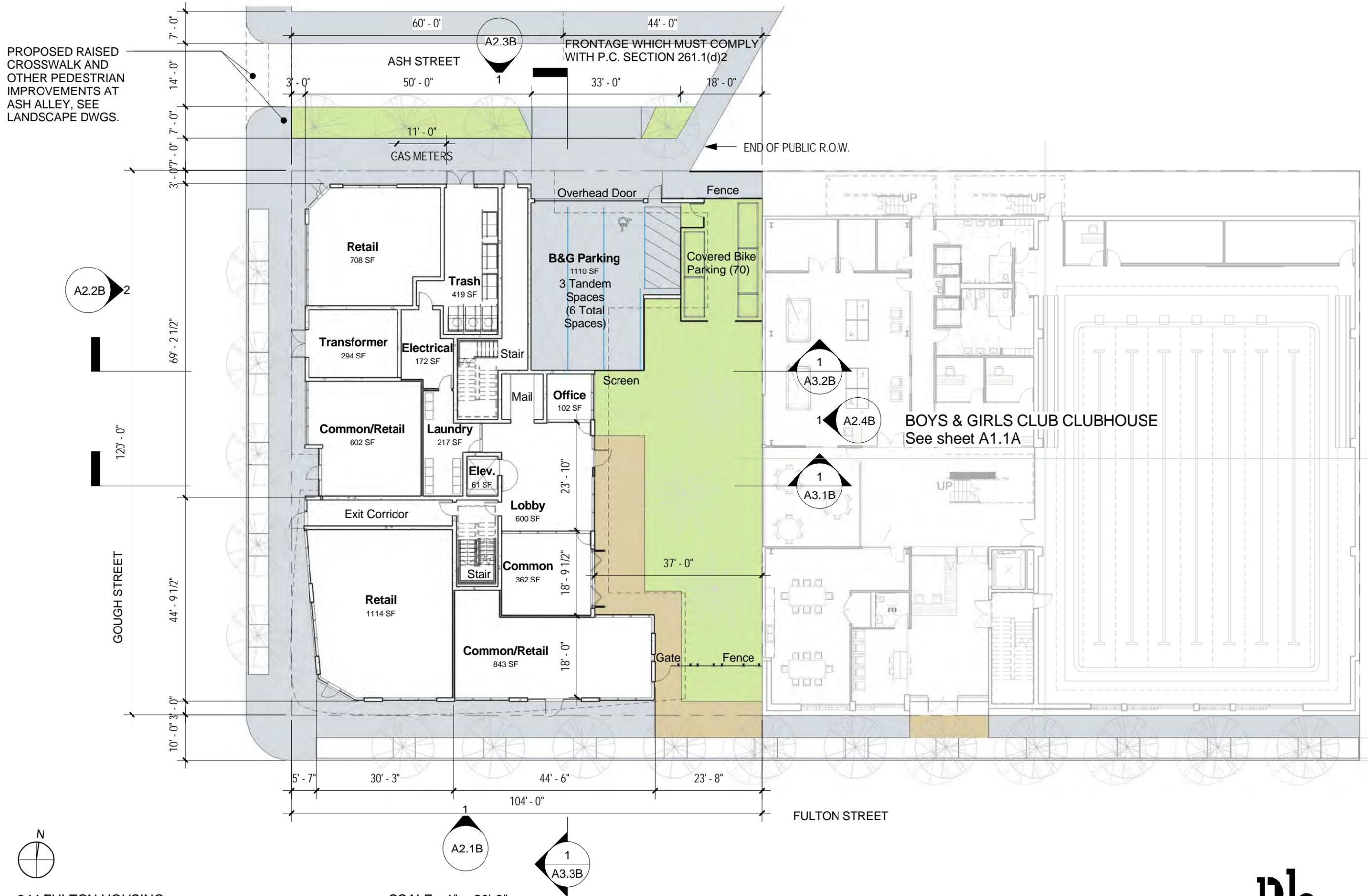


344 FULTON HOUSING

SCALE: 1" = 20'-0"

BASEMENT PLAN

PROPOSED RAISED CROSSWALK AND OTHER PEDESTRIAN IMPROVEMENTS AT ASH ALLEY, SEE LANDSCAPE DWGS.



344 FULTON HOUSING

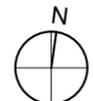
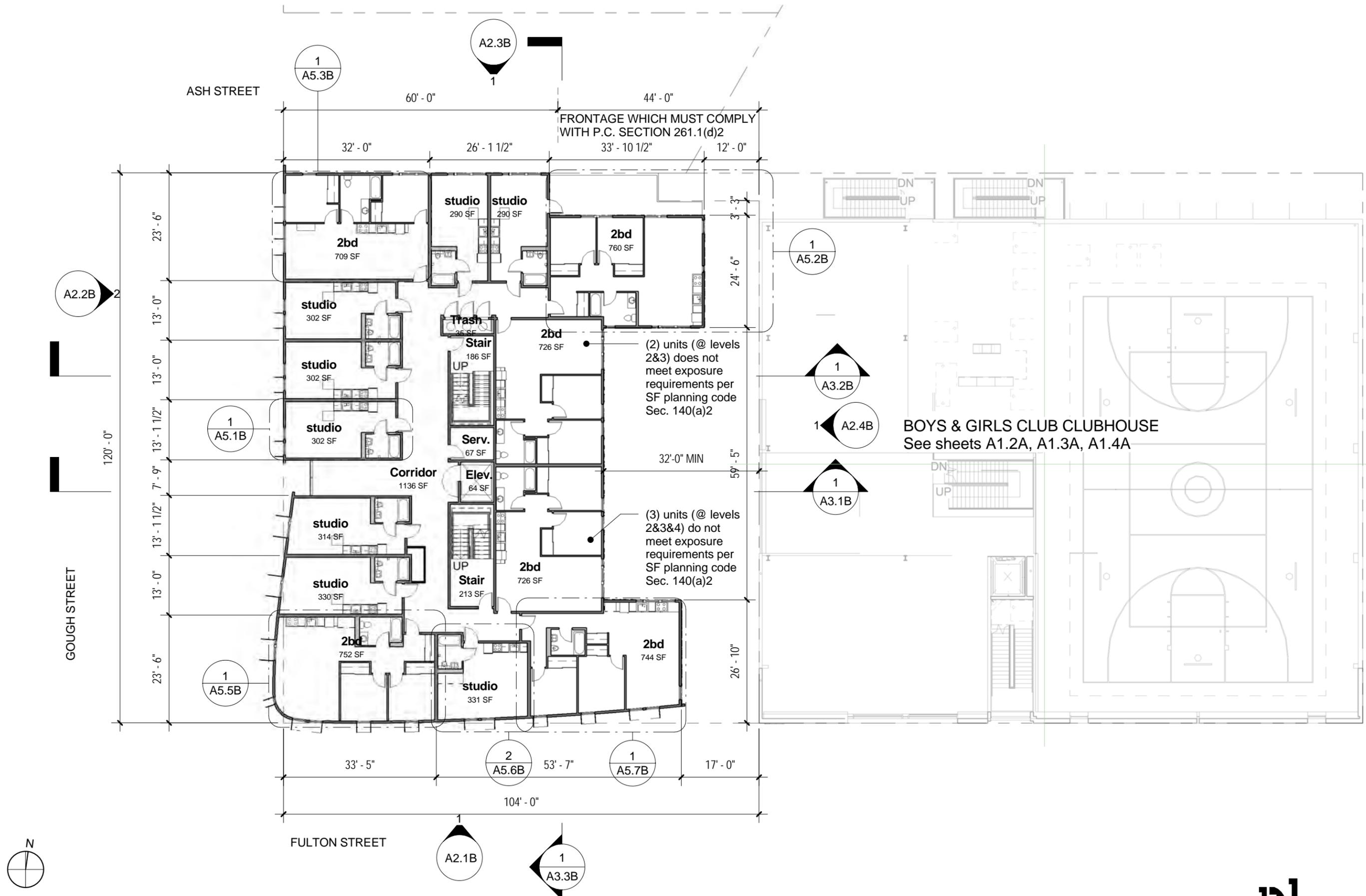
LEVEL 1 PLAN

SCALE: 1" = 20'-0"

