



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Downtown Project Authorization/ Conditional Use

HEARING DATE: OCTOBER 22, 2015

Date: October 8, 2015
Case No.: 2013.1690EE/CUA/X
Project Address: 1075 MARKET STREET
Zoning: C-3-G (Downtown General)
90-X Height and Bulk District
Market Street Special Sign District
Area Plan: Downtown Plan
Block/Lot: 3703/062
Project Sponsor: Robert Huggins
Encore Funds
One Letterman Drive, Building C, Suite 3800
San Francisco, CA 94129
Staff Contact: Claudine Asbagh – (415) 575-9165
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Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The project proposes demolition of the existing building and new construction of a 90 foot tall, 8-story building, with approximately 90 dwelling units and 8,500 square feet of ground-floor retail. Off-street parking for 24 vehicles (including one car share vehicle) and 92 Class 1 bicycle parking spaces is provided at the basement level and accessed from Stevenson Street.

The ground floor would contain two retail spaces, currently contemplated to include an approximately 7,600 square-foot space fronting Market Street and a 1,400 square-foot space fronting Stevenson Street. The project includes a residential unit mix of approximately 28 studios, 51 one-bedroom units, and 11 two-bedroom units and will provide 11 on-site affordable inclusionary units. The Project would provide common open space on the second floor in the form of an outdoor terrace/courtyard that would be open to the sky, a roof deck and green roof/dog run atop the building, and private open space for certain units in the form of balconies.

SITE DESCRIPTION AND PRESENT USE

The proposed Project is located on a 12,375-square-foot, .28-acre lot at 1075 Market Street, on the southeast side of Market Street midblock between Sixth and Seventh Streets. The generally flat project site is a rectangular lot with 75-foot-long frontages along Market and Stevenson Streets and a 165-foot-long width abutting seven-story mixed-use buildings on either side.

The lot is currently occupied by an approximately 50-foot tall, 23,000-square-foot, steel frame and reinforced concrete building that was constructed in 1912 as the Grauman's Imperial Theater. The building is rectangular in plan and consists of a large gabled auditorium that occupies approximately 50 percent of the building footprint. The theater portion of the building served most recently as an adult cinema and is currently vacant. The subject building has three small retail spaces fronting Market Street that are currently in use. Major interior and exterior alterations have occurred since the structure was built, including to the primary façade's entrance pavilion and marquee.

The project site is located within the Market Street Theater and Loft Historic District, which is listed on the National Register of Historic Places. However, due to the cumulative loss of defining architectural features, the existing structure is considered a non-contributor to that district and is not eligible for the California Register of Historical Resources.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the intersection of Jones and Market Streets within what is commonly known as the Mid-Market portion of San Francisco's South of Market neighborhood, and across Market Street from the Downtown/Civic Center neighborhood and also within the greater Downtown area). The project site is located within the C-3-G (Downtown General Commercial) Use District, the 90-X Height and Bulk District, and within the Market Street Theater and Loft Historic District, which is listed on the National Register of Historic Places.

The surrounding commercial area contains diverse building types and uses, primarily consisting of ground-floor retail uses with offices above, as well as hotels, restaurants, theaters, and civic uses. The nearest existing residential buildings are on McAllister Street and Golden Gate Avenue to the north, on Market Street one block east, and on Sixth and Mission Streets to the southeast, south, and southwest.

Buildings in the project vicinity vary widely in height, ranging from single-story retail buildings to six-story mixed use buildings. Nearby public parks and open spaces include U.N. Plaza, Civic Center Plaza, located two blocks west of the Project Site; Boeddeker Park, three blocks north; Howard Langton Mini Park, two and a half blocks southwest; Victoria Manalo Draves Park, three and a half blocks southwest; and Gene Friend Recreation Center, four blocks southwest.

ENVIRONMENTAL REVIEW

On September 16, 2015, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration ("PMND") for the Project. The PMND was available for public comment until October 6, 2015. The Planning Department, Jonas Ionin, is the custodian of records, located in File No. 2011.1323E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Two comment letters were received as of October 1, 2015, no appeal has been filed regarding the PMND. Assuming that no appeals are filed by October 6, 2015, the PMND would be considered final ("MND").

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 2, 2015	September 30, 2015	22 days
Posted Notice	20 days	October 2, 2015	October 2, 2015	20 days
Mailed Notice	10 days	October 12, 2015	October 8, 2015	15 days

PUBLIC COMMENT

As of the writing of this report, the Department has not received correspondence related to the project. Any correspondence received subsequent to the writing of this report will be shared with the Commission at the hearing.

ISSUES AND OTHER CONSIDERATIONS

- **Planning Code Exceptions.** The project does not strictly conform to several aspects of the Planning Code. As part of the Downtown Project Authorization process, the Commission may grant exceptions from certain requirements of the Planning Code for projects that meet specified criteria. The Project requests exceptions regarding ground level wind currents (Section 148) and rear yard (Section 134). Compliance with the specific criteria for each exception is summarized below, and is described in the attached draft Downtown Project Authorization motion.
- **Ground-Level Wind Currents.** The Code requires that new buildings in C-3 Districts must be designed so as not cause ground-level wind currents to exceed specified comfort levels. When preexisting ambient wind speeds exceed the comfort levels, new buildings must be designed to attenuate ambient wind speeds to meet the specified comfort level. No net new comfort exceedances are being created as a result of this project.

According to the wind analysis prepared for the Project, a total of 30 test point locations along sidewalk areas adjacent to and near the Project site were selected for the purpose of analyzing existing and proposed wind levels near the Project Site pursuant to Planning Code Section 148. Under existing conditions 23 of the test locations exceeded the Planning Code's pedestrian comfort level of 11 mph (more than 10 percent of the time), and 3 test locations exceeded the wind hazard criterion (speeds reaching or exceeding the hazard level of 26mph, as averaged for a single full hour of the year). With the Project, one comfort exceedance would be eliminated (at the southeast corner of the Project Site), 22 would remain unchanged, and 1 new exceedance would be created (further east of the Project Site on Stevenson Street), for a total of 23 comfort exceedances. With the Project, 2 hazard exceedances would be unchanged, and 1 would be improved.

Because the Project would not eliminate the 23 existing exceedances, an exception is required under Planning Code Section 309. An exception is justified under the circumstances, because the changes in wind speed and frequency due to the Project are slight, unlikely to be noticeable, and would remain substantially the same. The Project could not be designed in a manner that would affect wind conditions substantially enough to eliminate all 23 of the existing comfort exceedances, without unduly restricting the site's development potential.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must 1) Adopt Findings under the California Environmental Quality Act; 2) Approve a Downtown Project Authorization pursuant to Planning Code Section 309, granting exceptions to the requirements for ground level wind currents (Section 148) and rear yard (Sections 134); 3) Approve a Conditional Use Authorization pursuant to Planning Code Sections 124(f) and 303 to allow additional square footage above the base floor area ratio for the development of on-site affordable dwelling units within the Project.

BASIS FOR RECOMMENDATION

- The project will add housing and employment opportunities within an intense, walkable urban context.
- The project fulfills the intent of the Downtown Area Plan to focus new housing in transit-served locations and to create active, vibrant streetscapes.
- The project includes a mix of dwelling unit sizes to serve a diversity of household sizes and people with varied housing needs.
- The proposed ground-floor commercial spaces will expand the spectrum of retail goods and services available in the area, and will activate the sidewalks along Market and Stevenson Streets.
- The project is necessary and desirable, is compatible with the surrounding neighborhood, and would not be detrimental to persons or adjacent properties in the vicinity.
- The project meets all applicable requirements of the Planning Code, aside from the exceptions requested pursuant to Planning Code Section 309 and the requested Variances.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Draft Downtown Project Authorization
Exhibit C - Mitigation, Monitoring, and Reporting Program
Draft Conditional Use Authorization
Block Book Map
Sanborn Map
Aerial Photographs
Zoning District Map
Inclusionary Housing Affidavit
Project Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☒ Affordable Housing (Sec. 415)
- ☒ Transit Impact Dev't Fee (Sec. 411)
- ☐ Downtown Park Fee (Sec. 412)

- ☒ First Source Hiring (Admin. Code)
- ☒ Street Tree (Sec. 138.1; 428)
- ☒ Public Art (Sec. 429)

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Planning Commission Draft Motion

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Case No.: **2013.1690E/CUA/X**
Project Address: **1075 Market Street**
Zoning: C-3-G Downtown General
90-X Height and Bulk District
Block/Lot: 3703/062
Project Sponsor: Robert Huggins
Encore Housing Opportunity Fund
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San Francisco, CA 94129
Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.Asbagh@sfgov.org

ADOPTING FINDINGS AUTHORIZING A DETERMINATION OF COMPLIANCE PURSUANT TO PLANNING CODE SECTION 309, WITH EXCEPTIONS TO THE REQUIREMENTS FOR REAR YARD PURSUANT TO PLANNING CODE SECTION 134 AND REDUCTION OF GROUND-LEVEL WIND CURRENTS IN C-3 DISTRICTS PURSUANT TO PLANNING CODE SECTION 148, IN CONNECTION WITH A PROPOSAL TO DEMOLISH THE EXISTING ADULT THEATER AND CONSTRUCT AN APPROXIMATELY 90-FOOT TALL, 8-STORY BUILDING CONTAINING APPROXIMATELY 90 DWELLING UNITS AND APPROXIMATELY 8,500 SQUARE FEET OF GROUND FLOOR RETAIL, AND 24 OFF-STREET PARKING SPACES, LOCATED AT 1075 MARKET STREET WITHIN THE C-3-G (DOWNTOWN GENERAL COMMERCIAL) USE DISTRICT AND THE 90-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PREAMBLE

On February 12, 2014, Robert Huggins on behalf of Encore Housing Opportunity Fund ("Project Sponsor") filed an application (Case No. 2013.1690) with the Planning Department ("Department") for Environmental Review, to allow the demolition of an existing commercial building (formerly an adult entertainment complex) and to construct a new 90-foot-tall, eight-story, approximately 80,000-square-foot, mixed-use building with approximately 90 dwelling units, approximately 9,000 square feet of ground floor retail use, and basement-level parking for 24 vehicles on one lot (Block 3703, Lot 062)

("Project"). The Project is located at 1075 Market Street, within the C-3-G Downtown General Commercial Use District, the 90-X Height and Bulk district, and the Market Street Theater and Loft National Register Historic District ("Project Site")

On June 11, 2014, Project Sponsor filed an application with the Department for a Determination of Compliance with Planning Code Section 309, which seeks exceptions to the requirements for Rear Yard (Section 134) and Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148).

On September 10, 2015, Project Sponsor also filed an application for Conditional Use Authorization ("CUA") to exempt the floor area attributed to the on-site inclusionary affordable units from the Floor Area Ratio (Section 124).

On September 16, 2015, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration ("PMND") for the Project. The PMND was available for public comment until October 6, 2015. The Planning Department, Jonas Ionin, is the custodian of records, located in File No. 2011.1323E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Two comment letters were received as of October 1, 2015, no appeal has been filed regarding the PMND. Assuming that no appeals are filed by October 6, 2015, the PMND would be considered final ("MND").

On October 22, 2015, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization Application No. 2013.1690E/CUA/X. 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 approves the Downtown Project Authorization, with exceptions to the requirements for Rear Yard (Section 134) and Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148), requested in Application No. 2013.1690E/CUA/X, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The proposed Project is located on a 12,375-square-foot, .28-acre lot at 1075 Market Street, on the southeast side of Market Street midblock between Sixth and Seventh Streets. The generally flat project site is a rectangular lot with 75-foot-long frontages along Market and Stevenson Streets and a 165-foot-long width abutting seven-story mixed-use buildings on either side.

The lot is currently occupied by an approximately 50-foot tall, 23,000-square-foot, steel frame and reinforced concrete building that was constructed in 1912 as the Grauman's Imperial Theater. The building is rectangular in plan and consists of a large gabled auditorium that occupies approximately 50 percent of the building footprint. The theater portion of the building served most recently as an adult cinema and is currently vacant. Three small retail spaces fronting Market Street are currently in use. Major interior and exterior alterations have occurred since the structure was built, including to the primary façade's entrance pavilion and marquee.

The project site is located within the Market Street Theater and Loft Historic District, which is listed on the National Register of Historic Places. However, due to the cumulative loss of defining architectural features, the existing structure is considered a non-contributor to that district and is not eligible for the California Register of Historical Resources.

3. **Surrounding Properties and Neighborhood.** The project site is located on Market Street within what is commonly known as the Mid-Market portion of San Francisco's South of Market neighborhood, adjacent to the Downtown Civic Center neighborhood and within the Downtown Area Plan. The Project Site is within the C-3-G Downtown General Commercial Use District, the 90-X Height and Bulk district, and the Market Street Theater and Loft National Register Historic District.

The surrounding mixed-use area contains diverse building types and uses, primarily consisting of ground-floor retail uses with offices above, as well as hotels, restaurants, theaters, and civic uses. The nearest existing residential buildings are on McAllister Street and Golden Gate Avenue to the north, on Market Street one block east, and on Sixth and Mission Streets to the southeast, south, and southwest.

Buildings in the project vicinity vary widely in height, ranging from single-story retail buildings to six-story mixed use buildings. Nearby public parks and open spaces include U.N. Plaza, Civic Center Plaza, located two blocks west of the Project Site; Boeddeker Park, three blocks north; Howard Langton Mini Park, two and a half blocks southwest; Victoria Manalo Draves Park, three and a half blocks southwest; and Gene Friend Recreation Center, four blocks southwest.

4. **Project Description.** The project proposes demolition of the existing building and new construction of a 90 foot tall, 8-story building, with approximately 90 dwelling units and 8,500 square feet of ground-floor retail. Off-street parking for 24 vehicles (including one car share vehicle) and 92 Class 1 bicycle parking spaces is provided at the basement level and accessed from Stevenson Street.

The ground floor would contain two retail spaces, currently contemplated to include an approximately 7,600 square-foot space fronting Market Street and a 1,400 square-foot space fronting Stevenson Street. The project includes a residential unit mix of approximately 28 studios, 51 one-bedroom units, and 11 two-bedroom units and will provide 11 on-site affordable inclusionary units.

5. **Public Comment.** As of the writing of this report, the Department has not received any correspondence related the 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. **Rear Yard Requirement.** Planning Code Section 134 requires that any building containing a dwelling unit in a Downtown Commercial District must provide a rear yard equal to 25 percent of the total lot depth at all residential levels.

The Project does not provide a rear yard that complies with this Code requirement, and as such, requires a rear yard exception under Planning Code Section 309. A 309 exception may be granted so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." See Section 7, below, for Section 309 findings.

- B. **Exposure.** Planning Code Section 140 requires at least one room within every dwelling unit to face directly on an open area that is either (1) a public street or alley that is at least 25 feet in width, or a side yard or rear yard that meets the requirements of the Planning Code, or (2) an open area that is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is location and at the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

The Project contains 90 dwelling units, each of which face either (1) Market Street, (2) Stevenson Street, or (3) the code-compliant open courtyard, with no impermissible obstructions. Therefore all dwelling units comply with Section 140.

- C. **Parking.** Planning Section 151.1 allows up to one car for each two dwelling units as-of-right.

The Project contains 90 dwelling units and 23 off-street parking spaces, which is less than the principally permitted parking ratio of one car per two units.

- D. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.

- E. **Maximum Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the Downtown General District is 6.0 to 1. Section 124(f) provides that in C-3-G Districts, additional square footage above the base FAR of 6.0 to 1 may be approved through Conditional Use authorization for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124(f). In the C-3-G District, the maximum floor area may be increased to 1.5 times the base floor area limit of 6.0 to 1 to 9.0 to 1.

The Project Site has a lot area of approximately 12,375 square feet. Therefore, up to 74,250 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit. As shown in the conceptual plans

for the Project, the building would include 80,573 square feet of GFA, resulting in an FAR of approximately 6.5 to 1.0.

The Project requests Conditional Use Authorization for additional floor area above the base FAR for on-site affordable units. Based on the current location and size of these units, approximately 6,833 of additional floor area above the base FAR would be allowed through the requested Conditional Use authorization, yielding a GFA of 73,740 and FAR of 6.0 to 1.0.

The granting of the Conditional Use Authorization will allow the Project to meet its inclusionary housing requirement on-site as opposed to off-site or through the payment of an in-lieu fee. Section 124(f) requires the units to be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income. The on-site affordable units will satisfy the inclusionary housing requirements of Section 415, which require inclusionary rental units to be permanently affordable to households whose incomes are within 55 percent of the area median income or ownership units to be permanently affordable to households whose incomes are within 90 percent of the median income. The on-site inclusionary units will be affordable for the life of the project to households whose incomes average 90 percent of the area median income. Thus, the Project's inclusionary units will be more affordable than the requirements set forth in Section 124(f).

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

The Project includes 90 dwelling units. The Project would provide at least 36 square feet of private open space for 9 of the dwelling units through private decks. The remaining 81 dwelling units require a total of 3,879 sq. ft. of commonly accessible open space, which would be provided through a 4,000 sq. ft. roof deck and 300 sq. ft. open space located on the second floor of the Project Site.

- G. Public Open Space (Section 138).** Planning Code Section 138 requires that new buildings in the C-3-G Zoning District provide public open space at a ratio of one sq. ft. per 50 gsf of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

The Project includes approximately 9,000 gsf of ground floor retail space. In compliance with Section 138, approximately 180 square feet of public open space along Stevenson Street is provided.

- H. Streetscape Improvements (Section 138.1).** Planning Code Section 138.1 requires that when a new building is constructed in the C-3 District, street trees and sidewalk paving must be provided. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

The Project complies with Section 138.1 by retaining four existing trees along Market Street and planting three new trees along Stevenson Street to activate the sidewalk.

- I. **Street Frontage in Commercial Districts: Active Uses (145.1(c)(3)).** Planning Code Section 145.1(c)(3) requires that within Downtown Commercial Districts, space for “active uses” shall be provided within the first 25 feet of building depth on the ground floor.

The ground floor space along Market and Stevenson Streets have active uses with direct access to the sidewalk within the first 25 feet of building depth and are thus compliant with this Code Section. All other features along Market and Stevenson Streets (i.e. garage access, minimal lobby, fire control room, etc.) are exempt from the active use requirement.

- J. **Street Frontage in Commercial Districts: Ground Floor Transparency (Section 145.1(c)(6)).** Planning Code Section 145.1(c)(6) requires that within Downtown Commercial Districts, frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

The ground floor active uses along Market and Stevenson Streets are fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage, in compliance with this Code Section

- K. **Shadows on Public Sidewalks (Section 146).** Planning Code Section 146(a) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

The Project complies with Section 146(a) in that its maximum street height and sun access angle are within the limits prescribed. As it relates to Section 146(c), the Project would replace the current commercial building with an 8-story mixed-use building. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project’s shadows would be limited in scope and would not increase the total amount of shading above levels that are commonly accepted in urban areas. The Project is proposed at a height that is consistent with the zoned height for the property and could not be further shaped to reduce substantial shadow effects on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project would not adversely shadow public sidewalks.

- L. **Shadows on Public Open Spaces (Section 147).** Planning Code Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be

shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

A shadow analysis determined that, while the Project would cast a small amount of new shadow in the early morning (before 8:00 a.m.) on United Nations Plaza around the summer solstice, it would not be expected to adversely affect the use of this space. The Project would not cause net new shadow on any open space under the jurisdiction of, or designated to be acquired by, the Recreation and Park Commission. No other significant public or private open spaces – including those not protected by Section 295 – would be affected by shadows created by the Project and therefore the project complies with Section 147.

- M. **Ground Level Wind (Section 148).** Pursuant to Section 148, in C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

Wind tunnel tests were performed for the proposed project in March 2015 and results were provided to the Department via a report dated March 12, 2015. A total of 30 test point locations along sidewalk areas adjacent to and near the Project Site were selected for the purpose of analyzing existing and proposed wind levels near the Project Site pursuant to Planning Code Section 148.

Under existing conditions 23 of the test locations exceeded the Planning Code's pedestrian comfort level of 11 mph (more than 10 percent of the time), and 3 test locations exceeded the wind hazard criterion (speeds reaching or exceeding the hazard level of 26mph, as averaged for a single full hour of the year). With the Project, one comfort exceedance would be eliminated (at the southeast corner of the

Project Site), 22 would remain unchanged, and 1 new exceedance would be created (further east of the Project Site on Stevenson Street), for a total of 23 comfort exceedances or no net new exceedances. With the Project, 2 hazard exceedances would be unchanged, and 1 would be improved.

Exceeding the seating or pedestrian comfort criteria – and not eliminating all of the pre-existing comfort exceedances as part of the Project – requires an exception pursuant to Planning Code Section 309, as outlined in Section 7, below.

- N. **Car Share (Section 166).** Planning Code Section 166 requires one car share parking space for residential projects with between 50 and 200 dwelling units.

The Project provides one off-street car share parking space within the below-grade garage and therefore complies with Section 166.

- O. **Bicycle Parking (Section 155.2).** For buildings with less than 100 dwelling units, Planning Code Section 155.2 requires one Class 1 space for every dwelling units plus one Class 2 space for every 20 dwelling units. For the retail space, Section 155.2 requires one Class 1 space for every 7,500 square feet of occupied floor area, plus a minimum of two Class 2 spaces, with one space for every 2,500 square feet of occupied floor area.

The Project requires a minimum of 92 Class 1 bicycle parking spaces and 9 Class 2 spaces (5 for the residential; 4 for the retail). The basement would accommodate approximately 92 Class 1 bicycle parking spaces, and bicycle racks along Market and Stevenson Streets would, in total, accommodate 9 Class 2 spaces.

- P. **Density (Section 210.2).** Planning Code Sections 210.2 establishes no density limit in the C-3 Districts. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.

The Project contains 90 dwelling units, which is allowed in the C-3-G District. The elimination of density controls in the C-3 Districts was recently approved through Ordinance No. 22-15 (Board File No. 141253); previously, density was principally permitted at a ratio of 1 unit per 125 sf of lot area and conditionally permitted above that amount.

- Q. **Height (Section 260).** The property is located in a 90-X Height and Bulk District, thus permitting structures up to a height of 90 feet.

The Project would reach a height of approximately 90 feet to the roof of the building, with various features such as elevator/stair penthouses, mechanical structures, and parapets extending above the 90-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b).

- R. **Shadows on Parks (Section 295).** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the

project would result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

The Department conducted a shadow analysis and determined that the Project would not shade any properties under the jurisdiction of, or designated for acquisition by, the Recreation and Park Department.

- S. **Inclusionary Affordable Housing Program (Section 415).** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee (“Fee”) or provide on-site or off-site affordable units. This Fee is made payable to the Department of Building Inspection (“DBI”) for use by the Mayor’s Office of Housing and Community Development for the purpose of increasing affordable housing citywide.

The Project would comply with the City’s Residential Inclusionary Affordable Housing Program requirements by including 11 below-market-rate (“BMR”) units on-site, or 12 percent of the total number of units, as required by Section 415.6.

- T. **Street Trees (Sections 138.1 and 428).** Section 138.1 requires the installation of street trees in the case of the construction of a new building. One 24-inch box tree is required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works (DPW). The requirements of Section 138.1 may be waived or modified by the Zoning Administrator, pursuant to Section 428, where DPW cannot grant approval due to practical difficulties.

The Project, which would include a 75-foot property frontage along both Market and Stevenson Streets, would comply with Section 138.1(c)(1) by retaining the four existing trees along Market Street and planting three new street trees along Stevenson Street. Because the sidewalk on the project frontage of Stevenson Street is only 7 feet wide, street trees can be planted only in the proposed widened portion of the sidewalk that would permit the required 5-foot pedestrian zone and that excludes the frontage where the new building’s driveway would be located.

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

The Project estimates a construction cost of \$27,000,000, one percent of which is estimated to be \$270,000 dedicated to public art. The Project Sponsor will either pay the required one percent into the

Public Artwork Trust Fund, contribute to on-site public artwork or a combination of the two. Any public art proposed to be provided on-site will be reviewed by the Planning Director for compliance with the requirements of the program. In addition, the proposal will then be presented to the Planning Commission at an information presentation. The Project will comply with the public art requirement pursuant to the Conditions of Approval.

- V. **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 has not executed yet a Memorandum of Understanding (MOU) with the City and County of San Francisco, as part of the First Source Hiring Program, however an affidavit for First Source Hiring Program – Section 83 was filed on April 22, 2015.

7. **Exceptions Requested Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and grants each exception as further described below:

- a. **Section 134: Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at the first level containing a dwelling unit, and at every subsequent level. Per Section 134(d), exceptions to the rear yard requirements may be granted provided that the building location and configuration assure adequate light and air to the residential units and the open space provided.

Due to the unique configuration of the Property, the Project does not provide a traditional rear yard but rather provides a comparable amount of open space. Specifically, the Project would provide common open space on the second floor in the form of an outdoor terrace/courtyard that would be open to the sky, a roof deck and green roof/dog run atop the building, and private open space for certain units in the form of balconies.

Section 134(d) allows for an exception to the rear yard requirement pursuant to the Section 309 Downtown Project Authorization process so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided."

While the Project does not propose a rear yard and thus does not meet the strict requirements of the Planning Code, it does ensure adequate open space and allows sufficient light and air to reach the residential units in the available open space. Between the private balconies, terrace/courtyard, and roof deck, the Project fulfills the residential open space required by the Planning Code. The inner courtyard area provides additional open space beyond the minimum requirements. Further,

the Project is provided with sufficient light and air due to the limited height and mass of adjacent properties, as well as the openness over Market Street and Stevenson Street. The building adjacent to the Property on the east is seven stories and the building adjacent on Mason Street is eight stories.

Finally, approximately 4,000 sq. ft. of common open space would be located on the roof level of the Project, which would have full, unobstructed access to light and air on all sides. And, an additional approximately 300 sq. ft. of common open space is provided in the form of the terrace/courtyard on the second floor, which is fully open to the sky. Therefore, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134.

- b. **Section 148: Ground-Level Wind Currents.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

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

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

Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by RWDI Consulting Engineers & Scientists, was conducted using a scale model of the Project Site and its immediate vicinity.

Comfort Criterion

Based on existing conditions, 23 of the 30 sidewalk locations tested currently exceed the pedestrian comfort level of 11 mph, with wind speeds ranging from 12 to 16 mph.

With the Project, one comfort exceedance would be eliminated (at the southeast corner of the Project Site), 22 comfort exceedances would remain unchanged, and one new exceedance would be created (further east of the Project Site on Stevenson Street), for a total of 23 comfort exceedances (particularly along Market Street, west of Seventh Street, and along Seventh Street, south of Market Street). The range of wind speeds with the Project would be similar to existing conditions, with wind speeds in sidewalk pedestrian areas averaging 14 mph. With implementation of the Project, there would be localized changes throughout the Project vicinity; however, the overall wind conditions would remain substantially the same.

Because the Project would not eliminate the 23 existing exceedances, an exception is required under Planning Code Section 309. An exception is justified under the circumstances, because the changes in wind speed and frequency due to the Project are slight, unlikely to be noticeable, and would remain substantially the same. The Project could not be designed in a manner that would affect wind conditions substantially enough to eliminate all 23 of the existing comfort exceedances, without unduly restricting the site's development potential.

Hazard Criterion

The Wind Study indicated that three test points currently exceed the hazard criterion under both existing conditions and with the Project (on the south side of Market Street, west of Seventh Street, and on both sides of Seventh Street, south of Stevenson Street). However, while the Project will not eliminate the three existing hazard exceedances, the Wind Study indicated that it will improve one of the exceedances (west of Seventh Street). Additionally, the Project will decrease the total number of hours per year that the wind hazard would be exceeded. Since the Project would not cause additional hazard criterion exceedances, the Project complies with the hazard criterion of Section 148 and a Section 309 exception is otherwise justified.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.8

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

The Project supports this Policy. The Property is an ideal site for new housing due to its Mid-Market location, and proximity to public transportation. The lot size allows the Project to “complete” the block face on both Market and Stevenson Streets with residential uses over active retail uses on the ground floor. The Project also includes 11 on-site affordable inclusionary units to satisfy the Inclusionary Affordable Housing Program of Planning Code Section 415.

Policy 1.10

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

The Project supports this Policy. It is anticipated that because of the Mid-Market location and proximity to the Downtown/Civic Center neighborhood of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project is situated on Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also one block from the Civic Center BART and MUNI stations, and is within one block of numerous MUNI bus lines. The Project is also a short walk from the new Transbay Terminal currently under construction.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

The Project supports this Policy. The Project would create 90 dwelling units, of which 28 are studio units, 51 are one-bedroom units, and 11 are two-bedroom units. The Project provides a range of unit types to serve a variety of needs.

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

Policy 11.7

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

The Project supports this Policy. The Project would create 90 dwelling units adjacent to existing tourist and residential hotels, and complies with the existing zoning in terms of land use, height, and density. The Property is currently an unused former adult cinema, with significant underutilized space. The Project would enhance the block with an attractive, modern building that is contextual with the surrounding, established neighborhood, and that includes an active ground floor to encourage a more pedestrian-oriented development.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1

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

Policy 3.2

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

Policy 3.6

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

The Project uses an innovative design to relate to existing historic context. It would in-fill a large unused and underdeveloped portion of a block in an otherwise densely developed neighborhood, and does so by blending modern design with the surrounding structures in a way that is complementary without mimicking.

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 Project would add approximately 9,000 square feet of retail space – divided between Market Street and Stevenson Street frontages – that is intended to serve residents in the building and surrounding neighborhood. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown General District, and is thus consistent with activities in the commercial land use plan.

DOWNTOWN AREA PLAN

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 produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown and in the growing Mid-Market area. The new building replaces a vacant, underutilized and outdated former adult cinema with residential dwellings and ground-floor retail, as envisioned in the District, and therefore creates substantial net benefits for the City with minimal undesirable consequences.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

Facilitate conversion of underused industrial and commercial areas to residential use.

The Project would demolish an underutilized and vacant former adult cinema and construct a 90-foot tall, 8-story, 90-unit residential building within easy commuting distance of downtown jobs.

The Project would also include approximately 9,000 sq. ft. of ground floor retail space, with tenant spaces on both Market and Stevenson Streets; these spaces would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Stevenson Streets.

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

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

The new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments. In addition, the Project would include 9,000 square feet of retail space to provide goods and services to residents in the area, contribute to the economic vitality of the area, and will define and activate the streetscape.

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

The project will not diminish existing housing stock, and will add 90 dwelling units in a manner that enhances the vitality of the neighborhood.

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

The Project does not constrain or reduce the supply of affordable housing. A total of 11 affordable dwelling units will be provided on-site.

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

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

Per the traffic studies prepared or reviewed as part of the PMND, the Project will not contribute significantly to existing intersection operations nearby and would have a less than significant impact on traffic and transportation.

The Project provides only one parking access off of Stevenson Street, with no loading spaces and no new curb cuts. Also, all Project parking will be provided below grade and will not overburden 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 propose any office development. The Project would replace a mainly vacant commercial building that was formerly an adult cinema with 90 dwelling units and 9,000 square feet of retail space that will provide employment opportunities for area residents.

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

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

- G. That landmarks and historic buildings be preserved.

The existing commercial building that will be demolished as part of the Project is not a landmark or historic building.

The Project is compatible with the overall massing, height, materials, composition and character of contributing buildings within the historic district and would not cause a significant impact to the Market Street Theatre and Loft Historic District. The Project would not materially impair the significance of the Market Street Theatre and Loft Historic District and would not cause a significant adverse impact upon a historic resource, as defined by CEQA.

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

The Project will not cast net new shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces. The Project will not cast net new shadow on Civic Center Plaza or any other open space under the jurisdiction of, or designated to be acquired by the Recreation and Park Commission. The Project would cast new shadow year-round in the early morning in during the summer solstice on United Nations Plaza, but would not be expected to adversely affect the use of this space.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Downtown Project Authorization and Request for Exceptions would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2013.1690E/CUA/X**, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 9, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 22, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

Motion No. XXXXX
October 22, 2015

CASE NO. 2013.1690E/CUA/X
1075 Market Street

ABSENT:

ADOPTED: October 22, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would demolish the existing commercial building, and to construct a 90-foot, eight-story-above-ground building with approximately 80,000 square feet, 90 dwelling units, and 9,000 square foot of ground floor retail on one lot (Block 3703, Lot 062) located at 1075 Market Street pursuant to **Planning Code Sections 309, 134 and 148** within the C-3-G Downtown General Commercial Use District, the 90-X Height and Bulk district, and the Market Street Theater and Loft Historic District; in general conformance with plans, dated **September 9, 2015**, and stamped "EXHIBIT B" included in the docket for Case No. **2013.1690E/CUA/X** and subject to conditions of approval reviewed and approved by the Commission on **October 22, 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 **October 22, 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 Downtown Project 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 Downtown Project Authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **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
2. **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
3. **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
4. **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
5. **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
6. **Additional Project Authorization.** The Conditions of Approval set forth in Exhibit A of Motion No. XXXXX, Case No. 2013.1690CUA/DNX (Conditional Use Authorization) apply to this

approval, and are incorporated herein as though fully set forth, except as modified herein. 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

7. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Exhibit C** are necessary to avoid potential significant impacts of the Project and have been agreed to by the Project Sponsor. Their implementation is a condition of Project approval.

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

DESIGN

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

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

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

Also, as required for all street trees within the C-3 Zoning Districts, new street trees shall have a minimum 2 inch caliper, measured at breast height; branch a minimum of 80 inches above sidewalk grade; be planted in a sidewalk opening at least 16 square feet, have a minimum soil depth of 3 feet 6 inches; and include street tree basins edged with decorative treatment, such as pavers or cobbles.

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

- 10. Streetscape Elements.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the required Streetscape features so that it generally meets the standards of the Better Streets and Downtown Plans, as well as all applicable City standards. This includes, but is not limited to the use of the standard downtown paving pattern (dark grey concrete silicate carbonate, 3' scoring), and pedestrian-oriented street lighting. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of the architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

- 11. Open Space Provision - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space so that the open space generally meets the standards of the Downtown Open Space Guidelines in the Downtown Plan of the General Plan.

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

- 12. Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying it; the hours open to the public and contact information for building management. The plaques shall be plainly visible from the public sidewalks on XXXXXX Street and shall indicate that the open space is accessible to the public via the elevators in the lobby. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

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

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

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

- 14. Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the Site Permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required

to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

- 15. Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the site permit application.

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

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

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).
- h. Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

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

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

PARKING AND TRAFFIC

- 18. Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than one parking space per two dwelling units. With 90 dwelling units proposed, there is a maximum of 45 off-street parking spaces allowed as-of-right.

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

- 19. Car Share.** Pursuant to Planning Code Section 166, no less than one car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

- 20. Bicycle Parking (Mixed-Use: New Commercial/Major Renovation and Residential).** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 101 bicycle parking spaces (92 Class 1 spaces for the residential portion of the Project and nine Class 2 spaces - five for residential and four for commercial).

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

- 21. Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

PROVISIONS

- 22. Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) for the new retail space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.

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

- 23. Art - Residential Projects.** Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document.

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

- 24. Art Plaques.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion

date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.

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

- 25. Art - Installation.** Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

INCLUSIONARY AND AFFORDABLE UNITS

- 26. Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 90 units; therefore, 11 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 11 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

- 27. Unit Mix.** The Project contains 28 studios, 51 one-bedroom, and 11 two-bedroom; therefore, the required affordable unit mix is 4 studios, 6 one-bedroom, and 1 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

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

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

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

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

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

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

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

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

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

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

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

- the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
 - d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
 - e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
 - f. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
 - g. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

MONITORING

- 32. 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

- 33. 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*

OPERATION

- 34. 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 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*
- 35. 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>*

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

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3. Cultural and Paleontological Resources				
Cultural Resources <i>Improvement Measure I-CP-1a: Protect Existing Decorative Features of Adjacent Buildings</i> The project sponsor shall modify the design of the new building to avoid damaging, or requiring removal, of existing projecting cornice elements or other decorative features of the adjacent buildings at the side property lines (the former Egyptian Theater at 1067 Market Street and the Federal Hotel/Aida Hotel at 1083 Market Street). Architectural plans for the proposed project noting retention of these decorative features shall be submitted to the Planning Department as part of the Site Permit Application.	Project sponsor and/or Project Architect	Prior to issuance of site permit	ERO	Project sponsor and/or Project Architect shall submit revised plans to ERO for review and approval.
<i>Improvement Measure I-CP-1b: Construction Best Practices for Historic Resources</i> The project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the former Egyptian Theater at 1067 Market Street and the Federal Hotel/Aida Hotel at 1083 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to direct damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications shall be submitted to the Planning Department along with the Demolition and Site Permit Applications.	Project sponsor and/or Construction Contractor	Prior to issuance of demolition and site permits	ERO	Project Sponsor or Construction Contractor shall submit Construction Specifications to ERO for review and approval.
<i>Mitigation Measure M-CP-1: Vibration Monitoring and Management Plan</i> The project sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the former Egyptian Theater at 1067 Market Street and Federal Hotel/Aida Hotel at 1083 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment shall be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission	Project sponsor and/or qualified structural engineer and preservation architect	Prior to issuance of demolition and site permits	ERO	Project sponsor and/or qualified structural engineer and preservation architect shall submit Pre-Construction Assessment to ERO for review and approval.

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1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3. Cultural and Paleontological Resources (cont.)				
of the owners of the adjacent properties. The Pre-Condition Assessment shall determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment shall be submitted to the Planning Department along with the Site Demolition and/or Permit Applications.				
The structural engineer and/or preservation architect shall develop and the project sponsor shall adopt a vibration management and continuous monitoring plan to protect the Federal Hotel/Aida Hotel and former Egyptian Theater against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the Project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the Project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation Staff prior to issuance of any construction permits.	Project sponsor and/or qualified structural engineer and preservation architect	Prior to issuance of construction permits and ongoing during construction.	ERO	Project sponsor and/or qualified structural engineer and preservation architect shall submit vibration management and monitoring plan to ERO for review and approval. Project sponsor shall submit quarterly reports during construction and final report at the completion of construction to ERO.
Should vibration levels be observed in excess of the standard, or damage to either the Federal Hotel/Aida Hotel or former Egyptian Theater is observed, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant shall conduct regular period inspections of digital photographs, survey markers, and/or other monitoring devices during ground-disturbing activity at project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the Pre-Construction Assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco <i>Building Code</i> standards.	Project sponsor and/or qualified structural engineer and preservation architect	During construction	ERO	

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 MITIGATION MONITORING AND REPORTING PROGRAM**

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3. Cultural and Paleontological Resources (cont.)				
<p>Archeological Resources</p> <p><i>M-CP-2: Archeological Resources (Testing).</i></p> <p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).</p> <p>Consultation with Descendant Communities: On discovery of an archeological site¹ associated with descendant Native Americans, the Overseas Chinese, or other descendant group an appropriate representative² of the descendant group and the ERO shall be contacted. The representative</p>	Project sponsor and project archeologist.	Prior to any ground-disturbing activities.	ERO to review and approve Archeological Testing Program.	Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered complete upon review and approval by ERO of results of Archeological Testing Program/ Archeological Monitoring Program/ Archeological Data Recovery Program, as applicable.

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

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

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1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3. Cultural and Paleontological Resources (cont.)				
<p>of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p>Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>				

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1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3. Cultural and Paleontological Resources (cont.)				
<p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> • The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; • The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; • The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; • The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; • If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation 				

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 MITIGATION MONITORING AND REPORTING PROGRAM**

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3. Cultural and Paleontological Resources (cont.)				
<p>of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p>Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. 				

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

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3. Cultural and Paleontological Resources (cont.)				
<ul style="list-style-type: none"> • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p>Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p>Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the</p>				

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1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3. Cultural and Paleontological Resources (cont.)				
transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.				
6. Air Quality				
<p><i>M-AQ-2: Construction Emissions Minimization</i></p> <p>A. <i>Construction Emissions Minimization Plan.</i> Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: <ol style="list-style-type: none"> a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited; b) All off-road equipment shall have: <ol style="list-style-type: none"> i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 offroad emission standards, and ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).³ c) Exceptions: <ol style="list-style-type: none"> i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or 	Project sponsor and/or Construction Contractor.	Prior to construction	ERO	Project Sponsor or Contractor shall submit Construction Emissions Minimization Plan to EOR for review and approval.

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

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1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed												
6. Air Quality (cont.)																
<p>infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.</p> <p>ii. Exceptions to A(1)(b)(ii) <i>may</i> be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).</p> <p>iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table M-AQ-2.</p> <p style="text-align: center;">Table M-AQ-2 – Off-Road Equipment Compliance Step-down Schedule</p> <table><tr><th>Compliance Alternative</th><th>Engine Emission Standard</th><th>Emissions Control</th></tr><tr><td>1</td><td>Tier 2</td><td>ARB Level 2 VDECS</td></tr><tr><td>2</td><td>Tier 2</td><td>ARB Level 1 VDECS</td></tr><tr><td>3</td><td>Tier 2</td><td>Alternative Fuel*</td></tr></table> <p>How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met. * Alternative fuels are not a VDECS.</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
3	Tier 2	Alternative Fuel*														

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

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
6. Air Quality (cont.)				
<p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p> <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p> <p>B. <i>Reporting.</i> Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p>	Project sponsor and/or Construction Contractor	During construction	ERO	Project sponsor shall submit quarterly reports during construction and final report at the completion of construction to ERO, per Section B, Reporting, and Section C.

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

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
6. Air Quality (cont.)				
<p>C. Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>D. <i>Certification Statement and On-site Requirements.</i> Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>				



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☒ Affordable Housing (Sec. 415)
- ☒ Transit Impact Dev't Fee (Sec. 411)
- ☐ Downtown Park Fee (Sec. 412)

- ☒ First Source Hiring (Admin. Code)
- ☒ Street Tree (Sec. 138.1; 428)
- ☒ Public Art (Sec. 429)

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Planning Commission Draft Motion

HEARING DATE: OCTOBER 22, 2015

Date: October 8, 2015
Case No.: **2013.1690E/CUA/X**
Project Address: **1075 Market Street**
Zoning: C-3-G Downtown General Commercial Use District
90-X Height and Bulk District
Block/Lot: 3703/062
Project Sponsor: Robert Huggins
Encore Funds
One Letterman Drive, Building C, Suite 3800
San Francisco, CA 94129
Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.Asbagh@sfgov.org

ADOPTING FINDINGS GRANTING CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 124(F) TO ALLOW ADDITIONAL SQUARE FOOTAGE ABOVE THE BASE FLOOR AREA RATIO FOR DWELLING UNITS THAT WILL BE AFFORDABLE FOR A MINIMUM OF 20 YEARS TO HOUSEHOLDS WHOSE INCOMES ARE WITHIN 150 PERCENT OF THE MEDIAN INCOME, IN CONNECTION WITH A PROPOSAL TO DEMOLISH THE EXISTING ADULT THEATER AND CONSTRUCT AN APPROXIMATELY 90-FOOT TALL, 8-STORY BUILDING CONTAINING APPROXIMATELY 90 DWELLING UNITS AND APPROXIMATELY 8,500 SQUARE FEET OF GROUND FLOOR RETAIL, AND 24 OFF-STREET PARKING SPACES, LOCATED AT 1075 MARKET STREET WITHIN THE C-3-G (DOWNTOWN GENERAL COMMERCIAL) USE DISTRICT AND THE 90-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 12, 2014, Robert Huggins on behalf of Encore Funds ("Project Sponsor") filed an application (Case No. 2013.1690) with the Planning Department ("Department") for Environmental Review, to allow the demolition of an existing commercial building (formerly an adult entertainment complex) and to construct a new 90-foot-tall, eight-story, approximately 80,000-square-foot, mixed-use building with approximately 90 dwelling units, approximately 9,000 square feet of ground floor retail use, and basement-level parking for 23 vehicles on one lot (Block 3703, Lot 062) ("Project"). The Project is located

at 1075 Market Street, within the C-3-G Downtown General Commercial Use District, the 90-X Height and Bulk district, and the Market Street Theater and Loft National Register Historic District ("Project Site").

On June 11, 2014, Project Sponsor filed an application with the Department for a Determination of Compliance with Planning Code Section 309, which seeks exceptions to the requirements for Rear Yard (Section 134) and Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148).

On September 10, 2015, Project Sponsor also filed an application for Conditional Use Authorization ("CUA") to exempt the floor area attributed to the on-site inclusionary affordable units from the Floor Area Ratio (Section 124).

On September 16, 2015, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration ("PMND") for the Project. The PMND was available for public comment until October 6, 2015. The Planning Department, Jonas Ionin, is the custodian of records, located in File No. 2011.1323E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Two comment letters were received as of October 1, 2015, no appeal has been filed regarding the PMND. Assuming that no appeals are filed by October 6, 2015, the PMND would be considered final ("MND").

On October 22, 2015, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2013.1690E/CUA/X. 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 approves the Conditional Use Authorization to allow additional square footage above the base floor area ratio for dwelling units that will be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income requested in Application No. 2013.1690E/CUA/X, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The proposed Project is located on a 12,375-square-foot, .28-acre lot at 1075 Market Street, on the southeast side of Market Street midblock between Sixth and Seventh Streets. The generally flat project site is a rectangular lot with 75-foot-long frontages along Market and Stevenson Streets and a 165-foot-long width abutting seven-story mixed-use buildings on either side.

The lot is currently occupied by an approximately 50-foot tall, 23,000-square-foot, steel frame and reinforced concrete building that was constructed in 1912 as the Grauman's Imperial Theater. The building is rectangular in plan and consists of a large gabled auditorium that occupies approximately 50 percent of the building footprint. The theater portion of the building served most recently as an adult cinema and is currently vacant. Three small retail spaces fronting Market Street are currently in use. Major interior and exterior alterations have occurred since the structure was built, including to the primary façade's entrance pavilion and marquee.

The project site is located within the Market Street Theater and Loft Historic District, which is listed on the National Register of Historic Places. However, due to the cumulative loss of defining architectural features, the existing structure is considered a non-contributor to that district and is not eligible for the California Register of Historical Resources.

3. **Surrounding Properties and Neighborhood.** The project site is located on Market Street within what is commonly known as the Mid-Market portion of San Francisco's South of Market neighborhood, adjacent to the Downtown Civic Center neighborhood and within the Downtown Area Plan. The Project Site is within the C-3-G Downtown General Commercial Use District, the 90-X Height and Bulk district, and the Market Street Theater and Loft National Register Historic District.

The surrounding mixed-use area contains diverse building types and uses, primarily consisting of ground-floor retail uses with offices above, as well as hotels, restaurants, theaters, and civic uses. The nearest existing residential buildings are on McAllister Street and Golden Gate Avenue to the north, on Market Street one block east, and on Sixth and Mission Streets to the southeast, south, and southwest.

