



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Office Development Authorization & Conditional Use Authorization

HEARING DATE: NOVEMBER 19, 2015

Date: November 12, 2015
Case No.: **2013.1511OFA & 2013.1511C**
Project Address: **360 Spear Street**
Zoning: RH-DTR (Rincon Hill Downtown Residential) Zoning District
105-X Height and Bulk District
Block/Lot: 3745/009
Project Sponsor: Gregg Miller, Coblentz Patch Duffy & Bass LLP
One Montgomery Street, Ste. 3000
San Francisco, CA 94104
Staff Contact: Richard Sucre – (415) 575-9108
richard.sucre@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposal is a change in use of approximately 49,992 square feet from Internet Services Exchange (ISE) to office use on the third and fourth floors. The proposal would retain the ISE use on the remainder of the third floor, as well as on the first, second and fifth floors (collectively measuring 109,186 square feet).

SITE DESCRIPTION AND PRESENT USE

The project site is located on a rectangular corner lot (measuring 125-ft by 275-ft or 34,375 square feet) on the northwest corner of Spear and Harrison Streets. The project site has 275-ft of frontage along Spear Street and 125-ft of frontage along Harrison Street. The subject lot is developed with a five-story building that was constructed in 2000, and is currently used as an Internet Services Exchange (ISE). The entrance to the eleven off-street parking spaces and loading area is located along Spear Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the RH-DTR (Rincon Hill Downtown Residential) Zoning District within a mixed-use area in the Rincon Hill Area Plan. The project site is approximately one block from the San Francisco waterfront and Embarcadero. Nearby properties are either residential or commercial, and are often larger-scale (four-stories or taller) with extensive street frontage. The immediate neighborhood includes the former Hills Brother Coffee Complex, which is a mixed-use complex with office, commercial and residential, a residential tower with 66 dwelling units at 338 Spear Street, and a smaller-scale two-story live/work complex at 101 Harrison Street. Other zoning districts in the vicinity of the project site

include: RC-4 (Residential-Commercial, High Density), M-1 (Light Industrial); TB-DTR (Transbay Downtown Residential); C-3-O (Downtown Office); C-2 (Community Business); and SB-DTR (South Beach Downtown Residential).

ENVIRONMENTAL REVIEW

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on November 4, 2015, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Rincon Hill Area Plan and was encompassed within the analysis contained in the Rincon Hill Plan Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Rincon Hill 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.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 30, 2015	October 30, 2015	20 days
Posted Notice	20 days	October 30, 2015	October 30, 2015	20 days
Mailed Notice	10 days	November 9, 2015	October 30, 2015	20 days

PUBLIC COMMENT

As of November 12, 2015, the Department has not received any letters in support or opposition to the proposed project.

ISSUES AND OTHER CONSIDERATIONS

- Office Development Authorization: The proposed project includes a change in use of approximately 49,992 gsf from ISE to office use. Within the RH-DTR Zoning District, office use is permitted, pursuant to Planning Code Section 827.26. As of November 12, 2015 there is approximately 1.21 million square feet of "Small" Cap Office Development available under the Section 321 office allocation program.
- Conditional Use Authorization. Since the proposed project would establish a new non-residential larger than 25,000 gross square feet, the Commission must grant Conditional Use Authorization, per Planning Code Section 827.21.
- Rincon Hill Area Plan: The Land Use Chapter of the Rincon Hill Area Plan contains objectives that encourage the development of a unique and dynamic mixed-use residential neighborhood. The proposal would establish new office use, which would contribute to the immediate area's mixed use

character, which does include several residential uses. The new office use occurs on the third and fourth floor levels, so the project would not impact any of the existing ground floor spaces.

- Development Impact Fees: The Project would be subject to the following development impact fees, which are estimated as follows:

FEE TYPE	PLANNING CODE SECTION/FEE	AMOUNT
Transit Impact Development Fee (49,992 gsf – New Office)	411 (@ \$13.87)	\$ 693,389
Jobs-Housing Linkage (49,992 gsf – New Office)	413 (@ \$24.03)	\$1,201,308
	TOTAL	\$1,894,697

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

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must authorize an Office Development Authorization for approximately 49,992 gross square feet pursuant to Planning Code Sections 321, 322 and 827.26, and must grant Conditional Use Authorization for the establishment of a new non-residential use larger than 25,000 gross square feet pursuant to Planning Code Sections 303 and 827.21.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable for the following reasons:

- The Project complies with the applicable requirements of the Planning Code.
- The Project is consistent with the objectives and policies of the General Plan.
- The Project is in a zoning district that principally permits office use.
- The authorization of office space will contribute to the economic activity in the neighborhood.
- The Project represents an allocation of approximately 4.1 percent of the small cap office space currently available for allocation.
- At current rates, the project will produce approximately \$1,894,697 in fees that will benefit the community and City.

RECOMMENDATION: Approval with Conditions
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Attachments:

Draft Motion-Office Development Authorization

Draft Motion-Conditional Use Authorization

Exhibits:

- Parcel Map

Executive Summary
Hearing Date: November 19, 2015

CASE NO. 2013.1511C & 2013.1511OFA
360 Spear Street

- Sanborn Map
- Zoning Map
- Height Map
- Aerial Photos
- Site Photos

Architectural Drawings

Project Sponsor Submittal

First Source Hiring Affidavit

Public Correspondence

Environmental Determination

Attachment Checklist:

- | | |
|---|---|
| ☒ Executive Summary | ☒ Project Sponsor Submittal |
| ☒ Draft Motion | Drawings: <u>Existing Conditions</u> |
| ☐ Environmental Determination | ☒ Check for legibility |
| ☒ Zoning District Map | Drawings: <u>Proposed Project</u> |
| ☒ Height & Bulk Map | ☒ Check for legibility |
| ☒ Parcel Map | ☐ Health Dept. review of RF levels |
| ☒ Sanborn Map | ☐ RF Report |
| ☒ Aerial Photo | ☐ Community Meeting Notice |
| ☐ Context Photos | ☐ Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| ☒ Site Photos | ☐ Zoning Administrator Action Memo |

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

RS

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

☐ Affordable Housing (Sec. 415)

☒ Jobs Housing Linkage Program (Sec. 413)

☐ Downtown Park Fee (Sec. 412)

☒ Transit Impact Development Fee (Sec. 411)

☒ First Source Hiring (Admin. Code)

☐ Child Care Requirement (Sec. 414)

☐ Other

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO AN ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2015 – 2016 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM PURSUANT TO PLANNING CODE SECTIONS 321 AND 322 THAT WOULD AUTHORIZE UP TO 49,992 GROSS SQUARE FEET OF OFFICE USE ON THE THIRD AND FOURTH FLOORS AT 360 SPEAR STREET, LOT 009 IN ASSESSOR'S BLOCK 3745, WITHIN THE RH-DTR (RINCON HILL DOWNTOWN RESIDENTIAL) ZONING DISTRICT AND A 105-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 3, 2015, Gregg Miller of Coblenz Patch Duffy & Bass LLP (hereinafter "Project Sponsor"), on behalf of Digital Spear Street LLC (Property Owner), filed Application No. 2013.1511OFA (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Development Authorization to authorize 49,992 gsf of office use at 360 Spear Street (Block 3745 Lot 009) in San Francisco, California.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Rincon Hill Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 5, 2005, by Motion No. 17007, certified by the Commission as complying with the California Environmental

Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The Rincon Hill Plan 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 of a proposed project, 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 Rincon Hill Plan, the Commission adopted CEQA Findings in its Motion No. 17008 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 November 4, 2015, the Department 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 Rincon Hill Area Plan and was encompassed within the analysis contained in the Rincon Hill Plan Final EIR. Since the Rincon Hill Plan Final EIR was finalized, there have been no substantial changes to the Rincon Hill 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 Rincon Hill 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 Rincon Hill 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.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2013.1511OFA at 1650 Mission Street, 4th Floor, San Francisco, California.

On November 19, 2015, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2013.1511OFA.

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

MOVED, that the Commission hereby authorizes the Office Development requested in Application No. 2013.1511OFA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on rectangular corner lot (measuring 125-ft by 275-ft or 34,375 square feet) on the northwest corner of Spear and Harrison Streets. The project site has 275-ft of frontage along Spear Street and 125-ft of frontage along Harrison Street. The subject lot is developed with a five-story building that was constructed in 2000, and is currently used as an Internet Services Exchange (ISE). The entrance to the eleven off-street parking spaces and loading area is located along Spear Street.
3. **Surrounding Properties and Neighborhood.** The project site is located in the RH-DTR (Rincon Hill Downtown Residential) Zoning District within a mixed-use area in the Rincon Hill Area Plan. The project site is approximately one block from the San Francisco waterfront and Embarcadero. Nearby properties are either residential or commercial, and are often larger-scale (four-stories or taller) with extensive street frontage. The immediate neighborhood includes the former Hills Brother Coffee Complex, which is a mixed-use complex with office, commercial and residential, a residential tower with 66 dwelling units at 338 Spear Street, and a smaller-scale two-story live/work complex at 101 Harrison Street. Other zoning districts in the vicinity of the project site include: RC-4 (Residential-Commercial, High Density), M-1 (Light Industrial); TB-DTR (Transbay Downtown Residential); C-3-O (Downtown Office); C-2 (Community Business); and SB-DTR (South Beach Downtown Residential).
4. **Project Description.** The proposal is a change in use of approximately 49,992 square feet from Internet Services Exchange (ISE) to office use on the third and fourth floors. The proposal would retain the ISE use on the remainder of the third floor, as well as on the first, second and fifth floors (collectively measuring 109,186 square feet).
5. **Public Comment.** The Department has not received any letters in support or opposition to the proposed project.
6. **Planning Code Compliance.** The Commission finds and determines that the Project is consistent with the relevant provisions of the Code in the following manner:

- A. **Permitted Uses in RH-DTR Zoning District.** Planning Code Section 827.26 states that all non-residential uses, unless as exempted, are principally permitted within the RH-DTR Zoning District.

Office use is considered to be a non-residential use. The Project would establish approximately 49,992 gsf of office use. Therefore, the Project meets this Planning Code requirement.

- B. **Non-Residential Use Size.** Planning Code Section 827.21 states that Conditional Use Authorization from the Planning Commission is required for the establishment of a non-residential use larger than 25,000 gross square feet. In addition, no individual ground floor tenant may occupy more than 75-ft of frontage for a depth of 25-ft from Folsom Street.

The Project would establish 49,994 square feet of office use on the third and fourth floors. The Project has filed for Conditional Use Authorization (See Case No. 2013.1511C), and is seeking approval from the Planning Commission for establishment of a non-residential use larger than 25,000 gsf.

- C. **Parking.** Per Planning Code Section 151.1 and 827.24, off-street parking is not required. Off-street parking for office uses is limited to 7% of the total gross floor area.

The Project does not currently include off-street parking for the new office use. The Project would retain the existing eleven off-street parking spaces and one loading space for the ISE.

- D. **Bicycle Parking Requirement.** Planning Section 155.2 of the Planning Code requires at least one Class 1 bicycle parking space for every 5,000 occupied square feet of office space and a minimum of two Class 2 bicycle parking spaces for any office uses greater than 5,000 gross square feet plus one Class 2 bicycle parking space for each additional 50,000 occupied square feet.

The Project is required to provide 10 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces for the 49,992 gsf of office use. The Project provides a total of 10 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces. Therefore, the Project meets this Planning Code requirement.

- E. **Shower Facility and Clothes Locker Requirement.** Planning Section 155.4 of the Planning Code requires at least two showers and twelve clothes lockers when gross square footage exceeds 20,000 square feet but is not greater than 50,000 square feet of the office use floor area.

The Project will provide 2 showers and 12 clothes lockers on the first floor. Therefore, the Project meets this Planning Code requirement.

7. **Office Development Authorization.** Planning Code Section 321 establishes standards for San Francisco's Office Development Annual Limit. In determining if the proposed Project would promote the public welfare, convenience and necessity, the Commission considered the seven criteria established by Code Section 321(b)(3), and finds as follows:

I. APPORTIONMENT OF OFFICE SPACE OVER THE COURSE OF THE APPROVAL PERIOD IN ORDER TO MAINTAIN A BALANCE BETWEEN ECONOMIC GROWTH ON THE ONE HAND, AND HOUSING, TRANSPORTATION AND PUBLIC SERVICES, ON THE OTHER.

Currently, there is more than 1.21 million gross square feet of available "Small Cap" office space in the City. Additionally, the Project is subject to various development fees that will benefit the surrounding community and the city. The Project is located in close proximity to many public transportation options, including a number of Muni and transit lines. Therefore, the Project will help maintain the balance between economic growth, housing, transportation and public services.

II. THE CONTRIBUTION OF THE OFFICE DEVELOPMENT TO, AND ITS EFFECTS ON, THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN.

The Project is consistent with the General Plan (See Below).

III. THE QUALITY OF THE DESIGN OF THE PROPOSED OFFICE DEVELOPMENT.

The Project offers a suitable design within an existing building for the proposed office development, which is consistent and compatible with the neighborhood's overall massing and form. The Project does not include any exterior expansion beyond the existing building envelope.

IV. THE SUITABILITY OF THE PROPOSED OFFICE DEVELOPMENT FOR ITS LOCATION, AND ANY EFFECTS OF THE PROPOSED OFFICE DEVELOPMENT SPECIFIC TO THAT LOCATION.

- a) Use. *The Project is located within the RH-DTR (Rincon Hill Downtown Residential) Zoning District, which principally permits office use pursuant to Planning Code Sections 827.26. The subject lot is located in an area primarily characterized by a mix of residential and commercial development. There are several other nearby commercial uses, particularly on blocks to the north and west of the project site.*
- b) Transit Accessibility. *The area is served by a variety of transit options. The project site is within a quarter-mile of various Muni routes, including the 82X, 38R, 7, and 38, as well as the Harrison and Embarcadero Muni Stop.*
- c) Open Space Accessibility. *As a change in use in the RH-DTR with no exterior expansion, the Project is not required to provide on-site open space for the office use. However, the project site is within proximity to public open space along the Embarcadero, which is only one block away.*

- d) Urban Design. *The Project reinforces the surrounding neighborhood character by adaptively reusing an existing building for office use. The change in use would not impact the building's overall exterior form, which has contributed to the neighborhood since 2000.*
- e) Seismic Safety. *The Project would be designed in conformance with current seismic and life safety codes as mandated by the Department of Building Inspection.*

V. THE ANTICIPATED USES OF THE PROPOSED OFFICE DEVELOPMENT IN LIGHT OF EMPLOYMENT OPPORTUNITIES TO BE PROVIDED, NEEDS OF EXISTING BUSINESSES, AND THE AVAILABLE SUPPLY OF SPACE SUITABLE FOR SUCH ANTICIPATED USES.

- a) Anticipated Employment Opportunities. *The Project includes a total of 49,992 gsf of office space. As noted by the Project Sponsor, the additional office square footage will create new opportunities for employment and will provide new employees to the neighborhood, who will patronize nearby businesses.*
- b) Needs of Existing Businesses. *The Project will supply office space in the Rincon Hill area, which allows office use within the RH-DTR Zoning District. The Project will provide office space with large floor plates, which is a characteristic desired by emerging technology businesses. This building type offers flexibility for new businesses to further grow in the future.*
- c) Availability of Space Suitable for Anticipated Uses. *The Project will provide large open floor plates, which will allow for quality office space that is suitable for a variety of office uses and sizes. Currently, the City has a high demand for office space.*

VI. THE EXTENT TO WHICH THE PROPOSED DEVELOPMENT WILL BE OWNED OR OCCUPIED BY A SINGLE ENTITY.

The Project Sponsor has not identified a prospective tenant for the proposed office space.

VII. THE USE, IF ANY, OF TRANSFERABLE DEVELOPMENT RIGHTS ("TDR's") BY THE PROJECT SPONSOR.

The Project does not include any Transfer of Development Rights.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed office development will provide net benefits to the City and the community in the form of new office space located within a zoning district that principally permits general office use. The nature of the office use has few physical consequences that are undesirable and the standard Conditions of Approval (Exhibit A) will help ensure that the operations will not generate any unforeseen problems.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.3:

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location

The proposed office development will help attract new commercial activity to San Francisco as it provides a large quantity of vacant office space for use. It also contributes to San Francisco's attractiveness as a firm location as it is within short walking distance of Embarcadero.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

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

Policy 28.3:

Provide parking facilities which are safe, secure, and convenient.

The Project includes the required bicycle parking spaces in a secure, convenient location within the basement level along with required shower and locker facilities.

RINCON HILL PLAN AREA

LAND USE

Objectives and Policies

OBJECTIVE 1.1:

ENCOURAGE THE DEVELOPMENT OF A UNIQUE, DYNAMIC, MIXED-USE RESIDENTIAL NEIGHBORHOOD CLOSE TO DOWNTOWN.

OBJECTIVE 5.5:

MANAGE PARKING SUPPLY AND PRICING TO ENCOURAGE TRAVEL BY FOOT, PUBLIC TRANSPORTATION AND BICYCLE.

Policy 5.9:

Eliminate the minimum off-street parking requirement for all uses.

Generally, the Rincon Hill Area Plan encourages the development of a mixed-use neighborhood to support the residential uses that are developed as part of the implementation of the Area Plan. The proposed project would establish new office development that would contribute to the economic diversity and the mixed-character of the surrounding neighborhood. The Project does not include off-street parking for the proposed office uses, and the Project provides the appropriate amount of bicycle parking. Further, the Project is within adequate distance of public transit options, thus supporting objectives and policies within the Area Plan.

9. **Section 101.1 Priority Policy Findings.** Planning Code Section 101.1(b)(1-8) establishes eight priority planning Policies and requires review of permits for consistency with said policies.

The Commission finds and determines that the Project is consistent with the eight priority policies, for the reasons set forth below.

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

The existing building does not contain any neighborhood-serving retail uses. The existing ISE is not considered to be a neighborhood-serving retail use. The proposal would enhance the nearby retail uses by introducing a large number of new employees and potential patrons to the retail uses in the area.

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

The existing neighborhood character will be preserved, since the Project involves an adaptive reuse of an existing building. The Project is located in the Rincon Hill Area Plan and is located within a

zoning district that allows office use. Other nearby properties include residential, commercial, office, or light industrial uses. The Project does not have an impact upon the existing mixed-residential character of the neighborhood.

- c) The City's supply of affordable housing be preserved and enhanced.

There is no existing affordable or market-rate housing on the Project Site.

- d) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

The area is served by a variety of transit options, including MUNI and Caltrain. It is also near several streets that are part of the City's growing bicycle network. It is not anticipated that commuter traffic will impede MUNI transit or overburden streets or neighborhood parking.

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

The Project does not include the displacement of an industrial or service sector use. The existing ISE is considered to be a utility and infrastructure use. The Project will provide quality flexible office space that is suitable for a variety of office uses and sizes. The new office use would contribute to the surrounding neighborhood economy by providing new employees to the area.

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

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

- g) That landmarks and historic buildings be preserved.

The Project does not impact any landmarks or historic buildings. The existing building at 360 Spear Street is not a historic resource.

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

The Project would not affect nearby parks or open space.

10. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor

shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

11. 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.
12. The Commission finds that granting the Office Development Authorization in this case would promote the public welfare, convenience and necessity of the City for the reasons set forth above.

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 Office Development Application No. 2013.1511OFA** subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated February 15, 2015, on file in Case Docket No. 2013.1511OFA.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 321 Office-Space Allocation 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 adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

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, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or 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 November 19, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 19, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for an Office Development Authorization to authorize up to 49,992 gross square feet of office use located at 360 Spear Street, Lot 009 in Assessor's Block 3745 pursuant to Planning Code Sections 321 and 322 within the RH-DTR (Rincon Hill Downtown Residential) Zoning District and a 105-X Height and Bulk District; in general conformance with plans, dated February 15, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1511OFA and subject to conditions of approval reviewed and approved by the Commission on November 19, 2015 under Motion No. XXXX. 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 November 19, 2015 under Motion No. XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference the Office Development 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 Office Development 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

Mitigation Measures. Mitigation measures described in the MMRP for the Rincon Hill Plan EIR (Case No. 2013.1511E) 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

Additional Project Authorization. The Project Sponsor must obtain a Conditional Use Authorization from the Planning Commission under Planning Code Sections 303 and 827.21 for establishment of a non-residential use larger than 25,000 gross square feet, and satisfy all the conditions thereof. 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

Development Timeline - Office. Pursuant to Planning Code Section 321(d)(2), construction of an office development shall commence within 18 months of the date of this Motion approving this Project becomes effective. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this Office Allocation authorization.

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

PARKING AND TRAFFIC

Bicycle Parking. Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than 10 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces for the 49,992 square feet of office use.

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

Showers and Clothes Lockers. Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than 2 showers and 12 clothes lockers.

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

PROVISIONS

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

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

Jobs Housing Linkage. Pursuant to Planning Code Sections 413, the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

*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

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*



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|--|
| ☐ Affordable Housing (Sec. 415) | ☐ First Source Hiring (Admin. Code) |
| ☒ Jobs Housing Linkage Program (Sec. 413) | ☐ Child Care Requirement (Sec. 414) |
| ☐ Downtown Park Fee (Sec. 412) | ☐ Other |
| ☒ Transit Impact Development Fee (Sec. 411) | |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: NOVEMBER 19, 2015

Date: November 19, 2015
Case No.: **2013.1511C**
Project Address: **360 Spear Street**
Zoning: RH-DTR (Rincon Hill Downtown Residential) Zoning District
105-X Height and Bulk District
Block/Lot: 3745/009
Project Sponsor: Gregg Miller, Coblenz Patch Duffy & Bass LLP
One Montgomery Street, Ste. 3000
San Francisco, CA 94104
Staff Contact: Richard Sucre – (415) 575-9108
richard.sucresf.gov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 827.21 OF THE PLANNING CODE TO ESTABLISH A NON-RESIDENTIAL (OFFICE) USE LARGER THAN 25,000 SQUARE FEET FOR THE PROJECT AT 360 SPEAR STREET, LOT 009 IN ASSESSOR'S BLOCK 3745 WITHIN THE RH-DR (RINCON HILL DOWNTOWN RESIDENTIAL) ZONING DISTRICT AND A 105-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 17, 2013, Gregg Miller of Coblenz Patch Duffy & Bass LLP (hereinafter "Project Sponsor"), on behalf of Digital Spear Street LLC (Property Owner), filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 827.21 of the Planning Code to establish a non-residential (office) use larger than 25,000 square feet within the RH-DTR (Rincon Hill Downtown Residential) Zoning District and a 105-X Height and Bulk District.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Rincon Hill Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 5, 2005, by Motion No. 17007, certified by the Commission as complying with the California Environmental

Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA")). The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The Rincon Hill Plan 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 of a proposed project, 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 Rincon Hill Plan, the Commission adopted CEQA Findings in its Motion No. 17008 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 November 4, 2015, the Department 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 Rincon Hill Area Plan and was encompassed within the analysis contained in the Rincon Hill Plan Final EIR. Since the Rincon Hill Plan Final EIR was finalized, there have been no substantial changes to the Rincon Hill 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 Rincon Hill 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.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2013.1511C at 1650 Mission Street, Fourth Floor, San Francisco, California.

On November 19, 2015, the Commission adopted Motion No. XXXXX, approving an Office Development Authorization for the proposed project (Office Development Authorization Application No. 2013.1511OFA). Findings contained within said motion are incorporated herein by this reference thereto as if fully set forth in this Motion.