**db** david baker + partners

**A1.1B**

27 FEB 2013

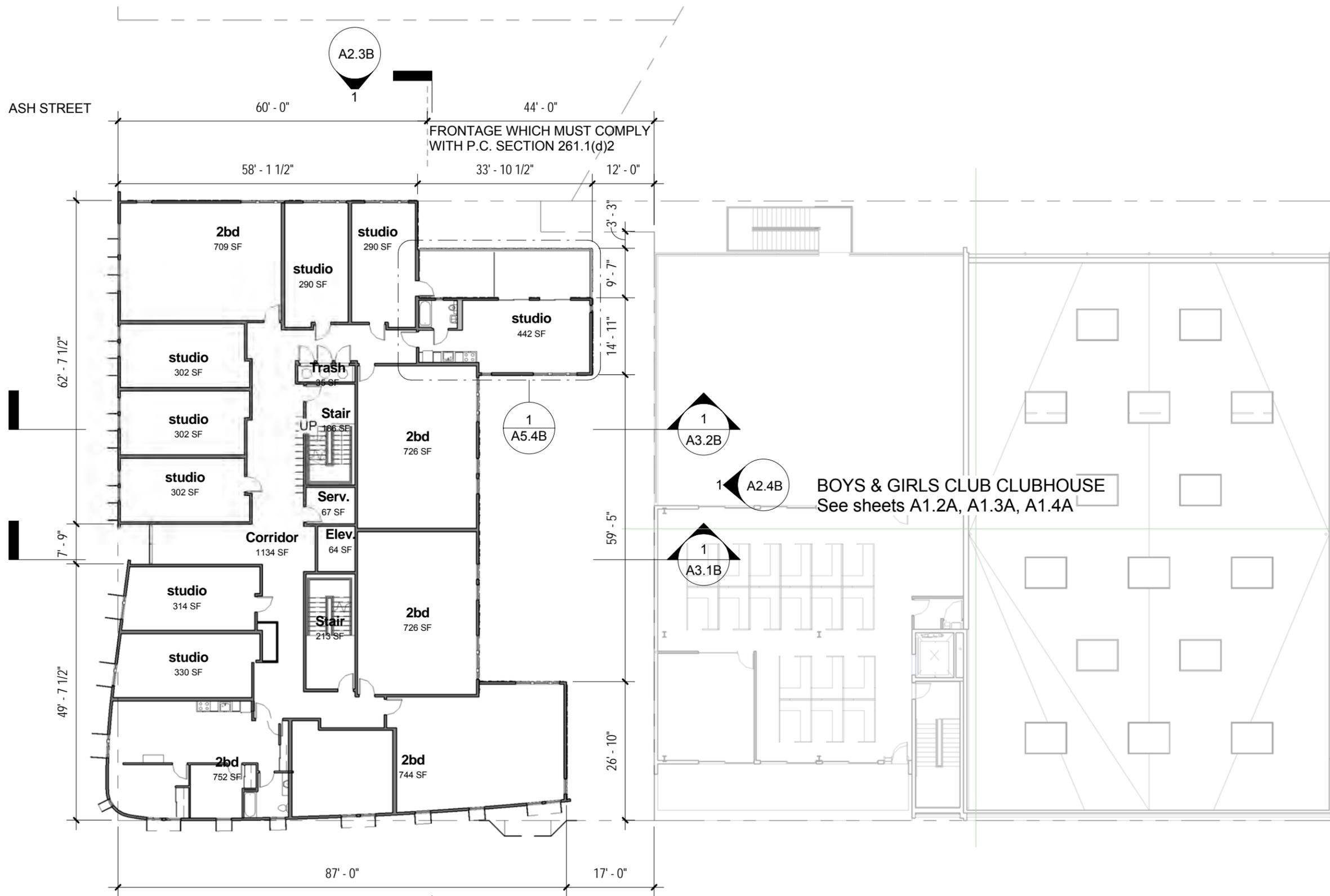


344 FULTON HOUSING

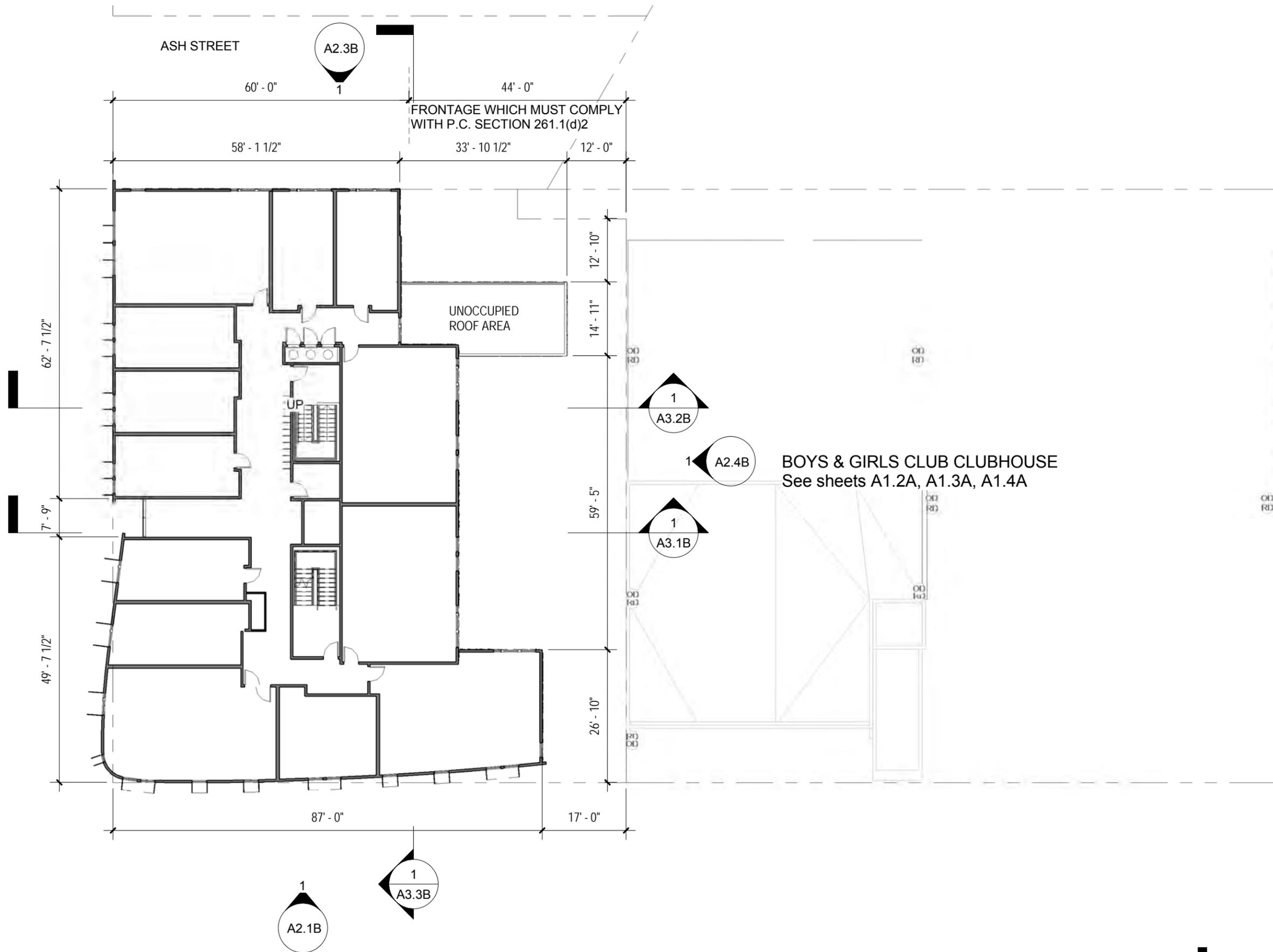
SCALE: 1" = 20'-0"

TYP. UPPER LEVEL PLAN (LEVELS 2-4)

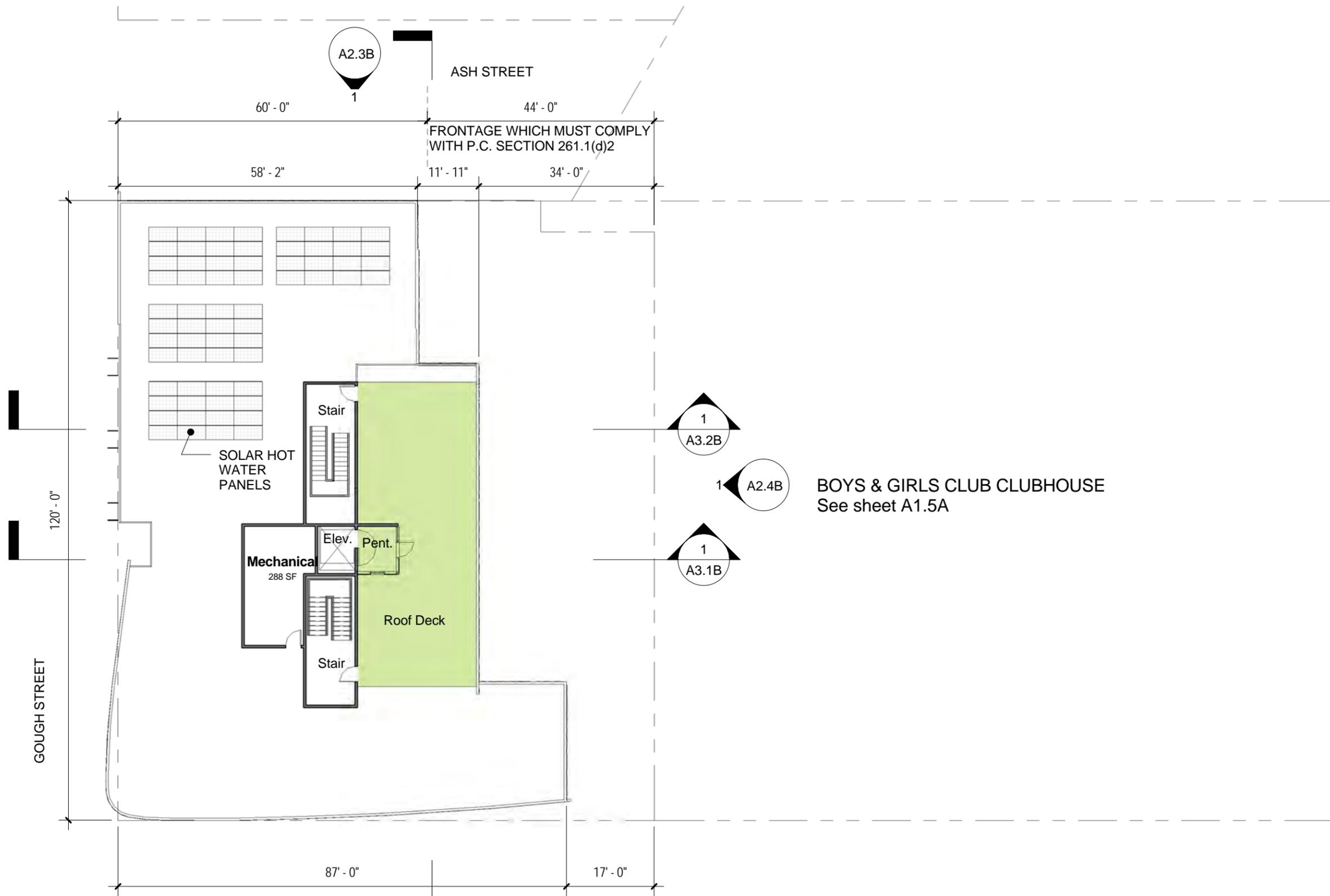
BOYS & GIRLS CLUB CLUBHOUSE  
See sheets A1.2A, A1.3A, A1.4A



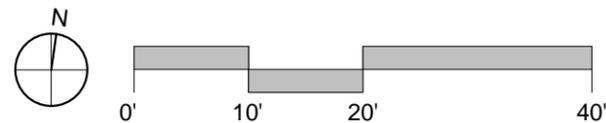
BOYS & GIRLS CLUB CLUBHOUSE  
See sheets A1.2A, A1.3A, A1.4A