Buildings in the project vicinity vary widely in height, ranging from single-story retail buildings to six-story mixed use buildings. Nearby public parks and open spaces include U.N. Plaza, Civic Center Plaza, located two blocks west of the Project Site; Boeddeker Park, three blocks north; Howard Langton Mini Park, two and a half blocks southwest; Victoria Manalo Draves Park, three and a half blocks southwest; and Gene Friend Recreation Center, four blocks southwest.

4. **Project Description:** The project proposes demolition of the existing building and new construction of a 90 foot tall, 8-story building, with approximately 90 dwelling units and 8,500 square feet of ground-floor retail. Off-street parking for 23 vehicles (including one car share vehicle) and 92 Class 1 bicycle parking spaces is provided at the basement level and accessed from Stevenson Street.

The ground floor would contain two retail spaces, currently contemplated to include an approximately 7,600 square-foot space fronting Market Street and a 1,400 square-foot space fronting Stevenson Street. The project includes a residential unit mix of approximately 28 studios, 51 one-bedroom units, and 11 two-bedroom units and will provide 11 on-site affordable inclusionary units.

5. **Public Comment.** As of the writing of this report, the Department has not received any correspondence related the project.
6. **Planning Code Compliance.** The Planning Code Compliance Findings set forth in Motion No. XXXXX, Case No. 2013.1690E/CUA/X (Large Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the Downtown General District is 6.0 to 1. Section 124(f) provides that in C-3-G Districts, additional square footage above the base FAR of 6.0 to 1 may be approved by conditional use for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124(f). In the C-3-G District, the maximum floor area may be increased to 1.5 times the base floor area limit of 6.0 to 1 to 9.0 to 1.

The Project Site has a lot area of approximately 12,375 square feet. Therefore, up to 74,250 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit. As shown in the conceptual plans for the Project, the building would include 80,573 square feet of GFA, resulting in an FAR of approximately 6.5 to 1.0.

The Project requests Conditional Use Authorization for additional floor area above the base FAR for on-site affordable units. Based on the current location and size of these units, approximately 6,833 of additional floor area above the base FAR would be allowed through the requested Conditional Use authorization, yielding a GFA of 73,740 and FAR of 6.0 to 1.0.

The granting of the Conditional Use Authorization will allow the Project to meet its inclusionary housing requirement on-site as opposed to off-site or through the payment of an in-lieu fee. Section 124(f) requires the units to be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income. The on-site affordable units will satisfy the inclusionary housing requirements of Section 415, which require inclusionary rental units to be permanently affordable to households whose incomes are within 55 percent of the area median income or ownership units to be permanently affordable to households whose incomes are within 90 percent of the median income. The on-site inclusionary units will be affordable for the life of the project to households whose incomes average 90 percent of the area median income. Thus, the Project's inclusionary units will be more affordable than the requirements set forth in Section 124(f).

7. **Planning Code Section 303 (c)** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with the criteria of Section 303, in that:

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

The Project is necessary and desirable for the neighborhood because it will revitalize an underutilized site by replacing the existing adult entertainment complex and retail spaces with a residential development that provides 90 units of for-sale housing. The 11 on-site affordable units will add to housing opportunities for moderate income households in a neighborhood with numerous transit options. The creation of 90 new dwelling units in the Civic Center area will help alleviate the City's housing shortage, enliven the area throughout the day and evening, strengthen the customer base of retail uses in the neighborhood, and generate a substantial amount of pedestrian activity throughout the area. The Project proposes a primarily residential use building with ground floor retail, both of which are principally permitted in the C-3-G Zoning District.

The conditional use authorization for additional floor area for the affordable units will allow the Project to meet its inclusionary housing requirement on-site as opposed to off-site or through the payment of the Affordable Housing Fee. Section 124(f) requires the units to be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income. The on-site affordable units will satisfy the inclusionary housing requirements of Section 415, which require inclusionary rental units to be permanently affordable to households whose incomes are within 55 percent of the area median income for rental units or ownership units to be permanently affordable to households whose incomes are an average of 90 percent of the median income and may not exceed 110% of median income. Thus, the Project's units will be more affordable than the requirements set forth in Section 124(f).

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

- i. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.

The Project Site is contained within a single, rectangular lot, the size and shape of which are adequate to accommodate a high-density residential development. The height and overall massing of the Project are appropriate for the site and the neighborhood. The building has been designed to provide adequate light and air to each of the proposed dwelling units. To maximize common open space on the site, the Project provides a large roof deck.

The conditional use authorization for additional floor area for the affordable units will allow the Project to meet its inclusionary housing requirement on-site as opposed to off-site or through the payment of the Affordable Housing Fee.

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

proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

The Project Site is located within an urban context, where convenience goods and services are available within walking distance. Given the proximity of multiple public transit alternatives (BART, Golden Gate Transit, MUNI, and SamTrans), the generous on-site bicycle parking and on-site car share, the Project will provide an adequate amount of parking (23 residential spaces for 90 dwelling units in a below-grade garage). The amount of parking proposed results in a parking ratio of 0.26:1, which is well below the maximum principally, permitted parking ratio of 0.50:1 provided by Section 151.1. No loading spaces are required under Section 152.1. All off-street parking and loading will be accessed via Stevenson Street. No new curb cuts are permitted on this section of Market Street.

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

The Project, which is predominantly residential in nature, will not emit any noxious odors or other offensive emissions. All window glazing will comply with the Planning Code and relevant design guidelines to eliminate or reduce glare. While temporary increases in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. During construction, appropriate measures will be taken to minimize dust and noise as required by the Building Code and any measures set forth in the Project's Mitigated Negative Declaration.

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

The Project includes street trees along the Market Street and Stevenson Street frontages. The Project provides for open space in the form of private decks for a total of nine units at the fourth, sixth, and eighth floors, as well as approximately 300 square-feet of open space on the first residential level and an approximately 4,000 square-foot roof deck. All of the proposed open space will include appropriate landscaping and other amenities.

The garage is below grade and no loading spaces will be provided as none are required. Thus all parking is screened from view. All proposed lighting and signage within the Project will comply with the requirements of the Planning Code.

- C. That such use or feature as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with the applicable sections of the Code, except where the Project Sponsor is seeking exceptions from the Code's rear yard configurations under Section 135(g) and ground level wind speed under Section 148, pursuant to Section 309. The residential and retail uses contemplated

for the Project are permitted within the C-3-G District. The Project complies with use and density requirements. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop and reach amenities by walking, public transit and bicycling. The Project conforms to multiple goals and policies of the General Plan, as described in further detail in Item 8. General Plan Conformity.

8. **General Plan Consistency.** The General Plan Consistency Findings set forth in Motion No. XXXXX, Case No. 2013.1690E/CUA/X (Large Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments. In addition, the Project would include 8,500 square feet of retail space to provide goods and services to residents in the area, contribute to the economic vitality of the area, and will define and activate the streetscape.

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

The project will not diminish existing housing stock, and will add 90 dwelling units in a manner that enhances the vitality of the neighborhood.

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

The Project does not constrain or reduce the supply of affordable housing. A total of 11 affordable dwelling units will be provided on-site.

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

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

Per the traffic studies prepared or reviewed as part of the PMND, the Project will not contribute significantly to existing intersection operations nearby and would have a less than significant impact on traffic and transportation.

The Project provides only one parking access via Stevenson Street, with no loading spaces and no new curb cuts. Additionally, all Project parking will be provided below grade and will not overburden 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 propose any office development. The Project would replace a mainly vacant commercial building that was formerly an adult cinema with 90 dwelling units and 8,500 square feet of retail space that will provide employment opportunities for area residents.

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

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

- G. That landmarks and historic buildings be preserved.

The existing commercial building that will be demolished as part of the Project is not a landmark or historic building. The project site is located within the Market Street Theater and Loft Historic District, which is listed on the National Register of Historic Places. However, due to the cumulative loss of defining architectural features, the existing structure is considered a non-contributor to that district and is not eligible for the California Register of Historical Resources.

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

The Project will not cast net new shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces. The Project will not cast net new shadow on Civic Center Plaza or any other open space under the jurisdiction of, or designated to be acquired by the Recreation and Park Commission. The Project would cast new shadow year-round in the early morning in during the summer solstice on United Nations Plaza, but would not be expected to adversely affect the use of this space.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of this 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 Authorization Application No. 2013.1690E/CUA/X** pursuant to Planning Code Sections 124(f) and 303, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 9, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as "EXHIBIT C" and incorporated herein as part of this Motion by this reference thereto.

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 October 22, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

Motion No. XXXXX
October 22, 2015

CASE NO. 2013.1690E/**CUA****/X**
1075 Market Street

NAYS:

ABSENT:

ADOPTED: October 22, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use Authorization under Planning Code Sections 124(f) and 303 to allow approximately 6,833 gross square feet of inclusionary housing, to demolish the existing commercial building, and to construct a 90-foot, eight-story-above-ground building with approximately 80,000 square feet, 90 dwelling units, and 9,000 square foot of ground floor retail on one lot. The Project Site is located within the C-3-G Downtown General Commercial Use District, the 90-X Height and Bulk district, and the Market Street Theater and Loft National Register Historic District, with exceptions to the requirements for Rear Yard (Section 134) and Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148). The project is subject to general conformance with plans on file, dated September 9, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1690E/CUA/X and subject to Conditions of Approval reviewed and approved by the Commission on October 22, 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.

COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. XXXXX, Case No. 2013.1690E/CUA/X (Large Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein.

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 October 22, 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

1. **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

2. **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

3. **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

4. **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

5. **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

6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Project 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 Environmental Planning, Planning Department at 415-575-6863, www.sf-planning.org

7. **Additional Project Authorization.** The Conditions of Approval set forth in Exhibit A of Motion No. XXXXX, Case No. 2013.1690E/CUA/X (Large Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. 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

8. **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

9. **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

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

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

11. **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>

12. **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

13. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

Parcel Map

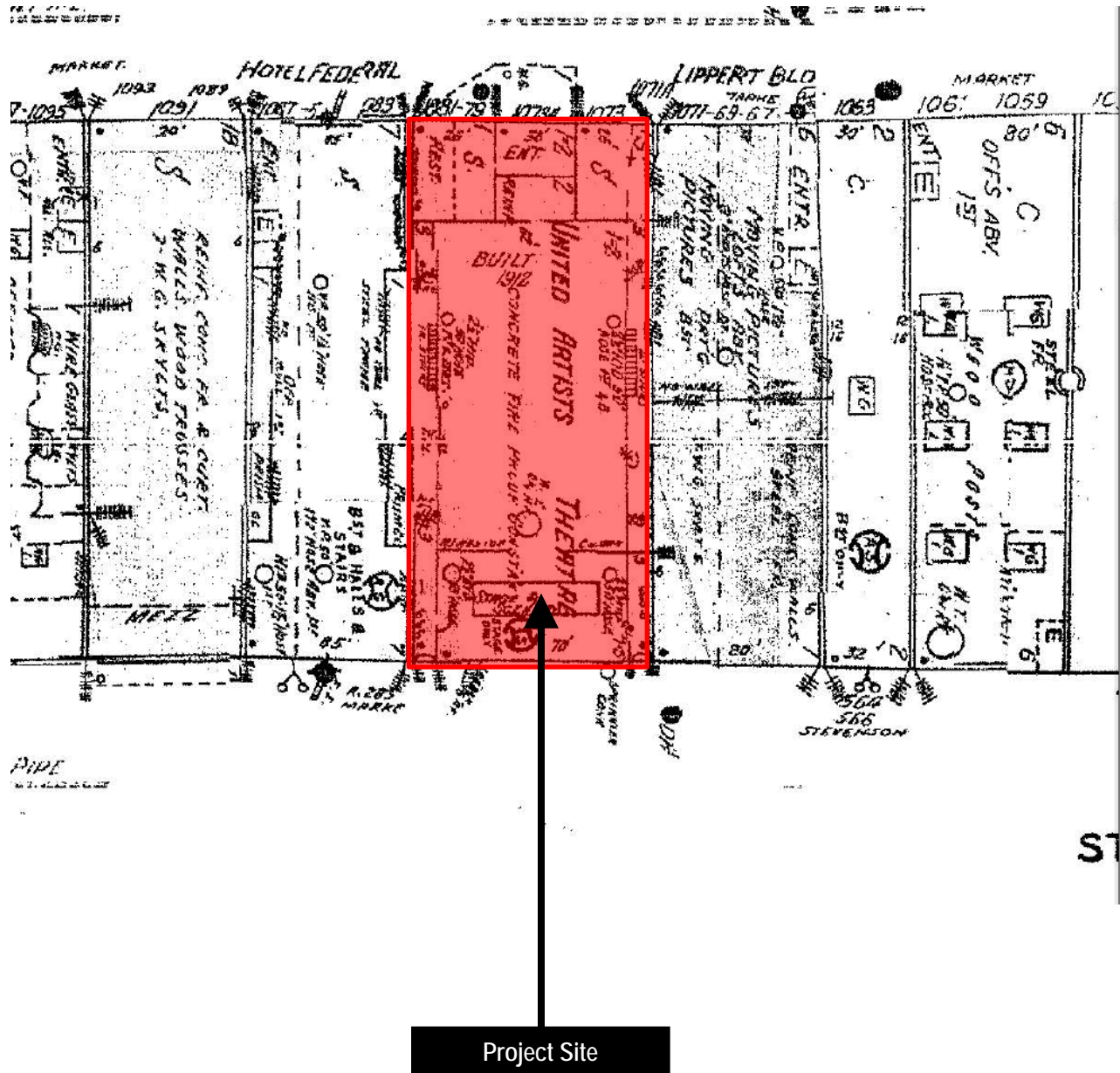


Project Site



Case No. 2013.1690E/CUA/X
1075 Market Street
Downtown Project Auth./Cond. Use

Sanborn Map*

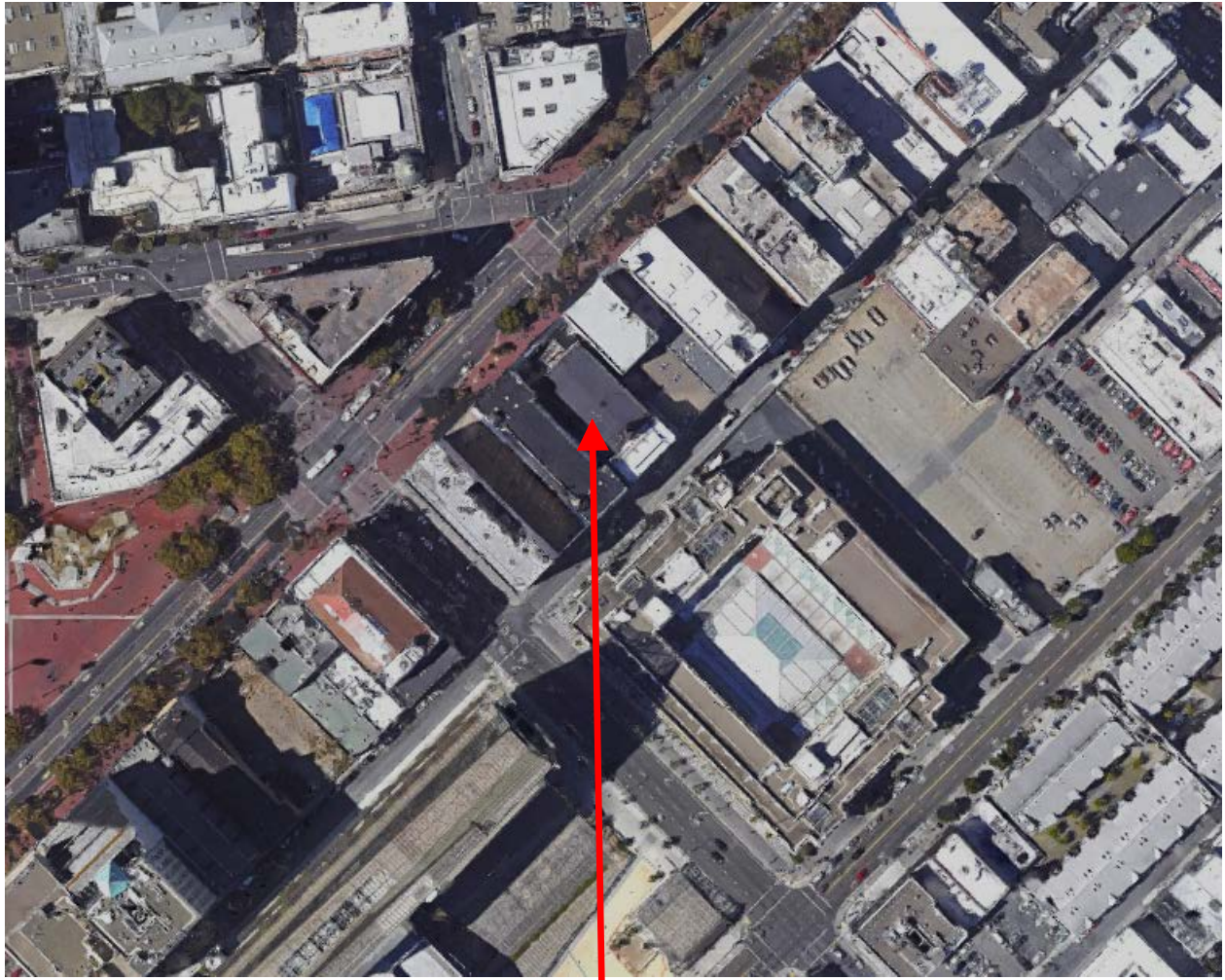


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Case No. 2013.1690E/CUA/X
1075 Market Street
Downtown Project Auth./Cond. Use

Aerial Photo

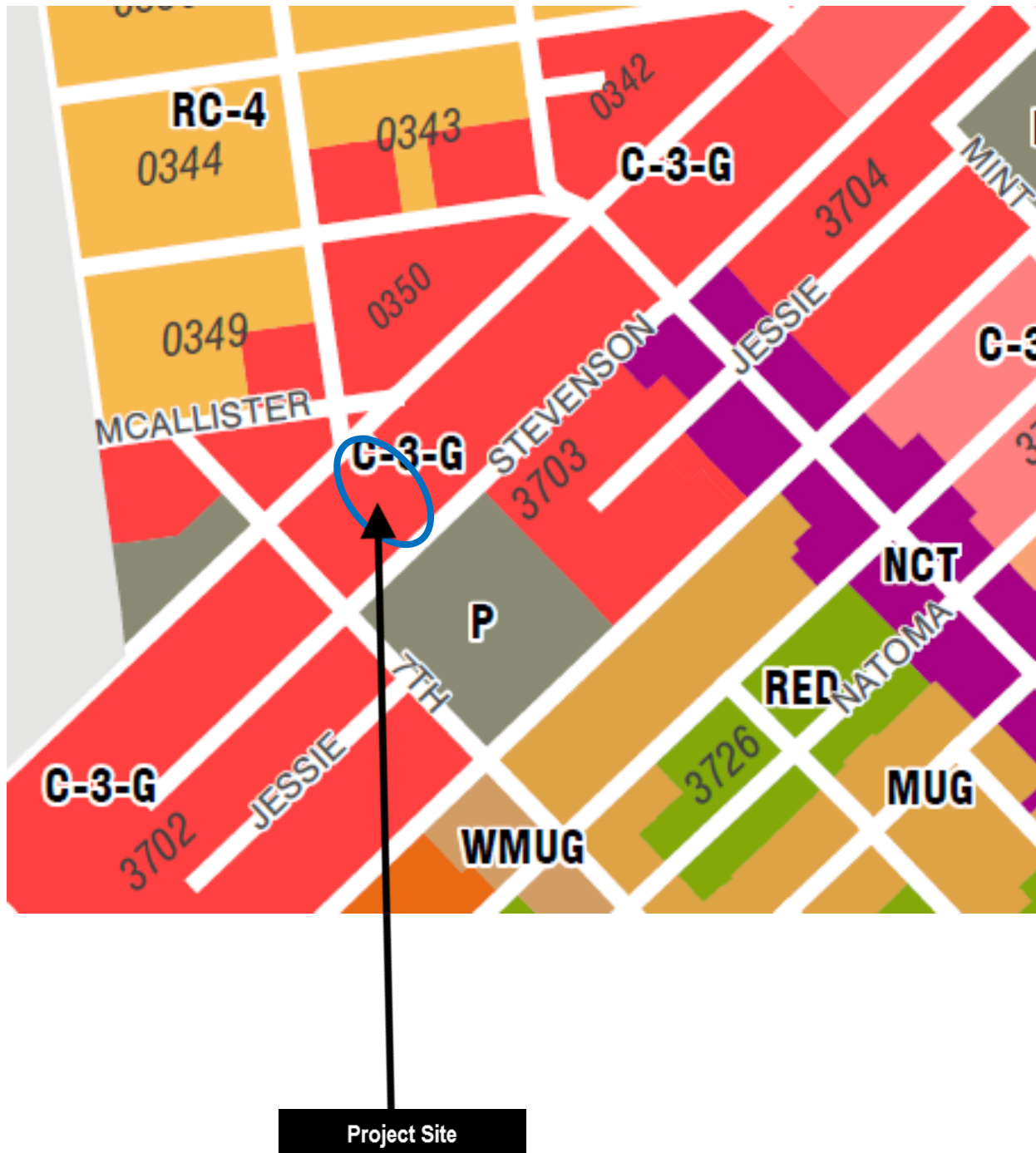


Project Site

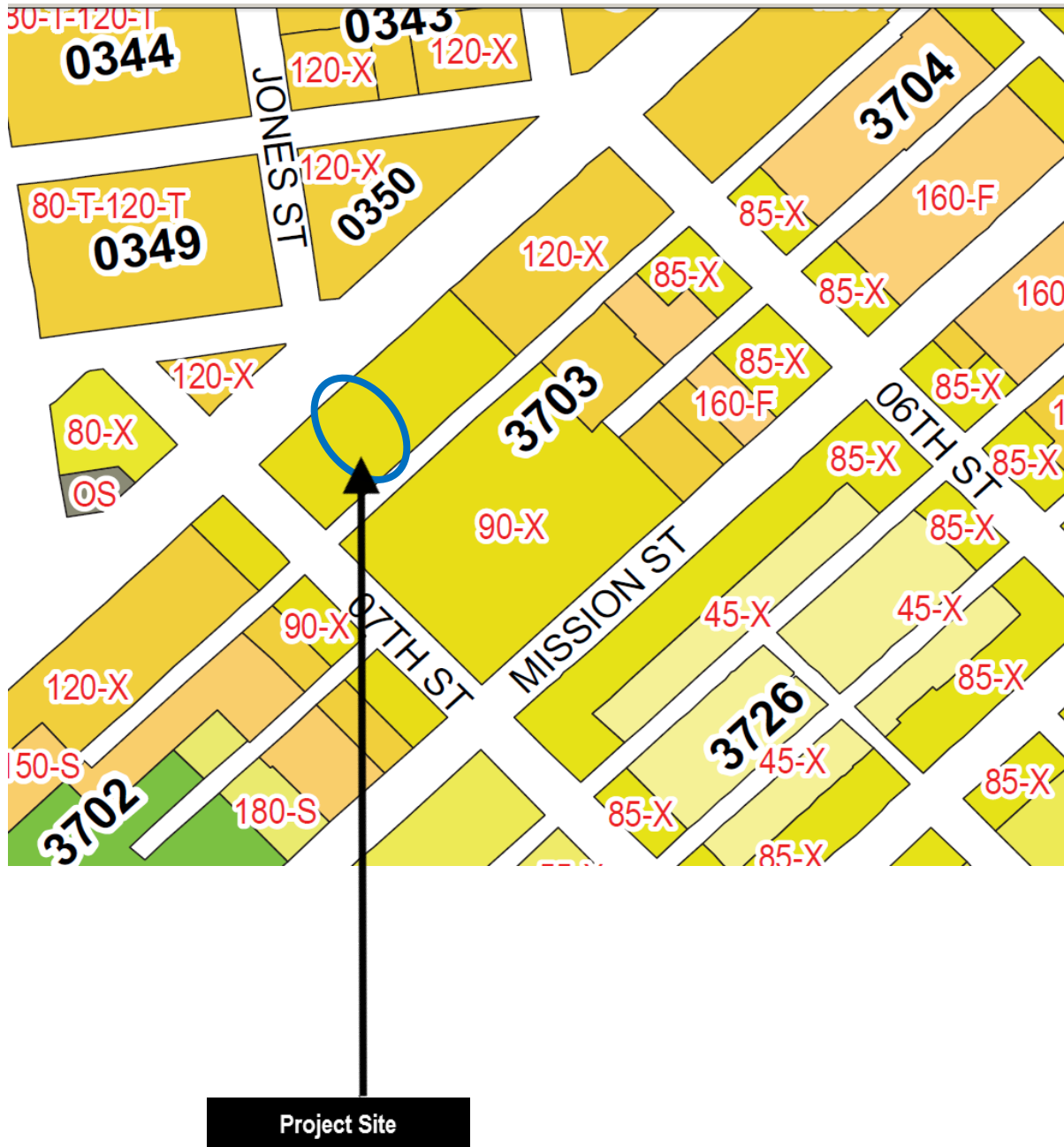


Case No. 2013.1690E/CUA/X
1075 Market Street
Downtown Project Auth./Cond. Use

Zoning District Map



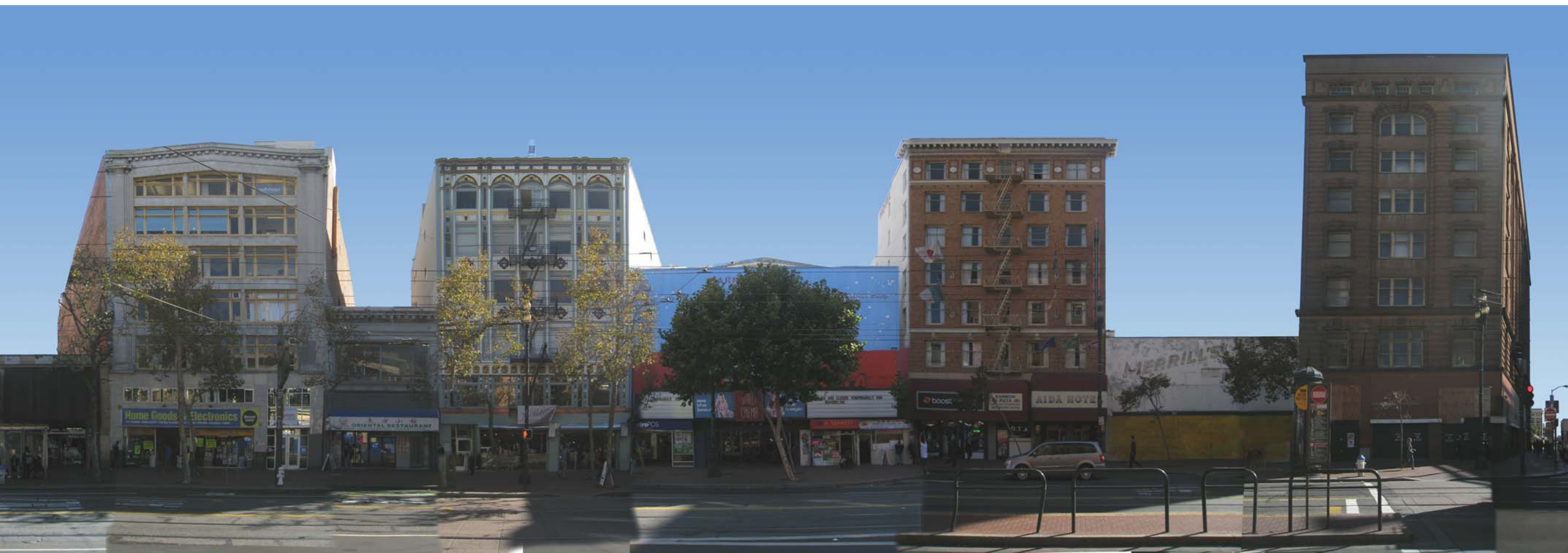
Height and Bulk Map



1075 MARKET STREET

SAN FRANCISCO, CA

GENERAL NOTES	CONTACT LIST	SUMMARY	RENDERING																																																												
<p>GENERAL CONDITIONS: AIA DOCUMENT A201, GENERAL CONDITIONS FOR THE PERFORMANCE OF THE CONTRACT IS HEREBY INCORPORATED INTO THESE DRAWINGS AND SHALL BE CONSIDERED AS PART OF THE REQUIREMENTS FOR THE COMPLETION OF THE WORK.</p> <p>EXISTING CONDITIONS: CONDITIONS SHOWN OF THE DRAWINGS ARE AS SHOWN ON THE ORIGINAL DRAWINGS AND AS OBSERVED ON THE SITE, BUT THEIR ACCURACY IS NOT GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE. ANY DISCREPANCIES SHALL BE REPORTED TO ARCHITECT PRIOR TO PROCEEDING WITH THE WORK. NOTE: DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE OF THE DRAWINGS.</p> <p>PERMITS: THE CONTRACTOR SHALL OBTAIN AND PAY ALL CITY AND/OR COUNTY FEES RELATING TO PROJECT, EXCEPTING THE GENERAL PERMIT, WHICH IS THE RESPONSIBILITY OF THE OWNERS' AND IS REIMBURSABLE TO THE G.C.</p> <p>CODES: ALL WORK SHALL BE DONE IN COMPLIANCE WITH ALL APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO: UNIFORM BUILDING CODES, NATIONAL ELECTRICAL, MECHANICAL, AND PLUMBING CODES, HEALTH DEPARTMENT REGULATIONS, FIRE AND SAFETY CODES, CITY AND/OR COUNTY ORDINANCES AND REGULATIONS AND OTHER CODES GOVERNING CONSTRUCTION.</p> <p>SITE RESPONSIBILITY: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING HEALTH AND SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. CONTRACTOR TO LIMIT TRAFFIC AND ACCESS TO THOSE AREAS WHERE WORK IS PERFORMED.</p> <p>CLEAN UP AND REPAIRS: THE CONSTRUCTION SITE SHALL BE MAINTAINED IN AN ORDERLY MANNER AT ALL TIMES WITH ALL DEBRIS REMOVED AT THE END OF THE EACH DAY. AT THE COMPLETION OF THE CONSTRUCTION REMOVE ALL EXCESS MATERIALS AND REFUSE FROM SITE. LEAVE ALL SURFACES WITHIN CONSTRUCTION SITE FREE FROM DUST, DIRT AND STAINS. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY SURFACES OR ITEMS DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE ARCHITECT AND OWNER.</p> <p>PATCHING: PROPERLY PREPARE SURFACES FOR RECEIVING THE SPECIFIED FINISHES INCLUDING PATCHING OF SURFACES ALTERED BY CONSTRUCTION. ON PATCHED AREAS OR AREAS WHERE A FINISH IS NOT SPECIFIED, THE FINISH SHALL MATCH ADJACENT MATERIAL IN CONSTRUCTION, COLOR AND TEXTURE.</p> <p>ALL WORK NOTED "N.I.C." OR NOT IN CONTRACT IS TO BE PROVIDED BY A CONTRACTOR OTHER THAN THE GENERAL CONTRACTOR.</p> <p>*ALIGN* AS USED IN THESE DOCUMENTS SHALL MEAN TO ACCURATELY LOCATE FINISH FACES ON THE SAME PLANE.</p> <p>*TYPICAL* AS USED IN THESE DOCUMENTS SHALL MEAN THAT THE CONDITION IS THE SAME OR REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, U.O.N.</p> <p>DETAILS ARE USUALLY KEYED AND NOTED "TYPICAL" ONLY ONCE, WHEN THEY FIRST OCCUR, AND ARE REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, U.O.N.</p> <p>SCHEDULE: UPON SUBMITTAL OF THE FINAL CONSTRUCTION COSTS, THE CONTRACTOR SHALL ALSO SUBMIT A CONSTRUCTION SCHEDULE INDICATING THE REQUIRED CONSTRUCTION TIME FOR ALL SUBCONTRACTORS' AND CONTRACTOR'S WORK AND A COST-BY-TRADE BREAKDOWN FOR USE IN SCHEDULING AND EVALUATING PAY REQUESTS.</p> <p>SUBSTITUTIONS: SUBSTITUTIONS, REVISIONS, OR CHANGES MUST HAVE APPROVAL BY THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.</p> <p>DAMAGE: THE CONTRACTOR SHALL REPAIR OR REPLACE ANY SURFACES OR ITEMS DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE ARCHITECT OR OWNER.</p> <p>GUARANTEES: THE CONTRACTOR SHALL GUARANTEE THAT THE PROJECT WILL BE FREE OF DEFECTS OF WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF ACCEPTANCE BY THE OWNER. NO WORK DEFECTIVE IN CONSTRUCTION OR QUALITY DEFICIENT IN ANY REQUIREMENT OF THE DRAWINGS OR NOTES WILL BE ACCEPTABLE IN CONSEQUENCE OF THE OWNERS' OR ARCHITECT'S FAILURE TO POINT OUT DEFECTS OR DEFICIENCIES DURING CONSTRUCTION. DEFECTS OF WORKMANSHIP OR MATERIALS REVEALED WITHIN A PERIOD OF ONE YEAR FROM THE ACCEPTANCE SHALL BE REPLACED BY WORK CONFORMING WITH THE INTENT OF THE CONTRACT AT NO COST TO THE OWNER. NO PAYMENT, EITHER PARTIAL OR FINAL, SHALL BE CONSTRUED AS AN ACCEPTANCE OF DEFECTIVE WORK.</p> <p>COLUMN CENTERLINES (ALSO REFERRED TO AS GRIDLINES) ARE SHOWN FOR DIMENSIONAL PURPOSES. (REFER TO BASE BUILDING DRAWINGS FOR EXACT LOCATIONS).</p> <p>ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK.</p>	<table><tr><td>OWNER</td><td>ARCHITECT</td><td>LANDSCAPE ARCHITECT</td><td>CIVIL ENGINEER</td></tr><tr><td>ENCORE HOUSING OPPORTUNITY FUND ONE LETTERMAN DRIVE BUILDING C, SUITE 3800 SAN FRANCISCO, CA 94129 P: (415) 561-0600</td><td>LEVY DESIGN PARTNERS 90 SOUTH PARK SAN FRANCISCO, CA 94107 P: (415) 777-0561 F: (415) 777-5117</td><td>CFLA 74 DUDLEY AVENUE PIEDMONT, CA 94611 P: (510) 601-8022</td><td>KPFF CONSULTING ENGINEERS 221 MAIN STREET, SUITE 800 SAN FRANCISCO, CA 94105 P: (415) 989-1004 F: (415) 989-1552</td></tr><tr><td>CONTACT: ROBERT HUGGINS</td><td>CONTACT: TOBY LEVY</td><td>CONTACT: CHRIS FORD</td><td>CONTACT: PATRICK MACDONALD</td></tr></table> <table><tr><td>STRUCTURAL ENGINEER</td><td>DESIGN MEP ENGINEER</td><td>ACOUSTIC CONSULTANT</td><td>CODE CONSULTANT</td></tr><tr><td>NISHKIAN MENNINGER 600 HARRISON STREET SUITE 110 SAN FRANCISCO, CA 94107 P: (415) 541-9477 F: (415) 543-5071</td><td>INTERFACE ENGINEERING 717 MARKET STREET, SUITE 500 SAN FRANCISCO, CA 94103 P: (415) 489-7240 F: (415) 489-7289</td><td>CHARLES M. 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RESTAURANT/RETAIL USES WILL BE LOCATED AT GRADE WITH PARKING AND STORAGE LOCATED IN THE BASEMENT. THE BUILDING WILL BE OF TYPE I CONSTRUCTION WITH THE HIGHEST OCCUPIED FLOOR AT A HEIGHT OF 74' - 6" ABOVE STREET LEVEL. AN OCCUPIED COURTYARD & ROOF DECK PROVIDE COMMON OPEN SPACE FOR THE RESIDENTS.</p> <p>DEFERRED SUBMITTALS</p>																			
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DEDUCTS AREA OF AFFORDABLE ON-SITE UNITS.</p> <p>FAR: ALLOWED: 6.0 : 1 PROPOSED: 5.73 : 1</p> <p>DENSITY: ALLOWED: 1 DWELLING UNIT (D.U.) PER 125SF = 99 UNITS PROPOSED: 1 D.U. PER 137.5SF = 90 UNITS</p> <p>SETBACKS: NONE REQUIRED BELOW 90'</p> <p>REAR YARD: REQUIRED AT LOWEST RESIDENTIAL LEVEL AND EACH SUCCEEDING LEVEL. TO COMPLY WITH SF MUNICIPAL CODE SECTION 140.</p> <p>OPEN SPACE: REQUIRED FOR RESIDENTIAL: 4,320SF COMMON OPEN SPACE PROPOSED: 4,750 SF COMMON OPEN SPACE (ROOF & LEVEL 2 COURTYARD) REQUIRED FOR RETAIL: 165 SF PROPOSED: 220 SF PROVIDED AT STEVENSON STREET SETBACK</p> <p>ACTIVE USE: LOBBIES PERMITTED FOR 25% OR 40FT OF FRONTAGE, WHICHEVER IS GREATER APPROX. 15FT WIDE LOBBY PROPOSED AT MARKET ST.</p> <p>CEILING HEIGHT: MIN. 14' CLEAR AT GROUND FLOOR COMMERCIAL PROVIDED</p> <p>PARKING: RESIDENTIAL PERMITTED: 25 CARS PER 4 D.U., CONDITIONAL UP TO .75 CARS PER D.U. NON-RESIDENTIAL NOT TO EXCEED 7% GSF PROPOSED: 22 PARKING SPACES, INCLUDING 1 CAR SHARE SPACE</p> <p>LOADING: NOT REQUIRED (RETAIL <10,000SF, RESIDENTIAL <100,000SF)</p> <p>PARKING ENTRY: MAX. 20 FT OR 33% OR FRONTAGE, WHICHEVER IS LESS 12FT WIDE ENTRANCE PROPOSED</p> <p>BIKE PARKING: RESIDENTIAL REQUIREMENTS: (1) CLASS 1 SPACE FOR EACH D.U., (1) CLASS 2 SPACE FOR EVERY 20 D.U. RETAIL REQUIREMENTS: (1) CLASS 1 SPACE FOR EVERY 7,500SF OF RETAIL USE, (1) CLASS 2 SPACE FOR EVERY 2,500SF OF OCCUPIED RETAIL SPACE (MINIMUM (2) CLASS 2 SPACES). PROPOSED: (92) CLASS 1 SPACES IN GARAGE & (9) CLASS 2 SPACES ON SIDEWALK</p> <p>CAR SHARE: 1 SPACE REQUIRED</p> <p>STREET TREES: REQUIRED: 1 TREE PER 20FT OF FRONTAGE 150 FT FRONTAGE / 20 FT = 8 STREET TREES REQUIRED 4 EXISTING TREES + 3 PROPOSED NEW TREES = 7 TREES TOTAL</p> <p>UNIT MIX: 28 STUDIO 51 1-BED 11 2-BED 90 TOTAL UNITS</p> <p>AFFORDABLE: 11 ON-SITE BMR UNITS PROPOSED 90 TOTAL UNITS X 12% = 11 BMR UNITS</p>	<table><tr><td>OCCUPANCY</td><td>R-2</td><td>S-2</td><td>A-2 (COMM. 1 & 2)</td><td>A-3</td></tr><tr><td>LOCATION</td><td>2ND - 8TH FLOOR</td><td>BASEMENT</td><td>GROUND FLOOR</td><td>ROOF</td></tr><tr><td>CONSTRUCTION</td><td>TYPE IA</td><td>TYPE IA</td><td>TYPE IA</td><td>TYPE IA</td></tr><tr><td>TABULAR ALLOWABLE AREA PER [CBC TABLE 503]</td><td>UNLIMITED</td><td>UNLIMITED</td><td>UNLIMITED</td><td>UNLIMITED</td></tr><tr><td>PROPOSED AREA</td><td>70,321SF</td><td>12,232 SF</td><td>11,309 SF</td><td>4,267 SF</td></tr><tr><td>ALLOWABLE BUILDING HEIGHT PER SAN FRANCISCO PLANNING CODE:</td><td colspan="4">90'-0" MAX.</td></tr><tr><td>TOTAL ALLOWABLE BUILDING HEIGHT FOR TYPE IA BUILDINGS PER [CBC TABLE 503]</td><td colspan="4">UNLIMITED PER CBC TABLE 503</td></tr><tr><td>ACTUAL BUILDING HEIGHT:</td><td colspan="4">91'-10"</td></tr><tr><td>HIGHEST OCCUPIED FLOOR:</td><td colspan="4">74'-6"</td></tr><tr><td>ALLOWABLE NUMBER OF STORIES FOR TYPE IA PER [CBC TABLE 503]</td><td colspan="4">UNLIMITED PER CBC TABLE 503</td></tr><tr><td>TOTAL ALLOWABLE NUMBER OF STORIES:</td><td colspan="4">8 STORIES + BELOW-GRADE BASEMENT</td></tr><tr><td>PROPOSED NUMBER OF STORIES:</td><td>7 STORIES</td><td>BASEMENT ONLY (1 STORY)</td><td>GROUND FLOOR ONLY</td><td>ROOF ONLY</td></tr></table>	OCCUPANCY	R-2	S-2	A-2 (COMM. 1 & 2)	A-3	LOCATION	2ND - 8TH FLOOR	BASEMENT	GROUND FLOOR	ROOF	CONSTRUCTION	TYPE IA	TYPE IA	TYPE IA	TYPE IA	TABULAR ALLOWABLE AREA PER [CBC TABLE 503]	UNLIMITED	UNLIMITED	UNLIMITED	UNLIMITED	PROPOSED AREA	70,321SF	12,232 SF	11,309 SF	4,267 SF	ALLOWABLE BUILDING HEIGHT PER SAN FRANCISCO PLANNING CODE:	90'-0" MAX.				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AREA MAP	VICINITY MAP																																																														



1 1075 MARKET STREET : PANORAMIC
12" = 1'-0"



2 MARKET STREET PERSPECTIVE
12" = 1'-0"



3 STEVENSON STREET PERSPECTIVE
12" = 1'-0"



4 IMPERIAL THEATER, 1919
12" = 1'-0"



5 UA THEATER, 1964
12" = 1'-0"

1075 MARKET STREET SAN FRANCISCO, CA

NOT FOR
CONSTRUCTION

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE: 2014-05-28
SET ISSUE: SITE PERMIT
DD SET

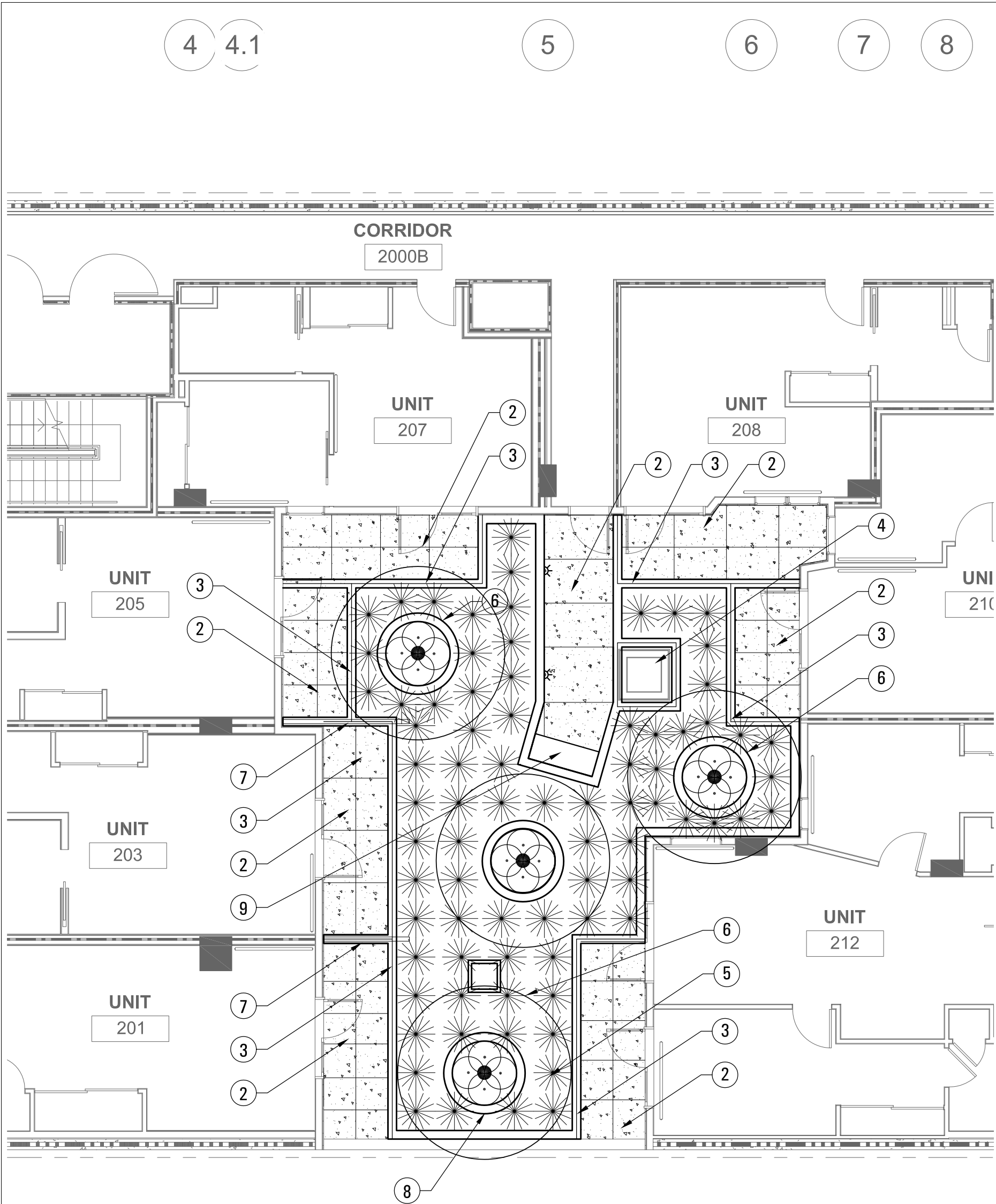
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: 12" = 1'-0"

SITE &
HISTORIC
PHOTOS

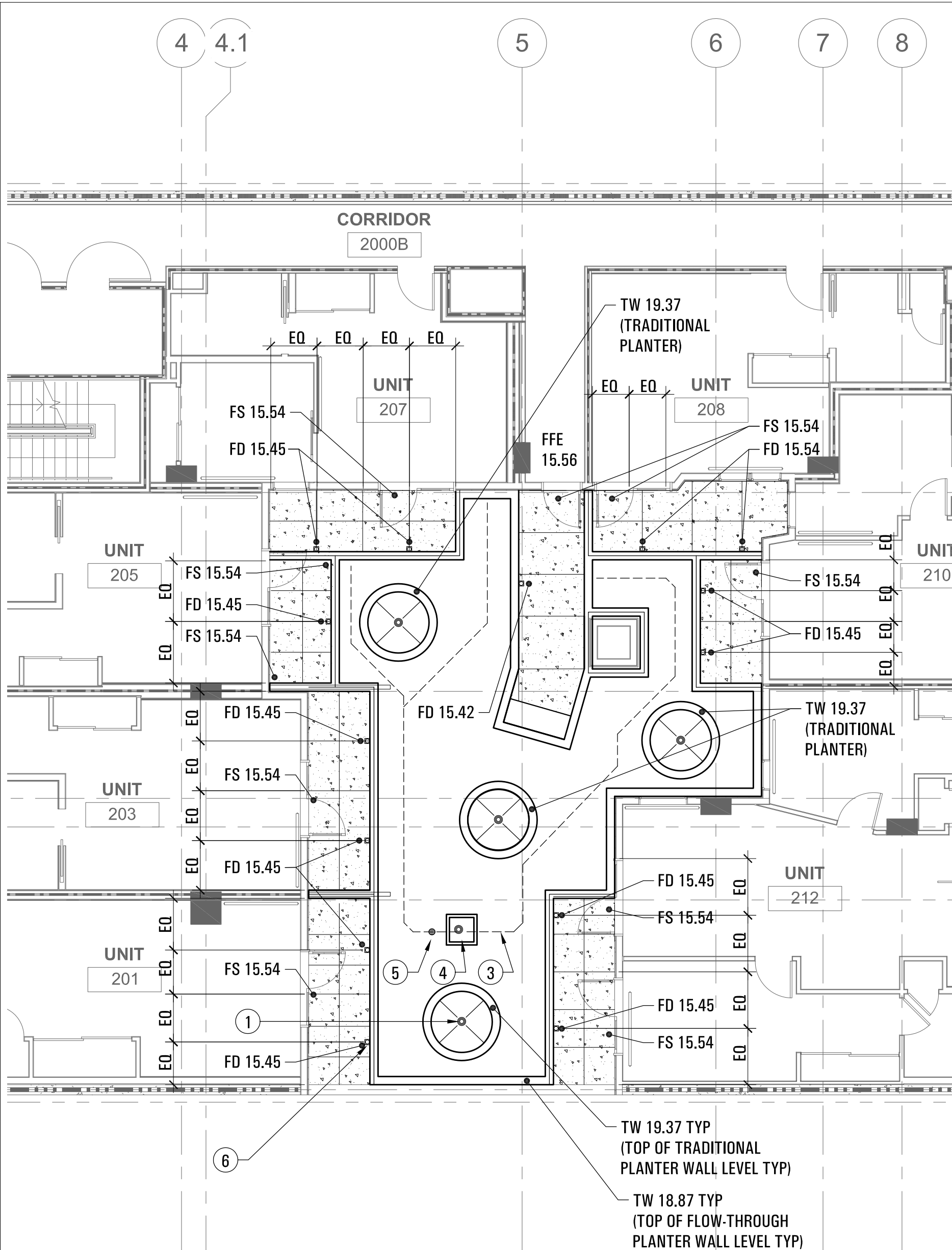
A0.5



LAYOUT LEGEND

- 1 NOT USED.
- 2 CONCRETE PAVING ON STRUCTURE. SEE ITEM A BELOW FOR COLOR & FINISH.
- 3 METAL PRIVACY SCREEN ON CONC PLANTER WALL. SEE ITEM C BELOW FOR MORE INFORMATION.
- 4 GARAGE EXHAUST. SEE ARCH DWGS.
- 5 FLOW-THROUGH PLANTER, 3'-4" ± TALL. SEE ITEM B BELOW FOR COLOR & FINISH.
- 6 TRADITIONAL PLANTER. SEE ITEM B BELOW FOR COLOR & FINISH.
- 7 RAISED OPEN CHANNEL.
- 8 ORIFICE CLEAN OUT BOX.
- 9 CONCRETE SEATING PLATFORM
- WALL LIGHT, AS MFRD BY WINONA (800.328.5291).
MOD NO: STEP11-RECT-M-30K-ND120277-BAL-WL-BAL-STD. LINE VOLTAGE WALL LIGHT
NOTE: INSTALL 8" CENTER OF FIXTURE FROM TW. SEE ELEC DWGS FOR WIRING AND SWITCHING.
- A CONC PAVING. COLOR: "PEWTER" AS MFRD BY DAVIS COLORS (800.800.6856). FINISH: MED BROOM FINISH PERPENDICULAR TO DIRECTION OF TRAVEL.
- B CONC WALL. COLOR: "DARK GRAY" AS MFRD BY DAVIS COLORS (800.800.6856). FINISH: SMOOTH CONCRETE, EXTEND FINISH 4" MIN BELOW FS; 1/4" RADIUS ALL CORNERS & EDGES.
- C METAL PANELS, AS MFRD BY BOK MODERN (415.749.6500). PATTERN: TBD. COLOR: TBD.