On November 19, 2015, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1511C.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1511C, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on rectangular corner lot (measuring 125-ft by 275-ft or 34,375 square feet) on the northwest corner of Spear and Harrison Streets. The project site has 275-ft of frontage along Spear Street and 125-ft of frontage along Harrison Street. The subject lot is developed with a five-story building that was constructed in 2000, and is currently used as an Internet Services Exchange (ISE). The entrance to the eleven off-street parking spaces and loading area is located along Spear Street.
3. **Surrounding Properties and Neighborhood.** The project site is located in the RH-DTR (Rincon Hill Downtown Residential) Zoning District within a mixed-use area in the Rincon Hill Area Plan. The project site is approximately one block from the San Francisco waterfront and Embarcadero. Nearby properties are either residential or commercial, and are often larger-scale (four-stories or taller) with extensive street frontage. The immediate neighborhood includes the former Hills Brother Coffee Complex, which is a mixed-use complex with office, commercial and residential, a residential tower with 66 dwelling units at 338 Spear Street, and a smaller-scale two-story live/work complex at 101 Harrison Street. Other zoning districts in the vicinity of the project site include: RC-4 (Residential-Commercial, High Density), M-1 (Light Industrial); TB-DTR (Transbay Downtown Residential); C-3-O (Downtown Office); C-2 (Community Business); and SB-DTR (South Beach Downtown Residential).
4. **Project Description.** The proposal is a change in use of approximately 49,992 square feet from Internet Services Exchange (ISE) to office use on the third and fourth floors. The proposal would retain the ISE use on the remainder of the third floor, as well as on the first, second and fifth floors (collectively measuring 109,186 square feet).
5. **Public Comment.** The Department has not received any letters in support or opposition to 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. **Permitted Uses in RH-DTR Zoning District.** Planning Code Section 827.26 states that all non-residential uses, unless as exempted, are principally permitted within the RH-DTR Zoning District.

Office use is considered to be a non-residential use. The Project would establish approximately 49,992 gsf of office use. Therefore, the Project meets this Planning Code requirement.

- b. **Parking.** Per Planning Code Section 151.1 and 827.24, off-street parking is not required. Off-street parking for office uses is limited to 7% of the total gross floor area.

The Project does not currently include off-street parking for the new office use. The Project would retain the existing eleven off-street parking spaces and one loading space for the ISE.

- c. **Bicycle Parking Requirement.** Planning Section 155.2 of the Planning Code requires at least one Class 1 bicycle parking space for every 5,000 occupied square feet of office space and a minimum of two Class 2 bicycle parking spaces for any office uses greater than 5,000 gross square feet plus one Class 2 bicycle parking space for each additional 50,000 occupied square feet.

The Project is required to provide 10 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces for the 49,992 gsf of office use. The Project provides a total of 10 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces. Therefore, the Project meets this Planning Code requirement.

- d. **Shower Facility and Clothes Locker Requirement.** Planning Section 155.4 of the Planning Code requires at least two showers and twelve clothes lockers when gross square footage exceeds 20,000 square feet but is not greater than 50,000 square feet of the office use floor area.

The Project will provide 2 showers and 12 clothes lockers on the first floor. Therefore, the Project meets this Planning Code requirement.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- (1) The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project will establish a new office use within an existing five-story building, which is currently part of a mixed-use neighborhood. Currently, the existing building is fully occupied by an Internet Services Exchange (ISE). The Project would convert a portion of the existing building to office use on the third and fourth floors, thus diversifying the subject building. The size and intensity of the

proposed new office use is necessary and desirable for this neighborhood and the surrounding community because it will provide new opportunities for local businesses that will contribute to the character of the surrounding neighborhood. The opportunity to have new office use in close proximity to an ISE is unique, and would be highly desirable by existing and new technological businesses. The Rincon Hill Area Plan calls for mixed-use development, in order to diversify and compliment the surrounding residential properties. The immediate area is extremely varied in character and features a variety of uses, including commercial and residential. The new office use will complement the mix of goods and services currently available in the surrounding district and will contribute to the economic vitality of the neighborhood.

- (2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project would not have a large impact upon the existing building or surrounding neighborhood. The Project includes a change in use from ISE to office use on the third and fourth floors of an existing five-story building. As part of the change in use, the Project would undertake interior alterations, as well as the addition of new rooftop HVAC units. The Project does not include expansion of the existing building envelope. The proposed mix of uses would be complimentary to the surrounding neighborhood, since the new non-residential uses are focused on the third and floor floors.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project would not adversely affect public transit or overburden the existing supply of parking in the neighborhood because the project site is well-served by public transit. The project site is within a quarter-mile of various Muni routes, including the 82X, 38R, 7, and 38, as well as the Harrison and Embarcadero Muni Stop. Provision of bicycle storage areas along with the close proximity to mass transit is anticipated to encourage employees and visitors to use alternate modes of transportation.

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

The Project will comply with the City's requirements to minimize noise, glare, odors, or other harmful emissions. Conditions of Approval are included to address potential issues.

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

The Project consists primarily of interior alterations to an existing building. The Project does not include new off-street parking and would not impact the existing eleven off-street parking spaces or the one loading space.

- (3) That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The Project is not located within a Neighborhood Commercial District.

8. **General Plan Compliance.** The General Plan Consistency Findings set forth in Motion No. XXXXX, Case No. 2013.1511OFA (Office Development Authorization, pursuant to Planning Code Section 321 and 322) apply to this Motion, and are incorporated herein as though fully set forth.
8. **Section 101.1 Priority Policy Findings.** Planning Code Section 101.1(b)(1-8) establishes eight priority planning Policies and requires review of permits for consistency with said policies.

The Commission finds and determines that the Project is consistent with the eight priority policies, for the reasons set forth below.

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

The existing building does not contain any neighborhood-serving retail uses. The existing ISE is not considered to be a neighborhood-serving retail use. The proposal would enhance the nearby retail uses by introducing a large number of new employees and potential patrons to the retail uses in the area.

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

The existing neighborhood character will be preserved, since the Project involves an adaptive reuse of an existing building. The Project is located in the Rincon Hill Area Plan and is located within a zoning district that allows office use. Other nearby properties include residential, commercial, office, or light industrial uses. The Project does not have an impact upon the existing housing character of the neighborhood.

- c) The City's supply of affordable housing be preserved and enhanced.

There is no existing affordable or market-rate housing on the Project Site.

- d) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

The area is served by a variety of transit options, including MUNI and Caltrain. It is also near several streets that are part of the City's growing bicycle network. It is not anticipated that commuter traffic will impede MUNI transit or overburden streets or neighborhood parking.

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

The Project does not include the displacement of an industrial or service sector use. The existing ISE is considered to be a utility and infrastructure use. The Project will provide quality flexible office space that is suitable for a variety of office uses and sizes. The new office use would contribute to the surrounding neighborhood economy by providing new employees to the area.

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

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

- g) That landmarks and historic buildings be preserved.

The Project does not impact any landmarks or historic buildings. The existing building at 360 Spear Street is not a historic resource.

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

The Project would not affect nearby parks or open space.

9. 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.
10. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1511C** under Planning Code Sections 303 and 827.21 to establish a non-residential (office) use larger than 25,000 square feet at 360 Spear Street within the RH-DTR (Rincon Hill Downtown Residential) Zoning District and a 105-X Height and Bulk District. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 15, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or 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 November 19, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 19, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to establish a non-residential (office) use larger than 25,000 square feet located at 360 Spear Street, Block 3745 and Lot 009 pursuant to Planning Code Section 303 and 827.21 within the RH-DTR Zoning District and a 105-X Height and Bulk District; in general conformance with information stamped "EXHIBIT B" included in the docket for Case No. 2013.1511C and subject to conditions of approval reviewed and approved by the Commission on November 19, 2015 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 November 19, 2015 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development 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 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.

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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.

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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.

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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.

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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 an Office Development Authorization from the Planning Commission, pursuant to Planning Code Sections 321 and 322, for establishment of 49,992 gsf of office use, and satisfy all the conditions thereof. 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

MONITORING

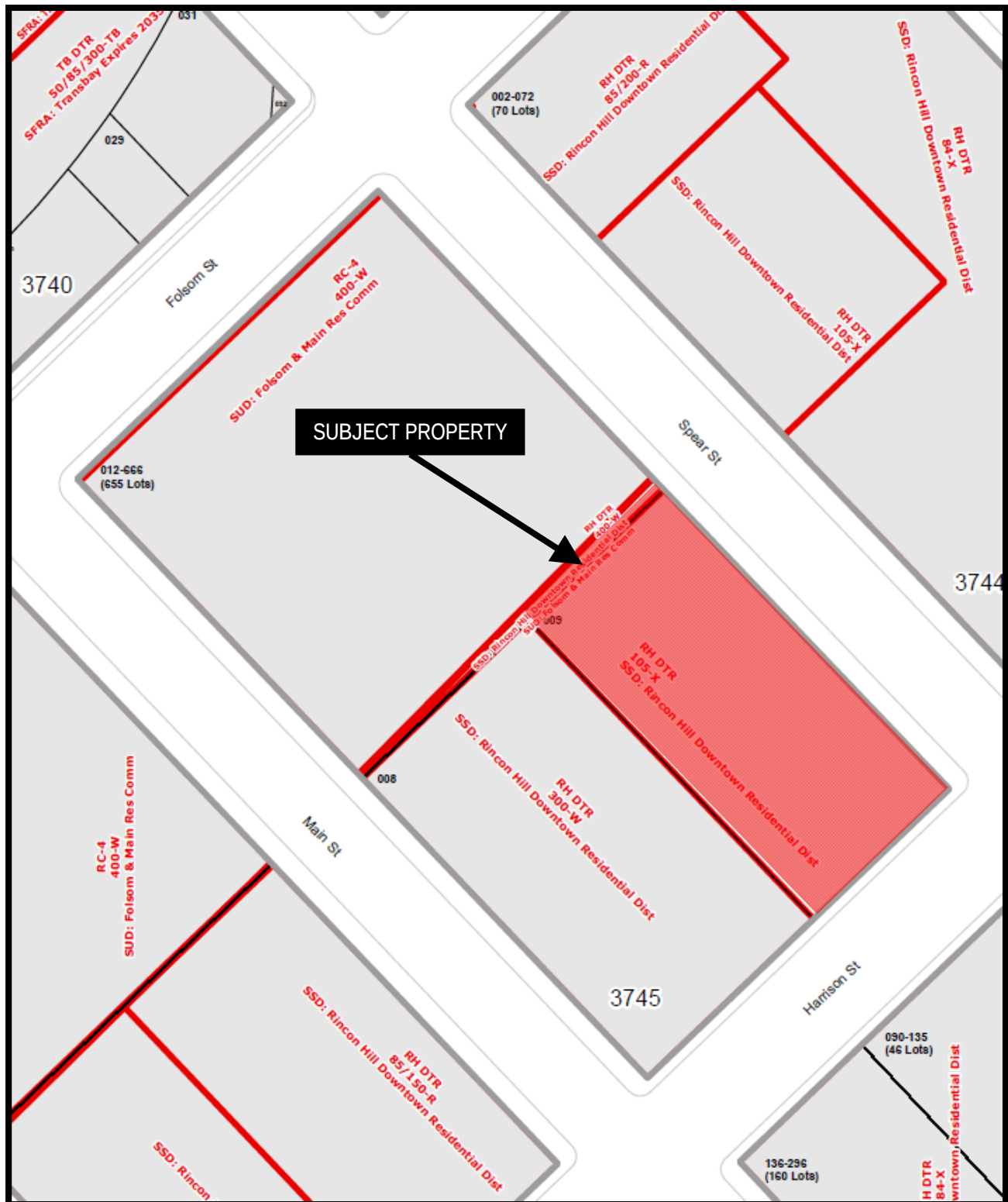
Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 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.

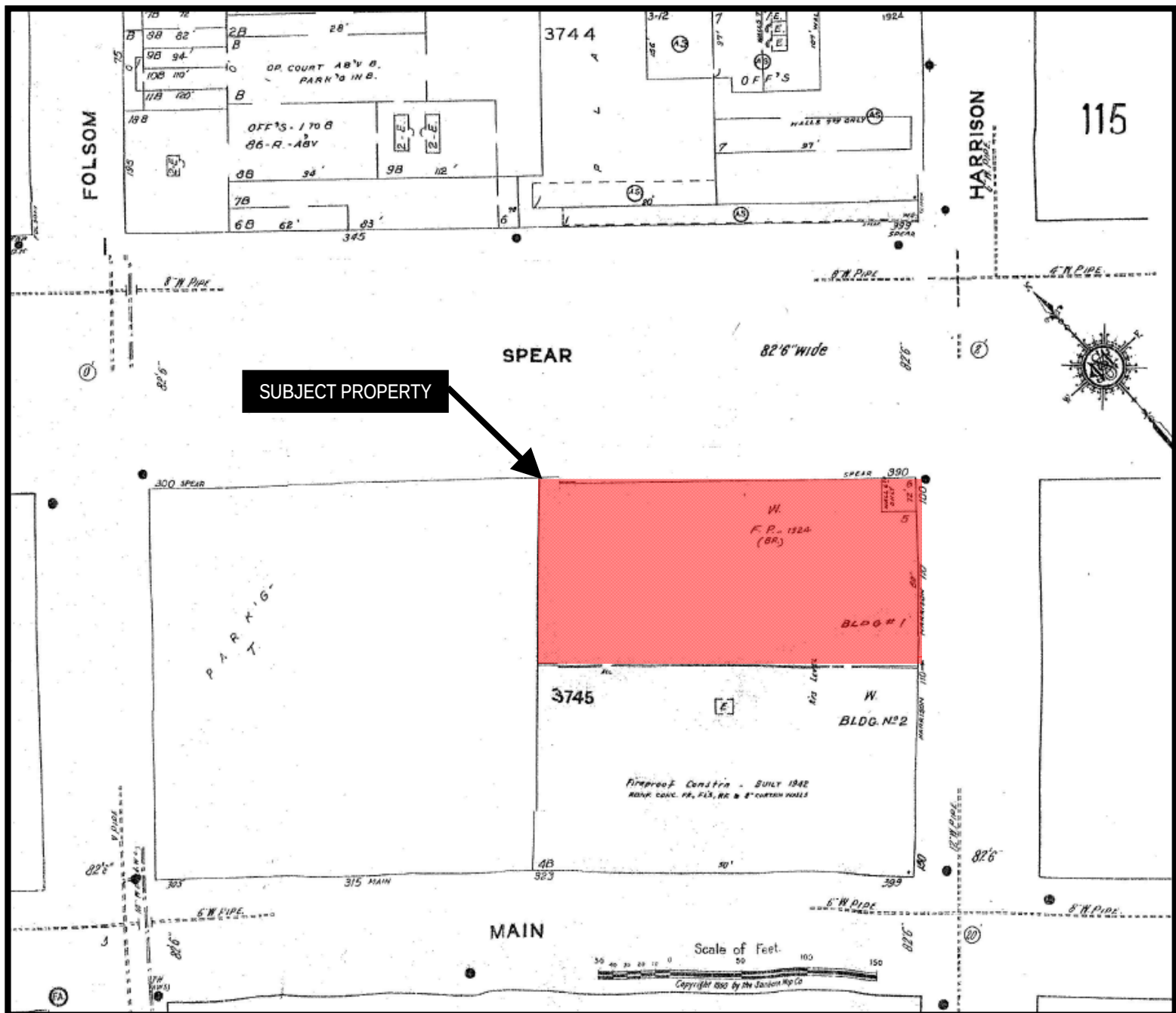
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map



Office Development Authorization &
Conditional Use Authorization Hearing
Case Nos. 2013.1511C & 2013.1511OFA
360 Spear Street

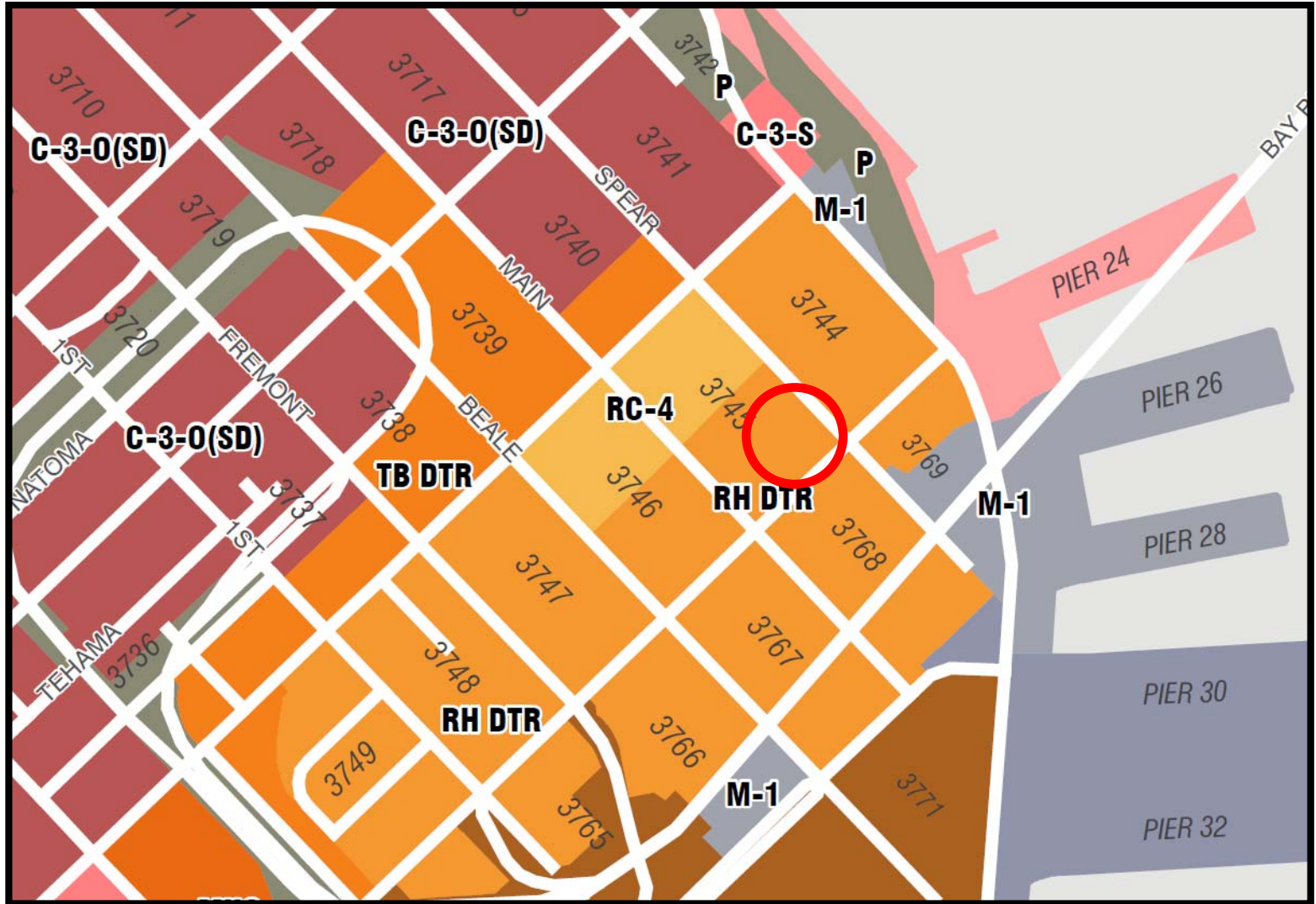
Sanborn Map*



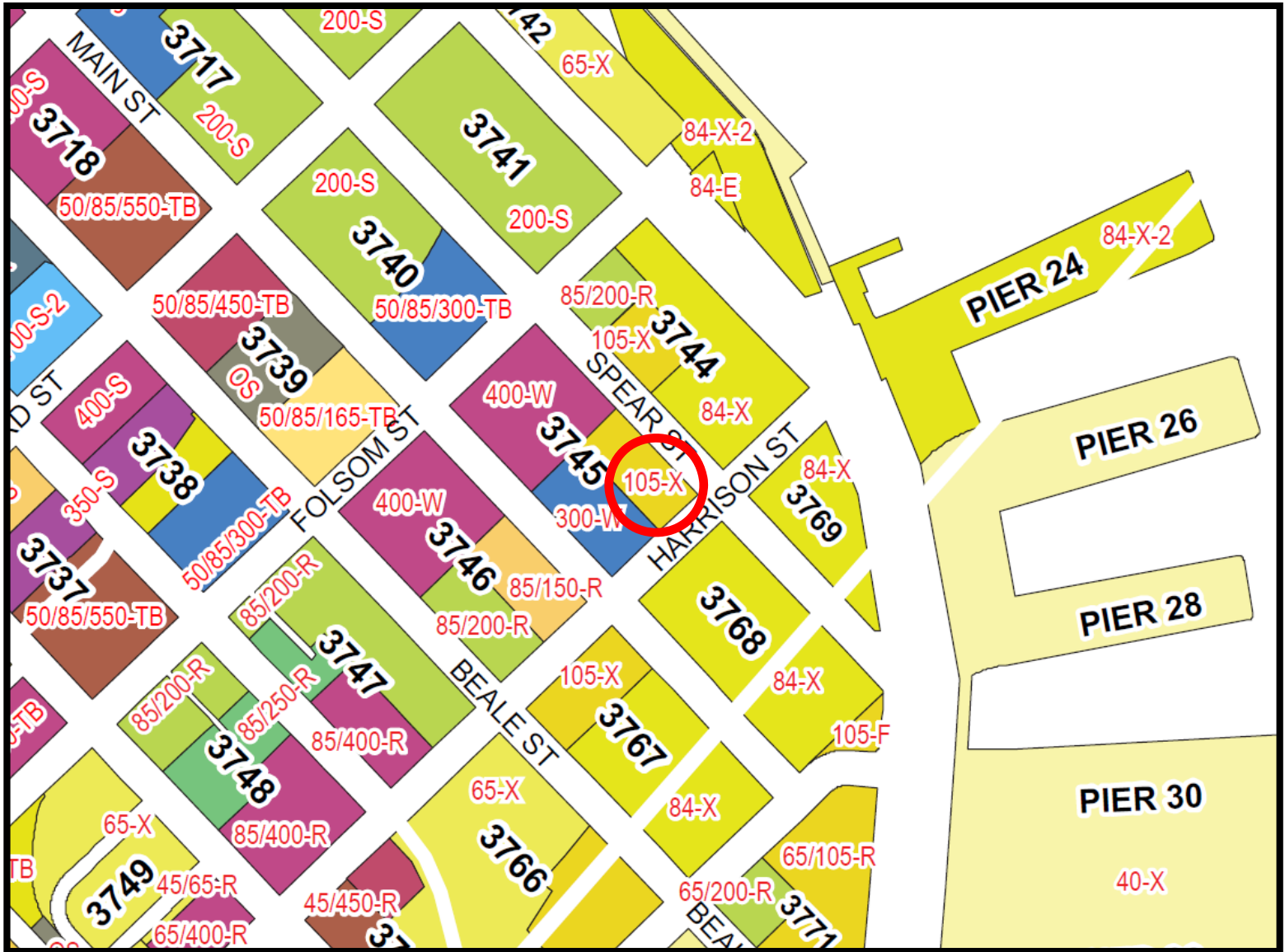
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



