



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Section 309 Review and Request for Exceptions Variance

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HEARING DATE: FEBRUARY 11, 2016

Date: January 28, 2016
Case No.: **2013.1005E,VAR,X**
Project Address: **22 Franklin Street**
Zoning: C-3-G (Downtown General)
120-F Height and Bulk District
Van Ness and Market Downtown Residential Special Use District
Block/Lot: 3725/068
Project Sponsor: Reza Khoshnevsian – (415) 865-9600
Sia Consulting
1256 Howard Street
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Staff Contact: Carly Grob – (415) 575-9138
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PROJECT DESCRIPTION

The project proposes the demolition of the existing vacant auto body shop on the northern half of the lot, and the construction of an eight-story mixed use building with 35 dwelling units and approximately 1,794 square feet of ground floor commercial space. Of the proposed units, seven would be one-bedroom units and the remaining 28 would be two-bedroom units. The project also includes 35 Class 1 bicycle spaces, and does not propose any off-street vehicle parking.

SITE DESCRIPTION AND PRESENT USE

The subject property is currently developed with a one-story auto body shop on the northern half of the lot (formerly lot 12) and a surface parking lot on the southern half of the lot (formerly lot 11). The auto body shop is currently vacant, but was previously doing business as the Franklin Auto Body Shop. The project site is located within the Market Octavia Plan Area and the Van Ness & Market Downtown Residential Special Use District.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the western border of the C-3-G Zoning District, and is immediately across the street from the NCT-3 (Neighborhood Commercial Transit) District. Market Street is less than one block south, and the Western Addition and Hayes Valley neighborhood begin about two blocks west of the project site. Along the east side of Franklin are generally mixed use buildings between four and six

stories in height, with varied heights moving east of Franklin Street. West of the project site are buildings approximately two-five stories in height and of varying uses, including the San Francisco Fire Station, The French-American school, International High Schools, retail, restaurants, and residential. There are also several surface parking lots within the immediate vicinity of the subject property, including one lot which is adjacent to the north of the proposed new construction. There is a six-story mixed use building immediately to the south of the project site which was constructed in 1917.

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 (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 a streamlined 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, or (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.

On January 27, 2016, the Planning Department of the City and County of San Francisco determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and 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) setting forth mitigation measures that were identified in the Market and Octavia Area Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	January 22, 2016	January 18, 2016	24 days
Mailed Notice	10 days	February 1, 2016	February 1, 2016	10 days

PUBLIC COMMENT

To date, the Department has not received any public comment regarding the subject Project.

ISSUES AND OTHER CONSIDERATIONS

- **Planning Code Exceptions.** The Project does not strictly conform to Section 148 of Planning Code. As part of the Downtown Project Authorization process, the Commission may grant exceptions from certain requirements of the Planning Code for projects that meet specified criteria. The Project requests exceptions for "Reduction of Ground-Level Wind Currents in C-3 Districts" (Section 148). Compliance with the specific criteria for each exception is summarized below, and is described in the attached draft Section 309 motion.
 - Ground Level Wind Currents. Planning Code Section 148 requires that new construction in Downtown Commercial Districts will not cause ground-level wind currents to exceed pedestrian comfort levels. This standard requires that wind speeds not exceed 11 miles per hour in areas of substantial pedestrian use for more than 10 percent of the time year round, between 7:00 AM and 6:00 PM. The requirements of this Section apply either when preexisting ambient wind speeds at a site exceed the comfort level and are not being eliminated as a result of the project, or when the project may result in wind conditions exceeding the comfort criterion.

The existing conditions at the Project Site indicate that 11 of the 26 test points exceed the Planning Code's comfort criterion and none of the test points fail the hazard criterion. With the Project, no hazard conditions are created; though, there is one additional point that will exceed comfort criteria compared to the existing condition, for a 12 of seven comfort exceedances. One additional comfort exceedance is created by the Project on the west side of the intersection of Page and Market Streets. The exceedance at this location is the result of increased wind speeds from 11 mph to 12 mph, as well as the frequency of the wind. Rather than 12 mph wind speeds 10% of the time, the frequency increases to 12%. The Project could not be designed in a manner that would affect wind conditions

substantially enough to eliminate all of the existing comfort exceedances, without unduly restricting the site's development potential.

- Lot Coverage. Pursuant to Planning Code Section 249.33, the rear yard requirements of Section 134 of the Code shall not apply. Lot coverage is limited to 80 percent at all residential levels except on levels in which all residential units face onto a public right-of-way. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards per Section 136(c). Exceptions to the 20 percent open area may be granted pursuant to the procedures of Section 309 for conversions of existing non-residential structures where it is determined that provision of 20 percent open area would require partial demolition of the existing non-residential structure.

The total lot area of the project site is 4,337 square feet. Per Section 249.33, lot coverage would be limited to 80%, or approximately 3,469.6 square feet, at the second level and above. The residential floors currently cover 81% of the lot (80.7%), or approximately 3,500 square feet of lot area at all residential levels.

Previous iterations of the project submitted to the Department were compliant with the lot coverage requirements of Section 249.33. Increasing the lot coverage to 81% allowed the project sponsor to increase the depth of the building by five feet, creating space for one additional dwelling unit per floor, and resulting in 35 total units rather than 28. The increase in the number of units also resulted in one additional BMR unit, increasing the number of required on-site BMR units from three to four. The project sponsor has would construct the units as rental units, and has drafted a Costa Hawkins agreement for the four on-site BMR units provided.

- **Variance.** The Project requests a Variance from the Dwelling Unit requirements of the Planning Code.
 - Section 140. Section 140 requires that one room in each dwelling unit measuring at least 120 square feet must face a code-complying rear yard, a street or alley at least 20 feet in width, or an open area measuring 25 feet by 25 feet at the first level containing a dwelling unit and the level above it, and increasing by five feet in every dimension at each subsequent floor.

Fourteen of the 35 proposed dwelling units have living rooms which measure approximately 224 square feet, and are facing Franklin Street, which is greater than 20 feet wide. Additionally, one unit on the second floor and one unit on the third floor that have living rooms which are approximately 224 square feet that face an open area at the rear which is 40 feet by 25 feet. However, the open space does not increase by five feet in every dimension above the third story, so these units are not considered compliant with Section 140. The remaining 19 units have windows that face the rear open space; however, this space is not considered a code complying rear yard, and the windows are located in rooms which are less than 120 square feet in area.

The project requires a Variance from Planning Code Section 140, as 21 of the dwelling units do not comply with the Dwelling Unit Exposure Requirement.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must determine that the Project complies with Planning Code Section 309, granting requests for exceptions from Ground Level Winds Currents per Section 148 and from lot coverage per Section 249.33. In addition, the Zoning Administrator would need to grant a Variance from Sections 140 of the Planning Code, as discussed under “Issues and Other Considerations” above.

BASIS FOR RECOMMENDATION

- The project would add 35 dwelling units to the City’s housing stock.
- The project would provide four on-site affordable rental units.
- The Project would replace an existing surface parking lot and vacant, one-story auto body shop with housing and ground floor retail, thereby improving the street wall along Franklin Street, while also helping to activate the block.
- The Project is compatible with the surrounding neighborhood character, in terms of height, scale, and massing.
- The Project would present a more active and pedestrian-oriented streetscape compared with the existing auto body shop and parking lot.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Draft Section 309 Motion

Block Book Map

Sanborn Map

Zoning Map

Aerial Photograph

Site Photographs

Exhibit B – Project Plans

Environmental Determination

-Certificate of Determination of Exemption from Environmental Review

-Community Plan Exemption Checklist

-Exhibit C-Mitigation Monitoring and Reporting Program (MMRP)

Affidavit of Compliance – Inclusionary Housing

Wind Study

Project Sponsor Submittal

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"/> Block Book Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input checked="" type="checkbox"/> Housing Documents |
| <input checked="" type="checkbox"/> Context Photos | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos | |

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

CG
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input 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 type="checkbox"/> Other |

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR THE REDUCTION OF GROUND-LEVEL WIND CURRENTS UNDER PLANNING CODE SECTION 148 AND LOT COVERAGE UNDER PLANNING CODE SECTION 249.33 TO CONSTRUCT AN APPROXIMATELY 85-FOOT TALL BUILDING WITH UP TO 35 DWELLING UNITS AND 1,794 SQUARE FEET OF GROUND FLOOR RETAIL AT 22-24 FRANKLIN STREET WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING DISTRICT, THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT AND THE 85-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 2, 2014, Reza Khoshnevsian of Sia Consulting on behalf of SST Investments, LLC (hereinafter "Project Sponsor") filed an Application No. 2013.1005E (hereinafter "Environmental Application") with the Planning Department (hereinafter "Department") for Environmental Review and Downtown Project Authorization, to allow the demolition of the existing one-story commercial building, removal of the existing surface parking lot and construction of an 85-foot-tall, eight-story, 28,554 square-foot, mixed-use building with 35 dwelling units and ground floor commercial space.

On May 15, 2014, Reza Khoshnevsian of Sia Consulting on behalf of the Project Sponsor filed an Application No. 2013.1005X (hereinafter "Downtown Project Authorization Application") with the Department for Downtown Project Authorization for the new construction of an 85-foot-tall, eight-story, 28,554 square-foot, mixed-use building with 35 dwelling units and ground floor commercial space.

On July 15, 2015 Reza Khoshnevsian of Sia Consulting on behalf of the Project Sponsor filed an Application No. 2013.1005VAR (hereinafter "Variance Application") with the Department to seek an exception from the Dwelling Unit Exposure requirements of Planning Code Section 140.

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 a streamlined 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, or (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.

On January 27, 2016, the Planning Department of the City and County of San Francisco determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and 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) setting forth mitigation measures that were identified in the Market and Octavia Area Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

MOVED, that the Commission hereby approves the Downtown Project Authorization requested in Application No. 2013.1005E,VAR,X, 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 subject property is currently developed with a one-story auto body shop on the northern half of the lot (formerly lot 12) and a surface parking lot on the southern half of the lot (formerly lot 11). The auto body shop is currently vacant, but was previously doing business as the Franklin Auto Body Shop. The project site is located within the Market Octavia Plan Area and the Van Ness & Market Downtown Residential Special Use District.
3. **Surrounding Properties and Neighborhood.** The project site is located at the western border of the C-3-G Zoning District, and is immediately across the street from the NCT-3 (Neighborhood Commercial Transit) District. Market Street is less than one block south, and the Western Addition and Hayes Valley neighborhood begin about two blocks west of the project site. Along the east side of Franklin are generally mixed use buildings between four and six stories in height, with varied heights moving east of Franklin Street. West of the project site are buildings approximately two-five stories in height and of varying uses, including the San Francisco Fire Station, The French-American school, International High Schools, retail, restaurants, and residential. There are also several surface parking lots within the immediate vicinity of the subject property, including one lot which is adjacent to the north of the proposed new construction. There is a six-story mixed use building immediately to the south of the project site which was constructed in 1917.
4. **Project Description.** The project proposes the demolition of the existing vacant auto body shop on the northern half of the lot, and the construction of an eight-story mixed use building with 35 dwelling units and approximately 1,794 square feet of ground floor commercial space. Of the

proposed units, seven would be one-bedroom units and the remaining 28 would be two-bedroom units. The project also includes 35 Class 1 bicycle spaces, and does not propose any off-street vehicle parking.

5. **Public Comment.** To date, the Department has not received any public comment regarding the proposed project.
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. **Dwelling Unit Exposure.** Planning Code Section 140 requires that one room in each dwelling unit measuring at least 120 square feet must face a code-complying rear yard, a street or alley at least 20 feet in width, or an open area measuring 25 feet by 25 feet at the first level containing a dwelling unit and the level above it, and increasing by five feet in every dimension at each subsequent floor.

Fourteen of the 35 proposed dwelling units have living rooms which measure approximately 224 square feet, and are facing Franklin Street, which is greater than 20 feet wide. Additionally, one unit on the second floor and one unit on the third floor that have living rooms which are approximately 224 square feet that face an open area at the rear which is 40 feet by 25 feet. However, the open space does not increase by five feet in every dimension above the third story, so these units are not considered compliant with Section 140. The remaining 19 units have windows that face the rear open space; however, this space is not considered a code complying rear yard, and the windows are located in rooms which are less than 120 square feet in area.

The project requires a Variance from Planning Code Section 140, as 21 of the dwelling units do not comply with the Dwelling Unit Exposure Requirement.

- B. **Loading.** Planning Code Section 152.1 states projects in the C-3 District that include the addition of 0-100,000 sq. ft. of residential space or less than 10,001 square feet of retail space are not required to provide any off-street freight loading spaces.

The Project proposes approximately 26,760 square feet of residential space and 1,794 square feet of ground floor retail space; therefore, no off-street loading spaces are required. The Project complies with Section 152.1 of the Planning Code.

- C. **Parking.** Planning Section 151.1 allows up to one car for each two dwelling units as-of-right, and up to three cars for each four dwelling units as a conditional use. Parking for non-residential uses in the C-3 District is permitted up to 7% percent of the Gross Floor Area of these uses. The proposed ground floor commercial use would be exempted from Gross Floor Area per Section 102(b)(14), as it does not occupy more than 5,000 square feet or more than 75% of the ground level.

The Project does not propose any off-street parking spaces and complies with Section 151.1 of the Planning Code.

- D. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.

Currently, the project does not propose any signage. Proposed signage will be reviewed against and made to comply with Article 6 of the Planning Code.

- E. **Maximum Floor Area Ratio.** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the C-3-G District is 9.0:1. Within the Van Ness and Market Residential Special Use District, residential uses are also included in the calculation of Floor Area Ratio.

The proposed eight-story building would reach a 5.39:1 floor area ratio, and is compliant with Section 124 and with Section 249.33. The FAR calculation includes the proposed residential uses, and excludes the ground floor commercial space, bicycle parking, and the mechanical and circulation areas at the ground floor.

- F. **Residential Open Space.** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 sq. ft. per dwelling unit or that common usable open be provided at a ratio of 47.88 sq. ft. per dwelling unit.

The Project includes 35 units, which requires at least 1,260 square feet of private open space or 1,676 square feet of common open space. The Project provides a total of approximately 2,103 square feet of common open space on the roof deck, and is therefore compliant with Planning Code Section 135. Additionally, the project includes one 375 square foot private open space for unit 205, and one 450 square foot private open space for units 203 and 204 at the second level. Private balconies facing Franklin Street are provided for units 301, 501, and 701.

- G. **Public Open Space (Section 138).** New buildings in the C-3-O (SD) Zoning District must provide public open space at a ratio of one sq. ft. per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

The only non-residential use proposed by the project is the addition of approximately 1,794 square feet of ground floor retail. Gross Floor Area is defined in Section 102. Ground floor retail uses which are less than 5,000 square feet in area are exempted from Gross Floor Area per Section 102; therefore, the project does not propose any gross square feet of non-residential uses, and public open space is not required.

- H. **Streetscape Improvements (Section 138.1).** Planning Code Section 138.1 requires that when a new building is constructed in the C-3 District, street trees and sidewalk paving must be provided in accordance with Article 16 and Sections 805(a) and (d) and 806(d) of the Public Works Code. One 24-inch box tree is required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works (DPW). An in-lieu must be paid for

any required street tree that cannot be feasibility be planted. Feasibility of tree planting will be determined by DPW.

The Project proposes two new street trees whose location, type and size will be vetted and approved by the Department of Public Works. An in-lieu fee will be required for any tree that cannot be planted.

- I. **Active Frontages.** Section 145.1(c)(c) requires that active uses are required within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any façade facing a street at least 30 feet in width, with the exception of space dedicated to building egress and access to mechanical systems. Residential Uses are considered active uses above the ground floor.

The project proposes a commercial storefront at the ground floor, as well as two residential entries for the first 25 feet of building depth. Residential uses are proposed above the ground floor for the first 15 feet of building depth facing Franklin Street, which is greater than 30 feet wide. Therefore, the project is compliant with Section 145.1.

- J. **Shadows on Public Open Spaces (Section 147).** Planning Code Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

A shadow fan was prepared and analysis of the fan concluded that the Project would not cast shadows on any public open spaces. Therefore, the Project complies with Section 147.

- K. **Bicycle Parking (Section 155.2).** For buildings with less than 100 dwelling units, Planning Code Section 155.2 requires Class 1 space per unit, plus one Class 2 space for every 20 dwelling units.

The Project complies with Section 155.2 as it provides 35 Class 1 and two Class 2 bicycle parking space.

- L. **Density.** There are no density controls by lot area in the Van Ness and Market Residential Special Use District. Pursuant to Section 249.33, density is regulated by the applicable requirements and limitations elsewhere in the Code, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Market & Octavia Area Plan Fundamental Principles for Design, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

The Project contains 35 dwelling units, which is permitted in the C-3-S District. The Department has

reviewed the design of the project and found it consistent with the Planning Code and with the applicable design guidelines. Therefore, the Project complies with Section 249.33.

- M. **Height (Section 260).** The property is located in a 85-X Height and Bulk District, thus permitting structures up to a height of 85 feet.

The Project would reach a height of approximately 85 feet at the flat roof. The project is compliant with Section 260.

- N. **Inclusionary Affordable Housing Program (Section 415).** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten 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, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide.

The Project Sponsor 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 affordable units on-site, at a rate of 12%.

- O. **Public Art (Section 429).** In the case of construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District, Section 429 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

The Project proposes the construction of a 28,554 square-foot structure and the sponsor is required to provide public art. To date, neither the artist nor the piece have been chosen. The project sponsor will provide an on-site piece valued at 1% of the construction costs for the project prior to the issuance of the first certificate of occupancy. This piece will be reviewed by the Department and by the Commission prior to the completion of the project.

7. **Exceptions Request Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and grants each exception to the entire Project as further described below.
- a. **Section 148: Ground-Level Wind Currents.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

Section 309(a)(2) permits exceptions from the Section 148 ground-level wind current requirements. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical report prepared by Rowan Williams Davies & Irwin, Inc. was conducted using a scale model of the Project Site and its immediate vicinity.

Comfort Criterion

The existing conditions at the Project Site indicate that 11 of the 26 test points exceed the Planning Code's comfort criterion. With the Project, one additional point will exceed comfort criteria compared to the existing condition. The project proposes two street trees in front of the proposed structure, which would likely eliminate two of the comfort exceedances, therefore resulting in no net increase in comfort exceedances.

Because the Project would not eliminate the existing exceedances, an exception is required under Planning Code Section 309. An exception is justified under the circumstances, because the changes in wind speed and frequency due to the Project are slight, and would remain substantially the same. One additional comfort exceedance is created by the Project on the west side of the intersection of Page and Market Streets. The exceedance at this location is the result of increased wind speeds from 11 mph to 12 mph, as well as the frequency of the wind. Rather than 12 mph wind speeds 10% of the time, the frequency increases to 12%.

Eight the 11 test points in which there are existing exceedances of the comfort criterion are impacted by the development; however, the changes to the existing exceedances are slight, and in some cases, create a decrease in the wind speeds exceeding the comfort criterion and the frequency in which they occur. There are five points in which the testing resulted in an increase to the frequency of time that wind speeds exceeded 11 mph. Three of these points are located at the intersection of Market and 12th Streets, where the increase in frequency was 1% for points number 20 and 24, and 2% for point 21. One of the remaining test points is located on the southeast

corner of the adjacent parking lot to the north, in which tests resulted in a 1% increase in the frequency. The remaining point is located at the northwest corner of Page and Franklin Streets, at which the test resulted in increases in both wind speed, from 12 to 14 mph, and 7% in frequency. Three of the test sites experienced a decrease in the frequency of wind speeds exceeding 11 mph, including two at the intersection of Oak and Franklin (-1% and 2%), and one along Market Street (-3%).

The Project could not be designed in a manner that would affect wind conditions substantially enough to eliminate all of the existing comfort exceedances, without unduly restricting the site's development potential. For these reasons, an exception from the comfort criterion is appropriate.

Hazard Criterion

The Wind Study indicated that in the existing conditions, none of thirty test points did not meet the wind hazard criterion. The project would not create any conditions which would not meet the wind hazard criterion. Therefore, the Project would comply with the hazard criterion of Section 148.

- b. **Section 249.33: Lot Coverage in the Van Ness and Market Residential Special Use District.** Pursuant to Planning Code Section 249.33, the rear yard requirements of Section 134 of the Code shall not apply. Lot coverage is limited to 80 percent at all residential levels except on levels in which all residential units face onto a public right-of-way. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards per Section 136(c). Exceptions to the 20 percent open area may be granted pursuant to the procedures of Section 309 for conversions of existing non-residential structures where it is determined that provision of 20 percent open area would require partial demolition of the existing non-residential structure.

The total lot area of the project site is 4,337 square feet. Per Section 249.33, lot coverage would be limited to 80%, or approximately 3,469.6 square feet, at the second level and above. The residential floors currently cover 81% of the lot (80.7%), or approximately 3,500 square feet of lot area at all residential levels.

Previous iterations of the project submitted to the Department were compliant with the lot coverage requirements of Section 249.33. Increasing the lot coverage to 81% allowed the project sponsor to increase the depth of the building by five feet, creating space for one additional dwelling unit per floor, and resulting in 35 total units rather than 28. The increase in the number of units also resulted in one additional BMR unit, increasing the number of required on-site BMR units from three to four. The project sponsor has would construct the units as rental units, and has drafted a Costa Hawkins agreement for the four on-site BMR units provided.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.8

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

The project supports this policy. The proposed project would construct 35 new housing units within an existing urban environment that is in need of more access to housing. The project proposes to remove a surface parking lot and a vacant commercial building to construct a mixed-use building that contains 31 market rate units and four affordable units. The property is well-suited for new housing due to its central location and proximity to transit. The site is currently developed with an at-grade parking lot and vacant, one-story auto body garage, which represents an under-utilized site within Civic Center and close proximity to the downtown core.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project supports this Policy. It is anticipated that because of the central downtown location of the Project, most residents would either walk, bike, or use public transportation for daily travel, therefore, the Project does not provide any off-street parking, and provides sufficient bicycle parking for residents. The Project is less than one block from Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also one block west of Van Ness Avenue, where several bus lines also run and bus rapid transit is planned.

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

Policy 11.7

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

The project supports these policies. The project would create 35 dwelling units in the immediate vicinity of existing residential and commercial buildings, and complies with zoning in terms of land use, height, and density. The adjacent building to the south of the project site, known as the Miramar Apartments, is classified as a contributor to the Market Street Masonry Historic District. Although it is not located within any historic districts, the project has been reviewed by the Department to ensure that the design of project responds to the Miramar Apartments, but does not mimic the historic architecture. The project also provides a setback on the south property line, respecting the property-line windows of its adjacent neighbor.

This new development will greatly enhance the character of the existing neighborhood. The current development of this location as a one-story auto-body shop and surface parking lot represents an under-utilized site close to downtown. By developing a residential building, the project will further activate Franklin Street and the Civic Center neighborhood by providing ground floor retail. The project would visually enhance the immediate neighborhood by removing a vacant business which is not pedestrian-serving and a surface parking lot, and replacing them with a sensitively designed residential building.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The project is designed to respond to the historic building adjacent to the south, as well as existing development within the Civic Center neighborhood, which is comprised of low- to mid-rise buildings of varying uses. The design of the project provides an active ground floor and a greater emphasis on the pedestrian experience, while the scale and massing of the project stands up to the wide thoroughfare of Franklin Street. The mixed-use building would be more consistent and compatible with the surrounding architecture, and does so within the context of the land use and development controls of the Planning Code and surrounding development.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT, AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs particularly those of commuters.

Policy 1.6:

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

The Project would promote Objective 1 and its associated policies by excluding on-site vehicular parking and providing bicycle parking, which would encourage transit and bicycling to private automobile usage. Given the proximity of the Project site to the employment opportunities and retail services of the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel.

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The Project would promote Objective 2 and its associated policies by constructing a residential building without providing any on-site vehicular parking.

OBJECTIVE 11:

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 35 bicycles (35 Class 1, two Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART.

MARKET AND OCTAVIA AREA PLAN

Objectives and Policies

HOUSING

OBJECTIVE 2.2

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.1

Eliminate housing density maximums close to transit and services.

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 represents an infill project which would bring additional housing into a neighborhood that is well served by public transit. The Project would improve the existing character of the neighborhood by providing 35 units above an active ground floor commercial use. A mix of dwelling unit sizes and types is proposed, as 28 would be two-bedroom units and seven would be one-bedroom units.

BALANCING TRANSPORTATION CHOICES

OBJECTIVE 5.3

ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.

Policy 5.3.1

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

The project proposes commercial uses at the ground floor, which would activate Franklin Street. No off-street vehicle parking is proposed, which eliminates the impact of parking on the physical character and quality of the neighborhood. The project would encourage residents to utilize means of transit other than private vehicles, as it includes bicycle parking for each of the units, and is close to local and regional public transit.

9. **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 Project would not displace existing neighborhood-serving retail uses because the existing auto-body shop on the site is vacant. The proposal includes the addition of 1,794 square feet of ground floor commercial space, which increases the opportunities for neighborhood-serving retail. The Project would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail.

- 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 would not negatively affect the existing housing and neighborhood character. The Project would not displace any housing because the existing structure at 22 Franklin is a vacant auto-body shop and surface parking lot. The Project would improve the existing character of the neighborhood by removing the existing auto-oriented uses to provide housing and active ground floor retail.

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

There is currently no housing on the site; therefore, no affordable housing will be lost as part of this Project. The Project would enhance the City's supply of affordable housing by complying with the affordable housing requirements of Planning Code Section 415 by providing 12% on-site affordable units.

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

The Project would not impede MUNI transit service or overburden local streets or parking. The Project is at a location well-served by transit as it is located in a major transit corridor and would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services and the BART system. The Project does not provide any off-street parking and will not be burdening the streets with additional vehicles.

- 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 would not negatively affect the industrial and service sectors because it would not displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which includes a mix of residential, commercial, and institutional uses and buildings of varying heights and bulk, ranging from two to eight stories.

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

The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety.

- G. That landmarks and historic buildings be preserved.

The project site includes one vacant auto body shop which is not classified as an historic resource, and is not located within a historic district. Immediately adjacent to the project site is the 1580-1598 Market Street building (Miramar Apartments) which was constructed in 1917. This building is considered a contributor to the Market Street Masonry Historic District. A "substantial adverse change" on a historical resource is defined by CEQA Guidelines Section 15064.5 as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." While the proposed project would be constructed adjacent to a building that is considered a historic resource, project construction would involve conventional excavation and construction equipment and methods that would not be considered to exceed acceptable levels of vibration in an urban environment. Construction adjacent to historic resources is a common occurrence in San Francisco, and the Department of Building Inspection (DBI) permit procedures adequately address this situation. In light of the above, the proposed project would not materially impair the adjacent contributing resource and there would be no impacts to off-site historic resources. Therefore, the proposed project would not result in a significant historic resource impact.

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

The Project would not cast any new shadows on any parks under the jurisdiction of the San Francisco Parks and Recreation Department or otherwise.

10. 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.
11. 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 Downtown Project Authorization Application No. 2013.1005E,VAR,X** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 26, 2016 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth and includes that portion of the Project described on the plans attached hereto as Exhibit B.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, San Francisco, CA 94103, or call (415) 575-6880.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion constitutes conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 11, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 11, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would remove an existing at-grade parking lot and one-story auto body shop and construct a new, eight-story, approximately 85-foot tall, 28,554 gross square foot mixed-use building containing 35 dwelling-units and approximately 1,794 square feet of commercial space located at 22-24 Franklin Street, Assessor's Block 0836, Lot 031 pursuant to **Planning Code Sections 309, 148, and 249.33** within the C-3-G Zoning District and a 85-X Height and Bulk District; in general conformance with plans, dated January 26, 2016 and stamped "EXHIBIT B" included in the docket for Case No. **2013.1005E, VAR, X** and subject to conditions of approval reviewed and approved by the Commission on **February 11, 2016** under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on XXXXXX 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 to 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. The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Expiration and Renewal. Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Diligent pursuit. 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Extension. All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Additional Project Authorization. The Project Sponsor must obtain a Variance from Section 140, as 21 of the proposed units do not meet the dwelling unit exposure requirements. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Mitigation Measures. Mitigation measures described in the MMRP for the Market and Octavia Area Plan EIR (Case No. 2003.0347E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, 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

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

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

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 compliment, 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

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:

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;

On-site, in a driveway, underground;

On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;

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;

Public right-of-way, underground; and based on Better Streets Plan guidelines;

Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;

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>

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.sf-planning.org

PARKING AND TRAFFIC

Bicycle Parking. Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 37 bicycle parking spaces (35 Class 1 spaces for the residential portion of the Project and 2 Class 1 or 2 spaces for the commercial portion of the Project).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.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

PROVISIONS

Transit Sustainability Fee. Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Sustainability Fee (TSF) for the new residential and retail space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Affordable Units

1. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 35 units; therefore, 4 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 4 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 and Community Development ("MOHCD").

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

2. **Unit Mix.** The Project contains 7 one-bedroom and 28 two-bedroom units; therefore, the required affordable unit mix is 1 one-bedroom 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 MOHCD.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

6. **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 MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) 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 sales price of such units shall be calculated according to

- the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply 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. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD 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 initial buyers or 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 MOHCD 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 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.
 - 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. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

Market Octavia Affordable Housing Fee. Pursuant to Planning Code Section 416, 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

Market Octavia Community Improvements Fund. Pursuant to Planning Code Section 421, 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

Market and Octavia – Van Ness & Market Street Affordable Housing Fee. Pursuant to Planning Code 424.3, the Project Sponsor shall pay the Van Ness Market Street Affordable Housing Fee or execute an In-Kind Agreement with the Planning Department prior to issuance of the first construction document.