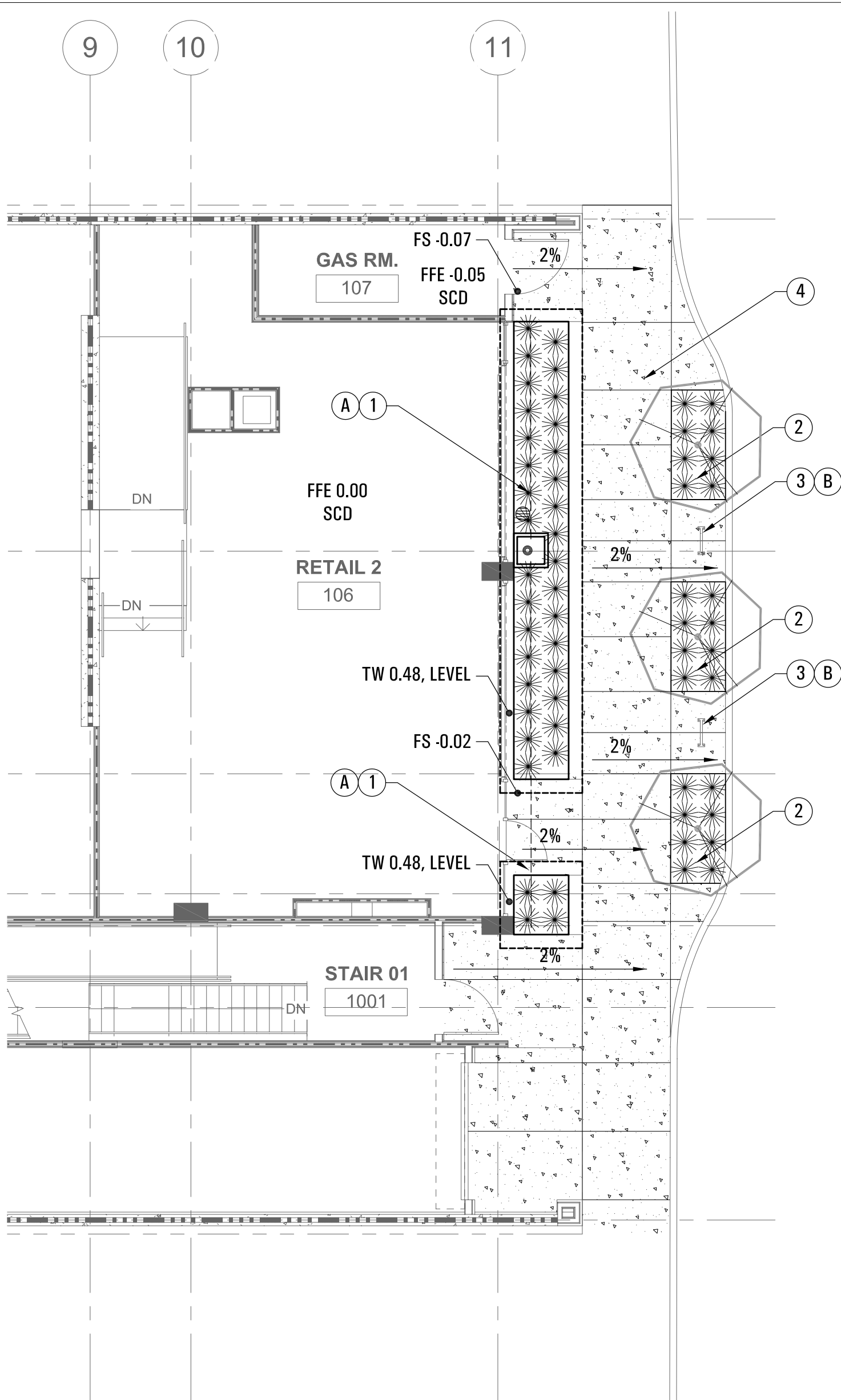
3 LAYOUT PLAN: SECOND FLOOR COURTYARD



GRADING LEGEND

- 1 TRADITIONAL PLANTER DRAIN, (1) PER EACH PLANTER, CENTER IN PLANTER, BYPASS ORIFICE BOX TYP.
- 2 NOT USED.
- 3 PERFORATED PIPE IN FLOW-THROUGH PLANTER.
- 4 FLOW-THROUGH PLANTER DRAIN IN ORIFICE BOX.
- 5 FLOW-THROUGH PLANTER OVERFLOW INLET. BYPASS ORIFICE BOX.

2 GRADING PLAN: SECOND FLOOR COURTYARD



LAYOUT LEGEND

- 1 FLOW-THROUGH PLANTER (ON-GRADE). SEE 8/L/4.1.
- 2 TRADITIONAL PLANTER (ON-GRADE). SEE 9/L/4.1.
- 3 BIKE RACK, TYP OF (2). SEE x/L/x.x.
- 4 CONCRETE PAVING. SEE CIVIL ENG DWGS.
- A CONC WALL. COLOR: "DARK GRAY" AS MFRD BY DAVIS COLORS (800.800.6856). FINISH: SMOOTH CONCRETE, EXTEND FINISH 4" MIN BELOW FS; RADIUS ALL CORNERS & EDGES 1/4" RADIUS.
- B BIKE RACK.

1 LAYOUT & GRADING PLAN: GROUND FLOOR

Project:
**1075 MARKET
SAN FRANCISCO**
NEW APARTMENT BUILDING

1075 MARKET STREET
SAN FRANCISCO, CA 94116



CFLA
74 Dudley Avenue
Piedmont, CA 94611
Telephone 510.601.8022
Email chris@cfla.biz
CRLA # 3557

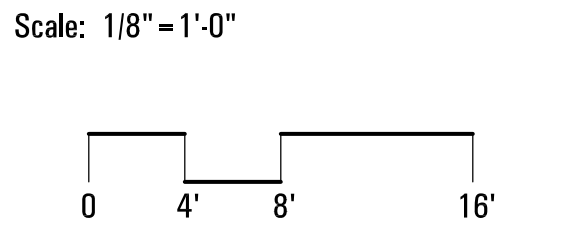
Consultant:

Stamp:

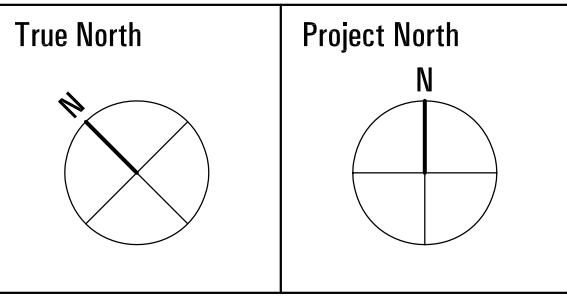
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Issue:	Delta	Date:
SFPUC Submittal		05.30.2014
Team Coordination		03.11.2015
Progress Prints		06.09.2015
Conditional Use		09.09.2015

Project Number: 1314
Contact: CHRIS FORD

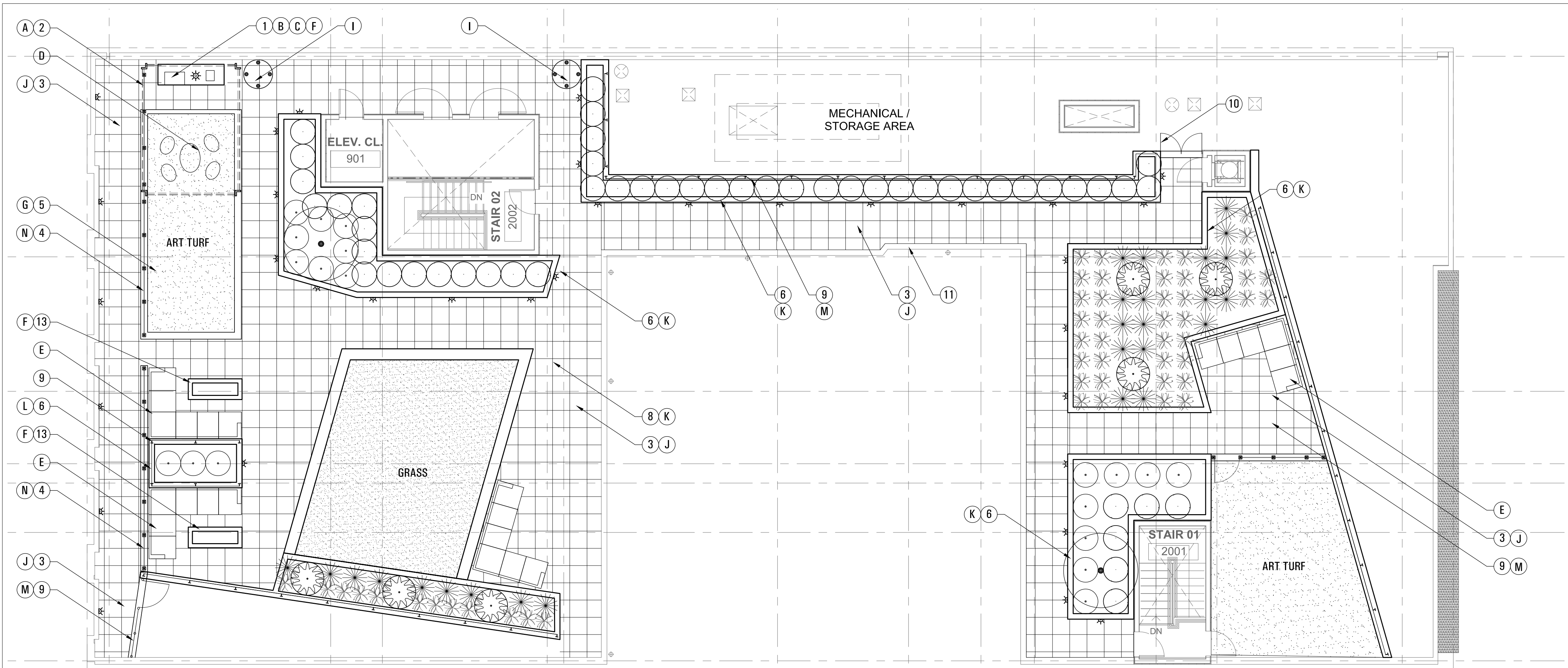


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Scale accordingly.

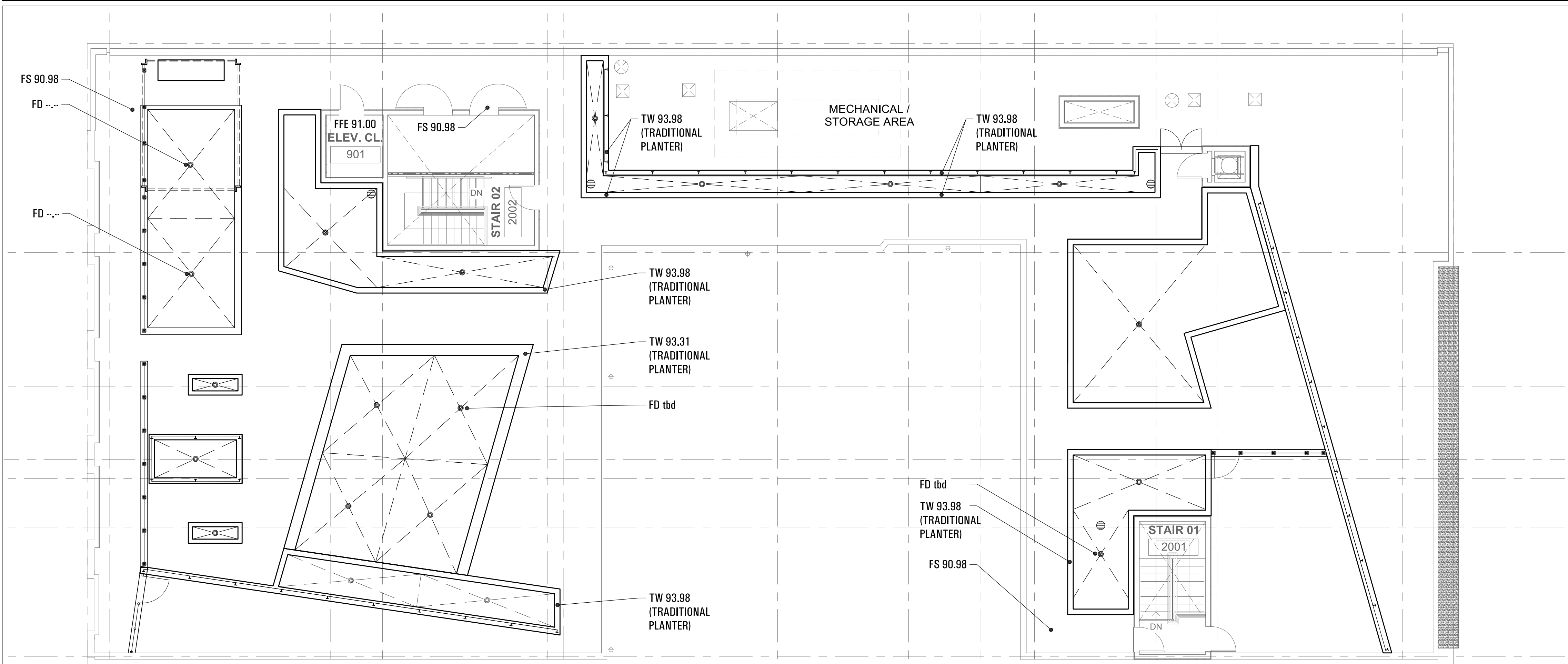


Sheet Title:
**LAYOUT & GRADING PLAN
GROUND & SECOND FLOORS**

Sheet Number:
L1.1



1 LAYOUT PLAN: ROOF LEVEL



1 GRADING PLAN: ROOF LEVEL

LAYOUT LEGEND

- 1 BUILT-IN BBQ & SINK AREA.
 - 2 PERGOLA.
 - 3 PAVERS ON PEDESTALS.
 - 4 GLASS WINDSCREEN.
 - 5 ARTIFICIAL TURF.
 - 6 TRADITIONAL PLANTER, 36" ± TALL.
 - 7 TRADITIONAL PLANTER, 24" ± TALL.
 - 8 TRADITIONAL PLANTER, 16" ± TALL.
 - 9 METAL SCREEN ON CONCRETE PLANTER WALL.
 - 10 METAL GATE, 6' HIGH.
 - 11 GLASS GUARDRAIL, 48" HIGH.
 - 12 NOT USED.
 - 13 FIRE TABLE.
-
- A PERGOLA, AS MFRD BY BROWN JORDAN (540.369.4462), MOD: SERINITY, 12' x 16'. COLOR: STORM.
 - B 30" GRILL, AS MFRD BY LYNX (888) 611-7227, MOD NO: L500 W/ CC30 GRILL COVER. ACCESS DOOR, AS MFRD BY LYNX (888.611.7227), MOD NO: LDR-424.
 - C SINK, AS MFRD BY TBD, MOD: TBD
FIXTURE, AS MFRD BY, TBD, MOD: TBD.
 - D CAUSUAL TABLES & CHAIRS, AS MFRD BY KNOLL, AS AVAILABLE AT DWR (800.944.2233). MOD: MAYA LIN STONES™ COFFEE TABLE. QUANTITY: ONE (1). COLOR: RED.
MOD: MAYA LIN STONES™ ADULT STONE SEAT QUANTITY: FOUR (4). COLOR: BLUE.
 - E OUTDOOR SOFA SET, AS MFRD BY RESTORATION HARDWARE. MOD: DEL MAR. COLOR: TBD. SIZE: (2) LEFT, (2) RIGHT, (2) CORNERS, (6) ARMLESS.
 - F FIRE TABLE & BARBEQUE WALLS: SEE ITEM L BELOW.
FIRE TABLE & BARBEQUE TOP: COLOR "GRAPHITE", AS MFRD BY DAVIS COLORS (800.800.6856). FINISH: POLISHED CONCRETE.
 - G ARTIFICIAL TURF, AS AVAILABLE AT FOREVER LAWN WEST (866.369.4727). MOD: SELECT EL.
 - H CANINE GRASS, AS AVAILABLE AT FOREVER LAWN WEST (866.369.4727). MOD: K-9 GRASS.
 - I PLANTER POT AS MFRD BY ARCHITECTURAL POTTERY (714.895.3359) MOD: GEOROUND FGGRD42x36. COLOR: PERMA SPEC "COBALT BLUE" STAIN & CLEAR WAX FINISH.
MISC: DRAIN HOLE IN CENTER OF POT.
 - J PAVERS AS MFRD BY STEPSTONE INC. (310.327.7474). MOD: LARGE SCALE NARROW MODULAR PAVER. SIZE: 12" x 48" x 2.5". COLOR: 33.3% OF EACH WITH LIGHT SANDBLAST FINISH: GRANADA WHITE #1801, PORCELAIN #1813 & FRENCH GRAY #1804.
MISC: APPLY MATTE FINISH CLEAR SEALER AFTER INSTALLATION.
 - K CONC WALL. COLOR: "DARK GRAY" AS MFRD BY DAVIS COLORS (800.800.6856). FINISH: SMOOTH CONCRETE, EXTEND FINISH 4" MIN BELOW FS; RADIUS ALL CORNERS & EDGES 1/4" RADIUS.
 - L TRADITIONAL TABLE & CHAIRS, AS MFRD BY LOLL DESIGNS (877-740-3387), MOD: ALFRESCO ROUND PATIO TABLE (44-INCH Ø) 21TH (4) CRICKET PATIO DINING CHAIRS (SLOTTED BACK). COLOR: SUNSET ORANGE.
 - M METAL PANELS, AS MFRD BY BOK MODERN (415.749.6500). PATTERN: TBD. COLOR: TBD.
 - N GLASS WIND SCREEN.
 - * DOWN LIGHT IN PERGOLA. ATTACH FIXTURE TO PERGOLA. CONCEAL WIRING. MFR: TBD. MOD: LINE VOLTAGE DOWN LIGHT IN PERGOLA. NOTE: SEE ELEC DWGS FOR WIRING AND SWITCHING.
 - ◄ WALL LIGHT. MFR: WINONA. MOD: LINE VOLTAGE WALL LIGHT, AS MFRD BY WINONA (800.328.5291), MOD NO: STEP11-RECT-M-30K-ND120277-BAL-WL-BAL-STD. NOTE: INSTALL 8" CENTER OF FIXTURE FROM TW. SEE ELEC DWGS FOR WIRING AND SWITCHING.

Project:

1075 MARKET SAN FRANCISCO

NEW APARTMENT BUILDING

1075 MARKET STREET
SAN FRANCISCO, CA 94116

Landscape Architect:



CFLA
74 Dudley Avenue
Piedmont, CA 94611
Telephone 510.601.8022
Email chris@cfla.biz
CRLA # 3557

Consultant:

Stamp:

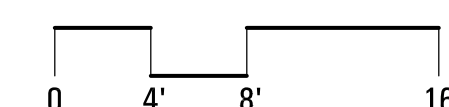


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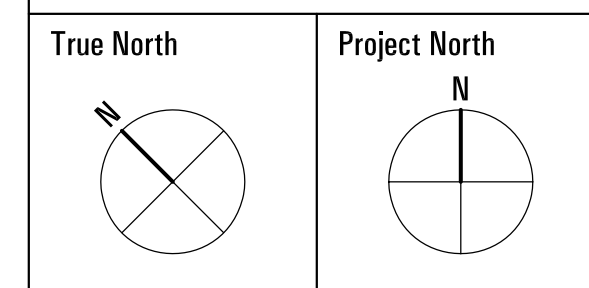
Issue:	Delta	Date:
SFPUC Submittal		05.30.2014
Team Coordination		03.11.2015
Progress Prints		06.09.2015
Conditional Use		09.09.2015

Project Number:	1314
Contact:	CHRIS FORD

Scale: 1/8" = 1'-0"



If this print is not 24" x 36" it is a reduced print.
Scale accordingly.



Sheet Title:
**LAYOUT & GRADING PLAN
ROOF LEVEL**

Sheet Number:

L1.2



PLANT NOTES

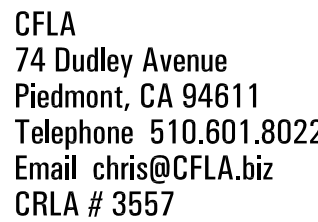
- Project:**

**1075 MARKET
SAN FRANCISCO**

NEW APARTMENT BUILDING

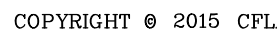
1075 MARKET STREET
SAN FRANCISCO, CA 94116

Landscape Architect:



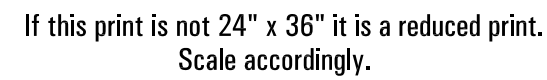
Consultant:

Stamp:



Project Number:	1314
Contact:	CHRIS FORD

Scale: 1/8" = 1'-0"



True North

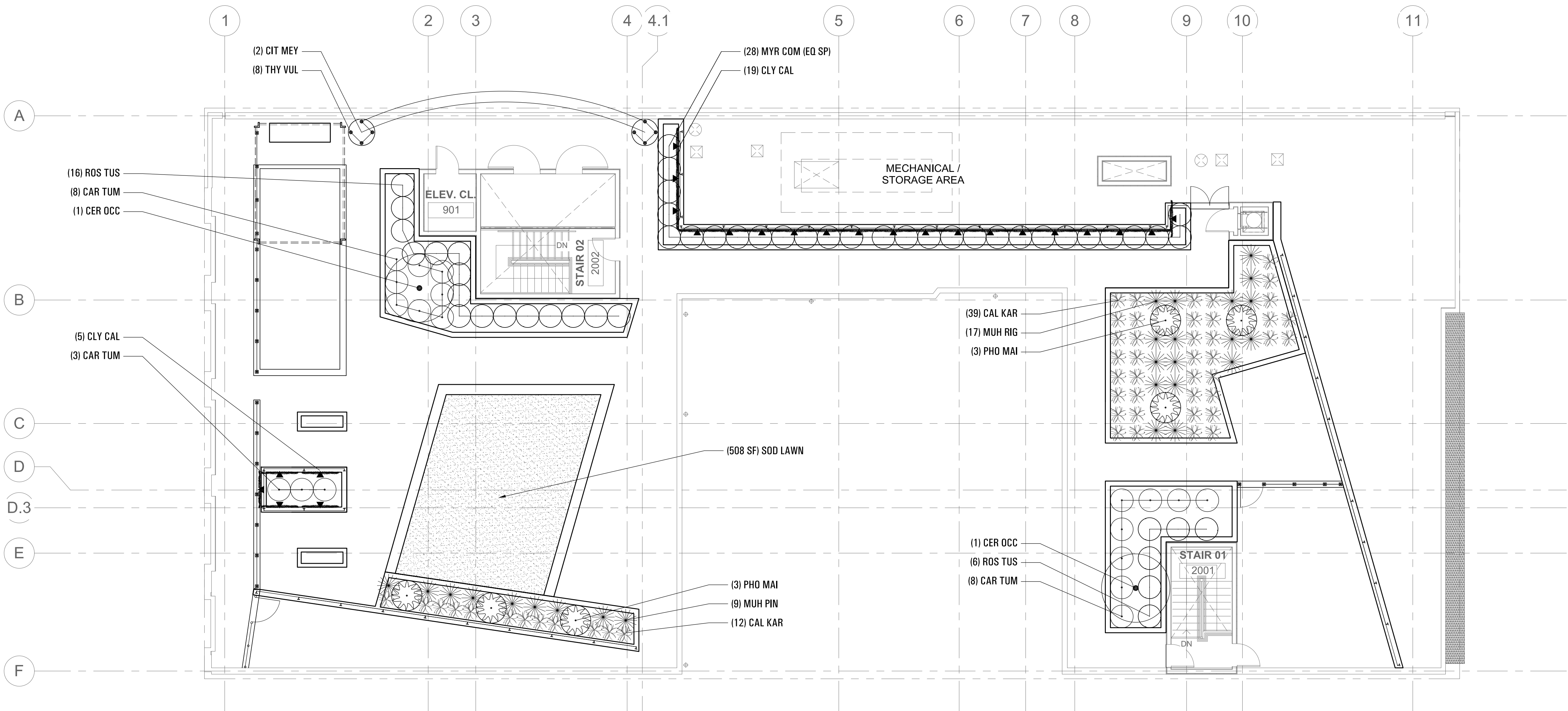


PLANTING PLAN

GROUND & SECOND FLOORS

Sheet Number:

L3.1

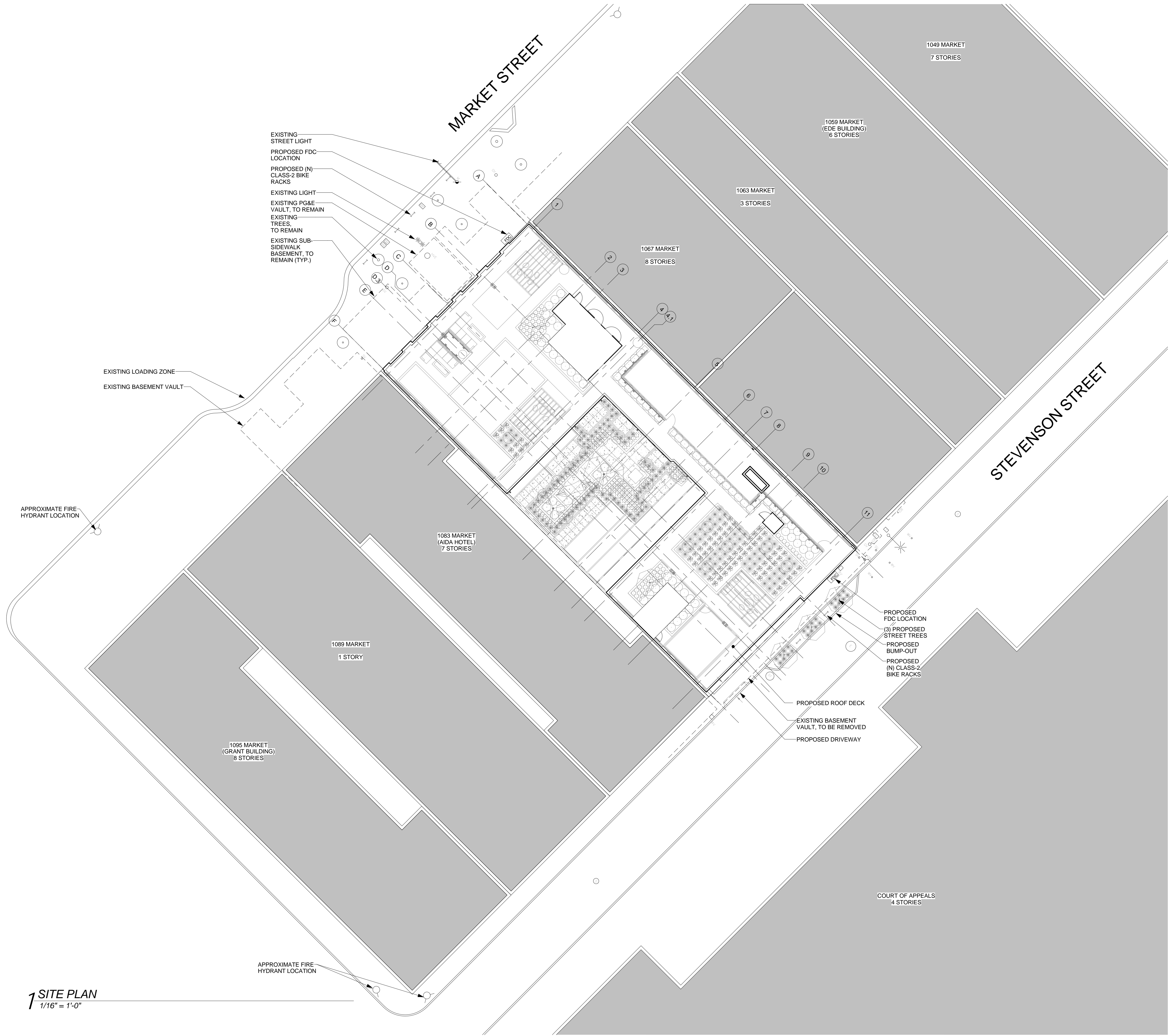


PLANT LIST

TREES				
SYMBOL	BOTANICAL	COMMON	SIZE	TRUNK
ACE PAL	ACER PALMATUM	JAPANESE MAPLE	24" BOX	MULTI
ACE SAN	ACER PALMATUM 'SANGO KAKU'	JAPANESE MAPLE	24" BOX	SINGLE
CER OCC	CERCIS OCCIDENTALIS	WESTERN REDBUD	24" BOX	MULTI
CIT IMP	CITRUS 'IMPROVED MEYER'	IMPROVED MEYER LEMON	5 GAL	
SHRUBS / PERENNIALS / GRASSES				
SYMBOL	BOTANICAL	COMMON	SIZE	SPACING
CAL KAR	CALAMAGROSTIS x ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER REED GRASS	1 GAL	
CAL NUT	CALAMAGROSTIS NUTKAENSIS	PACIFIC REED GRASS	1 GAL	
CAR TUM	CAREX TUMILICOLA	FOOTHILL SEDGE	1 GAL	36" OC
CLI MIN	CLIVIA MINIATA	KAFIR LILY	2 GAL	
MUH RIG	MUHLENBERGIA RIGENS	DEER GRASS	1 GAL	
MYR COM	MYRTUS COMMUNIS 'COMPACTA'	COMPACT TRUE MYRTLE	5 GAL	36" OC
NES TEN	NESSELLA TENUISSIMA	MEXICAN FEATHER GRASS	1 GAL	
PHO MAI	PHORMIUM 'MAORI MAIDEN'	MAORI MAIDEN FLAX	5 GAL	
ROS TUS	ROSMARINUS OFFICINALIS 'TUSCAN BLUE'	TUSCAN BLUE ROSEMARY	5 GAL	
VINES				
SYMBOL	BOTANICAL	COMMON	SIZE	SPACING
CLY CAL	CLYTOSTOMA CALLISTIGIOIES	VIOLET TRUMPET VINE	5 GAL	
GROUND COVERS				
SYMBOL	BOTANICAL	COMMON	SIZE	SPACING
THY VUL	THYMUS VULGARIS	COMMON THYME	1 GAL	

PLANT NOTES

- SOIL MIX IN CAST-IN-PLACE CONCRETE PLANTERS SHALL BE: FOR PLACEMENT 18" OR DEEPER: "LIGHTWEIGHT SAND/PUMICE MIX" AS AVAILABLE AT AMERICAN SOIL & STONE (510.292.3000). FOR PLACEMENT IN THE UPPER 18": "LIGHTWEIGHT SOIL BLEND", AS AVAILABLE AT AMERICAN SOIL & STONE (510.292.3000).
- SOIL MIX IN PLANTER POTS SHALL BE "LIGHTWEIGHT SOIL BLEND", AS AVAILABLE AT AMERICAN SOIL & STONE (510.292.3000). FILL PLANTERS TO 2" MAX BELOW TOP OF PLANTER, ACCOUNTING FOR SETTLEMENT.
- CONTACT LA AT LEAST 48 HOURS IN ADVANCE OF PLANTING OPERATIONS TO SCHEDULE A PRE-PLANTING LAYOUT REVIEW MEETING. LAYOUT ALL PLANTS AS PER PLAN FOR LA APPROVAL PRIOR TO PLANTING.
- INSTALL 2.5" DEEP LAYER OF MULCH IN PLANTING AREAS. MULCH SHALL BE "FOREST FLOOR", AS AVAILABLE AT AMERICAN SOIL & STONE, RICHMOND, CA (510.292.3000).
- PROVIDE A 90-DAY MAINTENANCE PERIOD.
- PROVIDE A ONE-YEAR PLANT GUARANTEE PERIOD.



1 SITE PLAN
1/16" = 1'-0"

GENERAL NOTES

SEE SURVEY FOR EXISTING CONDITIONS.
ROOF AND OVERFLOW DRAINS @ ROOF AND DECK AREAS SHALL CONNECT/FLOW TO PLANTERS TO CITY SEWER, PER CIVIL DRAWINGS.
SEE A0.4 & A0.5 FOR CODE & EGRESS INFORMATION.
SEE FLOOR PLANS ON SHEETS A2.0 - A2.9.

SITE LEGEND

---	(E) BASEMENT
FDC	PROPOSED FIRE DEPARTMENT CONNECTION
⊙	FIRE HYDRANT
⊙	EXISTING TREE
⊙	PROPOSED TREE
⊙	CLASS-2 BIKE RACK

DIMENSION NOTES

1. STUD WALL FRAMING: ALL DIMENSIONS ARE TO FACE OF STUD OR F.O. CONCRETE, U.O.N.
2. SEE ENLARGED PLANS/DETAILS FOR DIMENSIONS NOT SHOWN HERE.

PROJECT NORTH	TRUE NORTH



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**1075 MARKET STREET
SAN FRANCISCO, CA**

**NOT FOR
CONSTRUCTION**

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE	SET ISSUE
2014-05-28	SITE PERMIT
2014-09-15	DD SET
2015-02-27	50% CD SET
2015-09-09	CU SUBMITTAL

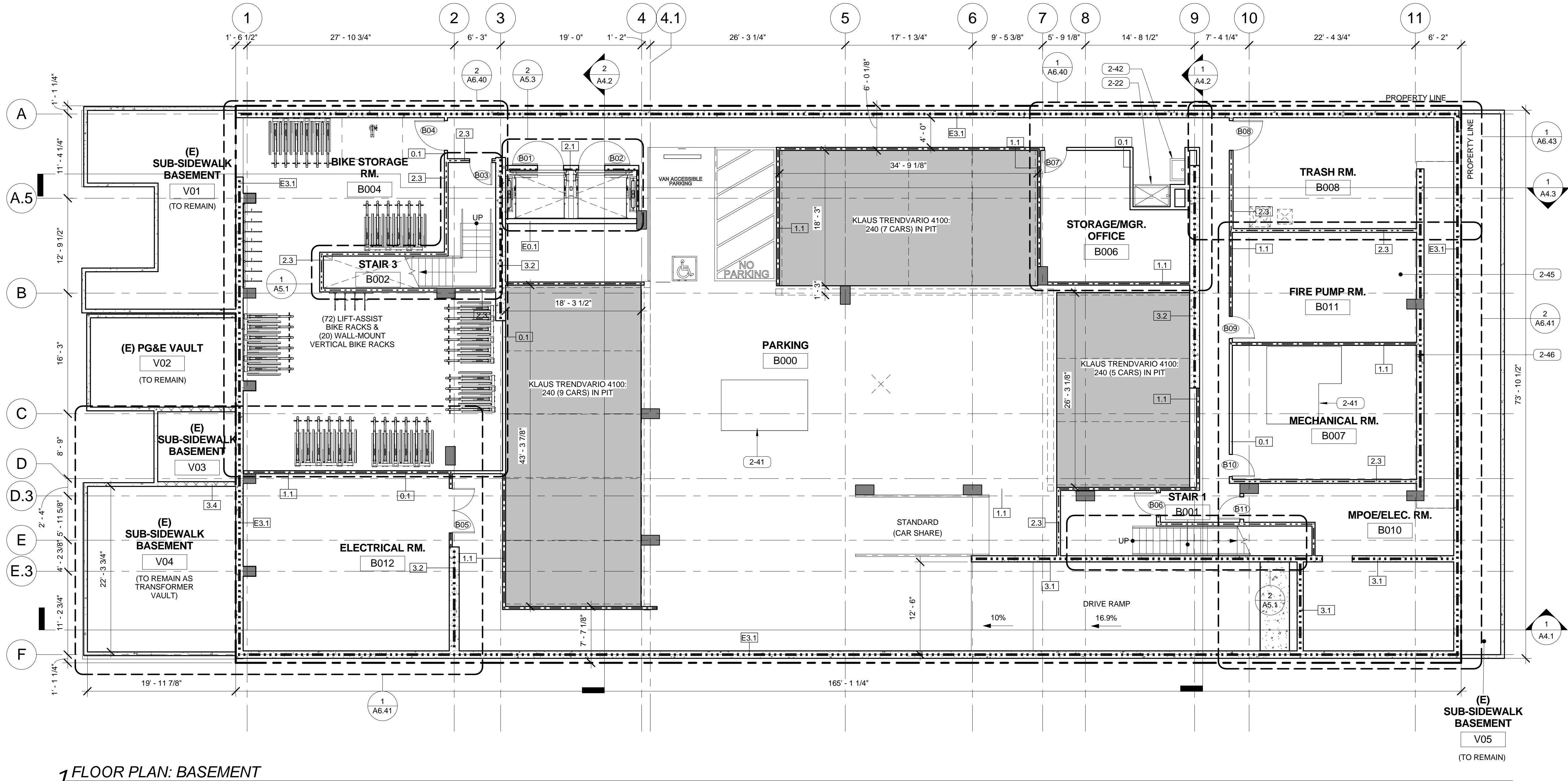
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: As indicated

SITE PLAN

A1.1



1 FLOOR PLAN: BASEMENT
1/8" = 1'-0"

GENERAL NOTES

- SEE CIVIL, LANDSCAPE, MECHANICAL, PLUMBING, ELECTRICAL & STRUCTURAL DRAWINGS FOR ADDITIONAL SCOPE OF WORK.
- SEE SHEETS A0.7, A0.8 & A0.9 FOR ADDITIONAL CLEARANCES & DETAIL NOT SHOWN.
- SEE A6 SERIES FOR UNIT DIMENSIONS, UNIT WALL TYPES, UNIT DOOR TAGS AND UNIT REFLECTED CEILING PLANS.
- SEE A7 SERIES FOR BUILDING REFLECTED CEILING PLANS.
- SEE A8.1 & A8.2 FOR WALL ASSEMBLIES.
- FOR SCHEDULES, SEE: DOOR SCHEDULES: A9.1 & A9.2, WINDOW SCHEDULE: A9.3, FINISH SCHEDULE: A9.4.
- FOR TYPICAL FOUNDATION DETAILS SEE SHEET TBD.
- PROVIDE 1 HOUR CONSTRUCTION WITH SOUND INSULATION BETWEEN RESIDENTIAL UNITS AND BETWEEN RESIDENTIAL UNITS AND PUBLIC AREAS (50 SCT MIN.) PER CBC 1207. REFER TO ARCHITECTURAL & ACOUSTICAL DETAILS.
- AT PARKING LEVELS, CONTRACTOR SHALL ENSURE THAT A MINIMUM OVERHEAD CLEARANCE OF 8'-2" IS PROVIDED IN THE PATH OF TRAVEL TO THE ACCESSIBLE PARKING SPACE.
- CONTRACTOR TO PROVIDE SOLID CONTINUOUS BACKING FOR ALL WALL MTD, FIXTURES, ACCESSORIES, MILLWORK, EQUIPMENT RACKS, SHELVING, ETC. ALL BLOCKING TO BE SAME GAUGE AS FRAMING OR GREATER.
- EXHAUST SHAFTS SHALL COMPLY WITH CBC SECTION 708.11, PROTECTED BY APPROVED FIRE DAMPERS, S.M.D. FOR MORE INFORMATION.
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- PROVIDE FLOOR DRAINS AT SLOPE OF 1/4" PER FOOT.
- ROOF AND OVERFLOW DRAINING @ ROOF AND DECK AREAS SHALL CONNECT FLOW TO PLANTERS TO CITY SEWER, PER CIVIL DRAWINGS.