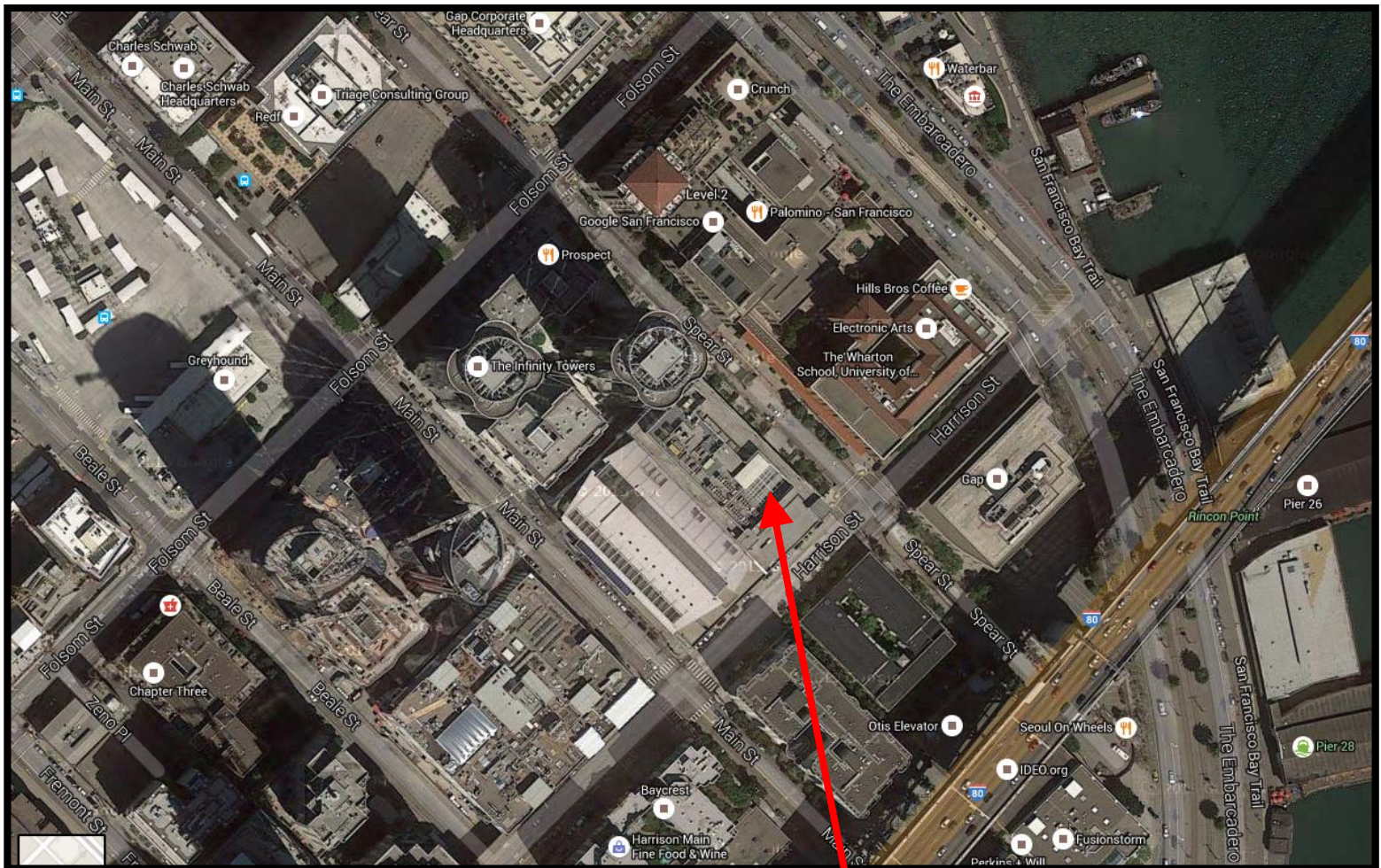
Zoning Map



Height Map



Aerial Photo



SUBJECT PROPERTY



Site Photo



360 Spear Street (Source: Google, July 2015)

Office Development Authorization &
Conditional Use Authorization Hearing
Case Nos. 2013.1511C & 2013.1511OFA
360 Spear Street



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
360 Spear Street		3745/009	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
	2013.1511		
PROJECT SPONSOR	MAIN CONTACT	PHONE	
Digital Spear Street, LLC	Gregg Miller	(415) 391-4800	
ADDRESS			
Coblentz, Patch Duffy & Bass, LLP, One Montgomery Street, Suite 3000			
CITY, STATE, ZIP		EMAIL	
San Francisco, CA 94104		gmiller@coblentzlaw.com	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
	49,992 gross floor area (office conversion)	85 feet (existing building)	\$5,000,000.00
ANTICIPATED START DATE			

Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	
☐	Project is wholly Residential
☒	Project is wholly Commercial
☐	Project is Mixed Use
☐	A: The project consists of ten (10) or more residential units;
☒	B: The project consists of 25,000 square feet or more gross commercial floor area.
☐	C: Neither 1A nor 1B apply.
NOTES:	
- If you checked C, this project is <u>NOT</u> subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department. - If you checked A or B, your project <u>IS</u> subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83. - For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or (415) 701-4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentsf.org - If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.	

Continued...

Section 3: First Source Hiring Program – Workforce Projection

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.

Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer				Laborer	62.51	2	4
Boilermaker				Operating Engineer	80.81	0	1
Bricklayer				Painter	100.77	2	6
Carpenter	89.50	2	10	Pile Driver			
Cement Mason				Plasterer			
Drywall/Latherer	89.50	2	10	Plumber and Pipefitter	137.76	1	4
Electrician	124.31	1	5	Roofer/Water proofer			
Elevator Constructor				Sheet Metal Worker			
Floor Coverer	110.00	1	6	Sprinkler Fitter	125.00	1	4
Glazier	115.00	1	3	Taper	99.00	2	4
Heat & Frost Insulator				Tile Layer/Finisher	102.35	0	2
Ironworker	125.00	0	2	Other:			
TOTAL:				TOTAL:			

1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage?
2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations?
3. Will hiring and retention goals for apprentices be established?
4. What is the estimated number of local residents to be hired?

YES NO
☒ ☐
☒ ☐
☒ ☐
45

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Asa Donohugh	adonohugh@digitalrealty.com	(415) 848-9304
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)		(DATE)
FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG		
Cc: Office of Economic and Workforce Development, CityBuild Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848 Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org		

J. Gregg Miller, Jr.
D (415) 772-5736
gmiller@coblentzlaw.com

November 10, 2015

The San Francisco Planning Commission
c/o The San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, California 94103

Re: 360 Spear Street – Case No. 2013.1511ECB

Dear President Fong and Honorable Commissioners:

We submit this letter on behalf of the project sponsor, Digital Spear Street, LLC ("Project Sponsor"), and ask that, at the November 19, 2015 hearing before the Planning Commission (the "Commission"), you grant conditional use authorization pursuant to Sections 303 and 827.21 of the Planning Code (the "Code") and authorize the allocation of office space for the proposed 49,992 gross square foot office conversion project located at 360 Spear Street, San Francisco, pursuant to Sections 321, 322, and 827.26 of the Code.

I. Project Summary

The project site, commonly known as 360 Spear Street, is located at the southwest corner of Harrison and Spear Streets in the block bounded by Spear, Harrison, Main and Folsom Streets in San Francisco's Rincon Hill neighborhood. The existing building is a five-story industrial building of approximately 160,000 square feet (the "Building"). The Building is currently used as an Internet Services Exchange ("ISE"). The Building is located in the RH-DTR zoning district. The proposal is to convert a total of 49,992 gross square feet of space located on a portion of the Third Floor and the entire Fourth Floor of the Building from ISE use to general office use.¹

The Project constitutes the installation of office use-related improvements to the Building but no expansion of the Building is proposed. With the exception of minor modifications to the Building's exterior to install louvers and the installation of a rooftop HVAC unit to serve the office space, the Project will consist entirely of work to the Building's interior to prepare it for office use. The Project will also include the installation of bicycle lockers and related shower facilities. The Building currently houses eleven parking spaces -- two of which are van loading and unloading and two of which are accessible van spaces. There is also a loading dock. Neither

¹ The 49,992 gross square feet consists of 12,640 gross square feet on the Third Floor, plus 33,187.14 gross square feet on the Fourth Floor plus a common area load factor of 4,165.01 gross square feet (12,640 + 33,187.14 + 4,165.01 = 49,992.15).

the parking nor the loading dock would be modified in connection with the office conversion. The current ISE uses would otherwise continue in those portions of the Building that are not proposed for conversion.

Under Section 827.21 of the Code, Conditional Use Authorization is required for any non-residential uses in the RH-DTR Zoning District that exceed 25,000 sq. ft. Project Sponsor proposes to convert approximately 49,992 square feet of gross floor area (per Section 102.9 of the Code) from ISE use to office use. Therefore, the Project Sponsor requests conditional use authorization for the office-conversion Project.

The Planning Department has analyzed the Project under CEQA and has prepared a Community Plan Exemption based on the Rincon Hill Area Plan environmental impact report.

II. Approvals Requested

A. Conditional Use Authorization for Conversion of Approximately 49,992 Gross Square Feet of Space from ISE to Office Use in the RH-DTR Zoning

Under Section 827.21 of the Code, Conditional Use Authorization is required for any non-residential uses in the RH-DTR Zoning District that exceed 25,000 sq. ft. Project Sponsor proposes to convert approximately 49,992 square feet of gross floor area (per Section 102.9 of the Code) from ISE use to office use. Therefore, the Project Sponsor requests conditional use authorization for the office-conversion Project under Sections 303, 827.21 and 827.26 of the Code.

B. Authorization for a "Small Cap" Allocation of Office Space

Project Sponsor must also obtain approval from the Planning Commission for an allocation of Office Space pursuant to Section 321 of the Code. Project Sponsor has requested an aggregate allocation of 49,992.15 gross square feet for a portion of the 3rd Floor and all of the 4th Floor from the small office project cap. According to the Department's September 1, 2015 Office Development Annual Limitation Program summary, there are 1,188,805 gross square feet ("gsf") of office allocation space available for smaller projects (those between 25,000 and 50,000 gsf). Of the 1,188,805 gsf of available space, there are 285,550 gsf that have been requested for pending projects (including the Project), which leaves 903,255 gsf available for future small project allocations after approval of the Project's requested allocation of 49,992.15 gsf.

III. Conditional Use and 321 Allocation Findings

A. Conditional Use Authorization Findings

For the reasons stated below, the Project satisfies the requirements for granting Conditional Use Authorization.

Satisfaction of Section 303 Requirements and Findings.

That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary and desirable for, and compatible with, the neighborhood or the community.

The Project site is located in an area of the City that has a mix of commercial, residential and industrial uses. The site is currently improved with a single, 5-story concrete building that occupies almost the entire parcel (the "Building"). It is surrounded by residential and office uses, as well as another ISE facility to its immediate west. As designed, the Project would consist largely of interior renovations with minor modifications to the Building's exterior and the installation of a rooftop HVAC unit to serve the office space.

The Project is **necessary and desirable for, and compatible with**, the neighborhood. The RH-DTR Zoning District is a mixed use zoning district in which "[h]igh-density residential uses and supporting commercial and institutional uses are allowed and encouraged."

The Project would allow the conversion of a portion of the Building from the current ISE use, which is a permitted conditional use under Section 178(a) of the Code, to office use, which is a principally permitted use under 25,000 sq.ft. and requires conditional use authorization for larger amounts of space. The Project would result in the creation of office space within walking distance of the current and proposed residences in Rincon Hill and the public transit hub at the Transbay Terminal and would help to address the current, unprecedented demand for office space in San Francisco without affecting the amount of space available for large office projects.

In addition, the conversion to office will make the facility one of the premier data centers in San Francisco by providing desirable office space in close proximity to the ISE use. Such changes to the Building will, in turn, help to retain existing San Francisco businesses and attract new ones. For some companies, the ability to locate office operations in close proximity to a data center in order to keep its web or IT services hardware in close proximity to its office operations is very important. The availability of space that can provide such functionality is an important consideration in whether to remain in San Francisco or to start a business in San Francisco. Office users without such specific requirements will find the Project's location near public transit, housing and a variety of retail services desirable.

The work at the Building to convert the space will create new jobs at the facility during construction and the converted office space will accommodate office and related workers at the Building.

That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures;

The Project will not have a dramatic impact on the existing condition of the site. Most of the work associated with the Project will take place within the Building's interior. There will be some minor modifications to the Building's exterior and the addition of a rooftop HVAC unit. No expansion of the Building is proposed.

The accessibility & traffic patterns for persons and vehicles, type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The space proposed for conversion to office is well served by existing public transit (MUNI, BART, SamTrans) and the new Transbay Terminal, which is only five blocks from the Building. The site currently has eleven (11) parking spaces – all of which will be retained. Furthermore, the Code does not require off-street parking spaces for office uses in the RH-DTR zoning district (see Code §§ 827.23 and 151.1).

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

Construction Conditions of Approval will be followed during construction to minimize noise, vibration, dust, and odor emissions. Most of the work to convert the space from ISE to office use will be performed indoors. The office use will not create any noxious or offensive emissions.

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

The Project primarily consists of interior renovations in the form of work needed to convert existing ISE space to office space. With the exception of some minor modifications to the Building's exterior, the Project will not be visible to the general public. Streetscape improvements have already been made on Spear Street along the Building frontage, including seating areas and greenscape.

That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

The Project will be built in compliance with the City's Seismic, Accessibility, Fire and Building Codes. The proposed development complies with and promotes many of the Objectives and Policies of the General Plan, including the following:

RINCON HILL AREA PLAN

OBJECTIVE 1.1: ENCOURAGE THE DEVELOPMENT OF A UNIQUE DYNAMIC, MIXED-USE RESIDENTIAL NEIGHBORHOOD CLOSE TO DOWNTOWN, WHICH WILL CONTRIBUTE SIGNIFICANTLY TO THE CITY'S HOUSING SUPPLY.

The Project would result in the creation of office space within walking distance of the current and proposed residences in Rincon Hill and the public transit hub at the Transbay Terminal. The Project would help to address the current, unprecedented demand for office

space in San Francisco without affecting the amount of space available for large office projects. For some companies, the ability to locate office operations in close proximity to a data center in order to keep its web or IT services hardware in close proximity to its office operations is very important. The availability of space that can provide such functionality is an important consideration in whether to remain in San Francisco or to start a business in San Francisco. Office users without such specific requirements will find the Project's location near public transit, housing and a variety of retail services desirable.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1: MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

POLICY 1.1 -- Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

The Project will provide substantial net benefits to the City by providing much-needed office space to help alleviate the unprecedented demand for office space in the City without affecting the pool of office space available for large projects. The Project proposes to convert existing space in an existing building. Thus, it will not result in the disruptions associated with development of a new building. The site's ability to offer high quality office space in close proximity to the existing ISE uses may be desirable to certain types of companies. The Project would contribute close to \$2,000,000 in development impact fees.

POLICY 1.2 -- Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

The Project has undergone careful environmental analysis (Community Plan Exemption), which has determined that the Project will not have any significant environmental impacts.

POLICY 1.3 -- Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project site is zoned RH-DTR. The RH-DTR zoning is quite flexible, permitting a wide variety of non-residential uses "as of right" and allowing many other uses with conditional use authorization. Office uses of less than 25,000 sq.ft. are principally permitted in the RH-DTR. Office uses in excess of 25,000 sq.ft. require conditional use authorization. The Project requires conditional use authorization because approximately 49,992 square feet of gross floor area are proposed to be converted from ISE use to office use.

OBJECTIVE 2: MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

POLICY 2.1 -- Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

By approving the Project, the City will be assuring the long term viability of the City as a workplace for a variety of office users by adding much needed office space to the current supply of office space in the City.

POLICY 3.4 -- Assist newly emerging economic activities.

The burgeoning San Francisco technology sector depends on servers. Many businesses want their telecommunications and data equipment to be close to their office operations in order to perform regular service, maintenance and upgrades. The Project would allow such businesses to be in the same building as their servers. Such proximity could be desirable for some companies. In addition, and for companies without such needs, the Project's location near multiple modes of public transit, housing and amenities make it a desirable place to work.

OBJECTIVE 4: IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

POLICY 4.2 -- Promote and attract those economic activities with potential benefit to the City.

The Project would add much-needed additional office space to the City's existing supply -- thus helping to keep office rental rates in the City stable and provide opportunities for different kinds of office users to be located in San Francisco -- without deducting from the office space available for allocation to large office projects.

B. Section 321 Allocation Findings

Approval of Project Sponsor's 321 Application is Consistent with the Seven Criteria under Section 321(b)(3). Section 321(b)(1) of the Code states that the Commission may only approve those office developments which promote the public welfare, convenience and necessity. In determining which office developments best promote the public welfare, convenience and necessity, Section 321(b)(3) of the Code compels the Commission to consider seven criteria. Below are the criteria and the reasons the proposed request for a small building office allocation satisfies those criteria:

Apportionment of office space over the course of the approval period in order to maintain a balance between economic growth, on the one hand, and housing, transportation and public services on the other.

There are currently 1,188,805 gross square feet available for authorization under the small office allocation. Approval of the requested allocation would reduce the amount available for authorization by 49,992.15 square feet, leaving over 1,138,000 square feet available. As of the date of the Planning Department's September 1, 2015 Office Development Annual Limitation summary, there are five other small office projects with pending applications and three other projects that have filed pre-applications. Even if the other eight projects were approved in addition to Project Sponsor's project, there would still be well over 775,000 square

feet of small cap office space available for allocation. On October 17 of every year, an additional 75,000 square feet is added to the available pool.

The rezoning of the Rincon Hill Neighborhood created a mixed-use downtown neighborhood with a significant housing presence, while also providing for a full range of services and amenities that support urban living and working. The Building currently contains an existing Internet Services Exchange facility and the proposed Project would renovate a portion of the existing facility to convert the existing ISE uses on the entire Fourth Floor and part of the Third Floor to office use. The Planning Commission's approval of this request for office space allocation would have a negligible impact on the total amount of square footage available for allocation to small buildings. Additionally, the Project will be contained in the existing footprint of the Building, providing office space adjacent to downtown in a desirable location -- close to a variety of modes of public transit, including the Transbay Terminal, housing and amenities -- for both local businesses and residents. Additionally, the Project will contribute various development fees that will benefit the surrounding community and the City as a whole. Therefore, the Project will help maintain the balance between economic growth, housing, transportation and public services. In addition, approval of the allocation will not result in the displacement of any existing businesses or housing. The Building for which the allocation is sought already exists and the space to be allocated is currently vacant.

The contribution of the office development to, and its effects on, the objectives of the General Plan.

As with the grant of conditional use authorization, approval of the requested office allocation promotes the objectives and policies of the General Plan as described above in Section III.A and as further described below:

TRANSPORTATION ELEMENT

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.

There are multiple MUNI and regional public transit lines near the Building. The Building is near the Transbay Terminal.

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

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

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

The project includes the installation of bicycle lockers and shower facilities as required under the Planning Code.

URBAN DESIGN ELEMENT

OBJECTIVE 6: IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Approval of the requested allocation will allow the Building to be occupied for office uses, which will improve the desirability of the Building in the future, thereby helping to ensure that the Building remains a vibrant addition to the neighborhood. This added activity will mean more patrons for local businesses and more eyes on the street.

The quality of the design of the proposed office development:

The proposed project is a conversion of a portion of an existing building. The Building is similar in character to other buildings located nearby and is generally compatible with the prevailing urbanized character of the area. While a number of buildings in the area are much taller, no height change is proposed, and, other than the interior renovations to a portion of the Third Floor and all of the Fourth Floor in connection with the conversion of the space from ISE use to office use, minor modifications to the building's exterior to install airflow louvers, the installation of a rooftop HVAC unit to service the converted office floors, and the installation of bicycle lockers and related shower facilities, no other changes to the Building are anticipated. Therefore, the project building would remain compatible with neighboring buildings, both in scale and design.

The suitability of the proposed office development for its location, and any effects of the proposed office development specific to that location:

The project site is located in a mixed use urbanized area with similar businesses located in the same general area. The project site is well served by numerous bus lines passing by or near the site, as well as being approximately 0.3 miles from the temporary Transbay Terminal and the approximately 0.5 miles from the future Transbay Terminal, both of which connect to numerous transit lines around the Bay. Additionally, the Project site is located approximately 4 blocks from Market Street, with BART and MUNI Metro subway lines, and ferry service connecting to the North, South and East Bay.

The anticipated uses of the proposed office development, in light of employment opportunities to be provided, needs of existing businesses, and the available supply of space suitable for such anticipated uses:

The Project includes a total of 49,992 gross square feet of converted office space adjacent to downtown. The project will create space to house new jobs, as well as opportunities for existing local businesses and residents.

The use, if any, of TDR by the project sponsor:

The Project Sponsor will not use any TDRs in connection with the proposed development.

IV. Conclusion.

For the reasons set forth above, we respectfully request that the Commission grant conditional use authorization pursuant to Sections 303 and 827 for the conversion of the space from ISE use to office use and authorize an allocation of 49,992.15 gross square feet of office space from the small office project cap pursuant to Sections 321, 322, and 827.26.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Gregg Miller, Jr.", with a stylized, cursive script.

J. Gregg Miller, Jr.



SAN FRANCISCO PLANNING DEPARTMENT

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

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COMMUNITY PLAN EXEMPTION CHECKLIST

Case No.: **2013.1511E**
Project Title: 360 Spear Street
Zoning: RH-DTR (Rincon Hill Downtown Residential Mixed Use District)
105-X Height and Bulk Districts
Block/Lot: 3745/009
Lot Size: 34,375 square feet
Plan Area: Rincon Hill
Project Sponsor: Gregg Miller Coblenz Patch Duffy & Bass, LLP
415-391-4800; gmiller@coblenzlaw.com
Staff Contact: Chris Thomas, (415) 575-9036, christopher.thomas@sfgov.org

PROJECT DESCRIPTION:

The project site includes an existing five-story, approximately 76-foot-tall, 159,178-gross-square-foot building built in 1940, currently used as an Internet Services Exchange facility, located on the southwest corner of Harrison and Spear streets, one block south of the Embarcadero in the South of Market neighborhood. Currently, approximately 150,823-gsf of the project site building is devoted to internet service exchange facilities. The proposed project would entail:

- Conversion of approximately 50,000-gsf of existing internet service exchange use on a portion of the third floor and the entire fourth floor to office use as defined in Section 890.70 of the Planning Code;
- Replacement of two windows on the fourth floor of the Spear Street façade with air-flow louvers;
- Installation of rooftop mechanical equipment (heat pumps, chillers and fans) to service the converted office floors; and
- The installation of bicycle lockers and related shower facilities on the ground floor.

The current internet service exchange uses would continue in those portions of the building that are not proposed for conversion. No new on-site parking would be provided. The building's existing 11 parking spaces (two of which are for van loading and unloading and two of which are accessible van spaces) and the loading dock would not be modified in connection with the proposed conversion. No ground-disturbing excavation or increase in the building height would occur with implementation of the proposed project. The 360 Spear Street building (the project building) is not considered a historical resource for purposes of CEQA and the project site is not within a historic district.

Figure 1 shows the project location. Figures 2, 3 and 4 show the existing ground, third and fourth floor plans, respectively. Figure 5 provides the rooftop plan, upon which mechanical equipment will be located at the south end of the building (within the dashed rectangle), behind an existing 18-foot-high screen. Figure 6 provides an illustration of the louvers that would replace two windows on the fourth floor.