Art. Pursuant to Planning Code Section 429, the Project shall include work(s) of art valued at an amount equal to one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Art Plaques. Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Art. Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the submittal of the first building or site permit application

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, 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

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

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>

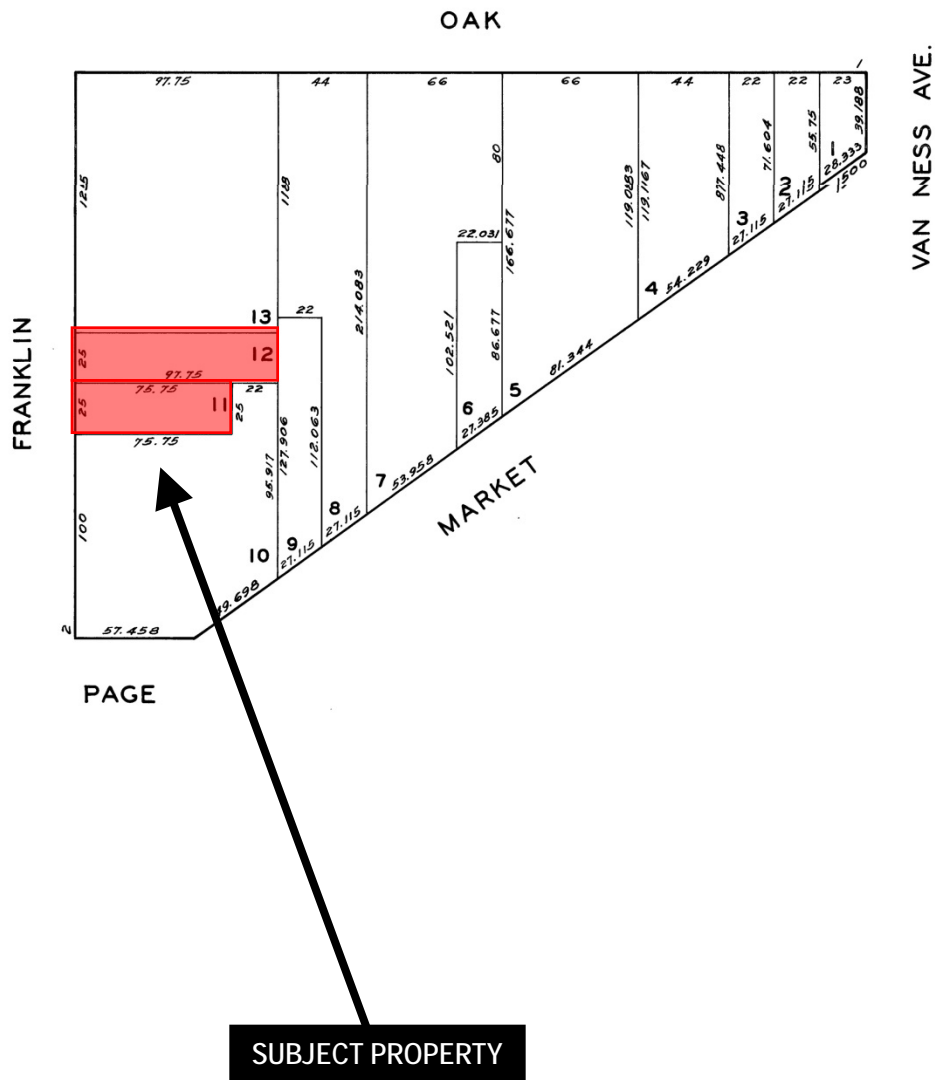
Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

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

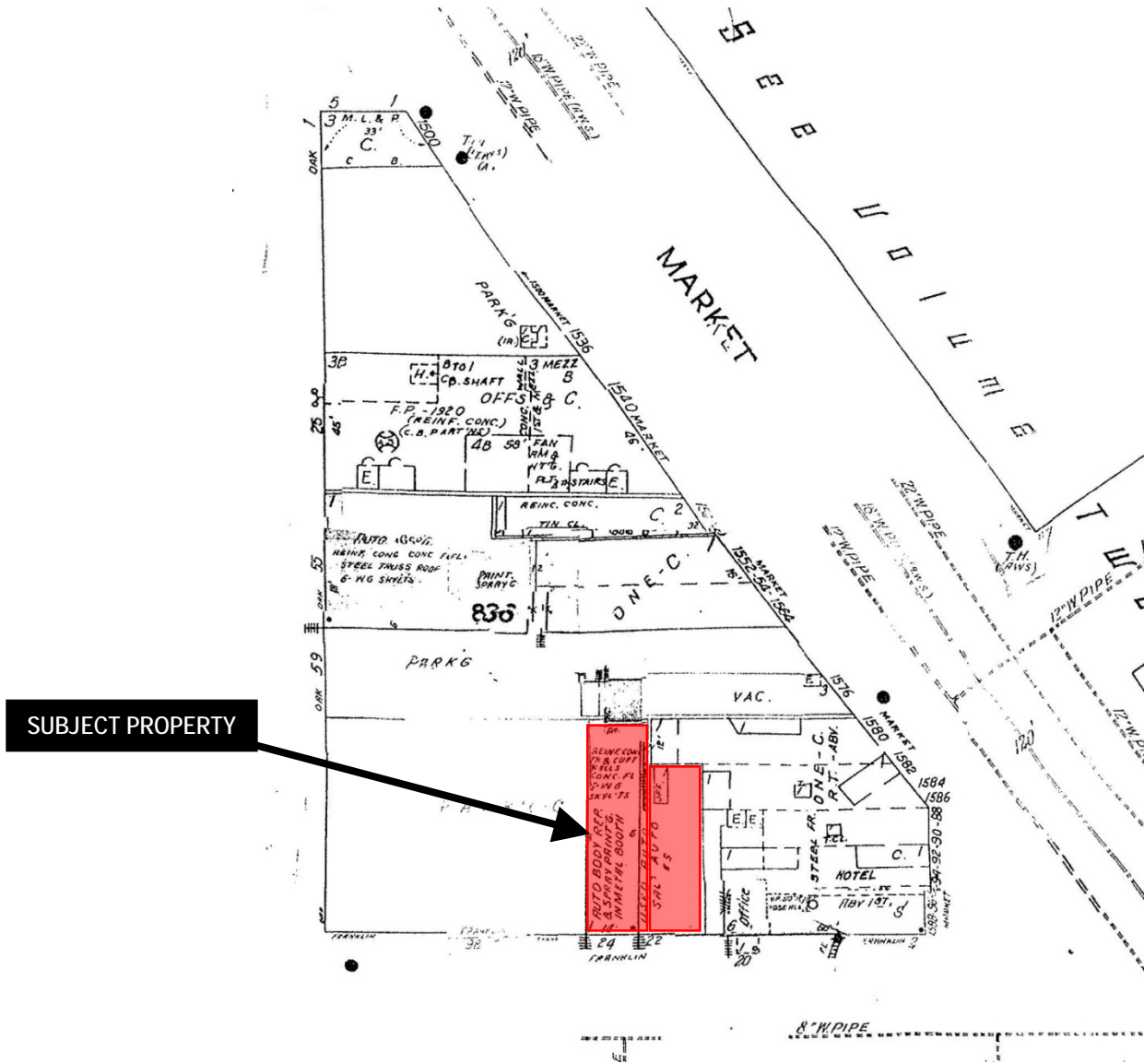
Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning 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

Block Map



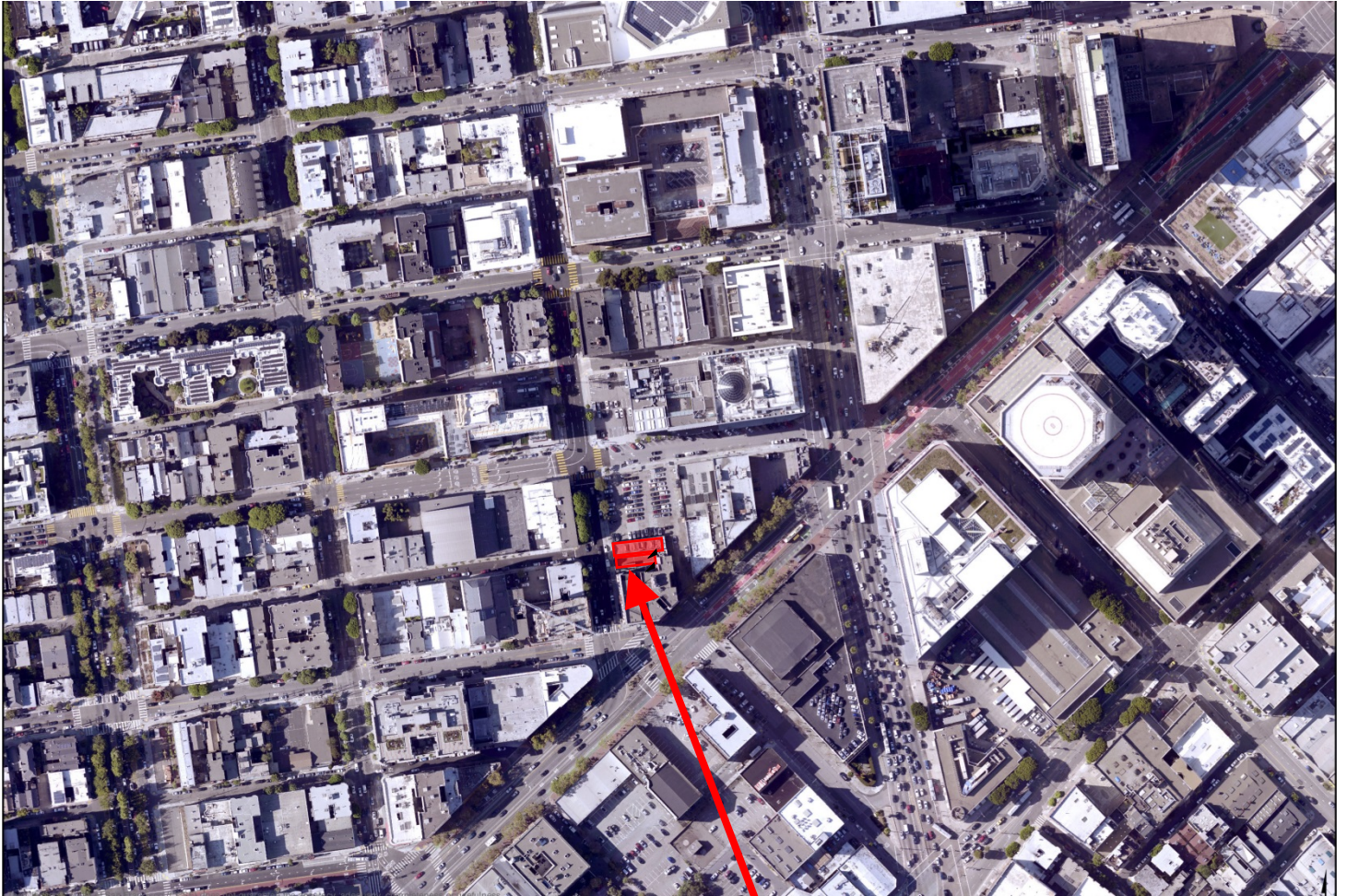
Sanborn Map*



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



Aerial Photo

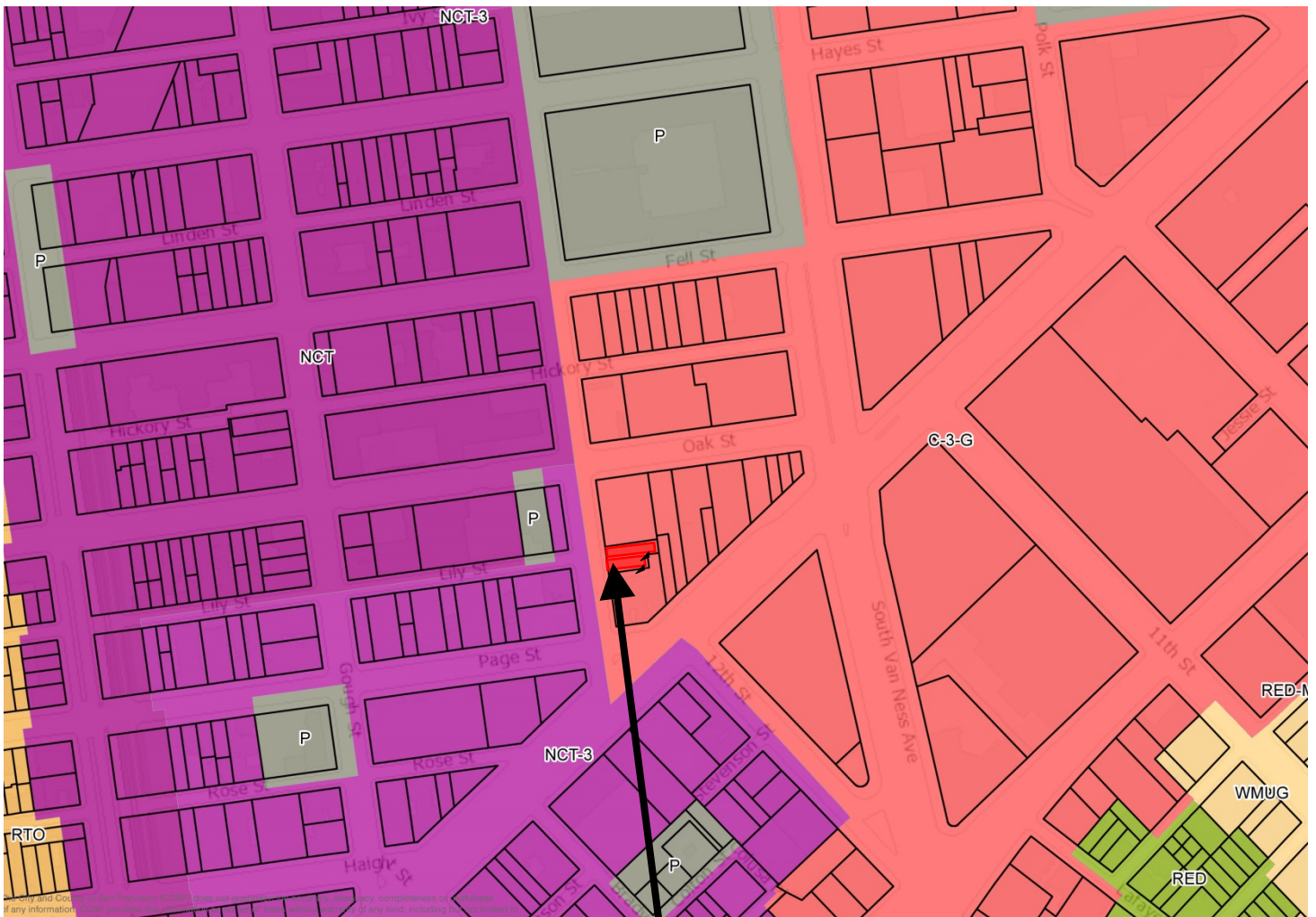


SUBJECT PROPERTY



Downtown Project Authorization
Case Number 2013.1005E,VAR,X
New Construction – 8 Story Mixed Use
22 Franklin Street

Zoning Map



SUBJECT PROPERTY



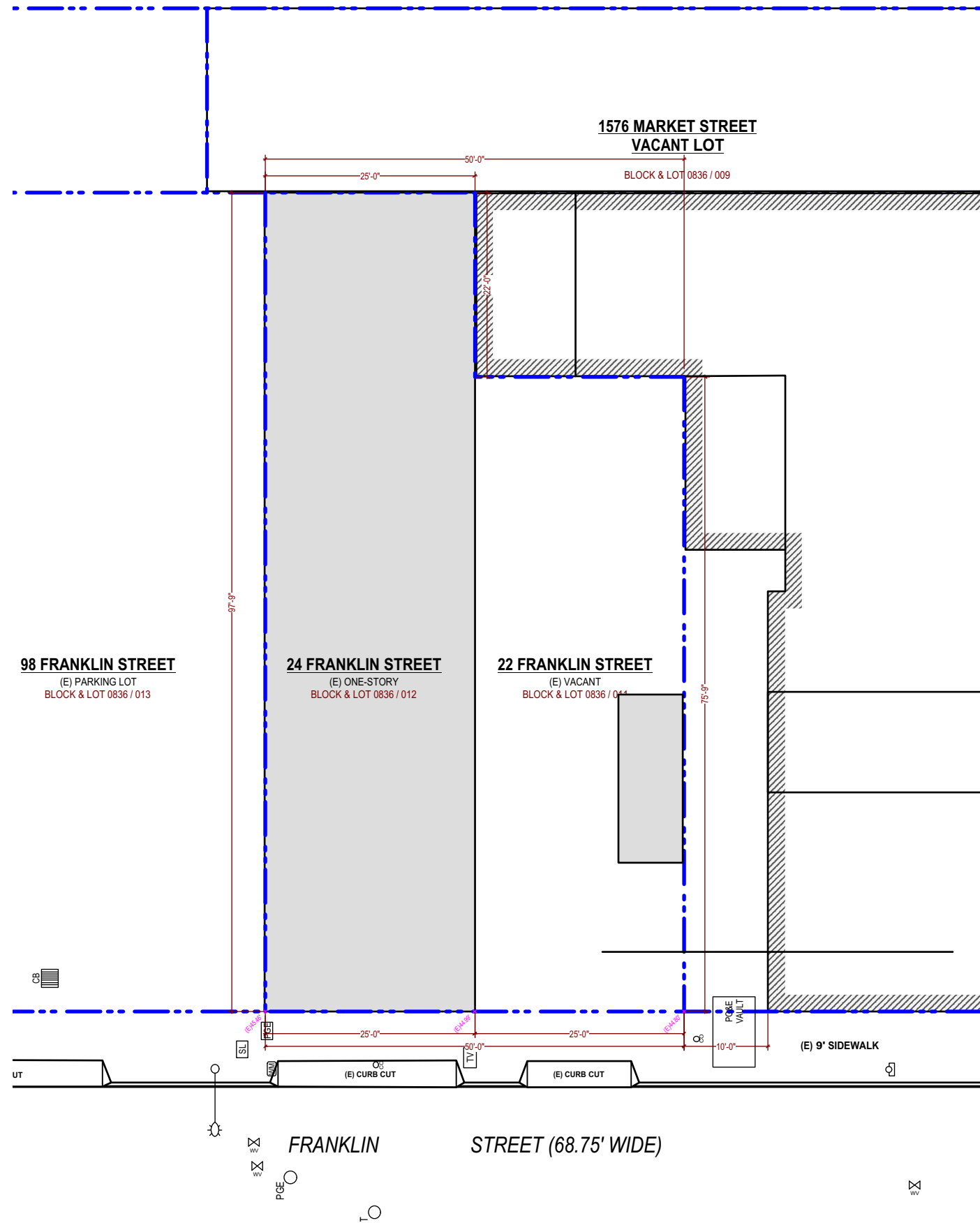
Downtown Project Authorization
Case Number 2013.1005E,VAR,X
New Construction – 8 Story Mixed Use
22 Franklin Street

Site Photo

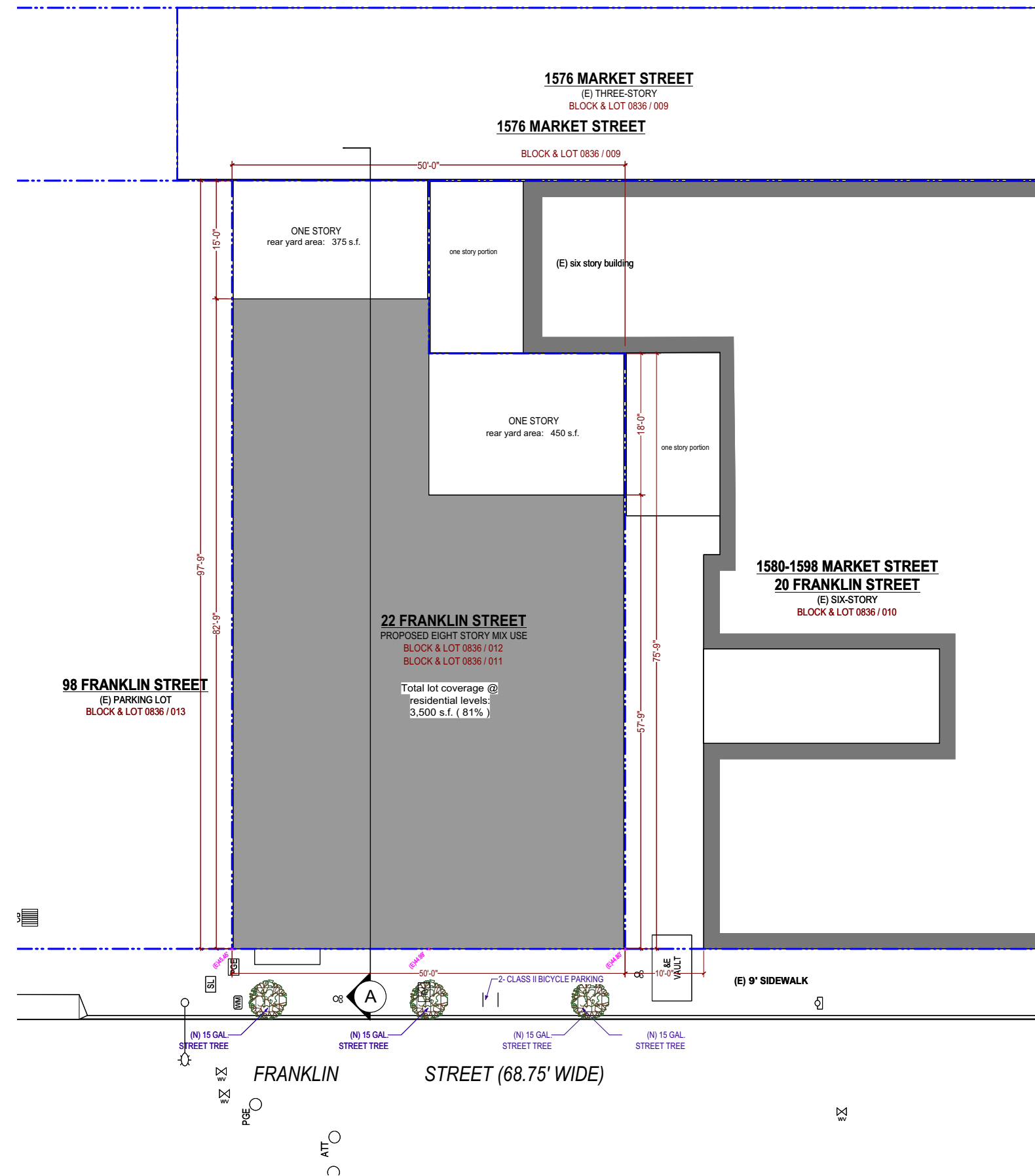


Downtown Project Authorization
Case Number 2013.1005E,VAR,X
New Construction – 8 Story Mixed Use
22 Franklin Street



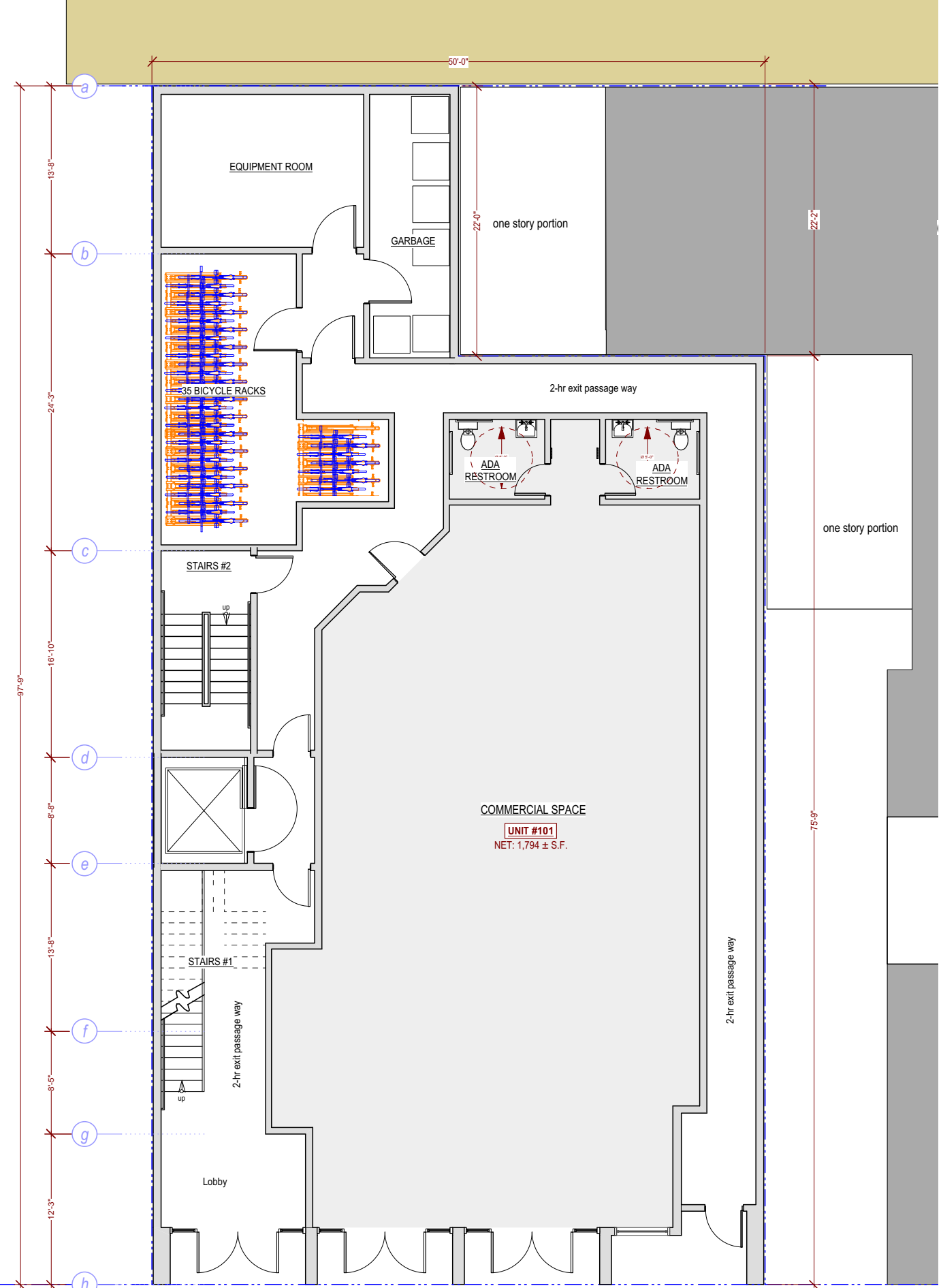


Existing Site Plan

$$\frac{1}{16}'' = 1'-0''$$


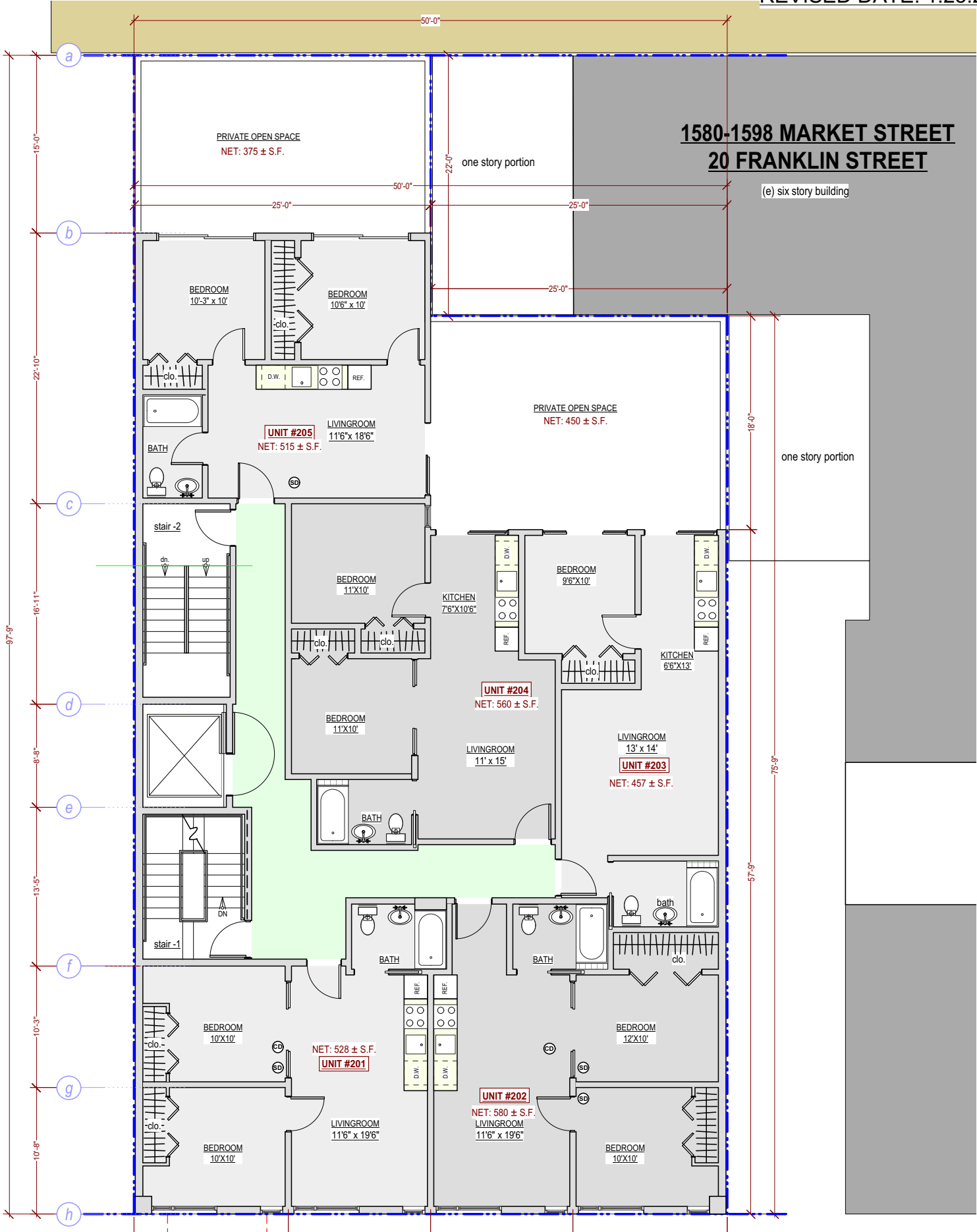
Proposed Site Plan

$$\frac{1}{16}'' = 1'-0''$$



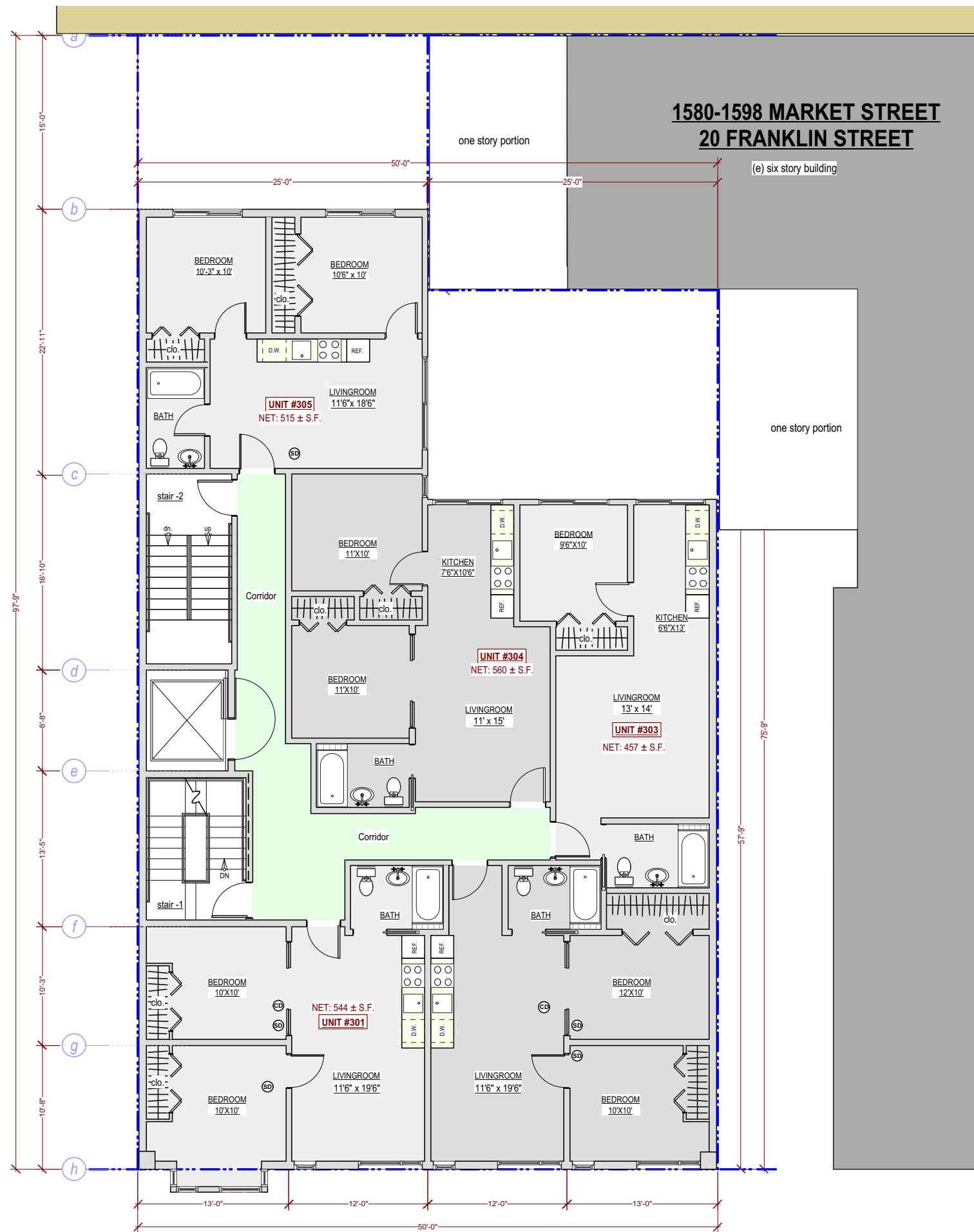
Proposed First Floor Plan

3/32" = 1'-0"