SHEET NOTES

No.	
2-22	RAISED DOG WASH STATION
2-38	ELEVATOR (OTIS GEN-2 OR SIM.)
2-41	DEPRESSED SLAB FOR PLUMBING EQUIPMENT, S.P.D. & S.S.D.
2-42	MOP SINK
2-45	COAT ALL SURFACES (WALLS, FLOOR, CEILING) W/ COLD-FLUID APPLIED MEMBRANE (CIM 1000 OR APPROVED EQUAL)
2-46	EDGE OF PLANTER WALL ABOVE

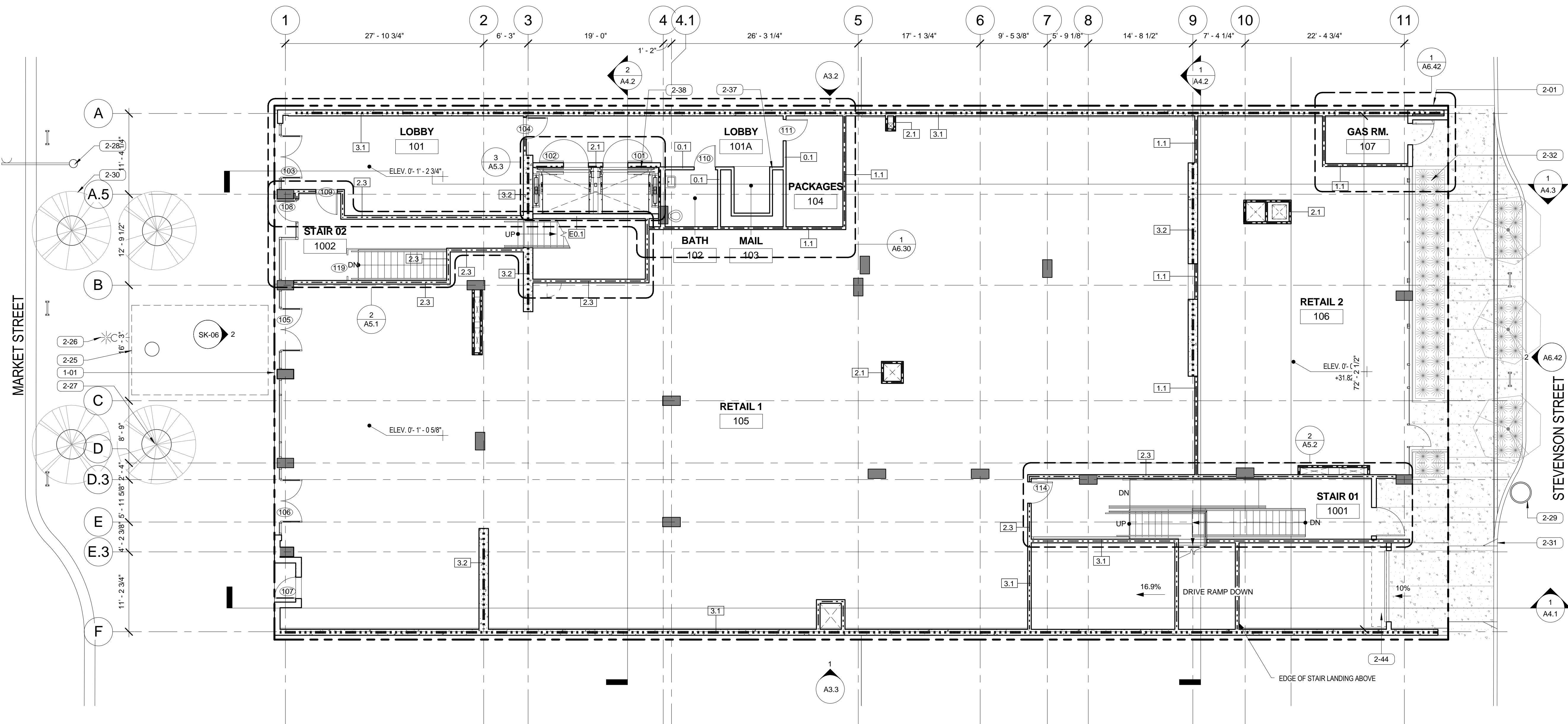
DIMENSION NOTES

- STUD WALL FRAMING: ALL DIMENSIONS ARE TO FACE OF STUD OR F.O. CONCRETE, U.O.N.
- SEE ENLARGED PLANS/DETAILS FOR DIMENSIONS NOT SHOWN HERE.

WALL RATING LEGEND

- 1 HR WALL
- 2 HR WALL
- 3 HR WALL

PROJECT NORTH	TRUE NORTH



1 FLOOR PLAN: GROUND FLOOR
1/8" = 1'-0"

GENERAL NOTES

- SEE CIVIL, LANDSCAPE, MECHANICAL, PLUMBING, ELECTRICAL & STRUCTURAL DRAWINGS FOR ADDITIONAL SCOPE OF WORK.
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- SEE A7 SERIES FOR BUILDING REFLECTED CEILING PLANS.
- SEE A8.1 & A8.2 FOR WALL ASSEMBLIES.
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SHEET NOTES

No.	
1-01	PROPERTY LINE
2-01	PROPERTY LINE
2-25	(E) PG&E VAULT
2-26	(E) LIGHTOLIER
2-27	(E) STREET TREES
2-28	(E) MUNI GUY WIRE & TRAFFIC LIGHT POST
2-29	(E) STEAM MANHOLE
2-30	(E) MANHOLE
2-31	PROVIDE (N) CURB & SIDEWALK THROUGHOUT (S.C.D. & S.L.D.)
2-32	PLANTING AND PLANTERS, S.L.D.
2-37	FRONT-LOADING MAIL BOXES
2-38	ELEVATOR (OTIS GEN-2 OR SIM.)
2-44	PROVIDE PMMA TRAFFIC COATING AT DRIVEWAY RAMP (SIPLAST TERRAPRO OR APPROVED EQUAL)

PROJECT ELEVATION: 0'-0" = +31.82'

DIMENSION NOTES

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WALL RATING LEGEND

---	1 HR WALL
---	2 HR WALL
---	3 HR WALL

PROJECT NORTH	TRUE NORTH

LEVY DESIGN PARTNERS

90 South Park
San Francisco
CA 94107

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**1075 MARKET STREET
SAN FRANCISCO, CA**

**NOT FOR
CONSTRUCTION**

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE: 2014-05-28
SITE PERMIT
2014-09-15
DD SET
2015-02-27
50% CD SET
2015-09-09
CU SUBMITTAL

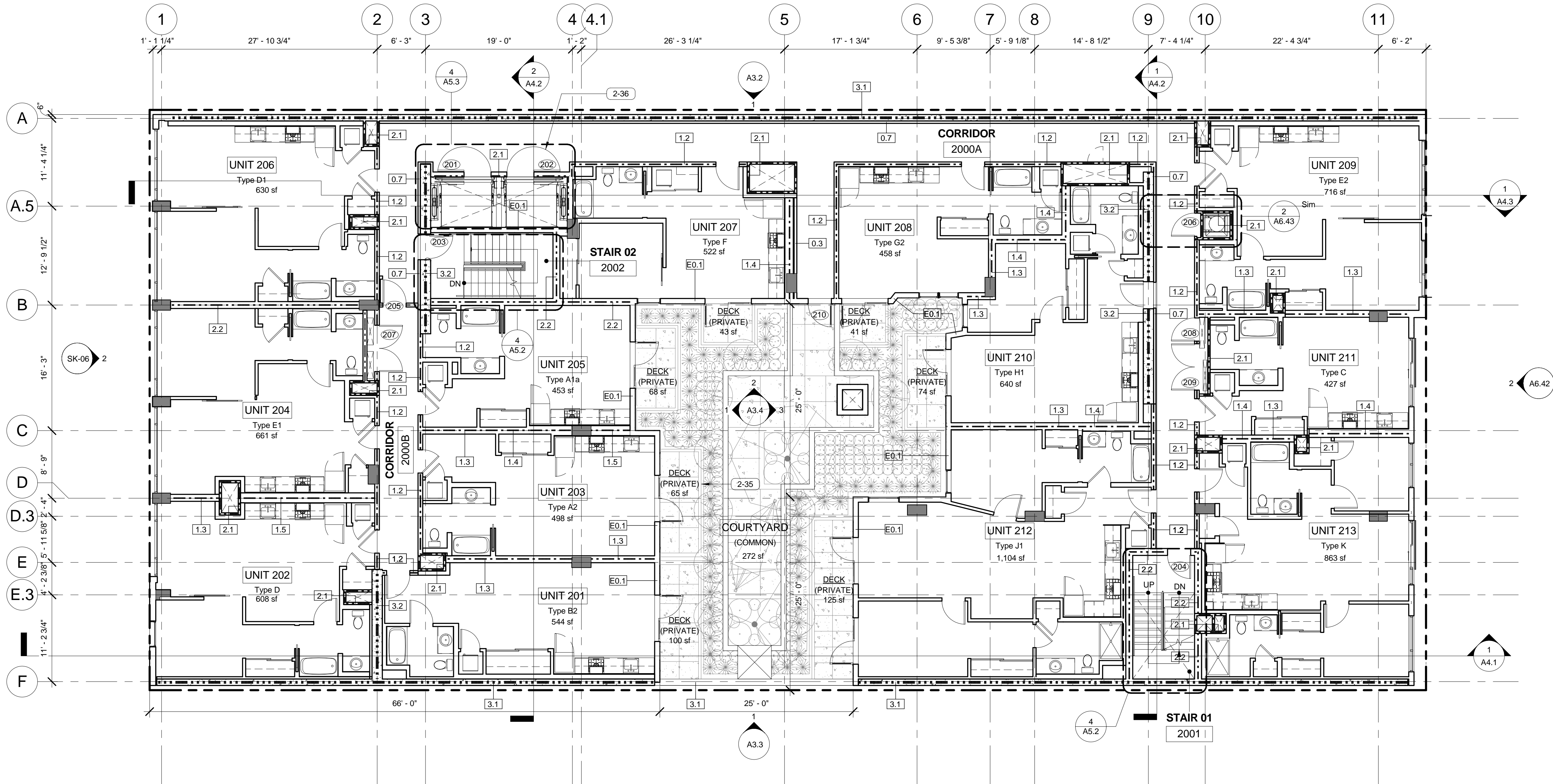
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: As indicated

**FLOOR PLAN -
GROUND FLOOR**

A2.1



1 FLOOR PLAN: SECOND FLOOR
1/8" = 1'-0"

GENERAL NOTES

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SHEET NOTES

No.	
2-35	PRIVACY FENCE, S.L.D.
2-36	RATED DOOR ON MAGNETIC HOLD-OPEN

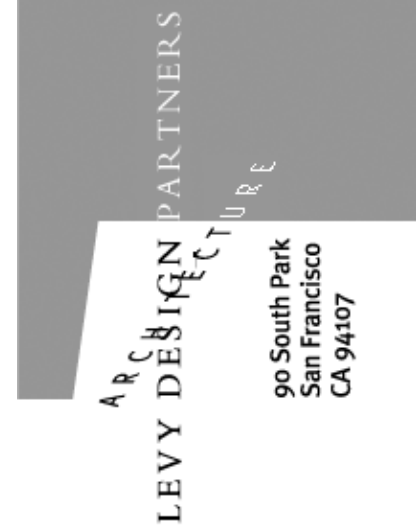
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WALL RATING LEGEND

- 1 HR WALL
- 2 HR WALL
- 3 HR WALL

PROJECT NORTH	TRUE NORTH



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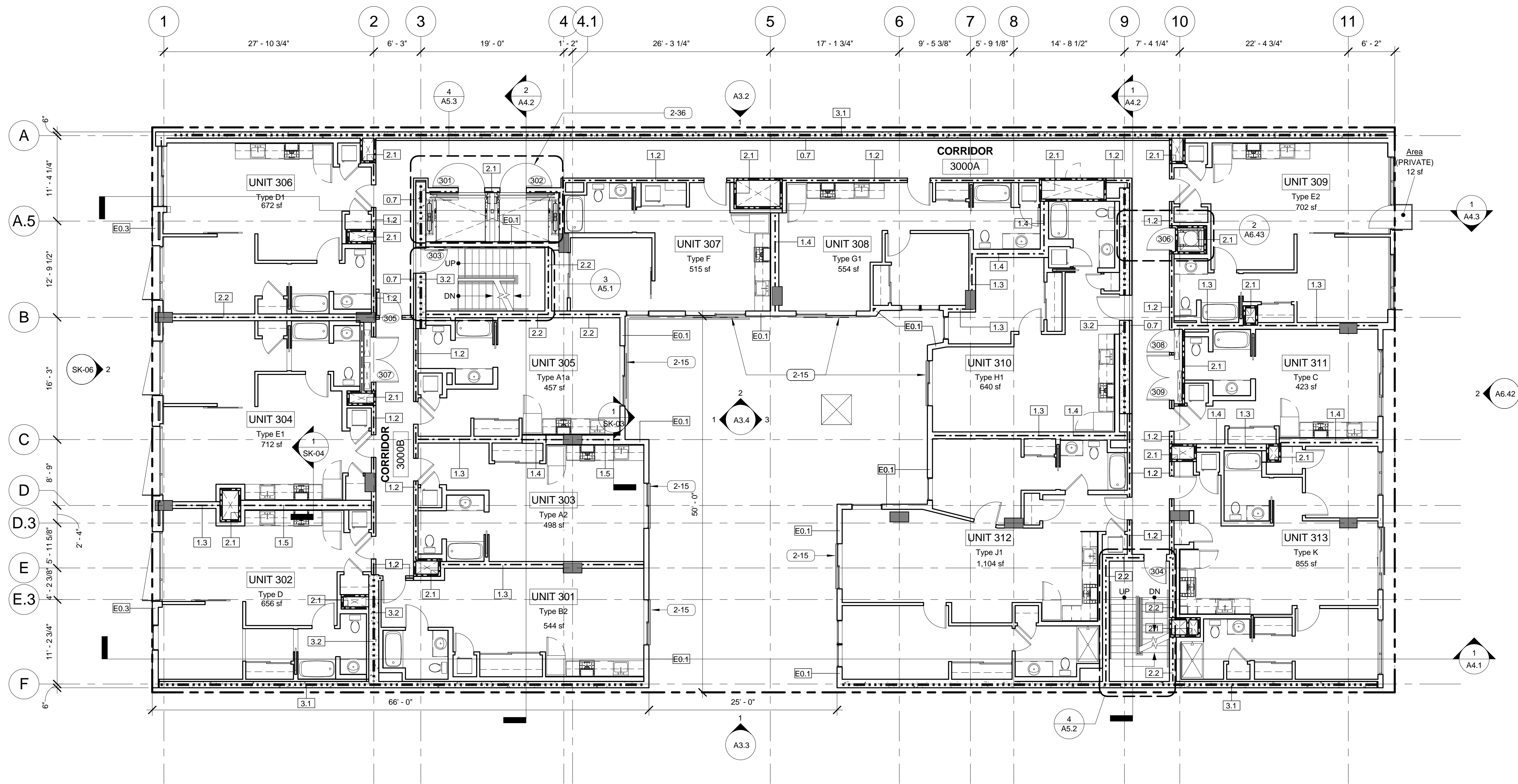
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: As indicated

**FLOOR PLAN -
SECOND FLOOR**

A2.2



1 FLOOR PLAN: THIRD FLOOR
1/8" = 1'-0"

GENERAL NOTES

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SHEET NOTES

No.	
2-15	JULIET BALCONY W/ PERFORATED METAL RAIL, 42" A.F.F.
2-36	RATED DOOR ON MAGNETIC HOLD-OPEN

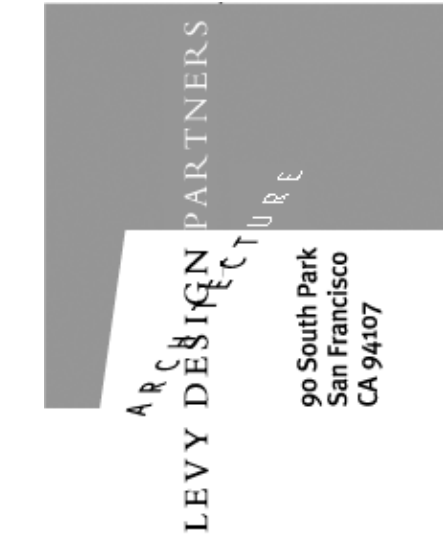
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WALL RATING LEGEND

- 1 HR WALL
- 2 HR WALL
- 3 HR WALL

PROJECT NORTH	TRUE NORTH



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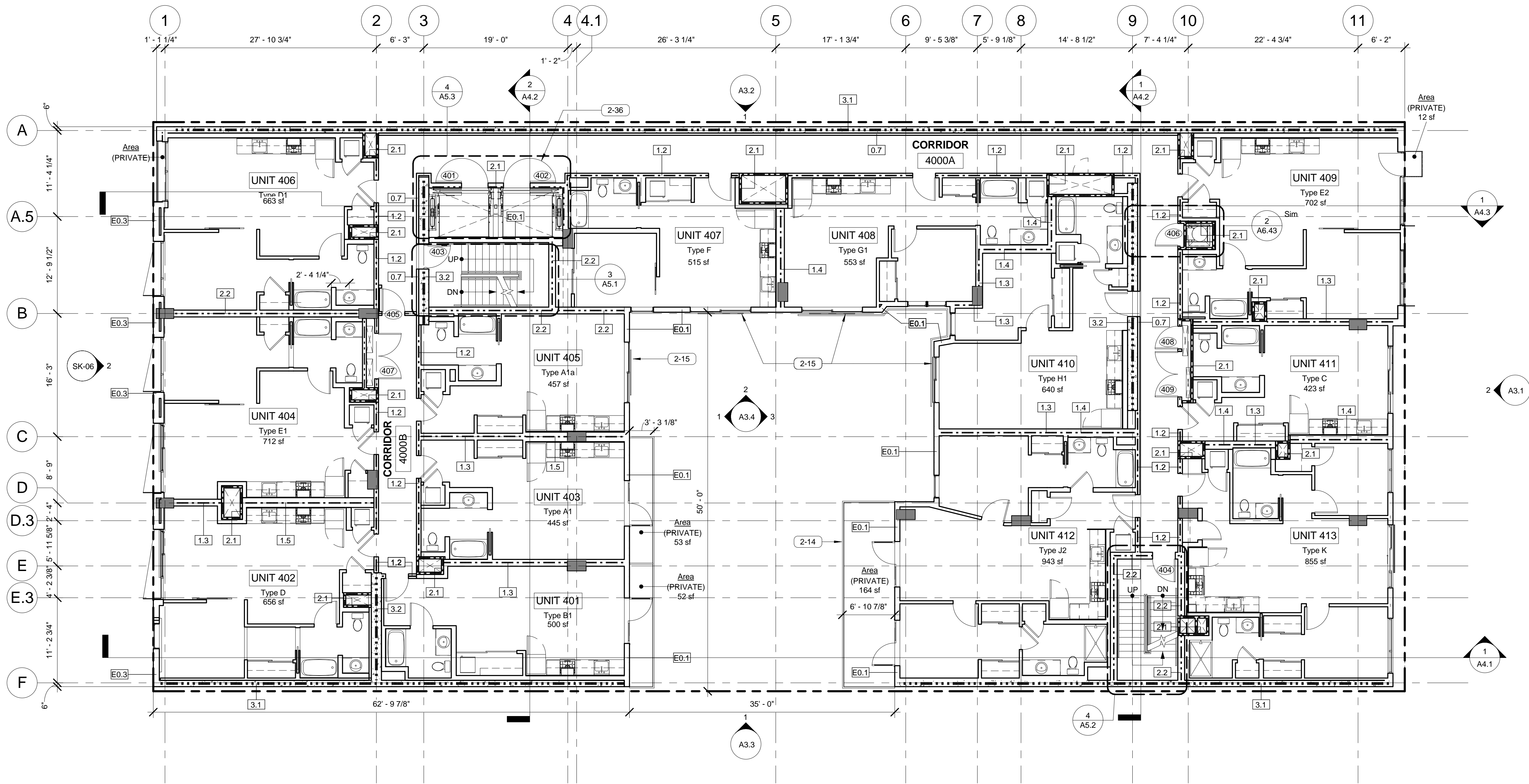
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: As indicated

**FLOOR PLAN -
THIRD FLOOR**

A2.3



1 FLOOR PLAN: FOURTH FLOOR
1/8" = 1'-0"

GENERAL NOTES

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SHEET NOTES

No.	
2-14	BALCONY W/ PERFORATED METAL RAILING, 42" A.F.F.
2-15	JULIET BALCONY W/ PERFORATED METAL RAIL, 42" A.F.F.
2-36	RATED DOOR ON MAGNETIC HOLD-OPEN

DIMENSION NOTES

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WALL RATING LEGEND

- 1 HR WALL
- 2 HR WALL
- 3 HR WALL

PROJECT NORTH	TRUE NORTH

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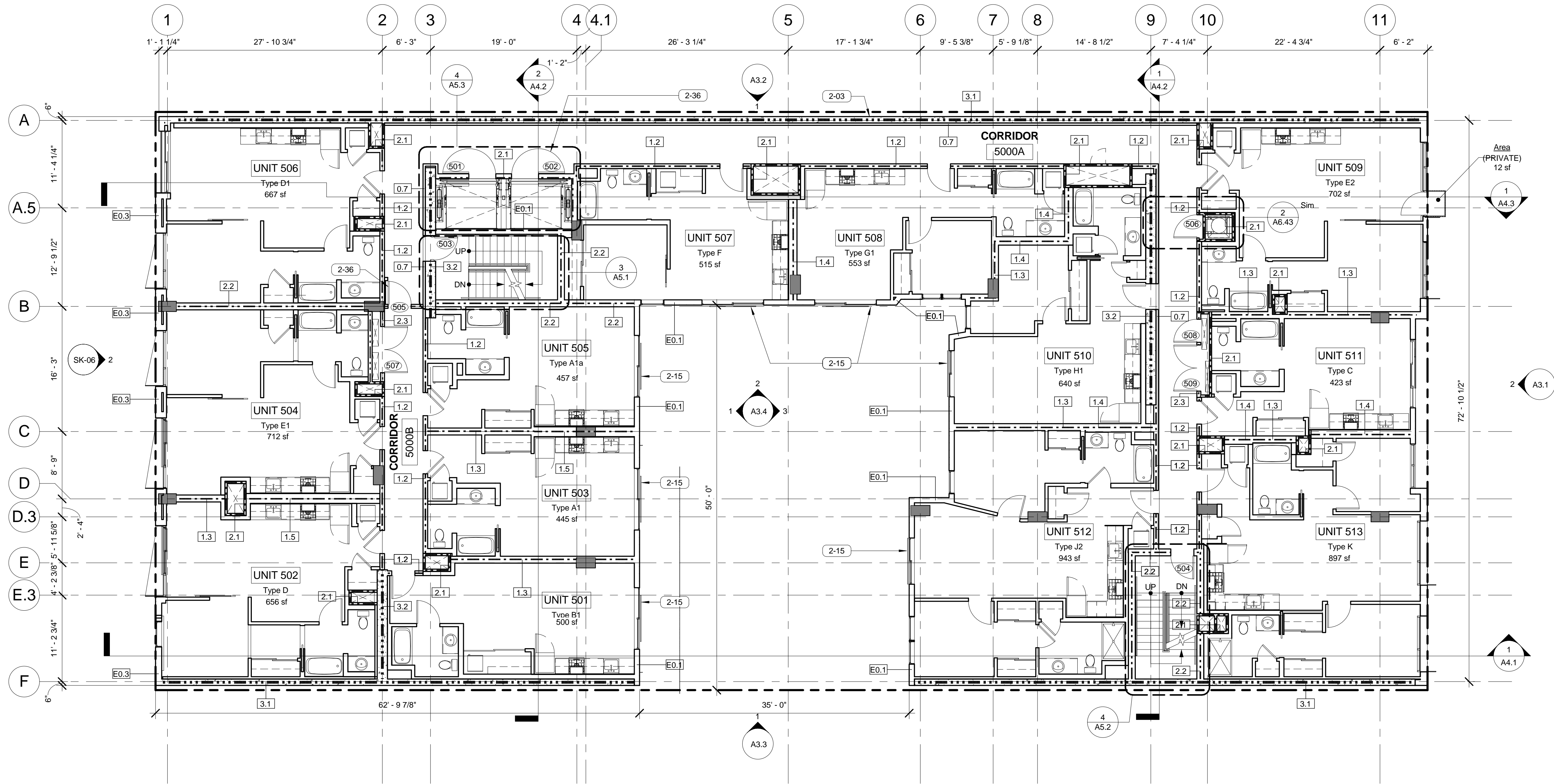
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SCALE: As indicated

**FLOOR PLAN -
FOURTH FLOOR**

A2.4



1 FLOOR PLAN: FIFTH FLOOR
1/8" = 1'-0"

GENERAL NOTES

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SHEET NOTES

No.	
2-03	CONCRETE WALL; SHEAR WHERE OCCURS, S.S.D.
2-15	JULIET BALCONY W/ PERFORATED METAL RAIL, 42" A.F.F.
2-36	RATED DOOR ON MAGNETIC HOLD-OPEN

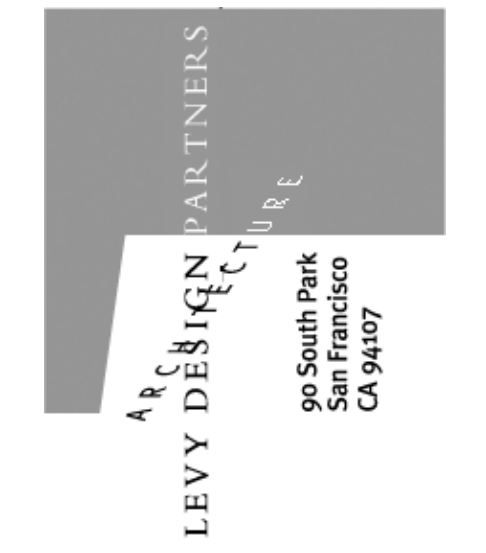
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WALL RATING LEGEND

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PROJECT NORTH	TRUE NORTH



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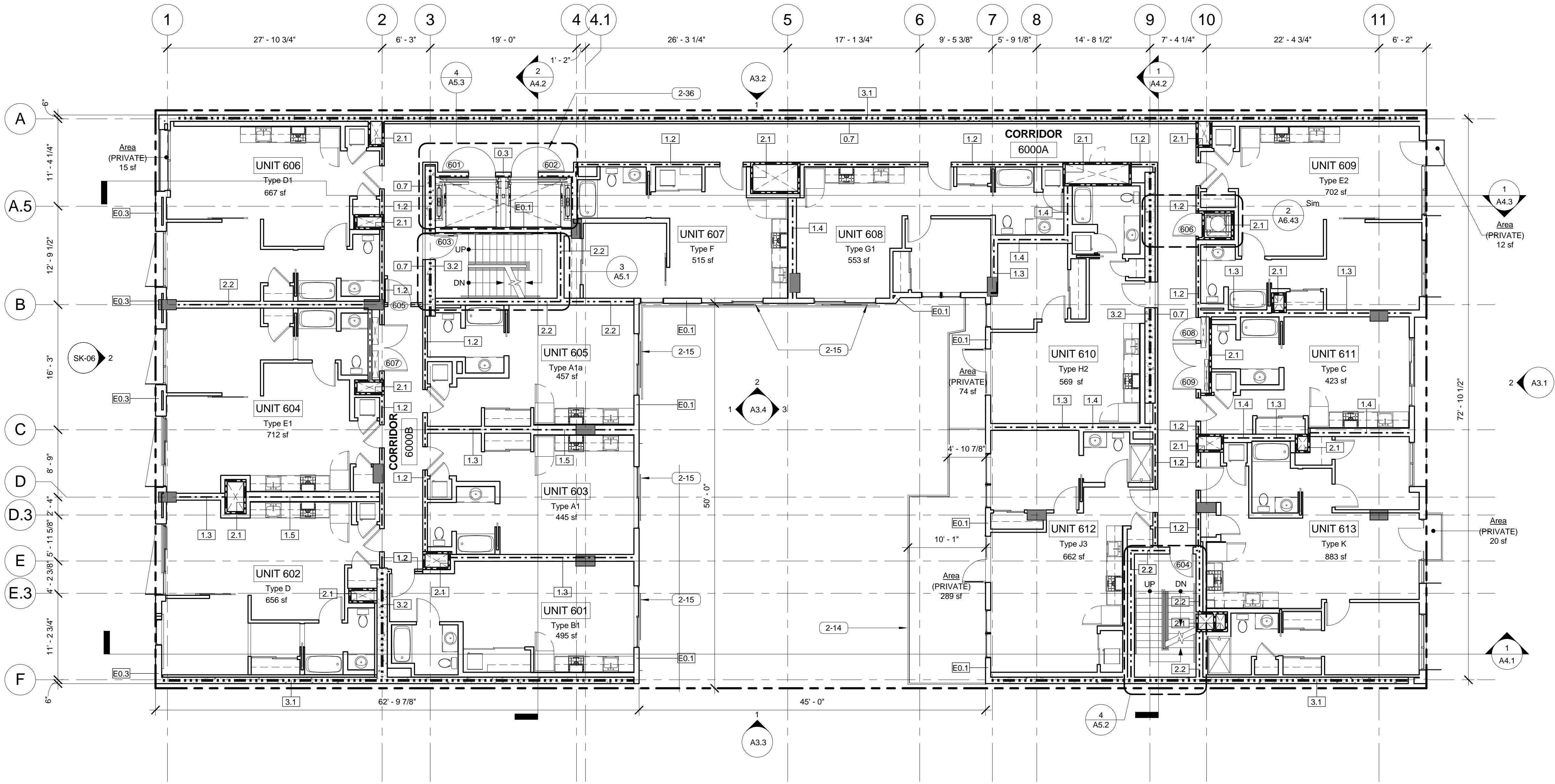
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: As indicated

**FLOOR PLAN -
FIFTH FLOOR**

A2.5



1 FLOOR PLAN: SIXTH FLOOR
1/8" = 1'-0"

GENERAL NOTES

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SHEET NOTES

No.	
2-14	BALCONY W/ PERFORATED METAL RAILING, 42" A.F.F.
2-15	JULIET BALCONY W/ PERFORATED METAL RAIL, 42" A.F.F.
2-36	RATED DOOR ON MAGNETIC HOLD-OPEN

DIMENSION NOTES

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WALL RATING LEGEND

- 1 HR WALL
- 2 HR WALL
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PROJECT NORTH	TRUE NORTH
---------------	------------



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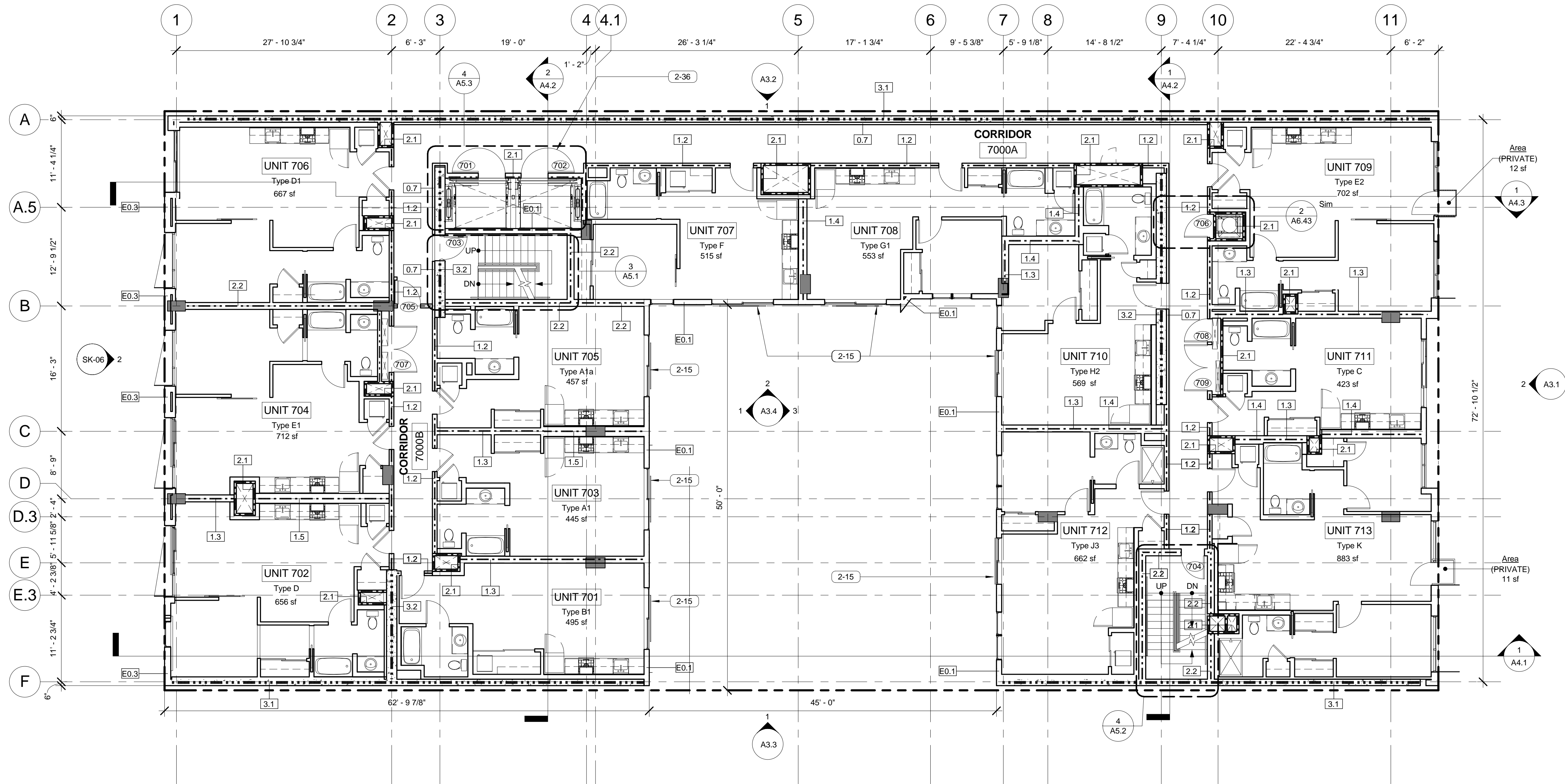
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: As indicated

FLOOR PLAN -
SIXTH FLOOR

A2.6



1 FLOOR PLAN: SEVENTH FLOOR
1/8" = 1'-0"

GENERAL NOTES

- SEE CIVIL, LANDSCAPE, MECHANICAL, PLUMBING, ELECTRICAL & STRUCTURAL DRAWINGS FOR ADDITIONAL SCOPE OF WORK.
- SEE SHEETS A0.7, A0.8 & A0.9 FOR ADDITIONAL CLEARANCES & DETAIL NOT SHOWN.
- SEE A6 SERIES FOR UNIT DIMENSIONS, UNIT WALL TYPES, UNIT DOOR TAGS AND UNIT REFLECTED CEILING PLANS.
- SEE A7 SERIES FOR BUILDING REFLECTED CEILING PLANS.
- SEE A8.1 & A8.2 FOR WALL ASSEMBLIES.
- FOR SCHEDULES, SEE: DOOR SCHEDULES: A9.1 & A9.2, WINDOW SCHEDULE: A9.3, FINISH SCHEDULE: A9.4
- FOR TYPICAL FOUNDATION DETAILS SEE SHEET TBD.
- PROVIDE 1 HOUR CONSTRUCTION WITH SOUND INSULATION BETWEEN RESIDENTIAL UNITS AND BETWEEN RESIDENTIAL UNITS AND PUBLIC AREAS (50 SCT MIN.) PER CBC 1207. REFER TO ARCHITECTURAL & ACOUSTICAL DETAILS.
- AT PARKING LEVELS, CONTRACTOR SHALL ENSURE THAT A MINIMUM OVERHEAD CLEARANCE OF 8'-2" IS PROVIDED IN THE PATH OF TRAVEL TO THE ACCESSIBLE PARKING SPACE.
- CONTRACTOR TO PROVIDE SOLID CONTINUOUS BACKING FOR ALL WALL MTD, FIXTURES, ACCESSORIES, MILLWORK, EQUIPMENT RACKS, SHELVING, ETC. ALL BLOCKING TO BE SAME GAUGE AS FRAMING OR GREATER.
- EXHAUST SHAFTS SHALL COMPLY WITH CBC SECTION 708.11, PROTECTED BY APPROVED FIRE DAMPERS, S.M.D. FOR MORE INFORMATION.
- ALL PENETRATIONS SHALL CONFORM WITH CBC SECTION 713. SEE SHEET TBD FOR MORE INFORMATION.
- FIRE EXTINGUISHER CABINETS ARE TO BE LOCATED ON ALL FLOORS. MAX. 150' SEPARATION (MOUNT AT COLUMNS IN GARAGE). RECESSED FIRE EXTINGUISHER CABINETS ARE TO BE PROVIDED AT FLOOR LEVELS 1-8, TYP.
- ALL HABITABLE ROOMS SHALL BE HEATED PER CBC 1204.1.
- ALL UNITS TO HAVE UNIT ENTRY SIGNAGE.
- PROVIDE FLOOR DRAINS AT SLOPE OF 1/4" PER FOOT.
- ROOF AND OVERFLOW DRAINS @ ROOF AND DECK AREAS SHALL CONNECT FLOW TO PLANTERS TO CITY SEWER, PER CIVIL DRAWINGS.

SHEET NOTES

No.	
2-15	JULIET BALCONY W/ PERFORATED METAL RAIL, 42" A.F.F.
2-36	RATED DOOR ON MAGNETIC HOLD-OPEN

DIMENSION NOTES

- STUD WALL FRAMING: ALL DIMENSIONS ARE TO FACE OF STUD OR F.O. CONCRETE, U.O.N.
- SEE ENLARGED PLANS/DETAILS FOR DIMENSIONS NOT SHOWN HERE.

WALL RATING LEGEND

- 1 HR WALL
- 2 HR WALL
- 3 HR WALL

PROJECT NORTH	TRUE NORTH

1075 MARKET STREET SAN FRANCISCO, CA

NOT FOR
CONSTRUCTION

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE: 2014-05-28
SITE PERMIT
2014-09-15 DD SET
2015-02-27 50% CD SET
2015-09-09 CU SUBMITTAL

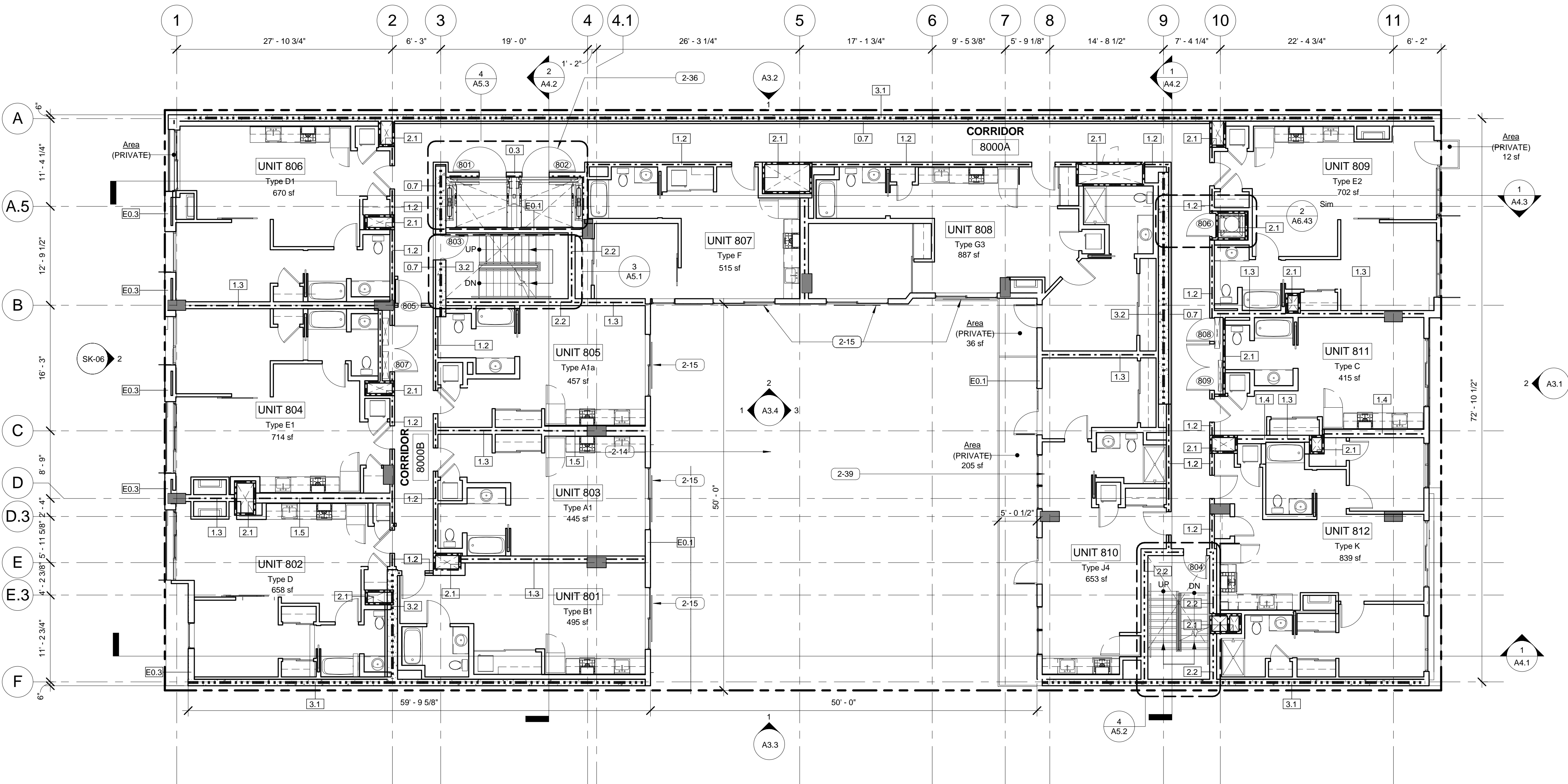
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: As indicated

FLOOR PLAN -
SEVENTH
FLOOR

A2.7



1 FLOOR PLAN: EIGHTH FLOOR
1/8" = 1'-0"

GENERAL NOTES

- SEE CIVIL, LANDSCAPE, MECHANICAL, PLUMBING, ELECTRICAL & STRUCTURAL DRAWINGS FOR ADDITIONAL SCOPE OF WORK.
- SEE SHEETS A0.7, A0.8 & A0.9 FOR ADDITIONAL CLEARANCES & DETAIL NOT SHOWN.
- SEE A6 SERIES FOR UNIT DIMENSIONS, UNIT WALL TYPES, UNIT DOOR TAGS AND UNIT REFLECTED CEILING PLANS.
- SEE A7 SERIES FOR BUILDING REFLECTED CEILING PLANS.
- SEE A8.1 & A8.2 FOR WALL ASSEMBLIES.
- FOR SCHEDULES, SEE: DOOR SCHEDULES: A9.1 & A9.2, WINDOW SCHEDULE: A9.3, FINISH SCHEDULE: A9.4
- FOR TYPICAL FOUNDATION DETAILS SEE SHEET TBD.
- PROVIDE 1 HOUR CONSTRUCTION WITH SOUND INSULATION BETWEEN RESIDENTIAL UNITS AND BETWEEN RESIDENTIAL UNITS AND PUBLIC AREAS (50 SCT MIN.) PER CBC 1207. REFER TO ARCHITECTURAL & ACOUSTICAL DETAILS.
- AT PARKING LEVELS, CONTRACTOR SHALL ENSURE THAT A MINIMUM OVERHEAD CLEARANCE OF 8'-2" IS PROVIDED IN THE PATH OF TRAVEL TO THE ACCESSIBLE PARKING SPACE.
- CONTRACTOR TO PROVIDE SOLID CONTINUOUS BACKING FOR ALL WALL MTD, FIXTURES, ACCESSORIES, MILLWORK, EQUIPMENT RACKS, SHELVING, ETC. ALL BLOCKING TO BE SAME GAUGE AS FRAMING OR GREATER.
- EXHAUST SHAFTS SHALL COMPLY WITH CBC SECTION 708.11, PROTECTED BY APPROVED FIRE DAMPERS, S.M.D. FOR MORE INFORMATION.
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- FIRE EXTINGUISHER CABINETS ARE TO BE LOCATED ON ALL FLOORS. MAX. 150' SEPARATION (MOUNT AT COLUMNS IN GARAGE). RECESSED FIRE EXTINGUISHER CABINETS ARE TO BE PROVIDED AT FLOOR LEVELS 1-8, TYP.
- ALL HABITABLE ROOMS SHALL BE HEATED PER CBC 1204.1.
- ALL UNITS TO HAVE UNIT ENTRY SIGNAGE.
- PROVIDE FLOOR DRAINS AT SLOPE OF 1/4" PER FOOT.
- ROOF AND OVERFLOW DRAINS @ ROOF AND DECK AREAS SHALL CONNECT FLOW TO PLANTERS TO CITY SEWER, PER CIVIL DRAWINGS.

SHEET NOTES

No.	
2-14	BALCONY W/ PERFORATED METAL RAILING, 42" A.F.F.
2-15	JULIET BALCONY W/ PERFORATED METAL RAIL, 42" A.F.F.
2-36	RATED DOOR ON MAGNETIC HOLD-OPEN
2-39	UNIT OPEN TO ABOVE

DIMENSION NOTES

- STUD WALL FRAMING: ALL DIMENSIONS ARE TO FACE OF STUD OR F.O. CONCRETE, U.O.N.
- SEE ENLARGED PLANS/DETAILS FOR DIMENSIONS NOT SHOWN HERE.