The project site, which is on the south side of Spear Street at its intersection with Harrison Street, is in the South of Market neighborhood, approximately one block northwest of the Interstate 80 approach to the San Francisco Bay Bridge and one block south of The Embarcadero. For the past several years the *Rincon Hill Plan* area and its environs have been undergoing a transformation from an area of predominantly low- and mid-rise industrial buildings to a mixed-use area that includes high-density, high-rise residential buildings and mid-rise office buildings. To the immediate west of the project site is the Infinity mixed-use development (the Infinity Towers), primarily consisting of two high-rise (approximately 450- and 350-feet-high) and two mid-rise residential towers containing a total of 650 dwelling units. On the north side of Spear Street opposite the project site is the six-story former Hills Brothers Coffee plant, now occupied by offices of various businesses and the San Francisco campus of the Wharton School of Business. Further west on the north side of Spear Street are the offices of Google San Francisco, restaurants, retail and residential uses within a seven-story building (also a part of the former Hills Brothers Coffee plant). On the block of Harrison east of the project site are two substantial residential developments of three floors (at the southeast corner of Harrison and Spear) and eight floors (at the southwest corner of Main and Harrison). At the northeast corner of Spear and Harrison is a large, six-story office building.

The proposed 360 Spear Street project would require the following approvals:

Actions by the Planning Commission

- Conditional Use Authorization for conversion of an Internet Service Exchange facility to office space.
- Office Development Authorization from the Planning Commission pursuant to Planning Code Section 321 for development of 49,992-sf of office space.

Actions by City Departments

- Building permits approvals for alterations to the interior third and fourth floors, installation of the rooftop mechanical equipment, and installation of louvers on the south-facing façade of the building.

A Conditional Use Authorization for conversion of the Internet Service Exchange facilities on part of the third and all of the fourth floors is the Approval Action for this 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.

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FIGURE 1. PROJECT LOCATION



FIGURE 2. GROUND FLOOR PLAN



FIGURE 3. THIRD FLOOR PLAN

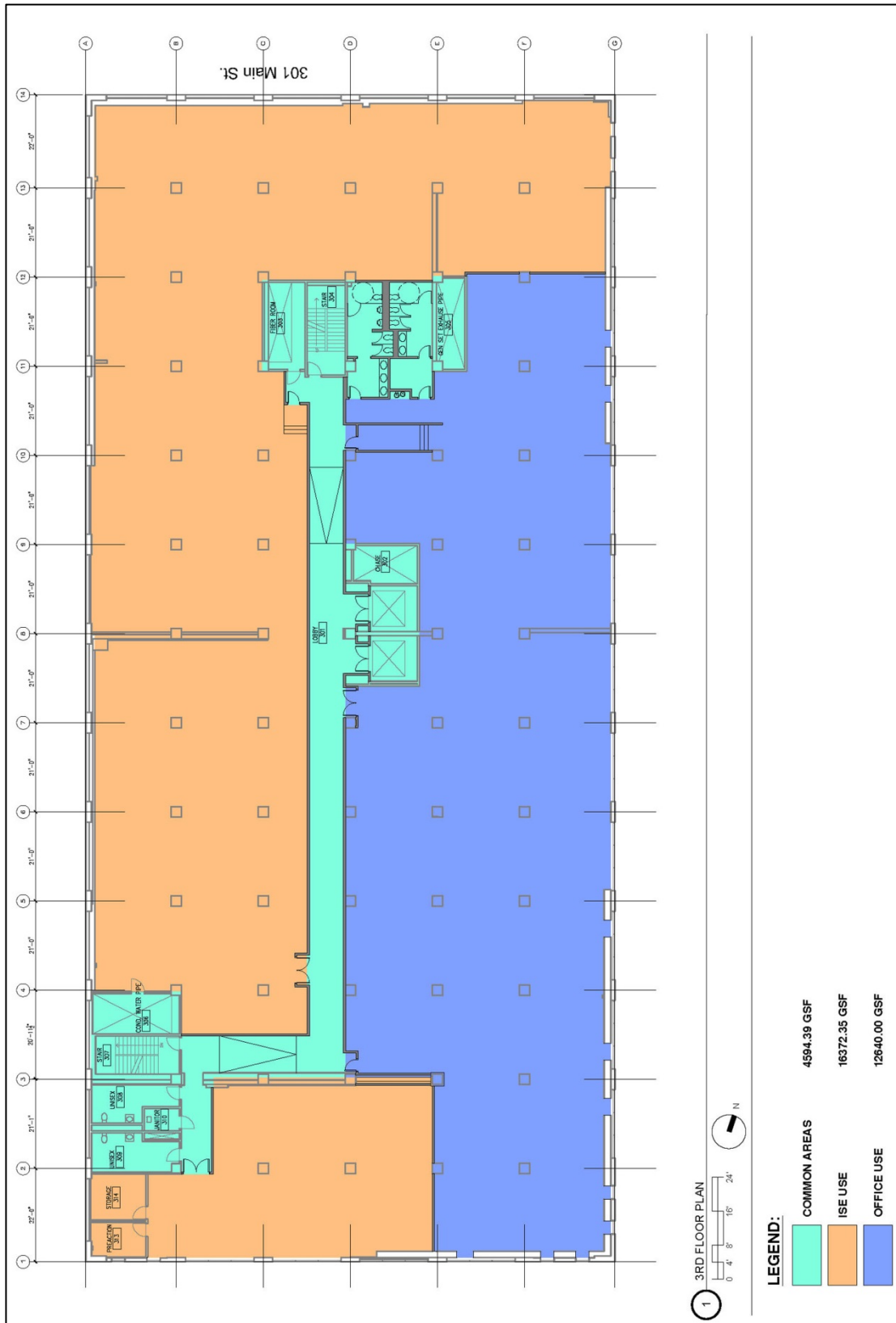


FIGURE 4. FOURTH FLOOR PLAN

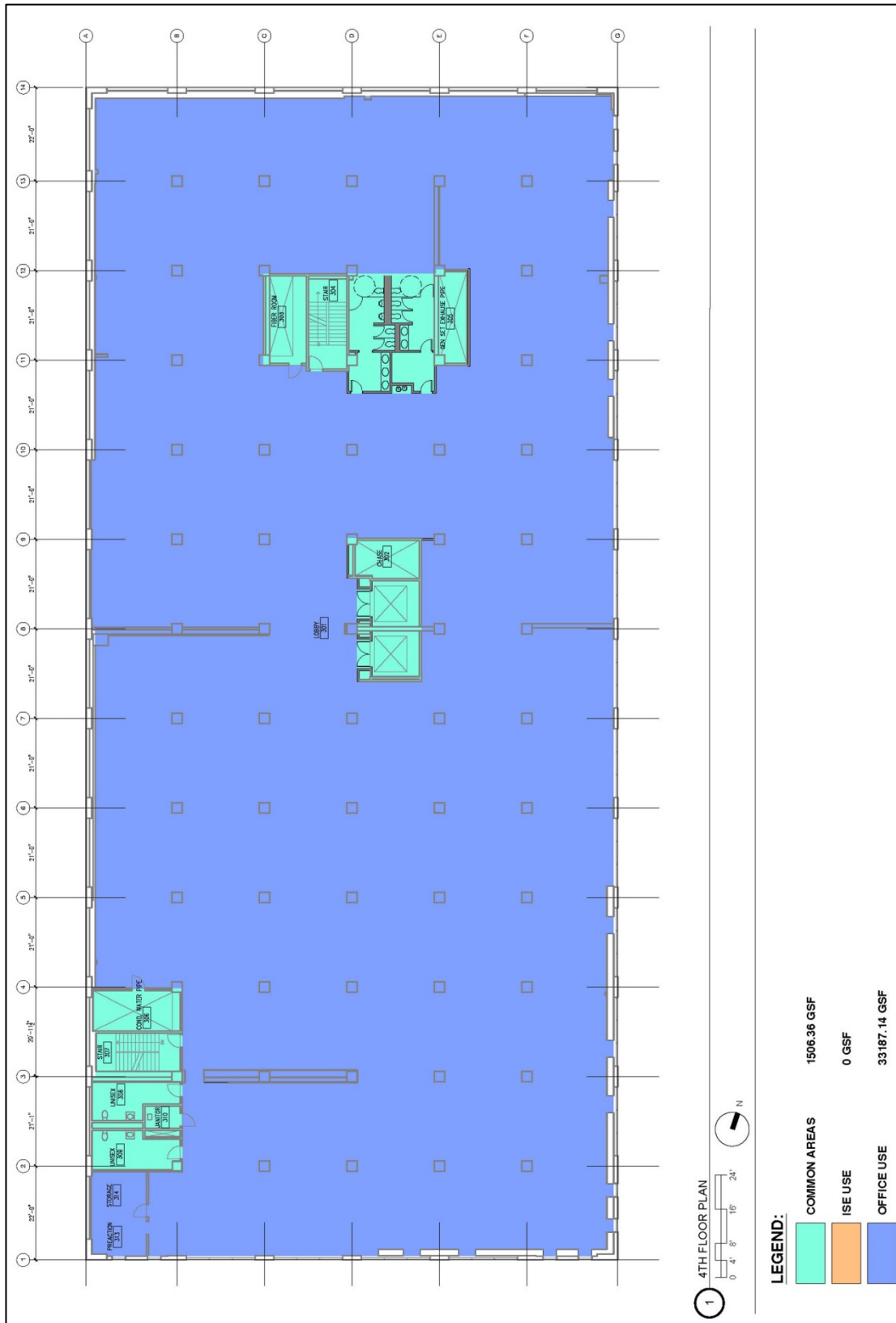


FIGURE 5. ROOFTOP PLAN

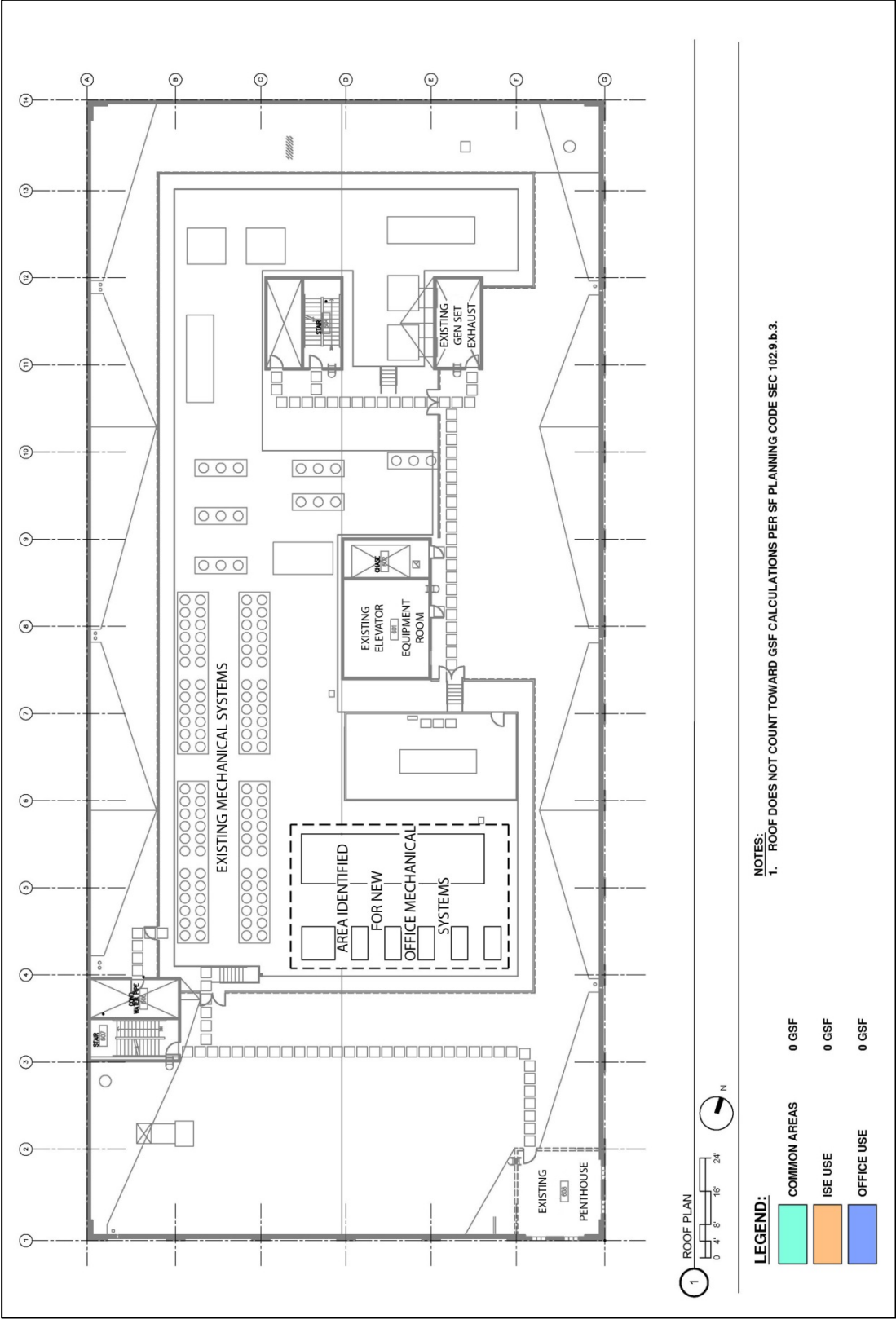


FIGURE 6. PROPOSED LOUVERS



EVALUATION OF ENVIRONMENTAL EFFECTS:

This Community Plan Exemption (CPE) Checklist evaluates whether the environmental impacts of the proposed project are addressed in the Programmatic Environmental Impact Report prepared for the *Rincon Hill Plan* (*Rincon Hill Plan FEIR* or *FEIR*).¹ Pursuant to CEQA Guidelines Section 15183, this CPE Checklist indicates whether the proposed project would result in significant impacts that: 1) are peculiar to the project or parcel on which the project would be located; 2) 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; 3) are potentially significant off-site and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or 4) are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such impacts 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 *Rincon Hill Plan FEIR* are discussed under each topic area. The *Rincon Hill Plan FEIR* identified significant program-level impacts related to transportation, air quality, wind, hazardous materials, and historical (archeological and architectural) resources. Additionally, the *Rincon Hill Plan FEIR* identified significant cumulative impacts related to transportation and cultural resources. Mitigation measures were identified for the above impacts and reduced all impacts to less-than-significant except for those related to transportation (program-level traffic impacts at three intersections and cumulative impacts at two intersections) and historical resources (program-level and cumulative impacts from demolition of three buildings identified as historic architectural resources).

The proposed project would include conversion of approximately 50,000 gsf of existing internet service exchange use part of the third and the entire fourth floor to office use as defined in Section 890.70 of the Planning Code. As discussed below in this 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 *Rincon Hill Plan FEIR*.

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:

¹ San Francisco Planning Department, *Rincon Hill Plan* Final Environmental Impact Report (*FEIR*), Planning Department Case No. 2000.1081E, State Clearinghouse No. 1984061912, certified May 5, 2005. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed June 11, 2015.

- 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 three criteria because it would be (a) within one-half mile of a several bus and street-car lines and BART; (b) located on a lot within an urban area that has been previously developed; and (c) an employment center. Thus, 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, and an assessment of parking demand is included in the Transportation section for informational purposes.

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² San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist for 360 Spear Street, June 18, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.1511E.

Topics:	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in FEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in FEIR</u>
<u>1. LAND USE AND LAND USE PLANNING—</u>				
<u>Would the project:</u>				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Have a substantial impact upon the existing character of the vicinity?	☐	☐	☐	☒

The *Rincon Hill Plan* included a number of legislative amendments that increased height limits and eliminated residential density limits for the purpose of encouraging the continued development of Rincon Hill as a primarily residential neighborhood. The *Rincon Hill Plan FEIR* analyzed the land use impacts of these legislative amendments and the development that would result from these legislative amendments. The high-density, high-rise residential development under the *Rincon Hill Plan* would be compatible with existing residential development in the local South of Market neighborhood and with development projects that have been proposed, approved, or are under construction in the project vicinity, including the Transit Center District Plan.³ Development under the *Rincon Hill Plan* would not physically divide an established community or have a substantial adverse impact on the character of the vicinity. Furthermore, the *Rincon Hill Plan FEIR* determined that the proposed rezoning would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to land use and land use planning, and no mitigation measures were identified.⁴

The division of an established community typically involves the construction of a physical barrier to neighborhood access, such as a new freeway, or the removal of a means of access, such as a bridge or a roadway. The proposed project would not construct a physical barrier to neighborhood access or remove an existing means of access, nor would it alter the established street grid or permanently close any streets or sidewalks. Although portions of the sidewalk adjacent to the project site could be closed for brief periods of time during project construction, these closures would be temporary in nature. As a result, the proposed project would not physically divide an established community.

³ San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final Environmental Impact Report*, Cases No. 2007.0558E and 2008.0789E, certified May 24, 2012, and San Francisco Board of Supervisors, Ordinances No. 182-12, 183-12, 184-12, and 185-12, adopted July 31, 2012. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

⁴ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 59-63.

The Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the RH-DTR District and is consistent with the bulk, density and land uses as envisioned in the Rincon Hill Plan.^{5,6}

The proposed office use is compatible with similar office uses in the local South of Market neighborhood. Because the proposed project is consistent with the development density established in the *Rincon Hill Plan*, implementation of the proposed project would not result in significant impacts that were not identified in the *Rincon Hill Plan FEIR* related to land use and land use planning, and no mitigation measures are necessary.

For these reasons, implementation of the proposed project would not result in significant impacts related to land use and land use planning, and no mitigation measures are necessary.

Topics:	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in FEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in FEIR</u>
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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Implementation of the Rincon Hill Plan was expected to increase the supply of housing within the Rincon Hill neighborhood by 3,650 to 4,900 dwelling units and the residential population by 5,000 to 6,700 people. These increases in the housing supply and population were consistent with the growth projections for San Francisco developed by the Association of Bay Area Governments, which is the regional planning agency responsible for developing growth estimates for Bay Area cities and counties. The Rincon Hill Plan would not displace existing housing units or residents, because the potential development sites were not occupied by residential uses. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the Rincon Hill Plan would not result in significant impacts related to population and housing, and no mitigation measures were identified.⁷

⁵ Susan Exline, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 360 Spear Street, 360 Spear Street, October 14, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

⁶ Elizabeth Watty, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 360 Spear Street, August 11, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

⁷ San Francisco Planning Department, Rincon Hill Plan FEIR, certified May 5, 2005, pp. 137-144.

The proposed project would convert about 50,000-sf of existing internet service exchange to office space. As such, the proposed project would add to the number of employees in the *Rincon Hill Plan* area. As noted in the Transportation and Circulation section below, and based upon an estimated one employee per every 276-sf of office space, the proposed project could add approximately 181 employees to the project site. An unknown percentage of these employees may choose to live (or may already live) in the *Rincon Hill Plan* area. Others may choose to live (or may already live) elsewhere in San Francisco or the San Francisco Bay Area. Based upon the average household size for Census Tract 615 of 1.77 persons per household,⁸ 181 employees would be expected to occupy approximately 102 dwelling units. As noted, the *Rincon Hill Plan FEIR* estimated that the population in the Plan area would increase from about 1,500 to between about 6,500 and 8,200 and, with adoption of the preferred option, that an additional 2,200 dwelling units would be added to the Plan area's housing (as of 2005). 181 employees would represent between two to three percent of the anticipated increase in the Plan area population of 6,500 to 8,200 people, and 102 units would be about 4.5 percent of the additional 2,200 dwelling units that would be added. Thus, even in the unlikely event that all the 181 employees chose to live in the *Rincon Hill Plan* area, the direct effects of the proposed project on population and housing would be within the scope of the population growth anticipated under the *Rincon Hill Plan* and evaluated in the *Rincon Hill Plan FEIR*. Therefore, the proposed project would not displace any housing and would not generate substantial housing demand for future employees.

For the above reasons, the proposed project would not result in significant impacts on population and housing that were not identified in the *Rincon Hill Plan FEIR*.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in FEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in FEIR</u>
3. CULTURAL AND PALEONTOLOGICAL				
<u>RESOURCES—Would the project:</u>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Historic Architectural Resources

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historic resources are buildings or structures that are listed, or eligible for listing, in the California Register of Historical Resources, or

⁸ American Community Survey 5-Year Estimates, Census Tract 615, Table B25010 Average Household Size of Occupied Housing Units by Tenure.

identified in a local register of historic resources, such as Articles 10 and 11 of the San Francisco Planning Code. As discussed in the *Rincon Hill Plan FEIR*, development anticipated under the *Rincon Hill Plan* would result in the demolition of historic resources identified as the buildings at 425 First Street, 347 Fremont Street and 375 Fremont Street.⁹ As a result, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would result in significant and unavoidable impacts to historic architectural resources.¹⁰ Mitigation measures identified in the *Rincon Hill Plan FEIR*, discussed below, would not reduce these impacts to less-than-significant levels. These impacts were addressed in a Statement of Overriding Considerations with Findings and adopted as part of the *Rincon Hill Plan* approval on May 5, 2005.

Rincon Hill Plan FEIR Mitigation Measures I.2a, I.2b, and I.2c are site-specific mitigation measures that apply to the development sites at 425 First Street, 347 Fremont Street, and 375 Fremont Street, respectively.¹¹ Therefore, these mitigation measures are not applicable to the proposed project. For other development sites not covered by Mitigation Measures I.2a, I.2b, and I.2c, Mitigation Measure I.2d, identified in the *Rincon Hill Plan FEIR*, requires a project sponsor to conduct a Historic American Building Survey of any historic resource proposed for demolition prior to demolishing said historic resource.¹² As discussed below, the project site does not include a historic resource that would be demolished as part of the proposed project and Mitigation Measure I.2d is not applicable to the proposed project.

The proposed project would involve remodeling of the interior third and fourth floors and the replacement of two windows with louvers on the fourth floor of a structure built in 1940. The 360 Spear Street building was designated 7R in the National Register, indicating it was identified in a reconnaissance-level survey but not evaluated. As such, the building is designated as a Category B historical resource pursuant to San Francisco Historic Preservation Bulletin No. 16.¹³ The proposed project was reviewed by a Preservation Technical Specialist and, given the small scale of the exterior alterations (replacing two windows on the fourth floor of the Spear Street facade with louvers), it was determined that the proposed louvers would not impact historic materials or features.¹⁴ The project site is not in an existing historic or conservation district and there are no proposed preservation districts that include the project site. The proposed project would not result in substantial adverse changes in the significance of a historic resource and would not contribute to the significant and unavoidable impacts identified in the *Rincon Hill Plan FEIR*.

Archaeological Resources

As discussed in the *Rincon Hill Plan FEIR*, the soils underlying the Rincon Hill neighborhood potentially contain archaeological resources that date back to the 1850s. Development anticipated under the *Rincon Hill Plan* would include substantial excavation for underground parking garages, building foundations, and potential remediation of subsurface hazardous materials. The *Rincon Hill Plan* identified three Archeological Mitigation Zones and the *Rincon Hill Plan FEIR* determined that implementation of the *Plan*

⁹ Since the certification of the *Rincon Hill Plan FEIR* in May 2005, the buildings at 425 First Street, 347 Fremont Street, and 375 Fremont Street have been demolished.

¹⁰ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 203-205.

¹¹ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 231.

¹² San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 232.

¹³ San Francisco Planning Department, San Francisco Preservation Bulletin No. 16, City and County of San Francisco Planning Department CEQA Review Procedures for Historic Resources. Available at:

¹⁴ Sucre, Richard, San Francisco Planning Department. *Preservation Team Review form, 360 Spear Street*. July 21, 2015.

could result in potentially significant impacts to archaeological resources. Accordingly, the *Rincon Hill Plan FEIR* identifies Mitigation Measure I.1 to reduce this potentially significant impact to a less-than-significant level. Under this mitigation measure, any development project that involves soils-disturbing activities is required to mitigate potential impacts on archaeological resources based on its location in one of three archaeological mitigation zones identified in the *Rincon Hill Plan FEIR*.¹⁵ The project site is in an area identified as Archeological Mitigation Zone 3, “in which it is believed there are no significant archaeological resources, or that those resources have been significantly disturbed, or that those resources have been investigated and those resources with significant research value removed and curated as the result of an archaeological data recovery program.”¹⁶ Mitigation for projects in Archeological Mitigation Zone 3 requires provision for accidental discovery of archeological resources through the distribution of the Planning Department’s ALERT sheet to any contractor involved with soils-disturbing work. For these reasons, the *Rincon Hill Plan FEIR* concluded that, with mitigation, implementation of the *Rincon Hill Plan* would result in less-than-significant impacts on archaeological resources.