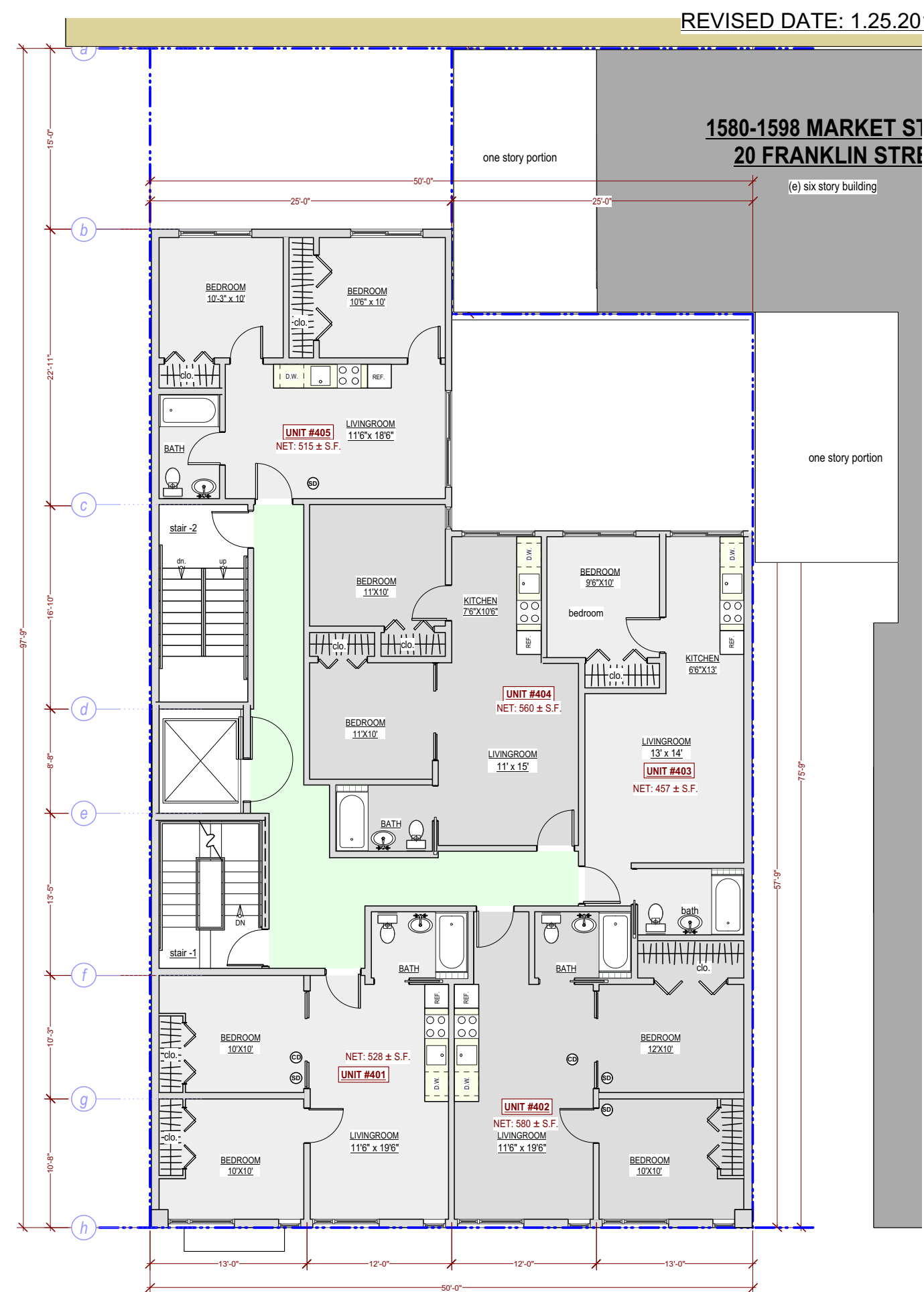
Proposed Second Floor Plan

3/32" = 1'-0"



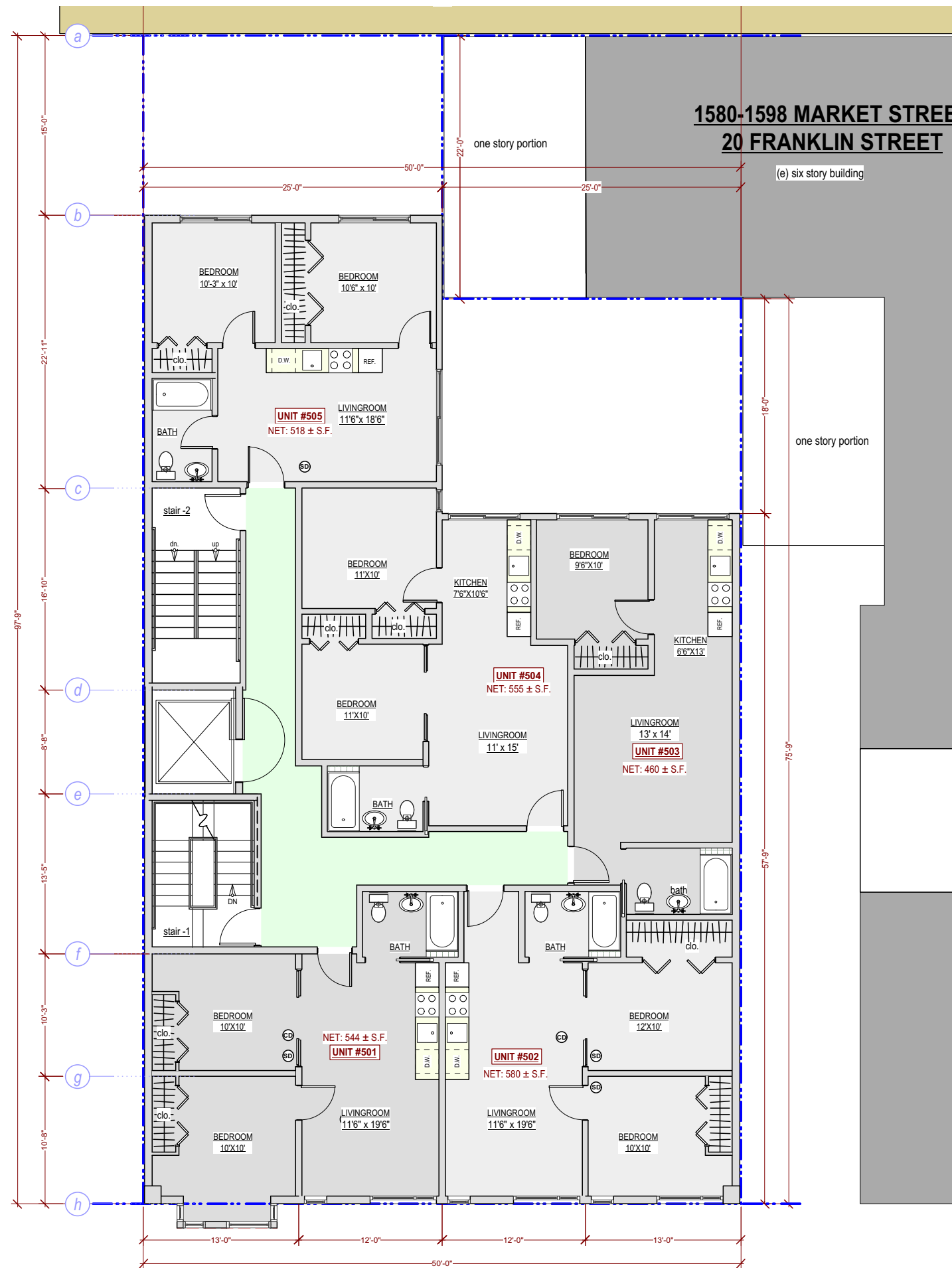
Proposed Third Floor Plan

3/32" = 1'-0"



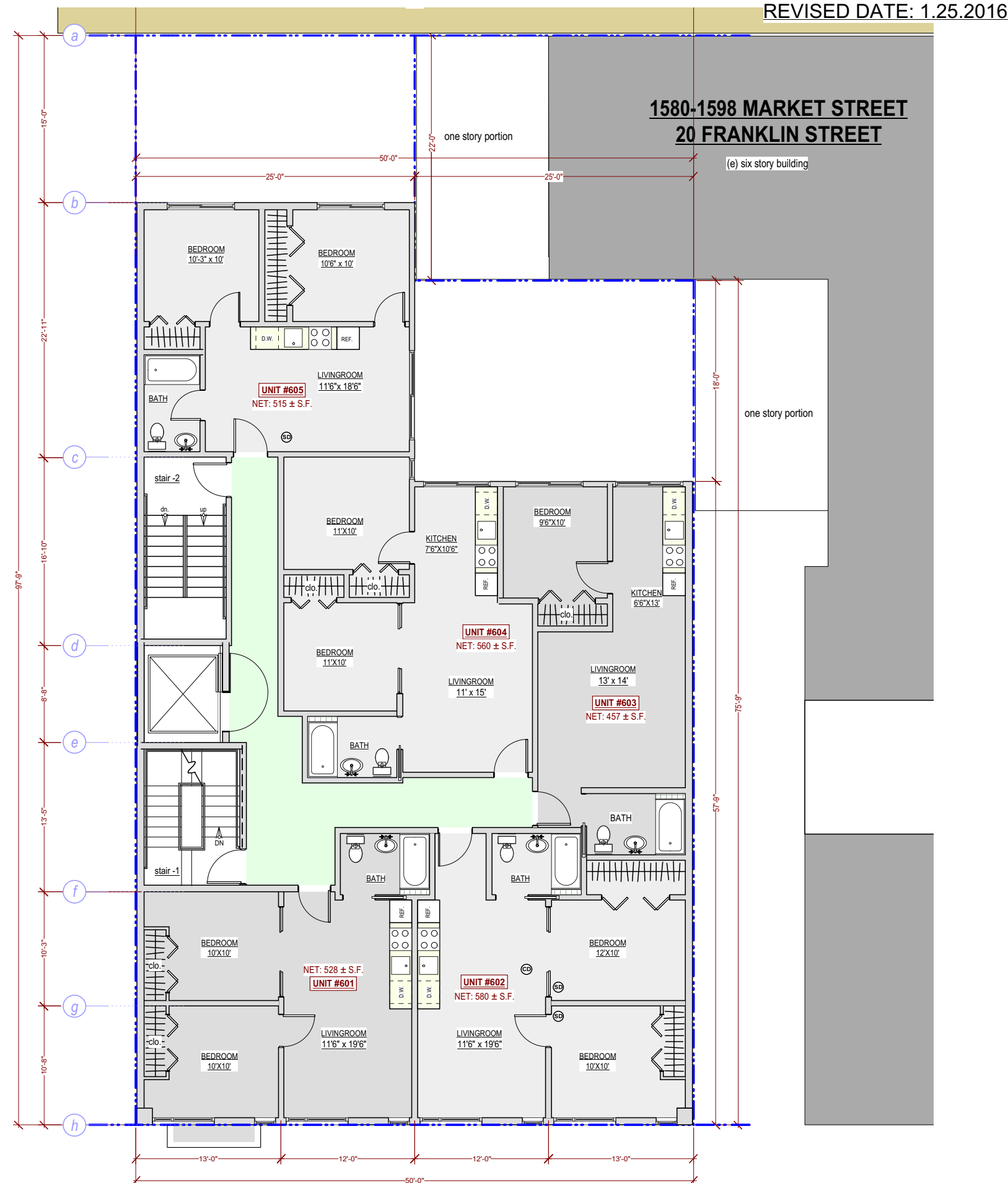
Proposed Fourth Floor Plan

3/32" = 1'-0"



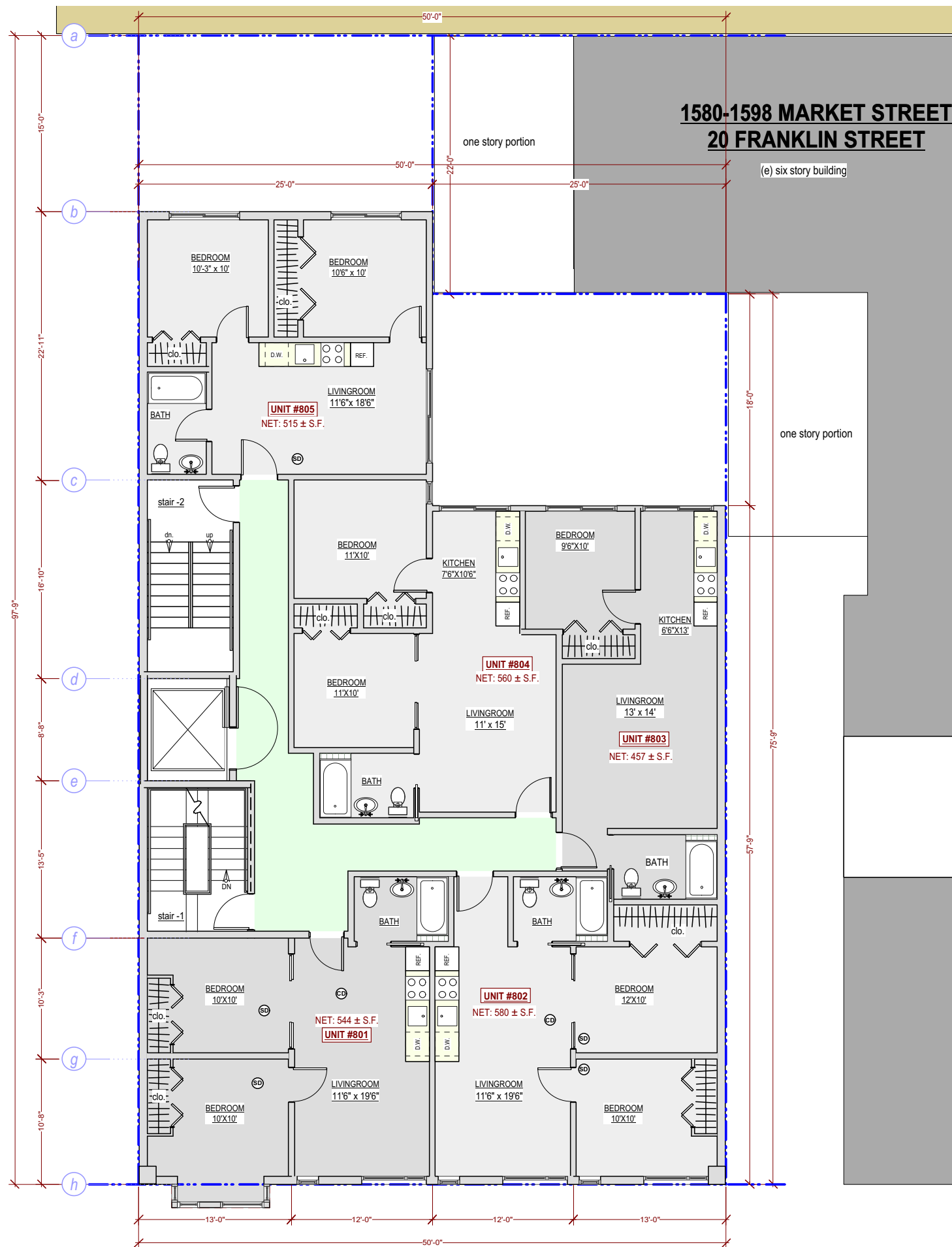
Proposed Fifth Floor Plan

3/32" = 1'-0"



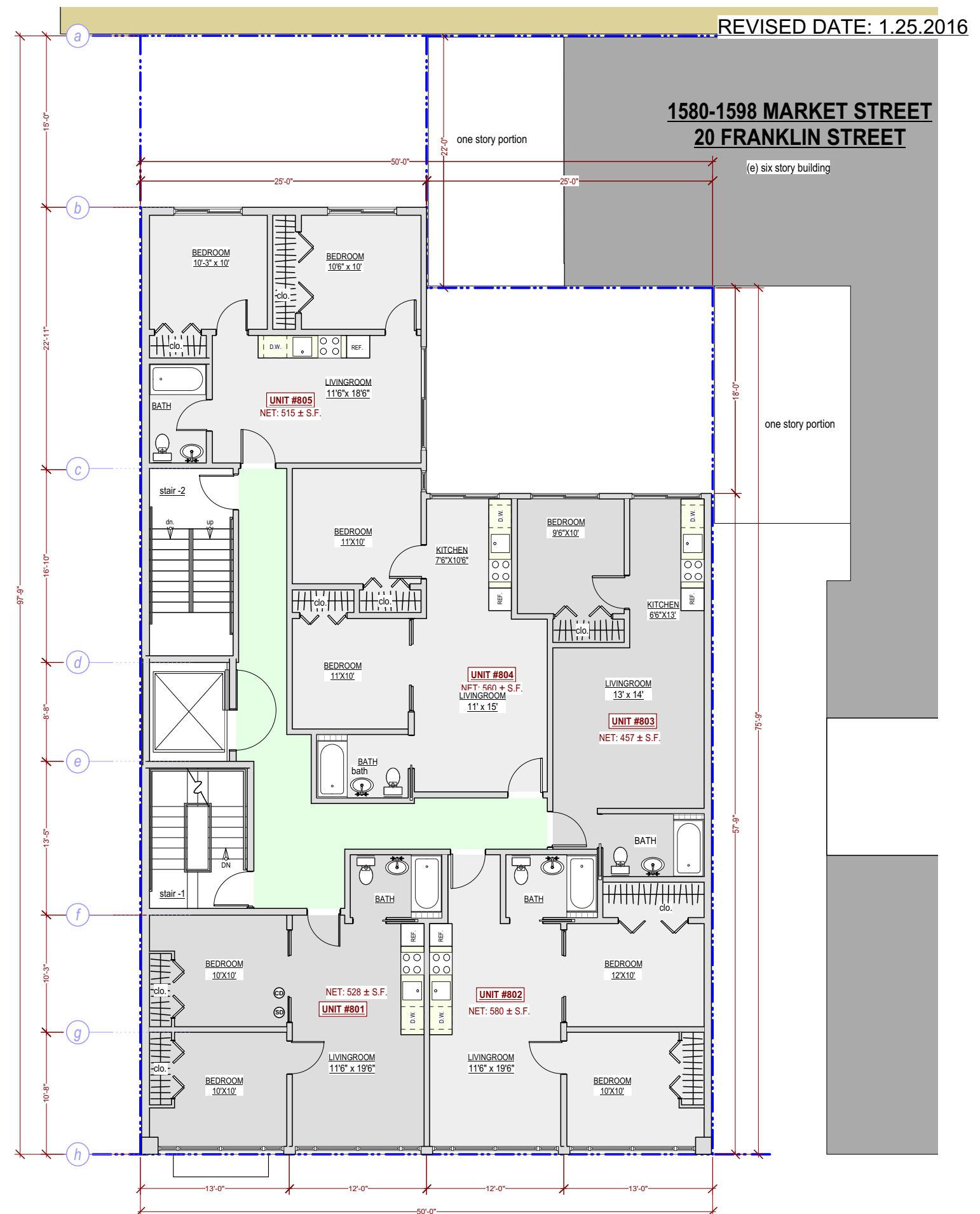
Proposed Sixth Floor Plan

3/32" = 1'-0"



Proposed Seventh Floor Plan

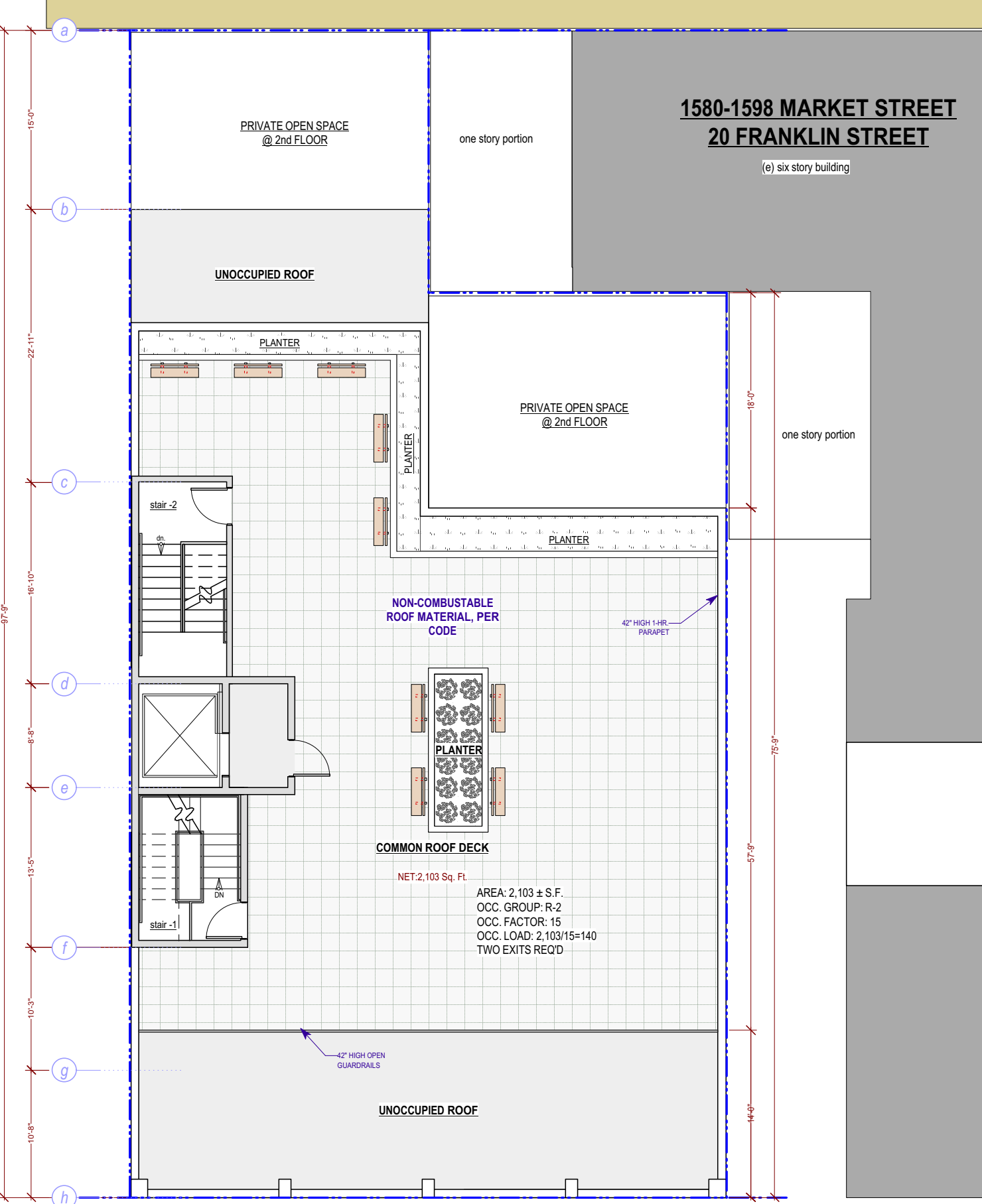
3/32" = 1'-0"



Proposed Eighth Floor Plan

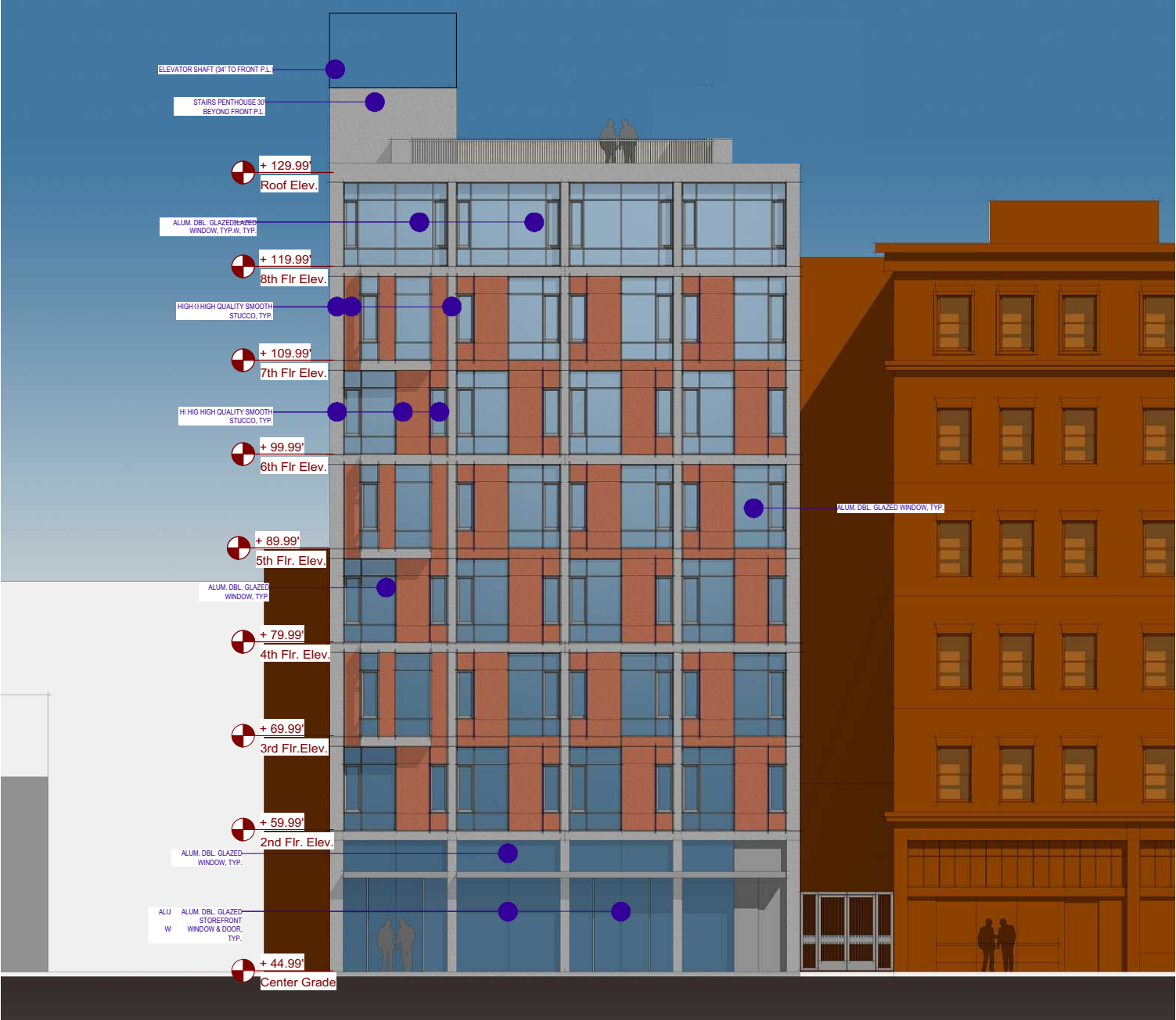
3/32" = 1'-0"

REVISED DATE: 1.25.2016



Proposed Roof Plan

3/32" = 1'-0"



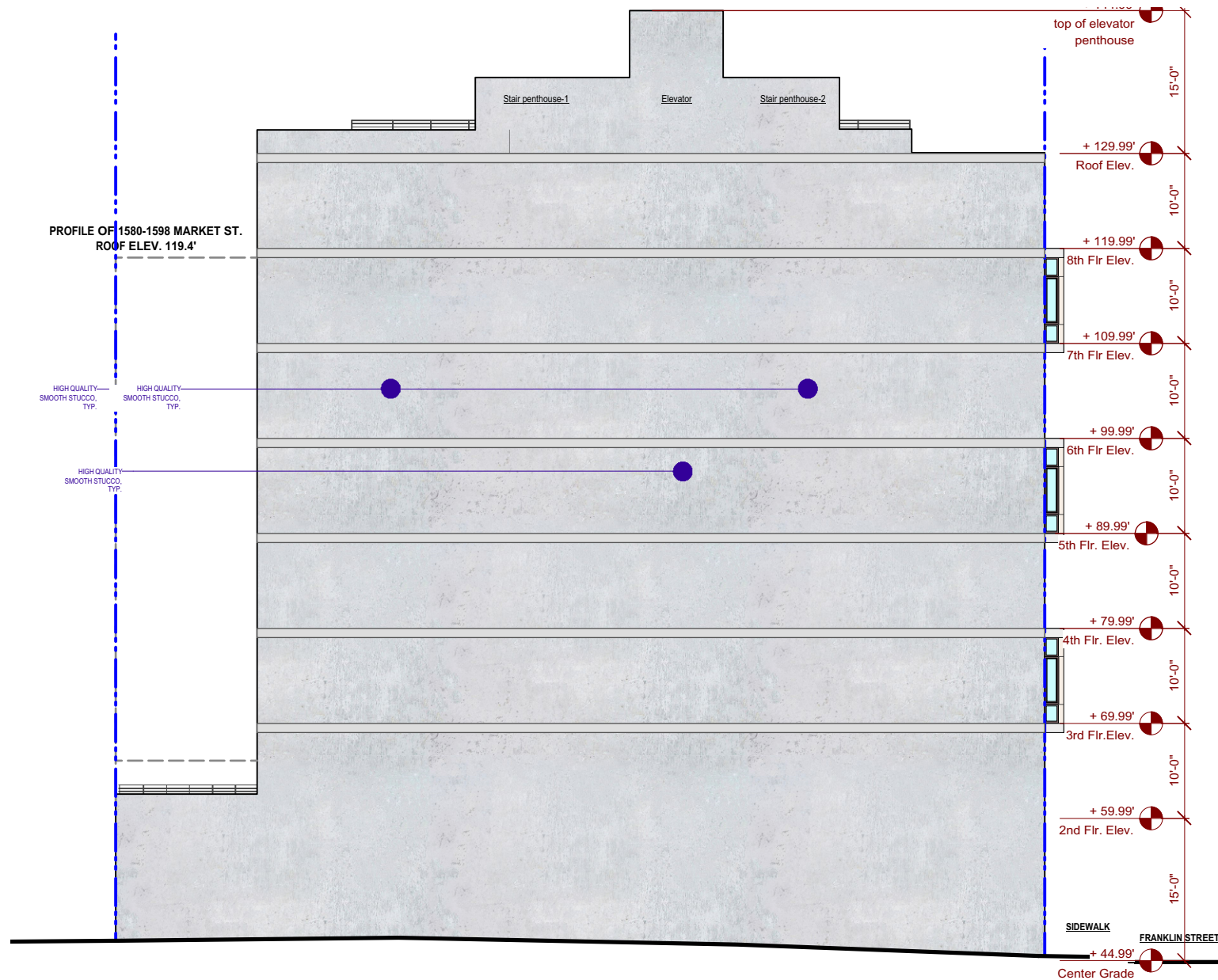
Proposed Front Elevation (Franklin Ave.)