A2.2B 2



BOYS & GIRLS CLUB CLUBHOUSE  
See sheet A1.5A



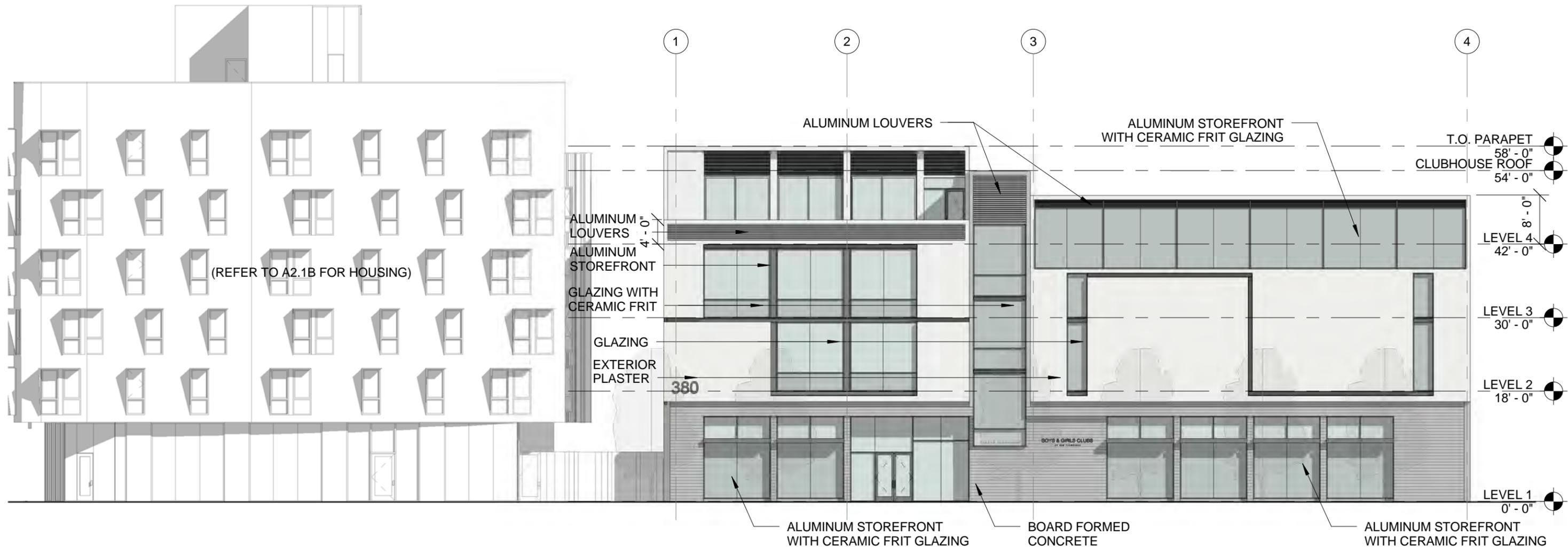
344 FULTON HOUSING

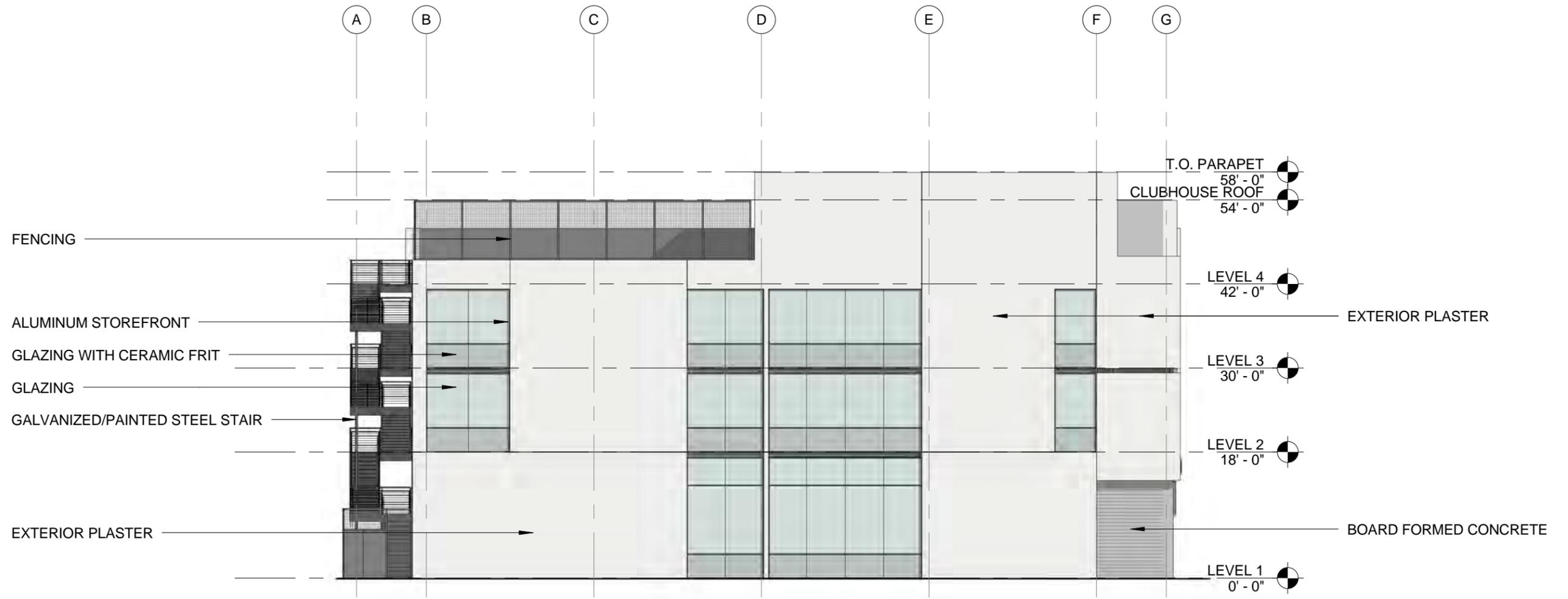
SCALE: 1" = 20'-0"

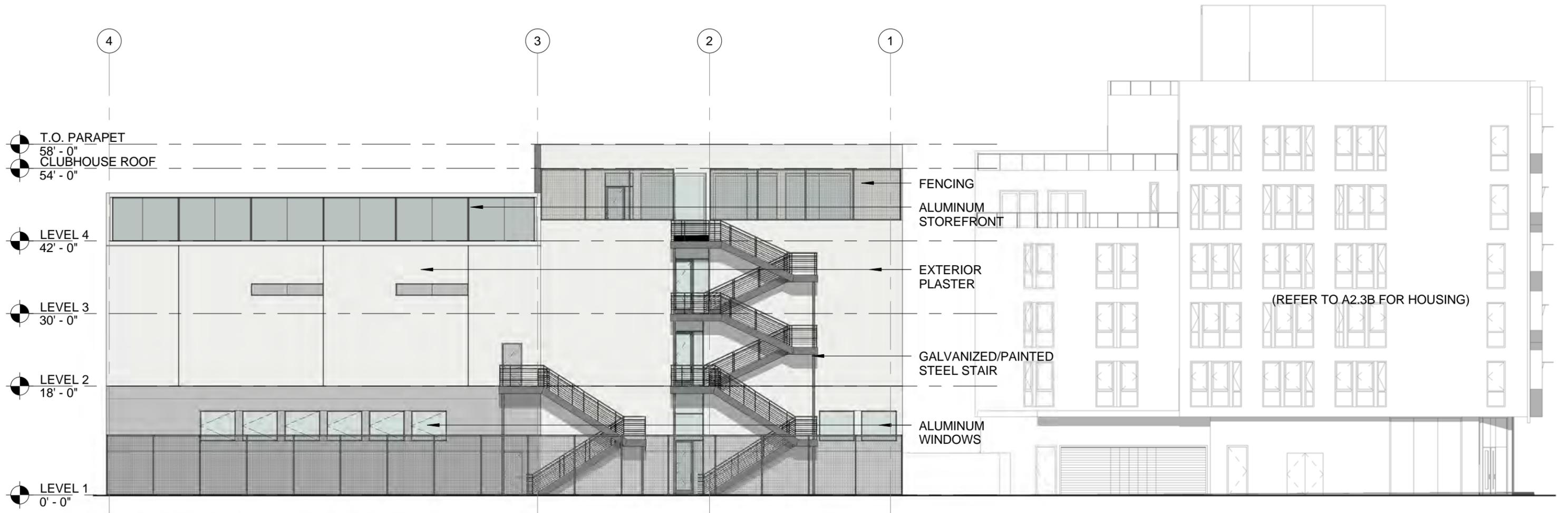
ROOF PLAN

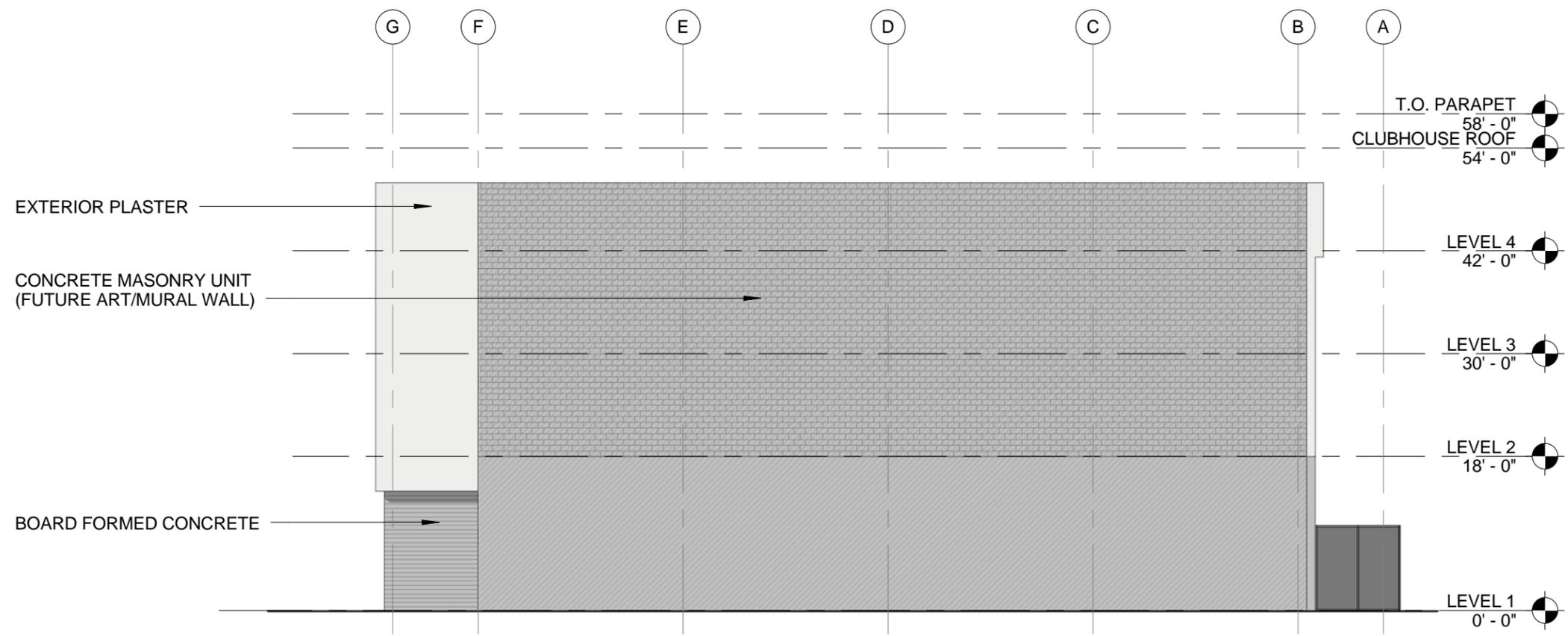
**db** **A1.5B**  
david baker + partners