WALL RATING LEGEND

- 1 HR WALL
- 2 HR WALL
- 3 HR WALL

PROJECT NORTH	TRUE NORTH

1075 MARKET STREET SAN FRANCISCO, CA

NOT FOR
CONSTRUCTION

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE: 2014-05-28
SITE PERMIT
2014-09-15 DD SET
2015-02-27 50% CD SET
2015-09-09 CU SUBMITTAL

CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: As indicated

FLOOR PLAN -
EIGHTH FLOOR

A2.8



3 VIEW OF MARKET ST. LOOKING WEST



1 VIEW OF MARKET ST. LOOKING EAST



2 VIEW OF STEVENSON ALLEY

1075 MARKET STREET
SAN FRANCISCO, CA

NOT FOR
CONSTRUCTION

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE: 2015-09-09 SET ISSUE: CU SUBMITTAL

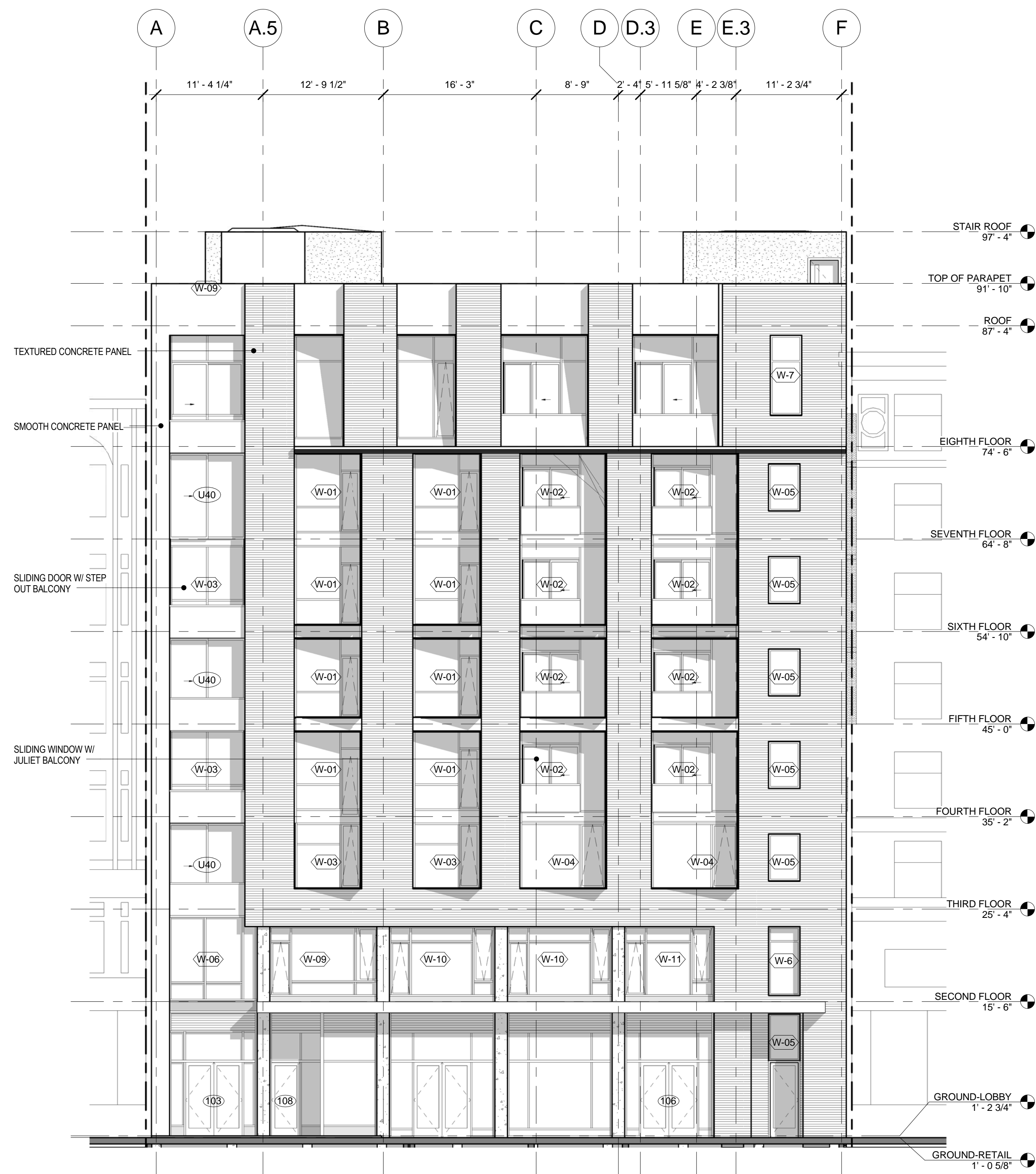
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

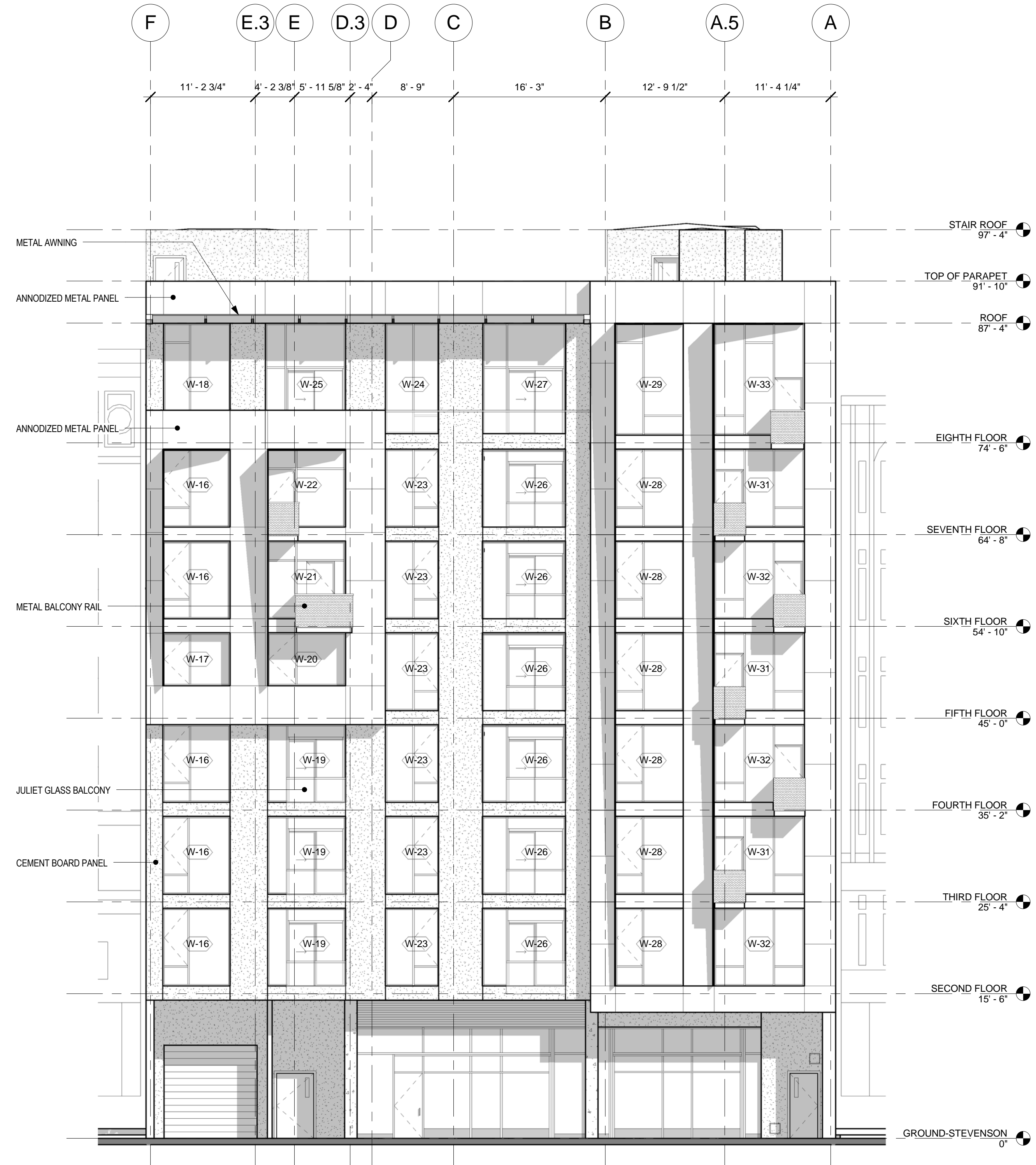
SCALE: NOT TO SCALE

RENDERED
ELEVATIONS

A3.0



1 ELEVATION: MARKET STREET
1/8" = 1'-0"



2 ELEVATION: STEVENSON STREET
1/8" = 1'-0"

1075 MARKET STREET SAN FRANCISCO, CA

NOT FOR
CONSTRUCTION

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE SET ISSUE
2014-05-28 SITE PERMIT
2014-09-15 DD SET
2015-02-27 50% CD SET
2015-09-09 CU SUBMITTAL

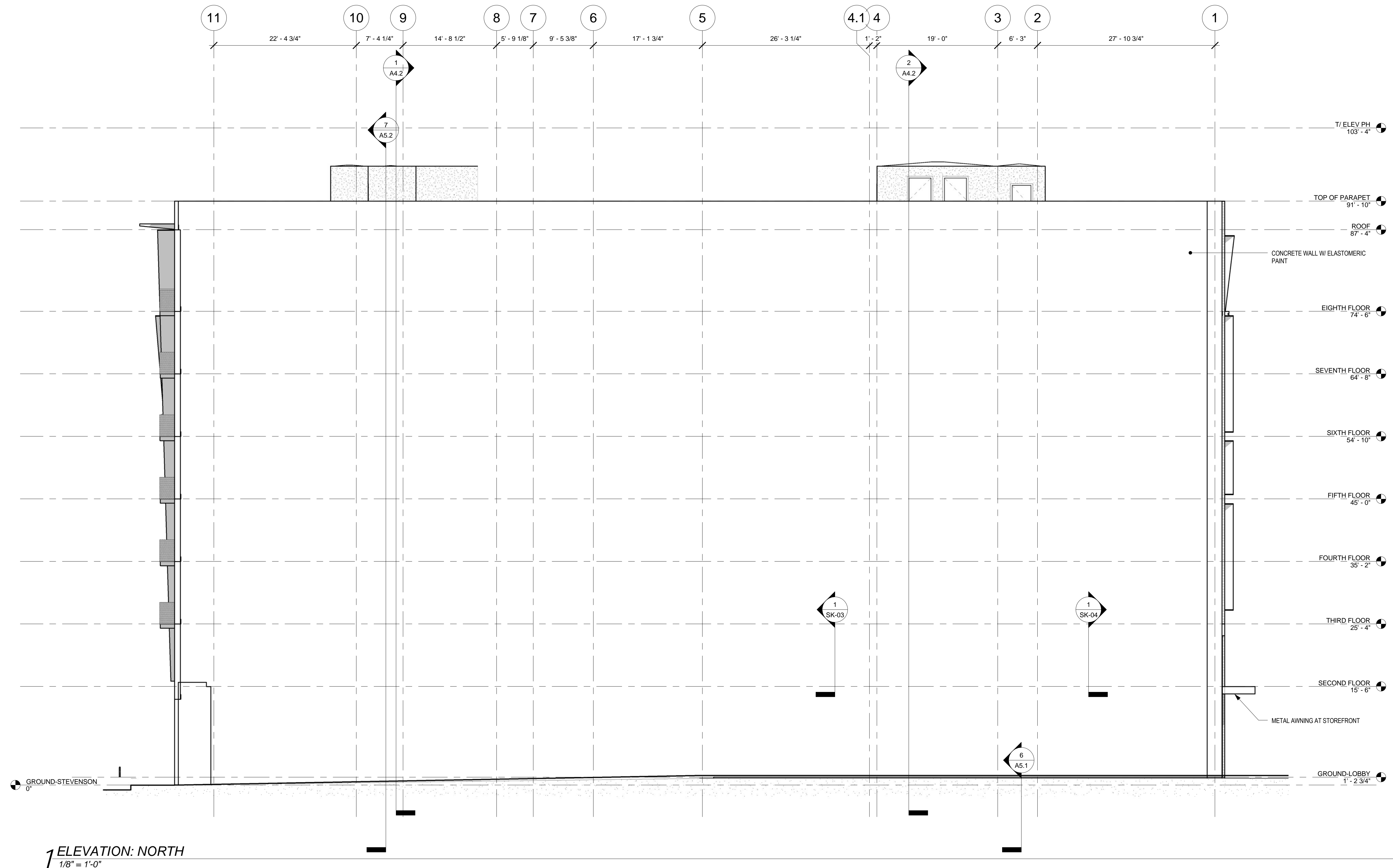
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: 1/8" = 1'-0"

EXTERIOR
ELEVATIONS AT
MARKET ST. &
STEVENSON ST.

A3.1



1 ELEVATION: NORTH
1/8" = 1'-0"

1075 MARKET STREET SAN FRANCISCO, CA

NOT FOR
CONSTRUCTION

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE SET ISSUE
2014-05-28 SITE PERMIT
2014-09-15 DD SET
2015-02-27 50% CD SET
2015-09-09 CU SUBMITTAL

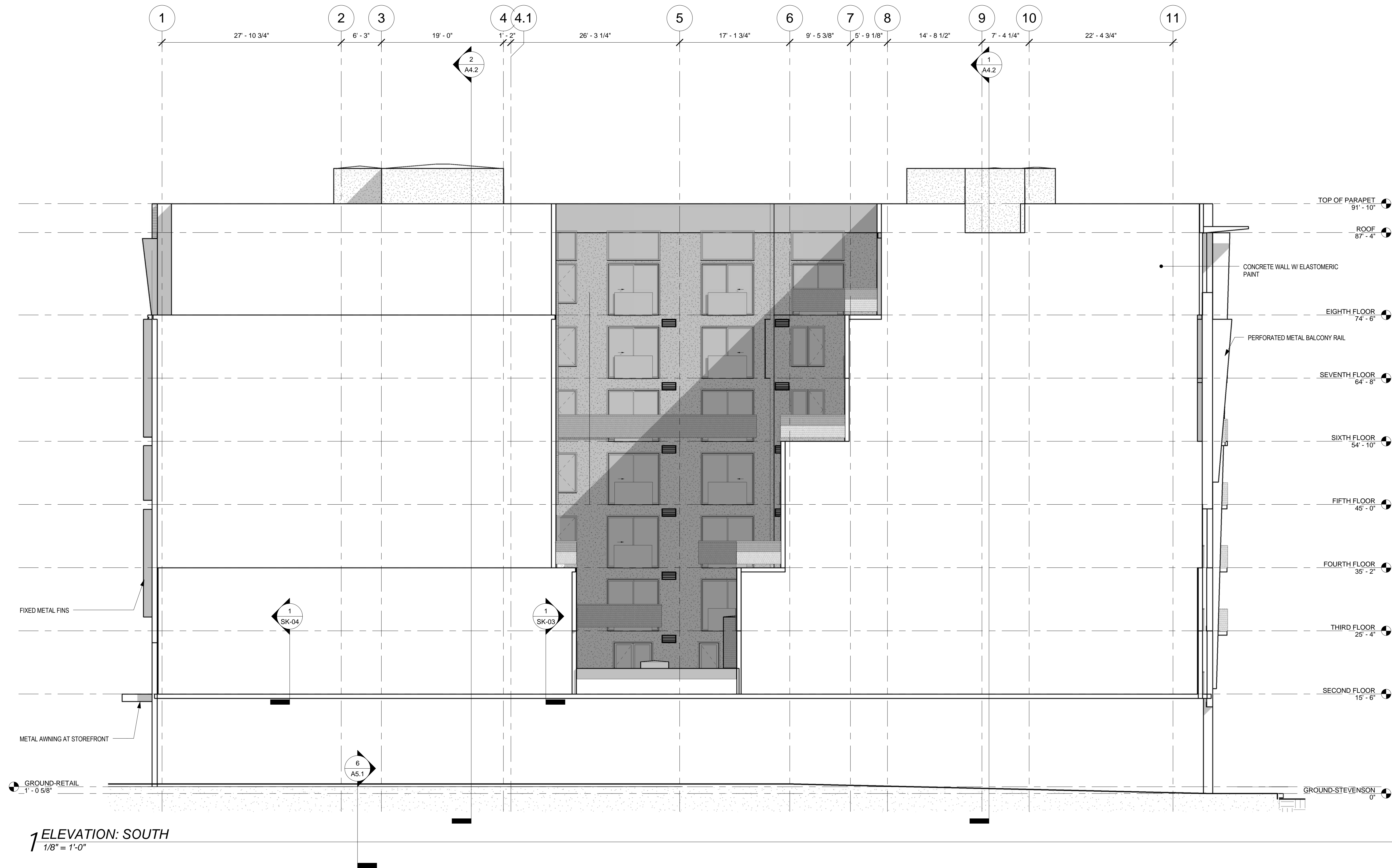
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: 1/8" = 1'-0"

EXTERIOR
ELEVATIONS AT
PROPERTY LINE

A3.2



1 ELEVATION: SOUTH
1/8" = 1'-0"

1075 MARKET STREET SAN FRANCISCO, CA

NOT FOR
CONSTRUCTION

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE SET ISSUE
2014-05-28 SITE PERMIT
2014-09-15 DD SET
2015-02-27 50% CD SET
2015-09-09 CU SUBMITTAL

CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: 1/8" = 1'-0"

EXTERIOR
ELEVATIONS AT
PROPERTY LINE

A3.3

1075 MARKET STREET SAN FRANCISCO, CA

NOT FOR
CONSTRUCTION

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE: 2014-05-28 SITE PERMIT
2014-09-15 DD SET
2015-02-27 50% CD SET
2015-09-09 CU SUBMITTAL

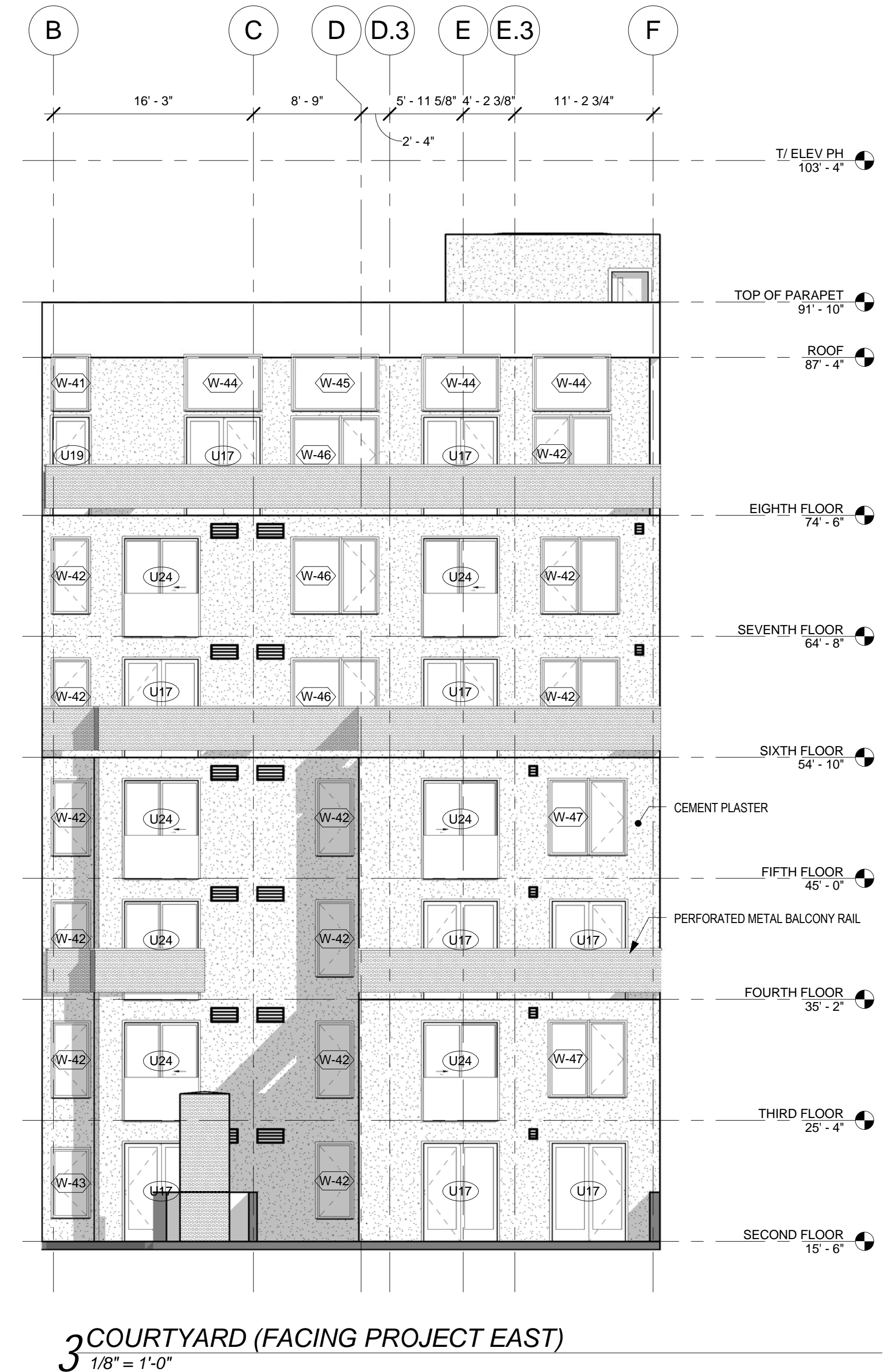
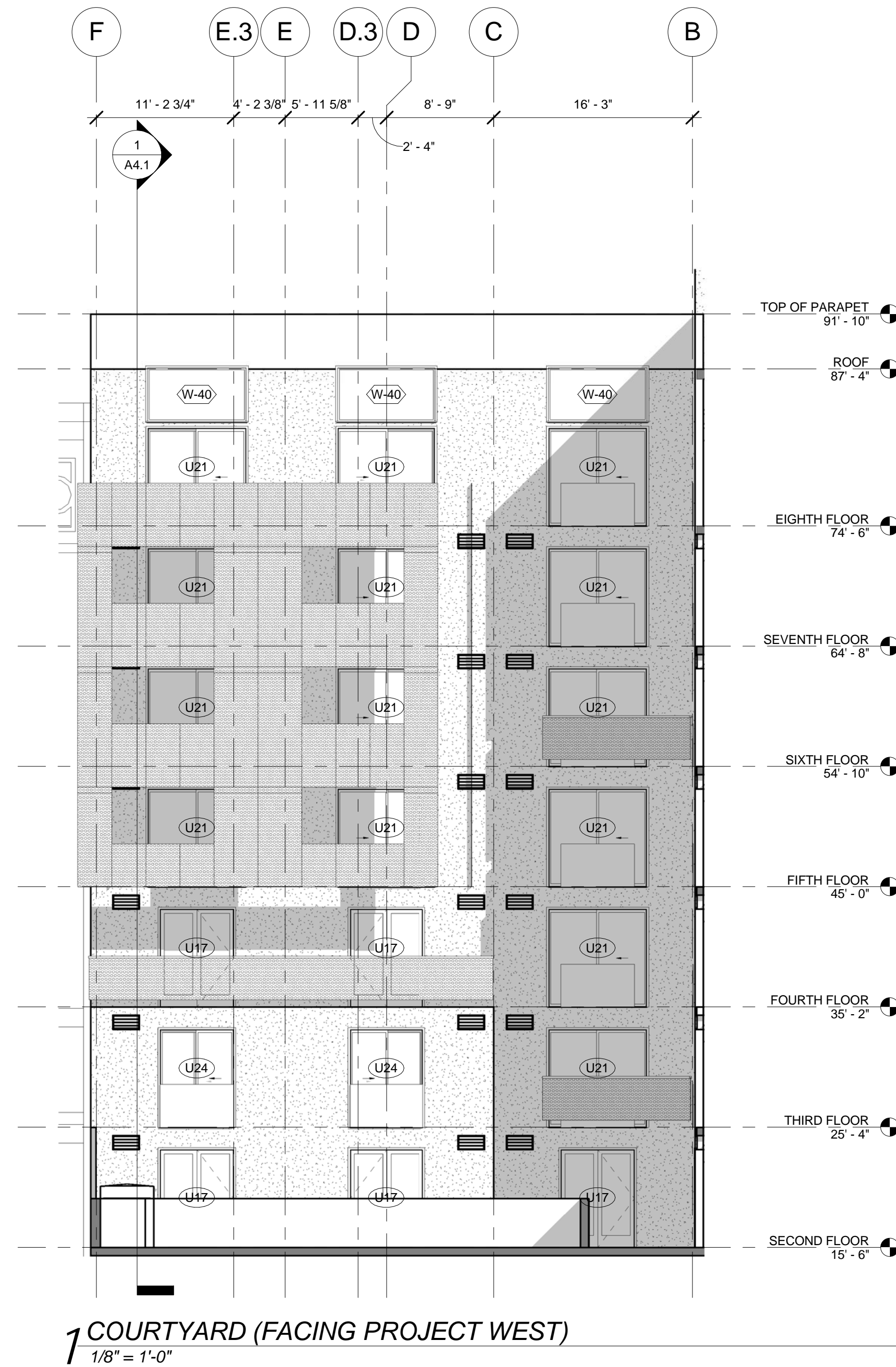
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: 1/8" = 1'-0"

EXTERIOR
ELEVATIONS AT
COURTYARD

A3.4



1075 MARKET STREET SAN FRANCISCO, CA

NOT FOR
CONSTRUCTION

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE: 2014-05-28
SET ISSUE: 2014-09-15
SITE PERMIT: 2015-02-27
DD SET: 2015-09-09
50% CD SET: CU SUBMITTAL

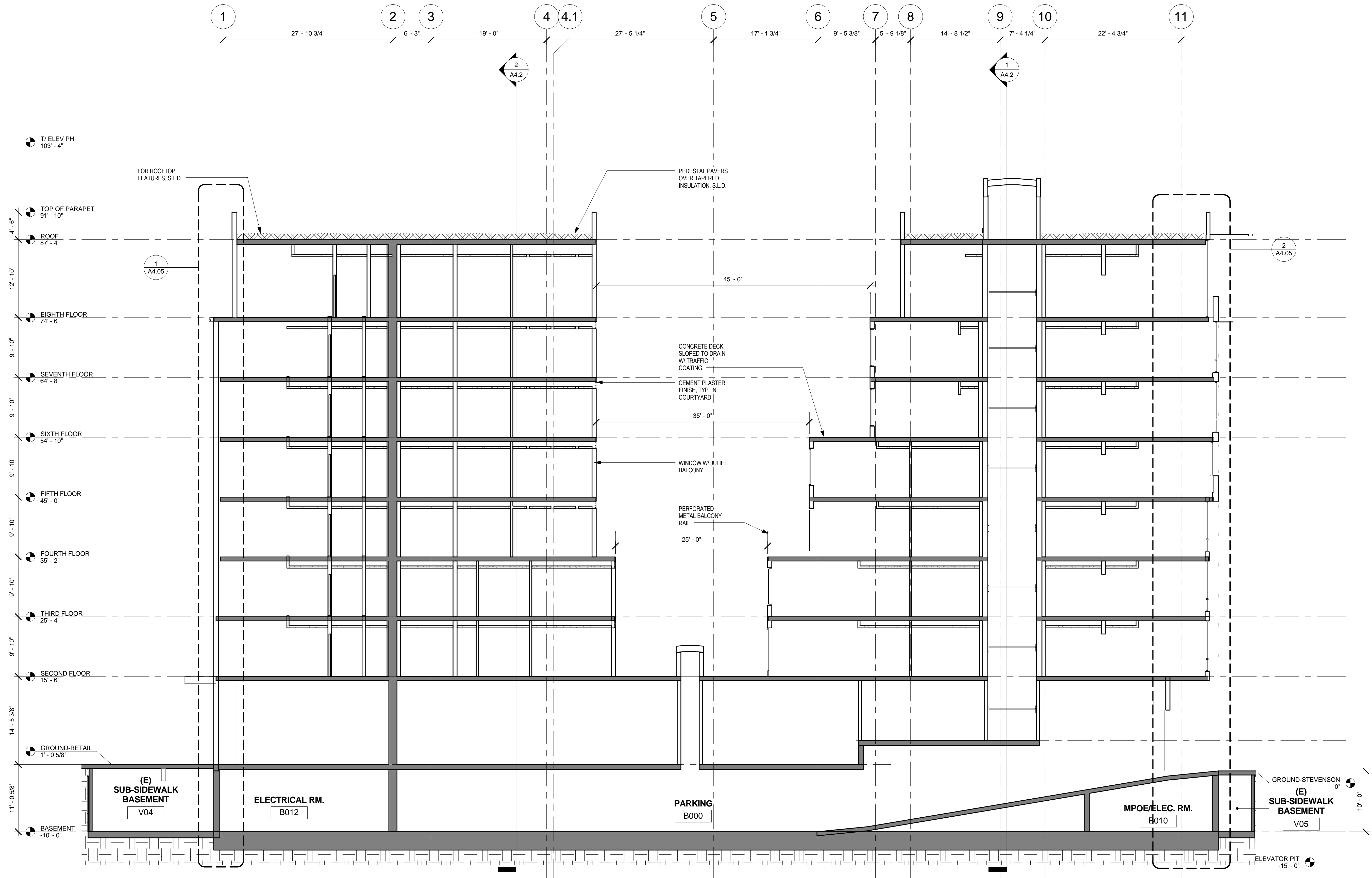
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: 1/8" = 1'-0"

BUILDING
SECTIONS

A4.1



LONGITUDINAL SECTION - SOUTH
1/8" = 1'-0"



2 VIEW OF STEVENSON ALLEY



3 VIEW OF MARKET ST. LOOKING WEST



1 VIEW OF MARKET ST. FACADE



1075 MARKET STREET
SAN FRANCISCO, CA

NOT FOR
CONSTRUCTION

1075 Market Street
APN: 3703 - 062
SAN FRANCISCO, CA
PROJECT NO. 2013-08

DATE: 2015-09-09 SET ISSUE: CU SUBMITTAL
2015-10-02 60% CD SET

CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: NOT TO SCALE

RENDERED
ELEVATIONS

A3.0



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR Compliance with the Inclusionary Affordable Housing Program

Date: January 11, 2013

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.8378
F: 415.558.8409

To: Applicants subject to Planning Code Section 415: Inclusionary
Affordable Housing Program

From: San Francisco Planning Department

Re: Compliance with the Inclusionary Affordable Housing Program

All projects that involve five or more new dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Section 415 of the Planning Code. Every project subject to Section 415 must pay an Affordable Housing Fee that is equivalent to the applicable percentage of the number of units in the principal project, which is 20% of the total number of units proposed (or the applicable percentage if subject to different area plan controls or requirements).

A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new on- or off-residential units rather than offer them as rental units. Second, the project may be eligible for an Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that can demonstrate that they are eligible for an alternative to the Affordable Housing Fee must provide the necessary documentation to the Planning Department and the Mayor's Office of Housing. Additional material may be required to determine if a project is eligible to fulfill the Program's requirements through an alternative.

Before the Planning Department and/or Planning Commission can act on the project, this *Affidavit for Compliance with the Inclusionary Affordable Housing Program* must be completed.

1 California Civil Code Section 1954.20 et seq.

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

Sept. 2015
Date

I, Robert Huggins, do hereby declare as follows:

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

1075 Market Street
Address

3703/062
Block/Lot

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

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

2013.1690XC
Planning Case Number

Building Permit Number

This project requires the following approval:

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

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

Claudine Arbaugh
Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

- ☐ Yes (if yes, please indicate Tier) _____
☒ No

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

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

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

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

Affidavit for Compliance with the Inclusionary Affordable Housing Program

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

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

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

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

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

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

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

Location 1 Letterman Drive, Suite 3800 Date 9.28.15

R. H. Haggus S.F., CA 94129

Signature Robert Haggus, E.O.P.

Name (Print), Title

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

415.561.0600

Contact Phone Number

² California Civil Code Section 1954.50 and following.

Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
90		28	51	11	

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

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

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
11		4	6	1	

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

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address				
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)	Molten No. (if applicable)		Number of Market Rate Units in the Off-site Project		

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

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

1. Fee _____ % of affordable housing requirement.

2. On-Site _____ % of affordable housing requirement.

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

3. Off-Site _____ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address				
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)	Molten No. (if applicable)		Number of Market Rate Units in the Off-site Project		

Affidavit for Compliance with the Inclusionary Affordable Housing Program

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
Company Name <i>Encore Housing Opportunity Fund</i>	Company Name
Print Name of Contact Person <i>Robert Huggins</i>	Print Name of Contact Person
Address <i>One Letterman Drive, ^{Bldg C} #3800</i>	Address
City, State, Zip <i>San Francisco, CA 94129</i>	City, State, Zip
Phone, Fax <i>(415) 697-1863</i>	Phone, Fax
Email <i>robert.huggins@encorefunds.com</i>	Email
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.	I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.
Signature <i>R. Huggins</i>	Signature
Name (Print), Title <i>Robert Huggins</i> <i>E.O.P.</i>	Name (Print), Title



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)	
1075 Market Street, San Francisco CA 94103		3703/062	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
PROJECT SPONSOR	MAIN CONTACT	PHONE	
Encore Market St, LLC	Robert Huggins	415.561.0600	
ADDRESS			
1 Letterman Drive, Building C, Suite 3800, San Francisco CA 94129			
CITY/STATE/ZIP		EMAIL	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ. FT. COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
90	8,586	Eight	\$33mm
ANTICIPATED START DATE			
June/September 2015			

Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	
<input type="checkbox"/>	Project is wholly Residential
<input type="checkbox"/>	Project is wholly Commercial
<input checked="" type="checkbox"/>	Project is Mixed Use
<input checked="" type="checkbox"/>	A: The project consists of ten (10) or more residential units;
<input type="checkbox"/>	B: The project consists of 25,000 square feet or more gross commercial floor area.
<input type="checkbox"/>	C: Neither 1A nor 1B apply.
<p>NOTES:</p> <ul style="list-style-type: none"> 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	33.45	1	3	Laborer	49.29	3	10
Boilermaker	N/A			Operating Engineer	66.88	1	3
Bricklayer	N/A			Painter	61.88	2	5
Carpenter	68.07	3	10	Pile Driver	68.04	1	3
Cement Mason	53.68	1	3	Plasterer	62.59	3	9
Drywall/Latherer	68.95	3	10	Plumber and Pipefitter	108.44	3	9
Electrician	83.94	2	5	Roofer/Water proofer	51.42	2	5
Elevator Constructor	92.69	2	5	Sheet Metal Worker	84.96	2	5
Floor Coverer	38.99	1	3	Sprinkler Fitter	82.19	3	9
Glazier	68.55	3	9	Taper	68.95	3	10
Heat & Frost Insulator	N/A			Tile Layer/ Finisher	56.06	2	5
Ironworker	62.29	3	10	Other:	.		
		TOTAL:	58			TOTAL:	73

- Will the anticipated employee compensation by trade be consistent with area Prevailing Wage? ☒ YES ☐ NO
- Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? ☒ YES ☐ NO
- Will hiring and retention goals for apprentices be established? ☒ YES ☐ NO
- What is the estimated number of local residents to be hired? 25

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Robert Huggins	robert@encorefunds.com	415.561.0600
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.		
Robert Huggins		4.22.15
(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.workforcedevelopmentstf.org Email: CityBuild@sfgov.org



SAN FRANCISCO PLANNING DEPARTMENT

Mitigated Negative Declaration

PMND Date: September 16, 2015
Case No.: **2013.1690E**
Project Title: **1075 Market Street**
BPA Nos.: 201405286908
Zoning: C-3-G (Downtown-General Commercial)
90-X Height and Bulk District
Block/Lot: 3703/062
Lot Size: 12,375 square feet
Project Sponsor: Encore Funds
Robert Huggins, (415) 697-1863
Lead Agency: San Francisco Planning Department
Staff Contact: Brett Bollinger – (415) 575-9024
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PROJECT DESCRIPTION:

The project site is located on a block bounded by Market Street to the north, Mission Street to the south, Sixth Street to the east, Seventh Street to the west, transected east-west by Stevenson Street and within what is commonly known as the Mid-Market portion of San Francisco's South of Market neighborhood, and is also within the greater Downtown area. The proposed project would involve demolition of the existing approximately 50-foot-tall, approximately 23,000-square-foot former movie theater on the project site. The existing building was constructed in 1912 as the Grauman's Imperial Theater and was most recently used as an adult cinema. The project would include construction of a new 90-foot-tall, eight-story mixed-use building containing approximately 90 dwelling units (in approximately 70,970 square feet) and about 9,000 square feet of ground floor retail space that would face both Market and Stevenson Streets. A single basement level (12,490 square feet) would provide for 23 off-street vehicle parking spaces (with one car share space) and 92 Class 1 bicycle parking spaces, which would be accessible from a new ten-foot curb cut on Stevenson Street. The residential entrance would be on Market Street. Both the Market Street and Stevenson Street ground floor would be largely occupied by retail storefronts. Open space would be provided on the second floor (first residential level) in the form of a common approximately 300-square-foot outdoor terrace that would be open to the sky through a court in the center of the building, and by an approximately 4,000-square-foot roof deck and green roof/dog run atop the building; additional private open space (decks) would be provided for certain units. The project site is located within the Market Street Theater and Loft Historic District, which is listed on the National Register of Historic Places. However, due to the cumulative loss of defining architectural features, the existing structure is considered a non-contributor to that district and is not eligible for the California Register of Historical Resources.


The project would entail limited excavation beyond the depth of the existing basement to accommodate the below-grade parking level. As described in more detail below, project construction would require excavation of approximately eight additional feet below the existing basement level for a final depth of approximately 20.5 feet bgs (as measured at Market Street).

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See Section F on page 105.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.


SARAH B. JONES
Environmental Review Officer

October 8, 2015
Date of Issuance of Final Mitigated
Negative Declaration

cc: Robert Huggins, Project Sponsor
Claudine Asbagh, San Francisco Planning Department-Current Planning
M.D.F

INITIAL STUDY

(2013.1690E: 1075 Market Street)

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INITIAL STUDY

1075 Market Street Project Planning Department Case No. 2013.1690E

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

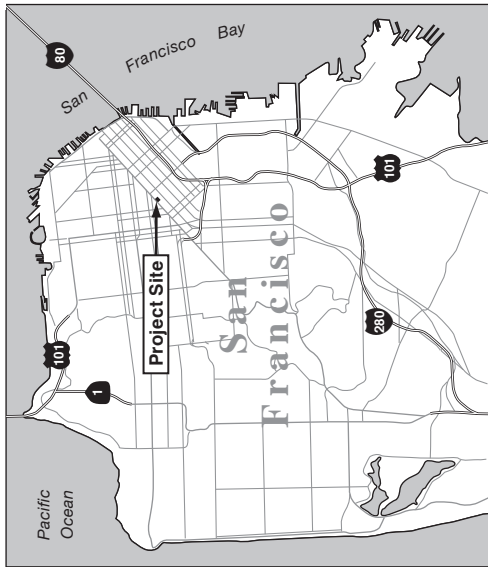
The approximately 12,375-square-foot (0.28-acre) project site is located on the southeast side of Market Street midblock between Sixth and Seventh Streets within San Francisco's Downtown Plan area. The project site is within what is commonly known as the Mid-Market portion of San Francisco's South of Market neighborhood, and across Market Street from the Downtown/Civic Center neighborhood (as both neighborhoods are identified on the Planning Department's neighborhoods maps), and also within the greater Downtown area (see **Figure 1**). The project site is located within the C-3-G (Downtown General Commercial) Use District, the 90-X Height and Bulk District (90-foot maximum height, no bulk limits), and within the Market Street Theater and Loft Historic District, which is listed on the National Register of Historic Places.




The project site is currently occupied by an approximately 50-foot tall, rectangular-plan, steel frame and reinforced concrete, movie theater and retail building. The building was constructed in 1912 as the Grauman's Imperial Theater. It consists of a large gabled auditorium volume of one very tall story occupying approximately 50 percent of the building footprint. The theater portion of the building served most recently as an adult cinema, but is currently vacant. Three small retail spaces fronting Market Street are currently in use. Major interior and exterior alterations have occurred since the structure was built, including to the primary façade's entrance pavilion and marquee.

The generally flat project site is a rectangular lot with 75-foot-long frontages along Market and Stevenson Streets and a 165-foot-long width abutting seven-story mixed-use buildings on either side. There are four street trees in front of the primary façade, along Market Street; there are no existing trees on Stevenson Street.

Proposed Project

The proposed project would involve the demolition of the existing building on the project site and the construction of a new 90-foot-tall, eight-story, approximately 80,000-square-foot, mixed-use building with approximately 90 dwelling units, approximately 9,000 square feet of ground-floor retail use, and basement-level parking for 23 vehicles. The proposed ground floor would contain two retail spaces, currently contemplated to include an approximately 7,600-square-foot space fronting Market Street and a 1,400-square-foot space fronting Stevenson Street. The larger retail space would occupy approximately 80 percent of the ground floor along the Market Street frontage of the building and the smaller retail space would occupy approximately 50 percent of the ground floor along the Stevenson Street frontage. Tenants for these



 Project Site
 Lot Number
 Assessor's Block

2013.1690E: 1075 Market Street MND

Figure 1

Project Location

SOURCE: ESA

commercial spaces have not yet been determined. The residential entryway also would be on the Market Street frontage and would lead to an elevator lobby and mail room.

On floors two through eight, the proposed building would contain a total of 90 residential units, including the required 11 on-site affordable inclusionary units. The residential unit mix would consist of approximately 28 studios, 51 one-bedroom units, and 11 two-bedroom units (see Table 1, below). The proposed project also would provide two common open spaces that would be accessible to building residents only, including an approximately 300-square-foot open space located on the first residential level (second floor) in the center of the project site, as well as an approximately 4,000-square-foot roof deck open space with a green roof/dog run. In addition, a total of nine units at the fourth, sixth, and eighth floors would have private decks.

The proposed structure would be approximately 90 feet in height to the roof, with the parapet extending an additional 4 feet above the roofline (see **Table 1**, and **Figures 2 through 8**, pp. 5 through 11).¹

The proposed building would be a concrete frame building constructed using a drilled-in-place pile foundation. The building is designed in a contemporary architectural style, with modern materials and detailing, employing concrete masonry panel, concrete, metal, and glass as the primary building materials. Along the primary façades on Market Street and Stevenson Street, the proposed design would differentiate the retail uses from the residential uses above.

The Market Street façade is designed to be compatible with the classic base-middle-top organization that characterizes the Market Street Theater and Loft Historic District. Protruding sunshade elements would separate the ground floor retail from the residential floors above. Above the ground floor, the residential portion of the building would be marked by vertical elements except for a recessed strip marking the residential lobby that would extend from the ground floor to the roof. In contrast to both the classic organization reflected in the Market Street façade as well as the United States Court of Appeals building across Stevenson Street, the project's Stevenson Street façade would incorporate a modern design and more fragmented form using glazing, metal panels, perforated metal balconies and operable window panels. The inner courtyard of the building would consist primarily of recessed glazing, glass and metal balcony rails and a cement plaster finish.

A visual simulation was prepared to illustrate the proposed project from the most prominent public vantage point once implemented (see **Figure 9**, p. 12).

¹ These roof-top features are exempt from the height limit.

TABLE 1
PROJECT CHARACTERISTICS AND PLANNING CODE COMPLIANCE

Proposed Use	Description	Gross Building Area
Residential	8 stories; 90 units	70,970
Retail	Ground floor (part)	8,984
Lobby & residential services	Ground Floor (part)	2,090
Vehicle Parking ^{a,b}	23 vehicle spaces in basement	4,830
Bicycle Parking	92 bicycle spaces in basement	1,230
Bldg. services & Storage	Basement (remainder)	6,430
TOTAL	—	93,880
Site area		12,375
Residential Open Space (commonly accessible)		4,492
Private Open Space		468 ^d
Public Open Space		221 ^c
Project Component	Number	
Dwelling Units (total)	90	
Studios	28	
One-bedroom units	51	
Two-bedroom units	11	
Parking Spaces		
Auto ^d	23 (23 permitted)	
Bicycle (Class 1)	92 (92 required)	
Bicycle (Class 2 sidewalk bike racks)	9 (9 required) ^e	
Height of Building	90 feet ^f	
Number of Stories	8	

^a Includes ramp to garage and garage circulation space in the basement.

^b Includes one car-share space and one disabled-accessible space.

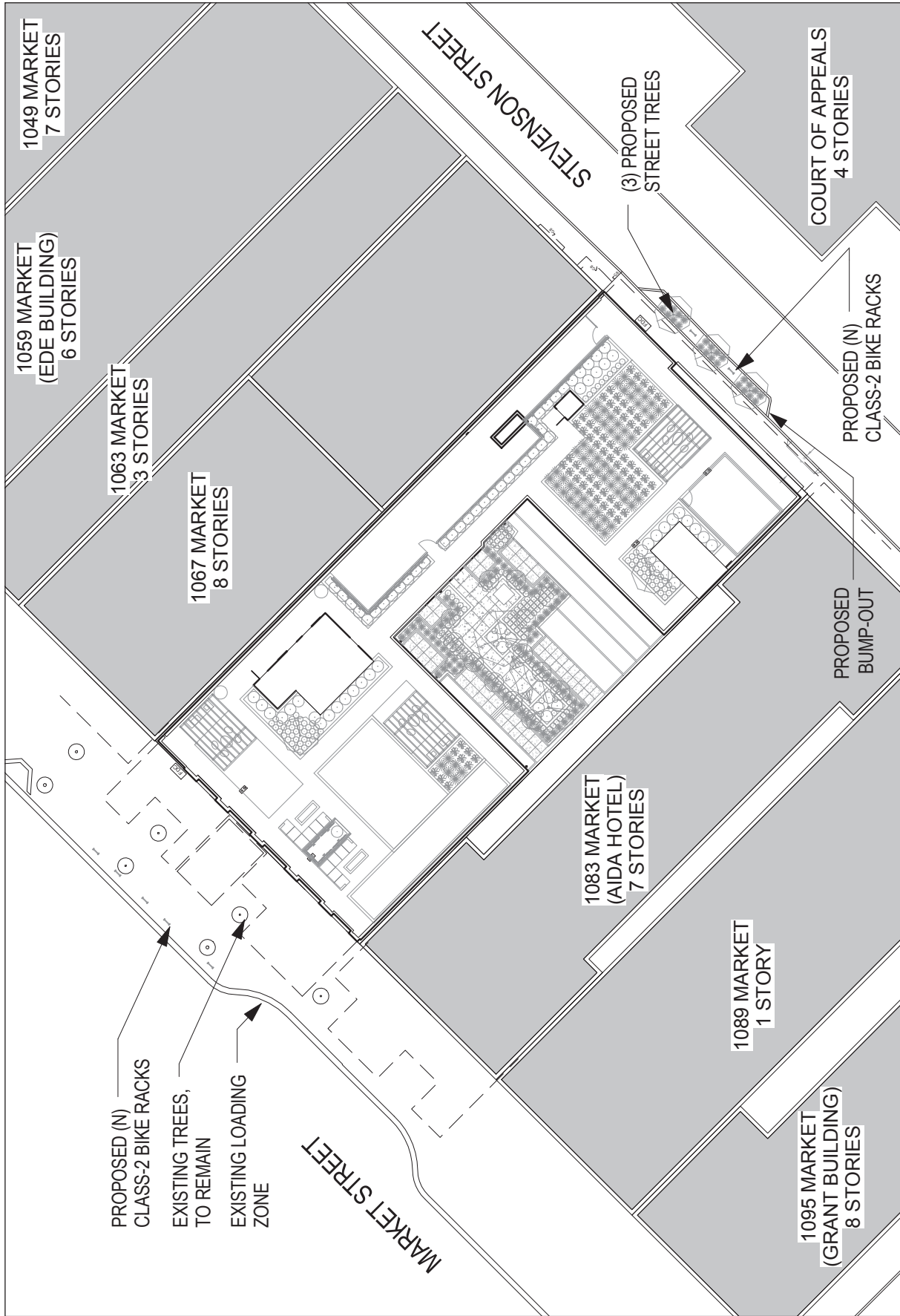
^c Per *Planning Code* Section 138(b).

^d In addition to the square footage listed in this table, the proposed project would include 20 additional units with private open spaces (decks) below the dimensional requirements for usable open space.

^e Per *Planning Code* Section 155.2.15.

^f Excludes elevator/stair penthouse, parapet, and various rooftop elements.