1/16" = 1'-0"

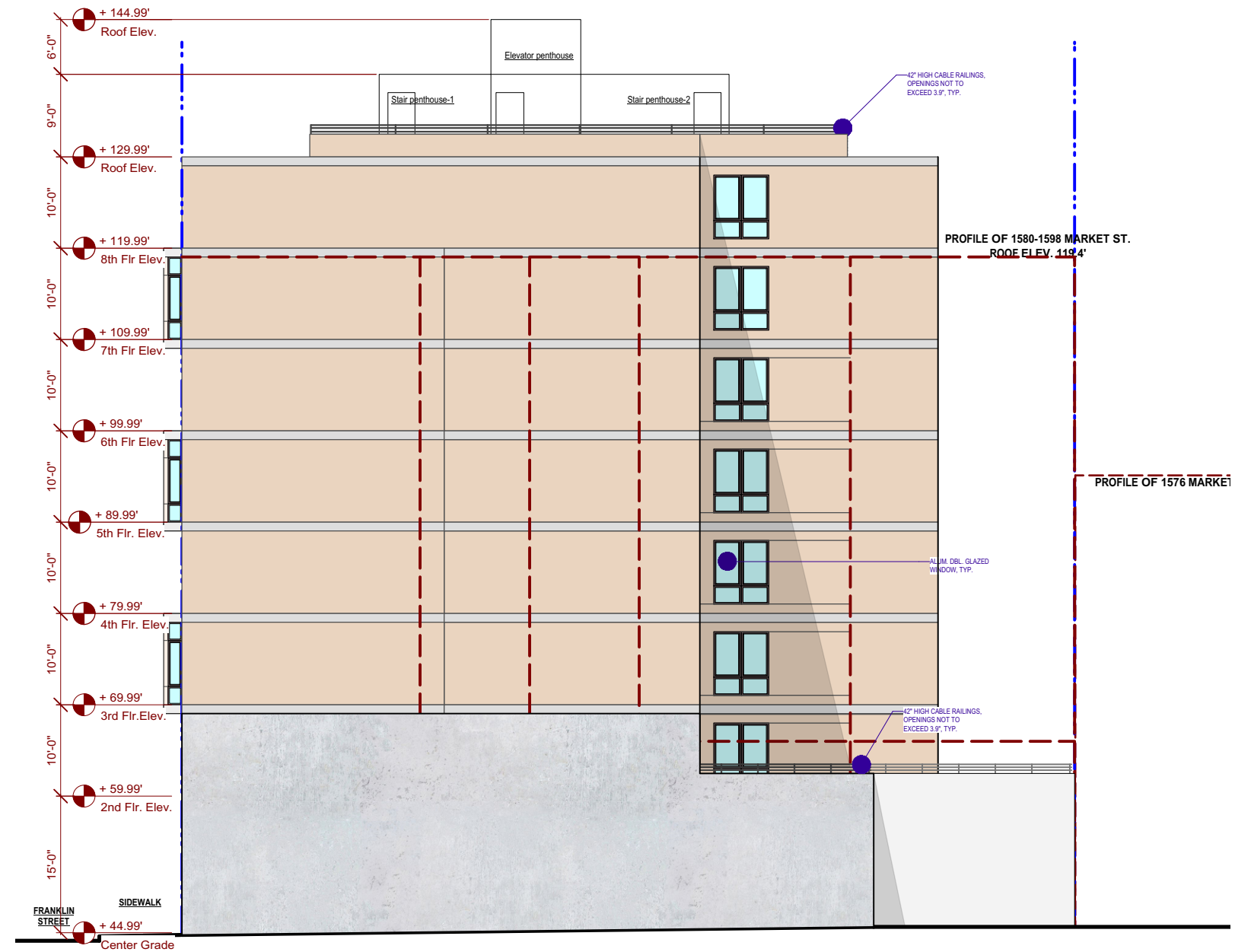


Proposed Rear Elevation (East)

1/16" = 1'-0"

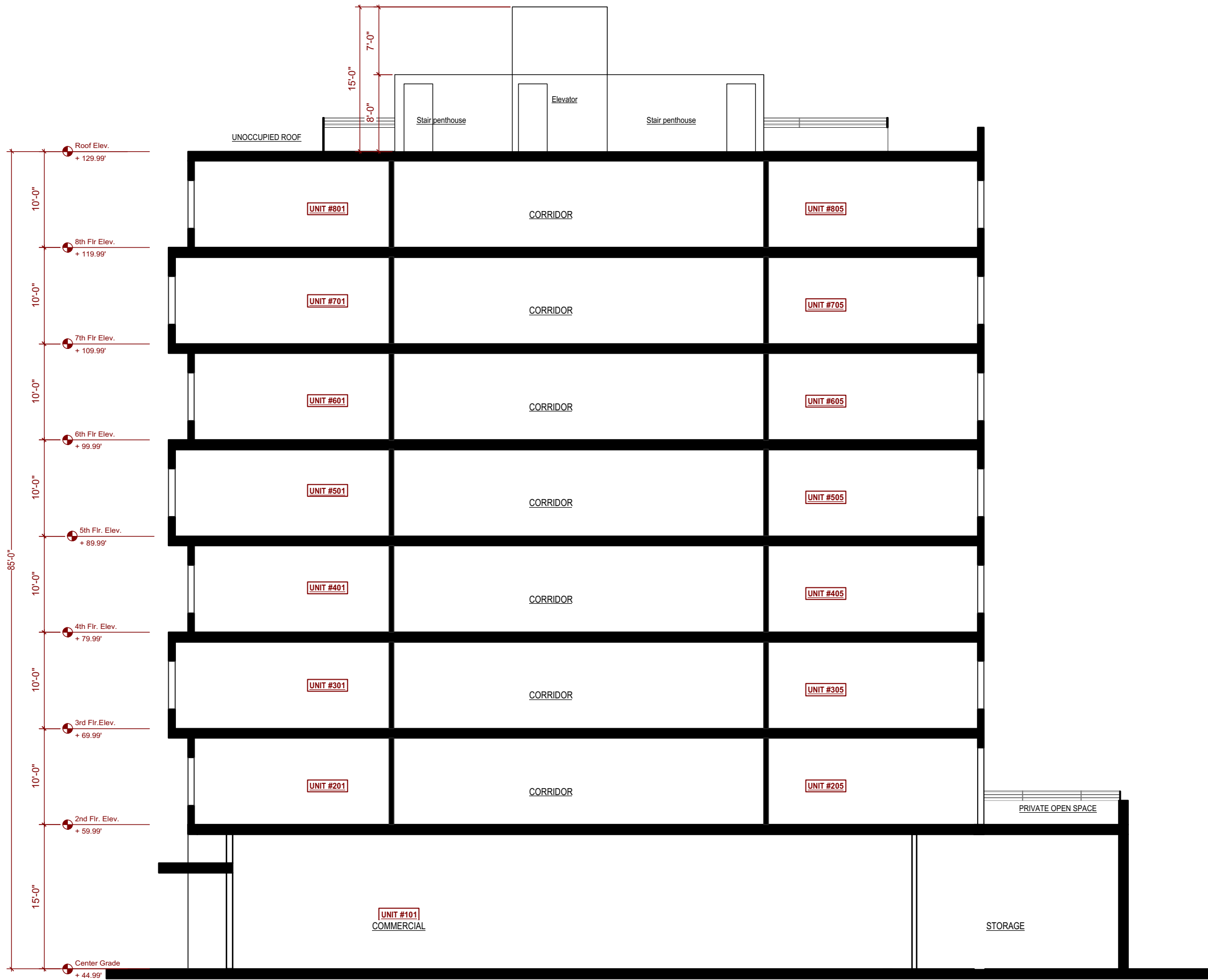


Proposed Left Elevation (North)

$$\underline{1/16'' = 1'-0''}$$


Proposed Right Elevation (South)

$$\frac{1}{16}'' = 1'-0''$$



Section A

1/32" = 1'-0"



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2013.1005E
Project Address: 22-24 Franklin Street
Zoning: C-3-G (Downtown – General)
Van Ness & Market Downtown Residential District
85-X Height and Bulk District
Block/Lot: 0836/011-012
Lot Size: 4,337 square feet
Plan Area: Market and Octavia Area Plan
Project Sponsor: Reza Khoshnevisan (SIA Consulting Corporation)
1256 Howard Street
San Francisco, CA 94103
415-922-0200
Staff Contact: Elizabeth Purl (415) 575-9028; Elizabeth.Purl@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project site is located on the east side of Franklin Street between Market/Page and Oak streets in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood. The project site consists of two lots with a total area of approximately 4,337 square feet and includes a one-story reinforced concrete commercial building that houses an auto body shop and a vacant parcel that is currently being used as a surface parking lot. Auto repair and metalworking businesses have occupied the building on the project site since its construction in 1927.

(Continued on next page.)

EXEMPT STATUS

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

DETERMINATION

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

SARAH B. JONES

Environmental Review Officer

January 27, 2016
Date

cc: Reza Khoshnevisan, Project Sponsor
Supervisor London Breed, District 5
Carly Grob, Current Planner
Pilar LaValley, Preservation Planner

Historic Preservation Distribution List
Citywide Distribution List
Virna Byrd, M.D.F.
Exemption/Exclusion File

PROJECT DESCRIPTION (CONTINUED)

The proposal is to merge lots 011 and 012 in to a single lot, demolish the existing commercial building on lot 012, and construct an 8-story, 85-foot tall mixed-use building at the site. With rooftop mechanical structures, the building would be approximately 100 feet tall. The proposed new building would include 35 dwelling units and 2,100 gross square feet (gsf) of retail space along Franklin Street. Approximately 2,900 sf of open space would be provided through a combination of private and common roof decks. The project would also provide 35 Class 1 bicycle parking spaces on the ground floor; no vehicle parking would be included in the project. An existing curb cut on Franklin Street would be removed.

The project sponsor anticipates that construction would begin in 2016 and would about last 13 months, with building occupancy in 2017. Construction of the proposed project would require minor excavation for the foundation and the removal of about 140 cubic yards of soil. The proposed building would rest on a mat foundation; no pile driving would be required.

PROJECT APPROVAL

The proposed 22-24 Franklin Street project would require the following approvals:

Actions by the Planning Commission

- **Approval of a Large Project Authorization** from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 75 feet in height and 25,000 gross square feet in size. The approval of the Large Project Authorization would be the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.
- **Downtown Project Authorization** pursuant to Planning Code Section 309 with exceptions to the requirements for ground level wind currents pursuant to Planning Code Section 148 and lot coverage pursuant to Planning Code Section 249.33(b)(5).

Actions by City Departments

- **San Francisco Planning Department (Planning Department).** Approval of a Variance from the Dwelling Unit Exposure requirements pursuant to Planning Code Section 140.
- **Department of Building Inspection (DBI).** Demolition, grading, and building permits for the demolition of the existing building and construction of the new building.
- **Department of Public Health (DPH).** Approval of a Site Mitigation Plan prior to the commencement of any excavation work.
- **Department of Public Works (DPW).** Street and sidewalk permits for any modifications to public streets and sidewalks. Approval of a condominium map if requested.
- **San Francisco Public Utilities Commission.** Approval of any changes to sewer laterals.

The proposed project is also subject to notification under Planning Code Section 312.

COMMUNITY PLAN EXEMPTION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental

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

This determination evaluates the potential project-specific environmental effects of the 22-24 Franklin Street project described above, and incorporates by reference information contained in the Programmatic EIR for the *Market and Octavia Area Plan* (Market and Octavia PEIR).¹ Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Market and Octavia PEIR.

On April 5, 2007, the Planning Commission certified the Market and Octavia PEIR by Motion No. 17406.^{2,3} The PEIR analyzed amendments to the *San Francisco General Plan (General Plan)* to create the *Market and Octavia Area Plan* and amendments to the Planning Code and Zoning Maps, including the creation of the Hayes-Gough NCT (Neighborhood Commercial Transit) District. The PEIR analysis was based upon an assumed development and activity that were anticipated to occur under the *Market and Octavia Area Plan*. The proposed 22-24 Franklin Street project is in conformance with the height, use, and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the *Market and Octavia Plan* area. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 22-24 Franklin Street project. 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 PEIR.

The Van Ness & Market Downtown Residential District, focused on the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, and including both sides of Market and Mission Streets between 10th and 12th Streets, is within walking distance of the San Francisco Civic Center. This mixed-use commercial district has historically included medium- to high-density residential and commercial uses and has served as a transition zone to the lower scale residential and neighborhood commercial areas to the west, as well as a back-office and warehouse support function to downtown. This zoning district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence; zoning controls permit high-density residential, office, retail/commercial, and institutional uses.

¹ San Francisco Planning Department Case No. 2003.0347E, State Clearinghouse No. 2004012118.

² San Francisco Planning Department, *Market and Octavia Area Plan Final Environmental Impact Report*, Case No. 2003.0347E, certified April 5, 2007. This document, and other cited Market and Octavia Area Plan documents, are available online at www.sf-planning.org/index.aspx?page=1714. Accessed November 10, 2015.

³ San Francisco Planning Commission Motion No. 17406, April 5, 2007. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=568>, accessed November 10, 2015.

In May 2008, subsequent to the certification of the PEIR, 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 PEIR. The legislation created several new zoning controls, which allow for flexible types of new housing to meet a broad range of needs, reduce parking requirements to encourage housing and services without adding cars, balance transportation by considering people movement over auto movement, and build walkable whole neighborhoods meeting everyday needs. The *Market and Octavia Area Plan*, as evaluated in the PEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the 22-24 Franklin Street project.

Individual projects that could occur in the future under the *Market and Octavia Area Plan* will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 22-24 Franklin Street is consistent with and was encompassed within the analysis in the Market and Octavia PEIR. This determination also finds that the Market and Octavia PEIR adequately anticipated and described the impacts of the proposed 22-24 Franklin Street project, and identified the mitigation measures applicable to the 22-24 Franklin Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.^{4, 5} Therefore, no further CEQA evaluation for the 22-24 Franklin Street project is required. Overall, the Market and Octavia PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project vicinity is characterized by a mix of residential, retail, office, light industrial, cultural/arts, and educational uses. Existing development on the project block consists of one- to six-story commercial and multi-unit residential buildings and surface parking lots. Two three-story apartment buildings are on the west side of Franklin Street across from the project site; one includes ground-floor retail uses. The International School, a private high school, and the Chinese American International School, a private elementary school, are located one-half block to the northwest. The San Francisco Conservatory of Music is on the north side of Oak Street near the project site. Several auto-service-related businesses are located both north and south of Market Street on adjacent blocks. Civic and commercial office buildings with ground-floor retail uses are located along both sides of Van Ness/South Van Ness Avenue to the east of the project site. The scale of development in the project vicinity varies widely from one-story buildings to high-rises exceeding 200 feet in height.

The project site is well served by public transportation. The San Francisco Municipal Railway (Muni) operates numerous transit lines within one-quarter mile of the project site, including surface buses and the F Line historic streetcar on Market Street, as well as a number of surface buses that run nearby on Oak, Page, and Haight streets, Van Ness/South Van Ness Avenue, and Mission Street. Muni also operates the Muni Metro light rail system, which runs underground beneath Market Street in the project vicinity. Major transit stops near the project site include those at Market and Gough streets, approximately 600

⁴ Adam Varat, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, Case No. 2013.1105E, 22-24 Franklin Street*, October 21, 2014. This document, and other documents cited in this CPE Certificate, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1005E.

⁵ Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, Case No. 2013.1105E, 22-24 Franklin Street*, November 2, 2015.

feet to the southwest, and at Market Street and Van Ness Avenue, 600 feet to the east. In addition, the Bay Area Rapid Transit District (BART) operates a regional subway system that runs beneath Market Street. The Civic Center BART/Muni station is located at the intersection of Eighth and Market streets, less than one-half mile to the northeast of the project site.

POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia PEIR analyzed environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historic and archeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 22-24 Franklin Street project is in conformance with the height, use and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the area covered by the *Market and Octavia Plan*. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 22-24 Franklin Street project. 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 PEIR.

The Market and Octavia PEIR identified significant impacts related to shadow, wind, archeology, transportation, air quality, hazardous materials, and geology. Mitigation measures were identified for these impacts and reduced all of these impacts to less-than-significant levels with the exception of those related to shadow (impacts on two open spaces: the War Memorial Open Space and United Nations Plaza) and transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line). A shadow fan analysis prepared by the Planning Department determined that the proposed project would not shadow any parks or open spaces.⁶ A wind assessment performed for the proposed project found that it would not substantially alter ground-level wind currents in a manner that would adversely affect public areas and result in a significant wind impact.⁷ Implementation of the proposed project would not involve the demolition of a building that was determined to be a historic resource. In addition, the architectural design of the proposed project would be compatible with the character of the Market Street Masonry Landmark District.⁸ For these reasons, the proposed project would not result in a significant impact on historic resources. Traffic and transit ridership generated by the project would not make a considerable contribution to the significant cumulative traffic and transit impacts identified in the Market and Octavia PEIR.

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

⁶ San Francisco Planning Department, *Shadow Fan Analysis for 22 Franklin Street*, September 5, 2013.

⁷ Rowan Williams Davies & Irwin, Inc. March 12, 2015. *22 Franklin Street, San Francisco, CA, Pedestrian Wind Conditions Consultation – Wind Tunnel Tests*.

⁸ San Francisco Planning Department, *Historic Resource Evaluation Response, 22-24 Franklin Street*, February 20, 2015.

Table 1 – Market and Octavia PEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
A. Shadow		
A1: Parks and Open Space Not Subject to Section 295	Applicable: Project exceeds a height of 50 feet.	Completed: The Planning Department generated a shadow fan and determined that the proposed project would not shadow any parks or open spaces.
B. Wind		
B1: Buildings in Excess of 85 Feet in Height	Applicable: project involves new construction of an 85-foot-tall (excluding elevator, stair, and mechanical penthouses) mixed-used building. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.	Completed: The project sponsor has designed the proposed project to minimize its effects on ground-level wind conditions.
B2: All New Construction	Applicable: project involves new construction of an 85-foot-tall (excluding elevator, stair, and mechanical penthouses) mixed-used building. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.	Completed: The project sponsor has designed the proposed project to minimize its effects on ground-level wind conditions.
C. Archeological Resources		
C1: Soil-Disturbing Activities in Archeologically Documented Properties	Not Applicable: Project site is not an archeologically documented property.	N/A
C2: General Soil-Disturbing Activities	Applicable: Project would include soil-disturbing activities.	Completed: The Planning Department has conducted a Preliminary Archeological Review. The project sponsor has agreed to implement a mitigation measure related to

Mitigation Measure	Applicability	Compliance
		the accidental discovery of archeological resources (see Project Mitigation Measure 1).
C3: Soil-Disturbing Activities in Public Street and Open Space Improvements	Not Applicable: Project would not include soil-disturbing activities associated with public street or open space improvements.	N/A
C4: Soil-Disturbing Activities in the Mission Dolores Archeological District	Not Applicable: Project site is not in the Mission Dolores Archeological District.	N/A
D. Transportation		
D3: Traffic Mitigation Measure for Laguna/Market/ Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak-hour)	Not Applicable: Plan level mitigation by the San Francisco Municipal Transportation Agency (SFMTA).	N/A
D4: Traffic Mitigation Measure for Market/Sanchez/ Fifteenth Streets Intersection (LOS E to LOS E with increased delay PM peak-hour)	Not Applicable: Plan-level mitigation by the SFMTA.	N/A
D5: Traffic Mitigation Measure for Market/Church/ Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour)	Not Applicable: Plan-level mitigation by the SFMTA.	N/A
D6: Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Intersection (LOS F to LOS F with increased delay PM peak-hour)	Not Applicable: Plan-level mitigation by the SFMTA.	N/A
E. Air Quality		
E1: Construction Mitigation Measure for Particulate Emissions	Not Applicable: Superseded by Construction Dust Control Ordinance.	N/A
E2: Construction Mitigation Measure for Short-Term Exhaust Emissions	Applicable: Project site is in an Air Pollutant Exposure Zone.	The project sponsor has agreed to develop and implement a Construction Emissions Minimization Plan for Health Risks and Hazards (see Project Mitigation Measure 2).

Mitigation Measure	Applicability	Compliance
F. Hazardous Materials		
F1: Program- or Project-Level Mitigation Measures	Not Applicable: Superseded by Construction Dust Control Ordinance and federal, state, and local regulations related to abatement and handling of hazardous materials.	N/A
G. Geology, Soils, and Seismicity		
G1: Construction-Related Soils Mitigation Measure	Applicable: Project would include soil disturbance during construction.	The project sponsor has agreed to implement best management practices and other measures related to soil erosion (see Project Mitigation Measure 3).

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

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on November 23, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. No comments from the public were received.

CONCLUSION

As summarized above and further discussed in the attached Community Plan Exemption (CPE) Checklist:⁹

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

⁹ The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1005E.

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



SAN FRANCISCO PLANNING DEPARTMENT

Community Plan Exemption Checklist

Case No.: 2013.1005E
Project Address: 22-24 Franklin Street
Zoning: C-3-G (Downtown – General)
Van Ness & Market Downtown Residential District
85-X Height and Bulk District
Block/Lot: 0836/011-012
Lot Size: 4,337 square feet total
Plan Area: Market and Octavia Area Plan
Project Sponsor: Reza Khoshnevisan (SIA Consulting Corporation)
1256 Howard Street
San Francisco, CA 94103
415-922-0200
Staff Contact: Elizabeth Purl (415) 575-9028; elizabeth.purl@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposed project site is located at 22 – 24 Franklin Street (Assessor's Block 0836, Lots 011 and 012), on the east side of Franklin Street between Page and Oak streets near the western edge of San Francisco's Downtown/Civic Center neighborhood (Figure 1). Lot 011 is currently a paved parking lot and lot 012 is occupied by a one-story reinforced concrete commercial building that houses an auto body shop; the two lots have a total area of approximately 4,337 square feet (sf). The block on which the site is located is bounded by Franklin Street to the west, Van Ness Avenue to the east, Oak Street to the north, and Page and Market streets to the south. The site is located within the Market and Octavia Area Plan, which was analyzed in the Market and Octavia Area Neighborhood Plan Programmatic Final Environmental Impact Report (Market and Octavia PEIR). The project vicinity includes a mix of residential, retail/commercial, office, and institutional uses, including several schools. The area is well served by transit, with bus, streetcar, and Muni Metro subway lines located approximately one block away and the BART Civic Center station located about five blocks away.

The proposal is to merge lots 011 and 012 into a single lot, demolish the existing commercial building on lot 012, and construct an 8-story, 85-foot tall mixed-use building at the site. With rooftop mechanical structures, the building would be approximately 100 feet tall. The proposed new building would include 35 dwelling units and 2,100 gross square feet (gsf) of retail space along Franklin Street. Approximately 2,900 sf of open space would be provided through a combination of private and common roof decks. The project would also provide 35 Class 1 bicycle parking spaces on the ground floor; no vehicle parking would be included in the project. An existing curb cut on Franklin Street would be removed. Figures 2 through 10 show the existing and proposed site plans, proposed floor plans, and conceptual elevations.

Project Construction

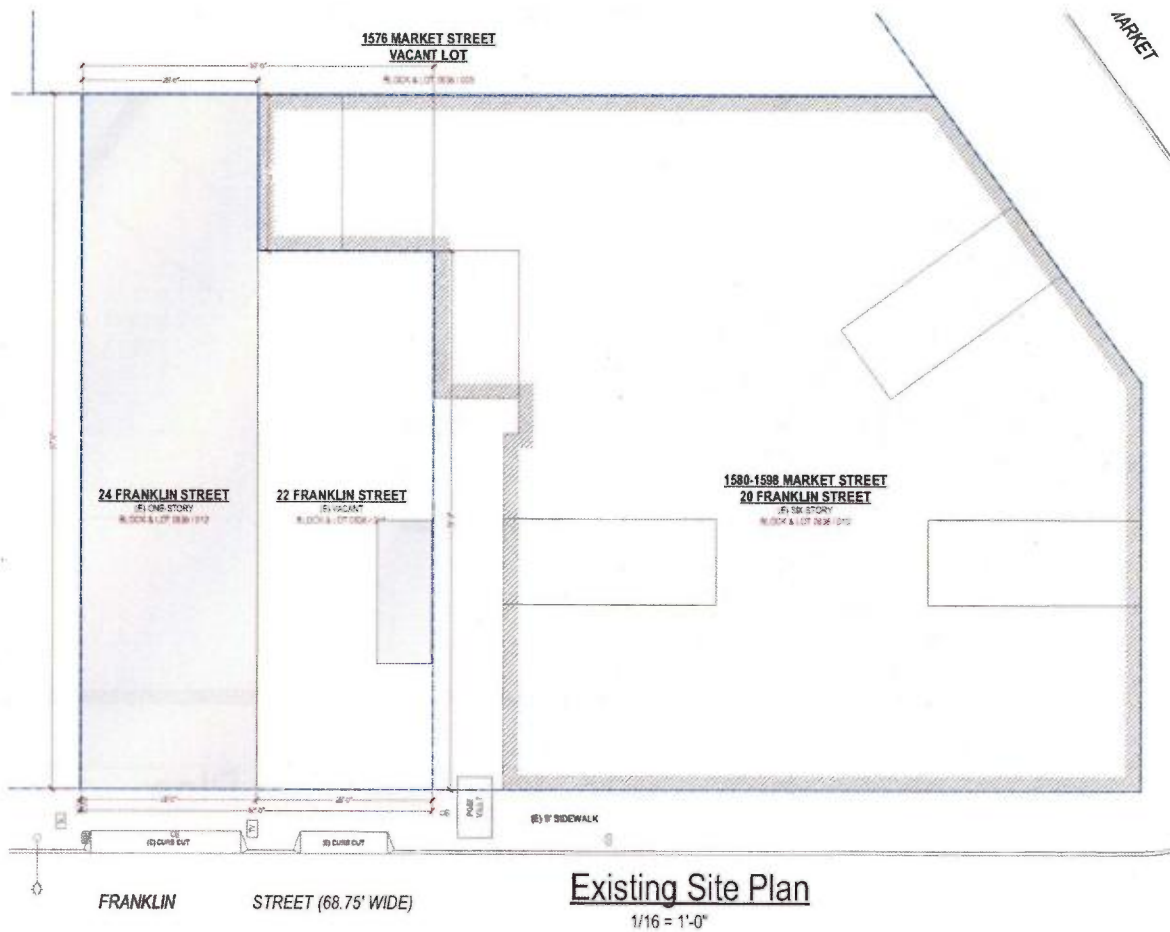
The project sponsor anticipates that construction would begin in 2016 and would last about 13 months, with building occupancy in 2017. Construction of the proposed project would require minor excavation for the foundation and the removal of about 140 cubic yards of soil. The proposed building would rest on a mat foundation; no pile driving would be required.