The proposed project involves conversion of a portion of the third floor and the entire fourth floor from their current use as an internet service exchange to office use and does not involve any foundation or subsurface work or soil disturbance that could affect archeological resources. Therefore, the proposed project would not result in significant impacts on archeological resources that were not identified in the *Rincon Hill Plan FEIR*.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in FEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in FEIR
4. TRANSPORTATION AND CIRCULATION—				
<u>Would the project:</u>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☐	☒

¹⁵ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 227-231.

¹⁶ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. S40-41.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in FEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in FEIR
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, the Community Plan Exemption Checklist topic 4c is not applicable.

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would increase the residential population of the Rincon Hill neighborhood, thus increasing the number of daily person trips to and from the area. These net new person trips would be distributed among different modes of transportation, including automobile, transit, bicycle, and walking. The *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would result in significant traffic impacts on levels of service at nearby intersections but would not result in significant impacts on public transit, loading, or pedestrian and bicycle conditions.¹⁷

The *Rincon Hill Plan FEIR* identified three mitigation measures for addressing the significant traffic impacts on levels of service at nearby intersections and improving the operating conditions at those intersections. Mitigation Measures C.1a, C.1b, and C.1c are specific to three different intersections at Beale and Folsom, Main and Folsom, and Spear and Folsom, respectively. The mitigation measures call for specific configurations at each of these intersections (the number of westbound and eastbound lanes, the prohibition of left turns, the use of left- and right-turn pockets, etc.).¹⁸

The proposed project entails conversion of approximately 50,000 gsf of an existing internet service exchange to office use on part of the third and the entire fourth floors. The building's existing 11 parking spaces (two of which are for van loading and unloading and two of which are accessible van spaces) and the loading dock would not be modified in connection with the proposed conversion. The current internet service exchange use would otherwise continue in those portions of the building that are not proposed for conversion.

Conversion of the interior spaces and installation of the louvers and roof-top mechanical equipment are anticipated to take about four months. Construction of the proposed project would not involve major construction activities or require use of large pieces of equipment (e.g., front loaders, graders and excavators) and substantial quantities of material. Portable construction equipment would be staged on the third and fourth floors; demolished materials would be carted to the ground floor and removed by dump truck. All construction would occur in compliance with applicable traffic regulations and permits for construction activities.

Once built, the proposed project would generate new vehicle, transit, bicycle, and pedestrian trips compared to existing conditions. As discussed below, these new trips would not result in significant impacts on or exceed the capacity of intersections, public transit services, or sidewalks. Implementation of

¹⁷ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 134.

¹⁸ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 223.

the proposed project would not conflict with any applicable plans, ordinances, or policies establishing measures of effectiveness for the performance of the circulation system and would not conflict with adopted plans, policies, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Trip Generation

Trip generation (vehicular, public transit, bicycling, walking) and parking and loading demand resulting from the proposed project were calculated using information in the 2002 *Transportation Impact Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.¹⁹ Based upon 2008-2012 American Community Survey travel data for Census Tract 615, the proposed project would generate an estimated 905 person trips (inbound and outbound) on a weekday daily basis, consisting of 335 person trips by auto, 316 person trips by transit, 209 person trips by walking and 45 person trips by other modes. 30 of the 335 person trips by auto would occur during the p.m. peak hour.

Traffic

Traffic in the project vicinity is significantly influenced by commuter travel to the downtown area from Interstate 80 and the Bay Bridge. Table 1 below provides the most recently available LOS for intersections within 800 feet of the project site.

Table 1. Existing and Cumulative LOS at Intersections Within 800 Feet of the Project Site

Intersection	Existing		Cumulative		Source (EIR/Study)
	LOS	Year	LOS	Year	
Beale/Folsom	NA		F	2030	San Francisco Transit Center District Plan ¹
Embarcadero/Folsom	D	2011	F	2030	San Francisco Transit Center District Plan
Embarcadero/Folsom	D	2011	F	2030	San Francisco Transit Center District Plan
Harrison Street/Main Street	E	2011	E	2030	105 Harrison Street Transportation Study ²
Harrison Street/The Embarcadero	D	2008	F	2030	105 Harrison Street Transportation Study
Main/Folsom	NA		F	2030	San Francisco Transit Center District Plan
Spear/Folsom	NA		F	2030	San Francisco Transit Center District Plan
Spear/Harrison	D	2011	E	2030	San Francisco Transit Center District Plan

¹San Francisco Transit Center District Plan FEIR. San Francisco Planning Department, Planning Case No. 2007.0558E and 2008.0789E, State Clearinghouse No. 20080072073, certified May 24, 2012. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>.

²105 Harrison Street Transportation Study. This study available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

During the weekday afternoon/evening (p.m.) peak hour, the proposed project would generate about 18 new vehicle trips. These new vehicle trips would not be sufficient in number to degrade the current levels of service (LOS) at nearby intersections such that they would change from LOS D or better to LOS E or LOS F or from LOS E to LOS F. Similarly, the effect of 18 new p.m. peak hour vehicle trips would not be significant in regards to the cumulative LOS for 2030. For these reasons, implementation of the proposed project would not conflict with a congestion management plan, including level of service standards and travel demand measures, and impacts related to traffic would be less than significant.

¹⁹ San Francisco Planning Department, Transportation Calculations for 360 Spear Street, March 27, 2015. These calculations are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

While the proposed project would not result in any significant traffic impacts that were not previously identified in the Rincon Hill FEIR, Project Improvement Measure 1 (Transportation Demand Measures), discussed on page 42, could be implemented to further reduce the less-than-significant traffic impact of the proposed project. Improvement Measure 1 includes three transportation demand measures intended to reduce vehicle trips generated by the proposed project by encouraging the use of rideshare, transit, bicycle, and walk modes for trips to and from the project site.

Transit

The proposed project would generate about 36 new transit trips during the weekday p.m. peak hour. The project site is within one-half mile of a number of bus and light services, including five San Francisco Municipal Transit Authority bus lines and all of the Municipal Railway's light rail lines on Market Street. It is also within a 2,000-foot-walk of the Transbay Terminal and a half-mile-walk from the BART Embarcadero station. The addition of 36 transit trips would not exceed the capacity of local transit or regional service. This impact would be less than significant.

Pedestrian

The proposed project would generate about nine new pedestrian trips during the weekday p.m. peak hour. The project site is located within an established pedestrian network comprised of continuous sidewalks, curb-ramps and painted crosswalks at stop-controlled or signalized intersections. The sidewalk in front of the project site (on Spear Street) is about 10 feet wide with an additional 20 feet of landscaped space before reaching the street. Other sidewalks within two blocks of the project site are 10 to 15 feet wide. Based on field observations made during the p.m. rush hour on September 29, 2015 and the a.m. rush hour on September 30, 2015, no overcrowding or obvious pedestrian-related deficiencies were observed in front of or in the vicinity of the project site. The nine new pedestrian trips generated by the proposed project could be accommodated by the existing sidewalks and crosswalks near the project site and would not substantially affect pedestrian flows. Impacts relating to pedestrian crowding and safety would be expected to be less than significant with construction and operation of the proposed project.

Bicycle

The project site is within 500 feet of bicycle lanes on Beale and Folsom Streets and The Embarcadero that connect to the citywide bicycle system. Since the project site is within convenient bicycling distance from downtown San Francisco and major transit hubs, it is anticipated that a portion of the new person trips during the weekday p.m. peak hour would be made by bicycle. 10 Class 1 bicycle spaces, two showers, and 12 clothes lockers are proposed to be added on the ground floor of the project site in compliance with the requirements of Planning Code Section 155.2 and 155.4. Due to the limited number of on-site vehicle parking spaces, it is not anticipated that the new vehicle trips generated by the proposed project would result in substantial conflicts between vehicles and bicycles on Spear Street or otherwise affect bicycle travel in the area. Impacts relating to bicycling crowding and safety would be expected to be less than significant with construction and operation of the proposed project.

Loading

The existing 360 Spear building has two loading docks in the ground floor garage with an entry on the Spear Street side. Loading space is also available in the ground floor parking areas. The proposed project would generate demand for less than one peak hour and an average of one truck trip per day. Impacts

resulting from loading that might relate to pedestrian hazards, traffic congestion and truck queues would be less than significant.

Emergency Access

The proposed project would not change the travel lanes along Spear Street or result in significant traffic congestion and emergency vehicle access to the project site would remain unchanged from existing conditions. Implementation of the proposed project would not result in inadequate emergency vehicle access, and this impact would be less than significant.

Construction

The Rincon Hill area as a whole is currently experiencing high levels of construction, due to various office and mixed-use development, which leads to the temporary closure of some nearby travel lanes and on-street parking spaces. Construction impacts on traffic and circulation are specific to individual development projects and are generally not considered significant due to their short-term, temporary nature. In order to minimize traffic congestion related to construction activities, the *Rincon Hill Plan FEIR* identified one improvement measure applicable to all future development projects in the Rincon Hill neighborhood. Improvement Measure C.2 calls for construction contractors to meet with appropriate City agencies to determine feasible measures for reducing traffic congestion during construction periods. In order to meet the temporary parking demand from construction workers, Improvement Measure C.2 calls for construction contractors to provide parking either on-site or within other off-site parking facilities.²⁰

As noted, construction would take about four months and primarily involve interior alterations. Given the relatively small size of the proposed project and short duration for its construction, impacts related to construction would be less than significant. Staging of equipment, material and construction crew vehicles would occur along Spear Street or within the ground-level garage and no closure of sidewalks, travel lanes or Muni bus stops is anticipated. However, if temporary travel lane, parking lane or sidewalk closures are needed, they would be coordinated with the City in order to minimize the impacts on local traffic. In general, lane and sidewalk closures are subject to review and approval by the interdepartmental Transportation Advisory Staff Committee (TASC) that includes the Police, Public Works, Planning, and Fire Departments and the San Francisco Municipal Transit Agency. The construction management plan reviewed by the TASC would address issues of circulation (traffic, pedestrians, and bicycle), safety, parking, and other project construction in the area. Throughout the construction period, construction-related trucks would be required to use designated freight traffic routes to access the project site. In this manner, the project sponsor would comply with Improvement Measure C.2. Construction truck traffic could result in minor congestion and conflicts with vehicles, transit, pedestrians and bicyclists using the surrounding streets. However, such minor congestion and conflicts would be temporary and periodic and would not result in a significant safety hazard or other impact upon transportation and circulation.

Parking

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

²⁰ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 224.

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.

As noted above on page 3, the proposed project meets each of the above three criteria because it would be (a) within one-half mile of a number of bus and street-car lines and BART; (b) located on a lot within an urban area that has been previously and intensively developed; and (c) an employment center.²¹ Thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA. However, the Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this determination presents a parking demand analysis for informational purposes.

As noted, the proposed project does not include any new off-street parking. Pursuant to Planning Code Sections 151.1 and 827.33, off-street parking spaces for office uses in the RH-DTR zoning district are not required. However, it should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought.

The parking demand for the new office use associated with the proposed project was determined using the methodology presented in the Transportation Guidelines. On an average weekday, the demand for parking was estimated to be 54 spaces. As the project would not provide any off-street parking spaces, and the existing 11 spaces are, for this analysis, presumed to be used, there would be an unmet demand of an estimated 54 spaces. At this location, the unmet parking demand could be accommodated by existing on-street and off-street parking spaces within a reasonable distance of the project site. Additionally, the project site is well served by public transit and bicycle facilities. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays would be created.

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

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and

²¹ San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist for 360 Spear Street, June 18, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.1511E.

biking), would be in keeping with the City's "Transit First" policy and numerous San Francisco General Plan Policies, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who, aware of constrained parking conditions in a given area, choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, would reasonably address potential secondary effects. Given that the unmet demand of 54 spaces could be met by existing facilities and that the proposed project site is well-served by transit and bicycle facilities, the proposed project's parking shortfall would not result in significant delays or hazardous conditions.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in FEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in FEIR</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?	☐	☐	☐	☒
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
g) Be substantially affected by existing noise levels?	☐	☐	☐	☒

The project site is not located within an area covered by an airport land use plan, within two miles of a public airport or a public use airport, or in the vicinity of a private airstrip so the proposed project would not expose people residing or working at the project site to excessive noise levels. Noise Topics (f) and (g) are therefore not analyzed for the proposed project.

As discussed in the *Rincon Hill Plan FEIR*, background noise levels in the Rincon Hill neighborhood are typical of most urban areas and dominated by vehicular traffic noise as well as activities associated with the high density of uses. Noises generated by residential and commercial uses are common and generally accepted in urban areas. Traffic noise generated on the Bay Bridge is the most pervasive noise source in the vicinity of the project site. The Environmental Protection Element of the *General Plan* contains Land Use Compatibility Guidelines for Community Noise (Noise Guidelines).²² The Noise Guidelines, which are similar to state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable ambient noise levels for various newly developed land uses. The Noise Guidelines recommend that new construction or development for offices should be undertaken only after a detailed analysis of noise reduction requirements is made in areas where sound levels are between 65 and 75 Ldn. Noise mapping by the Department of Public Health indicates that traffic noise levels on the Spear and Harrison Street frontages of the project site are between 65 and 75 Ldn. However, the proposed project would involve interior modifications and exchange of two windows with louvers and does not involve new construction or development. Therefore, the Noise Guidelines recommendation for a detailed noise analysis would not apply.

For all potential development that could occur under the Rincon Hill Plan, Mitigation Measure 1, identified in the *Rincon Hill Plan FEIR*, requires piles to be pre-drilled whenever feasible and sonic or vibratory pile drivers to be used instead of impact pile drivers, unless impact pile drivers are absolutely necessary. As the proposed project would not involve pile driving or any soils disturbance, Mitigation Measure 1 would not apply.

The nearest sensitive receptors to the project site are the residences at the adjacent condominium towers (the Infinity Towers) and the 46 live-work units across Harrison Street (101 Harrison Street). The south Infinity Tower (at 300 Spear Street) is the worst-case receiver, as it is closest to and taller than the project site.

Construction Noise

Construction activities for the proposed project would primarily occur inside the building, in addition to installation of the two louvers and the mechanical equipment on the roof. Noise from construction activities and from the operation of building equipment is also regulated by the San Francisco Noise Ordinance (Noise Ordinance). Section 2907 of the Noise Ordinance requires that noise levels from any individual piece of construction equipment, other than impact tools, not exceed 80 decibels (dBA) at a distance of 100 feet from the source. Section 2908 of the Noise Ordinance prohibits construction between 8:00 p.m. and 7:00 a.m. and if noise would exceed the ambient noise level by 5 dBA at the project site's property line, unless a special permit is authorized by the Department of Building Inspection or, if work is in the public right-of-way, by the Department of Public Works.

²² *San Francisco General Plan*. Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise, http://www.sf-planning.org/ftp/general_plan/I6_Environmental_Protection.htm. Accessed January 7, 2014.

No foundation or excavation work would occur and no heavy equipment would be required. Therefore no impacts related to vibration are expected. The relatively minor and temporary scope of work and compliance with Sections 2907 and 2908 of the Noise Ordinance would minimize noise from construction activities and reduce potential construction noise impacts to a less-than-significant level, including noise impacts on the sensitive receptors living in residential uses in the immediate vicinity.

Operational Noise

Two sections of the Noise Ordinance would apply to the project site once the proposed project has been built. Section 2909(b) of the Noise Ordinance provides a limit of 8 dBA above ambient at the property plane to noise from commercial and industrial properties. Section 2909(d) of the Noise Ordinance provides fixed interior residential noise limits of 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. and 55 dBA between the hours of 7:00 a.m. and 10:00 p.m.

Noise from the proposed project would occur with the office use itself and from the rooftop mechanical equipment. Interior noise from the proposed office use is not expected to be audible outside the building. However, noise from the rooftop mechanical equipment would be audible to some of the surrounding (sensitive receptor) residences. Notably, the upper residences on the eastern and southern sides of the Infinity Tower adjacent to the project site (and, to a lesser extent, the east and south facing residences in the second tower), have clear lines-of-sight to the rooftop equipment. As discussed, the proposed project would include installation of mechanical equipment on the south end of the building's rooftop, specifically:

- Five (5) Colmac HPA 12-ton heat pumps
- One (1) Trane RTAE 160-ton air-cooled chiller
- One (1) Lau Industries 1100 cfm exhaust fan.

The mechanical equipment would be located along with other rooftop equipment at the project site, including existing HVAC units and water-cooled ventilation systems (referred to as "chillers") used to cool servers working in the internet service exchange facilities in the floors below. The mechanical equipment would be located on the southeast side of the proposed structure's rooftop and is indicated within the dashed rectangle in Figure 5 that is annotated "AREA IDENTIFIED FOR NEW MECHANICAL SYSTEMS."

During the public comment period for the proposed project (from July 13 to August 3, 2015) staff received an email from a local resident of the neighboring Infinity Towers expressing concern regarding additional noise from the proposed mechanical equipment. In the past, Infinity Tower residents have filed complaints with the City concerning noise from the HVAC and chiller equipment atop the existing project building. The Department of Public Health has investigated these complaints and monitored sound at the Infinity Towers on those sides facing the project site. In correspondence with Planning staff, the Department of Public Health noted that the measured noise level at 360 Spear Street property plane was seven to eight decibels (dB) above ambient (over eight dB is a violation of Section 2909(b) of the Noise Ordinance) and the measured noise level in one of the Infinity Towers residences was 43 to 44 dB (over 45 dB is a violation for night noise per Section 2909(d) of the Noise Ordinance).²³ Given the existing noise from rooftop equipment, the addition of the proposed mechanical equipment may result in

²³ Email from Johnathan Piakis, Department of Public Health, to Chris Thomas, Planning Department. July 27, 2015.

nighttime noise impacts upon neighboring residents (in particular, those of the Infinity Towers that reside at a height above the project site roof). Noise from rooftop equipment is typically abated by use of a sound-absorbing wall. In this instance, however, such a wall would have to be tall enough to block sound to those units on the east side of the 350 to 450-foot-tall Infinity Towers that are above the approximately 76-foot-tall elevation of the project building (that is, those units with direct lines-of-sight to the project building's rooftop). The height of such a wall would not be feasible to construct.

The proposed equipment is considerably quieter than the existing equipment on the roof. The proposed Trane RTAE 160-ton air-cooled chiller, which is the loudest and largest piece of equipment proposed for the project, emits 63 dBA at a distance of 30 feet. One of the existing York chillers emits 76.5 dBA at a distance of 30 feet and there are currently four chillers on the roof. One of the Colmac heat pumps emits 57 dBA at a distance of 30 feet and the proposed five pumps would generate 64 dBA at a distance of 30 feet. The five Colmac heat pumps combined with the Trane RTAE chiller would emit 66.5 dBA at a distance of 30 feet – 10 dBA below the noise emitted by one of the existing York chillers. A 10 dB change in sound level is perceived to be twice as loud.²⁴

Although the proposed mechanical equipment is quieter than the existing rooftop equipment, the noise it would create could combine with the existing rooftop equipment to create a cumulative noise impact for the nearest sensitive receptors in the Infinity Towers (that is, an interior exceedance of 45 dBA). Accordingly, a Rooftop Equipment Noise Study (Noise Study) was prepared for the proposed project to evaluate existing ambient noise levels and those noise levels that would result with installation of the proposed project's rooftop mechanical equipment.²⁵ As indicated in Table 2 below, the ambient noise level for the project site rooftop was determined to be 65 dBA during the daytime (7 am to 10 pm) and 61 dBA during the nighttime (10 pm to 7 am). Pursuant to Noise Ordinance Section 2909(b), this results in limits of 73 dBA and 69 dBA at the property plane during the daytime and nighttime, respectively. The existing equipment noise level at the property plane, determined to be 65 dBA, complies with these limits.

Table 2. Ambient Measurement Results and Project Noise Criteria

Time of Day	Measured Ambient Noise Level (dBA)	Section 2909(b) Criteria (Ambient + 8 dBA)	Existing Equipment Noise Level	Complies with Section 2909(b)?
Daytime (7 am – 10 pm)	65	73	65	Yes
Nighttime (10 pm – 7 am)	61	69	65	Yes

Source: Table 1, 360 Spear Street Data Center 3rd and 4th Floor Offices Rooftop Equipment Noise Study, HDR Architecture. September 23, 2015

²⁴ Email from Randy Waldeck, PE and Principal, Acoustics, CSDA Design Group, to Chris Thomas, Planning Department. November 2, 2015.

²⁵ 360 Spear Street Data Center 3rd and 4th Floor Offices Rooftop Equipment Noise Study, HDR Architecture. September 23, 2015.

Noise levels from the existing rooftop equipment, the proposed equipment and cumulative noise levels (noise from the existing plus the proposed equipment) were determined using three-dimensional noise modeling software (CadnaA) and are provided in Table 3 below. As indicated in Table 3, the equipment operating alone would result in a noise level of 53 dBA at the south Infinity Tower while the existing equipment and the proposed equipment operating together would result in a noise level of 65 dBA at the south Infinity Tower. These levels, which are beyond the project site property plane, are below the Section 2909(b) daytime and nighttime thresholds of 73 dBA and 69 dBA, respectively. Potential project and cumulative effects from the proposed project therefore comply with Noise Ordinance Section 2909(b).

Table 3. Calculated Data Center Noise Levels at the South Infinity Tower (Worst-Case Receiver)

Time of Day	Existing Rooftop Equipment Noise Level (dBA)	3 rd /4 th Floor Office Equipment Noise Level (dBA)	Cumulative (Existing + Proposed) Noise Level (dBA)	Criteria (dBA)	Complies with Section 2909(b)?
Daytime (7 am – 10 pm)	65	53	65	73	Yes
Nighttime (10 pm – 7 am)	65	53	65	69	Yes

Source: Table 2, 360 Spear Street Data Center 3rd and 4th Floor Offices Rooftop Equipment Noise Study, HDR Architecture.
September 23, 2015

In regards to the Noise Ordinance Section 2909(d) interior noise limitation of 45 dBA, the Noise Study also determined that the façade of the Infinity Towers provides 30 to 35 dBA of noise reduction for its interior dwelling units when windows are closed. In order to meet the Section 2909(d) interior residential noise limit of 45 dBA at the nearest sensitive receptor in the Infinity Towers, cumulative noise from the proposed project equipment plus the existing rooftop equipment could not exceed 75 dBA at the south Infinity Tower façade nearest to the project site (that is 75 dBA – 30 dBA = 45 dBA). Again, as indicated by Table 3, the potential project and cumulative noise levels resulting from the proposed project would not exceed a noise level of 75 dBA at the south Infinity Tower. The proposed project would therefore comply with Noise Ordinance Section 2909(d).

For these reasons, implementation of the proposed project would not result in significant noise impacts and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*.

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

The *Rincon Hill Plan FEIR* identified potentially significant air quality impacts related to construction activities that may cause wind-blown dust and pollutant emissions; roadway-related air quality impacts on sensitive land uses; and the siting of uses that emit diesel particulate matter (DPM) and toxic air contaminants (TACs) as part of everyday operations. The *Rincon Hill Plan FEIR* identified two mitigation measures that would reduce air quality impacts to less-than-significant levels. *Rincon Hill Plan FEIR Mitigation Measure E.1* requires individual projects that include construction activities to include dust control measures and maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. *Rincon Hill Plan FEIR Mitigation Measure E.2* addresses criteria air pollutant impacts resulting from a project's operation by requiring any of a variety of transportation demand measures to reduce the amount of pollutants associated with commuting by single-occupancy vehicles.