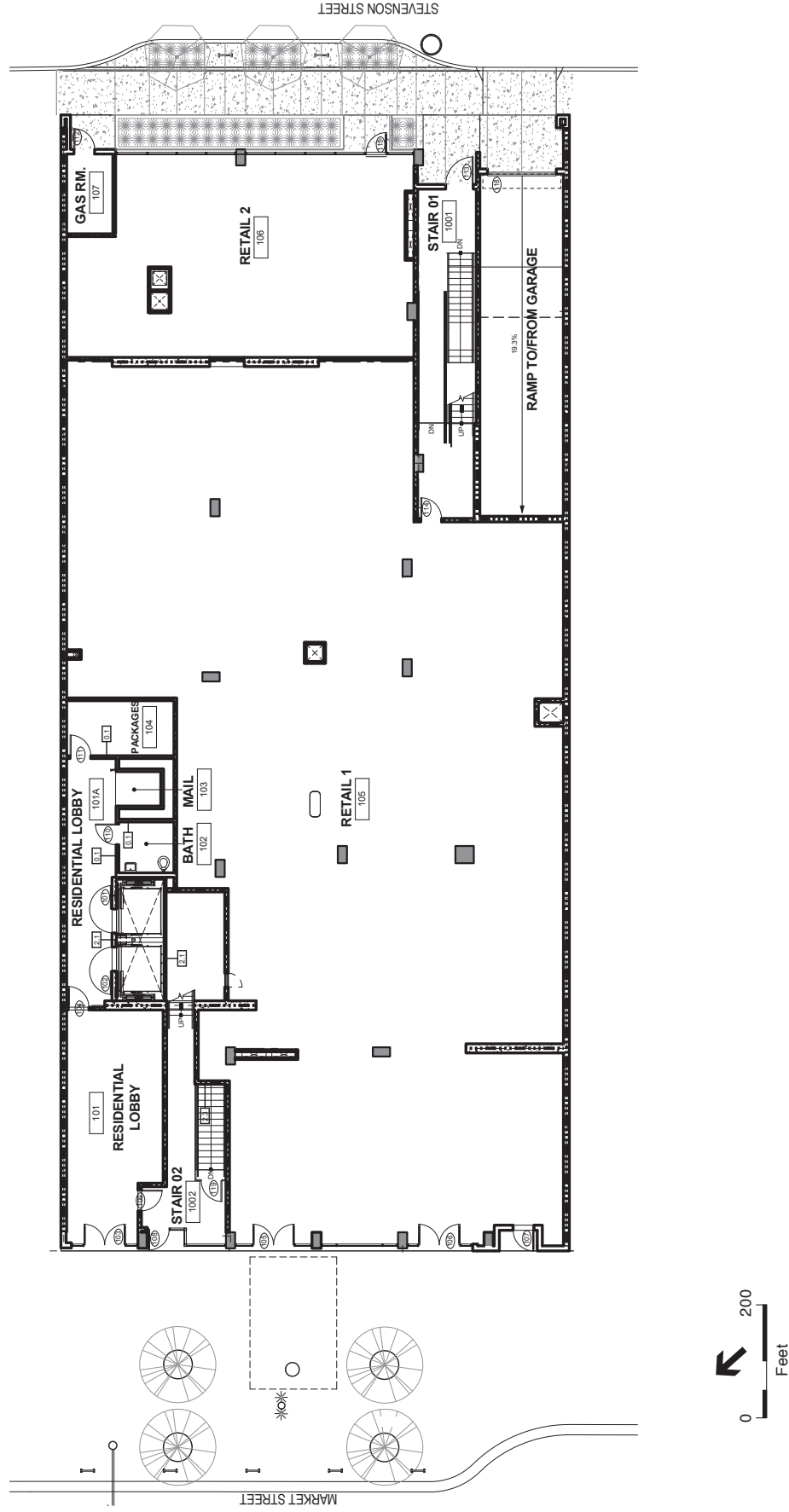
SOURCE: Levy Design Partners, September 15, 2014.



SOURCE: Levy Design Partners Architecture

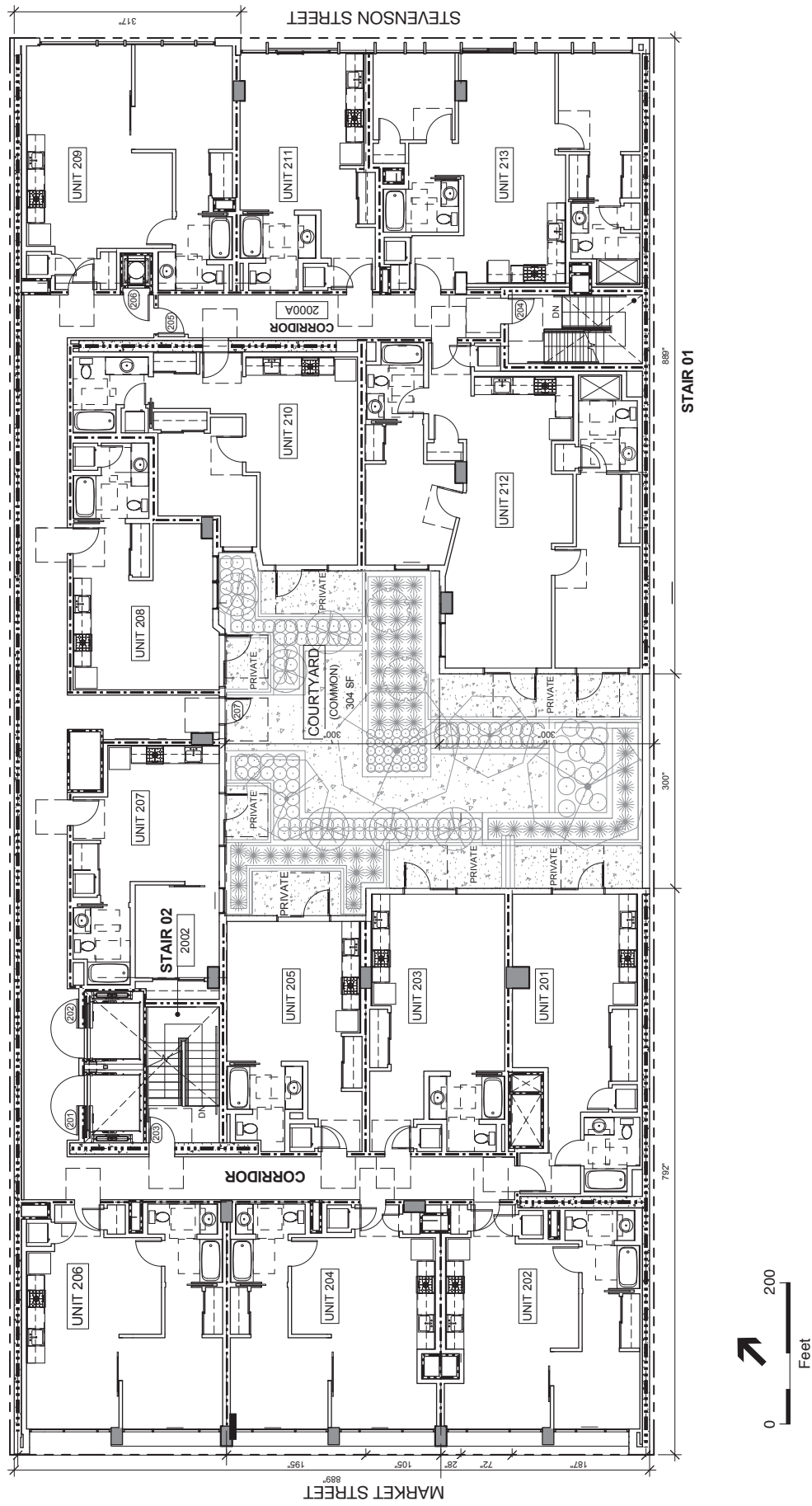
2013.1690E: 1075 Market Street MND
Figure 2
 Site Plan





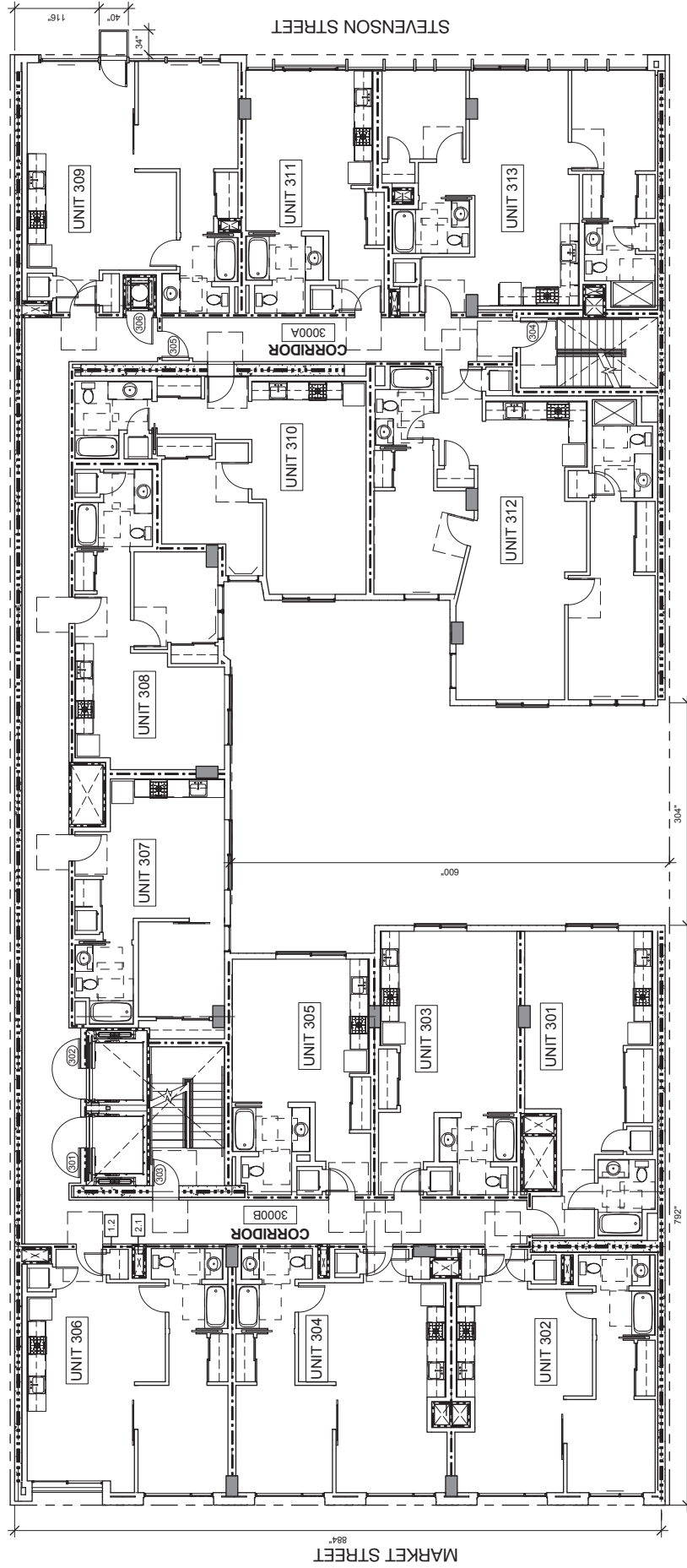
SOURCE: Levy Design Partners Architecture

2013.1690E: 1075 Market Street MND
Figure 4
 Ground Floor Plan

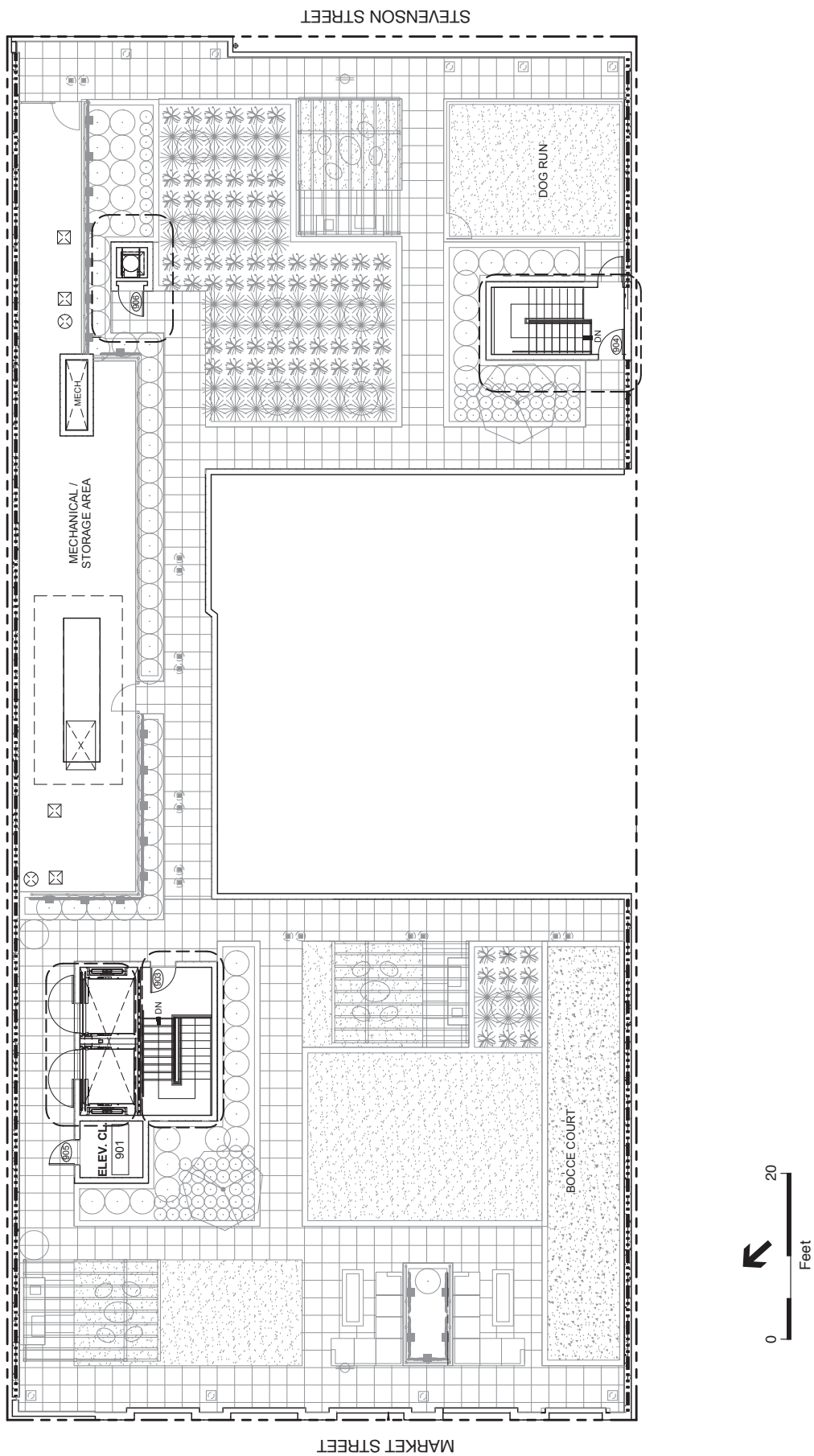


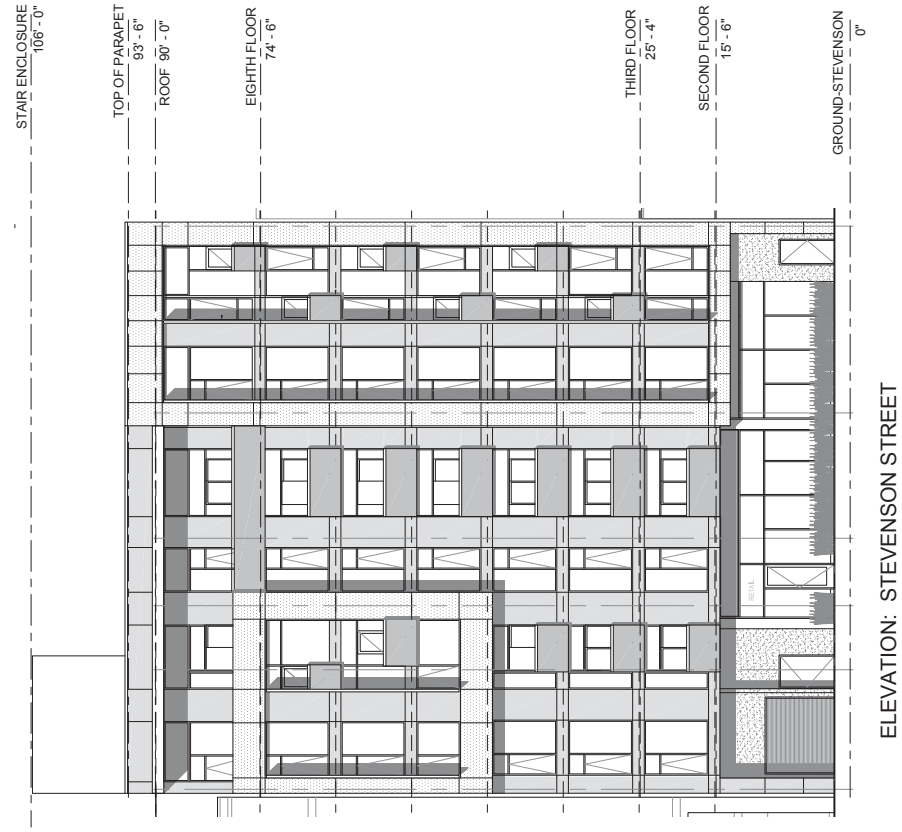
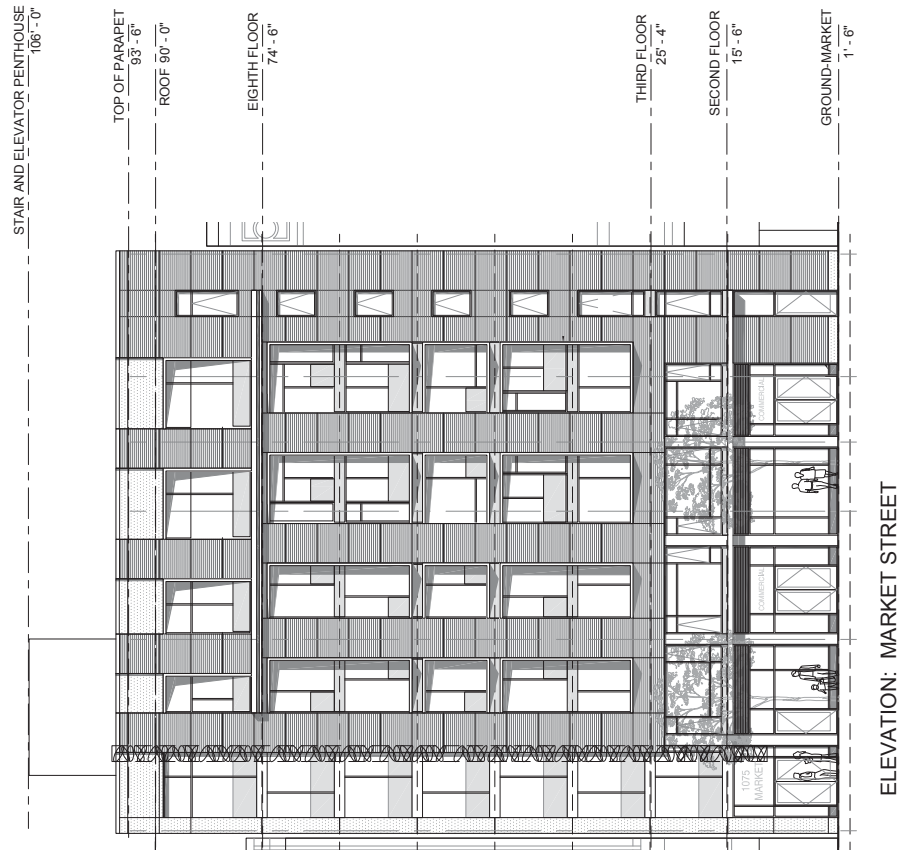
SOURCE: Levy Design Partners Architecture

2013.1690E: 1075 Market Street MND
Figure 5
Second Floor Plan



2013.1690E: 1075 Market Street MND
 SOURCE: Levy Design Partners Architecture
Figure 6
 Typical Floor Plan, Levels 3 through 8





SOURCE: Levy Design Partners Architecture

2013.1690E: 1075 Market Street MND
Figure 8
Elevations



MARKET STREET RENDERING: VIEW FROM WEST

SOURCE: Levy Design Partners Architecture

2013.1690E: 1075 Market Street MND
Figure 9
 Project Visual Simulation Looking East
 from Market and Seventh Streets

Parking, Loading, and Bicycle Facilities

The existing building on the project site does not contain any off-street parking spaces or bicycle parking spaces. The proposed project would create a curb cut and garage door opening of 10 feet in width along Stevenson Street, which would be used to provide access to a vehicular ramp into the below-grade garage. On the remainder of the Stevenson Street frontage, the project would widen the sidewalk by 4 feet, from 7 feet to 11 feet, consistent with the City's Better Streets Plan. The proposed project would not be required to provide off-street loading spaces, and none are proposed.

The below-grade garage would contain 23 parking spaces, including one disabled-accessible parking space and one car share space. In addition, 92 bicycle parking spaces would be provided within secure locations in the garage. These vehicle and bicycle parking spaces would be available to building residents and employees of the proposed ground-floor retail spaces. Nine Class 2 bicycle parking spaces would be provided on the Market and Stevenson Streets sidewalks.

During the construction phase of the proposed project, worker parking would occur off-site. No designated parking for construction workers would be provided and they would be expected to park on the street or in nearby garages, or to use transit.

Landscaping

Four existing trees are located on the Market Street frontage, in front of the existing building. As part of the proposed project, the existing street trees along Market Street would be retained and three new trees would be planted along the project sidewalks on Stevenson Street, in accordance with *Planning Code* Section 138.1(c)(1).²

Foundation and Excavation

The existing building has an excavated basement to a depth of approximately 12.5 feet (as measured at Market Street) which would minimize the need for additional excavation for below-grade parking for vehicles and bicycles. The project sponsor proposes to install a drilled-in-place pile foundation to support the proposed building. Pile driving would not be required as part of the proposed project.

Construction Schedule

Demolition and construction of the proposed project are estimated to take approximately 20 months from ground breaking, which is anticipated to occur in 2015.

² Because the sidewalk on the project frontage of Stevenson Street is only 7 feet wide, street trees can be planted only in the widened portion of the sidewalk that would permit the required 5-foot pedestrian zone and that excludes the frontage where the new building's driveway would be located.

Project Approvals

Planning Commission

- The project sponsor would be required to obtain a Downtown Project Authorization from the Planning Commission per *Planning Code* Section 309 for projects within a C-3 zoning district over 50,000 square feet in area or over 75 feet in height, and for granting exceptions to the requirements of certain sections of the *Planning Code*.
- The project sponsor is seeking an exception, pursuant to *Planning Code* Section 309, from requirements of *Planning Code* Section 134(e) governing the configuration of rear yards, to provide open space in a configuration other than a rear yard (i.e., resident-only accessible open spaces on the second story and on the roof).
- The project sponsor would seek conditional use authorization from the Planning Commission under *Planning Code* Section 124(f) to exclude the 11 on-site affordable units from the calculation of gross floor area.

Department of Building Inspection

- The project would also require demolition and building permits, which would require review and approval by the Planning Department and Department of Building Inspection (DBI).

Department of Public Works

- If a condominium (subdivision) map is proposed for adoption, approval would be required by the Department of Public Works (DPW), pursuant to the City's *Subdivision Code*.
- The project could require a permit from the Department of Building Inspection (DBI) if any night construction work is proposed that would result in noise greater than five dBA above ambient noise levels.
- If sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s), the project would require a street space permit from the Bureau of Street Use and Mapping of the Department of Public Works (and a special traffic permit from the San Francisco Municipal Transportation Agency Sustainable Streets Division).

San Francisco Municipal Transportation Agency

- The proposed widening of the Stevenson Street sidewalk would require review and approval by the San Francisco Municipal Transportation Agency Sustainable Streets Division.
- If sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s), the project would require a special traffic permit from the Municipal Transportation Agency Sustainable Streets Division (and a street space permit from the Bureau of Street Use and Mapping of the Department of Public Works).

San Francisco Public Utilities Commission

- Approval by the San Francisco Public Utilities Commission (SFPUC) would be required for any changes to sewer laterals (connections to the City sewer). The SFPUC must approve an Erosion and Sediment Control Plan, in accordance with Article 4.1 of the *San Francisco Public Works Code*, prior to the start of construction, and must also approve compliance with post-construction

stormwater design guidelines, including a stormwater control plan that complies with the City's Stormwater Design Guidelines.

In the absence of an appeal, the mitigated negative declaration shall be made final, subject to necessary modifications, after 20 days from the date of publication of the PMND. If the PMND is appealed, the Final Mitigated Negative Declaration (FMND) may be appealed to the Board of Supervisors. The first approval action, as identified in the Initial Study, would establish the start of the 30-day appeal period for the FMND pursuant to San Francisco Administrative Code Section 31.16(h).

B. PROJECT SETTING

As noted above, the project site is within the Mid-Market neighborhood, across Market Street from the Downtown/Civic Center neighborhood, and within the area governed by San Francisco's Downtown Plan. The site is bounded by Market Street to the north, Stevenson Street to the south and the two existing buildings abutting the lot line on the east and west sides of the building.

Surrounding the project site, land uses consist primarily of neighborhood-serving retail uses on the ground level with offices above, as well as hotels, restaurants, theaters, and civic uses. The nearest existing residential buildings are on McAllister Street and Golden Gate Avenue to the north, on Market Street one block east, and on Sixth and Mission Streets to the southeast, south, and southwest. In addition, there are at least three buildings on the project block of Market Street, including the adjacent building to the east at 1067 Market Street, that historically were in office use above ground-floor retail space, but where the upper stories have been used, at least in part, for residential units in recent years. For purposes of this analysis, the adjacent building at 1067 Market Street, along with 1049 and 1005 Market Street nearby, are assumed to contain residential units.

Along Market Street, land uses on the project block include offices buildings with ground-floor retail, a bicycle shop, a hotel, several small restaurants, Bay Area Legal Aid, adult education classes, a tobacco shop, a limousine services shop, an electronics store, a gallery space and a center for the arts. Across the street from the project site on Market Street are another hotel, several restaurants, an electronic retailer, and another bicycle shop. On the southeast side along Stevenson, the block houses the United States Court of Appeals for the Ninth Circuit, while the new San Francisco Federal Building is across Seventh Street to the west. The Golden Gate Theater is at Golden Gate Avenue and Taylor/Market/Sixth Streets, about one block northeast of the site, the Warfield Theater is in the Warfield Building kitty corner across the Market/Sixth/Taylor intersection from the project block, and the American Conservatory Theater's newly renovated Strand Theater is on the block of Market Street to the west of the site. United Nations (U.N.) Plaza, a public open space that leads to the San Francisco Civic Center to the west, is across Market Street from the project site, just west of Seventh Street. Buildings in the project vicinity vary widely in height, ranging from a handful of single-story retail buildings to new 23- and 24-story residential towers along Mission Street between Seventh and Eighth Streets. There is a 15-story office building at Sixth and Market Streets, and the new Federal Building is 18 stories. A block and a half to the northeast is a 28-story

residential building owned by the University of California's Hastings College of the Law. Most structures nearby, however, are two to six stories in height, and nearly all extend to the lot line with no front setbacks. Vegetation in the area is generally limited to street trees. Nearby public parks and open spaces, in addition to U.N. Plaza, include Civic Center Plaza, about blocks west of the project site; Boeddeker Park, three blocks north; Howard Langton Mini Park, two and a half blocks southwest; Victoria Manalo Draves Park, three and a half blocks southwest; and Gene Friend Recreation Center, four blocks southwest.

As noted, the project site is located across Market Street from United Nations Plaza. The Civic Center and the surrounding area contain City Hall, federal, state and local courthouses and offices, the Main Library, and a number of prominent cultural institutions, including Davies Symphony Hall, the War Memorial Opera House and Veterans' Building, Bill Graham Civic Auditorium and the Asian Art Museum. The closest state highway to the project site is Interstate Highway 80, four blocks south of the project site. One block south of the project site lies the Western South of Market Special Use District, while the North of Market Residential Special Use District is one-half block to the north. Lastly, the project site is situated within the Market Street Theatre and Loft District, which was listed as a historic district in the National Register of Historic Places in 1986.

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	<i>Applicable</i>	<i>Not Applicable</i>
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

San Francisco Planning Code

The *San Francisco Planning Code (Planning Code)*, which incorporates by reference the city's Zoning Maps, governs permitted uses, densities and the configuration of buildings in San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless either the proposed action conforms to the *Planning Code*, or an exception is granted pursuant to provisions of the *Planning Code*.

Allowable Uses

The project is located in the C-3-G (Downtown – General) Zoning District, which covers the western portions of Downtown. As stated in *Planning Code* Section 210.2, the C-3-G Zoning District is composed of a variety of uses, including retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a Citywide or regional function, although the intensity of development is lower here than in the downtown core area further to the east.

The requirements associated with the C-3-G Zoning District are described in Section 210.2 of the *Planning Code* with references to other applicable articles of the *Planning Code* as necessary (for example, for provisions concerning parking, rear yards, street trees, etc.). As in the case of other Downtown districts, no off-street parking is required for individual residential or commercial buildings. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by local and regional transit. Any resulting potential impacts of the proposed project and applicable *Planning Code* provision are discussed below under the relevant environmental topic headings.

Within the C-3-G district, retail uses (except formula retail, on Market Street between 6th and 12th Streets, which requires Conditional Use authorization) on the ground floor and residential uses above ground floor, as proposed by the project, are principally permitted.³

Affordable Housing

The proposed project would comply with the City's Residential Inclusionary Affordable Housing Program requirements (City *Planning Code* Section 415, et seq.), by including 11 below-market-rate (BMR) units on-site, or 12 percent of the total number of units, as required by *Planning Code* Section 415.6.

Height and Bulk

The project site is within a 90-X Height and Bulk District. This district allows a maximum building height of 90 feet, and has no bulk limit. The proposed project would be 90 feet high, measured from ground level to the top of the roof. Various rooftop elements extend up to 20 feet above the top of the roof including a parapet extending approximately 3.5 feet beyond the height limit, as allowable under *Planning Code* Section 260(b)(2)(A); stair and elevator penthouses that are exempt from the building height limit by up to 16 feet, as allowable under *Planning Code* Section 260 (b)(1)(A); and additional building features to screen mechanical equipment from view that are exempt from the building height limit by up to 20 feet, as allowable under Section 141 and 260 (b)(1)(F) of the *Planning Code*. Therefore, the proposed structure would comply with the 90-X Height and Bulk District.

Street Trees

Planning Code Section 138.1(c)(1) requires that for every 20 feet of property frontage along each street, one 24-inch box tree be planted, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. The proposed project, which would include a 75-foot property frontage along both Market and Stevenson Streets, would comply with Section 138.1(c)(1) by retaining the four existing trees along Market Street and planting three new street trees along Stevenson Street.⁴

³ *Planning Code* Sections 210.2.

⁴ Because the sidewalk on the project frontage of Stevenson Street is only 7 feet wide, street trees can be planted only in the proposed widened portion of the sidewalk that would permit the required 5-foot pedestrian zone and that excludes the frontage where the new building's driveway would be located.

Rear Yard Requirements

Planning Code Section 134 requires a rear yard equivalent to 25 percent of total lot depth at all residential levels. The proposed project would provide common open space on the second floor in the form of an approximately 300-square-foot outdoor terrace that would be open to the sky and an approximately 4,000-square-foot roof deck and green roof/dog run atop the building, and private open space for certain units. The proposed project would not provide open space within a rear yard and therefore, the project applicant is requesting an exception to the rear yard requirements of *Planning Code* Section 134(e), pursuant to the procedures of Section 309, to allow for open space in a configuration other than a rear yard.

Parking and Loading

According to *Planning Code* Sections 151.1 and 210.2, off-street parking for residential or commercial uses in the C-3-G district is not required; for residential uses, 0.5 parking space per unit is principally permitted and up to 0.75 parking space per unit is permitted with a Conditional Use authorization. For retail uses, according to *Planning Code* Sections 151.1, parking may not exceed seven percent of the gross floor area of the retail space. The proposed project would provide 23 automobile parking spaces for the 90 residential units, which would comply with Section 151.1. No parking is proposed for the retail use. *Planning Code* Section 155.2 requires, for new residential buildings, one secure (Class 1) bicycle parking space (bicycle locker or space in a secure room) be provided for each unit, along with one Class 2 space (publicly accessible bicycle rack) for each 20 units, or 90 Class 1 spaces and five Class 2 spaces for the proposed residential uses. Section 155.2 also requires one Class 1 space for each 7,500 occupied square feet of retail space and one Class 2 space for each 2,500 occupied square feet of retail space, or one Class 1 space and four Class 2 spaces for the proposed project.⁵ The total requirement would therefore be 92 Class 1 spaces and nine Class 2 spaces (racks). The project would provide 92 Class 1 bicycle spaces in a secure room in the basement garage, which would comply with Section 155.2. Nine Class 2 spaces (5 U-racks) also would be provided (on the Market and Stevenson Street sidewalks). There are designated loading zones, primarily for trucks, in pullouts cut into the sidewalk. There is a loading cutout—signed as passenger loading—in front of a hotel immediately west of the project site, and there is a truck loading zone in a cutout farther east on the project block, on the same side of the street as the project site. *Planning Code* Section 152.1 does not require off-street loading for residential buildings of less than 100,000 square feet or retail uses of less than 10,000 square feet. Therefore, the proposed project would not be required to provide off-street loading spaces, and none are proposed.

Plans and Policies

San Francisco General Plan

In addition to the *Planning Code* and its land use zoning requirements, the project site is subject to the *San Francisco General Plan (General Plan)*. The *General Plan* provides general policies and objectives to guide land use decisions. The *General Plan* contains 10 elements (Commerce and Industry, Recreation and

⁵ This calculation assumes all the retail space is occupied floor area.

Open Space, Housing, Community Facilities, Urban Design, Environmental Protection, Transportation, Air Quality, Community Safety, and Arts) that set forth goals, policies, and objectives for the physical development of the City. In addition, the *General Plan* includes area plans that outline goals and objectives for specific geographic planning areas, such as the greater Downtown, including the project site, policies for which are contained in the Downtown Plan, an area plan within the *General Plan*.

A conflict between a proposed project and a *General Plan* policy does not, in itself, indicate a significant effect on the environment within the context of the California Environmental Quality Act (CEQA). Any physical environmental impacts that could result from such conflicts are analyzed in this Initial Study. In general, potential conflicts with the *General Plan* are considered by the decisions-makers (normally the Planning Commission) independently of the environmental review process. Thus, in addition to considering inconsistencies that affect environmental issues, the Planning Commission considers other potential inconsistencies with the *General Plan*, independently of the environmental review process, as part of the decision to approve or disapprove a proposed project. Any potential conflict not identified in this environmental document would be considered in that context and would not alter the physical environmental effects of the proposed project that are analyzed in this Initial Study.

The aim of the Downtown Plan is to encourage business activity and promote economic growth downtown, as the City's and region's premier center, while improving the quality of place and providing necessary supporting amenities. Centered on Market Street, the Plan covers an area roughly bounded by Van Ness Avenue to the west, Steuart Street to the east, Folsom Street to the south, and the northern edge of the Financial District to the north. The Plan contains objectives and policies that address commerce, housing, and open space; preservation; urban form; and transportation.

The proposed project would not obviously or substantially conflict with any goals, policies, or objectives of the *General Plan*, including those of the Downtown Plan. The compatibility of the proposed project with *General Plan* goals, policies, and objectives that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project.

Priority Policies

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *Planning Code* to establish eight Priority Policies. These policies, and the subsection of Section E of this Initial Study addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Topic 1, Land Use and Land Use Planning, Questions 1a and 1b); (3) preservation and enhancement of affordable housing (Topic 2, Population and Housing, Question 2b, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Topic 4, Transportation and Circulation, Questions 4a, 4b, and 4f); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Topic 1, Land Use and Land Use Planning, Question 1c);

(6) maximization of earthquake preparedness (Topic 13, Geology and Soils, Questions 13a through 13d); (7) landmark and historic building preservation (Topic 3, Cultural Resources, Question 3a); and (8) protection of open space (Topic 8, Wind and Shadow, Questions 8a and 8b; and Topic 9, Recreation, Questions 9a and 9c).

Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in Section E, Evaluation of Environmental Effects, of this Initial Study, providing information for use in the case report for the proposed project. The case report and approval motions for the project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

Regional Plans and Policies

The principal regional planning documents and the agencies that guide planning in the nine-county Bay Area are *Plan Bay Area*, the region's first Sustainable Communities Strategy, developed in accordance with Senate Bill 375 and adopted jointly by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC); the Bay Area Air Quality Management District (BAAQMD)'s *2010 Clean Air Plan*; the San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan*; and the *San Francisco Bay Plan*, adopted by the San Francisco Bay Conservation and Development Commission. Due to the relatively small size and infill nature of the proposed project, there would be no anticipated conflicts with regional plans.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below, for which mitigation measures would be required to reduce potentially significant impacts to less than significant. The following pages present a more detailed checklist and discussion of each environmental factor.

<input type="checkbox"/> Land Use	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Geology and Soils
<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Wind and Shadow	<input type="checkbox"/> Hydrology and Water Quality
<input checked="" type="checkbox"/> Cultural and Paleo. Resources	<input type="checkbox"/> Recreation	<input type="checkbox"/> Hazards/Hazardous Materials
<input type="checkbox"/> Transportation and Circulation	<input type="checkbox"/> Utilities and Service Systems	<input type="checkbox"/> Mineral/Energy Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Public Services	<input type="checkbox"/> Agricultural/Forest Resources
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Mandatory Findings of Significance

E. EVALUATION OF ENVIRONMENTAL EFFECTS

All items on the Initial Study Checklist that have been checked “Less than Significant with Mitigation Incorporated,” “Less than Significant Impact,” “No Impact” or “Not Applicable” indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect relating to that topic. A discussion is included for those issues checked “Less than Significant with Mitigation Incorporated” and “Less than Significant Impact” and for most items checked with “No Impact” or “Not Applicable.” For all of the items checked “Not Applicable” or “No Impact” without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Planning Department, such as the Department’s *Transportation Impact Analysis Guidelines for Environmental Review*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Wildlife. For each checklist item, the evaluation has considered the impacts of the proposed project both individually and cumulatively.

Senate Bill 743 and Public Resources Code Section 21099

On September 27, 2013, Governor Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014.⁶ Among other provision, SB 743 amends the California Environmental Quality Act (CEQA) by adding Public Resources Code Section 21099 regarding analysis of aesthetics and parking impacts for urban infill projects.⁷

Aesthetics and Parking Analysis

Public Resources Code Section 21099(d), effective January 1, 2014, states, “Aesthetic 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.”⁸ Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- a) The project is in a transit priority area,⁹
- b) The project is on an infill site,¹⁰

⁶ SB 743 can be found on-line at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743.

⁷ See Public Resources Code Section 21099(d).

⁸ Public Resources Code Section 21099(d)(1).

⁹ Public Resources Code Section 21099(a) defines a “transit priority area” as an area within one-half mile of an existing or planned major transit stop. A “major transit stop” is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

¹⁰ Public Resources Code Section 21099(a) defines an “infill site” as a lot located within an urban area that has been previously developed, or a vacant site where at least 75 percent of the perimeter of the site adjoins, or is *separated* only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

- c) The project is residential, mixed-use residential, or an employment center.¹¹

The proposed project meets each of the above three criteria because it (1) is located within one-half mile of several rail and bus transit routes, (2) is located on an infill site that is already developed with a mostly vacated theater building and is surrounded by other urban development, and (3) would be residential project with ground-floor retail space.¹² Thus, this Initial Study and the EIR do not consider aesthetics and the adequacy of parking in determining the significance of project impacts under CEQA.

Public Resources Code Section 21099(e) states that a Lead Agency maintains the authority to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers and that aesthetics impacts do not include impacts on historical or cultural resources. As such, there will be no change in the Planning Department's methodology related to design and historic review.

The Planning Department recognizes that the public and decision makers nonetheless may be interested in information pertaining to the aesthetic effects of a proposed project and may desire that such information be provided as part of the environmental review process. Therefore, some of the information that would have otherwise been provided in an Aesthetics Section of this Initial Study (such as a visual simulation to illustrate the proposed project from the most prominent public vantage point once implemented, see Figure 9, above) has been included in Section A, Project Description. However, this information is provided solely for informational purposes and is not used to determine the significance of the environmental impacts of the project, pursuant to CEQA.

Similarly, the Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, the EIR will present a parking demand analysis for informational purposes and will consider any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce onsite parking spaces that affects the public right-of-way) as applicable in the transportation analysis.

¹¹ Public Resources Code Section 21099(a) defines an "employment center" as a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and located within a transit priority area.

¹² San Francisco Planning Department, 1075 Market Street—Transit-oriented Infill Project Eligibility Checklist, February 11, 2015.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
1. LAND USE AND LAND USE PLANNING— Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact LU-1: The proposed project would not physically divide an established community. (Less than Significant)

As discussed in the Section A, Project Description (page 1), the 12,375-square-foot project site is located on a block bounded by Market Street to the north, Mission Street to the south, Sixth Street to the east, and Seventh Street to the west. Stevenson Street, which forms the project site's southern boundary, divides the northern third of the block from the remainder. The site is within the Mid-Market portion of San Francisco's South of Market neighborhood (see Figure 1). The project site is currently occupied by a former adult theater building. The site is generally flat.

The proposed project would include the demolition of the existing building on-site and would include the construction of a new eight-story structure consisting of approximately 9,000 square feet of retail space on the ground floor and 90 dwelling units above. The proposed mixed-use structure would be approximately 90 feet above grade to the roofline, with an additional approximately 20 feet in height for the proposed rooftop elements (exempt from the height limits for this zoning district).

Given that the existing building contains a mostly vacant commercial space with no dwelling units, the proposed project would intensify the use of the project site, but would not alter the general land use pattern of the immediate area, which already includes nearby buildings with commercial uses on the ground floor with residential uses above.¹³ The buildings in the project area are varied in height with most ranging from two to eight stories. The proposed building, at eight stories, would not be substantially taller than many of the taller buildings in the area and would be in keeping with the existing six-, seven, and eight-story buildings immediately east and west of the project site as well as with taller buildings approximately one block east and west of the project site along Market Street.

Land use impacts are considered to be significant if the proposed project would physically divide an established community. The proposed project would be developed within the established street plan and would not create an impediment to the passage of persons or vehicles. Accordingly, the proposed project

¹³ While retail tenants currently occupy three small storefront retail spaces along Market Street, the theater itself is closed and vacant.

would not disrupt or divide the physical arrangement of the existing neighborhood. Because the proposed project would establish a mixed-use building within proximity to other similar mixed-use structures, and would not introduce an incompatible land use to the area, the project would not be anticipated to divide an established community, and the impact would be less than significant.

Impact LU-2: The proposed project would not conflict with any applicable land use plans, policies or regulations of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant)

Land use impacts are also considered to be significant if the proposed project would conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Environmental plans and policies are those, like the BAAQMD 2010 *Clean Air Plan*, which directly address environmental issues and/or contain targets or standards, must be met in order to preserve or improve characteristics of the City's physical environment.

The proposed project would not obviously or substantially conflict with applicable plans, policies, and regulations such that an adverse physical change would result. In addition, the proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy. Therefore, the proposed project would have a less-than-significant impact with regard to conflicts with existing plans and zoning.

Impact C-LU: The proposed project would not make a considerable contribution to any cumulative significant land use impacts. (Less than Significant)

As of September 2015, there were several active development, renovation, and/or change of use projects surrounding the project site. Of the active Planning Department cases and active building permits within the area, five proposed projects are on the blocks to the east and west as well as across Market Street, and one is on the project block. They include the following:

- 935 Market Street (Case No. 2008.0217) – This project, known as Market Street Place, has demolished the existing structures at 935 through 965 Market Street and will construct a new, 250,000 square foot retail space in a 90-foot-tall, five-story mall building (demolition complete; construction commenced November 2014).
- 950 Market Street (Case No. 2013.1049E) – This project proposes to demolish five existing structures and construct approximately 316 dwelling units, 250 hotel rooms, 15,000 square feet of commercial space, 75,000 square feet space for various arts activities, and 98 basement-level parking spaces in a 180-foot-tall building. (environmental review in progress)
- 1028 Market Street (Case No. 2014.0241E) – This project would demolish the existing commercial building and construct a 13-story, 120-foot-tall building containing approximately 186 dwelling units, 9,675 square feet of commercial space, and 42 parking spaces in two basement levels (environmental review in progress).
- 1055 Market Street (Case No. 2014.0408E) – This project would demolish the existing commercial building and construct 10-story (approximately 90 feet) tourist hotel with 155 rooms with a ground floor retail space (environmental review in progress).

- 1100 Market Street (Case No. 2012.1123) – This project involves renovation of the existing Renoir Hotel at Market and Seventh Streets. Construction is ongoing and the hotel is scheduled to re-open in late 2015 as the San Francisco Proper Hotel.
- 1066 Market Street (Case No. 2013.1753E) – This project would demolish the existing commercial building and parking lot and construct a 14-story, 120-foot-tall building providing approximately 301 dwelling units, 1,885 square feet of commercial space, and 112 parking spaces (environmental review in progress).
- 1125 Market Street (Case No. 2013.0511E) – This project would construct a 12-story-over-basement, 120-foot tall building providing 160 hotel rooms, approximately 8,000 square feet of public use areas on the ground floor including restaurant, bar, and hotel lobby uses (environmental review in progress).
- One Jones Street (former Hibernia Bank Building; Case No. 2011.0617E) – Renovation is under way on this City Landmark building at the corner of Jones, McAllister, and Market Streets. A categorical exemption was issued and a Certificate of Appropriateness granted by the Historic Preservation Commission in 2012 for seismic upgrade and interior alterations for purposes of developing an assembly use.
- Trinity Place (1169 Market Street) – This project demolished the former Trinity Plaza residential building and is constructing approximately 1,900 residential units, including 360 rent-controlled replacement units for tenants of the now-demolished building; and approximately 60,000 square feet of ground floor retail; in four towers at Eighth and Market Streets (approximately 120 feet). (Under construction; two of four buildings are complete, and work is ongoing.)
- The Grant Building (1095 Market Street; Case No. 2014-000803PRJ) – This project would convert the existing office building to a hotel and restaurant/night club (environmental review in progress).

Recently completed projects nearby include the renovation of the Strand Theater at 1127 Market Street for use as a second live stage by the American Conservatory Theater; the 17-story AVA residential project, containing 250 dwelling units and 3,000 square feet of ground floor retail, at 55 Ninth Street (approximately 0.4 miles from the project site); and the 750-unit NEMA project at 8 10th Street (approximately 0.5 miles from the project site). Slightly farther away at approximately 0.6 miles from the project site are several other projects, including 115 dwelling units under construction at 1415 Mission Street; 190 affordable units under construction at 1400 Mission Street; and 160 units under construction at 1321 Mission Street. In addition to the above, the recently renovated Kelly Cullen Community at 220 Golden Gate Avenue, a supportive housing facility, is approximately 0.2 miles northwest of the project site in the eight-story former Central YMCA building.