FIGURE 1: PROJECT SITE LOCATION



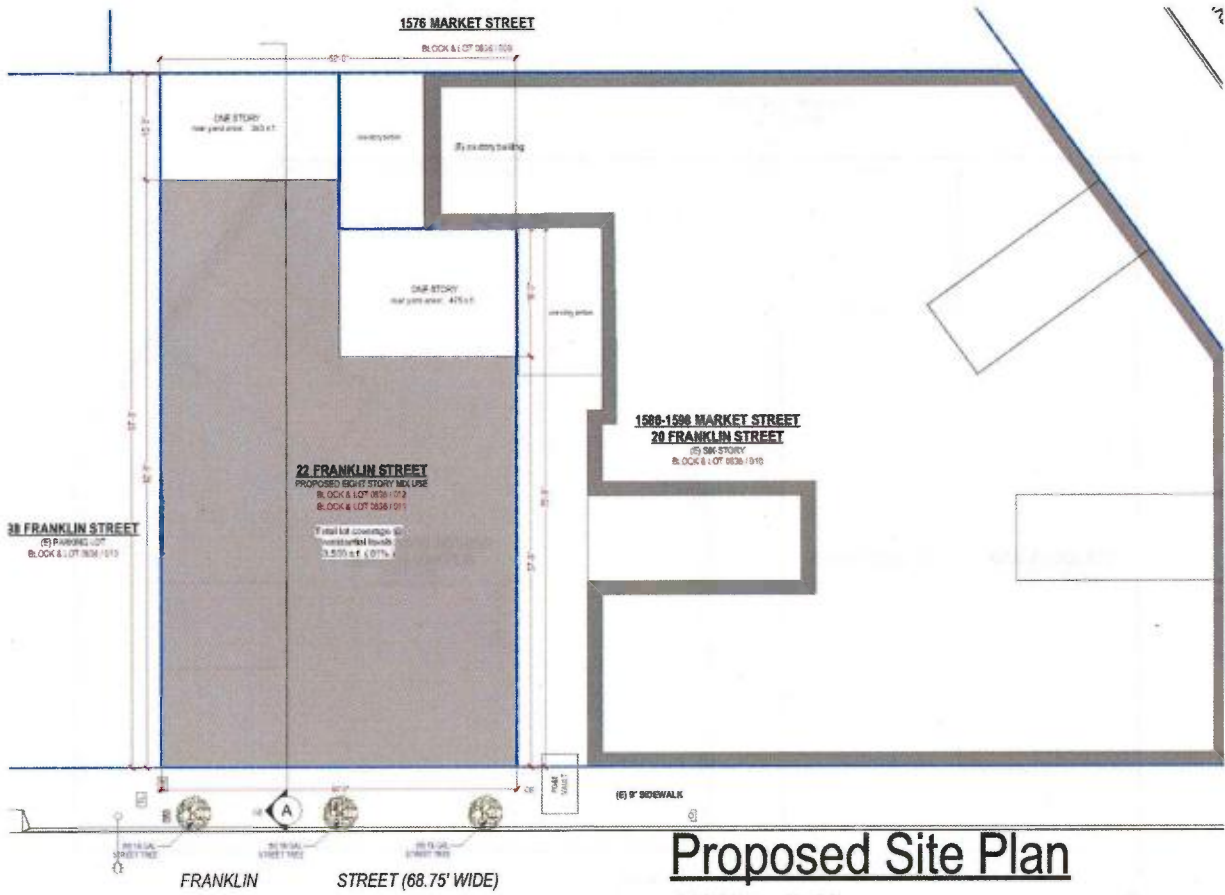
Source: San Francisco Planning Department

FIGURE 2: EXISTING SITE PLAN



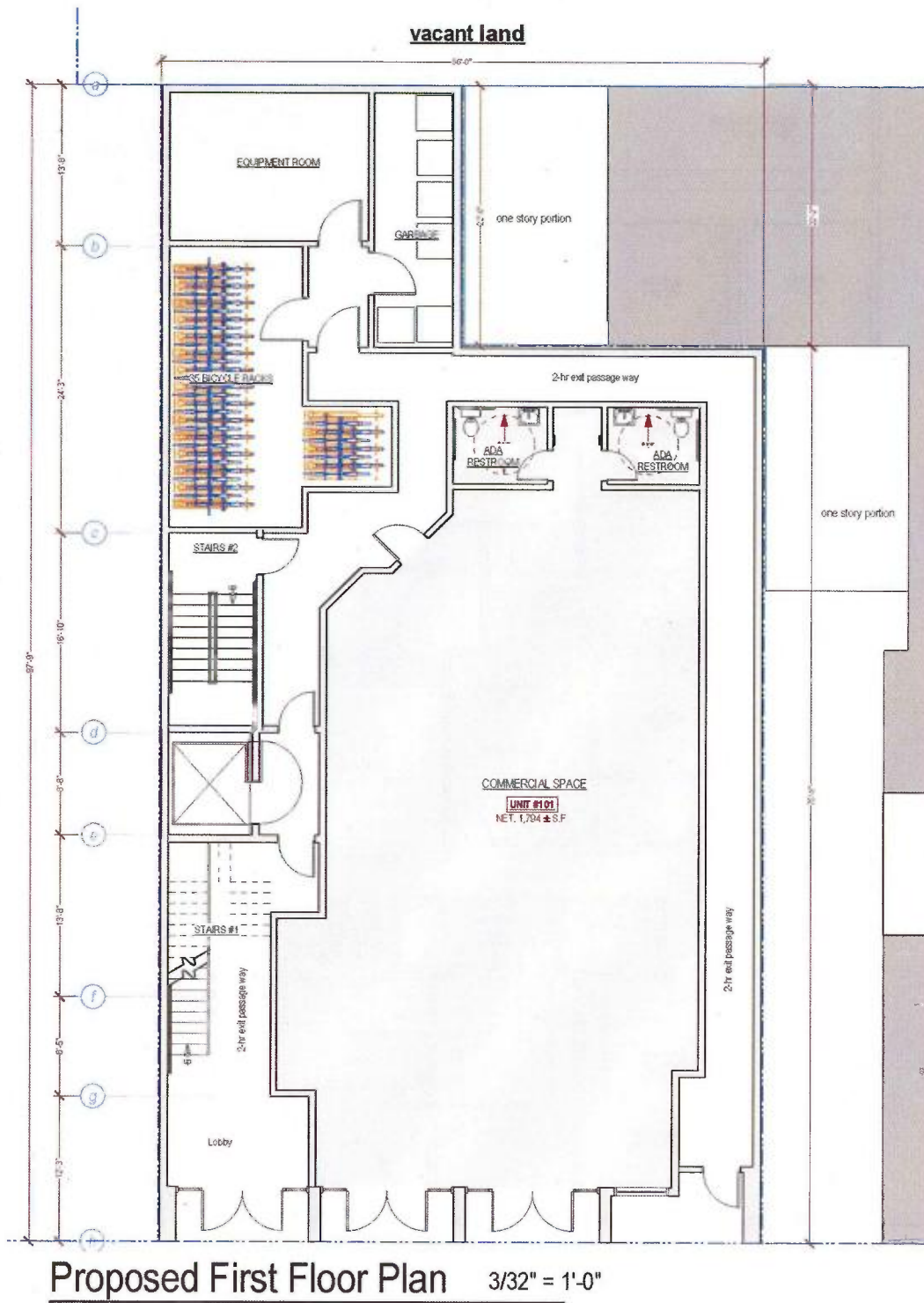
Source: SIA Consulting

FIGURE 3: PROPOSED SITE PLAN



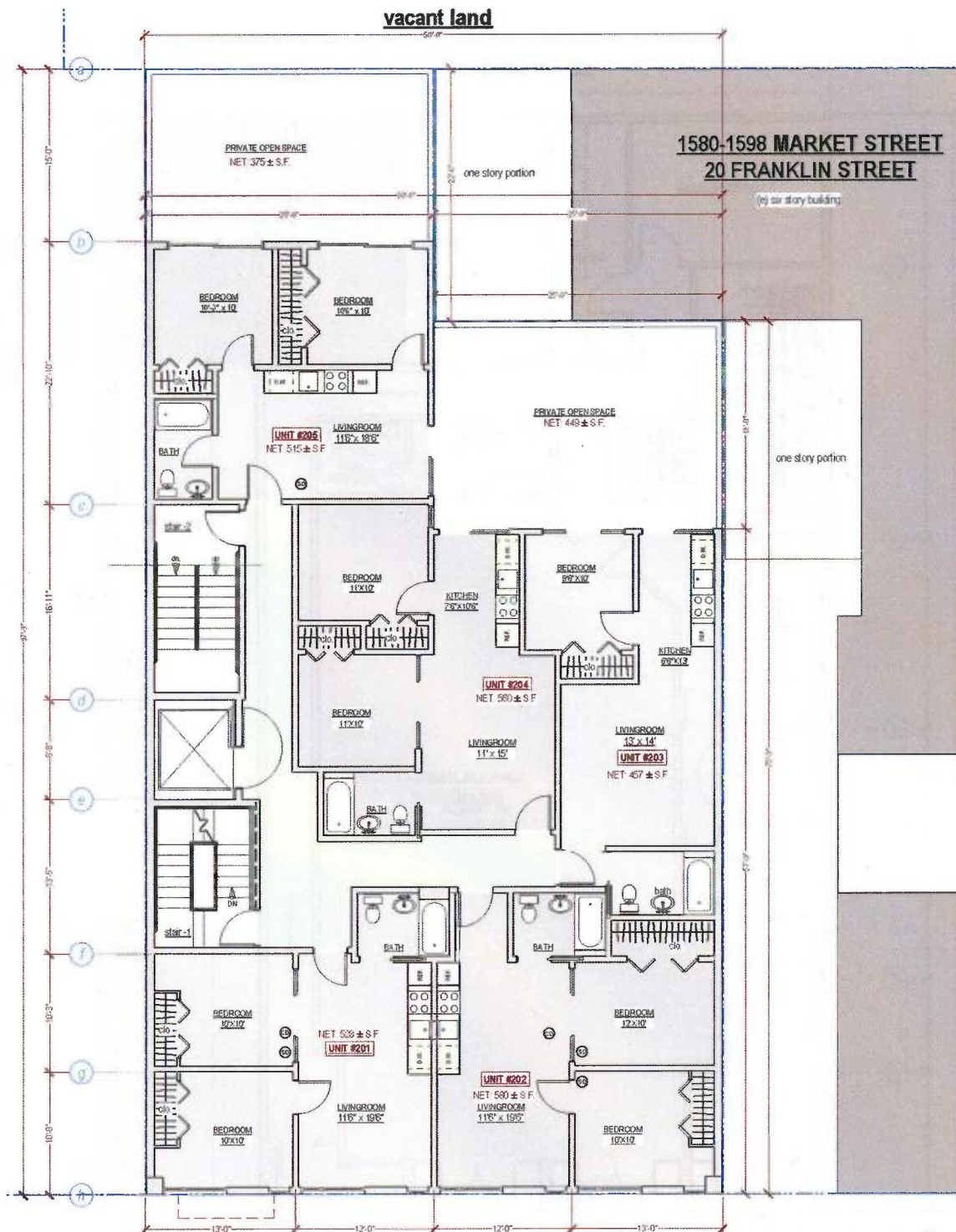
Source: SIA Consulting

FIGURE 4: PROPOSED FIRST FLOOR PLAN



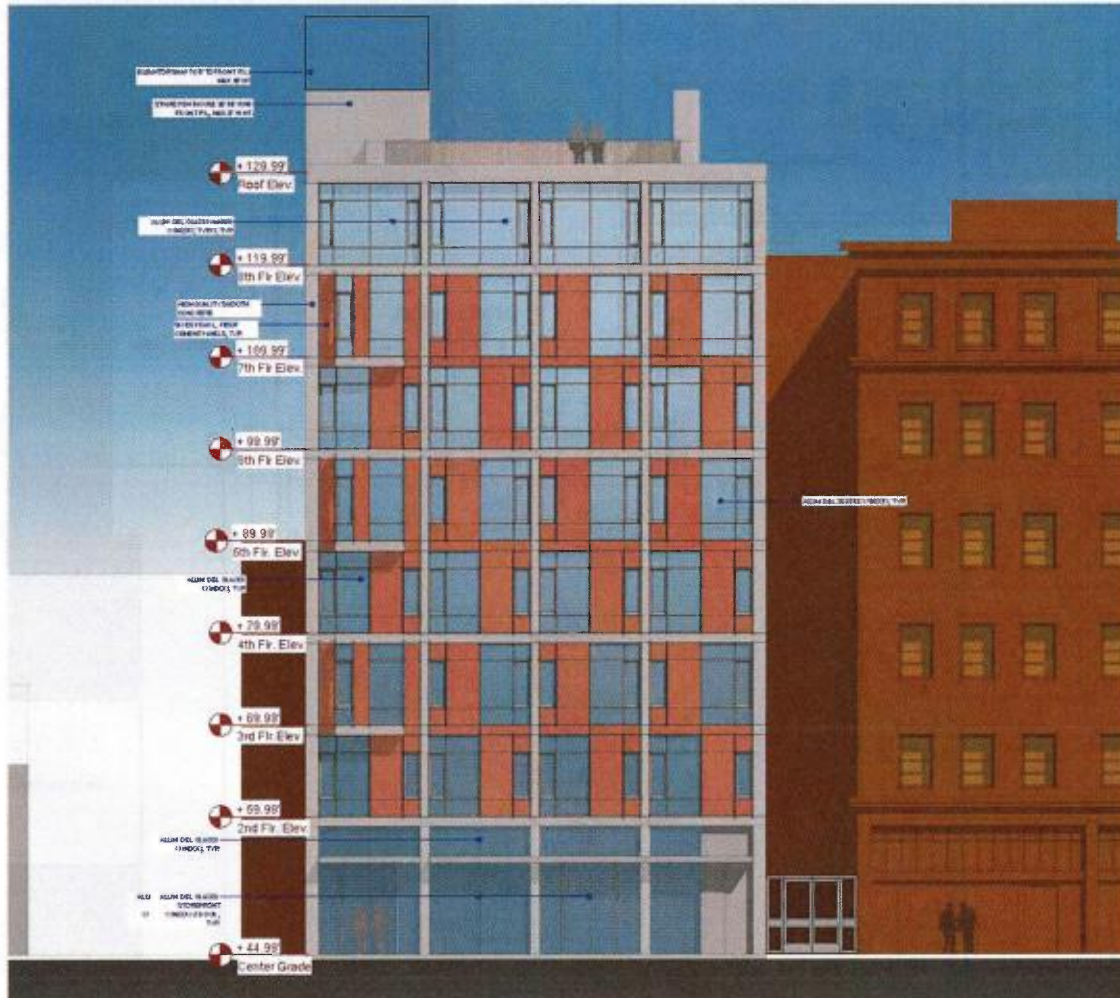
Source: SIA Consulting

FIGURE 5: TYPICAL RESIDENTIAL FLOOR PLAN



vacant land

FIGURE 7: PROPOSED WEST ELEVATION WITH FAÇADE ALONG FRANKLIN STREET

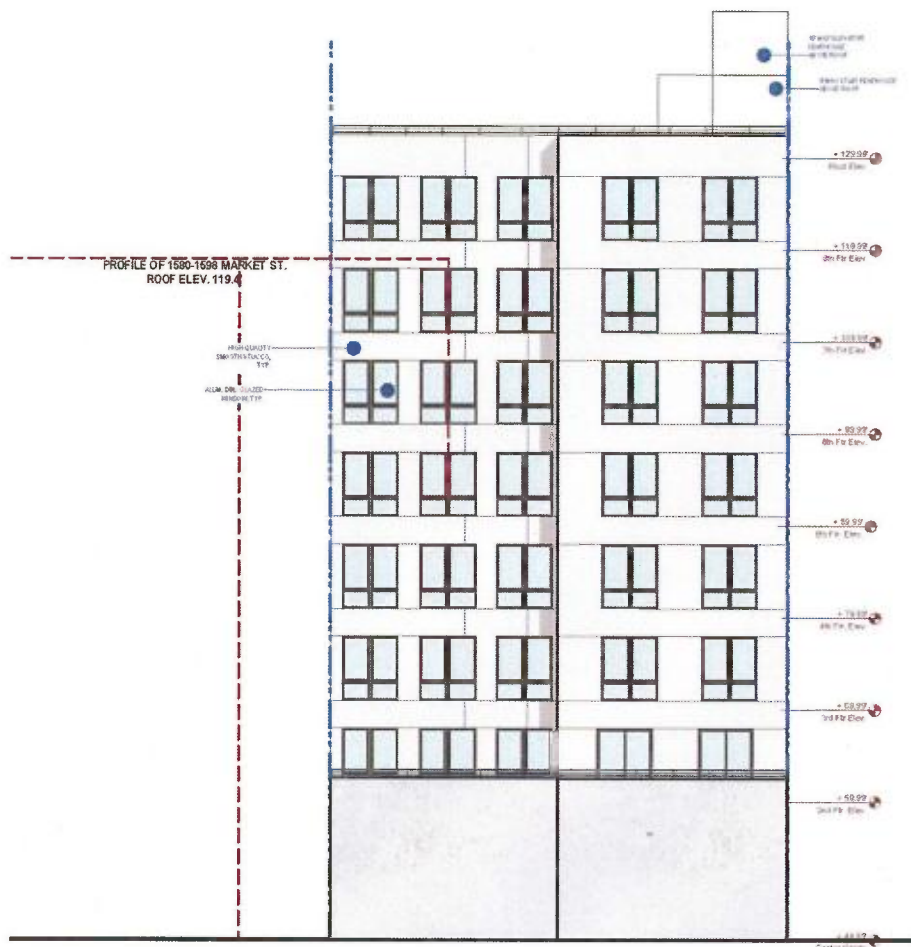


Proposed Front Elevation (Franklin Ave.)

1/16" = 1'-0"

Source: SIA Consulting

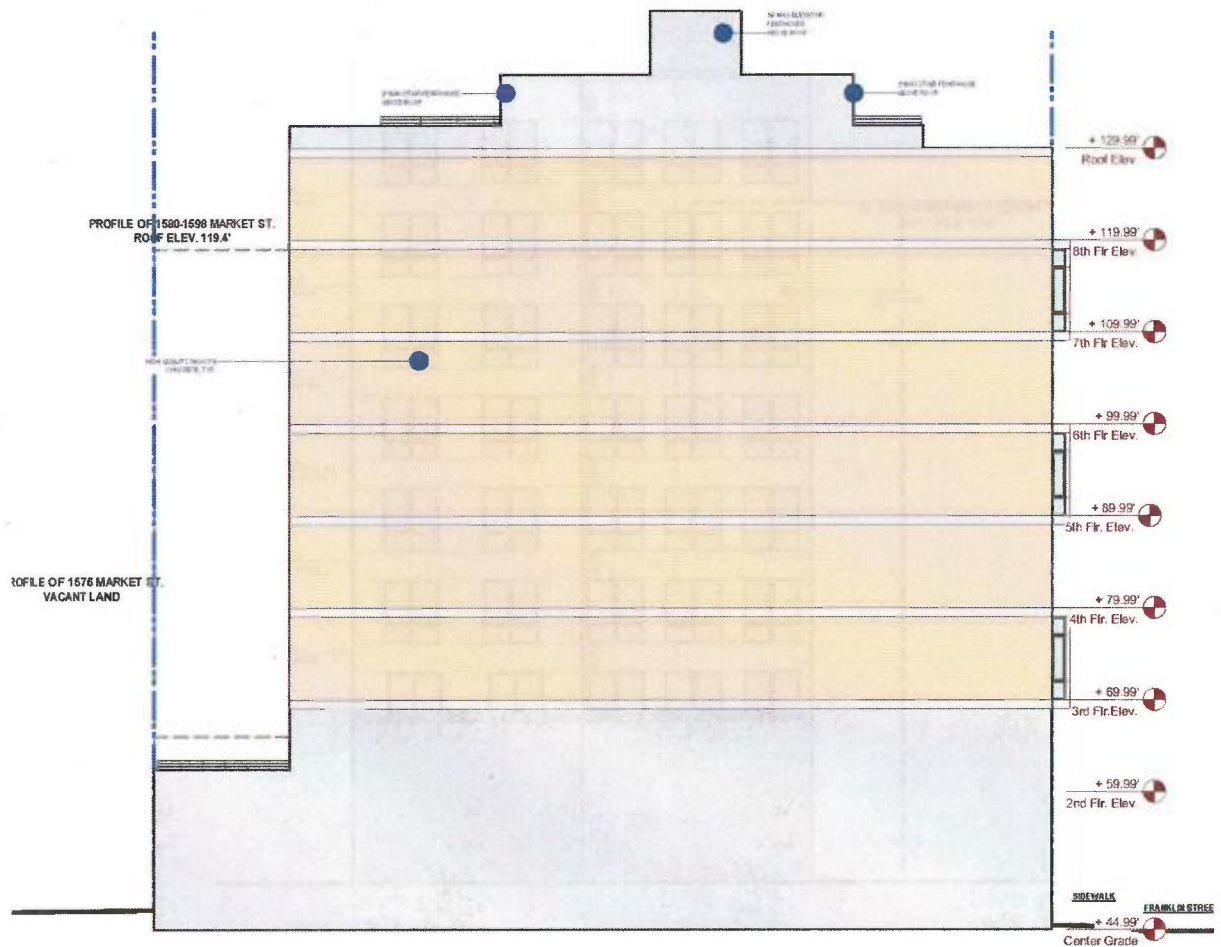
FIGURE 8: PROPOSED EAST (REAR) ELEVATION



Proposed Rear Elevation (East)

1/16" = 1'-0"

FIGURE 9: PROPOSED NORTH ELEVATION



Proposed Left Elevation (North)

1/16" = 1'-0"

Source: SIA Consulting

[illegible]
$$1/16'' = 1'-0''$$

**SAN FRANCISCO
PLANNING DEPARTMENT**

Project Approval

Actions by the Planning Commission

- **Approval of a Large Project Authorization** from the Planning Commission is required per Planning Code Section 329 for the new construction of a building greater than 75 feet in height and 25,000 gross square feet in size. The approval of the Large Project Authorization would be the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.
- **Downtown Project Authorization** pursuant to Planning Code Section 309 with exceptions to the requirements for ground level wind currents pursuant to Planning Code Section 148 and lot coverage pursuant to Planning Code Section 249.33(b)(5).

Actions by City Departments

- **San Francisco Planning Department (Planning Department).** Approval of a Variance from the Dwelling Unit Exposure requirements pursuant to Planning Code Section 140.
- **Department of Building Inspection (DBI).** Demolition, grading, and building permits for the demolition of the existing building and construction of the new building.
- **Department of Public Health (DPH).** Approval of a Site Mitigation Plan prior to the commencement of any excavation work.
- **Department of Public Works (DPW).** Street and sidewalk permits for any modifications to public streets and sidewalks. Approval of a condominium map if requested.
- **San Francisco Public Utilities Commission.** Approval of any changes to sewer laterals.

EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption (CPE) Checklist examines the potential environmental impacts that would result from implementation of the proposed project and indicates whether such impacts are addressed in the Market and Octavia PEIR.¹ The CPE Checklist indicates whether the proposed project would result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the Market and Octavia PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Market and Octavia PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such topics are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

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

¹ San Francisco Planning Department, *Market and Octavia Area Plan Final Environmental Impact Report*, Case No. 2003.0347E, State Clearinghouse No. 2004012118, certified April 5, 2007. This document, and other cited Market and Octavia Area Plan documents, are available online at www.sf-planning.org/index.aspx?page=1714 or at the Planning Department, 1650 Mission Street, Suite 400.

The Market and Octavia PEIR identified significant impacts related to shadow, wind, archeology, transportation, air quality, hazardous materials, and geology. Mitigation measures were identified for these impacts and reduced all of these impacts to less-than-significant levels with the exception of those related to shadow (impacts on two open spaces: the War Memorial Open Space and United Nations Plaza) and transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line).

Implementation of the proposed project would result in the construction of a new building that would be eight stories and 85 feet tall. The building would contain 35 dwelling units and 2,100 gsf of retail space. As discussed below in this CPE Checklist, the proposed project would not result in new, significant environmental effects or effects of greater severity than were already analyzed and disclosed in the Market and Octavia PEIR.

AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT

Public Resources Code Section 21099(d), effective January 1, 2014, provides that "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

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

The proposed project meets each of the above criteria; therefore, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.² Project elevations are included in the project description for informational purposes.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
1. LAND USE AND LAND USE PLANNING— Would the project:				
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"/>

² San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist for 22-24 Franklin Street*, November 3, 2015. This document, and other documents cited in the CPE Checklist, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1005E.

The Market and Octavia PEIR determined that implementation of the *Market and Octavia Area Plan* would not result in a significant adverse impact related to land use and land use planning, and no mitigation measures were identified. The proposed project consists of the construction of a new building that would be eight stories and 85 feet tall. The building would contain 35 dwelling units and 2,100 gsf of retail space. The proposed project is within the scope of development projected under the *Market and Octavia Area Plan*. Furthermore, the Citywide Planning and Current Planning divisions of the Planning Department have determined that the proposed project is permitted in the C-3-G (Downtown General) District and Van Ness & Market Downtown Residential District and is consistent with the bulk, density, and land uses as envisioned in the *Market and Octavia Area Plan*.^{3, 4}

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts related to land use and land use planning beyond those identified in the Market and Octavia PEIR.

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

One goal of the *Market and Octavia Area Plan* is to implement citywide policies to increase the supply of high-density housing in neighborhoods having sufficient transit facilities, neighborhood-oriented uses, and infill development sites. The Market and Octavia PEIR analyzed a projected increase of 7,620 residents in the Plan Area by the year 2025 and determined that this anticipated growth would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

The proposed project consists of the construction of a new building that would be eight stories and 85 feet tall. The building would contain 35 dwelling units and 2,100 gsf of retail space. Implementation of the

³ Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, *Citywide Planning and Policy Analysis*, Case No. 2013.1005E, 22-24 Franklin Street, October 21, 2014.

⁴ Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, *Current Planning Analysis*, Case No. 2013.1005E, 22-24 Franklin Street, November 2, 2015.

proposed project would result in a net increase of about 65 residents and 6 employees on the project site.⁵ The population growth associated with the proposed project is within the scope of the population growth that was anticipated under the *Market and Octavia Area Plan* and analyzed in the Market and Octavia PEIR.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts related to population and housing beyond those identified in the Market and Octavia PEIR.

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

Historic Architectural Resources

The Market and Octavia PEIR noted that although development would be allowed in the Plan Area, the implementation of urban design guidelines and other rules, such as evaluation under CEQA, would reduce the overall impact on historic architectural resources to a less-than-significant level. No mitigation measures were identified.

Under CEQA, evaluation of the potential for proposed projects to impact historical resources is a two-step process. The first step is to determine whether the property is a historical resource as defined in CEQA Guidelines Section 15064.5(a)(3). If it is determined to be a historical resource, the second step is to evaluate whether the action or project proposed would cause a substantial adverse change.

According to a recent Historic Resource Evaluation (HRE) prepared for the project site, the buildings on site are not considered historic resources under CEQA.⁶ The small outbuilding at 22 Franklin Street may have served as an enclosure for a parking attendant or as an office for the associated auto repair businesses; its age is unknown. 24 Franklin Street was designed by architect G. Albert Lansburgh and constructed in 1927 by an unknown builder for Mrs. Marion Leventrett, who owned several other properties in the vicinity. As a light-industrial building with auto-related uses, it appears to have been a consistent building type and use for this neighborhood during the post-1906 earthquake and fire redevelopment. 24 Franklin Street was constructed within the period of significance (1906-1929) for the

⁵ The Market and Octavia PEIR assumed that the Plan Area would have an average household size of 1.87 residents per dwelling unit in the year 2025. Retail employment was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review (Transportation Guidelines)*.

⁶ Garavaglia Architecture. January 2, 2015. *22-24 Franklin Historic Resource Evaluation & Standards Compliance Review*.

post-1906 Reconstruction period. However, its construction date of 1927 places it outside of the primary phase of redevelopment and reduces its ability to embody this broad pattern of San Francisco's history. Both previous surveys and the HRE determined that because of its relatively late date of construction and lack of significant associations, the building is not eligible for listing on the California Register under Criterion 1 as a property "associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States." The Historic Resource Evaluation Response prepared by the Planning Department's Preservation staff concurs with this conclusion.⁷

The project site is not eligible for listing Criterion 2, as a property "associated with the lives of persons important in our local, regional or national past." Previous surveys and the HRE prepared for this project found that none of the owners or occupants of the subject properties was historically significant.

Lansburgh was a well-known and prolific architect active in the City's post-1906 reconstruction efforts; he was best known as a theater and auditorium architect, and his surviving work in San Francisco includes the Warfield and Golden Gate Theaters. He also designed both the War Memorial Opera House and War Memorial Veterans Building. However, the HRE concluded that 24 Franklin Street is a very minor example of Lansburgh's work. It is a utilitarian building that is not evocative of a particular design or style, does not significantly embody the distinctive characteristics of a type, period, or method of construction. Accordingly, it does not appear to be eligible for the California Register under Criterion 3, as a property that "embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values." The HRE also concluded that 22 Franklin Street, as a utilitarian building of unknown date with no distinctive characteristics, no association with a master architect or builder, and no high artistic value, does not appear to be eligible for the California Register under Criterion 3.

Based upon a review of information in the Planning Department's records, the subject property is not significant under Criterion 4, which is typically associated with archaeological resources. Archeological resources are discussed in greater detail below.

The project site is not located within a historic district, although it is adjacent to a building (Miramar Apartments, 1582 Market Street) that is a contributor to the Market Street Masonry Landmark District. Compatibility with this Landmark District has been addressed through the design review process.

For these reasons, the proposed project would not contribute to the significant project-specific or cumulative historic resource impacts identified in the Market and Octavia PEIR, and no historic resource mitigation measures are applicable to the proposed project.

Archeological Resources

The Market and Octavia PEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources and identified four mitigation measures that would reduce these potential impacts to less-than-significant levels (Mitigation Measures C1 through C4). Mitigation Measure C1: Soil-Disturbing Activities in Archeologically Documented Properties,⁸ applies to properties

⁷ San Francisco Planning Department, *Historic Resource Evaluation Response, 22-24 Franklin Street*, February 20, 2015.

⁸ Throughout this CPE, mitigation measures from the Market and Octavia PEIR are numbered based on the adopted Mitigation Monitoring and Reporting Program for the proposed project at 22-24 Franklin Street; mitigation measure numbers from the PEIR are also provided for reference. Mitigation Measure C1 is Mitigation Measure 5.6.A1 in the Market and Octavia PEIR.

that have a final Archeological Resource Design/Treatment Plan (ARDTP) on file; it requires that an addendum to the ARDTP be completed. Mitigation Measure C2: General Soil-Disturbing Activities,⁹ was determined to be applicable to any project involving any soil-disturbing activities below a depth of four feet below ground surface (bgs) and located in areas for which no archeological assessment report has been prepared. Mitigation Measure C2 requires that a Preliminary Archeological Sensitivity Study (PASS) be prepared by a qualified consultant or that a Preliminary Archeological Review (PAR) be conducted by Planning Department staff. Mitigation Measure C3: Soil-Disturbing Activities in Public Street and Open Space Improvements,¹⁰ applies to improvements to public streets and open spaces if those improvements disturb soils below a depth of four feet bgs; it requires an Archeological Monitoring Program. Mitigation Measure C4: Soil-Disturbing Activities in the Mission Dolores Archeological District,¹¹ applies to projects in the Mission Dolores Archeological District that result in substantial soils disturbance; it requires an Archeological Testing Program as well as an Archeological Monitoring Program and an Archeological Data Recovery Program, if appropriate.

The PEIR anticipated that development at the project site would have the potential to disturb archaeological deposits, and that Market and Octavia PEIR Mitigation Measure C2 would apply to the proposed project. Based on a review of San Francisco Planning Department records, no previous archaeological investigations have occurred in the project site. However, pursuant to Market and Octavia PEIR Mitigation Measure C2, a PAR was conducted by Planning Department staff for the proposed project. Based on the PAR, it has been determined that the Planning Department's first standard archaeological mitigation measure (accidental discovery) would apply to the proposed project.¹² Although no archaeological resources have been previously identified within the project area, the project site may harbor previously undiscovered CRHR-eligible prehistoric and/or historic-era archaeological resources. Because the proposed project would require approximately 140 cubic yards of soil excavation (including soil removal) up to a depth of 6 feet, project ground-disturbing activities and soil amendments would have the potential to affect previously undocumented CRHR-eligible resources, were they to be present below the project site. Therefore, Mitigation Measure 1 – Archaeology – Accidental Discovery (Market and Octavia PEIR Mitigation Measure C2), listed in the Mitigation Measures section below, is required to reduce potential significant impacts of the proposed project to archaeological resources to a less-than-significant level. With implementation of this mitigation measure, the proposed project would not result in significant project-specific or cumulative impacts on archaeological resources that were not identified in the Market and Octavia PEIR.