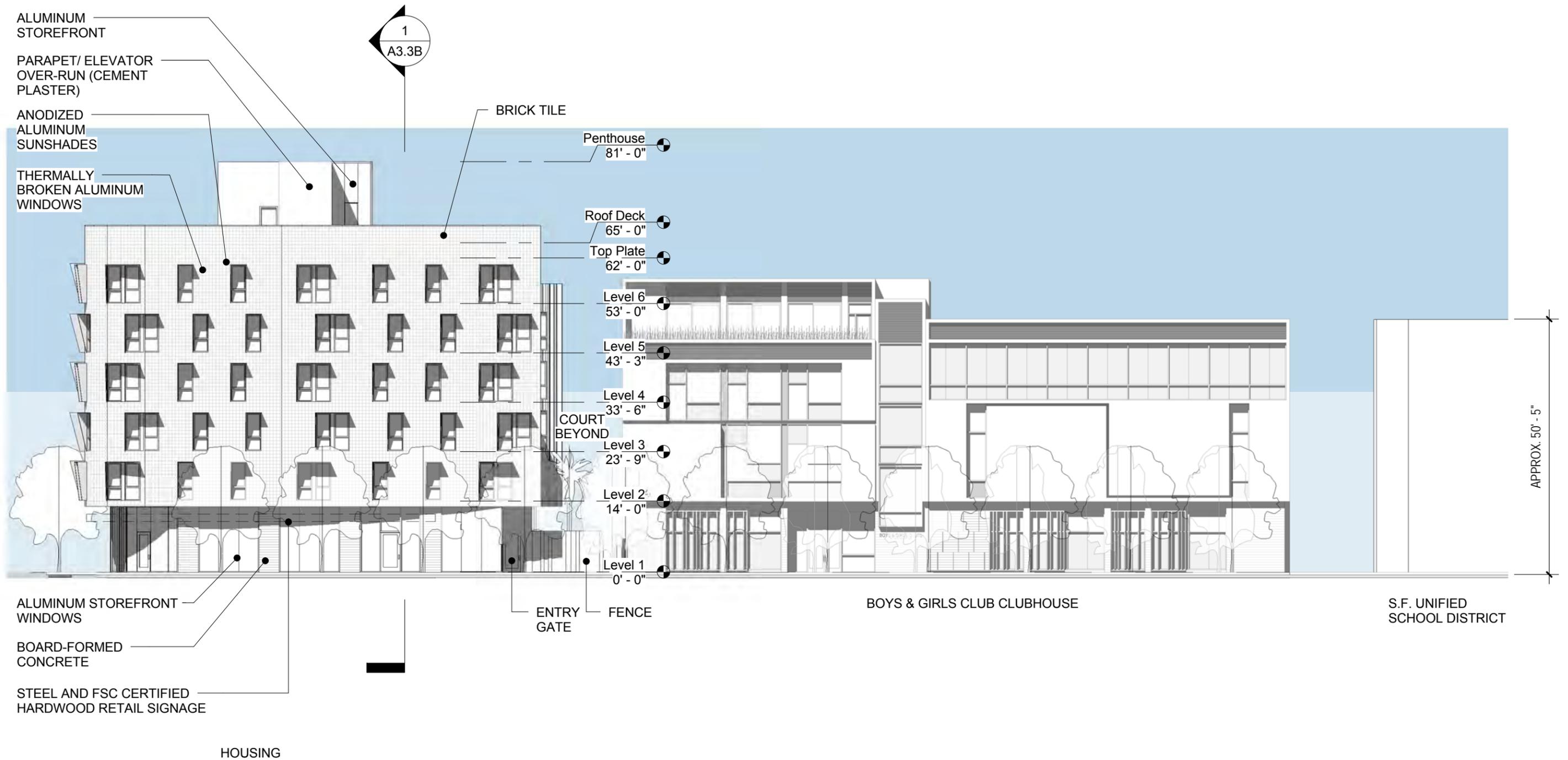
27 FEB 2013

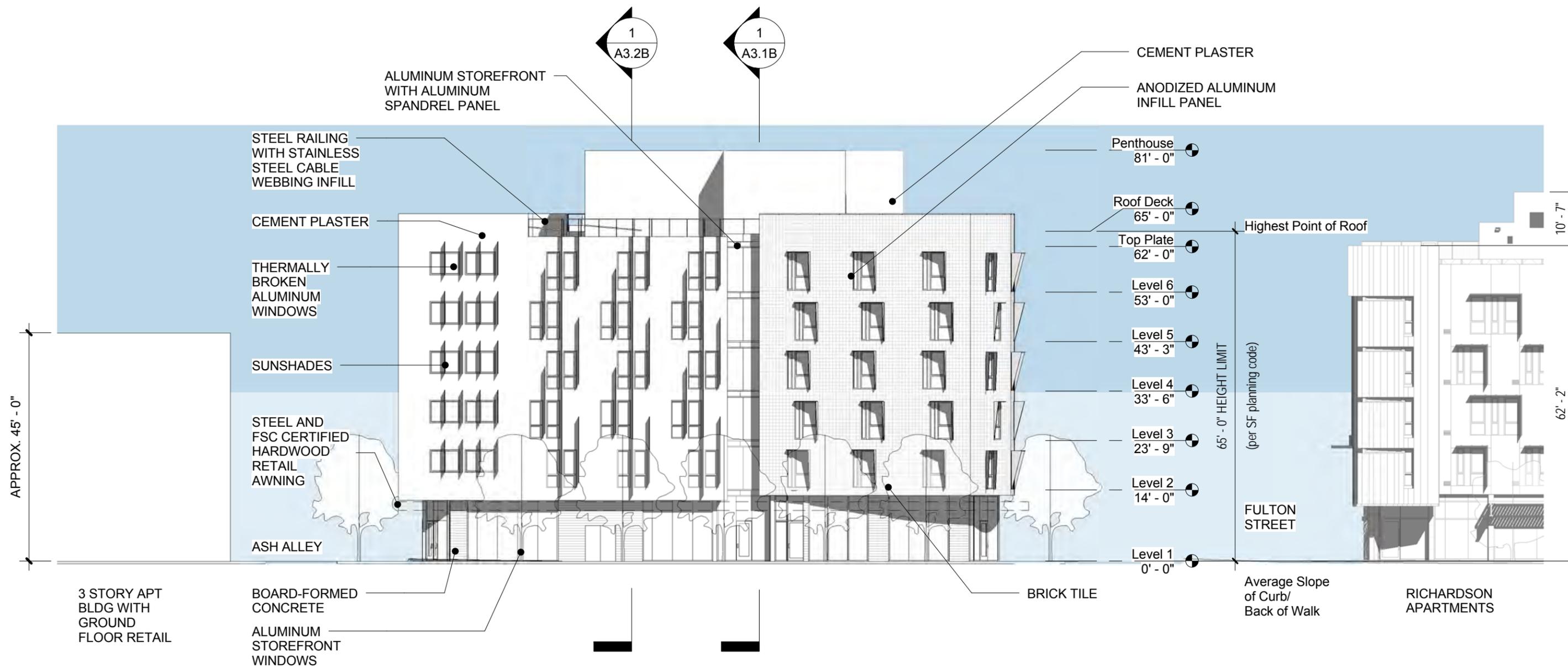


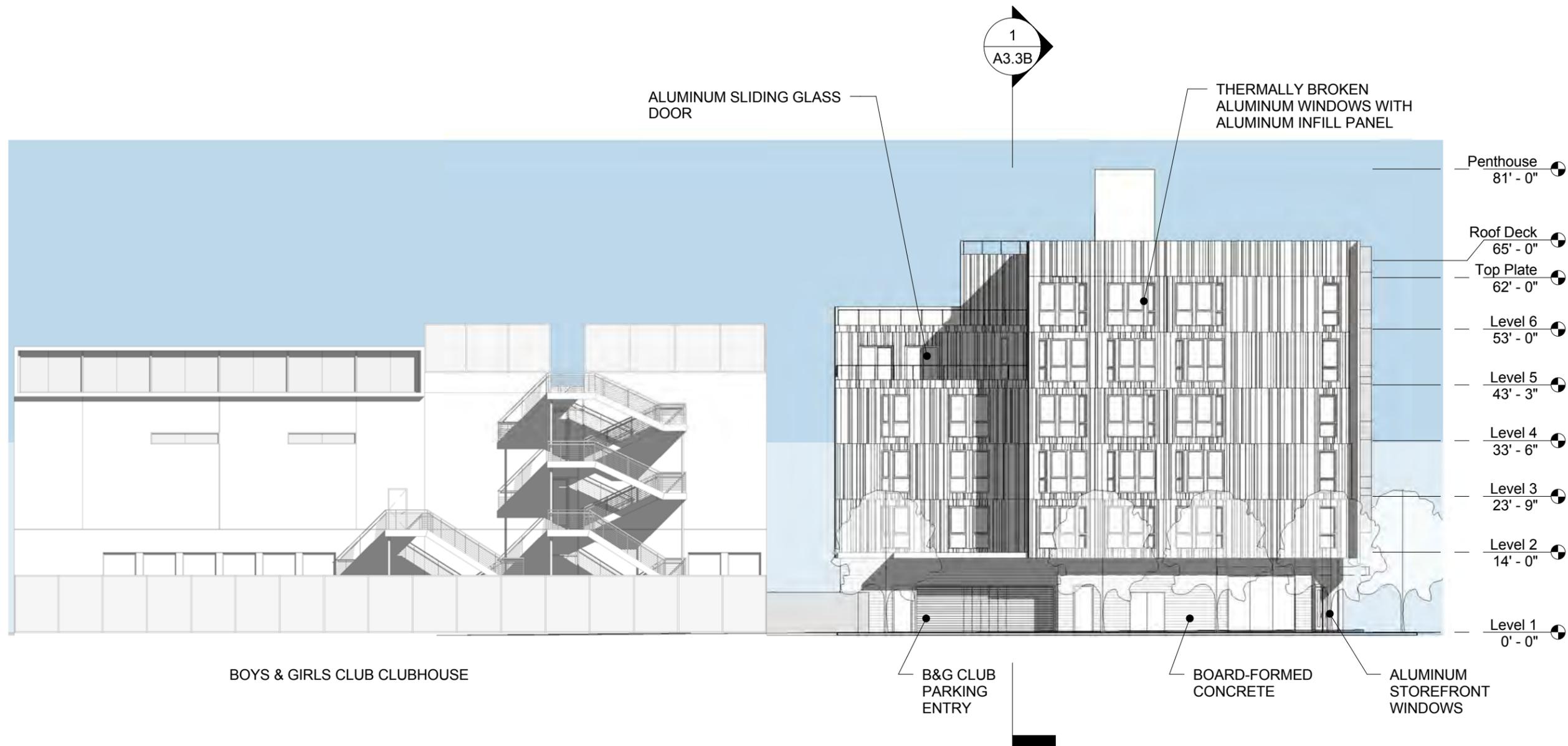