Because of the project's relatively modest size and because the project represents an infill development within a dense residential neighborhood that is well-served by transit, the proposed project at 1075 Market Street is unlikely to combine with the above projects or any other nearby developments in such a way that would result in substantial cumulative adverse land use impacts. The proposed project would not result in substantial physical change in terms of noticeably increasing the number of persons in the surrounding area, within the vicinity of the project site. Although it would result in an incrementally more dense urban fabric, this change would not alter the overall mix of retail, residential,

and other uses in the area and would not result in physical division of the established community. Thus, the proposed project would not result in any significant cumulative land use or planning impacts, since it would cause no substantial change in the mix of land uses in the vicinity, and thus could not contribute to any overall cumulative change in neighborhood character or any overall conflict with applicable environmental plans. Furthermore, this project would not combine with other projects in the vicinity to physically divide an established community, conflict with applicable plans and policies adopted to avoid or mitigate environment effects, or change the existing character of the vicinity.

For the above reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable land use impact.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
2. POPULATION AND HOUSING— Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact PH-1: The proposed project would not induce substantial population growth either directly or indirectly. (Less than Significant)

In general, a project would be considered growth-inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project were not approved and implemented.

The proposed project would include the demolition of a former adult theater building on-site. The existing theater facility is currently vacant although there are active retail tenants in the storefronts along Market Street. These spaces are occupied by a telephone store, small market, and a café that together likely employ 10 or fewer employees, based on an estimated maximum 2,000 square feet of existing retail space. The proposed project, an infill development consisting of retail space on the ground floor with dwelling units above, would be located in an urbanized area and would not be expected to substantially alter existing development patterns in the Mid-Market area or the greater Downtown neighborhood, or in San Francisco as a whole. The proposed project would include approximately 9,000 square feet of commercial space on the project site, which likely would be composed of a larger retail space fronting

Market Street and a smaller retail space fronting Stevenson Street. In addition, the project would also include the construction of 90 residential units above the ground-floor retail space. Since the project is located in an established urban neighborhood, it would not require, or create new demand for, the extension of municipal infrastructure. The addition of the new residential units would increase the residential population on the site by approximately 154 persons.¹⁴ While the addition of 154 residents would be noticeable to residents of immediately adjacent properties, this increase would not result in a substantial increase to the population of larger neighborhood or the City and County of San Francisco. The 2010 U.S. Census indicates that the population in the project vicinity (Census Tract 176.01) is approximately 7,630 persons.¹⁵ The proposed project would increase the population near the project site (within Tract 176.01) by approximately 2 percent, and the overall population of San Francisco by less than 0.01 percent.¹⁶

Based on the total size of the proposed retail uses on the project site, the new businesses would employ a total of approximately 26 staff at the proposed building once it is completed.¹⁷ The retail employment in the proposed project would not likely offer sufficiently high wages such that it would be anticipated to attract new employees to San Francisco. Therefore, it can be anticipated that most of the employees would live in San Francisco (or nearby communities), and that the project would thus not generate demand for new housing for the potential retail employees. In the context of the average household occupancy of the project area, the proposed project would not be anticipated to result in a substantial population increase. Moreover, as stated in the project description, the project sponsor proposes to provide 12 percent of the project residential units as affordable dwelling units, consistent with *Planning Code* Section 415.6. In light of the above, the additional population and employees associated with the project would have a less-than-significant impact related to population growth, both directly and indirectly.

Impact PH-2: The proposed project would not displace a substantial number of existing housing units, people, or employees, or create demand for additional housing elsewhere. (Less than Significant)

The proposed project would not displace any residents or housing units, since no residential uses or housing units currently exist on the project site. As noted above, the existing use is currently mostly vacant and the smaller occupied retail spaces together likely employ 10 or fewer employees. Thus the proposed project would not result in a substantial loss of employment. Further, an estimated 26 new jobs would be created with the establishment of approximately 9,000 square feet of retail uses on the project site.

¹⁴ The project site is located in Census Tract 176.01, which is generally bounded by Market Street to the north, Howard Street to the south, Fourth Street to the east and Eleventh Street to the west. The population calculation is based on Census 2010 data, which estimates 1.71 persons per household in Census Tract 176.01. It should be noted that this census tract has somewhat smaller households than the citywide average of 2.3 persons per household.

¹⁵ The population estimate is based on data from the 2010 Census for Census Tract 176.01.

¹⁶ This calculation is based on the estimated Census 2010 population of 805,235 persons in the City and County of San Francisco.

¹⁷ The estimated number of employees is based on Planning Department *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002) (SF Guidelines) and assumes an average of one employee per 350 square feet yielding approximately 26 employees.

Therefore, the proposed project would have a less-than-significant impact related to the displacement of housing or employees. Additionally, as discussed under Impact PH-1 above, project-related employment would not create substantial demand for new housing elsewhere.

Impact C-PH: The proposed project would not make a considerable contribution to any cumulative significant effects related to population or housing. (Less than Significant)

The proposed project would not result in any significant impact with respect to population and housing since the proposed project would not create a substantial amount of population or employment growth, displace substantial amounts of people or housing, or necessitate the construction of replacement housing.

In terms of potential impacts concerning housing affordability, San Francisco consistently ranks as one of the most expensive housing markets in the United States. It is the central city in an attractive region known for its agreeable climate, open space, recreational opportunities, cultural amenities, diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support strong housing demand in the City. New housing to relieve the market pressure is particularly difficult to provide in San Francisco because there is a finite amount of land available for residential use, and because land and development costs are high. The project would comply with the City's Inclusionary Housing Program (*Planning Code* Sec. 415 et. seq.), and therefore, would result in creation of affordable housing in addition to market-rate housing.

The City's shortage of affordable housing is an existing condition. The proposed project would fulfill its affordable housing component as required by the Affordable Housing Program by providing 11 below market rate units on-site. The remaining 79 residential units would be market-rate. Development of these units on a former commercial site in a mixed residential-commercial area and within a zoning district where housing is a principally permitted use would not contribute considerably to any adverse cumulative impact related to a citywide shortfall in affordable housing.

Based on the above reasons, the proposed project would not result in significant cumulative impacts with respect to population or housing and this impact would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco <i>Planning Code</i> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact CP-1: The proposed project would not result in a substantial adverse change in the significance of historic architectural resources. (Less than Significant With Mitigation)

The project site is located within the Market Street Theater and Loft Historic District that is listed on the National Register of Historic Places. This section evaluates whether the existing building on the project site is a historic resource whose demolition would be considered a significant impact as defined under CEQA, whether the new building proposed for construction would adversely affect the adjacent historic district, and whether project construction activities could result in damage to historic architectural resources. This analysis is based on a Historic Resources Evaluation (HRE) prepared for the project and a subsequent Historic Resource Evaluation Response (HREER) prepared by the Planning Department's Historic Preservation Staff.^{18,19}

Existing Building

The project site is currently occupied by an approximately 50-foot-tall, rectangular-plan, steel frame and reinforced concrete, commercial building. This building was constructed in 1912 as the Grauman's Imperial Theater and was designed in what newspapers referred to as "Revival Viennese Style," which may be related to Renaissance Revival. In the 1920s the existing building fit within a fabric of multiple theaters that existed in the neighborhood.

Today, the Market Street façade includes a deeply recessed theater entrance with a foyer that is open to the street. A gently sloping terrazzo floor leads to multiple sets of glazed aluminum-frame double doors, with display frames for posters on either side and a ticket booth at the west side of the foyer. A modern full-width marquee sits above the first story, with part of the original entrance pavilion visible above. A tall billboard directly behind the pavilion conceals the gabled auditorium roof and projection booth.

¹⁸ Tim Kelley Consulting, LLC, *Historical Resources Evaluation*, 1075 Market Street, San Francisco, California, June, 2015.

¹⁹ Pilar LaValley, Preservation Planner, San Francisco Planning Department, "Historic Resource Evaluation Response, Case No. 2013.1690E: 1075 Market Street," August 25, 2015

The Stevenson Street façade presents a nearly blank purely utilitarian concrete face. The auditorium section has one double metal door exit at ground level and a fire escape ladder rising from the second story to the roof. The interior of the building primarily comprises a single, very tall story, with a large auditorium occupying approximately half the building footprint. Other portions of this story include a tall stage, space for the theatrical rigging system (scenery flies), the theater entrance and lobby, and three small separate retail spaces along the Market Street façade, to the east and west of the theater foyer. A small penthouse on the roof of the entrance provides space for the theater projection booth.

The existing building is not listed in Article 10 (City landmarks) or Article 11 (Downtown historic and aesthetic resources) of the *Planning Code*, nor is it individually listed in any other local, state, or national registers; the HRE notes that the building has been evaluated in three prior historical resources surveys and was found ineligible for listing on each occasion. The building is also identified as a non-contributor to the Market Street Theater and Loft District. Given the absence of any current historic designation, to be considered a historical resource under CEQA, the building would normally have to be determined eligible for listing in the California Register of Historical Resources on the basis of association with important events (Criterion 1), association with important person(s) (Criterion 2); or because of its association with a master architect or as an example of particularly important design (Criterion 3).²⁰ If an existing building meets one or more of the criteria, it must also possess sufficient physical integrity so as to be able to convey its importance in association with the criteria.

The 1075 Market Street building was constructed during a period of rapid transformation from vaudeville requiring stages, dressing rooms, and space for large theatrical rigging systems; to movie palaces, requiring projection booths. In its original design, the existing building was much less elaborate than the movie palaces built soon after. In addition, the Market Street façade has sustained multiple substantial alterations, beginning almost immediately after construction. As early as 1913, a purely utilitarian projection booth was crudely added in the center of the primary façade. Since that time, all ornamentation has been removed from the Market Street façade, storefronts have been altered, and the entire interior has been remodeled. Over the years, the structure has sustained extensive loss of historic fabric and only the basic shape of the original entrance pavilion and building remain. Based on the above, the existing 1075 Market Street building's loss of integrity renders the building ineligible for individual listing on the California Register and/or National Register under Criterion 1, 2, or 3. Therefore, the building is not a historical resource, and its demolition would result in a less-than-significant effect.

Market Street Theater and Loft Historic District

The 1075 Market Street building is within the Market Street Theater and Loft Historic District, which was listed on the National Register of Historic Places in 1986. The National Register is the official federal list of historical resources that have architectural, historic or cultural significance at the national, state or local level. The National Register of Historic Places is administered by the National Park Service, an Agency of the Department of the Interior. Listing of a property on the National Register of Historic Places does not

²⁰ The fourth California Register criterion, information potential, is normally associated with archeological resources.

prohibit demolition or alteration of that property, but does denote that the property is a resource worthy of recognition and protection. The existing building on the project site is not a contributor to the National Register Market Street Theater and Loft District. Adjacent buildings to either side—the former Egyptian Theater at 1067 Market Street and the Federal Hotel/Aida Hotel at 1083 Market Street—are contributors to the historic district.

This district is attributed historical significance both for architecture and events. The district's architectural significance relates to the City Beautiful Movement, when all of San Francisco's downtown, built after previous architecture was destroyed in the 1906 Earthquake and Fire, shared a common architectural style. Significance in terms of events relates to the early 1920s, when moving picture theaters were built and people would go to the theater district to see new motion pictures.

As noted, the building is not a contributor to the National Register Market Street Theater and Loft District. The HRE examined whether the existing building possesses sufficient integrity to be considered a contributor to the California Register Market Street Theater and Loft Historic District.²¹ According to the HRE, the California Code of Regulations defines integrity as the “authenticity of an historical resources’ physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance [1889-1930].”²² The HRE evaluated the building in the context of Location, Design, Setting, Materials, Workmanship, Feeling and Association as defined by the *National Register Bulletin 15, How to Apply the National Register Criteria for Evaluations*. In summary, and consistent with the building’s ineligibility for individual listing, as stated above, the HRE found that the building has poor historic integrity and does not qualify as a contributor to the California Register historic district. Character-defining features have been removed from the interior and exterior, distinctive original materials have been destroyed or removed, and the building no longer is representative of its period. Thus, the existing building is not a historical resource under CEQA, and demolition of the building would result in a less-than-significant impact. In terms of impacts on the historic district, the HRE found that, because the building is a non-contributor, the demolition would likewise have a less-than-significant impact on the Market Street Theater and Loft Historic District.

In addition, the HRE examined the proposed project building for compatibility with and differentiation from the design qualities of the Market Street Theater and Loft District. Although the 1985 National Register Nomination for the Market Street Theater and Loft Historic District does not specify character defining features, overall features described included:

1. Buildings occupy their full lots and rise straight
2. Flat roofs concealed behind parapets.
3. Commercial Style, with two- or three-part vertical composition.

²¹ Because it is listed on the National Register, the historic district is also included on the California Register. Eligibility for a California-listed historic district focuses on the importance of a resource to California and local history, whereas a National Register district places greater importance on national history.

²² Tim Kelley Consulting, op. cit. (see footnote 18, p. 29); p. 29.

4. Renaissance-Baroque or other historicist ornamentation, and prominent cornices.
5. Exterior materials are concrete masonry panel, brick, galvanized iron and some stucco.
6. Structures are usually steel frame and/or reinforced concrete.
7. Ornamentation tends to be free and often lavish; columns and pilasters are seen.
8. Fenestration is double-hung, or Chicago windows, or a mixture of the two, sometimes with arcading at top stories.
9. Ground stories contain small shops and create design separation between ground and upper floors.

The HRE found, with respect to compatibility, that the proposed Market Street façade would adopt a three-part vertical composition, terra cotta facing, steel frame, and flat roof—all compatible with district design features. Further, the proposed design would avoid historicist ornament and thus be suitably differentiated from the historic buildings in the district. Although the district nomination does not describe or discuss minor elevations (i.e. façades other than Market Street for the subject site), the HRE concluded that the proposed Stevenson Street façade design generally would be compatible with features of the historic district in terms of scale and massing as well as differentiated from the historic fabric. Overall, the proposed project would not result in a substantial adverse change to the historic district. Therefore, the proposed project building also would result in a less-than-significant effect with respect to the Market Street Theater and Loft Historic District.

The Planning Department's Preservation Staff concurred with the consultant report, stating in the project's Historic Resources Evaluation Response:

Staff has reviewed the project proposal and generally concurs with Tim Kelley Consulting's analysis and assessment that the proposed new construction is compatible with the character of the adjacent historic resources, including the Market Street Theater and Loft Historic District. ... Staff finds further that the proposed design is compatible with the surrounding historic district, and would not cause a substantial adverse impact to the Market Street Theater and Loft Historic District, or to any of the nearby individual historical resources. ...

As the existing building on the project site is not a historic resource, there is no potential for direct impacts to historic resources from the proposed project.²³

Construction Activities and Adjacent Buildings

The Planning Department's Preservation Staff found that project construction activities could result in direct and/or indirect damage to adjacent historic architectural resources (the former Egyptian Theater at 1067 Market Street and the Federal Hotel/Aida Hotel at 1083 Market Street). The adjacent properties have existing projecting cornice elements that wrap around the building's side elevations and that may project over the property lines and onto the project site. According to Preservation Planning staff, removal of

²³ Pilar LaValley, op. cit. (see footnote 19, p. 29); pp. 11-12.

these existing cornice features would affect character-defining features of these historical resources, but would not jeopardize their eligibility as historical resources. Therefore, removal of such features would not result in a significant impact to historic resources. However, to avoid impacts on character-defining features of these historical resources, Preservation Planning staff recommends that the proposed project design be modified such that new construction would avoid damage to these features, as set forth in Improvement Measure I-CP-1a.

Improvement Measure I-CP-1a: Protect Existing Decorative Features of Adjacent Buildings

The project sponsor shall modify the design of the new building to avoid damaging, or requiring removal, of existing projecting cornice elements or other decorative features of the adjacent buildings at the side property lines (the former Egyptian Theater at 1067 Market Street and the Federal Hotel/Aida Hotel at 1083 Market Street). Architectural plans for the proposed project noting retention of these decorative features shall be submitted to the Planning Department as part of the Site Permit Application.

Due to the adjacency of new and subsurface construction to the historic Federal Hotel/Aida Hotel (1083 Market Street) and the former Egyptian Theater (1067 Market Street), there is the potential for project demolition, excavation, and construction activities to damage the historic fabric and features, including terra cotta and brick cladding, as well as the underlying structure, of these structures, although neither structure contains unreinforced masonry (each is a steel-frame building) and thus project-related structural damage is less likely. In particular, vibration resulting from the use of heavy equipment during project-related demolition, excavation, and construction activities also has the potential to damage adjacent historical resources. To reduce potential vibration-induced damage to a less-than-significant level, the project sponsor would be required to implement **Mitigation Measure M-CP-1**, below.

Mitigation Measure M-CP-1: Vibration Monitoring and Management Plan

The project sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the former Egyptian Theater at 1067 Market Street and Federal Hotel/Aida Hotel at 1083 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment shall be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment shall determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment shall be submitted to the Planning Department along with the Site Demolition and/or Site Permit Applications.

The structural engineer and/or preservation architect shall develop, and the project sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Federal Hotel/Aida Hotel and former Egyptian Theater against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the Project.

The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the Project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation Staff prior to issuance of any construction permits.

Should vibration levels be observed in excess of the standard, or damage to either the Federal Hotel/Aida Hotel or former Egyptian Theater is observed, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant shall conduct regular period inspections of digital photographs, survey markers, and/or other monitoring devices during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the Pre-Construction Assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco *Building Code* standards.

To further safeguard against damage to adjacent buildings and minimize the potential effects from construction activities, Preservation Planning staff recommends Improvement Measure I-CP-1b.

Improvement Measure I-CP-1b: Construction Best Practices for Historic Resources

The project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the former Egyptian Theater at 1067 Market Street and the Federal Hotel/Aida Hotel at 1083 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications shall be submitted to the Planning Department along with the Demolition and Site Permit Applications.

With implementation of **Mitigation Measure M-CP-1** to reduce vibration-induced damage to a less than significant level, the proposed project would not result in a substantial adverse change in the adjacent Federal Hotel/Aida Hotel (1083 Market Street) or Egyptian Theater (1067 Market Street) such that the significance of these buildings would be materially impaired. In addition, implementation of **Improvement Measures I-CP-1a and I-CP-1b**, to protect existing decorative features of adjacent buildings and to adhere to construction best practices, would further reduce the project's less-than-significant effects on historical resources. In light of the above, the proposed project would have a less-than-significant impact on the significance of historical architectural resources.

Impact CP-2: The proposed project could result in an adverse effect to archeological resources, if present within the area of potential effect of the project. (Less than Significant with Mitigation)

When determining the potential for encountering archeological resources, relevant factors include a number of archeological sensitivity criteria and models, local geology, site history, and extent of potential

projects soils disturbance/modification, as well as any documented information on known archeological resources in the area. The proposed project was subject to preliminary archeological review (PAR) by a San Francisco Planning Department archeologist. The PAR (PAR Log September 18, 2014) determined that the project had the potential to adversely affect legally-significant archeological resources but that this potential effect would be avoidable with implementation of the Department standard archeological testing mitigation.

Project construction would require excavation, eight additional feet below the existing basement level for a final depth of approximately 20.5 feet bgs, to install the proposed below-grade garage, elevator, related utilities. The garage floor level would be approximately 15 feet below ground surface (bgs) and the placement of a mat foundation (approximately 5.5 feet thick) would require an additional 5 to 6 feet of excavation. The existing structure already contains a partial basement level beneath the entire building footprint from Market Street at the front to Stevenson Street at the rear, with vaults extending under the Market Street and Stevenson Street sidewalks. Therefore project construction would require excavation of approximately eight additional feet for a final depth of approximately 20.5 feet bgs (as measured at Market Street). To protect neighboring structures, including the BART Tunnel beneath Market Street to the north of the site, excavation activities would require the use of shoring and underpinning in accordance with the recommendations of the geotechnical report and *San Francisco Building Code* requirements. BART guidelines for design and construction over or adjacent to BART subway structure include, but are not limited to, a minimum depth for pre-drilled piles, and shoring and underpinning.

The project sponsor supplied soil profiles from a geotechnical investigation conducted within the project site.²⁴ As described in the Geotechnical Study, the project site is underlain by fill, comprised mainly of loose to medium dense sand with occasional debris and rubble, at a depth of 8 to 10 feet below the basement slab. The fill is underlain by approximately 50 to 60 feet of Dune sand below the sidewalk elevation.

Development is shown within the project block and on the project site on the 1899 Sanborn map. The entire block, aside from a post office building, on 7th Street between Stevenson and Mission Streets, was destroyed in the 1906 Earthquake and Fire.²⁵ The site was vacant following the 1906 Earthquake and Fire until the existing building was constructed in 1912. According to Planning Department archeological staff, there is a reasonable potential that archeological resources may be present within the project site because the project is within an area which has a high degree of archeological sensitivity for prehistoric deposits.²⁶ Proximate to the site are both the National Register-eligible prehistoric shell midden district consisting of several Late Holocene period shell mounds with possibly ancillary occupation and workshop sites, and one of two Middle Holocene (7700 – 3800 years BP [before the present]) prehistoric sites (CA-SFR-28) documented to date within San Francisco, which was discovered 75 feet below existing grade. Commonly the prehistoric shell midden sites have been found within native sand dune deposits or

²⁴ Rollo & Ridley, 2014. Geotechnical Investigation 1075 Market, San Francisco CA. February 20, 2012. Available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2013.1690E.

²⁵ Tim Kelley Consulting, *op. cit.* (see footnote 18, p. 29).

²⁶ San Francisco Planning Department, Environmental Planning Preliminary Archeological Review: 1075 Market Street, September 18, 2014.

beginning at their base or on the lens of denser sand.²⁷ According to the City's draft General Plan Preservation Element, even disturbed or secondarily deposited prehistoric deposits are to be presumed to be significant for information, and therefore significant under CEQA, until demonstrated to the contrary. In order to reduce the potential impact on archeological resources to a less-than-significant level, pre-construction testing of the site is required to identify any archeological resources potentially present. Therefore, per **Mitigation Measure M-CP-2** below, and prior to the start of construction, the project sponsor would be required to engage an archeologist from the Department Qualified Archaeological Consultants List to develop and implement a testing plan. Implementation of **Mitigation Measure M-CP-2** below would reduce the impact to a less-than-significant level.

Mitigation Measure M-CP-2: Archeology Resources (Testing)

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Consultation with Descendant Communities: On discovery of an archeological site²⁸ associated with descendant Native Americans, the Overseas Chinese, or other descendant group an appropriate representative²⁹ of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment

²⁷ San Francisco Planning Department, 1127 Market Street Mitigated Negative Declaration, October 24, 2012. Available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2012.0370E.

²⁸ By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

²⁹ An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

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

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

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

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

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

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

As stated above, with implementation of **Mitigation Measure M-CP-2**, the proposed project would have a less-than-significant impact on archaeological remains.

Impact CP-3: The proposed project would not indirectly destroy a unique paleontological resource or site or unique geologic feature. (Less than Significant)

Paleontological resources include fossilized remains or traces of animals, plants, and invertebrates, including their imprints, from a previous geological period. Collecting localities and the geologic formations containing those localities are also considered paleontological resources as they represent a limited, non-renewable resource and once destroyed, cannot be replaced.

Paleontological resources are lithologically dependent; that is, deposition and preservation of paleontological resources are related to the lithologic unit in which they occur. If the rock types representing a deposition environment conducive to deposition and preservation of fossils are not favorable, fossils will not be present. Lithological units that may be fossiliferous include sedimentary formations.

Unrecorded paleontological resources could be disturbed during project construction; however, given the shallow depth of excavation (approximately 20 to 21 feet bgs), it is unlikely that paleontological resources or unique geological features would be located at the project site. Further, as described in the Geotechnical Study, the project site is underlain by fill, comprised mainly of loose to medium dense sand with occasional debris and rubble, at a depth of 8 to 10 feet below the basement slab.³⁰ Artificial fills do not contain paleontological resources. While such materials were originally derived from rocks, they have been altered, weathered, or reworked such that the discovery of intact fossils would be rare. The fill is underlain by approximately 50 to 60 feet of Dune sand which is young (i.e., within the last 10,000 years or Holocene) and thus would have low paleontological potential. Because the likelihood of accidental discovery of paleontological resources or unique geological features is small, there would be a less-than-significant impact on unique paleontological resources or geologic features. Therefore, the potential accidental discovery of paleontological resources or unique geologic features during construction would be less-than-significant impact.

Impact CP-4: The project may disturb human remains. (Less than Significant with Mitigation)

There are no known human remains, including those interred outside of formal cemeteries, located in the immediate vicinity of the project site. In the event that construction activities disturb unknown human remains within the project site, any inadvertent damage to human remains would be considered a significant impact. Implementation of **Mitigation Measure M-CP-2**, as described above, the proposed project would have a less-than-significant impact related to unknown remains.

Impact C-CP: The proposed project in combination with past, present, and reasonably foreseeable future projects in the vicinity would not result in cumulative impacts to cultural resources. (Less than Significant with Mitigation)

The proposed project would demolish an existing structure that is not a historic resource. Therefore, demolition of the existing building at 1075 Market Street would have no effect on historical (historic architectural) resources, and could not contribute to any significant cumulative effect on such resources. With respect to effect on the National Register-listed Market Street Theater and Loft Historic District, as stated above, the proposed project would have a less-than-significant effect on the district. While the project would be substantially different in style than buildings in the district, and taller than most, it would be generally compatible in style, height, and massing with other adjacent and nearby newer construction. Moreover, the height limit in the immediate project area is 90 feet, and the maximum height limit within the district is 120 feet, meaning that no buildings that would be substantially taller than those in the historic district could be permitted absent rezoning. Accordingly, it is not anticipated that the proposed project, in combination with other past, present, and reasonably foreseeable future projects in the vicinity, would result in substantial adverse changes to the National Register-listed Market Street

³⁰ Rollo & Ridley, 2014. Geotechnical Investigation 1075 Market, San Francisco CA. February 20, 2012. Available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2013.1690E.

Theater and Loft Historic District, and the cumulative effect on historical (historic architectural) resources would be less than significant.

Archeological resources are non-renewable members of a finite class. All adverse effects to archeological resources erode a dwindling cultural/scientific resource base. Federal and state laws protect archeological resources in most cases, either through project redesign or by requiring that the scientific data present within an archeological resource be archeologically recovered. Excavation for installation of the below-ground basement level would occur in terrain underlain primarily by fill materials that are not anticipated to contain cultural resources. As discussed above, the proposed project could have a significant impact related to archeological resources and disturbance of human remains. The project's impact, in combination with other projects in the area that would also involve ground disturbance and which could also encounter previously recorded or unrecorded archeological resources or human remains, could result in a significant cumulative impact to archeological resources. However, implementation of **Mitigation Measure M-CP-2** (as previously described) would reduce the project's contribution to cumulative impacts to a less-than-significant level.

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

The project is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, Question 4c is not applicable to the project. Due to the scope and location of the proposed project, the Planning Department determined that a Transportation Study would not be required for this project.

Setting

The project site is located within the Mid-Market portion of San Francisco's South of Market neighborhood, on the southeast side of Market Street between Sixth and Seventh Streets, and within the City's greater Downtown. The project site has frontages on Market and Stevenson Streets.

The intersection of Market Street with Sixth and Taylor Streets and Golden Gate Avenue is signalized, as are the intersection of Market Street with Seventh Street and Market with Jones and McAllister Streets. The intersections of Stevenson with Sixth Street and Stevenson with Seventh Street are not signalized. Market Street is a two-way street that has two traffic lanes in each direction. The outer lane contains sharrows, designated shared bike lanes, in each direction, while the inner lane, in the eastbound direction only, is painted red and designated for transit and taxis only. No parking is permitted on Market Street; there are designated loading zones, primarily for trucks, in pullouts cut into the sidewalk. There is a loading cutout—signed as passenger loading—in front of a hotel immediately west of the project site, and there is a truck loading zone in a cutout farther east on the project block, on the same side of the street as the project site.

The San Francisco *General Plan* designates Sixth and Seventh Streets as Major Arterials and Market Street as a Transit Conflict Street.^{31,32} These streets also are listed as Major Arterials and as a Transit Conflict Street in the Congestion Management Program (CMP) Network. Sixth and Seventh Streets are listed as Other Major Arterials as part of the City's Freight Traffic Routes.

The project site can be accessed by a number of Muni bus routes, including 5, 5L, 6, 9, 9L, 14, 14L, 14X, 16X, 19, 21, 27, 31, 71, 71L, and the F line historic streetcar, all of which run within two blocks of the project site.³³ In addition, the project site is within two blocks of the Muni Metro Civic Center station, which has access to J, K/T, L, N, and M light rail lines. BART service is also provided at the Civic Center station. Golden Gate Transit and SamTrans bus lines also run within two blocks of the project site.

There are no driveways or curb cuts on the project site. The proposed project would add a new curb cut and driveway along the south side of the Stevenson Street frontage, which would be used to access the below-grade parking garage.

³¹ Major arterials are cross-town thoroughfares whose primary function is to link districts within the city and to distribute traffic from and to the freeways; these are routes generally of citywide significance; of varying capacity depending on the travel demand for the specific direction and adjacent land uses. *San Francisco General Plan*, Transportation Element, Map 6, adopted July 1995.

³² Transit Conflict Streets with a primary transit function which are not classified as major arterials but experience significant conflicts with automobile traffic.

³³ In addition, lines 8X, 30, and 45 are operating in one direction on Fifth Street during construction of the Central Subway, which has resulted in closure of Stockton Street.

Impact TR-1: The proposed project would not 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, nor would the proposed project conflict with an applicable congestion management program including, but not limited to, level of service standards and travel demand measures. (Less than Significant)

Policy 10.4 of the Transportation Element of the *San Francisco General Plan* states that the City will “Consider the transportation system performance measurements in all decisions for projects that affect the transportation system.” To determine whether the proposed project would conflict with a transportation- or circulation-related plan, ordinance or policy, this section analyzes the proposed project’s effects on intersection operations, parking and freight loading, as well as construction impacts. The proposed project’s effects on transit demand, and impacts on pedestrian and bicycle circulation are analyzed in Impact Statement TR-4, below.

Trip Generation and Traffic Impacts

Based on Planning Department *Transportation Impact Analysis Guidelines for Environmental Review* (SF Guidelines, October 2002), the proposed project would generate a net addition of approximately 2,050 person-trips per day, about 338 daily vehicle trips, and approximately 41 vehicle trips in the p.m. peak hour (see **Table 2**).³⁴ At present, the existing building is mostly vacant aside from three small storefront retail spaces. Existing vehicle trips to and from the building were not calculated, but are not expected to be substantial. For this reason, and for the purposes of a conservative analysis, all trips associated with the proposed project are considered to be new trips for the purposes of environmental analysis.

**TABLE 2
DAILY AND PM PEAK HOUR TRIP GENERATION**

Trip Generation Mode Split	Daily Trips	P.M. Peak-Hour Trips
Auto	543	62
Transit	552	77
Walk	746	81
Other	209	23
Total	2,050	243
Vehicle Trips	338	41
Parking Demand	Short Term	Long Term
Parking Spaces	19	106
Loading Demand	Average Hour	Peak-Hour
Loading Spaces	0.19	0.24

SOURCE: San Francisco Planning Department, April 2014

³⁴ San Francisco Planning Department, Transportation Study Determination Request, 1075 Market Street, April 21, 2014, updated May 22, 2014. Available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case File No. 2013.1690E.

Of the 243 p.m. peak hour person trips, 62 would be by auto, 77 by transit, 81 would be pedestrian trips, and 23 would be via “other” modes (including bicycles, motorcycles, and taxis). The trip generation calculations conducted for the proposed project estimates that the project would generate approximately 41 vehicle trips during the p.m. peak hour. Residents and businesses along Market Street would experience an increase in vehicular activity as a result of the proposed project; however, this increase would not be above levels that are common, and generally accepted, in urban areas. The change in traffic within the project area as a result of the proposed project would be undetectable to most drivers although it could be noticeable to those immediately adjacent to the project site. These 41 p.m. peak hour vehicle trips are not anticipated to substantially affect existing levels of service at intersections within the project vicinity. Assuming the signals operate at cycles lasting 60 seconds, the average of one additional car per cycle would not be sufficient to alter intersection level of service or to substantially affect the average time at which cars are stopped at a red light. Further, according to the Transportation Study Determination Request Memorandum for the project, under existing conditions, the intersection at Sixth and Market Streets operates at LOS C. The proposed project would not generate a sufficient volume of traffic such that project vehicular traffic would contribute considerably to intersection operations. Therefore, the project impact would be less than significant.

Loading

The proposed project loading demand would be less than one loading space, for both retail and residential uses combined (0.19 truck trips average and 0.24 truck trips during the p.m. peak hour). No off-street loading spaces would be provided for the proposed project. This would be consistent with *Planning Code* Section 152, which does not require any loading spaces for retail establishments under 10,000 square feet or for apartment buildings under 100,000 square feet. Given the modest loading activity anticipated, delivery vehicles would be expected to use existing commercial loading zones (yellow zones) in the project vicinity; as noted above, there is a truck loading zone in a curb cutout east of the project site on the same side of Market Street as the project site, and there is also a loading cutout—signed as passenger loading—in front of a hotel immediately west of the project site. Alternatively, loading activity could occur on Stevenson Street. Therefore, the project’s loading impacts would be less than significant. Any double-parking by delivery vehicles could temporarily reduce traffic capacity on project area street(s); enforcement of existing traffic laws could avoid or minimize any potential impacts, and occasional double-parking generally would not be expected to significantly impede traffic or cause safety concerns. Residential move-in and move-out activities are anticipated to occur primarily from Market Street, with items carted to the residential elevators through the ground floor lobby. It is anticipated that loading for residential move-in/move-out operations could be accommodated in the existing unmetered passenger loading zone just west of the project site in front of 1087 Market Street, or the existing unmetered freight loading zone east of the project site in front of 1039 Market Street, and such project-related loading activities would need to be reserved through the San Francisco Municipal Transportation Agency. Trash and recycling pickup would occur from Stevenson Street, and would not be expected to adversely affect traffic, as these activities typically occur outside the peak hours.

Construction Activities

Project construction would last approximately 20 months. During the construction period, temporary and intermittent transportation impacts would result from truck movements to and from the project site. Truck movements during periods of peak traffic flow would have greater potential to create conflicts than during non-peak hours because of the greater numbers of vehicles on the streets during the peak hour that would have to maneuver around queued trucks. It is not anticipated that project construction would require any travel lane closures on Market or Stevenson Streets. Although not anticipated, any temporary traffic lane closures for construction activities would need to 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 DPW and the City's Transportation Advisory Staff Committee (TASC) that consists of representatives of City departments including SFMTA, DPW, Fire, Police, Public Health, Port and the Taxi Commission.

Throughout the construction period, there could be a potential for a temporary lessening of the capacities of local streets due to the slower movement and larger turning radii of construction trucks, which would affect both traffic and transit operations. However, given the temporary nature of project construction impacts would be less than significant.

Parking

As previously discussed in Section E (page 21), CEQA Section 21099, effective January 1, 2014, has eliminated the requirement to analyze parking impacts for certain urban infill projects. The proposed project meets the definition of a mixed-use residential project located on an infill site in a transit priority area as discussed in Section E, above. Accordingly, parking impacts can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA. Although not required, this Initial Study nevertheless presents a parking demand analysis for informational purposes. The analysis also considers any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce onsite parking spaces that affects the public right-of-way) as applicable.

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 deficit 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 deficit 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 deficit 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 biking), would be in keeping with the City's "Transit First" policy and numerous *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." As stated above, the project site is well served by Muni (metro and bus) and BART, and bicycle lanes and sidewalks are prevalent in the vicinity.

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 are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e., walking, bicycling, 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.

The parking demand for the new residential uses associated with the proposed project was determined based on the methodology presented in the *Transportation Guidelines*. On an average weekday, the demand for parking would be 103 spaces for the proposed residential units and 22 spaces for the retail uses. The project would provide a total of 23 on-site vehicle parking spaces, including 1 car share space and one disabled-accessible space, all for the residential units. While the proposed off-street parking spaces would be less than the calculated parking demand anticipated for the project, this parking shortfall would not result in a significant impact in this case. At this location, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces within a reasonable distance of the project vicinity. Additionally, the project site is well served by public transit and bicycle facilities with stops and bicycle lanes/routes located in front of the project site on Market Street and Seventh Street. 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 are created.

Further, the project site is located in a C-3-G use district, where under Section 151.1 of the *Planning Code*, the proposed project would not be required to provide any off-street parking spaces. However, the proposed project would provide 23 vehicle parking spaces, including 1 car share space, within a below-grade parking garage.

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 Planning Commission may not support the amount of parking proposed. In some cases,

particularly when the proposed project is in a transit rich area, the Planning Commission may not support the provision of any off-street parking spaces. This is, in part, owing to the fact that the parking spaces are not 'bundled' with the residential units. In other words, residents would have the option to rent or purchase a parking space, but one would not be automatically provided with the residential unit.

If the project were ultimately approved with no off-street parking spaces, the proposed project would have an unmet demand of 125 spaces. As mentioned above, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces nearby. Across Market Street, metered on-street parking is available along Golden Gate Avenue, McAllister, Turk, Taylor, Jones, and Leavenworth Streets. On the south side of Market Street, metered on-street parking is available along Mission and Sixth Seventh Streets, and unmetered parking is available on portions of Stevenson and Jessie Streets. Parking lots in the vicinity include the University of California, Hastings College of Law garage at 376 Larkin Street, the City Park Garage on Eighth and Stevenson Streets, the SoMa Grand Parking Garage at 1160 Mission between Seventh and Eighth Streets, a garage at 1023 Mission between Sixth and Seventh Streets, as well as several surface lots in the area. The unmet parking demand also could be reduced through alternative modes such as public transit and bicycle facilities. Given that the unmet demand could be met by existing facilities and given that the proposed project site is well-served by transit and bicycle facilities, a reduction in the number of off-street parking spaces associated with the proposed project, even if no off-street spaces are provided, would not result in significant delays or hazardous conditions.

In summary, the proposed project would not result in a substantial parking shortfall with or without the off-street parking currently proposed that would create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians.

Impact TR-2: The proposed project would not result in substantially increased hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. (Less than Significant)

The proposed project would not include any design features that would substantially increase traffic hazards (e.g., a new sharp curve or dangerous intersections), and would not include any incompatible uses, as discussed in Topic 1, Land Use and Land Use Planning. Therefore, the proposed project would not cause adverse impacts associated with traffic hazards. As noted above, there are no driveways or curb cuts on the project site. The proposed project would add a new curb cut and driveway along the project's Stevenson Street frontage, which would be used to access the below-grade parking garage. Based on the above, the proposed project would have a less-than-significant impact related to transportation hazards due to a design feature or resulting from incompatible uses.

Impact TR-3: The proposed project would not result in inadequate emergency access. (Less than Significant)

The proposed project would not result in a significant impact with regard to emergency access and would not interfere with existing traffic circulation or cause major traffic hazards. This is because the proposed

building would be required to comply with the standards contained in the Building and Fire Codes, and the Department of Building Inspection (DBI) and Fire Department would review the final building plans to ensure sufficient access and safety. The proposed project would, therefore, have a less-than-significant impact on emergency access conditions on and near the project site.

Impact TR-4: The proposed project would not conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such features. (Less than Significant)

Transit Conditions

It is estimated that the project would generate approximately 552 daily and 77 p.m. peak-hour transit trips according to the *SF Guidelines*, which would be distributed among Muni, BART, Golden Gate Transit, and SamTrans lines. The project site is well served by public transit. These additional riders could easily be accommodated on the multiple Muni lines (5, 5L, 6, 9, 9L, 14, 14L, 14X, 16X, 19, 21, 27, 31, 71, 71L, F, J, K/T, L, N, and M lines) and BART, Golden Gate Transit, and SamTrans lines that exist in the project vicinity. These bus and rail lines link the neighborhood to the rest of the City, the East Bay, the North Bay, and the Peninsula, as well as facilitating connections to the far East Bay through a variety of transit networks. The project would generate about 77 peak-hour transit trips. The addition of the project-generated transit riders would not substantially increase the peak hour capacity utilization of the MUNI bus and light rail lines or the regional transit lines serving the proposed project. Bus stops serviced by multiple Muni routes are located within one block north and south of the site, and Golden Gate Transit buses operate on Mission Street as well as Eighth Street (inbound) and Seventh Street (outbound). Muni and Golden Gate Transit bus stop are located within one block of the project site, and BART and Muni Metro are half of a block west, at Civic Center Station. The proposed new curb cut and off-street parking would not conflict with bus operations; therefore, no impacts to bus circulation were identified.

It should be noted that transit-related policies include, but are not limited to: (1) discouragement of commuter automobiles (*Planning Code* Section 101.1, established by Proposition M, the Accountable Planning Initiative); and (2) the City's "Transit First" policy, established in the City's Charter Section 16.102. The proposed project would not conflict with transit operations as discussed above and would also not conflict with the transit-related policies established by Proposition M or the City's Transit First Policy. Therefore, impacts to the City's transit network would be considered less than significant.

Pedestrian Conditions

Project-related trips by walking and other modes, such as bicycling, would number approximately 100 in the p.m. peak hour. Pedestrian access to the residential component of the proposed project would be via a residential lobby on Market Street, while pedestrian access to the retail spaces would be via two entrances, one on Market Street and one on Stevenson Street. Sidewalks in the project area have adequate capacity and are not congested so as to not degrade the pedestrian safety; therefore, no pedestrian impacts would be anticipated.

Bicycle Conditions

The project would provide 92 Class 1 bicycle parking spaces (all in the below-grade garage), along with nine Class 2 bicycle spaces (racks) on the sidewalk outside the building on Market and Stevenson Streets. This would meet the requirement of *Planning Code* Sec. 155.2, which requires one Class 1 bicycle parking space for every dwelling unit and minimum of one Class 2 parking space per 20 units, along with one Class 1 space for each 7,500 occupied square feet of retail space and one Class 2 space for each 2,500 occupied square feet of retail space.

The *San Francisco Bicycle Plan* includes goals and objectives to encourage bicycle use in the City, describes the existing bicycle route network (a series of interconnected streets and pathways on which bicycling is encouraged) and identifies improvements to achieve the established goals and objectives. In the project vicinity, there are designated bicycle routes on Fifth Street and Market Street (Route #20), and dedicated bicycle lanes on Howard (Route # 30), and Seventh and Eighth Streets (Route #23).

The proposed project would provide adequate bicycle access and parking and would therefore not conflict with the City's *Bicycle Plan*, or other plan, policy or program related to bicycle use and safety in San Francisco.

Impact C-TR: The proposed project in combination with past, present, and reasonably foreseeable future projects, would not result in substantial cumulative transportation impacts. (Less than Significant)

The proposed project would not generate sufficient traffic, transit ridership, or other trips to adversely affect transportation conditions or to contribute considerably to any cumulative transportation impacts. A review of transportation analyses prepared for the nearby projects at 1125 Market Street and 1066 Market Street indicates that the intersection of Sixth, Market, Taylor Streets and Golden Gate Avenue and the intersection of Sixth and Mission Streets would operate at an acceptable Level of Service (LOS D) under cumulative conditions, meaning there would be no significant cumulative effect.³⁵ The intersections of Seventh Street, Market Street, and Charles J. Brenham Place and Seventh and Mission Streets are projected to operate at LOS F under 2040 cumulative conditions, which is an unacceptable LOS. However, the number of project vehicle trips using this intersection would likely be insufficient to result in a considerable contribution to a significant cumulative impact. Based on the foregoing, the project would not contribute considerably to a significant cumulative traffic impact, and the project's cumulative impact would be less than significant.

As stated in the transportation analyses prepared for the nearby projects, certain Muni bus and light rail lines currently operate at capacity in excess of Muni's 85 percent threshold, and would continue to do so under cumulative conditions. The proposed project's 77 peak-hour transit riders, however, when divided

³⁵ 1125 Market Street Draft Transportation Impact Study (TIS) (Case No. 2013.0511U; January 2015); 1066 Market Street Transportation Impact Analysis (Case No. 2013.1753U; published July 2015). Note that the proposed land uses for 1125 Market Street project have changed since the draft TIS from January of 2015. The previous proposal had included residential over commercial uses. The new proposal, for which a Transportation Impact Study has not yet been completed, would include hotel, office, and restaurant uses. The revised project is expected to generate more vehicle trips than the project analyzed in January 2015, but the increase would not likely be substantial and the intersection Level of Service is anticipated to remain unchanged.

among the many lines that serve the project site, would not make a considerable contribution to impacts on Muni ridership, even with the addition of riders from proposed and approved nearby development. Likewise, the lesser project ridership on regional transit would not make a considerable contribution to any adverse effects on those carriers. As a result, no significant cumulative transit impacts would occur as a result of the project.

Bicycle and pedestrian impacts are by their nature site-specific and generally do not contribute to impacts from other development projects. Bicycle trips throughout the City may increase under the cumulative scenario due to general growth. Bicycle trips generated by the proposed project would include bicycle trips to and from the project site. However, as stated in the project analysis, the proposed project would provide adequate bicycle access and parking and would therefore not conflict with the City's *Bicycle Plan*, or other plan, policy or program related to bicycle use in San Francisco. Project-related increases in the number of motor vehicle trips could increase some conflicts between bicyclists and pedestrians and the new vehicles; however, the relatively low volume of these conflicts would not be considered significant. Considering the proposed project's growth with reasonably foreseeable future projects and growth throughout the City, the cumulative effects of the proposed project on bicycle and pedestrian facilities would not be considerable. For the above reasons, the proposed project would result in less-than-significant cumulative bicycle- and pedestrian-related impacts.

As described above, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulatively considerable transportation and circulation impacts.

In light of the foregoing, the project would result in a less-than-significant impact with regard to transportation, both individually and cumulatively.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
5. NOISE—Would the project:					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
5. NOISE (continued)					
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip. Therefore, Questions 5e and 5f are not applicable.

Impact NO-1: The proposed project would not result in the exposure of persons to or generation of noise levels in excess of established standards, nor would the proposed project result in a substantial permanent increase in ambient noise levels or otherwise be substantially affected by existing noise. (Less than Significant)

The proposed project would include new sensitive receptors in the form of residences. In addition, other sensitive receptors (primarily residences) are located on the project block and surrounding area in proximity to the project site.

Applicable Noise Standards

The Environmental Protection Element of the *San Francisco General Plan* contains Land Use Compatibility Guidelines for Community Noise. These guidelines, which are similar to state guidelines promulgated by the Governor's Office of Planning and Research (OPR), indicate maximum acceptable noise levels for various newly developed land uses. The proposed uses for this project most closely correspond to the "Residential – All Dwellings, Group Quarters" land use category in the Land Use Compatibility Guidelines.³⁶ For this land use category, the maximum "satisfactory, with no special insulation requirements" exterior noise levels are approximately 60 dBA (Ldn).^{37,38} Where exterior noise levels exceed 60 dBA (Ldn) for a new residential building, it is generally recommended that a detailed analysis of noise reduction requirements be conducted prior to final review and approval of the project, and that the needed noise insulation features be include in the project design.