⁹ Mitigation Measure C2 is Mitigation Measure 5.6.A2 in the Market and Octavia PEIR.

¹⁰ Mitigation Measure C3 is Mitigation Measure 5.6.A3 in the Market and Octavia PEIR.

¹¹ Mitigation Measure C4 is Mitigation Measure 5.6.A4 in the Market and Octavia PEIR.

¹² Email from Randall Dean, San Francisco Planning Department, to Elizabeth Purl, November 13, 2015, "Preliminary Archeological Review completions."

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

The Market and Octavia PEIR anticipated that growth resulting from the zoning changes under the *Market and Octavia Area Plan* would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction.

The Market and Octavia PEIR identified significant traffic impacts at seven intersections and one significant transit impact. In the vicinity of the project site, the Market and Octavia PEIR identified cumulatively considerable impacts at the intersections of Hayes Street/Franklin Street (two blocks north of the project site), Market Street/Van Ness Avenue (one block east), Hayes Street/Gough Street (three blocks northwest), and Hayes Street/Van Ness Avenue (three blocks northeast). The Market and Octavia PEIR identified a significant and unavoidable cumulative transit impact on the 21 Hayes Muni route during the weekday p.m. peak hour. This impact was a result of the increased vehicle delay along Hayes Street from Van Ness Avenue to Gough Street due to the proposed reconfiguration of Hayes Street under the *Market and Octavia Area Plan*.

The PEIR identified eight transportation mitigation measures involving plan-level traffic management strategies, intersection and roadway improvements, and transit improvements to be implemented by the Planning Department, the Department of Public Works (DPW), and the San Francisco Municipal Transportation Agency (SFMTA). The PEIR did not identify project-level transportation mitigation measures to be implemented by project sponsors for future development under the *Market and Octavia Area Plan*. The PEIR determined that, even with implementation of the identified plan-level mitigation measures, the significant adverse effects at seven intersections and the cumulative impacts on certain

transit lines resulting from delays at several Hayes Street intersections could not be fully mitigated. These impacts were found to be significant and unavoidable.

Because the proposed project is within the scope of development projected under the *Market and Octavia Area Plan*, there would be no additional impacts on pedestrians, bicyclists, loading, emergency access, or construction beyond those analyzed in the PEIR. Although the proposed project would not result in any new significant traffic, bicycle, or pedestrian impacts, the project sponsor has agreed to implement the improvement measures, listed in the Improvement Measures section below (p. 45), which would further reduce these less-than-significant impacts.

Trip Generation

Trip generation for the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review (Transportation Guidelines)* developed by the San Francisco Planning Department.¹³ The proposed residential and retail uses would generate an estimated 648 person trips (inbound and outbound) on a weekday daily basis, consisting of 269 person trips by auto, 187 transit trips, 125 walk trips, and 67 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 30 person trips by auto. Accounting for vehicle occupancy data for the project site's census tract, the proposed project would generate 169 daily vehicle trips, 20 of which would occur during the p.m. peak hour.

Traffic

Vehicle trips associated with the proposed project would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by 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.

The Market and Octavia PEIR analyzed traffic impacts at 32 intersections in the Plan Area. Of these 32 intersections, the seven intersections closest to the project site are shown in Table 1: Weekday P.M Peak-Hour Levels of Service at Nearby Intersections. As shown in Table 1, the LOS data for these intersections indicate that all but one of these intersections operate at LOS C or better during the weekday p.m. peak hour under existing conditions. The intersection of Mission Street/Otis Street/Van Ness Avenue operates at LOS E during the weekday p.m. peak hour under existing conditions. Cumulative (2025) conditions represent future conditions after the buildout of the *Market and Octavia Area Plan*. Under cumulative conditions, five of the intersections closest to the project site would operate at LOS D or better during the weekday p.m. peak hour.

¹³ San Francisco Planning Department, *Transportation Calculations, 22-24 Franklin Street*, November 3, 2015.

Table 1: Weekday P.M. Peak-Hour Levels of Service at Nearby Intersections

Intersection	Existing LOS (2008)	Cumulative LOS (2025)
Market/Franklin/Page streets	C	D
Oak/Franklin streets	A	B
Fell/Franklin streets	A	D
Oak/Gough streets	C	C
Market Street/Van Ness Avenue	C	E
Mission Street/Otis Street/Van Ness Avenue	E	F
Market /Gough/Haight streets	C	D

Source: Market and Octavia PEIR, Table C-9, 2007.

Notes:

(1) **Bold** indicates intersection operates at unacceptable LOS conditions (LOS E or F).

The proposed project would generate an estimated 20 p.m. peak-hour vehicle trips that could travel through nearby intersections. These vehicle trips would not substantially increase traffic volumes at nearby intersections, would not substantially increase the average delay to the degree that the LOS of nearby intersections would deteriorate from acceptable to unacceptable, and would not substantially increase the average delay at intersections that currently operate at an unacceptable LOS.

The proposed project would not contribute considerably to LOS delay conditions, because its contribution of an estimated 169 daily and 20 p.m. 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 Area Plan* projects. In addition, the proposed project would not contribute considerably to 2025 cumulative traffic conditions and would not have any significant cumulative traffic impacts.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts on traffic beyond those identified in the Market and Octavia PEIR.

Transit

The project site is well served by public transportation. Within one-quarter mile of the project site, the San Francisco Municipal Railway (Muni) operates the following transit service: 6 Haight/Parnassus, 7 Haight/Noriega, 7R Haight/Noriega Rapid, 7X Noriega Express, 9 San Bruno, 9R San Bruno Rapid, 14 Mission, 14R Mission Rapid, 21 Hayes, 47 Van Ness, 49 Mission/Van Ness, and 90 Owl bus lines; the F Market historic streetcar; and the J Church, KT Ingleside/Third Street, L Taraval, M Ocean View, N Judah Muni Metro light rail lines. In addition, the BART Civic Center station is located less than one-half mile from the project site.

The proposed project would be expected to generate 187 daily transit trips, including 30 transit trips during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 30 p.m. peak-hour transit trips would be accommodated by existing capacity. Therefore, the proposed project would not result in unacceptable levels of transit service or cause an increase in transit delays or operating costs such that significant adverse impacts to transit service would result.

As discussed above, the Market and Octavia PEIR identified significant and unavoidable cumulative transit delay impacts to the 21 Hayes Muni route. The proposed project would not contribute considerably to these conditions as its contribution of 30 p.m. peak-hour transit trips would be distributed among several nearby transit lines and would not be a substantial proportion of the overall additional transit volume generated by projects developed under the *Market and Octavia Area Plan*. The proposed project would also not contribute considerably to 2025 significant cumulative transit impacts.

For these reasons, the proposed project would not result in significant project-specific impacts related to transit beyond those identified in the Market and Octavia PEIR and would not contribute considerably to cumulative transit impacts that were identified in the Market and Octavia PEIR.

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

Construction Impacts

The Market and Octavia PEIR noted that the background noise levels in San Francisco are elevated primarily due to traffic noise and that some streets, such as Market Street, have higher background noise levels. The PEIR identified an increase in the ambient noise levels during construction, dependent on the types of construction activities and construction schedules, and noise from increased traffic associated with construction truck trips along access routes to development sites. The PEIR determined that compliance with the San Francisco Noise Ordinance (Noise Ordinance), codified as Article 29 of the San Francisco Police Code, would reduce construction impacts to less-than-significant levels. No mitigation measures related to noise from construction were identified in the Market and Octavia PEIR.

All construction activities for the proposed project (approximately 13 months) would be subject to and would comply with the Noise Ordinance, which requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA¹⁴ 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) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of the DPW authorizes a special permit for conducting the work during that period.

The DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Although pile driving is not required or proposed, occupants of nearby properties could be disturbed by construction noise during the 13-month construction period for the proposed project. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise levels in the project vicinity during construction of the proposed project would not be considered a significant impact, because the construction noise would be temporary, intermittent, and restricted in occurrence and level due to required compliance with the Noise Ordinance.

For these reasons, the proposed project would not result in significant project-specific or cumulative construction-related noise and vibration impacts beyond those identified in the PEIR, and no mitigation measures are necessary.

Operational Impacts

The PEIR noted that Area Plan-related land use changes would have the potential to create secondary noise impacts associated with projects' fixed-location heating, ventilating, or air-conditioning equipment and other localized noise-generating activities. The PEIR determined that existing ambient noise levels in the Plan Area would generally mask noise from new on-site equipment. Therefore, the increase in noise levels from operation of equipment would be less than significant. The PEIR also determined that all new development in the Plan Area would be required to comply with Title 24 of the California Code of Regulations and with the Land Use Compatibility Guidelines for Community Noise in the Environmental Protection Element of the of the *General Plan*,¹⁵ which would prevent significant operational impacts on sensitive receptors.

Ambient noise levels in San Francisco are largely influenced by traffic. 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 (a 3-dB increase). As discussed under CPE Checklist Topic 4, Transportation and

¹⁴ The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

¹⁵ San Francisco Planning Department, 2004. San Francisco General Plan, Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise. Last amended December 2, 2004. Available online at: www.sf-planning.org/ftp/general_plan/16_Environmental_Protection.htm.

Circulation, the proposed project would generate 20 vehicle trips during the p.m. peak hour. Given the existing traffic volumes in the project vicinity, the project-related increase in vehicle trips during the p.m. peak hour would not double the traffic volumes on any given street in the project vicinity. Therefore, the proposed project would not result in a perceptible increase in noise levels from project-related traffic and would not contribute to a considerable increment or to any cumulative noise impacts related to traffic.

An environmental noise study was completed for the proposed project to assess existing noise conditions and make recommendations for building materials specifications to meet Title 24 requirements.¹⁶ The noise study found that ambient noise levels at the boundaries of the project site range from 66.7 to 71.6 dBA. The proposed project would be required to comply with the Noise Ordinance by including sound-attenuating improvements to achieve an interior day-night equivalent sound level of 45 dBA. The noise report recommended installation of windows with a minimum Outside-Inside Transmission Class rating of 24.0 for all rooms facing Franklin Street.

During the review of the building permit application, the DBI would check project plans for compliance with applicable noise standards. Compliance with applicable noise standards would ensure that project-related impacts from exposure of building residents to ambient noise and project-related operational noise would result in less-than-significant impacts.

The proposed project includes the installation of mechanical equipment, such as heating and ventilation systems, that could produce operational noise. The operation of this equipment would be required to comply with the standards set forth in Section 2909 of the Noise Ordinance, which would minimize noise from building operations. Therefore, noise impacts related to the proposed project's operation would be less than significant. The proposed building would also not contribute to a considerable increment or to any cumulative noise impacts related to noise from mechanical equipment.

The project site is not in an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, CPE Checklist Topics 5e and 5f above are not applicable.

For these reasons, the proposed project would not result in significant project-specific or cumulative noise and vibration impacts beyond those identified in the PEIR, and no mitigation measures are necessary.

¹⁶ King, Robert, ARC Management. August 2, 2013. *Environmental Noise Report Prepared for 22 Franklin Street, San Francisco*.

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

The Market and Octavia PEIR identified potentially significant air quality impacts resulting from temporary exposure to elevated levels of fugitive dust and diesel particulate matter (DPM) during construction of development projects under the Area Plan. The PEIR identified two mitigation measures that would reduce these air quality impacts to less-than-significant levels. Market and Octavia PEIR Mitigation Measures E1 and E2 address air quality impacts during construction. All other air quality impacts were found to be less than significant.

Construction Dust Control

Market and Octavia PEIR Mitigation Measure E1: Construction Mitigation Measure for Particulate Emissions, requires individual projects involving construction activities to include dust control measures and to maintain and operate construction equipment to minimize exhaust emissions of particulates and other pollutants. Subsequent to the certification of the Market and Octavia PEIR, 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 No. 176-08, effective August 29, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the Construction Dust Control Ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, sweeping streets and sidewalks, and other measures.

The regulations and procedures set forth in the Construction Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of PEIR Mitigation Measure E1. Therefore, the portion of PEIR Mitigation Measure E1 that addresses dust control is no longer applicable to the proposed project.

Criteria Air Pollutants

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide, and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District's *CEQA Air Quality Guidelines (Air Quality Guidelines)* provide screening criteria¹⁷ for determining whether a project's criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the *Air Quality Guidelines*, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the *Air Quality Guidelines* screening criteria. The proposed project, with a total of 35 dwelling units, is below both the construction screening criterion ("condo/townhouse, general, 240 dwelling units" land use type) and the operational screening criterion ("condo/townhouse, general, 451 dwelling units" land use type). Therefore, the proposed project would not result in any significant project-specific or cumulative impacts related to criteria air pollutants beyond those identified in the Market and Octavia PEIR. A detailed air quality assessment is not required, and no mitigation measures are necessary.

Health Risk

Subsequent to certification of the Market & Octavia PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes (Ordinance No. 224-14, effective December 7, 2014), generally referred to as Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone (APEZ) and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the APEZ. The project site is within an APEZ. The APEZ, as defined in Article 38, consists of areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM_{2.5} concentration and cumulative excess cancer risk. The APEZ incorporates health vulnerability factors and proximity to freeways. Projects within the APEZ, such as the proposed project, require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

Construction

The project site is within an identified APEZ; therefore, the ambient health risk to sensitive receptors from air pollutants is considered substantial. Market and Octavia PEIR Mitigation Measure E2 – Construction Mitigation Measure for Short-Term Exhaust Emissions, requires construction equipment to be maintained and operated so as to minimize exhaust emissions of particulates and other pollutants.¹⁸ Implementation of the proposed project would require diesel construction equipment. Thus, in accordance with the Market and Octavia PEIR requirements, the project sponsor has agreed to implement PEIR Mitigation Measure E2 as Project Mitigation Measure 2, which would reduce exhaust emissions from construction equipment. Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure 2 - Construction Air Quality. The full text of the mitigation measure is provided in the Mitigation Measures Section below.

¹⁷ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, May 2011, pp. 3-2 to 3-3.

¹⁸ Mitigation Measure E2 is Mitigation Measure 5.8.B in the Market and Octavia PEIR.

Siting Sensitive Land Uses

For sensitive-use projects within an APEZ, such as the proposed project, Article 38 requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM_{2.5} (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. The DBI will not issue a building permit without written notification from the Director of the DPH that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with Article 38, the project sponsor has submitted an initial application for an Enhanced Ventilation Proposal to the DPH.¹⁹ The regulations and procedures set forth in Article 38 would ensure that exposure to sensitive receptors would not be significant. Therefore, impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

Siting New Sources

The proposed project would not generate more than 10,000 vehicle trips per day, more than 100 truck trips per day, or more than 40 refrigerated truck trips per day. In addition, the proposed project would not include a backup diesel generator or other sources that would emit DPM or other TACs. Therefore, the proposed project would have no impacts related to introducing new sources of air pollutants.

Conclusion

For these reasons, the proposed project would not result in significant air quality impacts beyond those identified in the PEIR.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
7. GREENHOUSE GAS EMISSIONS—Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The State CEQA Guidelines were amended in 2010 to require an analysis of a project's greenhouse gas (GHG) emissions on the environment. The Market and Octavia PEIR was certified in 2007, before the amendment of the State CEQA Guidelines. Therefore, the Market and Octavia PEIR did not analyze the effects of GHG emissions.

Regulations outlined in San Francisco's Strategies to Address Greenhouse Gas Emissions have proven effective as San Francisco's GHG emissions have been measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, Assembly Bill 32, and the *Bay Area 2010 Clean Air Plan's* GHG reduction goals for the year 2020. The proposed

¹⁹ Application for Article 38 Compliance Assessment, 22 Franklin Street, submitted November 10, 2015.

project was determined to be consistent with San Francisco's GHG Reduction Strategy.²⁰ Other existing regulations, such as those implemented through Assembly Bill 32, will continue to reduce a proposed project's contribution to climate change. Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts related to GHG emissions, and not mitigation measures are necessary.

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

Wind

The Market and Octavia PEIR determined that new construction developed under the Area Plan, including new buildings and additions to existing buildings, could result in significant impacts related to ground-level winds. PEIR Mitigation Measure B1: Buildings in Excess of 85 Feet in Height,²¹ and PEIR Mitigation Measure B2: All New Construction,²² identified in the PEIR, require individual project sponsors to minimize the wind effects of new buildings developed under the Area Plan through site and building design measures. The Market and Octavia PEIR concluded that implementation of PEIR Mitigation Measures B1 and B2, in combination with existing Planning Code requirements, would reduce both project-level and cumulative wind impacts to less-than-significant levels.

Because of the height of the proposed approximately 85-foot-tall building (approximately 100 feet tall with mechanical penthouse), PEIR Mitigation Measure B1 would apply to the proposed project. In addition, PEIR Mitigation Measure B2, which applies to all new construction, would apply to the proposed project. To determine project compliance with these mitigation measures, a pedestrian wind assessment was prepared for the proposed project by a qualified wind consultant.²³ The objective of the

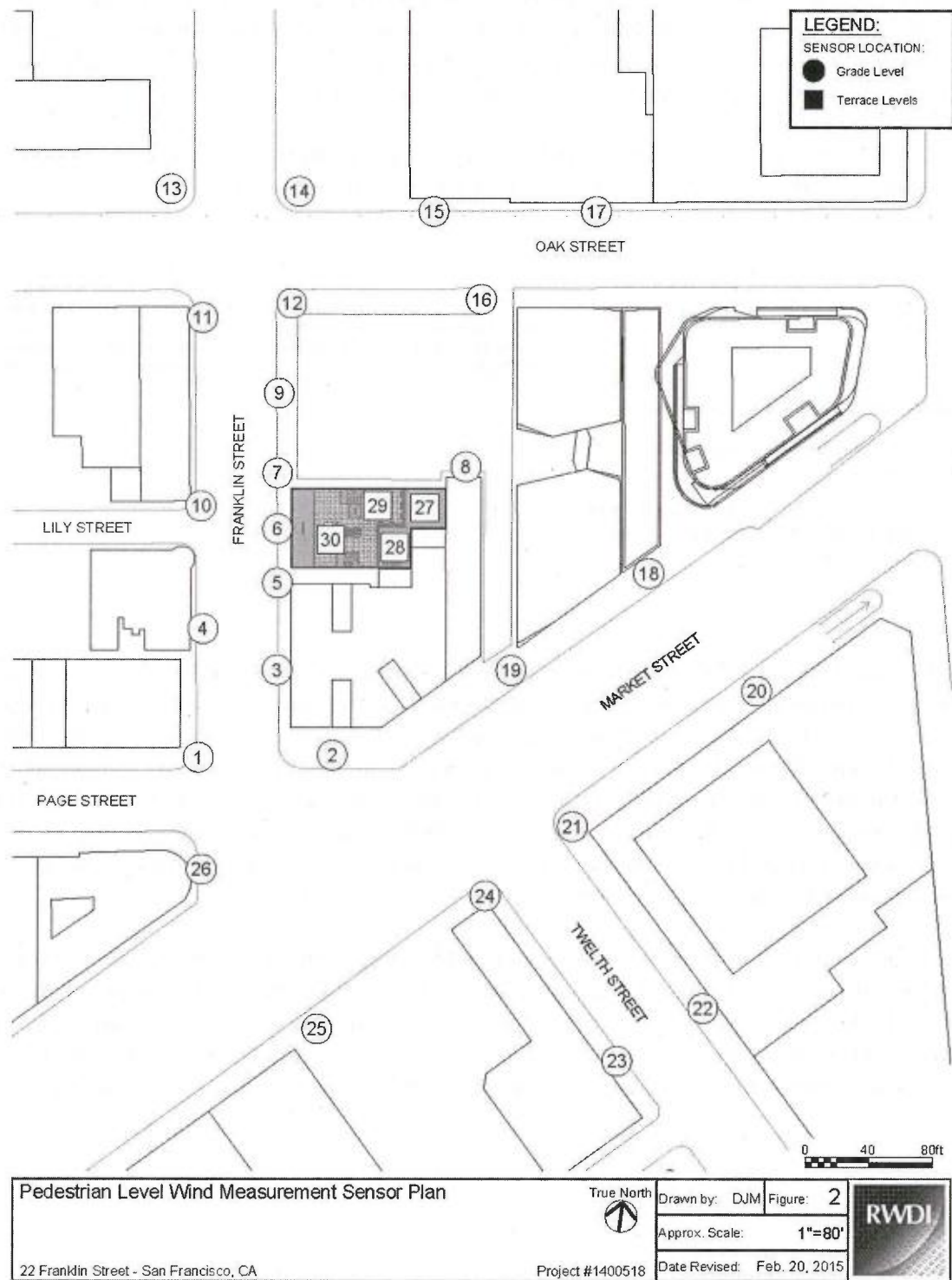
²⁰ San Francisco Planning Department, *Greenhouse Gas Compliance Checklist*, 22 Franklin Street, December 18, 2013.

²¹ Mitigation Measure B1 is Mitigation Measure 5.5.B1 in the Market and Octavia PEIR.

²² Mitigation Measure B2 is Mitigation Measure 5.5.B2 in the Market and Octavia PEIR.

²³ Rowan Williams Davies & Irwin, Inc. March 12, 2015. 22 Franklin Street, San Francisco, CA, *Pedestrian Wind Conditions Consultation – Wind Tunnel Tests*.

FIGURE 11: WIND TEST POINTS



Source: RWDI, Inc., 2015

wind assessment was to provide a qualitative evaluation of the potential wind impacts of the proposed development. Figure 11 shows the 30 locations evaluated as part of the wind assessment. The test points include 26 locations at grade level (approximately 5 feet above the ground) and four locations at the level of the proposed roof terraces.

The wind assessment found that the existing wind conditions on adjacent streets in the project vicinity do not exceed the 26 mph wind hazard criterion established in San Francisco Planning Code Section 148. With the implementation of the proposed project, no additional locations in the project vicinity or on the project site (the roof decks) would experience exceedances of the wind hazard criterion and conditions would remain generally the same as under existing conditions.

Under the cumulative project development scenario, the pedestrian wind hazard criterion would be exceeded at one new location (Location 19 on the north side of Market Street east of Franklin Street) beyond existing and existing-plus-project conditions. The pedestrian wind hazard criterion would be exceeded at Location 19 for a total of seven hours a year under cumulative-plus-project conditions. Field observations indicate that pedestrians typically walk through Location 19 in a transitory fashion. The wind study concluded that the increased wind speed and the addition of one hazard criterion exceedance location is attributable to the interaction of wind with a proposed building at 1554-1564 Market Street, and would not be influenced by the proposed project at 22-24 Franklin Street.

Overall, the proposed project would not increase the overall number of wind hazard exceedance locations compared to existing conditions and the proposed project would not contribute to an increase in the number of wind hazard locations or hours of hazards criterion exceedance under cumulative-plus-project conditions. Therefore, the proposed project would not have significant wind impacts and would not result in project-specific or cumulative significant impacts related to wind that were not identified in the Market and Octavia PEIR.

For these reasons, the proposed project would not result in any significant project-specific or cumulative wind impacts beyond those identified in the Market and Octavia PEIR.

The wind assessment also evaluated pedestrian comfort conditions, based on the 11 mph pedestrian comfort criterion outlined in San Francisco Planning Code Section 148. Although exceedances of the pedestrian comfort criterion as a result of the project would not represent a significant impact, an exception to the ground-level wind current requirements under Planning Code Section 148 would be necessary to approve the project. The proposed project's effects related to the comfort criterion are presented here for informational purposes.

The wind assessment found that wind speeds on adjacent streets in the project vicinity exceed the 11 mph pedestrian comfort criterion under existing conditions; 11 of the 26 evaluated locations (primarily along Market Street and east-west streets surrounding the project site) experience wind speeds that exceed this criterion. With the implementation of the proposed project, two additional locations would exceed the Section 148 pedestrian wind comfort criterion (identified in the wind study report as Location 26 at the southwest corner of Franklin/Market/Page streets and Location 30 on the proposed roof deck of the new building). Thus the number of locations in the project vicinity that would exceed the pedestrian comfort criterion would increase from 11 to 13.

Under the cumulative project development scenario, pedestrian comfort criterion exceedances would occur at eight new locations, including seven at grade level and one on the proposed roof deck, while

three locations where pedestrian wind comfort criterion exceedances occur under existing or existing-plus-project conditions would be eliminated. The total number of locations that would experience exceedances of the comfort criterion would increase from 11 (under existing conditions) to 18 locations total under the cumulative scenario.

Shadow

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Public open spaces that are not under the jurisdiction of the Recreation and Park Commission as well as private open spaces are not subject to Planning Code Section 295.

The Market and Octavia PEIR analyzed shadow impacts on nearby existing and proposed open spaces under the jurisdiction of the San Francisco Recreation and Park Commission as well as those that are not (the War Memorial Open Space and United Nations Plaza). The Market and Octavia PEIR determined that implementation of the Area Plan would not result in a significant shadow impact on Section 295 open spaces at the program or project level but identified potentially significant shadow impacts on non-Section 295 open spaces. Mitigation Measure A1: Parks and Open Space Not Subject to Section 295,²⁴ would reduce but may not eliminate significant shadow impacts on the War Memorial Open Space and United Nations Plaza. The PEIR determined that shadow impacts on non-Section 295 open spaces could be significant and unavoidable.

Implementation of the proposed project would result in the construction of an 85-foot-tall building. The Planning Department prepared a preliminary shadow fan analysis to determine whether the proposed project would have the potential to cast new shadow on nearby parks. The shadow fan analysis prepared by the Planning Department determined that the project as proposed would not cast shadow on any nearby parks or open spaces.²⁵ Therefore, Market and Octavia PEIR Mitigation Measure A1 would not be applicable to the proposed project.

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

For these reasons, the proposed project would not result in significant project-specific or cumulative shadow impacts beyond those identified in the Market and Octavia PEIR.

²⁴ Mitigation Measure A1 is Mitigation Measure 5.5.A2 in the Market and Octavia PEIR.

²⁵ San Francisco Planning Department, *Shadow Fan Analysis for 22 Franklin Street*, September 5, 2013.

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

The Market and Octavia PEIR concluded that implementation of the Area Plan would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Market and Octavia PEIR.

The proposed project would include usable open space in the form of private and common roof decks. This usable open space would help alleviate the demand for recreational facilities.

The proposed project would be within the scope of development projected under the *Market and Octavia Area Plan* and would not result in any significant project-specific or cumulative impacts related to recreation beyond those identified in the Market and Octavia PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
10. UTILITIES AND SERVICE SYSTEMS —Would the project:				
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"/>

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

The proposed project would be within the scope of development projected under the *Market and Octavia Area Plan* and would not result in any significant project-specific or cumulative impacts on utilities and service systems beyond those identified in the Market and Octavia PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
11. PUBLIC SERVICES —Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that the anticipated increase in population under the Area Plan would not result in a significant impact to public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

The proposed project would be within the scope of development projected under the *Market and Octavia Area Plan* and would not result in any project-specific or cumulative impacts on public services beyond those identified in the Market and Octavia PEIR.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
12. BIOLOGICAL RESOURCES—Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As described in the Market and Octavia PEIR, the Plan Area is a developed urban environment completely covered by structures, impervious surfaces, and introduced landscaping. No known, threatened, or endangered animal or plant species are known to exist in the project vicinity that could be affected by the development anticipated under the Area Plan. In addition, development envisioned under the Area Plan would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Area Plan would not result in significant impacts on biological resources, and no mitigation measures were identified.

The proposed project is within the scope of development projected under the *Market and Octavia Area Plan* and would not result in any project-specific or cumulative impacts on biological resources that were not identified in the Market and Octavia PEIR.

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

The Market and Octavia PEIR did not identify any significant operational impacts related to geology, soils, and seismicity. Although the PEIR concluded that implementation of the Area Plan would indirectly increase the population that would be exposed to geologic hazards such as earthquakes, seismic ground shaking, liquefaction, and landslides, the PEIR noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, but would reduce them to acceptable levels given the seismically active characteristics of the Bay Area.

The Market and Octavia PEIR identified a potential significant impact related to soil erosion during construction. The PEIR found that implementation of Mitigation Measure G1: Construction-Related Soils Mitigation Measure,²⁶ which consists of construction best management practices (BMPs) to prevent erosion and discharge of soil sediments into the storm drain system, would reduce any potential impacts to less-than-significant levels.

²⁶ Mitigation Measure G1 is Mitigation Measure 5.11.A in the Market and Octavia PEIR.

Market and Octavia PEIR Mitigation Measure G1, referred to in this CPE Checklist as Mitigation Measure 3, would apply to the proposed project and would address potential impacts related to soil erosion during project construction. As stated above, this measure would require implementation of construction BMPs to prevent erosion and discharge of soil sediments into the storm drain system and would reduce any potential impacts to less-than-significant levels.

A preliminary geotechnical investigation was conducted for the proposed project to assess the geologic conditions underlying the project site and provide recommendations related to the proposed project's design and construction. The findings and recommendations of the geotechnical investigation are presented in a geotechnical report and summarized below.²⁷

The geotechnical investigation included the drilling of a test boring on the project site to a depth of 20 feet below ground surface (bgs). In addition, the geotechnical report included information from a test pit and cone penetration test performed on an adjacent lot in 2002. Based on the test boring, the project site is underlain by about 12 feet of fill consisting of fine- to medium-grained sand with brick fragments, and the fill is underlain by fine- to medium-grained sand. No groundwater was encountered in the test boring. Due to fluctuations in the groundwater table caused by seasonal rainfall as well as excavation and dewatering activities at nearby construction sites, groundwater could be encountered at depths shallower than the maximum depth of the test boring of 20 feet bgs.²⁸ The 2002 cone penetration test found similar subsurface materials, with groundwater encountered at approximately 7 to 8 feet bgs.²⁹ The project site is not in an Alquist-Priolo Earthquake Fault Zone. There are no known active earthquake faults that run underneath the project site or in the project vicinity; the closest active fault to the project site is the San Andreas Fault, which is about 7.1 miles to the southwest. The project site is located in a mapped liquefaction zone; it is not in a landslide zone.

Construction of the proposed project would require excavation in certain locations to a depth of approximately 6 feet for the foundation and the removal of about 140 cubic yards of soil. The geotechnical report recommends that soil to a depth of 15 feet beneath the building footprint should be densified using permeation grouting, and that the proposed project be supported by a rigid raft slab/mat system on the densified soil.³⁰ The geotechnical report includes recommendations related to shoring and underpinning, surface and subsurface drainage, foundations, retaining walls, and concrete slabs on grade. The project sponsor has agreed to implement these and other recommendations specified in the geotechnical report.

The proposed project is required to comply with the San Francisco Building Code (Building Code), which includes seismic safety standards for all new construction in San Francisco. The Department of Building Inspection (DBI) will review the project-specific geotechnical report during its review of the building permit application for the proposed project. In addition, the DBI may require additional site-specific soils report(s) as needed. Implementation of the recommendations in the geotechnical report, in combination with the requirement for a geotechnical report and the review of the building permit application pursuant to the DBI's implementation of the Building Code would minimize the risk of loss, injury, or death due to seismic or other geologic hazards.