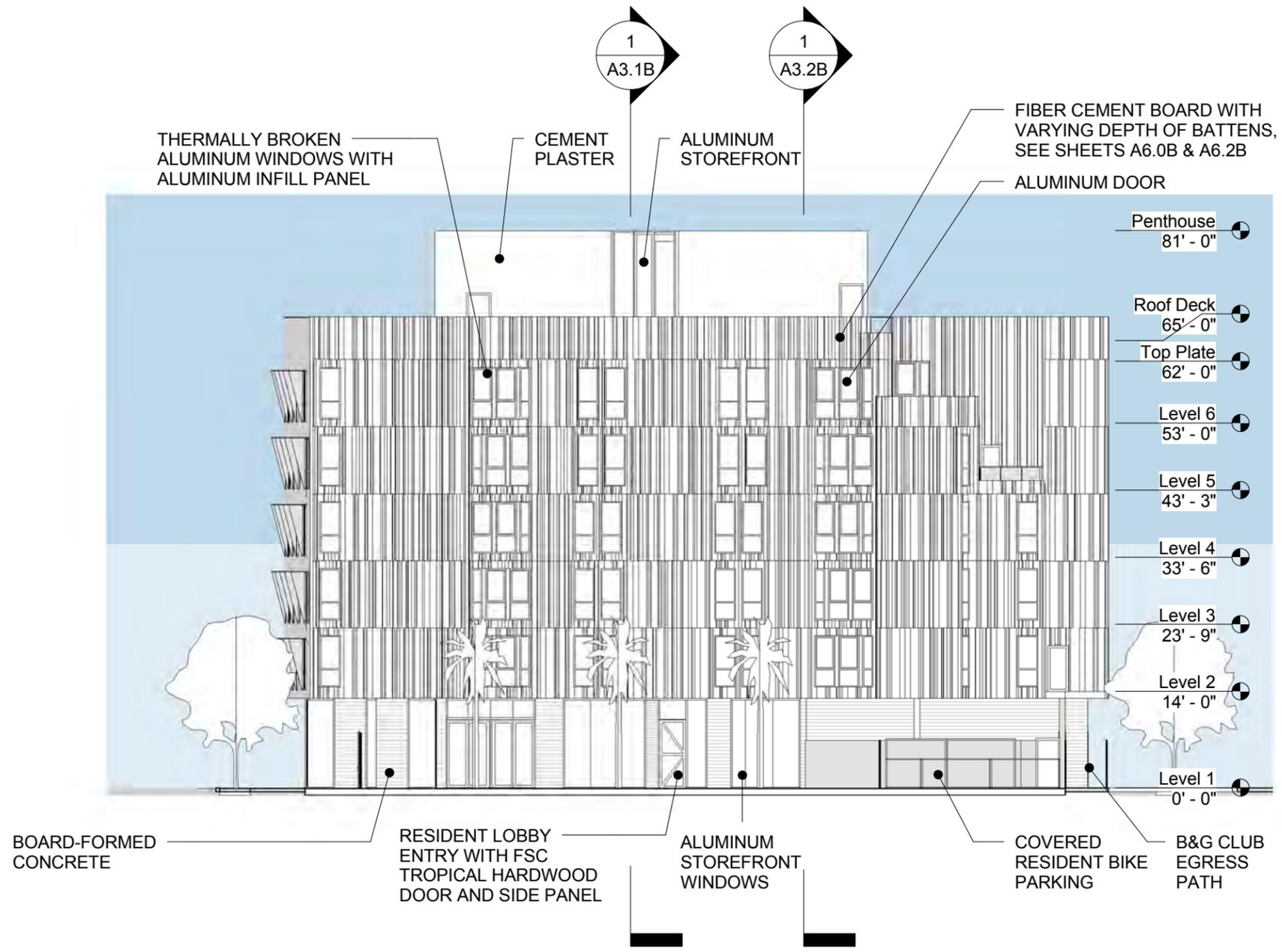


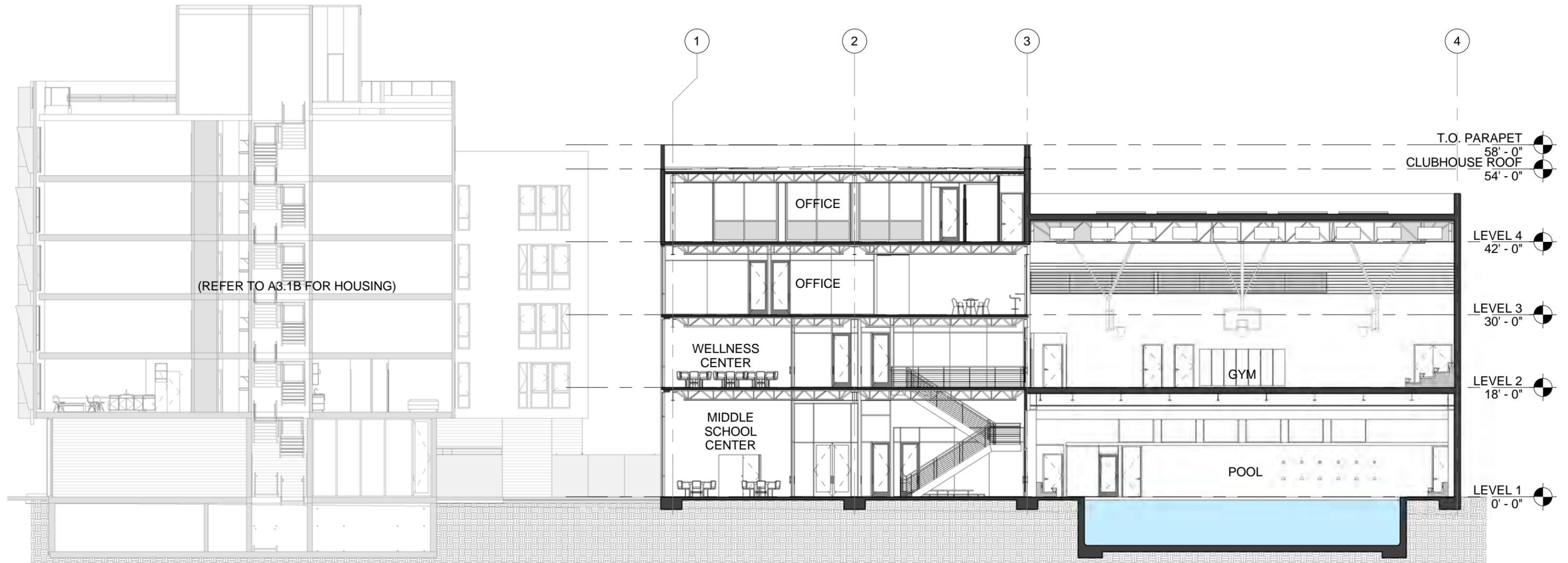


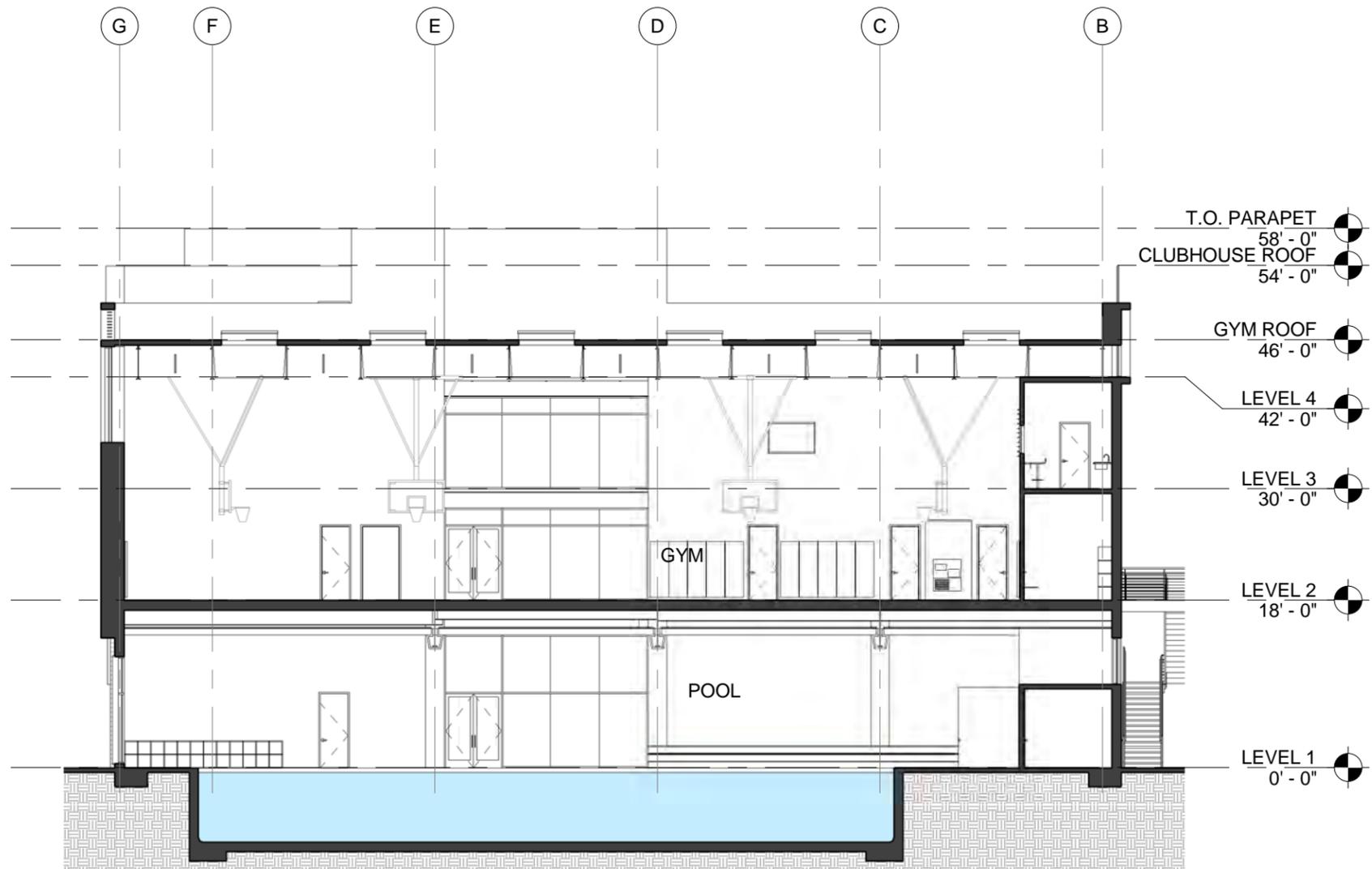


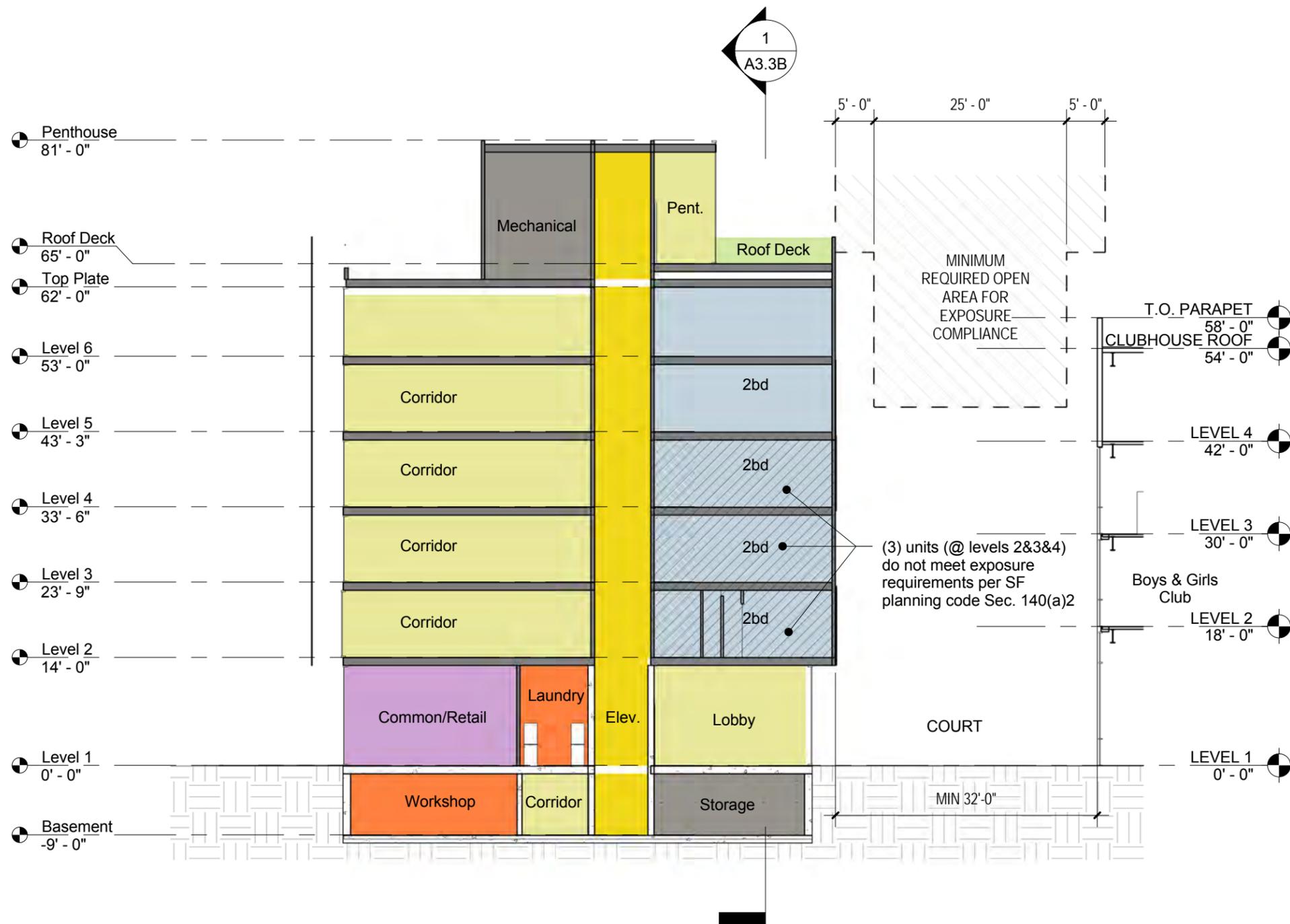