Construction Dust Control

Subsequent to the certification of the *Rincon Hill Plan FEIR*, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of 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 DBI. As most of the construction work for the proposed project would occur inside the building and there would be no excavation, significant quantities of construction-related dust would not be expected. However, to the extent required by the Department of Building Inspection (DBI), the project sponsor and contractor would be responsible for controlling construction dust on the site through a combination of covering stockpiled materials, street and sidewalk sweeping and other measures. Given the relatively small size of the proposed project and compliance with the Construction Dust Control Ordinance, impacts related to construction dust are expected to be less than significant.

Criteria Air Pollutants

Also subsequent to the certification of the *Rincon Hill Plan FEIR*, the Bay Area Air Quality Management District (BAAQMD), the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), provided updated 2011 BAAQMD CEQA Air Quality Guidelines (Air Quality

Guidelines)²⁶ with new methods for analyzing air quality impacts, including construction activities. The Air Quality Guidelines provide screening criteria for determining whether a project's criteria air pollutant emissions may violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. If a project meets the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of their proposed project's air pollutant emissions and construction or operation of the proposed project would result in a less-than-significant air quality impact. The conversion of approximately 50,000-gsf of an existing internet service exchange to offices is well below the BAAQMD screening levels of 277,000 sf for construction and 346,000 sf for operation of office space. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

Health Risk

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-term duration) and acute (i.e., severe but short-term duration) adverse effects to human health, including carcinogenic effects. For determining potential health risk impacts resulting from TACs, San Francisco has partnered with the BAAQMD to inventory and assess air pollution exposure from mobile, stationary, and area sources within San Francisco and identify portions of the City where there are additional health risks for affected populations (Air Pollutant Exposure Zones). Air Pollutant Exposure Zones were identified based on two health-based criteria:

- (1) Excess cancer risk from all sources > 100; and
- (2) PM_{2.5} concentrations from all sources including ambient >10µg/m³.

Sensitive receptors²⁷ within these Air Pollutant Exposure Zones are more at risk for adverse health effects from exposure to substantial air pollutant concentrations than sensitive receptors located outside these Air Pollutant Exposure Zones. These locations (i.e., within Air Pollutant Exposure Zones) require additional consideration when projects or activities have the potential to emit toxic air contaminants (TACs), including diesel particulate matter (DPM) emissions from temporary and variable construction activities.

Subsequent to certification of the *Rincon Hill Plan FEIR*, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014)(Article 38). The purpose of Article 38 is to protect the public health and welfare by imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. The Air Pollutant Exposure Zone as defined in Article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM_{2.5} concentration, cumulative excess cancer risk, and incorporates health

²⁶ Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, updated May 2011.

²⁷ The BAAQMD considers sensitive receptors as: children, adults or seniors occupying or residing in: (1) residential dwellings, including apartments, houses, condominiums, (2) schools, colleges, and universities, (3) daycares, (4) hospitals, and (5) senior care facilities. Bay Area Air Quality Management District (BAAQMD), *Recommended Methods for Screening and Modeling Local Risks and Hazards*, May 2011, p. 12.

vulnerability factors and proximity to freeways. Projects within the Air Pollutant Exposure Zone 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 located within an identified Air Pollutant Exposure Zone; therefore, the ambient health risk to sensitive receptors in the project vicinity from air pollutants is considered substantial. However, most of the construction work for the proposed project would occur inside the building and not involve the use of heavy equipment that could emit diesel particulate matter and other TACs. Installation of the louvers on the fourth floor façade and installation of the mechanical equipment on the roof would require the use of a crane. However, a crane would be necessary for this exterior work for two to three days only. The use of one piece of heavy equipment for two to three days would not result in a significant health impact to surrounding sensitive receptors. Therefore, the ambient health risk to sensitive receptors in the vicinity of the project site is not considered substantial.

Siting Sensitive Land Uses

The proposed project involves the conversion of approximately 50,000-gsf of existing interior space devoted to internet service facilities to office use; office use is not considered a sensitive land use by Article 38 or BAAQMD. Therefore, there would be no impact with regard to a health risk due to the siting of a sensitive land use.

Siting New Sources

The proposed project does not involve the siting of a new source of TACs such as a diesel generator. The proposed project would not generate truck trips beyond the average of one truck trip per day noted under Loading in Section 4 above. Therefore, the proposed project would not contribute to a health risk for nearby sensitive receptors as a result of siting new TAC-emitting sources.

The proposed project does not involve sensitive receptors, or activities or equipment that would produce significant quantities of TACs that would pose a health risk to neighboring sensitive receptors. Therefore the proposed project would not result in a significant impact with regards to health risks.

Conclusion

For the above reasons, the proposed project would not result in significant impacts related to air quality and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*. No mitigation measures are necessary. Mitigation Measure E.1, identified in the *Rincon Hill Plan FEIR* and discussed above, has been superseded by the Construction Dust Control Ordinance and is not applicable to the proposed project.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in FEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in FEIR</u>
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?	☐	☐	☐	☒
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

The State CEQA Guidelines were amended in 2010 to require an analysis of a project's greenhouse gas (GHG) emissions on the environment. The *Rincon Hill Plan FEIR* was certified in 2005 and did not analyze the effects of GHG emissions associated with buildout in the Plan area. 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 GHG reduction goals for the year 2020. The proposed project was determined to be consistent with San Francisco's GHG Reduction Strategy,²⁸ which is comprised of regulations that have proven effective in reducing San Francisco's overall GHG emissions. 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, AB 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020.²⁹ Other existing regulations, such as those implemented through Assembly Bill (AB) 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.

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

Wind

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would result in the construction of high-rise buildings that have the potential to alter wind in a manner that substantially affects public areas. The *Rincon Hill Plan FEIR* analyzed the wind impacts from potential development

²⁸ San Francisco Planning Department. *Compliance Checklist for Greenhouse Gas Analysis*, 360 Spear Street, July 8, 2015. This document is available for review as part of Case File No. 2013.1305E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

²⁹ Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan set a target of reducing GHG emissions to below 1990 levels by year 2020.

that could occur under the *Rincon Hill Plan*. The analysis of the *Rincon Hill Plan* was based on specific project designs where such information was available and on massing models where no specific project had been proposed. Development anticipated under the *Rincon Hill Plan* was found to have the potential to create new exceedances of the wind hazard criterion established in the Planning Code. Since development projects that create new exceedances of the wind hazard criterion cannot be approved, new exceedances must be eliminated through design modifications or the implementation of wind reduction measures (i.e., the installation of landscaping, trellises, windscreens, etc.). In order to ensure that implementation of the *Rincon Hill Plan* would not result in significant wind impacts, Mitigation Measure G.1, identified in the *Rincon Hill Plan FEIR*, requires the City to adopt Planning Code controls on wind speeds for the RH-DTR District that are, at a minimum, functionally equivalent to the controls contained in Planning Code Sections 148 and 249.1(a)(3).³⁰ A legislative amendment was adopted to add Section 825(d) to the Planning Code, which establishes regulations related to ground-level wind currents in the RH-DTR District. Each development project proposed under the *Rincon Hill Plan* is required to comply with the provisions of Planning Code Section 825(d). The potential wind impacts of each individual project would have to be assessed, and if it is determined that any individual project would result in exceedances of the wind hazard criterion, design modifications or wind reduction measures would have to be implemented to eliminate those exceedances. For these reasons, the *Rincon Hill Plan FEIR* concluded that, with mitigation, implementation of the *Rincon Hill Plan* would result in less-than-significant wind impacts.³¹

The proposed project does not involve an increase in the height or a change in the bulk of the existing building and would therefore have no impact upon wind in the project vicinity.

Shadow

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would result in the construction of high-rise buildings that have the potential to cast net new shadow in a manner that substantially affects outdoor recreation facilities and other public areas. The *Rincon Hill Plan FEIR* analyzed the shadow impacts from potential development that could occur under the *Rincon Hill Plan*. The analysis of the *Rincon Hill Plan* was based on specific project designs where such information was available and on massing models where no specific project had been proposed. Development anticipated under the *Rincon Hill Plan* would not cast net new shadow on any properties under the jurisdiction of the Recreation and Park Commission, but it would cast net new shadow on other public open spaces,³² privately owned publicly accessible open spaces (POPOs), and public sidewalks. This net new shadow would not be in excess of what is common and generally expected in densely developed urban environments. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant shadow impacts, and no mitigation measures were identified.³³

In 1984, San Francisco voters approved an initiative known as “Proposition K, The Sunlight Ordinance,” which was codified in 1985 as Planning Code Section 295. Section 295 prohibits the approval of “any structure that would cast any shade or shadow upon any property under the jurisdiction of, or

³⁰ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 227.

³¹ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 177-179.

³² Other public open spaces are those that are under the jurisdiction of public agencies other than the Recreation and Park Commission, such as the Port of San Francisco.

³³ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 160-174.

designated for acquisition by, the Recreation and Park Commission” unless the Planning Commission, with review and comment by the Recreation and Park Commission, has found that the shadows cast by a proposed project would not have an adverse impact on the use of the property.

Again, the proposed project does not involve an increase in the height of the existing building and would therefore have no effect in regards to shadowing of open spaces in the project vicinity.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in FEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in FEIR
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?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒
c) Physically degrade existing recreational resources?	☐	☐	☐	☒

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would increase the demand for recreation facilities. Proposed development in the Rincon Hill neighborhood is considered infill development (i.e., it would occur in an area of San Francisco that is already developed and already served by existing recreation facilities). The added growth and increased demand for recreation facilities would be consistent with planned service levels and capacity. In addition, the *Rincon Hill Plan* requires developers to provide one square foot of public open space for every 50 square feet of nonresidential use. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on recreation facilities, and no mitigation measures were identified.³⁴

The Embarcadero Promenade, a three-mile-long waterfront pedestrian promenade that extends from Fisherman’s Wharf to China Basin that is used for both active and passive recreation, is approximately 500 feet north of the project site. Several privately owned but publically accessible parks are within one-half mile of the project site. More distant recreation facilities include South Park (approximately 0.4 mile south) and Yerba Buena Gardens (approximately 0.5 mile southwest). South Park is a two-block-long park that is landscaped with grass and small shrubs. Amenities include benches, tables and two children’s play areas with swings and play structures. Yerba Buena Gardens is a 5.5-acre public open space that includes benches, berms/terraces, the Martin Luther King, Jr. Memorial Fountain and Waterfall, pedestrian walkways, and public art. Yerba Buena Gardens is used for passive recreation and for hosting civic and cultural events. There is also a 130,000-square-foot open space on the roof of the Moscone Convention Center, which is on the block south of Yerba Buena Gardens.

³⁴ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

As discussed under Topic 2, Population and Housing, of this CPE Checklist, the proposed project would provide office space that could bring an anticipated 181 employees to the project site. In the unlikely event that all 181 employees did choose to live in the *Rincon Hill Plan* area (which would represent between two to three percent of the anticipated increase in the Plan area population of 6,500 to 8,200 people). The increase in demand for recreation facilities created by the proposed project would not exceed the existing and planned capacity discussed in the *Rincon Hill Plan FEIR*. The use of recreation facilities and resources as a result of the proposed project would not increase such that substantial physical deterioration or degradation would occur or be accelerated. The proposed project would not include recreation facilities or require the construction or expansion of recreation facilities that might have adverse physical effects on the environment. For these reasons, implementation of the proposed project would not result in significant impacts on recreation facilities, 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>
10. UTILITIES AND SERVICE SYSTEMS—Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would increase the demand for utilities, including electricity, garbage/recycling, wastewater treatment, and water supply. Proposed development in the Rincon Hill neighborhood is considered infill development (i.e., it would occur in an area of San Francisco that is already developed and served by existing utilities). The added growth and increased demand for utilities would be consistent with planned service levels and capacity, and new utility infrastructure or facilities would not need to be constructed to accommodate the

increased demand. Each development project proposed under the *Rincon Hill Plan* would be required to comply with current state and local regulations related to energy consumption, waste disposal, wastewater treatment, and water conservation. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on utilities and service systems, and no mitigation measures were identified.³⁵

As discussed under Topic 3, Population and Housing, of this CPE Checklist, the proposed project would provide office space that would be expected to provide for approximately 181 employees. An unknown percentage of these employees may choose to live (or may already live) in the *Rincon Hill Plan* area. In the unlikely event that all 181 employees added by the proposed project did choose to live in the *Rincon Hill Plan* area, they would represent about two to three percent of the population growth that was anticipated under the *Plan*. This population growth from the proposed project would generate an increase in demand for utilities, but this additional demand would not exceed the planned service levels and capacity discussed in the *Rincon Hill Plan FEIR*. In addition, no new utility infrastructure or facilities would need to be constructed. The proposed project would be required to comply with current state and local regulations related to energy consumption, waste disposal, wastewater treatment, and water conservation. For these reasons, implementation of the proposed project would not result in significant impacts on utilities and service systems, 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
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?	☐	☐	☐	☒

As discussed in the *Rincon Hill Plan FEIR*, implementation of the *Rincon Hill Plan* would increase the demand for public services, including libraries, schools, police protection, and fire protection. Proposed development in the Rincon Hill neighborhood is considered infill development (i.e., it would occur in an area of San Francisco that is already developed and already served by existing public services). The added growth and increased demand for public services would be consistent with planned service levels and capacity, and new facilities would not need to be constructed to accommodate the increased demand. For these reasons, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on public services, and no mitigation measures were identified.³⁶

As discussed under Topic 2, Population and Housing, of this CPE Checklist, the proposed project provides office space that would be expected to provide for approximately 181 employees. An unknown

³⁵ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

³⁶ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, pp. 24-25.

percentage of these employees may choose to live (or may already live) in the *Rincon Hill Plan* area. In the unlikely event that all 181 employees added by the proposed project did choose to live in the *Rincon Hill Plan* area, they would represent about two to three percent of the population growth that was anticipated under the *Rincon Hill Plan*. This population growth would generate an increase in demand for public services, but this additional demand would not exceed the planned service levels and capacity discussed in the *Rincon Hill Plan FEIR*. In addition, no new facilities would need to be constructed in order to maintain acceptable service ratios, response times, or other performance objectives for any public services. For these reasons, implementation of the proposed project would not result in significant impacts on public services, 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>
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?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

As discussed in the *Rincon Hill Plan FEIR*, the Rincon Hill neighborhood is in a developed urban environment that does not provide native natural habitat for any rare or endangered plant or animal species. There are no riparian corridors, estuaries, marshes, or wetlands in the Rincon Hill neighborhood that could be affected by the development anticipated under the *Rincon Hill Plan*. In addition, development envisioned under the *Rincon Hill Plan* would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the *Rincon Hill Plan FEIR* concluded that

implementation of the *Rincon Hill Plan* would not result in significant impacts on biological resources, and no mitigation measures were identified.³⁷

The project site is currently occupied by an existing five-story building and surrounded by intensively developed land. There are no candidate, sensitive, or special-status species, riparian habitat, or wetlands on the project site, so implementation of the proposed project would not adversely affect a candidate, sensitive, or special-status species, a riparian habitat, or wetlands.

There are no existing trees or other vegetation on the project site that would need to be removed as part of the proposed project. As a result, the proposed project would not conflict with any local policies or ordinances that protect biological resources associated with trees or other vegetation.

The project site is not within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, state, or regional habitat conservation plan. As a result, the proposed project would not conflict with the provisions of any such plan.

For these reasons, implementation of the proposed project would not result in significant impacts on biological resources, 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
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:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☐	☒

³⁷ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, p. 25.

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
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒

As discussed in the *Rincon Hill Plan FEIR*, the Rincon Hill neighborhood is underlain by bedrock. Like the entire San Francisco Bay Area, the Rincon Hill neighborhood is subject to ground shaking during an earthquake, and portions of the Rincon Hill neighborhood are in or adjacent to an area of liquefaction potential and an area susceptible to landslides. DBI is the agency responsible for ensuring project compliance with the seismic safety standards of the Building Code and for assessing potential risks from geologic hazards. Each development project proposed under the *Rincon Hill Plan* is required to comply with the seismic safety standards of the Building Code. In addition, a geotechnical report is required for each development project that is in an area of liquefaction potential or an area susceptible to landslides. The purpose of the geotechnical report is to assess the geologic hazards of a particular site and provide recommendations for reducing potential damage from those hazards. DBI will review each building permit application and geotechnical report. Based on these requirements, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to geology and soils, and no mitigation measures were identified.

There are no known active earthquake faults that run underneath the project site or in the vicinity. The closest active faults to the project site are the San Andreas Fault (approximately 8 miles to the west) and the Hayward Fault (approximately 10 miles to the east). Like the entire San Francisco Bay Area, the project site is subject to ground shaking during an earthquake. As shown on Map 4, Seismic Hazard Zones, San Francisco, 2012, in the Community Safety Element of the *General Plan*, the project site is not in a liquefaction zone or a landslide zone.³⁸ The proposed project would be required to comply with the seismic safety standards of the Building Code. As part of its review of the building permit application for the proposed project, DBI will consider the information in the geotechnical report and determine the necessary engineering and design features for reducing potential damage from geologic hazards and events. Based on required compliance with the seismic safety standards of the Building Code, implementation of the proposed project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death, due to fault rupture, strong seismic ground shaking, liquefaction, or landslides.

The project site is not located on a geologic unit or soil that is unstable or would become unstable as a result of the proposed project. The project site is not in a liquefaction zone or a landslide zone. As the potential for liquefaction is low, the potential for other geologic hazards associated with liquefaction, such as lateral spreading, subsidence, or collapse, is low.³⁹ The proposed project would not create substantial risks to life or property by being located on expansive soils.

³⁸ San Francisco Planning Department, *San Francisco General Plan*, Community Safety Element, p. 13. Available online at http://www.sf-planning.org/ftp/General_Plan/Community_Safety_Element_2012.pdf. Accessed January 7, 2014.

³⁹ Updated Geotechnical Investigation, p. 10.

The project site is within an existing building, so implementation of the proposed project would not result in soil erosion or the loss of topsoil. The proposed project would not include the use of septic tanks or alternative wastewater disposal systems, and there is no topography or unique geologic or physical features on the project site that could be altered by implementation of the proposed project.

For these reasons, implementation of the proposed project would not result in significant impacts related to geology and soils, 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>
14. HYDROLOGY AND WATER QUALITY—Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

As discussed in the *Rincon Hill Plan FEIR*, the Rincon Hill neighborhood has been developed for more than 100 years, and almost the entire *Plan* area is covered by impervious surfaces (paved roads, sidewalks, buildings, and/or vacant lots that were previously developed). Surface runoff in the Rincon Hill neighborhood flows into the City's combined stormwater/sewer system instead of draining directly into San Francisco Bay. As a result, new urban infill development in the Rincon Hill neighborhood would not alter drainage and runoff patterns, deplete groundwater supplies, or result in erosion, siltation, or flooding. Based on required compliance with various regulations related to water conservation, wastewater discharge and treatment, and the use of recycled water, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on hydrology and water quality, and no mitigation measures were identified.⁴⁰

As outlined in the GHG Checklist that is discussed under Topic 8, Greenhouse Gas Emissions, of this CPE Checklist, the proposed project would comply with Leadership in Energy and Environmental Design (LEED) standards and, in addition, local ordinance requirements related to water conservation. As a result, the proposed project would not deplete groundwater supplies or substantially interfere with groundwater recharge. Since the project site and the vicinity are covered by impervious surfaces, the proposed project would not alter drainage patterns in a manner that would result in substantial erosion, siltation, or flooding. 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 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.

The proposed project does not involve housing and the project site is not in a designated flood zone. Therefore, the proposed project would not place housing within a 100-year flood hazard area, would not impede or redirect flood flows in a 100-year flood hazard area, and would not 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. As shown on Map 5, Tsunami Hazard Zones, San Francisco, 2012, in the Community Safety Element of the *General Plan*, the project site is not within a tsunami hazard zone.⁴¹ As a result, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche or tsunami.

Some CEQA documents for development projects in downtown San Francisco evaluate impacts related to sea level rise. The San Francisco Bay Conservation and Development Commission, which regulates development within 100 feet of the San Francisco Bay shoreline, has developed maps identifying shoreline areas that are vulnerable to sea level rise. These maps assume a forecast of 16 inches of sea level rise by 2050 and 55 inches by 2100. The project site is approximately 525 feet inland from the shoreline, and it would not be in the inundation zone for sea level rise of 16 inches by 2050 or 55 inches by 2100.^{42, 43} Therefore, the proposed project would not expose people or structures to impacts related to sea level rise.

⁴⁰ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 214-220, and Appendix A, pp. 27-28.

⁴¹ San Francisco Planning Department, *San Francisco General Plan*, Community Safety Element, p. 15. Available online at http://www.sf-planning.org/ftp/General_Plan/Community_Safety_Element_2012.pdf. Accessed January 7, 2014.

⁴² San Francisco Bay Conservation and Development Commission, 16-Inch Sea Level Rise by Mid-Century, Central Bay. Available online at http://www.bcdc.ca.gov/planning/climate_change/maps/16/cbay.pdf. Accessed January 7, 2014.

⁴³ San Francisco Bay Conservation and Development Commission, 55-Inch Sea Level Rise by End of Century, Central Bay. Available online at http://www.bcdc.ca.gov/planning/climate_change/maps/55/cbay.pdf. Accessed January 7, 2014.

For these reasons, implementation of the proposed project would not result in significant impacts on hydrology and water quality, and no mitigation measures are necessary.

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

As discussed in the *Rincon Hill Plan FEIR*, environmental impacts related to hazards and hazardous materials are primarily associated with construction activities. Construction workers could be exposed to contaminated soil or groundwater during the excavation phase of a project. If contaminated groundwater is not properly treated, it could result in adverse downstream impacts on the City's combined stormwater/sewer system. In addition, construction workers and members of the public could be exposed to airborne contaminants such as asbestos, lead paint, or PCBs during the demolition phase of a project. Potentially significant impacts related to hazards and hazardous materials are precluded by required compliance with local, state, and federal regulations. These regulations include abatement procedures for asbestos, lead paint, and PCBs.

The *Rincon Hill Plan FEIR* identified a significant impact from the release of contaminated soil during the construction of subsequent projects within the *Rincon Hill Plan* area and identified two mitigation measures⁴⁴ to reduce these impacts to less-than-significant levels. Mitigation Measure H.1 requires that a Phase I environmental site assessment be prepared and submitted for any development project in a site not covered by the Maher Ordinance (Article 20 of the Public Works Code and Article 22 of the Health Code). If warranted by the Phase I study, a Phase II environmental assessment should be prepared in consultation with the Department of Public Health (DPH) that, if determined necessary, includes sampling of soil and groundwater. Should soil and/or groundwater contamination be discovered, the project sponsor shall be required to enter into a voluntary cleanup agreement with DPH.

Mitigation Measure H.2 requires that for any development project, if dewatering is necessary, the project sponsor shall follow the recommendations of the site assessment/remediation consultant, in consultation with the Bureau of Environmental Regulation (BERM) of the San Francisco Public Utilities Commission, regarding treatment, if any, of pumped groundwater prior to discharge to the combined sewer system. Any groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system.