²⁷ P. Whitehead and Associates Consulting Engineers, *Geotechnical Report, 22 Franklyn (sic) Street, San Francisco, California* (hereinafter "*Geotechnical Report*"), December 4, 2013.

²⁸ *Geotechnical Report*, p. 2.

²⁹ *Geotechnical Report*, Attachment 3.

³⁰ *Geotechnical Report*, p. 4.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts related to geology and soils beyond those identified in the Market and Octavia PEIR.

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

The Market and Octavia PEIR determined that the anticipated increase in population as a result of implementation of the Area Plan would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. Groundwater

encountered during construction would be required to be discharged in compliance with the City's Industrial Waste Ordinance (Ordinance No. 199-77) and would meet specified water quality standards. No mitigation measures were identified in the PEIR.

The project site is completely covered by impervious surfaces. Implementation of the proposed project would not substantially change existing surface runoff and drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in flooding or substantial erosion or siltation. The rate or amount of surface runoff would not increase to the point that it would exceed the capacity of existing or planned stormwater drainage systems. Furthermore, the proposed project would be constructed in compliance with all applicable federal, state, and local regulations governing water quality and discharges into surface and underground bodies of water.

Runoff from the project site would drain into the City's combined stormwater/sewer system, ensuring that such runoff is properly treated at the Southeast Water Pollution Control Plant before being discharged into the San Francisco Bay. As a result, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. The project site is not within an area in the City prone to flooding during storms.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts on hydrology and water quality beyond those identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

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

The Market and Octavia PEIR found that impacts related to hazards and hazardous materials would primarily originate from construction-related activities. Demolition or renovation of existing buildings could result in exposure to hazardous building materials such as asbestos, lead, mercury or polychlorinated biphenyls (PCBs). In addition, the discovery of contaminated soils and groundwater at a construction site could result in exposure to hazardous materials during construction. The PEIR identified a significant impact associated with soil disturbance during construction for sites in areas of naturally occurring asbestos (NOA). The PEIR found that compliance with existing regulations and implementation of Mitigation Measure F1: Program- or Project-Level Mitigation Measures for Hazardous Materials,³¹ which would require implementation of construction best management practices to reduce dust emissions and tracking of contaminated soils beyond the site boundaries by way of construction vehicles' tires, would reduce impacts associated with construction-related hazardous materials to less-than-significant levels.

³¹ Mitigation Measure F1 is Mitigation Measure 5.10.A in the Market and Octavia PEIR.

As discussed under Topic 6, Air Quality, on pp. 24-26, subsequent to the certification of the Market and Octavia PEIR, the San Francisco Board of Supervisors adopted the Construction Dust Control Ordinance. The regulations and procedures set forth by the Construction Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of Market and Octavia PEIR Mitigation Measure F1. In addition, construction activities in areas containing NOA are subject to regulation under the State Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, which is implemented in San Francisco by Bay Area Air Quality Management District (BAAQMD). The proposed project site is not in an area identified as having NOA and therefore would not create a significant hazard to the public or the environment from the release of NOA. For these reasons, PEIR Mitigation Measure F1 is not applicable to the proposed project.

Hazardous Building Materials

Because the building on the project site was constructed in 1927, it is possible that hazardous building materials such as polychlorinated biphenyls (PCBs), mercury, asbestos, and lead-based paint are still present on the project site. Prior to demolition on the project site, such materials must be abated in accordance with applicable federal, state, and local regulations. Compliance with such regulations would ensure that the proposed project would not result in significant project-specific or cumulative impacts related to hazardous building materials beyond those identified in the Market and Octavia PEIR.

Soil and Groundwater Contamination

The proposed project would require excavation to a maximum depth of approximately six feet below ground surface and the disturbance of approximately 140 cubic yards of soil. As discussed under Topic 13, Geology and Soils, on p. 35, groundwater could be encountered during excavation. The project site is mapped as potentially containing hazardous materials in soils or groundwater.³² A Phase I Environmental Site Assessment (ESA) indicated that there is no evidence of contaminated soil and/or groundwater at the project site.³³ A Phase II ESA was subsequently performed; it included soil sampling from three borings on site. No groundwater was encountered to the total boring depth of 10 feet. The soil samples were analyzed for petroleum hydrocarbons and volatile organic compounds; low levels of petroleum compounds, below regulatory thresholds for locations where groundwater is not used for drinking, were found in two of the shallow soil samples. No volatile organic compounds were detected.³⁴

The DPH Environmental Health Division reviewed these findings and approved the Phase I and Phase II ESAs. The Environmental Health Division concluded that further soil sampling and testing for heavy metals is required in compliance with Health Code Article 22A (the "Maher Ordinance"), Section 7, and requested a Phase II Subsurface Addendum and Site Mitigation Plan. The project sponsor must comply with these requirements prior to the issuance of a site permit. Compliance with the requirements of the Maher Ordinance would reduce any potential impacts related to contaminated soil or groundwater to a less-than-significant level.

³² San Francisco Planning Department, Expanded Maher Area Map, March 2015. Available online at http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf. Accessed November 10, 2015.

³³ AEI Consultants, *Phase I Environmental Site Assessment, 22-24 Franklin Street, San Francisco, CA 94102*, October 18, 2013, pp. ii-iv.

³⁴ Cushing, Stephanie, San Francisco Department of Public Health, *Conditional Phase II Approval and Site Mitigation Plan Request, 22 and 24 Franklin Street, San Francisco, CA 94102, EHB-SAM No.: 1052*, September 10, 2014.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts related to contaminated soil or groundwater beyond those identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

Fire Hazards and Emergency Response

In San Francisco, fire safety is ensured through the provisions of the San Francisco Building and Fire Codes. During the review of the building permit application, the DBI and the San Francisco Fire Department will review the project plans for compliance with all regulations related to fire safety. Compliance with fire safety regulations would ensure that the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts related to hazards and hazardous materials beyond those identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
16. MINERAL AND ENERGY RESOURCES— Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally imported 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"/>

The Market and Octavia PEIR did not analyze the Area Plan's effects on mineral and energy resources, and no mitigation measures were identified. The project site is not a designated mineral resource recovery site, and implementation of the proposed project would not result in the loss of availability of any mineral resources.

The PEIR determined that the *Market and Octavia Area Plan* would facilitate the new construction of both residential and commercial uses. Development of these uses would not result in the use of large amounts of water, gas, and electricity in a wasteful manner, or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet or exceed current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection.

For these reasons, the proposed project would not result in any significant project-specific or cumulative impacts related to mineral and energy resources beyond those identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
17. AGRICULTURE AND FOREST RESOURCES: —Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural uses, 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 environmental which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR did not analyze the Area Plan's effects on agriculture and forest resources, and no mitigation measures were identified. The project site is not zoned for or occupied by agricultural uses, forest land, or timberland, and implementation of the proposed project would not convert agricultural uses, forest land, or timberland to non-agricultural or non-forest uses.

For these reasons, the proposed project would have no project-specific or cumulative impacts related to agriculture and forest resources, and no mitigation measures are necessary.

MITIGATION MEASURES

Project Mitigation Measure 1: Archeology – Accidental Discovery (Implementing PEIR Mitigation Measure C2)

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

contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

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

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

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

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

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

Project Mitigation Measure 2: Construction Air Quality (Implementing PEIR Mitigation Measure E2)

The project sponsor or the project sponsor's Contractor shall comply with the following:

A. Engine 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 have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. Waivers.

1. The Planning Department's Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to the table below.

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

- C. *Construction Emissions Minimization Plan.* Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.
1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.
 2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.
 3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. *Monitoring.* After start of construction activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

Project Mitigation Measure 3: Construction-Related Soils (Implementing PEIR Mitigation Measure G1)

Program- or project-level temporary construction-related impacts would be mitigated through the implementation of the following measures:

BMPs 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.
 - Minimize length and steepness of slopes.
-

IMPROVEMENT MEASURES**Project Improvement Measure 1 – Transportation Demand Management**

The Project Sponsor will establish a Transportation Demand Management (TDM) program for building tenants, in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building's TDM program:

- Selection of a TDM Coordinator responsible for the implementation and ongoing operation of all other TDM measures included as part of the project;
 - Provision of a transportation insert as part of the resident move-in packet that includes information on transit service (local and regional routes, schedules, and fares), location of transit pass vendors, information on the 511 Regional Rideshare Program and nearby bike- and car-share programs, and information on where to find additional web-based alternative transportation resources;
 - Provision of project access to city staff for data collection needs; and
 - Provision of less than half the amount of vehicle parking spaces permitted by the Planning Code.
-

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FROM THE MARKET AND OCTVIA AREA PLAN EIR				
Project Mitigation Measure 1 – Archaeological Testing (Mitigation Measure C2 of the Market and Octavia PEIR)				
<p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p> <p>Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological</p>	Project sponsor	Prior to issuance of grading or building permit	Project sponsor to retain archaeological consultant to undertake archaeological monitoring program in consultation with ERO	Complete when project sponsor retains a qualified archaeological consultant

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>consultants maintained by the Planning Department archaeologist. The archaeological consultant shall advise the ERO as to whether the discovery is an archaeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archaeological resource is present, the archaeological consultant shall identify and evaluate the archaeological resource. The archaeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include: preservation in situ of the archaeological resource; an archaeological monitoring program; or an archaeological testing program. If an archaeological monitoring program or archaeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archaeological resource is at risk from vandalism, looting, or other damaging actions.</p> <p>The project archaeological consultant shall submit a Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describing the archaeological and historical research methods employed in the archaeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and</p>				

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
Project Mitigation Measure 2 – Construction Air Quality (Mitigation Measure E2 of the Market and Octavia PEIR)				
<p><i>A. Engine Requirements</i></p> <ol style="list-style-type: none"> 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 have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). 	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.

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MITIGATION MONITORING AND REPORTING PROGRAM
(Includes Text for Adopted Mitigation Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p>				
<p>B. <i>Waters.</i></p> <p>1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</p> <p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.</p>	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.

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)																
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>Table – Off-Road Equipment Compliance Step-down Schedule</p> <table><tr><th>Compliance Alternative</th><th>Engine Emission Standard</th><th>Emissions Control</th></tr><tr><td>1</td><td>Tier 2</td><td>ARB Level 2 VDECS</td></tr><tr><td>2</td><td>Tier 2</td><td>ARB Level 1 VDECS</td></tr><tr><td>3</td><td>Tier 2</td><td>Alternative Fuel*</td></tr></table> <p>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3. * Alternative fuels are not a VDECS.</p>					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*
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*														
<p>C. <i>Construction Emissions Minimization Plan.</i> Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model,</p>	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.												

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p>				
<p>D. <i>Monitoring.</i> After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>	Project sponsor/ contractor(s).	Quarterly.	Submit quarterly reports.	Project sponsor/ contractor(s) and the ERO.

<p align="center">Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)</p>				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
Project Mitigation Measure 3 – Construction Related Soils (Mitigation Measure G1 of the Market and Octavia PEIR).				
<ul style="list-style-type: none"> Program- or project-level temporary construction-related impacts would be mitigated through the implementation of the following measures: BMPs erosion control features shall be developed with the following objectives and basic strategy: <ul style="list-style-type: none"> Protect disturbed areas through minimization and duration of exposure. Control surface runoff and maintain low runoff velocities. Trap sediment on site. Minimize length and steepness of slopes. 	Project sponsor	During construction	Project sponsor/Department of Building Inspection	On-site monitoring by Project Sponsor and Department of Building Inspection

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

10/27/15

Date

I, SST Investments, LLC; SB Global, LLC & Yosef Tahbazof, do hereby declare as follows:

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

22-24 Franklin Street

Address

0836, Lot 11 and 12

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:

2015-003476PRV

Planning Case Number

201504093240

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:
Carly Grob

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 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.² 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:

1256 Howard Street
Location


Signature

Siavash Tahbazof, Manager
Name (Print), Title

415-625-7132
Contact Phone Number

10.27.15
Date

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

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
35			7	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
4			2	2	

- ☐ 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
4					

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.

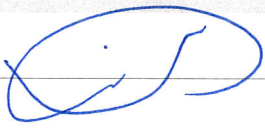

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

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 <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">SST Investments, LLC</div>	Company Name <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"></div>
Print Name of Contact Person <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Reza Khoshnevisan</div>	Print Name of Contact Person <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"></div>
Address <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">1256 Howard Street</div>	Address <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"></div>
City, State, Zip <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">San Francisco, CA 94103</div>	City, State, Zip <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"></div>
Phone, Fax <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">415-625-7138</div>	Phone, Fax <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"></div>
Email <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">reza@siaconsult.com</div>	Email <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"></div>
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. <div style="text-align: center; margin-top: 20px;">  </div>	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. <div style="text-align: center; margin-top: 20px;">  </div>
Signature <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> Reza Khoshnevisan, Agent Name (Print), Title </div>	Signature <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> Name (Print), Title </div>



ATTENTION:

SAN FRANCISCO PLANNING COMMISSION

CONSULTANT'S SUBMITTAL:

FOR THE REQUEST TO APPROVE
THE PROPOSED MIXED-USE BUILDING

LOCATED AT

22-24 Franklin Street

Block / Lot: 0836 / 031

Old Lot No. 11 & 12



INDEX

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ATTACHMENT H	REQUEST FOR EXCEPTIONS

ATTACHMENT A: INTRODUCTION

SST Investments, LLC (hereinafter "SST") is a family owned and operated business with over 30 years of experience in real estate development. Siavash Tahbazof, the owner of SST, began his business with a small construction company when he first moved to San Francisco in 1982. Many years later, and with a stronger foundation in construction, Siavash and his wife, Sami, founded SST in 2005, with their 2 kids joining the family operations in 2010. Although SST has expanded its business focus from single-family residences to larger multi-unit buildings, it has never neglected its origins. SST devotes many of its properties for Section 8 and Low-Income Housing and designates many of its new construction units as Below Market Rate rentals. Along the same line, Sami is a passionate local advocate for homeless youth, served on the board of A Home Away from Homelessness and is now serving on the board of John Burton Foundation for Children without Homes.

Since May of 2013, when the property at 22-24 Franklin Street was purchased, SST has had the neighborhood's best interest in mind whilst retaining a rational and financially viable venture. Negotiating between these two interests is not easy, but as will be illustrated below, SST has gone far and beyond its required obligations to provide a quality development for the revitalization of the neighborhood, and indeed, San Francisco, in general.

The proposed project will include a professional sidewalk landscape design integrated with the architecture of the well-designed building. The current body shop and vacant lot that is located on the property will be replaced with a vibrant commercial unit featuring tall ceilings. This will activate the sidewalk experience for the neighborhood. Furthermore, the project will provide no parking, which is consistent with the City's Transit First Policy.

The proposed project would also augment the socio-economic diversity of the neighborhood's residents by including 12% BMR (below market rate) rentals, totaling four (4) units of a variety of sizes to meet the needs of middle-income residents. SST has committed to providing these BMR units with the City Attorney's Office.

SST has also illustrated its attention to neighborhood interests by inviting residents and neighborhood stakeholders to at least six (6) meetings. These meetings were arranged in order to provide transparency and to exchange ideas and interests with individuals and groups invested in the future of the neighborhood. SST has received only positive feedback from these meetings. SST has also been in contact with Supervisor Breed's office to keep her updated of its project and community outreach efforts.

In addition to arranging meetings, SIA Consulting Corporation has had numerous correspondences, diligently answering any and all questions and concerns via telephone and written exchanges. (SEE EXHIBIT D NEIGHBOR MEETING TIMELINE).

ATTACHMENT B: RENDERINGS

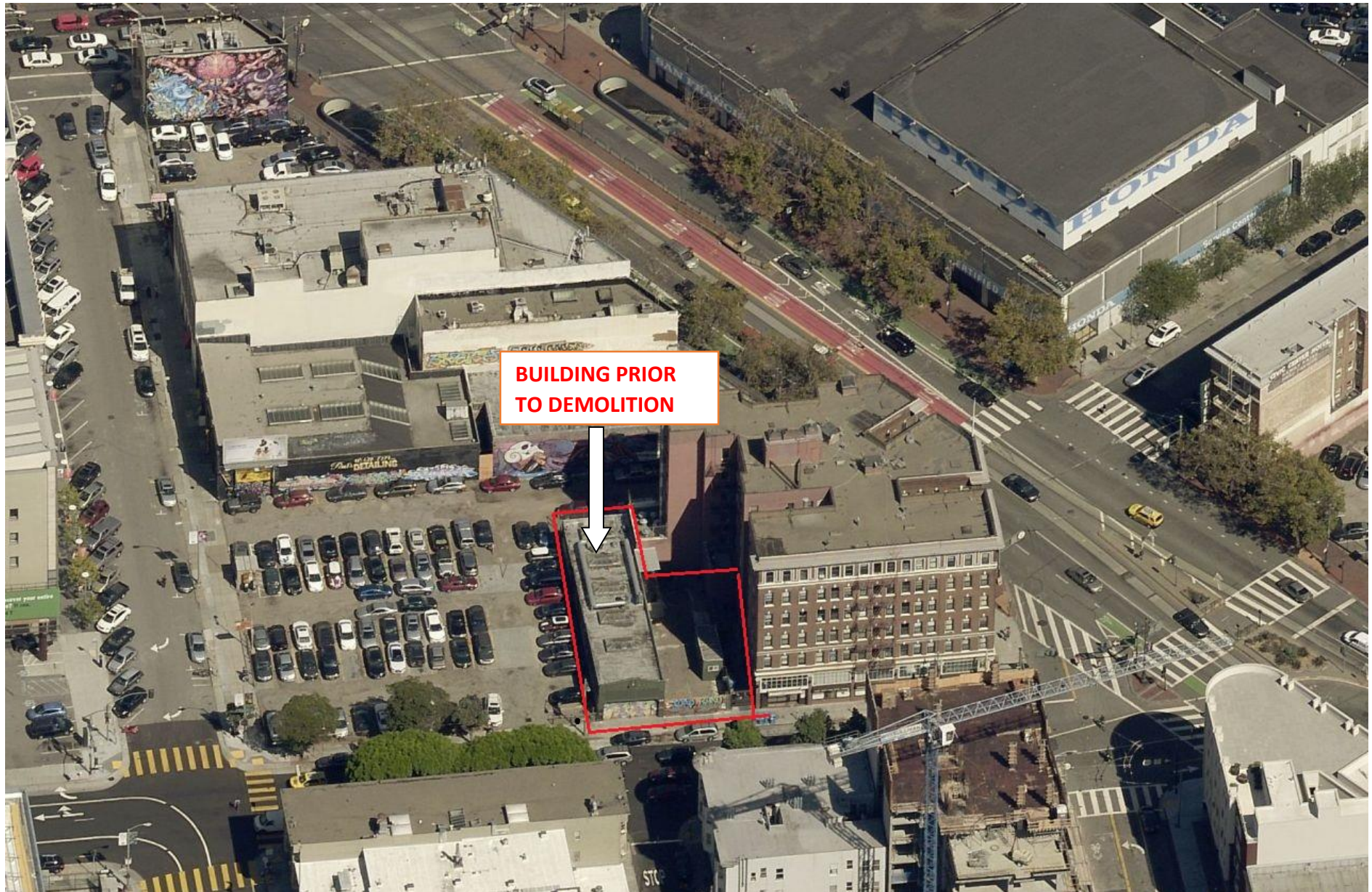
22 FRANKLIN FACADE RENDERING







ATTACHMENT C: AERIAL PHOTO



ATTACHMENT D: PHOTOS OF CURRENT SITE

Subject Properties, 22 Franklin St



View to the Left



View to the Right



ATTACHMENT E

PROJECT DATA

PLANNING DATA:

ADDRESS:	22 FRANKLIN STREET
LOT AREA:	4,337 S.F.
BLOCK / LOT:	0836 / LOT 31 (PREVIOUSLY 11&12)
BUILDING HEIGHT:	85'
ZONING:	C-3-G

GROSS FLOOR AREA- PER PLANNING CODE

1ST FLOOR (COMMERCIAL & CIRCULATION):	4,160 S.F. (NOT INCLUDING THE STAIRS)
2ND FLOOR (RESIDENTIAL):	3,340 S.F. (NOT INCLUDING THE STAIRS)
3RD FLOOR (RESIDENTIAL):	3,350 S.F. (NOT INCLUDING THE STAIRS)
4TH FLOOR (RESIDENTIAL):	3,340 S.F. (NOT INCLUDING THE STAIRS)
5TH FLOOR (RESIDENTIAL):	3,350 S.F. (NOT INCLUDING THE STAIRS)
6TH FLOOR (RESIDENTIAL):	3,340 S.F. (NOT INCLUDING THE STAIRS)
7TH FLOOR (RESIDENTIAL):	3,350 S.F. (NOT INCLUDING THE STAIRS)
8TH FLOOR (RESIDENTIAL):	3,340 S.F. (NOT INCLUDING THE STAIRS)
TOTAL GROSS RESIDENTIAL:	26,760 S.F.(NOT INCLUDING THE STAIRS)
TOTAL COMMERCIAL FLOOR AREA:	1,794 S.F.

REAR YARD OPEN SPACE:

REQUIRED:	864.4 S.F. (20% OF LOT AREA)
PROVIDED:	838 S.F. (19%)

USABLE OPEN SPACE

REQUIRED:	1,680 S.F. (48 S.F. PER DWELING UNIT)
PROVIDED:	2,449 S.F. (COMMON) @ 2ND & ROOF TOP 825 S.F.(PRIVATE) @ 2ND FLOOR

PARKING SUMMARY

CAR PARKING:	NONE PROPOSED
CLASS I BICYCLE PARKING:	35 BICYCLE PARKING (35 REQ.- ONE PER DWELING)
CLASS II BICYCLE PARKING:	2 @ SIDE WALK (2 REQ.- ONE PER 20 UNITS)

BMR UNITS:

12% B.M.R UNITS REQ:	4 UNITS PROVIDED- ON SITE RENTAL UNITS (AS PER COSTA HOWKINS AGREEMENT)
----------------------	--

RESIDENTIAL UNIT MIX			
LEVEL	1-BEDROOM	2-BEDROOM	TOTAL
2	1	4	5
3	1	4	5
4	1	4	5
5	1	4	5
6	1	4	5
7	1	4	5
8	1	4	5
TOTAL	7	28	35

ATTACHMENT F: APPLICATIONS FILING TIMELINE

1. APPLICATION / FILING CASE #	Project Review Meeting (PRV) – 11009PRV
Filing Date: 3/7/2013	
Status: Closed – 3/12/2013	
2. APPLICATION / FILING CASE #	Preliminary Project Assessment (PPA) - 2013.1005U
Filing Date: 7/30/2013	
Status: Closed- 9/28/2013	
3. APPLICATION / FILING CASE #	Environmental Evaluation – 2013.1005E
Filing Date: 1/2/2014	
Status: Active	
4. APPLICATION / FILING CASE #	Downtown Exception 309 (DNX) – 2013.1005X
Filing Date: 5/14/2014	
Status: Active	
5. APPLICATION / FILING CASE #	Project Review Meeting (PRV) – 2015.003476PRV
Filing Date: 3/19/2015	
Status: Closed	
6. APPLICATION / FILING CASE #	Lot Line Adjustments(LLA) – 2015-005936LLA
Filing Date: 5/12/2015	
Status: Approved- 6/10/15	
7. APPLICATION / FILING CASE #	Variance (VAR) – 2013.1005VAR
Filing Date: 7/15/2015	
Status: Active	
8. APPLICATION / FILING CASE #	Site Permit Submittal BPA #2015.0409.3240
Filing Date: 4/9/2015	
Status: Active	

ATTACHMENT G: NEIGHBORHOOD MEETINGS TIMELINE

1. March 26, 2014	Neighborhood Meeting held at 20 Franklin Mercy Housing
2. August 25, 2014	Neighborhood Meeting held at Hayes Valley Neighborhood Association (HVNA)
3. March 31, 2015	Neighborhood Meeting held at 20 Franklin Mercy Housing
4. April 7, 2015	Neighborhood Meeting held at 22 Franklin Street
5. May 4, 2015	Neighborhood Meeting held at Hayes Valley Neighborhood Association (HVNA)
6. October 27, 2015	Neighborhood Meeting held 20 Franklin Mercy Housing

ATTACHMENT H: REQUEST FOR EXCEPTIONS

- **SEC 140 – Exposure Exception**

The proposed project will provide a total of 28,753 ± gross residential square footage. Granting this variance will result in adding one more unit to each level for a total of 7 additional residential units. This will add one additional affordable housing to San Francisco's housing stock. Additionally, the proposed variance will not impede access of light and air from adjacent properties. The proposed boundary of the new building is exactly the same as the existing building footprint and will therefore not have a negative impact on the existing midblock open space.

The proposed exposure variance is necessary for the preservation and enjoyment of substantial property right because it will provide much needed residential housing for the neighborhood and City, and will not have a negative effect on the light and ventilation of the proposed units as a minimum 15' setback is provided.

- **SEC 309 – Downtown Project Authorization**

1. Size and Open Space. Please submit a full set of dimensioned floor plans of the project identifying areas excluded from the calculation of gross floor area from which the open space requirement is derived.

Attached to this application are two 11x17 sheets which illustrate both the proposed common and private open spaces, along with occupant load calculations. Also attached to this application is a full set of reduced size plans with dimensions and square footages of all units and areas and a matrix outlining the required square footage of open space.

2. Design of Open Space. Please describe the type of open space being provided (i.e. Urban Park, plaza, Greenhouse, etc.) Include a plan of the open space drawn to scale on 11" X 17" sheets:

The proposed project includes ample square footage of common open space at the roof deck and private open space at the second floor for units 202 and 204. The common roof deck area will include landscaping with decorative trees and shrubs, some of which shall provide wind protection as directed in the Wind Report. For further information and dimensions, please see the attached 11x17 sheets.

3. Downtown Park Fund (Planning Code Section 412)

The Downtown Park Fund as per Planning Code Section 412 is not applicable as no office development is proposed.

4. Shadows on Streets (Planning Code Section 146). Certain streets in the downtown have setback requirements and exceptions may be granted from the requirements (see the exceptions section of this application). On other streets, massing of new construction shall be shaped to minimize shadow impacts on public sidewalks, consistent with good design.

Planning Code Section 146 is not applicable to the proposed project because neither the proposed building, nor any of its walls shall border any of the streets and cross streets

described under the aforementioned Planning Code Section.

The proposed structure shall cast shadows upon Franklin Street, approximately between the hours of 7:00 am to 11:00 am, and shall also cast shadows upon the intersection of Market Street and South Van Ness between the hours of 4:00pm to 5:00 pm.

5. Shadows on publicly accessible Open spaces (Planning Code Section 147). Massing of new construction shall be shaped to minimize shadow impacts on publicly accessible open space not subject to Planning Code Section 295 (Proposition K) requirements consistent with good design.

Planning Code Section 146 is not applicable to the proposed project because no shadow shall be cast upon any existing public open spaces.

6. Public Art (Planning Code Section 429). Projects shall supply publicly visible art work equal to 1% of the construction cost. Describe the work of art or art concept including:

Per Planning Code Section 429, the proposed project shall budget 1% of its total construction cost towards publicly visible artwork “in areas on the site of the building...so that the public art is clearly visible from the public sidewalk.”

As of now, an artist and type of art has not been chosen. The final product will be carefully chosen and crafted to compliment the proposed building, the surrounding neighborhood and neighboring buildings.

7. Office Affordable Housing Production Program (Planning code Section 413). Describe the number of housing credits required or amount of fee paid. If housing project selected for housing credit purchase, please identify.

The proposed project shall include 4 on-site BMR units, or 12% of the proposed 35 residential units.

8. Child Care Provision (Planning Code Section 414). Please describe the method for compliance with the Child Care Provisions. In the case of fee payment, include the amount of fee. For direct provision, describe location and size of facility.

Planning Code Section 414 is not applicable as the proposed project is not intended for hotel or office use.



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22 Franklin Street
San Francisco, CA

Draft Report

Pedestrian Wind Conditions Consultation Wind Tunnel Tests

RWDI # 1400518
March 12, 2015

SUBMITTED TO

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Table 2:	Wind Hazard Results

Figures

Figure 1a:	Wind Tunnel Study Model – Existing Configuration
Figure 1b:	Wind Tunnel Study Model – Existing + Project Configuration
Figure 1c:	Wind Tunnel Study Model – Project + Cumulative Configuration
Figure 2:	Pedestrian Level Wind Measurement Sensor Plan

Appendices

Appendix A:	Drawing List for Model Construction
Appendix B:	San Francisco Planning Code Section 148

1. INTRODUCTION

Rowan Williams Davies & Irwin Inc. (RWDI) was retained by SIA Consulting Corp. to conduct a Pedestrian Wind Study for the proposed 22 Franklin Street project in San Francisco, California. The purpose of the study was to assess the wind environment around the development in terms of pedestrian comfort and hazard relative to wind metrics specified in the San Francisco Planning Code Section 148. The study objective was achieved through wind tunnel testing of a 1:400 (1" = 33') scale model for the following three development configurations:

- A – Existing:** all existing buildings on-site and in the surroundings;
- B – Existing plus Project:** proposed 22 Franklin Street project with existing and in-construction surrounding buildings; and,
- C – Project plus Cumulative:** proposed 22 Franklin Street project with existing and in-construction surrounding buildings, as well as anticipated future buildings.

It is our understanding that the project will consist of an eight-story, 85-foot tall mixed-use building that will replace the existing auto body shop on the site. The test model was constructed using the design information and drawings listed in Appendix A.

This report summarizes the methodology of the wind tunnel studies for pedestrian wind conditions, describes the wind comfort and wind hazard criteria and presents the test results and recommendations of conceptual wind control measures, where necessary.

The placement for wind measurement locations was based on our experience and understanding of pedestrian usage for this site, and was reviewed by the City of San Francisco Planning Department prior to the wind tunnel test.

2. PRINCIPAL RESULTS

The results of the tests are discussed in detail in Section 5 of this report and may be summarized as follows:

- Wind speeds on the Existing project site are generally acceptable with those at several locations along Market, Oak and Franklin Streets exceeding the comfort criterion.
- Wind comfort conditions at grade level for the Existing plus Project configuration are predicted to remain similar when compared to the Existing configuration.
- With cumulative buildings in place, average wind speeds in the vicinity are expected to increase slightly from the Existing configuration. The Project is not predicted to contribute to this change.
- Winds at none of the locations at grade level are expected to exceed the wind hazard criterion for the Existing and Existing plus Project configurations. One hazard exceedance location is predicted in the Project plus Cumulative configuration at the corner of a proposed building at 1554-64 Market Street.