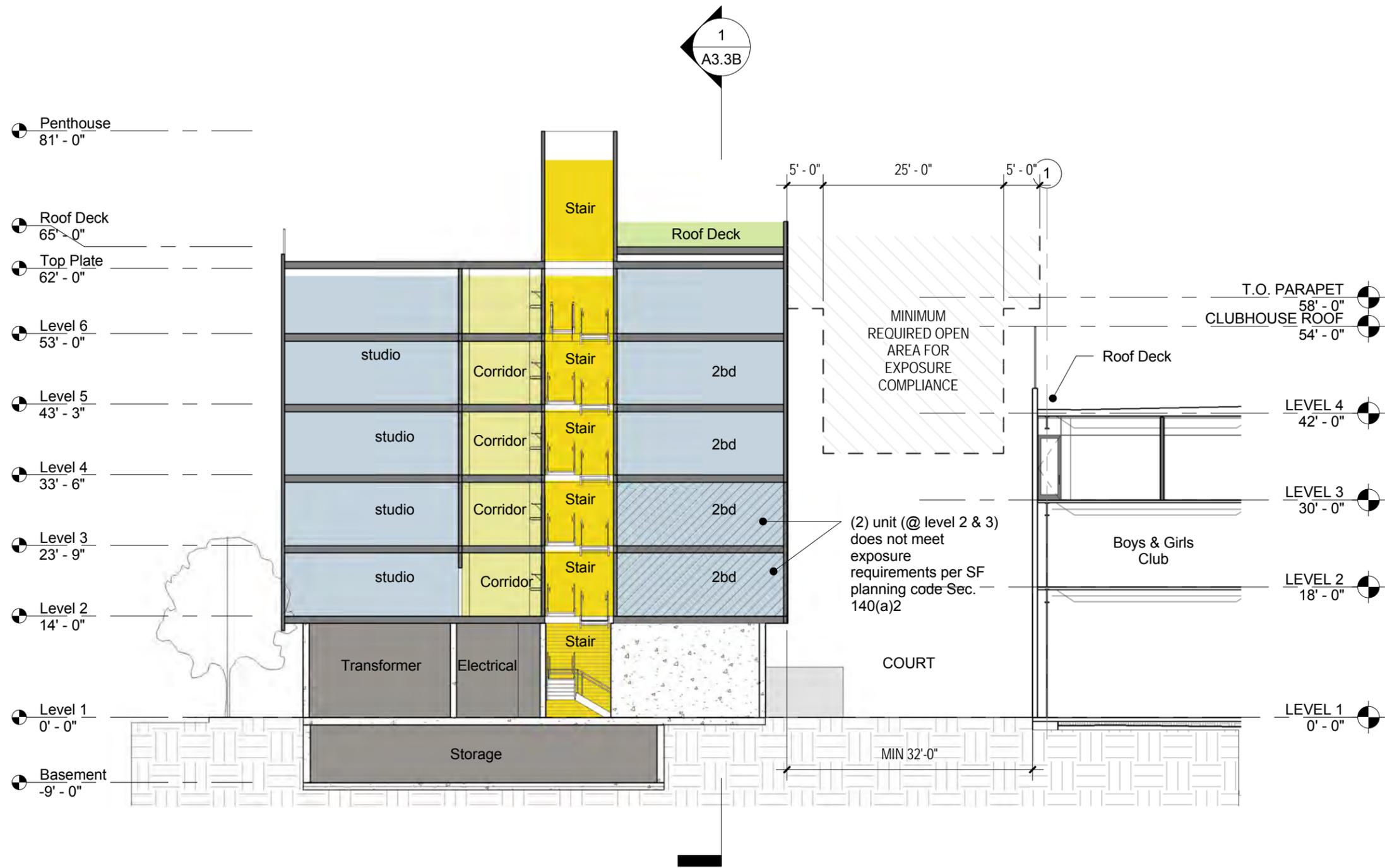


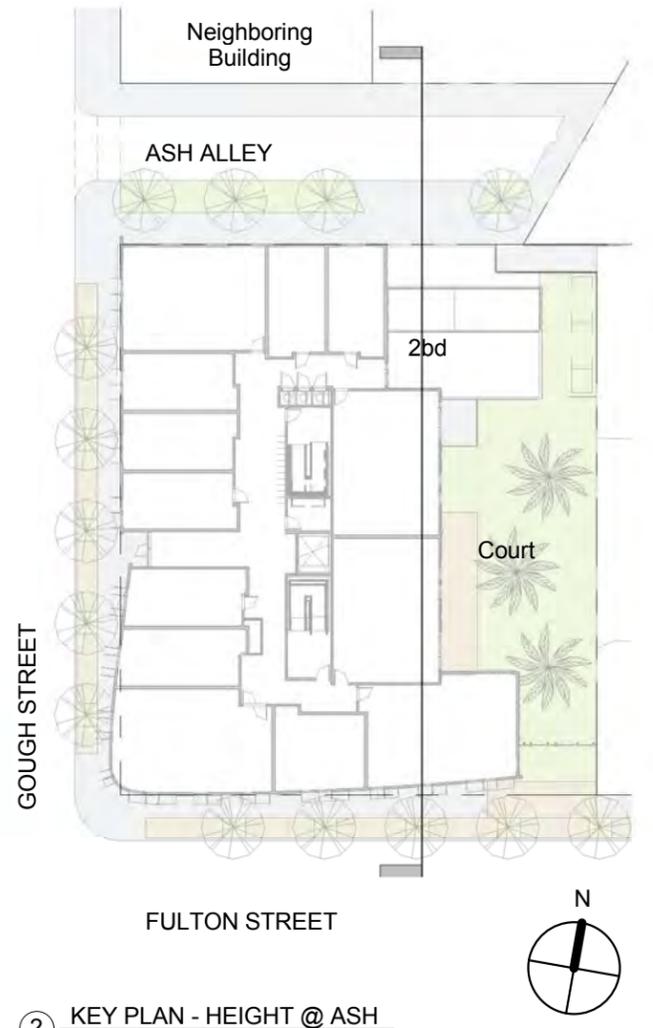
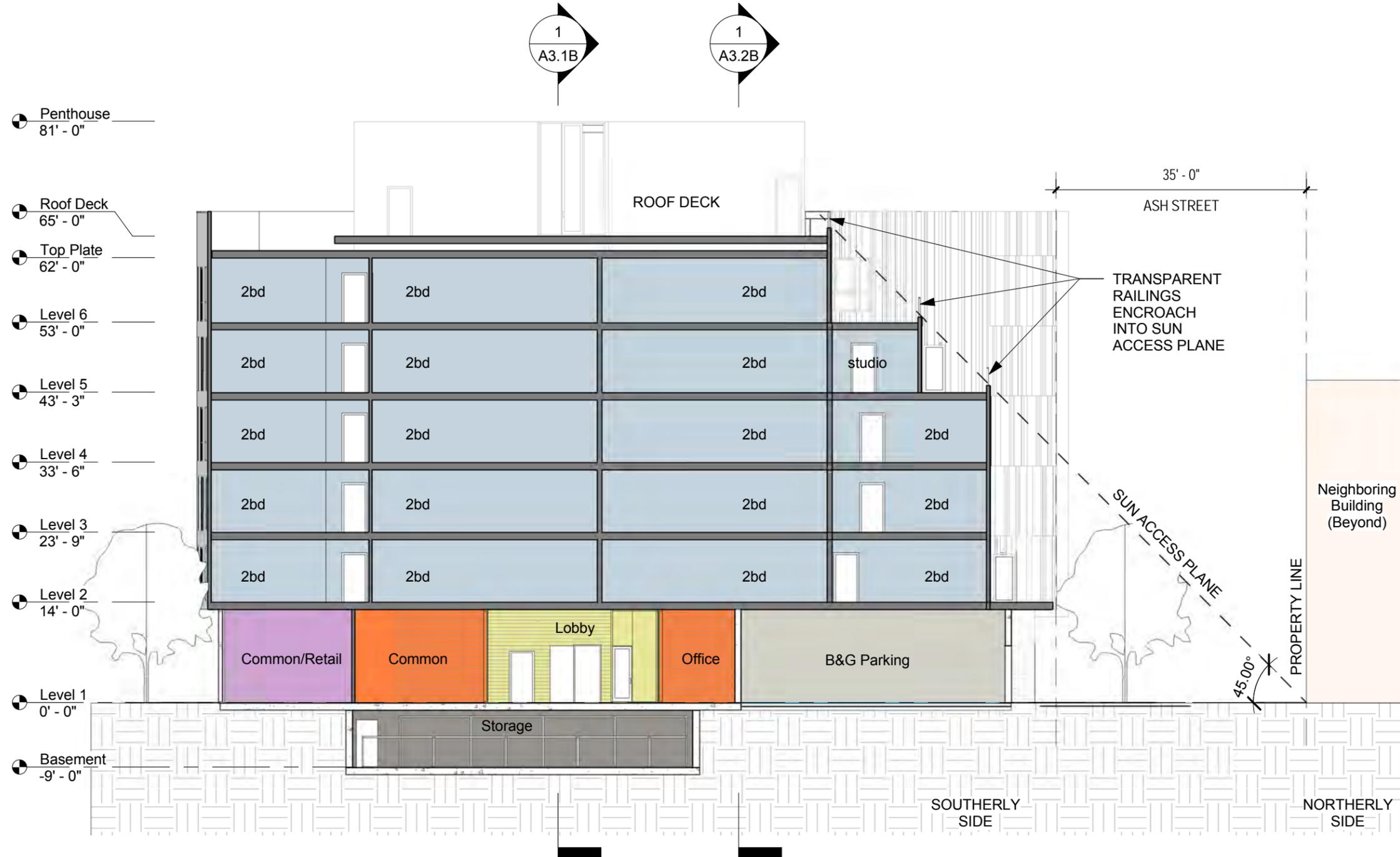