Based on required compliance with federal, state, and local regulations, along with implementation of Mitigation Measures H.1 and H.2, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts related to hazards and hazardous materials.⁴⁵

After the *Rincon Hill Plan FEIR* was published, the Board of Supervisors amended Health Code Article 22A, which is administered and overseen by the San Francisco Department of Public Health and is also known as the Maher Ordinance. Amendments to the Maher Ordinance became effective August 24, 2013, and require sponsors for projects that disturb soil on sites that are known or suspected to contain contaminated soil and/or groundwater to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

The project site is located within an area that is known or suspected to contain contaminated soil and/or groundwater. The Planning Department has determined that the project site is known or suspected to contain contaminated soil and/or groundwater.⁴⁶ However, the proposed project is not subject to the provisions of the Maher Ordinance because it does not involve any excavation or soil disturbance.

Removal and disposal of lead-based paints (should they be present) associated with materials that would be removed from the third and fourth floors during remodeling must comply with Chapter 34, Section 3407 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Chapter 34 applies to buildings for which the original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting

⁴⁴ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, p. 227.

⁴⁵ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, pp. 182-185, and Appendix A, pp. 29-31.

⁴⁶ San Francisco Planning Department, Expanded Maher Area Map, September 2013. Available online at http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf. Accessed January 7, 2014.

human health and the environment as those in the U.S. Department of Housing and Urban Development Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint.

Removal and disposal of asbestos and/or asbestos-containing materials from the existing buildings (should it be present) prior to their demolition must comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD has authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

The project site is not located within an area covered by an airport land use plan, within two miles of a public airport or a public use airport. Therefore, the proposed project would not result in a safety hazard for people residing or working in the project area.

In San Francisco, fire safety is ensured through the provisions of the Building Code and the San Francisco Fire Code. During the review of the building permit application, DBI and the San Francisco Fire Department will review the project plans for compliance with all regulations related to fire safety, which may include the development of an emergency procedure manual or an exit drill plan for the occupants of the proposed project. 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, implementation of the proposed project, with mitigation, would not result in significant impacts related to hazards and hazardous materials and would not contribute to the significant impacts identified in the *Rincon Hill Plan FEIR*.

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?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☐	☒

In California, energy consumption in buildings is regulated by Title 24 of the California Code of Regulations. Title 24 includes standards that regulate energy consumption for the heating, cooling, ventilation, and lighting of residential and nonresidential buildings. In San Francisco, compliance with Title 24 standards is enforced by the DBI and documentation demonstrating compliance with Title 24

standards is required to be submitted with a building permit application. Each development project proposed under the *Rincon Hill Plan* is required to comply with current state and local regulations related to energy consumption, including Title 24. Based on required compliance with state and local regulations, the *Rincon Hill Plan FEIR* concluded that implementation of the *Rincon Hill Plan* would not result in significant impacts on mineral and energy resources, and no mitigation measures were identified.⁴⁷

The proposed project would comply with the standards of Title 24 and the requirements of the San Francisco Green Building Ordinance and would be built to LEED Gold standards. In addition, the project site is not designated as an area of significant mineral deposits or as a locally important mineral resource recovery site. The proposed project would not result in the loss of mineral resources that are of value to the region or the residents of the state, would not result in the loss of availability of a locally important mineral resource recovery site, and would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use them in a wasteful manner. For these reasons, implementation of the proposed project would not result in significant impacts on mineral and energy resources, and no mitigation measures are necessary.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	☐	☐	☐	☒

The *Rincon Hill Plan FEIR* did not discuss impacts on agriculture and forest resources that could result from implementation of the *Rincon Hill Plan* because there are no agriculture or forest resources in the area covered by the *Rincon Hill Plan*.

The project site does not contain agricultural uses, forest land, or timberland, and it is not zoned for such uses. The proposed project would not convert farmland to non-agricultural use and would not convert

⁴⁷ San Francisco Planning Department, *Rincon Hill Plan FEIR*, certified May 5, 2005, Appendix A, p. 28.

forest land or timberland to non-forest use. For these reasons, implementation of the proposed project would have no impacts on agriculture or forest resources, and no mitigation measures are necessary.

As discussed in this CPE Checklist, the proposed project would not result in new environmental effects that are peculiar to the proposed project, or effects of greater severity than were already analyzed and disclosed in the *Rincon Hill Plan FEIR*. The proposed project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, eliminate important examples of the major periods of California history or prehistory, or have environmental effects that would cause substantial adverse effects on human beings. In addition, the proposed project would not contribute to the significant unavoidable impacts on traffic or historic architectural resources identified in Sections III.C and III.H of the *Rincon Hill Plan FEIR*, respectively.

IMPROVEMENT MEASURE

Project Improvement Measure 1 – Transportation Demand Management (TDM) Measures

While the proposed project would not result in any significant traffic impacts, to reduce traffic generated by the proposed project, the project sponsor should encourage the use of rideshare, transit, bicycle, and walk modes for trips to and from the project site.

The San Francisco Planning Department and the San Francisco Municipal Transportation Agency (SFMTA) have partnered with the Mayor's Office of Economic and Workforce Development and the San Francisco County Transportation Authority to study the effects of implementing TDM measures on the choice of transportation mode. The San Francisco Planning Department has identified a list of TDM measures that should be considered for adoption as part of proposed land use development projects. The project sponsor (or transportation broker) should consider the following actions:

- *TDM Coordinator:* The project sponsor should identify a TDM coordinator for the project site. The TDM Coordinator is responsible for the implementation and ongoing operation of all other TDM measures included in the proposed project. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMASF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator should be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator should provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.
- *New-Hire Packet:* Provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, 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 materials (e.g., NextMuni phone app). This new hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.
- *City Access.* As part of an ongoing effort to quantify the efficacy of TDM measures, City staff may need to access the project site (including the garage) to perform trip counts, and/or intercept surveys and/or other types of data collection. All on-site activities shall be coordinated through the TDM Coordinator. Project sponsor assures future access to the site by City Staff. Providing access to existing developments for data collection purposes is also encouraged.



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2013.1511E
Project Title: 360 Spear Street
Zoning: RH DTR (Rincon Hill Downtown Residential Mixed Use District)
105-X Height and Bulk Districts
Block/Lot: 3745/009
Lot Size: 34,375 square feet
Plan Area: Rincon Hill
Project Sponsor: Gregg Miller Coblentz Patch Duffy & Bass, LLP
415-391-4800; gmiller@coblentzlaw.com
Staff Contact: Chris Thomas, (415) 575-9036, christopher.thomas@sfgov.org

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PROJECT DESCRIPTION

The project site includes a five-story, approximately 76-foot-tall, 159,178-gross-square-foot (gsf) building, currently used as an Internet Services Exchange facility, located on the southwest corner of Harrison and Spear streets, one block south of The Embarcadero in the South of Market neighborhood. The proposed project entails conversion of existing internet service exchange use on a portion of the third floor and the entire fourth floor to office use (as defined in Section 890.70 of the Planning Code). Renovations would include conversion of approximately 50,000-gsf of the existing interior space devoted to internet service facilities to office use, replacement of two fourth floor windows with airflow louvers, the installation of a rooftop mechanical equipment to service the converted office floors, and the installation of bicycle lockers and related shower facilities. No new on-site parking would be provided. The building's existing 11 parking spaces (two of which are for van loading and unloading and two of which are accessible van spaces) and the loading dock would not be modified in connection with the proposed conversion.

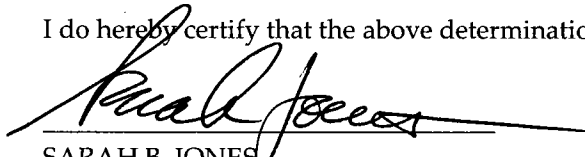
(Continued on next page.)

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

November 7, 2015
Date

cc: Gregg Miller, Project Sponsor; Supervisor Jane Kim, District 6; Rich Sucre, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

PROJECT DESCRIPTION (continued)

The current internet service exchange use would continue in those portions of the building that are not proposed for conversion. No ground-disturbing excavation or increase in the building height would be part of the project. The 360 Spear Street building (the project building) is not considered a historical resource for purposes of CEQA and the project site is not within a historic district.

PROJECT APPROVAL

A Conditional Use Authorization for conversion of the Internet Service Exchange facilities on part of the third and all of the fourth floors is the Approval Action for this project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

COMMUNITY PLAN EXEMPTION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: 1) are peculiar to the project or parcel on which the project would be located; 2) 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; 3) are potentially significant off-site and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or 4) are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior 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 whether the environmental impacts of the proposed project are addressed in the Programmatic Environmental Impact Report for the *Rincon Hill Plan (Rincon Hill Plan FEIR or FEIR)*, which is the underlying EIR for the proposed 360 Spear Street project.¹ Project-specific studies summarized in this determination were prepared for the proposed project to determine if there would be any additional potentially significant impacts attributable to (i.e., "peculiar" to) the proposed project.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the *FEIR*. This determination does not identify new or additional information that would alter the conclusions of the *FEIR*. In addition, this determination finds that no mitigation measures contained in the *FEIR* are applicable to the proposed project at 360 Spear Street. Relevant information pertaining to prior environmental review conducted for

¹ San Francisco Planning Department, *Rincon Hill Plan Final Environmental Impact Report (FEIR)*, Planning Department Case No. 2000.1081E, State Clearinghouse No. 1984061912, certified May 5, 2005. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed June 11, 2015.

the *FEIR* as well as an evaluation of potential environmental effects are provided in the Community Plan Exemption (CPE) Checklist for the proposed project.²

BACKGROUND

After several years of analysis, community outreach, and public review, the Planning Commission certified the *FEIR* for the *Rincon Hill Plan* on May 5, 2005. The *FEIR* analyzed amendments to San Francisco General Plan (General Plan), the San Francisco Planning Code (Planning Code), and the Zoning Maps associated with the establishment of the *Rincon Hill Plan*. The *FEIR* analysis was based upon assumed development and activity that were anticipated to occur under the *Rincon Hill Plan*.

On August 2, 2005, the San Francisco Board of Supervisors (Board of Supervisors) adopted ordinances amending the General Plan, Planning Code, and Zoning Maps that constituted the “project” analyzed in the *Rincon Hill Plan FEIR*. On August 19, 2005, the Mayor signed the ordinances into law. These legislative amendments created new zoning controls to regulate development in what is envisioned to be a mixed-use neighborhood characterized by high-density, high-rise residential uses, reduced parking requirements, and public amenities, such as open spaces, bicycle parking, and streetscape improvements. As part of these legislative amendments, the 360 Spear Street project site was rezoned from Rincon Hill Special Use District to RH-DTR (Rincon Hill Downtown Residential), and its height and bulk limits were reclassified from 105-R to 105-X. The *Rincon Hill Plan*, as evaluated in the *FEIR* and as adopted by the Board of Supervisors, accommodates the proposed use, design, and density of the proposed 360 Spear Street project.

Individual projects implemented under the *Rincon Hill Plan* undergo project-level evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development. If so, additional environmental review would be required. This determination concludes that the proposed project at 360 Spear Street is consistent with and was encompassed within the analysis in the *FEIR* for the *Rincon Hill Plan*, and that the *FEIR* adequately described the impacts of the proposed 360 Spear Street project. The proposed project is in conformity with the General Plan and the *Rincon Hill Plan*, and complies with the provisions of the Planning Code.^{3,4} Therefore the 360 Spear Street project is consistent with the certified *Rincon Hill Plan FEIR*, its impacts are adequately addressed in the *FEIR*, and no further CEQA evaluation is necessary. In sum, the *Rincon Hill Plan FEIR* and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

PROJECT SETTING

The project site, which is on the south side of Spear Street at its intersection with Harrison Street, is in the South of Market neighborhood approximately one block north of the Interstate 80 and the San Francisco Bay Bridge and one block south of the Embarcadero. For the past several years the area within and near the *Rincon Hill Plan* area has been undergoing a transformation from an area of predominantly low- and mid-rise industrial buildings to a mixed-use area that includes high-density, high-rise residential

² The CPE Checklist for the 360 Spear Street project is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2013.1511E.

³ Susan Exline, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 360 Spear Street, October 14, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

⁴ Elizabeth Watty, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 360 Spear Street, August 11, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1511E.

buildings and mid-rise office buildings. To the immediate west of the project site is the Infinity mixed-use development (the Infinity Towers), primarily consisting of two high-rise (approximately 450- and 350-foot-high) and two mid-rise residential towers containing a total of 650 dwelling units. On the north side of Spear Street opposite the project site is the six-story former Hills Brothers Coffee plant, now occupied by offices of various businesses and the San Francisco campus of the Wharton School of Business. Further west on the north side of Spear Street are the offices of Google San Francisco, restaurants, retail and residential uses that are within a seven-story building. East of the project site on Harrison Street are two substantial residential developments of three floors (at the southeast corner of Harrison and Spear) and eight floors (at the southwest corner of Main and Harrison). At the northeast corner of Spear and Harrison is a large, six-story office building.

POTENTIAL ENVIRONMENTAL EFFECTS

The *Rincon Hill Plan FEIR* analyzed the following environmental topics: land use, plans, and policies; visual quality; transportation, circulation, and parking; population and housing; air quality; shadow; wind; hazardous materials; historical resources; hydrology and water quality; growth inducement; noise; utilities/public services; biology; geology/topography; water; and energy/natural resources.

Significant and unavoidable impacts were identified in the *Rincon Hill Plan FEIR* for the following topics: historic architectural resources and transportation and circulation (traffic). The project would not contribute to significant and unavoidable impacts related to historic architectural resources identified by the *Rincon Hill Plan FEIR* because the 360 Spear Street building is not one of the historic resources for which a significant and unavoidable impact was found in the *FEIR* (those were three buildings at 425 First Street, 347 Freemont Street and 375 Freemont Street). The project site was constructed in 1940 and is designated 7R in the National Register, indicating it was identified in a reconnaissance-level survey but not evaluated. The proposed work would largely occur on the interior of the building; the only exterior alteration would be replacement of two fourth floor windows with louvers and installation of rooftop mechanical equipment (which would not be visible from a public right-of-way). It has been determined that installation of the proposed louvers would not impact potentially historic materials or features.⁵ In regards to transportation and circulation, the proposed project would not contribute to significant and unavoidable traffic impacts identified by the *Rincon Hill Plan FEIR* because it would not contribute significantly to the critical vehicle movements that operate poorly at nearby intersections.

The proposed 360 Spear Street project is in conformance with the height, use and density for the site described in the *Rincon Hill Plan FEIR*. Thus, the plan analyzed in the *Rincon Hill Plan FEIR* considered the incremental impacts of the proposed 360 Spear Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the *Rincon Hill Plan FEIR*.

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

⁵ Sucre, Richard, San Francisco Planning Department. *Preservation Team Review Form, 360 Spear Street*. July 21, 2015.

Table 1 – Rincon Hill Plan FEIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
Noise (from Initial Study)		
1: Construction Noise (Pile Driving)	Not Applicable: the proposed project construction does not involve pile driving.	N/A
C. Transportation, Circulation and Parking		
C1.a	Not Applicable: plan level mitigation by SFMTA.	N/A
C1.b	Not Applicable: plan level mitigation by SFMTA.	N/A
C1.c	Not Applicable: plan level mitigation by SFMTA.	N/A
E. Air Quality		
E.1: Construction Air Quality	Not Applicable: E.1 applies to outdoor construction activities; project construction will occur on the inside of the building.	N/A
E.2: Operational Air Quality	Not Applicable: the proposed project is below BAAQMD's construction and operational criteria air pollutant screening criteria for office space.	N/A
G. Wind		
G.1: Planning Code controls for the Rincon Hill Downtown Residential Mixed-Use (DTR) District.	Not Applicable: the project does not propose an increase in height to the building and the controls contained in Planning Code Sections 148 and 249.1(a)(3) do not apply.	N/A
H. Hazardous Materials		
H.1: Environmental Site Assessment for sites not covered by the Maher Ordinance.	Not applicable: project site is covered by the Maher Ordinance and, in any event, no soils disturbing work is proposed.	N/A
H.2: Any groundwater pumped shall be subject to the requirements	Not Applicable: no sub-surface excavation is proposed in which	N/A

Mitigation Measure	Applicability	Compliance
of the City's Industrial Waste Ordinance regarding proper treatment (if necessary) and disposal into the combined sewer system.	groundwater could be encountered.	
I. Historical Resources		
Archaeological Resources		
I.1a. Projects Located in Archeological Mitigation Zone 1 (AMZ-1) for which a final archaeological research design and treatment plan (ARD/TP) is on file in the Northwest Information Center and the Planning Department.	Not Applicable: no sub-surface excavation is proposed in which archaeological resources could be encountered.	N/A
I.1b. Projects Located in Archaeological Mitigation Zone 2 (AMZ-2) for which the archaeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archaeological resources under CEQA.	Not Applicable: no sub-surface excavation is proposed in which archaeological resources could be encountered.	N/A
I.1c. Projects Located in Archaeological Mitigation Zone 2 (AMZ-2) for which it is believed there are no significant archaeological resources, or that those resources have been significantly disturbed, or that those resources have been investigated and those resources with significant research value removed and curated as the result of an archaeological data recovery program.	Not Applicable: no sub-surface excavation is proposed in which archaeological resources could be encountered.	N/A
Historic Architectural Resources		
1.2a: Preparation of Historic American Building Survey (HABS) for the Union Oil Company Building (425 First Street) prior to	Not Applicable: Mitigation Measure 1.2a applies only to the Union Oil Company Building at 425 First Street.	N/A

Mitigation Measure	Applicability	Compliance
its demolition.		
I.2b: Preparation of Historic American Building Survey (HABS) for the Edwin W. Tucker & Co. Building (347 Fremont Street) prior to its demolition.	Not Applicable: Mitigation Measure 1.2b applies only to the Edwin W. Tucker & Co. Building at 347 Fremont Street.	N/A
I.2c: Preparation of Historic American Building Survey (HABS) for the 375 Fremont Street Building prior to its demolition.	Not Applicable: Mitigation Measure 1.2c applies only to the 75 Fremont Street Building.	N/A
I.2d: To partially offset the loss of any other buildings identified during project-specific review as historical resources under CEQA, the project sponsor of the project under review shall, at a minimum, ensure that a complete survey, to the standards of the Historic American Building Survey (HABS), is undertaken prior to demolition, if any.	Not Applicable: the 360 Spear Street is building is not a historical resource under CEQA and, in any event, the proposed project would not result in its whole or partial demolition.	N/A

The *Rincon Hill Plan FEIR* did not identify significant noise impacts associated with implementation of the Plan. However, as discussed under “Operational Noise” in Section 5 of the CPE Checklist prepared for the proposed project, residents of the adjacent Infinity Towers have, in the past, filed complaints with the City concerning noise from the HVAC and chiller equipment atop the existing project building. The Department of Public Health has investigated these complaints and monitored sound at the Infinity Towers on those sides facing the project site. Given the existing noise from rooftop equipment, the addition of the proposed mechanical equipment may result in nighttime noise impacts to neighboring residents (in particular, those of the Infinity Towers that reside at a height above the project site roof). Noise from rooftop equipment is typically abated by use of a sound-absorbing wall. In this instance, however, such a wall would have to be tall enough to block sound to those units on the east side of the 350 to 450-foot-tall Infinity Towers that are above the approximately 76-foot-tall elevation of the project building (that is, those units with direct lines-of-sight to the project building’s rooftop). Such a wall would not be feasible.

As discussed in the CPE Checklist for the proposed project, the proposed equipment is considerably quieter than the existing equipment on the roof.⁶

⁶ Email from Randy Waldeck, PE and Principal, Acoustics, CSDA Design Group, to Chris Thomas, Planning Department. November 2, 2015.

Although the proposed mechanical equipment is quieter than the existing rooftop equipment, the noise it would create could combine with the existing rooftop equipment to create a cumulative noise impact. Accordingly, a Rooftop Equipment Noise Study (Noise Study) was prepared for the proposed project to evaluate existing ambient noise levels and those project and cumulative noise levels that would result with installation of the proposed project's rooftop mechanical equipment.⁷ The Noise Study, discussed in Section 5 of the CPE Checklist, determined that the anticipated noise from the proposed rooftop mechanical equipment would not exceed the Noise Ordinance Section 2909(b) limit of 8 dBA above ambient at the property plane. The Noise Study also determined that the Noise Ordinance Section 2909(d) interior residential noise limit of 45 dBA would not be exceeded at the residences in the Infinity Tower nearest to the project building. The proposed project would therefore not contribute to a project or a cumulative noise impact.

The proposed project would not result in any significant impacts to the environment. While the proposed project would not result in any significant traffic impacts that were not previously identified in the Rincon Hill FEIR, Project Improvement Measure 1 (Transportation Demand Measures), discussed on page 42 of the CPE Checklist accompanying this Determination, could be implemented to further reduce the less-than-significant traffic impact of the proposed project. Improvement Measure 1 includes three transportation demand measures intended to reduce vehicle trips generated by the proposed project by encouraging the use of rideshare, transit, bicycle, and walk modes for trips to and from the project site.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on July 13, 2015 to adjacent occupants and owners of properties within 300 feet of the project site. The comment period was from July 13 to August 3, 2015, during which two comments were received by email. There was also an additional request via a phone message for future notification regarding the project. The first email, received July 26, 2015, expressed concern regarding noise from the mechanical equipment that would be installed on the roof of the 360 Spear building, noting that the City had monitored noise resulting from rooftop equipment in the past. The Department of Public Health confirmed that "there is a long history of noise issues with 360 Spear Street and the residents of the Infinity Towers."⁸ As discussed under Topic 5 (Noise) of the CPE Checklist for the proposed project, a study of existing ambient noise levels and levels expected with installation of the proposed rooftop mechanical equipment determined that the proposed project would not exceed San Francisco's Noise Ordinance limits pertaining to commercial properties (no more than 8 dBA above ambient at the property plane) and interior residential space (no more than 45 dBA and 55 dBA during nighttime and daytime hours).⁹

A second email, received July 30, 2015, raised the following issues: air quality (proximity of the project site to the Bay Bridge results in air quality effects to Rincon Hill residents that are "particularly challenging..."); pedestrian hazards due to crowded streets and sidewalks and inadequately trained traffic control officers; and traffic hazards due to double-parked delivery vehicles.

⁷ 360 Spear Street Data Center 3rd and 4th Floor Offices Rooftop Equipment Noise Study, HDR Architecture. September 23, 2015.

⁸ Email from Jonathan Piakis, Department of Public Health to Chris Thomas, Environmental Planning Division. July 27, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1511E.

⁹ 360 Spear Street Data Center 3rd and 4th Floor Offices Rooftop Equipment Noise Study, HDR Architecture. September 23, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.1511E.

In regards to air quality issues raised by the July 30, 2015 email, and as discussed on pages 24 to 26 of the CPE Checklist that accompanies this Certificate, although the project site is located within an identified Air Pollutant Exposure Zone, the proposed project does not involve a sensitive use as defined by Health Code Article 38 or the Bay Area Air Quality Management District (BAAQMD). In addition, the proposed project does not involve activities that would produce significant quantities of Toxic Air Contaminants or other emissions that would pose a health risk to neighboring sensitive users. Therefore the proposed project would not result in a significant impact with regards to health risks. As to construction and/or operational air quality impacts related to criteria air pollutants, and as discussed on page 25 of the CPE Checklist, the proposed project size is well below the screening criteria for office use provided by BAAQMD. As to air quality impacts resulting from construction of the proposed project (resulting from fugitive dust), the proposed project would be subject to the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) and there would similarly be a less than significant impact.