3. METHODOLOGY

3.1 Wind Tunnel Testing

As shown in Figures 1a through 1c, the wind tunnel model included the project site and all relevant surrounding buildings and topography within a 1,500-foot radius of the study site. The mean speed profile and turbulence of the natural wind approaching the modelled area were simulated in RWDI's boundary-layer wind tunnel. The model was instrumented with 30 wind speed sensors to measure mean and gust wind speeds at a full-scale height of approximately 5 ft. These locations are depicted on a site plan in Figure 2. Among the 30 measurement locations, 26 were at grade level and four were on the roof and Second Floor terrace of the proposed Project (Locations 27 through 30). The measurements were recorded and analysed for the west-southwest, west, west-northwest and northwest wind directions, as required by the Planning Code.

3.2 Local Climate

Average wind speeds in San Francisco are the highest in the summer and lowest in winter. However, the strongest peak winds occur in winter. Throughout the year the highest wind speeds occur in mid-afternoon and the lowest in the early morning. Westerly to northwesterly winds are the most frequent and strongest winds during all seasons. Of the primary wind directions, four have the greatest frequency of occurrence and also make up the majority of the strong winds that occur. These winds include the northwest, west-northwest, west and west-southwest.

Data describing the speed, direction, and frequency of occurrence of winds were gathered at the old San Francisco Federal Building at 50 United Nations Plaza (at a height of 132 ft.) during the six-year period, 1945 to 1950. Measurements taken hourly and averaged over one-minute periods have been tabulated for each month (averaged over the six years) in three-hour periods using seven classes of wind speed and 16 compass directions. Analysis of this data shows that during the hours from 6:00 a.m. to 8:00 p.m., about 70% of all winds and more than 90% of measured strong winds over 13 mph blow from four prevailing directions – northwest (NW), west-northwest (WNW), West (W) and west-southwest (WSW).

3.3 Planning Code Requirements

This proposed project is located in an area that is subject to the San Francisco Planning Code Section 148, Reduction of Ground-level Wind Currents in C-3 Districts. The Planning Code specifically outlines wind reduction criteria for the C-3 District. This analysis is performed using the wind testing analysis and evaluation methods to determine conformity with the Code. These requirements are described in Planning Code Section 148 (see Appendix B).

The Planning Code requires buildings to be shaped so as not to cause ground-level wind currents to exceed defined comfort and hazard criteria. The comfort criteria are that wind speeds will not exceed, more than 10% of the time, 11 mph in substantial pedestrian use areas, and 7 mph in public seating areas. Similarly, the hazard criterion of the Code requires that buildings not cause equivalent wind speeds to reach or exceed the hazard level of 26 mph as averaged from a single full hour of the year. These comfort criteria are based on wind speeds that are measured for one minute and averaged. In contrast, the hazard criterion is based on winds that are measured for one hour and averaged. When stated on the same basis as the comfort criteria winds, the hazard criterion speed is a one-minute average of 36 mph. The Planning Code defines these wind speeds in terms of equivalent wind speeds, and average wind speed (mean velocity), adjusted to include the level of gustiness and turbulence.

The equivalent wind speeds were calculated according to the specifications in the San Francisco Planning Code Section 148, whereby the mean hourly wind speed is increased when the turbulence intensity is greater than 15% according to the following formula:

$$EWS = V_m \times (2 \times TI + 0.7) \quad \text{where} \quad \begin{array}{ll} EWS & = \text{equivalent wind speed} \\ V_m & = \text{mean pedestrian-level wind speed} \\ TI & = \text{turbulence intensity} \end{array}$$

3.4 In-Construction and Cumulative Buildings

Anticipated projects in the surrounding area were modeled in accordance with the information received on February 10, 2015 from the City of San Francisco Planning Department. These buildings were included in the Project plus Cumulative configuration and are shown in Image 1 and listed in the following table.

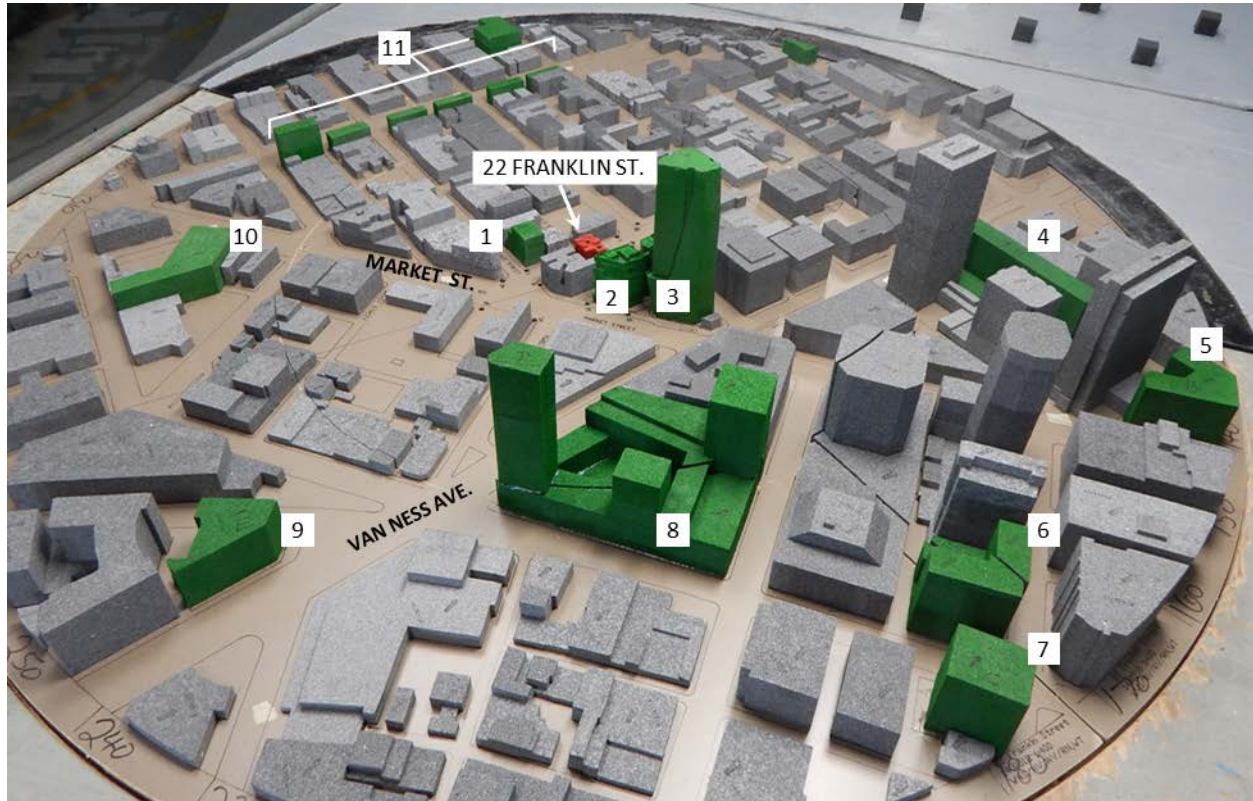


Image 1: In-construction and cumulative buildings (Green, numbered 1 - 11)

1	1 FRANKLIN ST
2	1546-1564 MARKET ST
3	1540 MARKET ST
4	150 VAN NESS AVE
5	1390 MARKET ST

6	1400 MISSION ST
7	1415 MISSION ST
8	1580-1560 MISSION ST
9	1601 MISSION ST
10	1699 MARKET ST
11	CENTRAL FREEWAY/OCTAVIA ST PARCELS

4. TEST RESULTS

This section presents the results of the wind tunnel measurements analyzed in terms of equivalent wind speeds as defined by the equation in Section 3.3. The text in the report simply refers to the data as wind speeds.

Table 1, located in the tables section of this report, presents the wind comfort results for the three configurations tested. For each measurement point, the measured 10% exceeded (90th percentile) equivalent wind speed and the percentage of time that the wind speed exceeds 11 mph are listed and the

point is marked as a comfort exceedance if the 11 mph threshold is exceeded. A letter “e” in the last column of each configuration indicates a wind comfort exceedance.

Table 2 presents the wind hazard results, and lists the predicted wind speed to be exceeded one hour per year. The predicted number of hours per year that the Section 148 wind hazard criterion (one minute wind speed of 36 mph) is exceeded is also provided. A letter “e” in the last column of each configuration indicates a wind hazard exceedance.

4.1 Wind Comfort Conditions

4.1.1 Grade Level

For the Existing configuration, in the vicinity of the project site, wind conditions are found to be generally acceptable with wind speeds averaging 11 mph for all measurement locations at grade level. Winds at 11 out of the 26 grade level measurement locations exceed the Planning Code's 11 mph pedestrian-comfort criterion.

For the Existing plus Project configuration, wind speeds would continue to average at 11 mph, with comfort conditions similar to those in the Existing configuration. The number of locations at grade level where wind speeds would exceed the 11 mph criterion is predicted to be 12.

For the Project plus Cumulative configuration, wind speeds are predicted to increase, averaging 12 mph for all locations. Winds at 16 of 26 locations at grade level are predicted to exceed the comfort criterion.

The increase in wind speeds can be attributed to the proposed future buildings on Market Street, that are significantly taller than the existing surroundings.

4.1.2 Terraces of the Proposed Project

The terraces on the project would not be subject to the requirements of Planning Code Section 148. Wind speeds on the terraces are expected to be higher than desired for seated, passive activities (7 mph). The Second Floor terraces, being unsheltered on the north side, and the roof terrace, being at a higher elevation, would be exposed to the predominant westerly and northwesterly winds approaching the site. A general increase in wind speeds is predicted with the introduction of future buildings to the east of the site (Table 1, Project plus Cumulative Configuration).

If desired, wind speeds on the terraces can be lowered to a comfortable level using wind control measures in the form of vegetation or screens along the north side of the Second Floor terrace and the north and west sides of the roof terrace. A height of at least 6 ft is recommended for these features for good wind control efficacy. If screens are to be used, a porosity of 20-30% would be more beneficial than a non-porous parapet, in that it would reduce wind speeds while allowing some wind flow through the terrace. Some examples are shown in Image 2.

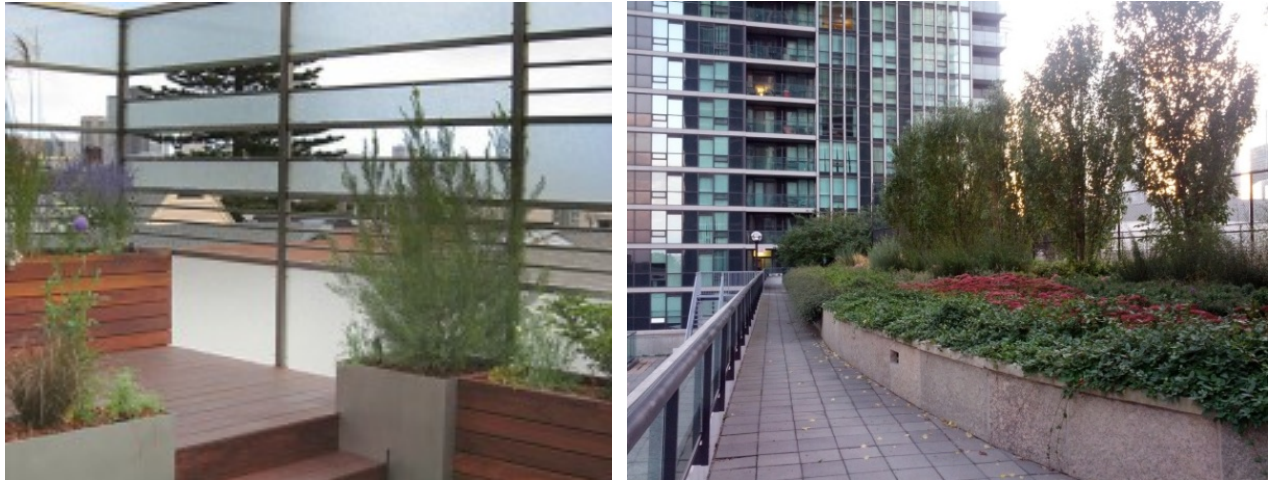


Image 2: Example of screens and vegetation on terraces for wind control

4.2 Wind Hazard Conditions

4.2.1 Grade Level

Of the 26 locations representing the grade level, in the Existing configuration, winds at none currently exceed the hazard criterion (Table 2). No hazard exceedances are predicted at grade level in the Existing plus Project configuration.

In the Project plus Cumulative configuration, a hazard exceedance is predicted at one street-level location on Market Street (Location 19 in Figure 2). The increased wind speed is attributed to the interaction of winds with the building that would be introduced at 1554-64 Market Street and would not be influenced by the proposed 22 Franklin Street development.

4.2.2 Terraces of the Proposed Project

Winds on the terraces of the proposed Project are not expected to exceed the hazard criterion in the Existing plus Project and Project plus Cumulative configurations.

5. APPLICABILITY OF RESULTS

The results presented in this report pertain to the model of the proposed 22 Franklin Street project constructed using the architectural design drawings listed in Appendix A. Should there be design changes that deviate from this list of drawings, the results presented may change. Therefore, if substantial changes in the design are made, it is recommended that RWDI be contacted and requested to review their potential effects on wind conditions.

TABLES

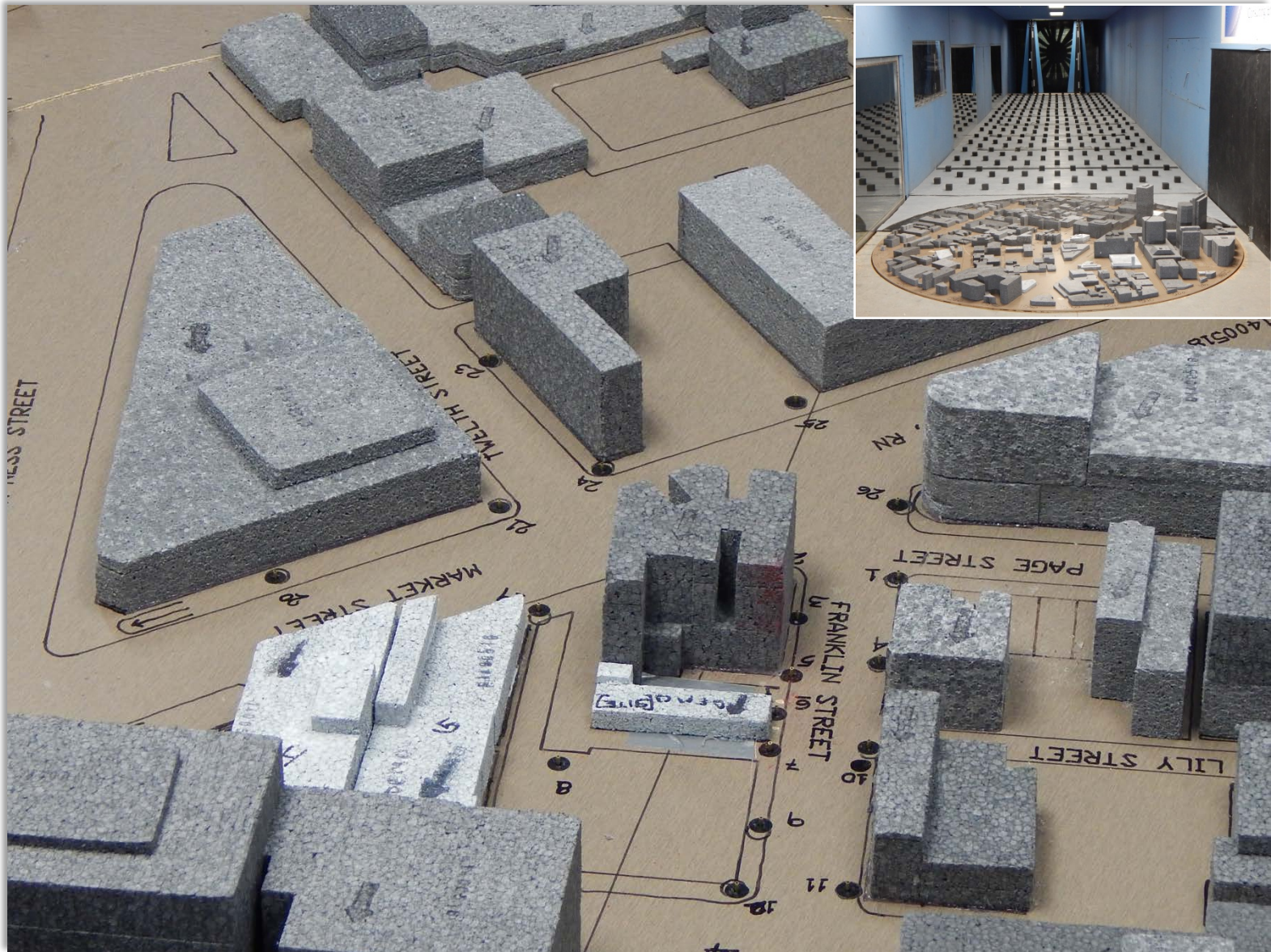
Table 1: Wind Comfort Results

References	Existing			Existing + Project				Project + Cumulative			
Location Number	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Speed Change Relative to Existing (mph)	Exceeds	Wind Speed Exceeded 10% of Time (mph)	Percent of Time Wind Speed Exceeds 11 mph	Speed Change Relative to Existing (mph)	Exceeds
1	12	14	e	14	21	2	e	7	1	-5	
2	11	10		11	10	0		7	0	-4	
3	8	2		11	10	3		11	10	3	
4	9	4		10	7	1		10	8	1	
5	10	6		9	2	-1		8	1	-2	
6	10	7		9	2	-1		6	0	-4	
7	10	6		11	10	1		16	30	6	e
8	12	14	e	12	15	0	e	14	23	2	e
9	10	7		10	6	0		13	18	3	e
10	12	12	e	12	12	0	e	10	7	-2	
11	11	10		10	6	-1		8	2	-3	
12	12	15	e	12	13	0	e	13	20	1	e
13	10	8		10	8	0		11	10	1	
14	14	24	e	14	23	0	e	13	19	-1	e
15	10	7		11	10	1		12	16	2	e
16	13	16	e	13	16	0	e	15	26	2	e
17	8	2		9	2	1		13	18	5	e
18	6	0		7	0	1		20	43	14	e
19	13	18	e	12	15	-1	e	22	52	9	e
20	13	15	e	13	16	0	e	14	23	1	e
21	13	15	e	13	17	0	e	17	33	4	e
22	10	7		10	6	0		12	12	2	e
23	8	2		8	2	0		16	29	8	e
24	12	14	e	12	15	0	e	12	15	0	e
25	14	21	e	14	21	0	e	12	15	-2	e
26	11	10		12	12	1	e	11	10	0	
27	-	-	-	11	10	-		13	18	-	e
28	-	-	-	6	0	-		11	10	-	
29	-	-	-	10	5	-		10	7	-	
30	-	-	-	17	36	-	e	15	27	-	e
Average speed and Average %	11 mph	10 %		11 mph	11 %	0 mph		12 mph	17 %	1 mph	
Exceedances	Grade: 11 of 26			Grade: 12 of 26 Above Grade: 1 of 4				Grade: 16 of 26 Above Grade: 2 of 4			

Table 2: Wind Hazard Results

References	Existing			Existing + Project				Project + Cumulative			
Location Number	Wind Speed Exceeded 1 hour/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Exceeds	Wind Speed Exceeded 1 hour/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1 hour/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds
1	30	0		33	0	0		14	0	0	
2	21	0		19	0	0		14	0	0	
3	15	0		22	0	0		21	0	0	
4	18	0		20	0	0		19	0	0	
5	19	0		16	0	0		15	0	0	
6	20	0		16	0	0		11	0	0	
7	20	0		22	0	0		27	0	0	
8	24	0		25	0	0		25	0	0	
9	20	0		19	0	0		23	0	0	
10	24	0		24	0	0		19	0	0	
11	20	0		19	0	0		16	0	0	
12	25	0		24	0	0		25	0	0	
13	21	0		21	0	0		21	0	0	
14	31	0		30	0	0		28	0	0	
15	18	0		19	0	0		23	0	0	
16	26	0		26	0	0		26	0	0	
17	16	0		16	0	0		23	0	0	
18	11	0		12	0	0		36	0	0	
19	26	0		24	0	0		40	7	7	e
20	28	0		28	0	0		25	0	0	
21	26	0		28	0	0		29	0	0	
22	20	0		19	0	0		23	0	0	
23	16	0		17	0	0		30	0	0	
24	23	0		23	0	0		21	0	0	
25	26	0		25	0	0		22	0	0	
26	25	0		27	0	0		22	0	0	
27	-	-	-	21	0	-		23	0	-	
28	-	-	-	11	0	-		20	0	-	
29	-	-	-	18	0	-		21	0	-	
30	-	-	-	34	0	-		28	0	-	
Average speed and total hours	22 mph	0 hrs		22 mph	0 hrs	0 hrs		23 mph	7 hr	7 hr	
Exceedances	Grade: 0 of 26			Grade: 0 of 26 Above Grade: 0 of 4				Grade: 1 of 26 Above Grade: 0 of 4			

FIGURES



Wind Tunnel Study Model
Existing Configuration

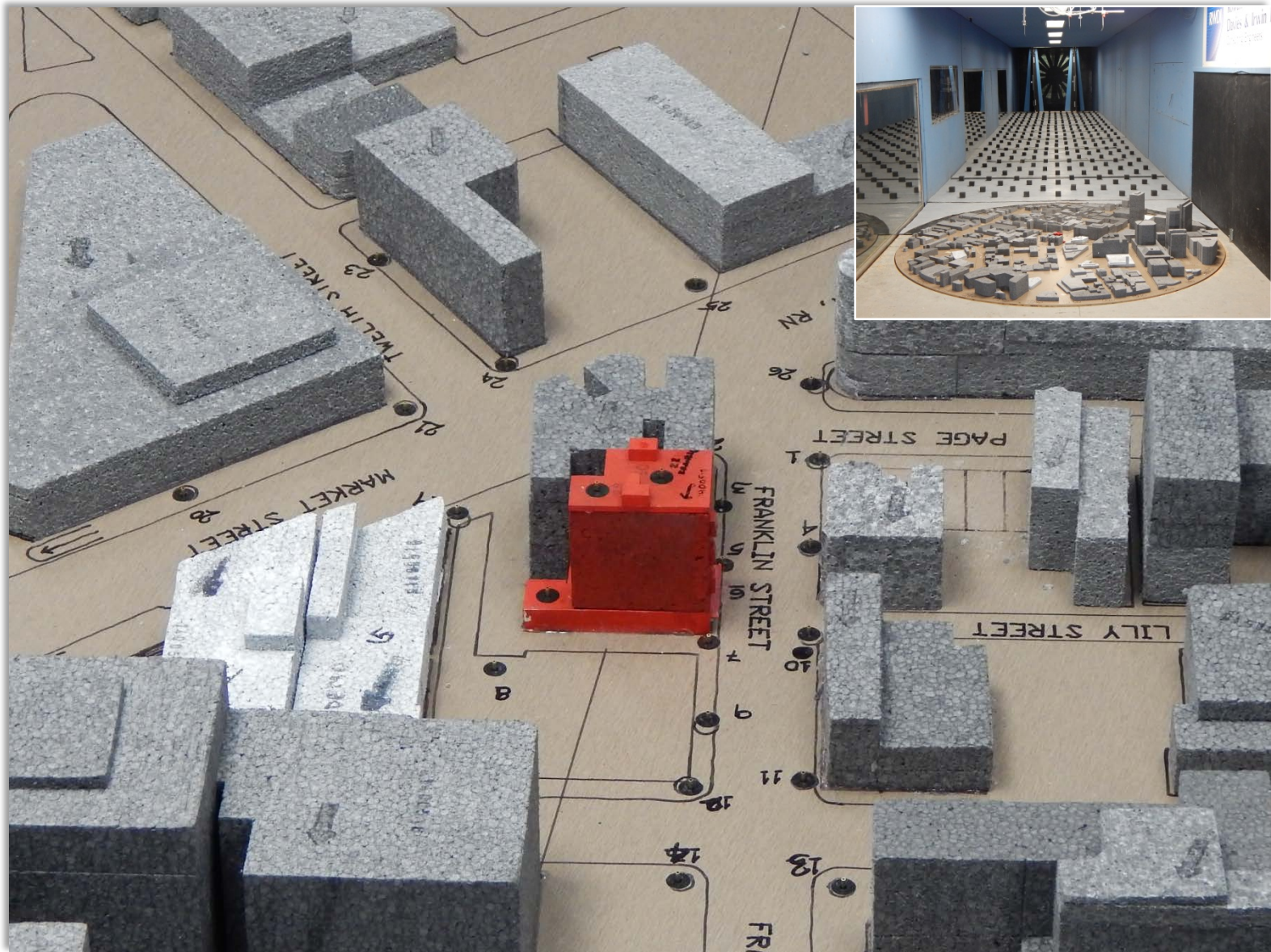
22 Franklin Street – San Francisco, CA

Figure No. 1a

Project #1400518

Date: March 12, 2015





**Wind Tunnel Study Model
Existing + Project Configuration**

22 Franklin Street – San Francisco, CA

Figure No. 1b

Project #1400518

Date: March 12, 2015





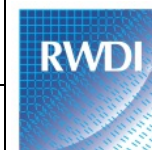
Wind Tunnel Study Model
Project + Cumulative Configuration

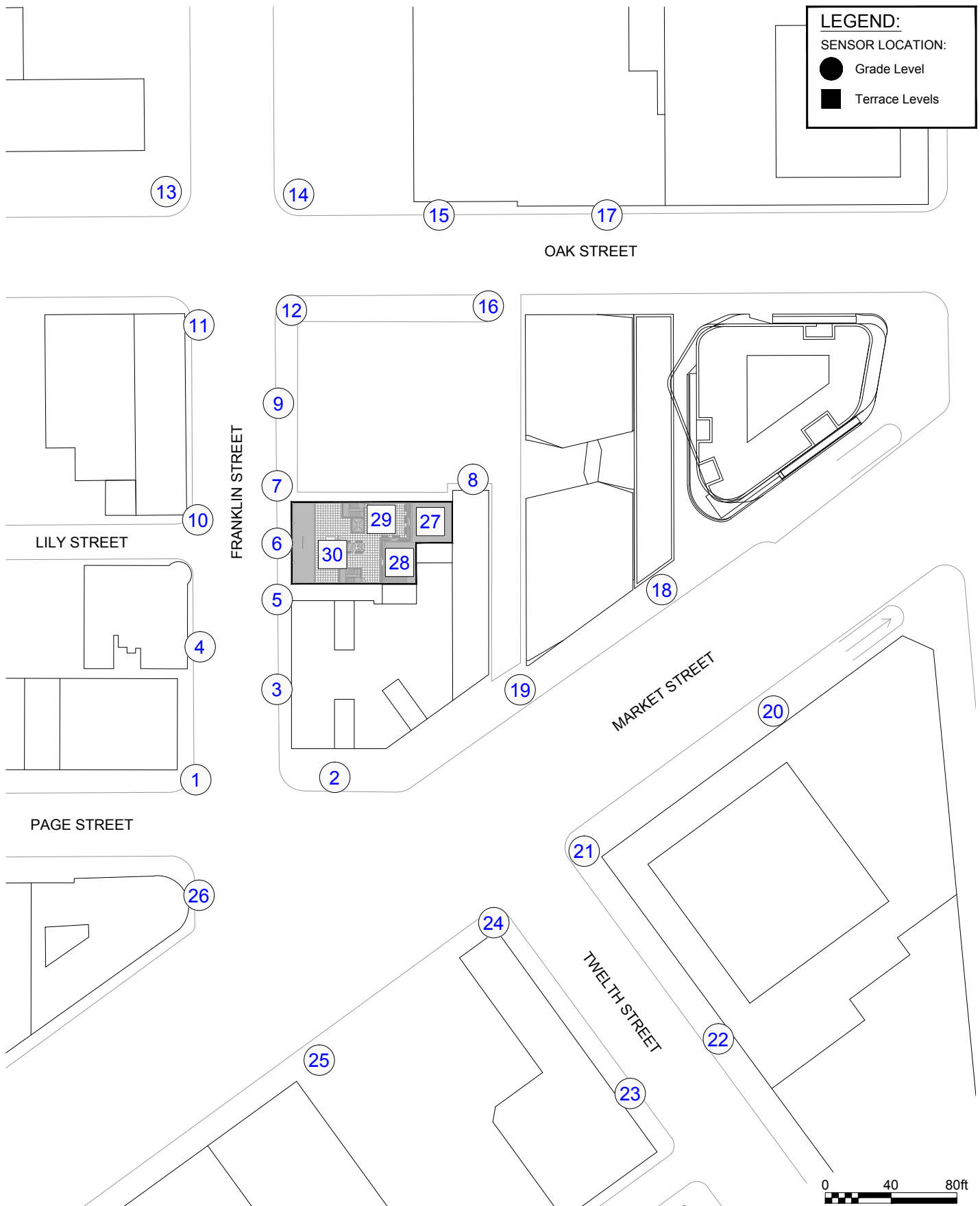
22 Franklin Street – San Francisco, CA

Figure No. 1c

Project #1400518

Date: March 12, 2015





Pedestrian Level Wind Measurement Sensor Plan 22 Franklin Street - San Francisco, CA	True North 	Drawn by: DJM	Figure: 2	
		Approx. Scale: 1"=80'		
		Date Revised: Feb. 20, 2015		
Project #1400518				

APPENDIX A

APPENDIX A: DRAWING LIST FOR MODEL CONSTRUCTION

The drawings and information listed below were received from SIA Consulting Corp. and were used to construct the scale model of the proposed 22 Franklin Street Project. Should there be any design changes that deviate from this list of drawings, the results may change. Therefore, if changes in the design area made, it is recommended that RWDI be contacted and requested to review their potential effects on wind conditions.

Description	File Name	File Type	Date Received (dd/mm/yyyy)
Auto CAD	1st Floor	dwg	2/11/2015
Auto CAD	2nd Floor	dwg	2/11/2015
Auto CAD	3rd Floor	dwg	2/11/2015
Auto CAD	4th Floor	dwg	2/11/2015
Auto CAD	5th Floor	dwg	2/11/2015
Auto CAD	6th Floor	dwg	2/11/2015
Auto CAD	7th Floor	dwg	2/11/2015
Auto CAD	8th Floor	dwg	2/11/2015
Auto CAD	Elevations	dwg	2/11/2015
Auto CAD	Roof	dwg	2/11/2015
Auto CAD	Section	dwg	2/11/2015
Auto CAD	Site Plan	dwg	2/11/2015

APPENDIX B

APPENDIX B: SAN FRANCISCO PLANNING CODE SECTION 148

Reduction of Ground-level Wind Currents in C-3 Districts

- a) **Requirement and Exception.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed, more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

- b) **Definition.** The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.
- c) **Guidelines.** Procedures and Methodologies for implementing this section shall be specified by the Office of Environmental Review of the Department of City Planning. (added by Ord. 414-85, App. 9/17/85)