2 KEY PLAN - HEIGHT @ ASH  
 1" = 40'-0"

1 North-South Section  
 1/16" = 1'-0"







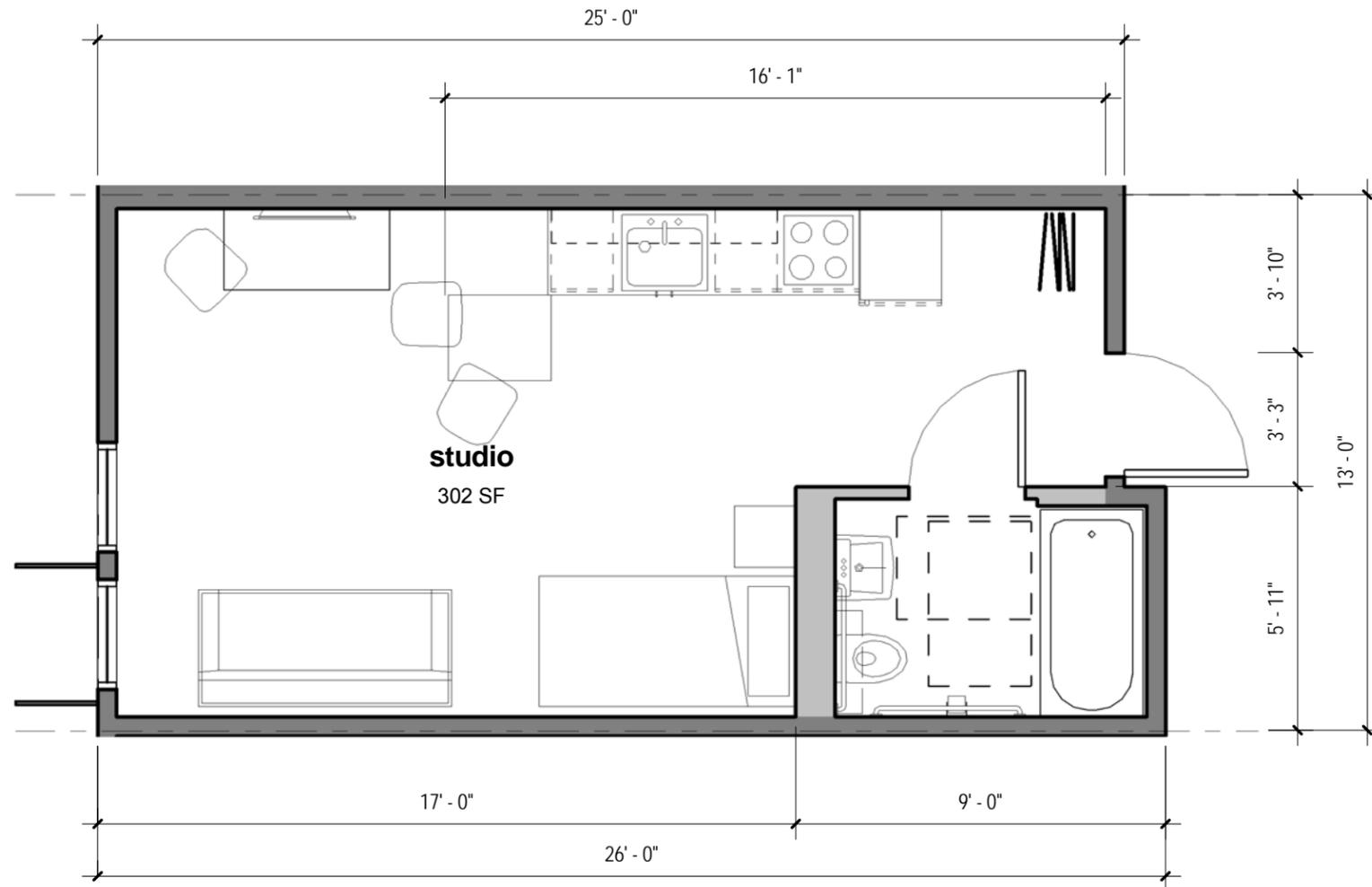


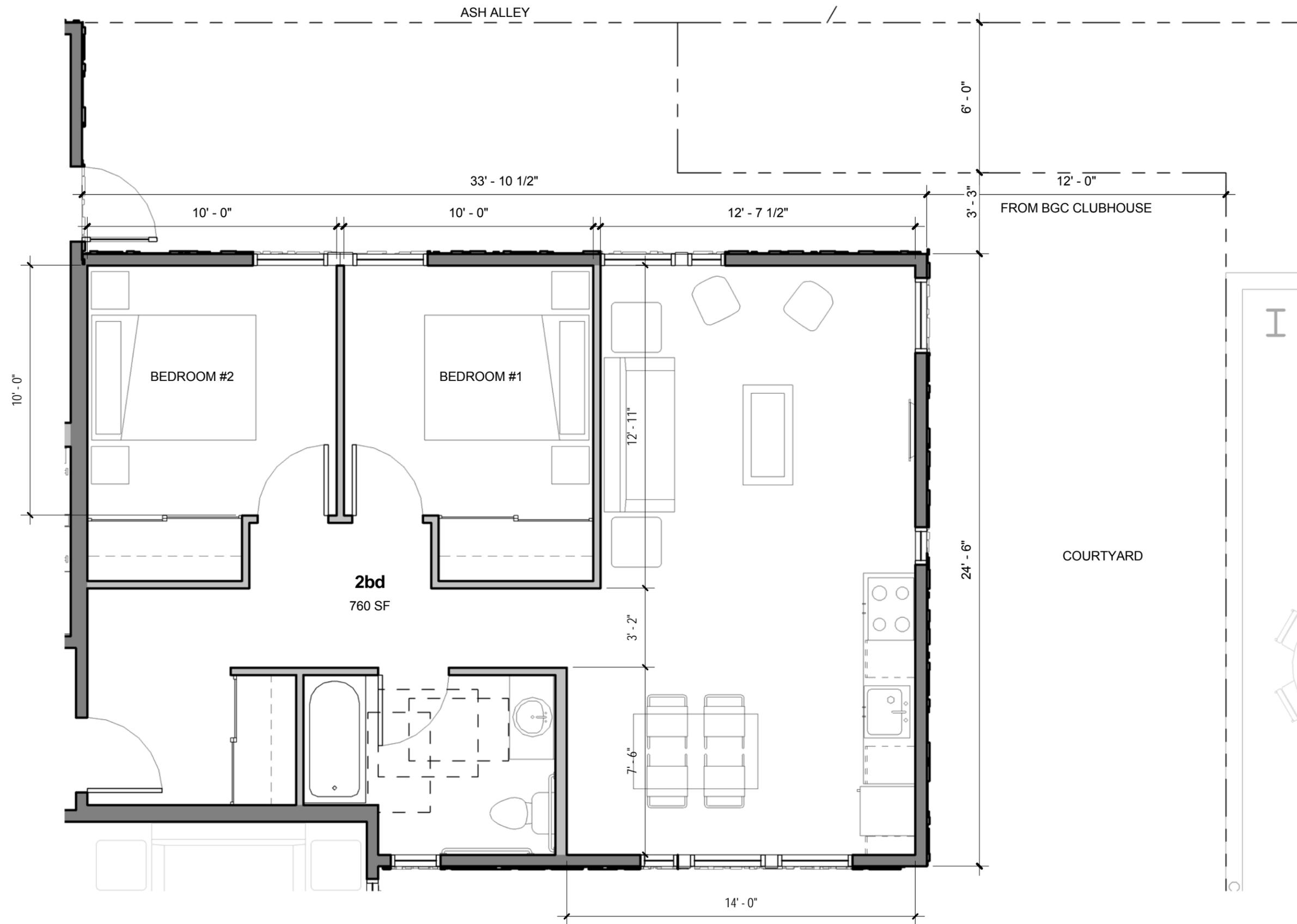














1) FIBER CEMENT BOARD (battens alternate in depth & width, painted light white)



2) GLAZED BRICK



3) GLAZED BRICK



4) GLAZED BRICK



5) ANODIZED ALUMINUM SUNSHADES (2'-0 deep)



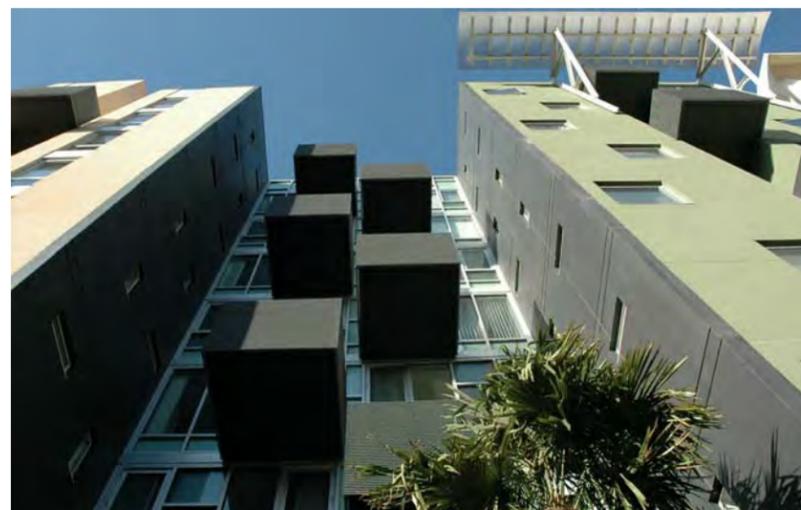
6) FULTON STREET COURTYARD FENCE & GATE



7) AMETCO FENCE ALTERNATE @ FULTON STREET COURTYARD



8) ALUMINUM STOREFRONT & BOARD FORM CONCRETE



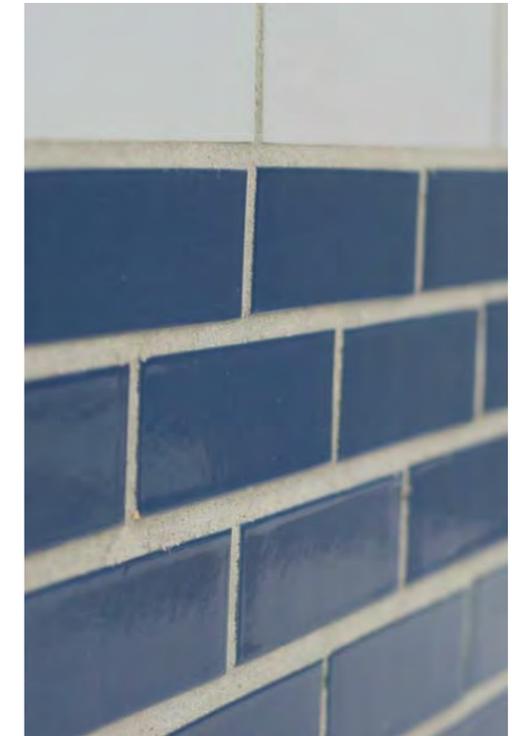
9) BALCONIES CLAD IN CLOSE MESH BAR GRATING



10) BALCONIES WITH CUSTOM CUT PATTERN OUT OF ANODIZED ALUMINUM (NOT CORTEN AS SHOWN)