In regards to pedestrian hazards, and as noted on page 18 of the Transportation and Circulation section of the CPE Checklist, the proposed project would add nine new pedestrian trips during the weekday p.m. peak hour. Observations made during two visits to the 360 Spear Street area during the morning and evening rush hour indicated that there is adequate capacity on area sidewalks to accommodate the increase in pedestrian traffic that could occur with approval and operation of the proposed project such that significant delays and/or hazards to pedestrians would not be anticipated. Finally, a review of the proposed project by the Planning Department transportation planners did not indicate a potential hazard to pedestrians.¹⁰ In regards to traffic control at intersection crossings, traffic control officers are under the jurisdiction of the San Francisco Municipal Transportation Agency.

In regards to hazards created by double-parked delivery vehicles, and as noted on page 19 of the Transportation and Circulation section of the CPE Checklist, the proposed project is expected to create less than one peak hour and an average of one truck delivery per day. The project site does have a loading dock and, given the low number of anticipated deliveries, hazards to pedestrians, cyclists and other motorists created by the proposed project are not expected to be significant.

Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the *Rincon Hill Plan FEIR*.

CONCLUSION

As summarized above and further discussed in the CPE Checklist:

1. The proposed project is consistent with the development density established for the project site in the *Rincon Hill 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 *Rincon Hill Plan FEIR*;

¹⁰ Preliminary Transportation Consultation/Preliminary Study Determination Request. April 9, 2015. Case No. 2013.1511E 360 Spear Street. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of the Case File No. 2013.1511E.

3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the *Rincon Hill Plan FEIR*;
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 *Rincon Hill Plan FEIR* was certified, would be more severe than were already analyzed and disclosed in the *FEIR*; and

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

HDR

HDR Architecture, Inc.

Consultants:

HDR Inc (MEP)
560 Mission Street, Suite 900
San Francisco, CA, 94105



Total Building Area	159177.62	GSF
Proposed Office Area	49992.15	GSF
Common Share %	28.79%	

DESCRIPTION	COMMON	OFFICE	ISE	Common Share	Total
1st Floor	8366.16	0.00	13053.72	2408.61	2408.61
2nd Floor	0.00	0.00	29584.48	0.00	
3rd Floor	4594.39	12640.00	16372.35	1322.72	13962.72
4th Floor	1506.36	33187.14	0.00	433.68	33620.82
5th Floor	0.00	0.00	31707.82	0.00	
Roof	0.00	0.00	0.00	0.00	
	14466.91	45827.14	90718.37	4165.01	49992.15

PROJECT DATA:

PROJECT LOCATION:	360 SPEAR ST. SAN FRANCISCO, CA 94105
BLOCK/LOT:	3745/009
ZONING DISTRICT:	RH DTR
HEIGHT/BULK DISTRICT:	105-X
COMMUNITY PLAN AREA:	RINCON HILL AREA PLAN
SITE AREA:	34,375 SF
PROJECT AREA:	159,178 SF
CURRENT USE:	INTERNET SERVICE EXCHANGE
PROPOSED USE:	INTERNET SERVICE EXCHANGE / OFFICE

INDEX OF DRAWINGS:

G-000	Cover Sheet
A-000	Site Plan and Site Photos
A-101	Ground Floor Plan
A-102	Second Floor Plan
A-103	Third Floor Plan
A-104	Fourth Floor Plan
A-105	Fifth Floor Plan
A-106	Roof Plan
A-201	Signage and Canopy

CURRENT CODE INFORMATION:

BUILDING AUTHORITY:	CITY OF SAN FRANCISCO
BUILDING CODE:	1998 UBC/SFBC
OCCUPANCY:	B-2
CONSTRUCTION TYPE:	TYPE 1
FIRE PROTECTION:	FULLY SPRINKLERED THROUGHOUT

PROJECT NARRATIVE:

The current use at 360 Spear Street (the “Building”) is classified by the City of San Francisco as an existing Internet Services Exchange facility. The proposed project would renovate a portion of the existing facility to convert the existing ISE uses on the entire Fourth Floor and part of the Third Floor to office use (as defined in Section 890.70 of the San Francisco Planning Code (the “Code”)) with respect to approximately 49,992 square feet of gross floor area (which includes common area load factor space on the Third Floor and in the existing ground floor lobby), as calculated pursuant to Section 102.9 of the Code. Other than the renovations to a portion of the Third Floor and all of the Fourth Floor in connection with the conversion of the space to office use, minor modifications to the building's exterior to install airflow louvers, the installation of a rooftop HVAC unit to service the converted office floors, and the installation of bicycle lockers and related shower

facilities, no other changes to the Building are anticipated. Currently the building houses eleven parking spaces--two of which are van loading and unloading and two of which are accessible van spaces. There is also a loading dock. Otherwise, the parking and loading dock would not be modified in connection with the office conversion. The current ISE uses would otherwise continue in those portions of the Building that are not proposed for conversion.

Owner:

Digital Realty

Four Embarcadero Center, Suite 3200
San Francisco, CA 94111



DIGITAL REALTY
Data Center Solutions

Submittal:

Office Entitlements Package

[illegible]

Cover Sheet

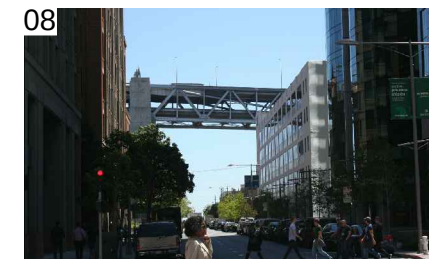
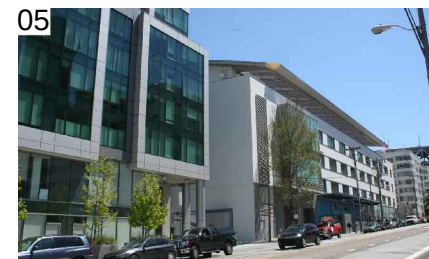
SCALE

G-000

Entitlements Package

An aerial photograph of downtown San Francisco, oriented vertically. The image shows a dense grid of streets and buildings. Several streets are labeled with white text boxes: MARKET STREET, MISSION STREET, HOWARD STREET, MAIN STREET, FOLSOM STREET, HARRISON STREET, SPEAR STREET, and HWY 80. A red rectangular area is highlighted on the block bounded by Folsom Street to the north, Harrison Street to the south, Main Street to the west, and Spear Street to the east. Four black dots are placed on the map: one on Market Street near the top, one on Main Street between Howard and Folsom, one on the red highlighted block, and one on the waterfront near the bottom right. Lines connect these dots to the text labels on the right side of the page.

— BAY BRIDGE



HDR Inc (MEP)
560 Mission Street, Suite 900
San Francisco, CA, 94105

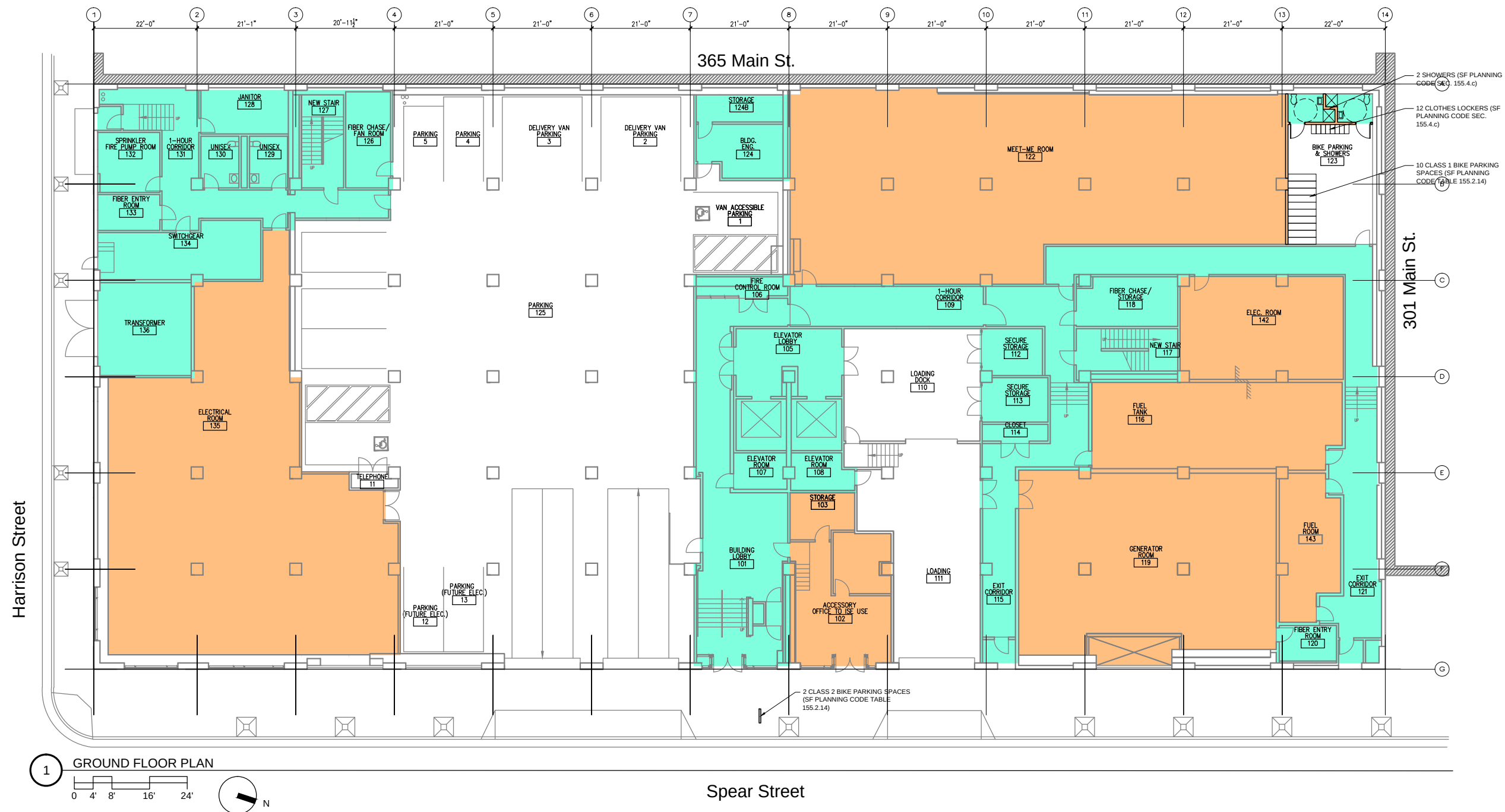
Office Entitlements Package

[illegible]

PROJECT NUMBER	
ORIGINAL ISSUE	June 11, 2013
PROJECT DESIGNER	HDR Inc
PROJECT ARCHITECT	HDR Inc
LANDSCAPE ARCHITECT	
CIVIL ENGINEER	
DRAWN BY	

SCALE	NTS
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Entitlements Package



LEGEND:

NOTES:



Owner: _____

Ground Floor Plan



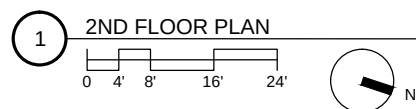
Consultants:

HDR Inc (MEP)
560 Mission Street, Suite 900
San Francisco, CA, 94105

Office Entitlements Package

PROJECT NUMBER	
ORIGINAL ISSUE	June 11, 2013
PROJECT DESIGNER	HDR Inc
PROJECT ARCHITECT	HDR Inc
LANDSCAPE ARCHITECT	
CIVIL ENGINEER	
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Entitlements Package



	COMMON AREAS	0 GSF
	ISE USE	29584.48 GSF
	OFFICE USE	0 GSF

1. 2ND FLOOR GSF DOES NOT COUNT TOWARD COMMON SHARE CALCULATIONS SINCE OFFICE AND ACCESSORY SPACES ARE ONLY FOUND ON FLOORS 1, 3, AND 4.



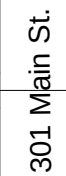
Consultants:

HDR Inc (MEP)
560 Mission Street, Suite 900
San Francisco, CA, 94105

Office Entitlements Package

PROJECT NUMBER	
ORIGINAL ISSUE	June 11, 2013
PROJECT DESIGNER	HDR Inc
PROJECT ARCHITECT	HDR Inc
LANDSCAPE ARCHITECT	
CIVIL ENGINEER	
DRAWN BY	

Entitlements Package



A circular dial with a needle pointing to the letter 'N'.

COMMON AREAS	4594.39 GSF
ISE USE	16372.35 GSF
OFFICE USE	12640.00 GSF



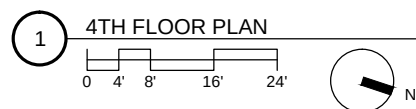
Consultants:

HDR Inc (MEP)
560 Mission Street, Suite 900
San Francisco, CA, 94105

Office Entitlements Package

PROJECT NUMBER	
ORIGINAL ISSUE	June 11, 2013
PROJECT DESIGNER	HDR Inc
PROJECT ARCHITECT	HDR Inc
LANDSCAPE ARCHITECT	
CIVIL ENGINEER	
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	COMMON AREAS	1506.36 GSF
	ISE USE	0 GSF
	OFFICE USE	33187.14 GSF



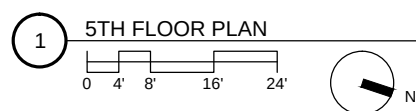
Consultants:

HDR Inc (MEP)
560 Mission Street, Suite 900
San Francisco, CA, 94105

Office Entitlements Package

PROJECT NUMBER	
ORIGINAL ISSUE	June 11, 2013
PROJECT DESIGNER	HDR Inc
PROJECT ARCHITECT	HDR Inc
LANDSCAPE ARCHITECT	
CIVIL ENGINEER	
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Entitlements Package



	COMMON AREAS	0 GSF
	ISE USE	31707.82 GSF
	OFFICE USE	0 GSF

1. 5TH FLOOR GSF DOES NOT COUNT TOWARD COMMON SHARE CALCULATIONS SINCE OFFICE AND ACCESSORY SPACES ARE ONLY FOUND ON FLOORS 1, 3, AND 4.



560 Mission Street | Suite 900, | San Francisco, CA 94105 | 415.546.4200

Consultants:

Thornton Tomasetti (Structural)
135 Main Street, Suite 850
San Francisco, CA, 94105

HDR Inc (MEP)
560 Mission Street, Suite 900
San Francisco, CA, 94105

Owner:

Digital Realty

Four Embarcadero Center, Suite 3200
San Francisco, CA 94111



Submittal:

Office Entitlements Package

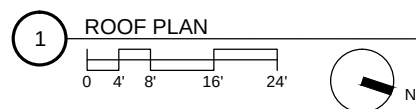
PROJECT NUMBER	
ORIGINAL ISSUE	June 11, 2013
PROJECT DESIGNER	HDR Inc
PROJECT ARCHITECT	HDR Inc
LANDSCAPE ARCHITECT	
CIVIL ENGINEER	
DRAWN BY	

Roof Floor Plan

SCALE	$3/32" = 1'-0"$
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A-106

Entitlements Package

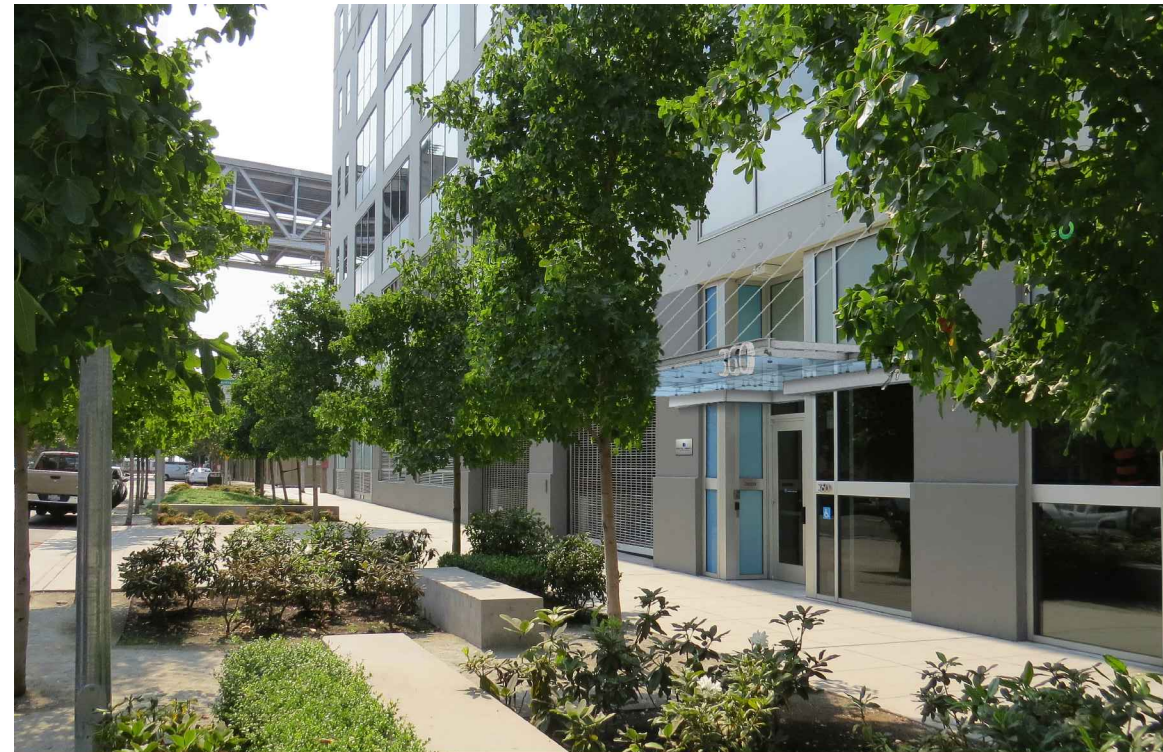


LEGEND:

	COMMON AREAS	0 GSF
	ISE USE	0 GSF
	OFFICE USE	0 GSF

NOTES:

1. ROOF DOES NOT COUNT TOWARD GSF CALCULATIONS PER SF PLANNING CODE SEC 102.9.b.3.



NOTE: ALL EXTERIOR SIGNAGE WILL BE
COMPLIANT WITH SF PLANNING CODE
SEC 606.b.1 AND 606.b.2.A



560 Mission Street | Suite 900, | San Francisco, CA 94105 | 415.546.4200

Consultants:

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135 Main Street, Suite 850
San Francisco, CA, 94105

HDR Inc (MEP)
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San Francisco, CA, 94105

Owner:

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DIGITAL REALTY
Data Center Solutions

Submittal:

Office Entitlements Package

[illegible]

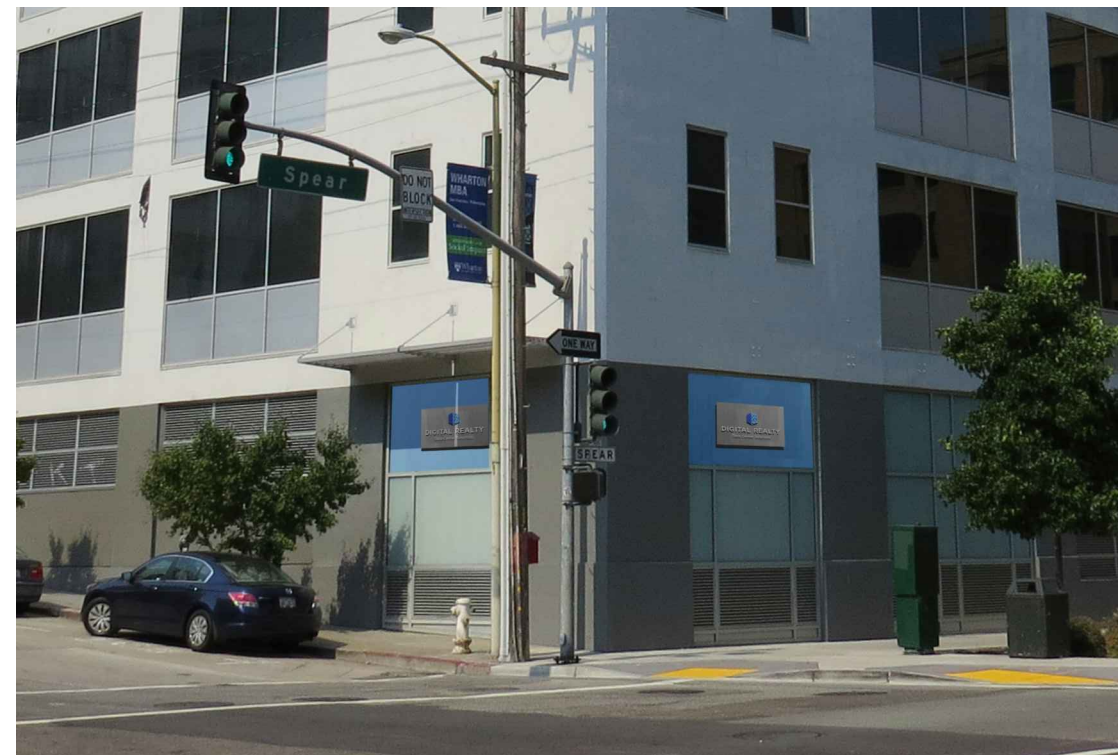
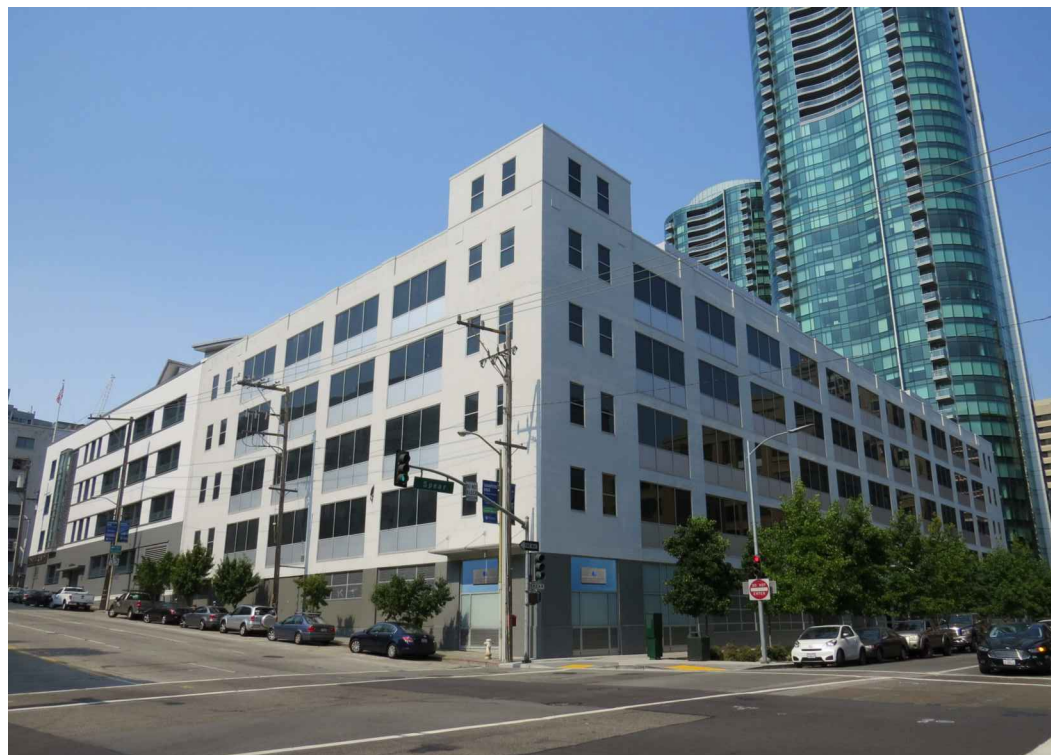
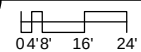
Signage and Canopy

SCALE	1/32" = 1'-0"
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A-201

Entitlements Package

2 CANOPY DESIGN



2 CORNER SIGNAGE