3-4 COLORS OF BRICK TO CREATE A FABRIC FOR THE BUILDING SKIN



GLAZED BRICK DETAIL

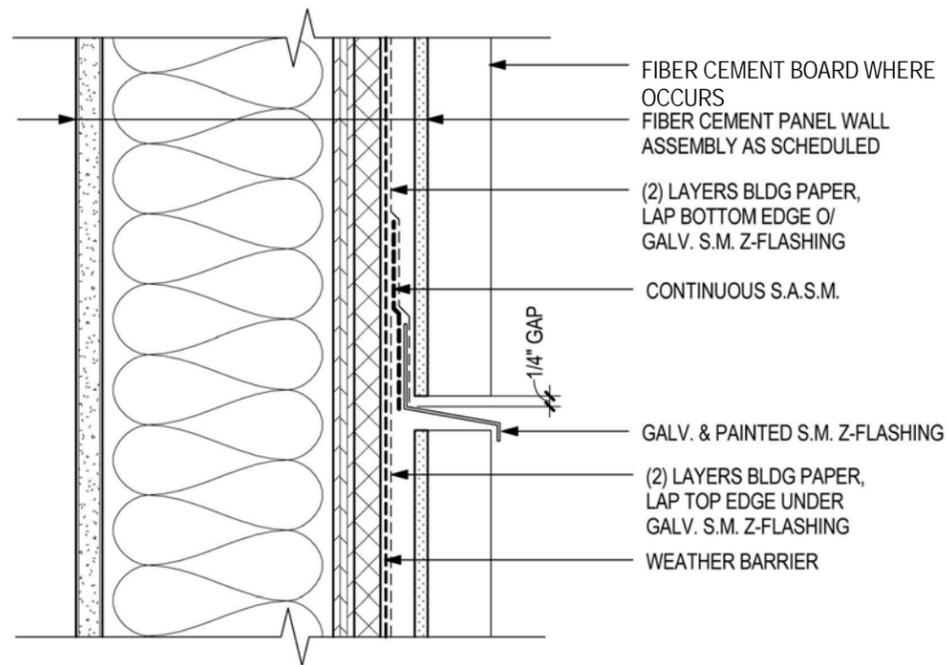


SOLID COLOR BRICK WITH CONTRASTING GROUT

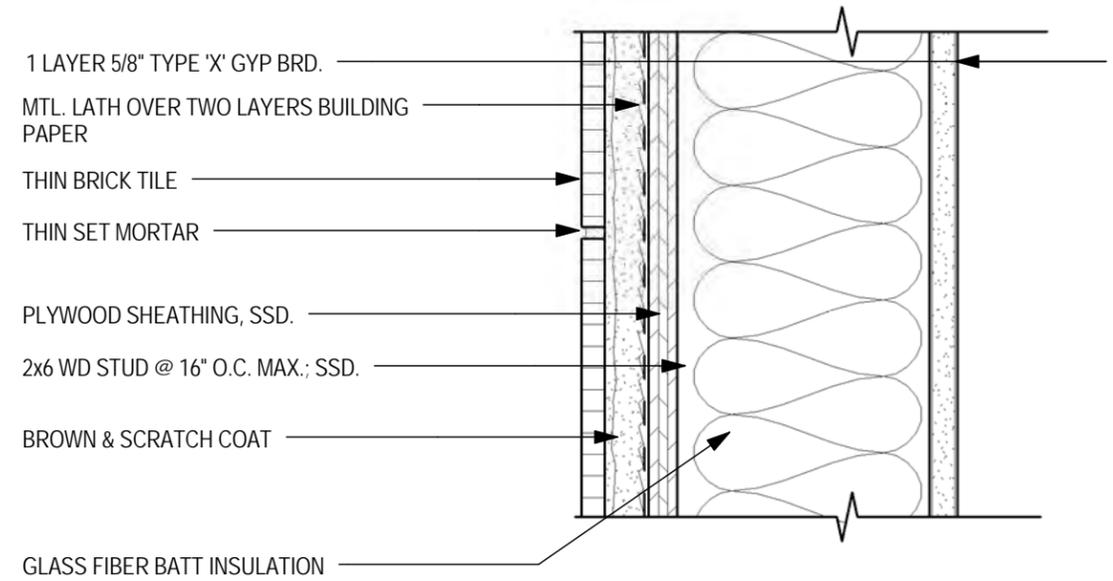


GLAZED BRICK

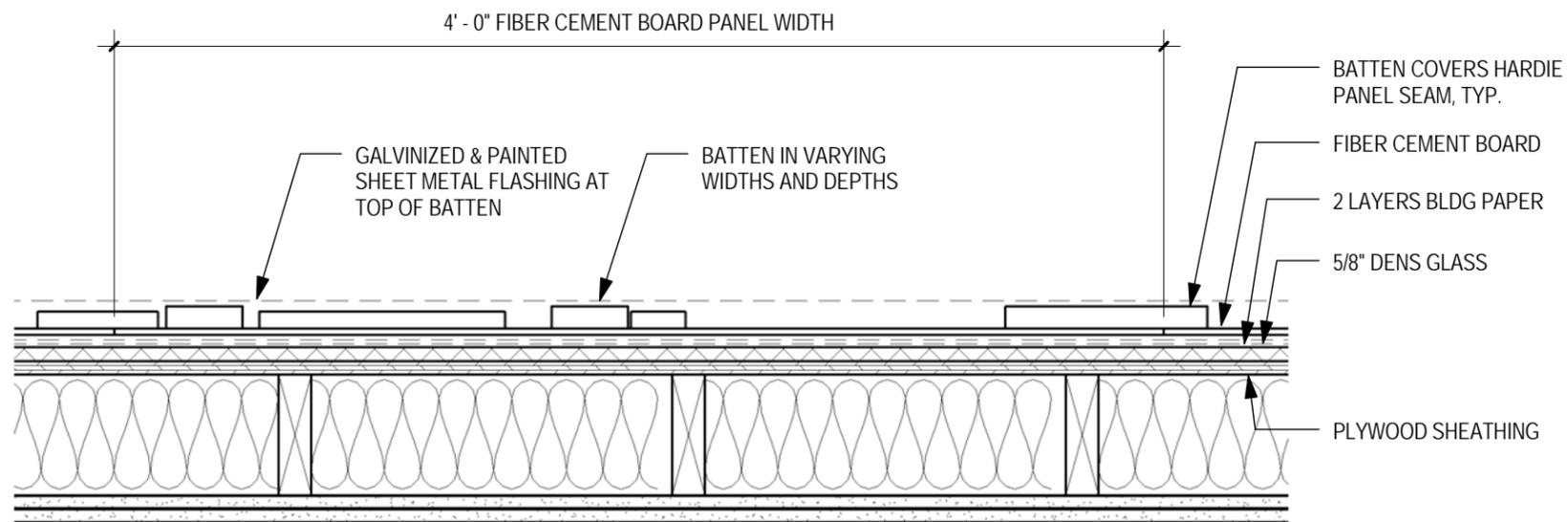




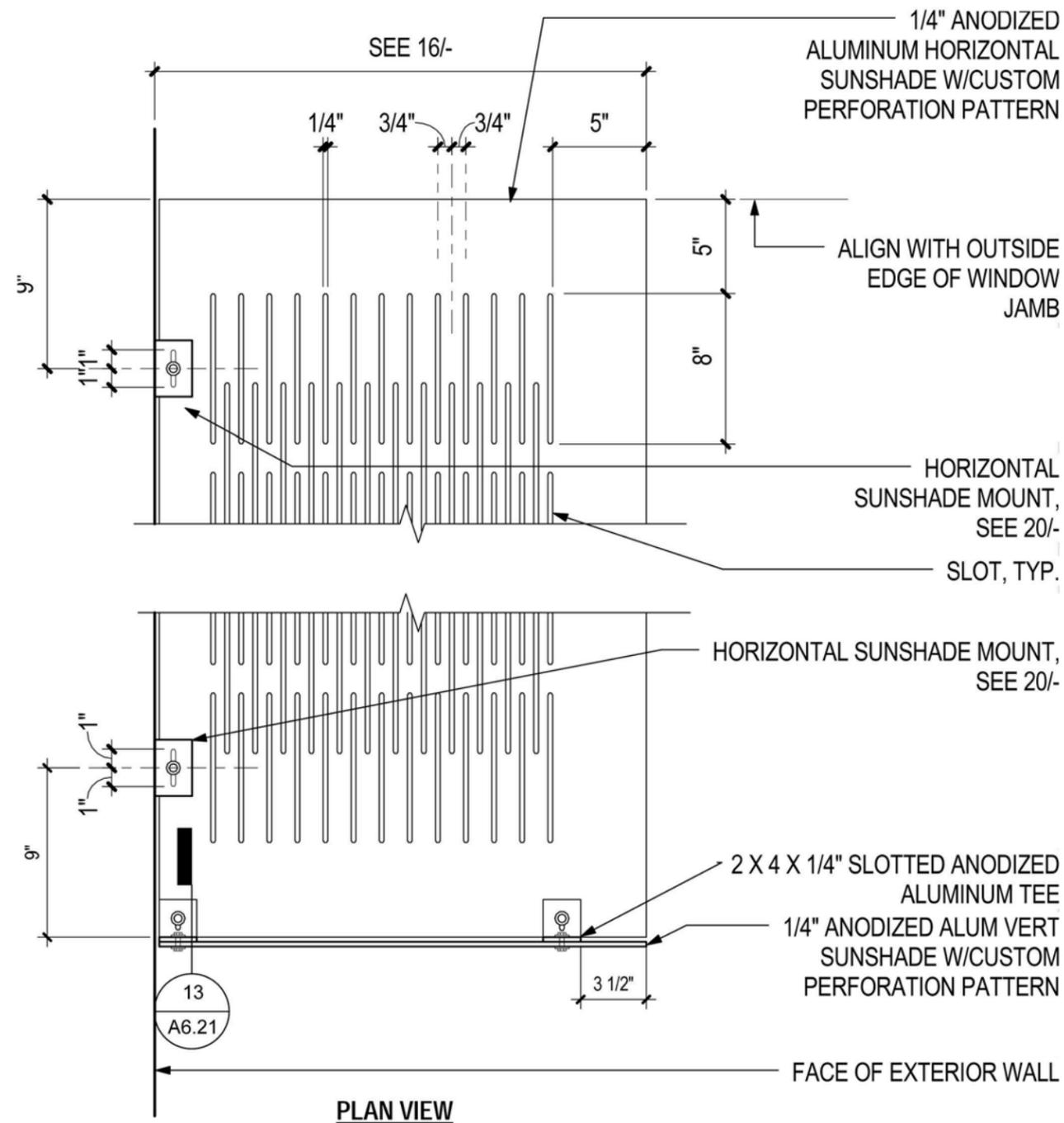
② CEMENT FIBER BOARD & BATTEN FLASHING DETAIL  
3" = 1'-0"



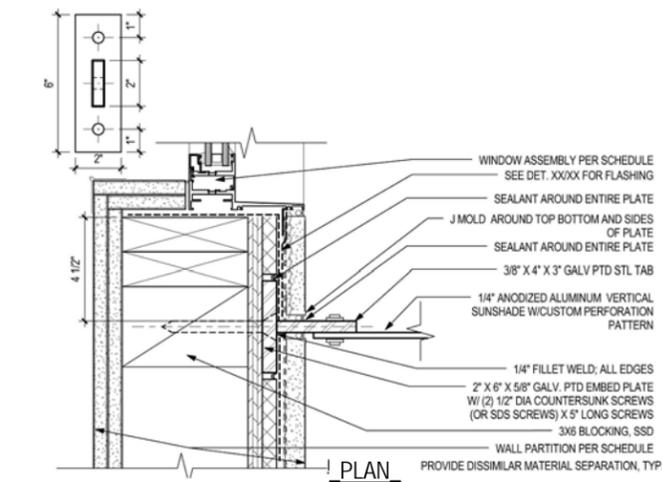
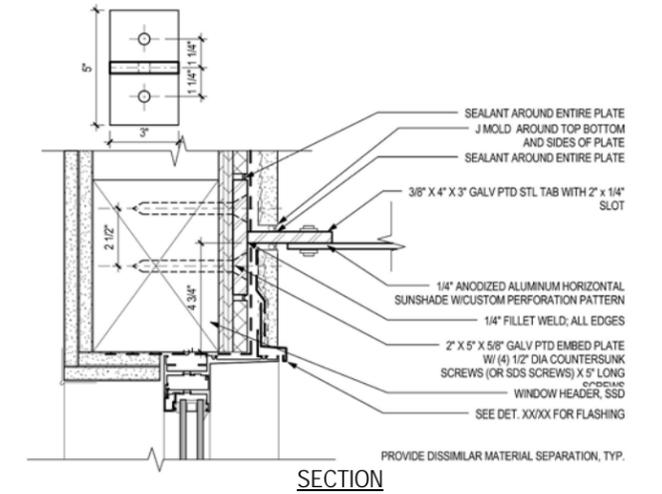
③ THIN BRICK WALL ASSEMBLY  
3" = 1'-0"



① CEMENT FIBER BOARD & BATTEN DETAIL  
1 1/2" = 1'-0"



① SUNSHADE DETAIL - PLAN VIEW  
1 1/2" = 1'-0"



② ALUMINUM SUNSHADE ATTACHMENT DETAILS  
1 1/2" = 1'-0"



344 FULTON HOUSING  
AERIAL CONTEXT VIEW

SCALE:

## APPLICANTS PREFERRED COLOR SCHEME

**db** A4.1B ALT  
david baker + partners

27 FEB 2013



344 FULTON HOUSING

EXTERIOR VIEW - FULTON STREET

SCALE:

## APPLICANTS PREFERRED COLOR SCHEME

**db** **A4.2B ALT**  
david baker + partners

27 FEB 2013



344 FULTON HOUSING

SCALE:

**APPLICANTS PREFERRED COLOR SCHEME**

EXTERIOR VIEW - FULTON STREET VIGNETTE

**db** **A4.3B ALT**  
david baker + partners

27 FEB 2013



344 FULTON HOUSING

SCALE:

**APPLICANTS PREFERRED COLOR SCHEME**

EXTERIOR VIEW - GOUGH & FULTON

**DLB** **A4.4B ALT**  
david baker + partners

27 FEB 2013



344 FULTON HOUSING

SCALE:

## APPLICANTS PREFERRED COLOR SCHEME

EXTERIOR VIEW - FULTON & GOUGH

**db** A4.5B ALT  
david baker + partners

27 FEB 2013



344 FULTON HOUSING

SCALE:

## APPLICANTS PREFERRED COLOR SCHEME

EXTERIOR VIEW - GOUGH & ASH ALLEY

**db** **A4.6B ALT**  
david baker + partners

27 FEB 2013



344 FULTON HOUSING

SCALE:

**APPLICANTS PREFERRED COLOR SCHEME**

EXTERIOR VIEW - ASH ALLEY VIGNETTE

**DL** **A4.7B ALT**  
david baker + partners

27 FEB 2013