³⁶ San Francisco General Plan. Environmental Protection Element, Land Use Compatibility Chart for Community Noise. Available online at http://www.sf-planning.org/ftp/general_plan/I6_Environmental_Protection.htm. Accessed on October 22, 2014.

³⁷ The dBA, or A-weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

³⁸ The DNL or Ldn is the Leq, or Energy Equivalent Level, of the A-weighted noise level over a 24-hour period with a 10 dB penalty applied to noise levels between 10:00 p.m. to 7:00 a.m. Leq is the level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.

In addition, Appendix Chapter 12 of the *California Building Code* (CBC) contains acoustical requirements for interior sound levels in habitable rooms of multi-family developments. In summary, the CBC requires an interior noise level no higher than an Ldn of 45 dB. Projects exposed to an exterior Ldn of 60 dB, or greater, require an acoustical analysis showing that the proposed design will limit interior levels to the prescribed allowable interior level. Additionally, if windows must be in the closed position to meet the interior standard, the design must include ventilation or air-conditioning system to provide fresh-air and therefore, a habitable interior environment. An Environmental Noise Feasibility Study was prepared for the proposed project and is discussed below.³⁹

Existing Noise in Project Site Vicinity

Ambient noise levels in the project vicinity are typical of noise levels found in San Francisco, which are dominated by vehicular traffic, including, cars, Muni buses, and emergency vehicles. Market Street is a fairly heavily traveled street, and generates moderate to high levels of traffic noise. While land uses in the project site vicinity do not generate a substantial amount of noise, high traffic volumes along the surrounding roads results in a relatively loud noise environment.

Two long-term continuous (48-hour) noise monitor measurements were conducted at the project site in order to quantify the existing noise environment in the project vicinity. The results of the conducted noise measurements are provided in **Table 3**, below.

TABLE 3
RESULTS OF NOISE MONITOR MEASUREMENTS IN PROJECT VICINITY

Monitor	Location	Measured Ldn
L1	On Market Street directly in front of the existing building a, 12-feet above grade.	77 dB
L2	On Stevenson Street, at the western end of the 1059 Market Street building's Stevenson Street frontage, 12-feet above grade.	71 dB

SOURCE: Charles N. Salter Associates, Inc., March 2014.

Project Noise Exposure

The proposed project would include new sensitive receptors in the form of residences. The proposed project would be required to incorporate Title 24 noise insulation features such as double-paned windows and insulated walls as part of its construction, which would reduce indoor noise levels by at least 25 decibels. Given the relatively high exterior noise levels in the project vicinity, the noise study included design recommendations to ensure that interior noise levels are in accordance with Title 24 standards and the *San Francisco Building Code*. The noise study recommended that the project include sound rated assemblies at exterior building façades, with window and exterior door assembly Sound

³⁹ Charles M. Salter Associates, Inc., 1075 Market Street Residences Environmental Noise Study, March 3, 2014. This document is available for review as part of Case File No. 2013.1690E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

Transmissions Class (STC) ratings that meet the City standards. The noise study estimated that exterior doors and windows along the ground floor would require an STC rating of 30. Window assemblies (glass and frame) on floors 2 through 7 would require an STC rating of 40 along Market Street and STC rating of 35 along Stevenson Street. Windows and exterior doors on floor 8 would require STC rating of 42 along Market Street and STC rating of 38 along Stevenson Street. The noise study assumed the building would include windows and doors on street-facing façades only and that bedrooms would be carpeted.

Because windows must be closed to achieve the interior noise criteria 45 dBA, the noise study also noted that an alternate means of providing outside air (e.g., fresh-air exchange units, HVAC, Z-ducts, etc.) to habitable spaces is required for building façades exposed to an exterior Ldn of 60 dB, or greater. The Department of Building Inspection would review the final building plans to ensure that the project meets the interior noise requirements of Title 24 and the *San Francisco Building Code*. Accordingly, the potential environmental impacts associated with locating residential uses in an area that currently exceeds acceptable ambient noise levels for such uses would be less than significant.

Noise from Project Operations

The proposed project would involve demolition of the existing building on-site and construction of an 90-foot-tall, eight-story, mixed-use building in its place. Vehicular traffic makes the greatest contribution to ambient noise levels throughout most of San Francisco. Generally, traffic must double in volume to produce a noticeable increase in the ambient noise level in the project vicinity. The proposed project would generate approximately 338 daily vehicle trips, with 41 of those trips occurring in the p.m. peak hour.⁴⁰ This increase in vehicle trips would not cause traffic volumes to double on nearby streets, and it would not have a noticeable effect on ambient noise levels in the project site vicinity. The proposed project would contain ground-floor retail with residential uses above and would not include features or uses that would generate substantial noise. Therefore, operational noise from the proposed project, including traffic-related noise, would not significantly increase the existing ambient noise levels in the project vicinity.

In addition to vehicle-related noise, building equipment and ventilation are also noise sources. Specifically, mechanical equipment produces operational noise, such as heating and ventilation systems. Mechanical equipment would be subject to Section 2909 of the Noise Ordinance (Article 29 of the *Police Code*). As amended in November 2008, this section of the Ordinance establishes a noise limit from mechanical sources such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line. For noise generated by residential uses, the limit is 5 dBA in excess of ambient; while for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient; and for noise on public property, including streets, the limit is 10 dBA in excess of ambient. In addition, the Noise Ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night and 55 dBA during the day and evening hours.

⁴⁰ Trip generation estimate is based on Planning Department *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002) (SF Guidelines) and is included in the Trip Generation Spreadsheet in the Transportation Study Determination Request, 1075 Market Street, April 21, 2014, updated May 22, 2015. Available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case File No. 2013.1690E.

Compliance with Section 2909 of the Noise Ordinance serves to minimize stationary source noise from building operations. Given that the proposed project's vehicle trips would not cause a doubling of traffic volumes on nearby streets, thereby resulting in a noticeable increase in ambient noise levels, and that any proposed mechanical equipment would be required to comply with the Noise Ordinance, the proposed project would not result in a noticeable increase in ambient noise levels. Thus, the project's impact related to project operations would be less than significant.

Impact NO-2: During construction, the proposed project would not result in a substantial temporary or periodic increase in ambient noise levels and vibration in the project vicinity above levels existing without the project. (Less than Significant)

Demolition, excavation, and building construction would cause a temporary increase in noise levels within the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. According to the project sponsor, the construction period would last approximately 20 months. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and affected receptor, and the presence (or absence) of barriers. Impacts would generally be limited to demolition and the periods during which new foundations and exterior structural and façade elements would be constructed. Interior construction noise would be substantially reduced by exterior walls. However, there would be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site.

As noted above, construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (e.g., jackhammers, hoerams, impact wrenches) must have manufacturer-recommended and City-approved mufflers for both intake and exhaust. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of the Department of Public Works or the Director of Building Inspection. The project would be required to comply with regulations set forth in the Noise Ordinance.

The nearest sensitive receptors to the project site are the residential uses adjacent to the eastern boundary of the project site. These uses would experience temporary and intermittent noise associated with site clearance and construction activities as well as the passage of construction trucks in and out of the project site. Site excavation would involve removal of approximately 8,000 cubic yards of soil for a below-grade garage. No pile driving is anticipated as part of the project and a drilled in place pile foundation is the anticipated foundation type for the project.

Noise impacts would be temporary in nature and would be limited to the 20-month period of construction. Moreover, the project demolition and construction activities would be required to comply with the Noise Ordinance requirements, which prohibit construction after 8:00 p.m. Although construction noise could be

annoying at times, it would not be expected to exceed noise levels commonly experienced in this urban environment and would not be considered significant.

Impact C-NO: The proposed project would not make a considerable contribution to any cumulative significant noise impacts. (Less than Significant)

Construction activities in the vicinity of the project site, such as excavation, grading, or construction of other buildings in the area, would occur on a temporary and intermittent basis, similar to the project. Compliance with the San Francisco Noise Ordinance would reduce the noise impact from project construction to a less-than-significant level. Project construction-related noise would not substantially increase ambient noise levels at locations greater than a few hundred feet from the project site. Other than renovation projects, there are four development projects identified (1125 Market Street, 1028 Market Street, 1066 Market Street and 1055 Market Street projects) that are close enough (within 400 feet) to have the potential to result in any cumulative construction noise impact. However, each of these project sites is separated from the proposed project by multiple buildings and would be unlikely to noticeably combine with project construction noise, even if the two were constructed simultaneously. As such, construction noise effects associated with the proposed project are not anticipated to combine with those associated with other proposed and ongoing projects located near the project site. Therefore, cumulative construction-related noise impacts would be less than significant.

Localized traffic noise would increase in conjunction with foreseeable residential and commercial growth in the project vicinity. However, the proposed project's limited number of daily vehicle trips (338 vehicle trips) would not contribute considerably to any cumulative traffic-related increases in ambient noise, and therefore cumulative traffic noise impacts would not be significant. Moreover, the proposed project's mechanical equipment would be required to comply with the Noise Ordinance and would therefore not be expected to contribute to any cumulative increases in ambient noise levels.

In light of the above, the proposed project would result in less than significant cumulative impacts related to noise.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
6. AIR QUALITY—Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
6. AIR QUALITY (continued)					
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The BAAQMD is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Napa Counties and portions of Sonoma and Solano Counties. The BAAQMD is responsible for attaining and maintaining air quality in the SFBAAB within federal and state air quality standards, as established by the federal Clean Air Act (CAA) and the California Clean Air Act (CCAA), respectively. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the SFBAAB and to develop and implement strategies to attain the applicable federal and state standards. The CAA and the CCAA require plans to be developed for areas that do not meet air quality standards, generally. The most recent air quality plan, the *2010 Clean Air Plan*, was adopted by the BAAQMD on September 15, 2010. The *2010 Clean Air Plan* updates the *Bay Area 2005 Ozone Strategy* in accordance with the requirements of the CCAA to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases in a single, integrated plan; and establish emission control measures to be adopted or implemented. The 2010 Clean Air Plan contains the following primary goals:

- Attain air quality standards;
- Reduce population exposure and protect public health in the San Francisco Bay Area; and
- Reduce greenhouse gas emissions and protect the climate.

The *2010 Clean Air Plan* represents the most current applicable air quality plan for the SFBAAB. Consistency with this plan is the basis for determining whether the proposed project would conflict with or obstruct implementation of an applicable air quality plan.

Criteria Air Pollutants

In accordance with the state and federal CAAs, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the SFBAAB experiences low concentrations of most pollutants when compared to federal or state standards. The SFBAAB is designated as either in attainment⁴¹ or unclassified for most criteria pollutants with the exception of ozone, PM_{2.5}, and PM₁₀, for which these

⁴¹ "Attainment" status refers to those regions that are meeting federal and/or state standards for a specified criteria pollutant. "Non-attainment" refers to regions that do not meet federal and/or state standards for a specified criteria pollutant. "Unclassified" refers to regions where there is not enough data to determine the region's attainment status.

pollutants are designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.⁴²

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. **Table 4** identifies air quality significance thresholds followed by a discussion of each threshold. Projects that would result in criteria air pollutant emissions below these significance thresholds would not violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the SFBAAB.

TABLE 4
CRITERIA AIR POLLUTANT SIGNIFICANCE THRESHOLDS

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

SOURCE: BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009

Ozone Precursors. As discussed previously, the SFBAAB is currently designated as non-attainment for ozone and particulate matter (PM₁₀ and PM_{2.5}⁴³). Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO_x). The potential for a project to result in a cumulatively considerable net increase in criteria air pollutants, which may contribute to an existing or projected air quality violation, are based on the state and federal Clean Air Acts emissions limits for stationary sources. The federal New Source Review (NSR) program was created by the federal CAA to ensure that stationary sources of air pollution are constructed in a manner that is consistent with attainment of federal health based ambient air quality standards. Similarly, to ensure that new stationary sources do not cause or contribute to a violation of an air quality standard, BAAQMD Regulation 2, Rule 2 requires that any new source that

⁴² Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, May 2010, page 2-1. Available on the internet at: http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Draft_BAAQMD_CEQA_Guidelines_May_2010_Final.ashx?la=en. Accessed December, 21, 2014.

⁴³ PM₁₀ is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or smaller. PM_{2.5}, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

emits criteria air pollutants above a specified emissions limit must offset those emissions. For ozone precursors ROG and NO_x, the offset emissions level is an annual average of 10 tons per year (or 54 pounds (lbs.) per day).⁴⁴ These levels represent emissions by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants.

Although this regulation applies to new or modified stationary sources, land use development projects result in ROG and NO_x emissions as a result of increases in vehicle trips, architectural coating and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of land use projects and those projects that result in emissions below these thresholds, would not be considered to contribute to an existing or projected air quality violation or result in a considerable net increase in ROG and NO_x emissions. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

Particulate Matter (PM₁₀ and PM_{2.5}). The BAAQMD has not established an offset limit for PM_{2.5}. However, the emissions limit in the federal NSR for stationary sources in nonattainment areas is an appropriate significance threshold. For PM₁₀ and PM_{2.5}, the emissions limit under NSR is 15 tons per year (82 lbs. per day) and 10 tons per year (54 lbs. per day), respectively. These emissions limits represent levels at which a source is not expected to have an impact on air quality.⁴⁵ Similar to ozone precursor thresholds identified above, land use development projects typically result in particulate matter emissions as a result of increases in vehicle trips, space heating and natural gas combustion, landscape maintenance, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of a land use project. Again, because construction activities are temporary in nature, only the average daily thresholds are applicable to construction-phase emissions.

Fugitive Dust. Fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices (BMPs) at construction sites significantly control fugitive dust.⁴⁶ Individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.⁴⁷ The BAAQMD has identified a number of BMPs to control fugitive dust emissions from construction activities.⁴⁸ The City's Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) requires a number of measures to control fugitive dust to ensure that construction projects do not result in visible dust. The BMPs employed in compliance with the City's Construction Dust Control Ordinance is an effective strategy for controlling construction-related fugitive dust.

⁴⁴ BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 17. Available on the internet at: <http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Revised%20Draft%20CEQA%20Thresholds%20%20Justification%20Report%20Oct%202009.ashx?la=en>. Accessed December 21, 2014.

⁴⁵ BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 16.

⁴⁶ Western Regional Air Partnership. 2006. *WRAP Fugitive Dust Handbook*. September 7, 2006. This document is available online at http://www.wrapair.org/forums/dej/fdhd/content/FDHandbook_Rev_06.pdf. Accessed December 21, 2014.

⁴⁷ BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 27.

⁴⁸ BAAQMD, *CEQA Air Quality Guidelines*, May 2010. Available on the internet at: http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Draft_BAAQMD_CEQA_Guidelines_May_2010_Final.ashx?la=en. Accessed December 21, 2014.

Local Health Risks and Hazards

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-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. A TAC is defined in California Health and Safety Code Section 39655 as an air pollutant which may cause or contribute to an increase in mortality or serious illness, or which may pose a present or potential hazard to human health. Human health effects of TACs include birth defects, neurological damage, cancer, and death. There are hundreds of different types of TACs with varying degrees of toxicity. Individual TACs vary greatly in the health risk they present; at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but are regulated by the BAAQMD using a risk-based approach. This approach uses a health risk assessment to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated, and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks.⁴⁹

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than for other land uses. Exposure assessment guidance typically assumes that residences would be exposed to air pollution 24 hours per day, 350 days per year, for 70 years. Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

Exposures to fine particulate matter (PM_{2.5}) are strongly associated with mortality, respiratory diseases, and lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.⁵⁰ In addition to PM_{2.5}, diesel particulate matter (DPM) is also of concern. The California Air Resources Board (ARB) identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.⁵¹ The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

⁴⁹ In general, a health risk assessment is required if the BAAQMD concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. The applicant is then subject to a health risk assessment for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer as a result of exposure to one or more TACs.

⁵⁰ SFDPH, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review*, May 2008.

⁵¹ California Air Resources Board (ARB), Fact Sheet, "The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines," October 1998.

In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the “Air Pollution Exposure Zone,” were identified based on two health-protective criteria: (1) excess cancer risk from the contribution of emissions from all modeled sources greater than 100 per one million population, and/or (2) cumulative PM_{2.5} concentrations greater than 10 micrograms per cubic meter (µg/m³).

Excess Cancer Risk. The above 100 per one million persons (100 excess cancer risk) criteria is based on United State Environmental Protection Agency (USEPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.⁵² As described by the BAAQMD, the USEPA considers a cancer risk of 100 per million to be within the “acceptable” range of cancer risk. Furthermore, in the 1989 preamble to the benzene National Emissions Standards for Hazardous Air Pollutants (NESHAP) rulemaking,⁵³ the USEPA states that it “...strives to provide maximum feasible protection against risks to health from hazardous air pollutants by (1) protecting the greatest number of persons possible to an individual lifetime risk level no higher than approximately one in one million and (2) limiting to no higher than approximately one in ten thousand [100 in one million] the estimated risk that a person living near a plant would have if he or she were exposed to the maximum pollutant concentrations for 70 years.” The 100 per one million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on BAAQMD regional modeling.⁵⁴

Fine Particulate Matter. In April 2011, the USEPA published *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards*, “Particulate Matter Policy Assessment.” In this document, USEPA staff concludes that the current federal annual PM_{2.5} standard of 15 µg/m³ should be revised to a level within the range of 13 to 11 µg/m³, with evidence strongly supporting a standard within the range of 12 to 11 µg/m³. Air pollution hot spots for San Francisco are based on the health protective PM_{2.5} standard of 11 µg/m³, as supported by the USEPA’s Particulate Matter Policy Assessment, although lowered to 10 µg/m³ to account for error bounds in emissions modeling programs.

Proximity to Freeways. According to the California Air Resources Board, studies have shown an association between the proximity of sensitive land uses to freeways and a variety of respiratory symptoms, asthma exacerbations, and decreases in lung function in children. Siting sensitive uses in close proximity to freeways increases both exposure to air pollution and the potential for adverse health effects. As evidence shows that sensitive uses in an area within a 500-foot buffer of any freeway are at an increased health risk from air pollution,⁵⁵ lots that are within 500 feet of freeways are included in the Air Pollutant Exposure Zone.

⁵² BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009 (see footnote 44, p. 57), page 67.

⁵³ 54 Federal Register 38044, September 14, 1989.

⁵⁴ BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009 (see footnote 44, p. 57), page 67.

⁵⁵ California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005. Available online at: <http://www.arb.ca.gov/ch/landuse.htm>.

Health Vulnerable Locations. Based on the BAAQMD's evaluation of health vulnerability in the Bay Area, those zip codes (94102, 94103, 94105, 94124, and 94130) in the worst quintile of Bay Area Health vulnerability scores as a result of air pollution-related causes were afforded additional protection by lowering the standards for identifying lots in the Air Pollutant Exposure Zone to: (1) an excess cancer risk greater than 90 per one million persons exposed, and/or (2) PM_{2.5} concentrations in excess of 9 µg/m³.⁵⁶

The above citywide health risk modeling was also used as the basis in approving 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 establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. In addition, projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would add a substantial amount of emissions to areas already adversely affected by poor air quality. [The project site is located within the Air Pollutant Exposure Zone.]

Construction Air Quality Impacts

Project-related air quality impacts fall into two categories: short-term impacts due to construction and long-term impacts due to project operation.

Impact AQ-1: The proposed project's construction activities would generate fugitive dust and criteria air pollutants but would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)

Construction activities (short-term) typically result in emissions of fugitive dust, criteria air pollutants, and DPM (see Impact AQ-2 for a discussion regarding construction-related DPM). Emissions of criteria pollutants and DPM are primarily a result of the combustion of fuel from on-road and off-road vehicles and equipment. However, ROG's are also emitted from activities that involve painting or other types of architectural coatings or asphalt paving activities. During the project's approximately 20-month construction period, construction activities would have the potential to result in fugitive dust emissions, criteria air pollutants and DPM.

Fugitive Dust

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air

⁵⁶ San Francisco Planning Department and San Francisco Department of Public Health, *2014 Air Pollutant Exposure Zone Map (Memo and Map)*, April 9, 2014. These documents are part of San Francisco Board of Supervisors File No. 14806, Ordinance No. 224-14 Amendment to Health Code Article 38

pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to CARB, reducing ambient particulate matter from 1998-2000 levels to natural background concentrations in San Francisco would prevent over 200 premature deaths.

Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading, and other construction activities can cause wind-blown dust to add to particulate matter in the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil.

In response, the San Francisco Board of Supervisors approved a series of amendments to the *San Francisco Building and Health Codes* generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI).

The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

In compliance with the Construction Dust Control Ordinance, the project sponsor and the contractor responsible for construction activities at the project site would be required to use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water must be used if required by Article 21 of the *San Francisco Public Works Code*. If not required, reclaimed water should be used whenever possible. Contractors shall provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement). During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths, and intersections where work is in progress at the end of the work day. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

Compliance with these regulations and procedures set forth by the *San Francisco Health and Building Codes* would ensure that potential project dust-related air quality impacts would be reduced to less than significant.

Criteria Air Pollutants

As discussed above, construction activities would result in emissions of criteria air pollutants from the use of off- and on-road vehicles and equipment. To assist lead agencies in determining whether short-term construction-related air pollutant emissions require further analysis as to whether a project may exceed the criteria air pollutant significance thresholds shown in Table 4, above, the BAAQMD, in its *CEQA Air Quality Guidelines* (May 2011), developed screening criteria. If a proposed project meets the screening criteria, then construction of the proposed project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The *CEQA Air Quality Guidelines* note that the screening levels are generally representative of new development on greenfield⁵⁷ sites without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions. For projects that are mixed-use, infill, and/or proximate to transit service and local services, emissions would be expected to be less than the greenfield-type project that the screening criteria are based upon.

In general, according to the screening thresholds, for high-rise residential development, a project would have to exceed approximately 250 dwelling units to be expected to result in significant impacts from construction emissions of criteria pollutants. At 90 units plus ground-floor retail, the project would be less than half the screening threshold size. Therefore, quantification of construction-related criteria air pollutant emissions is not required, and the proposed project's construction activities would not exceed any of the significance thresholds for criteria air pollutants, and would result in a less-than-significant construction criteria air pollutant impact.

Impact AQ-2: The proposed project's construction activities would generate toxic air contaminants, including diesel particulate matter, but would not expose sensitive receptors to substantial pollutant concentrations. (Less than Significant with Mitigation)

As discussed above, San Francisco, in partnership with BAAQMD, has modeled and assessed air pollutant impacts from mobile, stationary and area sources within the City. This assessment has resulted in the identification of the Air Pollutant Exposure Zone, based on significance thresholds discussed above for PM_{2.5} and excess cancer risk. The project site is located within an Air Pollutant Exposure Zone, meaning that existing excess cancer risk exceeds 100 per one million and/or ambient PM_{2.5} concentrations exceed 10 µg/m³. Sensitive land uses exist near the proposed project including residential buildings on

⁵⁷ A greenfield site refers to agricultural or forest land or an undeveloped site earmarked for commercial, residential, or industrial projects.

McAllister Street and Golden Gate Avenue to the north, on Market Street one block east, and on Sixth and Mission Streets to the southeast, south, and southwest, as well as residential units in the adjacent building at 1067 Market Street and the nearby buildings at 1049 and 1005 Market Street.

Off-road equipment (which includes construction-related equipment) is a large contributor to DPM emissions in California, although since 2007, CARB has found the emissions to be substantially lower than previously expected.⁵⁸ Newer and more refined emission inventories have substantially lowered the estimates of DPM emissions from off-road equipment such that off-road equipment is now considered the sixth largest source of DPM emissions in California.⁵⁹ This reduction in emissions is due, in part, to effects of the economic recession and refined emissions estimation methodologies. For example, revised particulate matter (PM) emission estimates for the year 2010, which DPM is a major component of total PM, had decreased by 83 percent from previous estimates for the SFBAAB.⁶⁰ Approximately half of the reduction can be attributed to updated assumptions independent of the economic recession (e.g., updated methodologies used to better assess construction emissions), while the remainder of the reduction was attributed to the economic recession then being experienced.⁶¹

Additionally, a number of federal and state regulations are requiring cleaner off-road equipment. Specifically, both the USEPA and California have set emissions standards for new off-road equipment engines, ranging from Tier 1 to Tier 4. Tier 1 emission standards were phased in between 1996 and 2000 and Tier 4 Interim and Final emission standards for all new engines are being phased in between 2008 and 2015. To meet the Tier 4 emission standards, engine manufacturers will be required to produce new engines with advanced emission-control technologies. Although the full benefits of these regulations will not be realized for several years, the USEPA estimates that by implementing the federal Tier 4 standards, NO_x and PM emissions will be reduced by more than 90 percent.⁶² Furthermore, California regulations limit maximum idling times to five minutes, which further reduces public exposure to DPM emissions.⁶³

In addition, construction activities do not lend themselves to analysis of long-term health risks because of their temporary and variable nature. As explained in the BAAQMD's *CEQA Air Quality Guidelines*:

"Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (CARB 2005). In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure

⁵⁸ CARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, p.1 and p. 13 (Figure 4), October 2010.

⁵⁹ CARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October 2010.

⁶⁰ CARB, "In-Use Off-Road Equipment, 2011 Inventory Model," Query accessed online, April 2, 2012, http://www.arb.ca.gov/msei/categories.htm#inuse_or_category.

⁶¹ CARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October 2010.

⁶² United State Environmental Protection Agency (USEPA), "Clean Air Nonroad Diesel Rule: Fact Sheet," May 2004.

⁶³ California Code of Regulations, Title 13, Division 3, § 2485.

periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. This results in difficulties with producing accurate estimates of health risk.”⁶⁴

Therefore, project-level analyses of construction activities have a tendency to produce overestimated assessments of long-term health risks. However, within the Air Pollutant Exposure Zone, as discussed above, additional construction activity may adversely affect populations that are already at a higher risk for adverse long-term health risks from existing sources of air pollution.

The proposed project would require construction activities for the approximate 20-month construction period. Project construction activities would result in short-term emissions of DPM and other TACs. The project site is located in an area that already experiences poor air quality and project construction activities would generate additional air pollution, affecting nearby sensitive receptors and resulting in a significant impact. Implementation of **Mitigation Measure M-AQ-2, Construction Emissions Minimization**, would reduce the magnitude of this significant impact to a less-than-significant level. While emission reductions from limiting idling, educating workers and the public and properly maintaining equipment are difficult to quantify, other measures, specifically the requirement for equipment with Tier 2 engines and Level 3 Verified Diesel Emission Control Strategy (VDECS) can reduce construction emissions by 89 to 94 percent compared to equipment with engines meeting no emission standards and without a VDECS. Emissions reductions from the combination of Tier 2 equipment with level 3 VDECS is almost equivalent to requiring only equipment with Tier 4 Final engines, which is not yet available for engine sizes subject to the mitigation. Therefore, compliance with **Mitigation Measure M-AQ-2**, to which the project sponsor has agreed, would reduce potential construction emissions impacts to nearby sensitive receptors to a less-than-significant level.

Mitigation Measure M-AQ-2: Construction Emissions Minimization

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

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
 - a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
 - b) All off-road equipment shall have:
 - i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 offroad emission standards, and

⁶⁴ BAAQMD, *CEQA Air Quality Guidelines*, May 2011, page 8-6.

- ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).⁶⁵
- c) Exceptions:
 - i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.
 - ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).
 - iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in **Table M-AQ-2**.

Table M-AQ-2 – Off-Road Equipment Compliance Step-down Schedule

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

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

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

⁶⁵ Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.
 5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.
- B. Reporting. Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.
 - C. Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.
 - D. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

With implementation of this mitigation measure, the proposed project's construction related air quality impacts would be less than significant.

Operational Air Quality Impacts

Land use projects typically result in emissions of criteria air pollutants and toxic air contaminants primarily from an increase in motor vehicle trips. However, land use projects may also result in criteria air pollutants and toxic air contaminants from combustion of natural gas, landscape maintenance, use of consumer products, and architectural coating. The following addresses air quality impacts resulting from operation of the proposed project.

Impact AQ-3: During project operations, the proposed project would result in emissions of criteria air pollutants but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)

As discussed above in Impact AQ-1, the BAAQMD, in its *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, then the lead agency or

applicant does not need to perform a detailed air quality assessment. In general, projects generating fewer than approximately 5,000 vehicle trips per day are not expected to generate operational emissions that would exceed the City's significance thresholds for operational emissions of criteria air pollutants. As noted in Section E.4, Transportation, the proposed project would generate approximately 338 daily vehicle trips, which is less than 6 percent of the number of trips that would trip the screening threshold. Thus, analysis of project-generated criteria air pollutant emissions would not be required. The proposed project would not exceed any of the significance thresholds for criteria air pollutants and would therefore result in less-than-significant impact with respect to criteria air pollutants.

Impact AQ-4: During project operations, the proposed project would generate toxic air contaminants, including diesel particulate matter, but would not expose sensitive receptors to substantial air pollutant concentrations. (Less than Significant)

Generation of Toxic Air Contaminants. Individual projects result in emissions of toxic air contaminants primarily as a result of an increase in vehicle trips. The BAAQMD considers roads with less than 10,000 vehicles per day "minor, low-impact" sources that do not pose a significant health impact even in combination with other nearby sources and recommends that these sources be excluded from the environmental analysis. The proposed project's estimated 338 daily vehicle trips would be well below this level; therefore an assessment of project-generated TACs resulting from vehicle trips is not required. The project-related volume of traffic would be insufficient to generate cumulatively considerable health risk and the proposed project would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors. The project would not require installation of a backup generator, and therefore would not generate stationary source TACs from combustion of diesel fuel.

Sensitive Land Uses. The proposed project would include development of residential units and is considered a sensitive land use for purposes of air quality evaluation. As discussed above, San Francisco, in partnership with the BAAQMD, has modeled and assessed air pollutant impacts from mobile, stationary and area sources within the City. This assessment has resulted in the identification of Air Pollutant Exposure Zones. The proposed project would site sensitive land uses (residences) within an Air Pollutant Exposure Zone and thus would be required to comply with the filtration requirements of Article 38 of the Health Code, as revised in 2014. Specifically, and as discussed above, the proposed project would be required to incorporate "enhanced ventilation," including filtration of outdoor air, using Minimum Efficiency Reporting Value (MERV) 13 or equivalent, based on American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 52.2. Compliance with Article 38 of the Health Code would avoid any potentially significant effects of existing concentrations of TACs. The proposed project would not expose onsite sensitive receptors to substantial air pollutant concentrations through generation of and/or by locating sensitive receptors near sources of toxic air contaminants and the proposed project would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Impact AQ-5: The proposed project would not conflict with, or obstruct implementation of the 2010 Clean Air Plan. (Less than Significant)

The most recently adopted air quality plan for the SFBAAB is the *2010 Clean Air Plan*. The *2010 Clean Air Plan* is a road map that demonstrates how the San Francisco Bay Area will achieve compliance with the state ozone standards as expeditiously as practicable and how the region will reduce the transport of ozone and ozone precursors to neighboring air basins. In determining consistency with the *2010 Clean Air Plan* (CAP), this analysis considers whether the project would: (1) support the primary goals of the CAP, (2) include applicable control measures from the CAP, and (3) avoid disrupting or hindering implementation of control measures identified in the CAP.

To meet the primary goals, the CAP recommends specific control measures and actions. These control measures are grouped into various categories and include stationary and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. The CAP recognizes that to a great extent, community design dictates individual travel mode, and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and greenhouse gases from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand, and people have a range of viable transportation options. To this end, the *2010 Clean Air Plan* includes 55 control measures aimed at reducing air pollution in the SFBAAB.

The measures most applicable to the proposed project are transportation control measures and energy and climate control measures. The proposed project would be consistent with energy and climate control measures as discussed in Section E.7, Greenhouse Gas Emissions, which demonstrates that the proposed project would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy.

The compact development of the proposed project and high availability of viable transportation options ensure that residents could bicycle, walk, and ride transit to and from the project site instead of taking trips via private automobile. These features ensure that the project would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project would be generally consistent with the *San Francisco General Plan*, as discussed in Section C, Compatibility with Existing Zoning and Plans. Transportation control measures that are identified in the *2010 Clean Air Plan* are implemented by the *San Francisco General Plan* and the *Planning Code*, for example, through the City's Transit First Policy, bicycle parking requirements, and transit impact development fees applicable to the proposed project. By complying with these applicable requirements, the project would include relevant transportation control measures specified by the *2010 Clean Air Plan*.

Examples of a project that could cause the disruption or delay of *Clean Air Plan* control measures are projects that would preclude the extension of a transit line or bike path, or projects that propose excessive parking beyond parking requirements. The proposed project would add approximately 9,000 square feet of retail uses and 90 residential units to a dense, walkable urban area and within a ¼-mile of regional and local transit service. Thus, the proposed project would not preclude the extension of a transit line or a

bike path or any other transit improvement, and would avoid disrupting or hindering implementation of control measures identified in the CAP.

For the reasons described above, the proposed project would not interfere with implementation of the *2010 Clean Air Plan*, and the proposed project would be consistent with the applicable air quality plan that demonstrates how the region will improve ambient air quality and achieve the state and federal ambient air quality standards. Therefore, the proposed project would have a less-than-significant impact related to the implementation of the CAP.

Impact AQ-6: The proposed project would not create objectionable odors that would affect a substantial number of people. (Less than Significant)

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting plants. No such facilities existing in proximity to the project site and thus would not have an odor effect on the proposed project. During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. Observation indicates that the project site is not substantially affected by sources of odors.⁶⁶ As a residential and retail development, the proposed project would not create a significant source of new odors. Therefore, the proposed project would have less-than-significant impacts related to odors.

Impact C-AQ: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project area would result in less-than-significant cumulative air quality impacts. (Less than Significant with Mitigation)

As discussed above, regional air pollution is, by its very nature, largely a cumulative impact. Emissions from past, present and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative adverse air quality impacts.⁶⁷ The project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Therefore, because the proposed project's construction (Impact AQ-1) and operational (Impact AQ-3) emissions would not exceed the project-level thresholds for criteria air pollutants, the proposed project would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

Although the project would add new sensitive land uses and new sources of TACs (in the form of an estimate 338 new daily vehicle trips), the project's incremental increase in localized TAC emissions resulting

⁶⁶ ESA, site visit, January 14, 2015.

⁶⁷ BAAQMD, *CEQA Air Quality Guidelines*, May 2011, page 2-1.

from new vehicle trips would be minor and would not contribute substantially to cumulative TAC emissions that could affect nearby and proposed sensitive land uses. Although the project site is located within an Air Pollutant Exposure Zone, as discussed above, implementation of **Mitigation Measure M-AQ-2, Construction Emissions Minimization**, would reduce the project's construction-related air quality impact to a less-than-significant level. Therefore, cumulative air quality impacts would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
7. GREENHOUSE GAS EMISSIONS— Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

GHG emissions and global climate change represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects have contributed and will contribute to global climate change and its associated environmental impacts.

The Bay Area Air Quality Management District (BAAQMD) has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project's GHG emissions. CEQA Guidelines Section 15064.4 allows lead agencies to rely on a qualitative analysis to describe GHG emissions resulting from a project. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of greenhouse gases and describes the required contents of such a plan. Accordingly, San Francisco has prepared *Strategies to Address Greenhouse Gas Emissions* (GHG Reduction Strategy)⁶⁸ which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's Qualified GHG Reduction Strategy in compliance with CEQA guidelines. The actions outlined in the strategy have resulted in a 14.5 percent reduction in GHG emissions in 2010 compared to 1990 levels, exceeding the

⁶⁸ San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, 2010. The final document is available online at: <http://www.sf-planning.org/index.aspx?page=2627>.

year 2020 reduction goals outlined in the BAAQMD's *2010 Clean Air Plan*, Executive Order S-3-05,⁶⁹ and Assembly Bill 32 (also known as the Global Warming Solutions Act.)^{70,71}

Given that the City's local greenhouse gas reduction targets are more aggressive than the State and Region's 2020 GHG reduction targets and consistent with the long-term 2050 reduction targets, the City's Greenhouse Gas Reduction Strategy is consistent with the goals of EO S-3-05, AB 32, and the Bay Area *2010 Clean Air Plan*. Therefore, proposed projects that are consistent with the City's Greenhouse Gas Reduction Strategy would be consistent with the goals of EO S-3-05, AB 32, and the Bay Area *2010 Clean Air Plan*, would not conflict with these plans, and would therefore not exceed San Francisco's applicable GHG threshold of significance.

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

Impact C-GG: The proposed project would generate greenhouse gas emissions, but not at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions. (Less than Significant)

Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with waste removal, disposal, and landfill operations.

The proposed project would increase the activity onsite by demolishing the existing 50-foot-tall, commercial building on the project site and constructing in its place an eight-story building containing 90 dwelling units and approximately 9,000 square feet of ground-floor retail space. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use and wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to and required to comply with several regulations adopted to reduce GHG emissions as identified in the GHG Reduction Strategy. The regulations that are applicable

⁶⁹ Executive Order S-3-05, sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million MTCO₂E); by 2020, reduce emissions to 1990 levels (estimated at 427 million MTCO₂E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO₂E).

⁷⁰ San Francisco Department of Environment (DOE), "San Francisco Community-Wide Carbon Emissions by Category." Excel spreadsheet provided via email between Pansy Gee, DOE and Wade Wietgreffe, San Francisco Planning Department. June 7, 2013.

⁷¹ The *Clean Air Plan*, Executive Order S-3-05, and Assembly Bill 32 goals, among others, are to reduce GHGs in the year 2020 to 1990 levels.

to the proposed project include the Emergency Ride Home Program, Bicycle Parking requirements, Street Tree Planting Requirements for New Construction, Mandatory Recycling and Composting Ordinance, and San Francisco Green Building Requirements for Energy Efficiency, and Stormwater Management.

These regulations, as outlined in San Francisco's *Strategies to Address Greenhouse Gas Emissions*, have proven effective as San Francisco's GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 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.⁷² Other existing regulations, such as those implemented through 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 thus 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. As such, the proposed project would result in a less-than-significant impact with respect to GHG emissions. No mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
8. WIND AND SHADOW—Would the project:					
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact WS-1: The proposed project would not alter wind in a manner that substantially affects public areas. (Less than Significant)

Average wind speeds in San Francisco are the highest in the summer and lowest in winter. However, the strongest peak winds occur in winter, under storm conditions. Throughout the year the highest typical wind speeds occur in mid-afternoon and the lowest in the early morning. Of the primary wind directions, four have the greatest frequency of occurrence and also make up the majority of the strong winds that occur. These winds include the northwest, west-northwest, west and west-southwest (referred to as prevailing winds).

The project site is in an area that is subject to San Francisco *Planning Code* Section 148, Reduction of Ground-level Wind Currents in C-3 Districts. The Planning Code outlines wind reduction criteria for

⁷² Greenhouse Gas Analysis: Compliance Checklist, June 12, 2014. This document is on file and available for public review as part of Case File No. 2013.1690E.

projects in C-3 Districts, sets wind speed criteria for both pedestrian comfort and hazardous winds, and requires buildings to be shaped so as not to cause ground-level wind currents to exceed these criteria. The Planning Code specifies that new buildings and building additions be shaped so as not to cause ground-level wind currents to exceed, more than 10 percent of the time, 11 miles per hour (mph) in substantial pedestrian use areas, and 7 mph in public seating areas. When a project would result in exceedances of a comfort criterion, an exception may be granted, pursuant to Section 309, if the building or addition cannot be designed to meet the criteria. Section 148 also establishes a hazard criterion, which is an equivalent wind speed of 26 mph as averaged for a single full hour of the year.⁷³ Under Section 148, new buildings and additions may not cause wind speeds that meet or exceed this hazard criterion and no exception may be granted for buildings that result in winds that exceed the hazard criterion.

A building taller than its immediate surrounding will intercept winds and deflect them down to the ground level, causing wind flow accelerations around building corners. When the gap between two buildings is aligned with the prevailing winds, high wind activity is expected along the gap. The project site is currently occupied by an approximately 50-foot-tall building flanked by seven-story, approximately 80-foot-tall, mixed-use buildings on either side. As a result, some of the prevailing winds are channeled through the gap over the existing building and between the taller buildings on either side.

To evaluate the potential for wind effects on surrounding sidewalks, wind tunnel testing, using a three-dimensional model of the proposed project, was conducted.⁷⁴ The wind tunnel testing was conducted at 30 wind speed sensor locations under Existing Conditions, Existing plus Project Conditions, and Cumulative Conditions within an approximately 1,200 foot radius of the project site, at a pedestrian height of approximately five feet. For the purposes of evaluating impacts under CEQA, the analysis uses the hazard criterion to determine whether the proposed project would alter wind in a manner that substantially affects public areas. The proposed project's effects related to the comfort criterion are presented below for informational purposes (and are also used in the Planning Department's separate determination of compliance with Section 148).

The results of the wind tunnel testing indicate that three sensor locations exceed the hazard criterion under Existing and Existing plus Project Conditions. These exceedances occur on the south side of Market Street, west of Seventh Street, and on both sides of Seventh Street, south of Stevenson Street. With the addition of the proposed project building, wind speeds and hours per year exceeding the hazard criterion would remain unchanged at two of the three test points—on Market Street and on the east side of Seventh Street. However, at the test point on the west side of Seventh Street, wind conditions would slightly improve under Existing plus Project Conditions, as the number of hours per year that the wind

⁷³ The wind hazard criterion is derived from the 26 mph hourly average wind speed that would generate a 3-second gust of wind at 20 meters per second, a commonly used guideline for wind safety. Because the original wind data on which the testing is based was collected at one-minute averages (i.e., a measurement of sustained wind speed for one minute, collected once per hour), the 26 mph hourly average is converted to a one-minute average of 36 mph, which is used to determine compliance with the 26 mph one-hour hazard criterion in the *Planning Code*. (Arens, E. *et al.*, "Developing the San Francisco Wind Ordinance and its Guidelines for Compliance," *Building and Environment*, Vol. 24, No. 4, p. 297-303, 1989.)

⁷⁴ RWDI, *1075 Market Street Project Report, Pedestrian Wind Conditions Consultation and Wind Tunnel Tests*, March 12, 2015. This document is on file and available for public review as part of Case File No. 2013.1690E.

would exceed the hazard criterion would be reduced from 11 hours per year to 5 hours per year. The total number of hours that the wind hazard would be exceeded at all 30 test points would decrease from 79 hours per year under Existing Conditions to 73 hours per year with the addition of the proposed project.

Because the proposed project would not result in any new increases of the wind hazard criterion, and because the number of hours that the wind hazard criterion is exceeded would decrease under Existing plus Project Conditions, the proposed project would not alter wind in a manner that substantially affects public areas and impacts are considered less than significant.

In terms of the comfort criteria, all 30 of the test points were located on sidewalks and, accordingly, are considered areas of substantial pedestrian use; none of the test points is a public seating area. The results of the wind tunnel testing indicate that 23 of the 30 sensor locations exceed the Planning Code's 11 mph pedestrian comfort criterion under Existing Conditions. Wind speeds exceeded 10 percent of time average 13.9 mph. Comfort criterion exceedances occur on both of the project site's street frontages. In addition, most sensor locations along Market, Stevenson, and Seventh Streets exceed the comfort criterion, with the highest wind speeds measured along Market Street, west of Seventh Street, and along Seventh Street south of Market Street.

According to the wind tunnel test results, the proposed project would eliminate the pedestrian comfort criterion exceedance at the southeast corner of the project site and introduce a new pedestrian comfort criterion exceedance further east on Stevenson Street. Overall, under the Existing plus Project Conditions, 23 of the 30 sensor locations would exceed the Planning Code's 11 mph pedestrian comfort criterion—the same as under Existing Conditions. Compared with Existing Conditions, the average of wind speeds exceeded 10 percent of the time would increase by 0.1 mph to a 14 mph average; this would not be a perceptible change to pedestrians. The highest wind speeds would continue to occur along Market Street west of Seventh Street, and along Seventh Street south of Market Street.

In light of the foregoing, the proposed project would result in less-than-significant impacts on wind conditions in public areas.

Impact WS-2: The proposed project would not result in new shadows in a manner that substantially affects outdoor recreation facilities or other public areas. (Less than Significant)

Planning Code Section 295, which was adopted in response to Proposition K (passed November 1984), mandates that new structures above 40 feet in height that would cast additional shadows on properties under the jurisdiction of, or designated to be acquired by, the Recreation and Parks Department (RPD) can only be approved by the Planning Commission (based on recommendation from the Recreation and Parks Commission) if the shadow is determined to be insignificant or not adverse to the use of the park. The closest public open spaces protected under *Planning Code* Section 295 in the vicinity of the project site are the Father Alfred E. Boeddeker Park, located three block north of the project site, the Civic Center Plaza, located

one block west of the project site, the Howard & Langton Mini Park, located two blocks south of the project site, and the Victoria Manolo Draves Park, located three blocks southeast of the project site.

The height of the proposed building would be 90 feet. Therefore, a preliminary shadow fan analysis was conducted by the Planning Department. The shadow fan analysis shows that, at its greatest extent, the project's shadow would extend east to Sixth Street, south to just across Mission Street, west to Leavenworth Street, and north to just south of Golden Gate Avenue. According to the shadow fan, the proposed project could potentially shade United Nations Plaza, but project shadow would not reach any parks protected by Section 295. It is noted that the Planning Department's preliminary shadow fan does not consider existing buildings or their shadow; rather, it merely illustrates the maximum extent of potential shadow from a proposed project.

To evaluate the potential for shadow effects on United Nations Plaza, a shadow analysis, using a three-dimensional digital model of the proposed project, was conducted.⁷⁵ Consistent with the City of San Francisco Environmental Planning Division *Shadow Analysis Procedures and Scope Requirements* (July 2014) and Section 147 of the San Francisco Planning Code, the analysis included graphical representations of shadows (existing and of the proposed project) at the key times a year (37 times a year, for the summer and winter solstices, and spring/fall equinoxes, one set of graphics for the two equinoxes, given that shadow is essentially the same at both), at hourly intervals from sunrise + 1 hour to Sunset - 1 hour. The results indicate that the proposed project would add net new shadow to the fountain area of the United Nations Plaza, for a few minutes in the early morning around 7:00 a.m. around the summer solstice. All new shading would be off of the plaza before 8:00 a.m. and thus before the primary hours of public use. The net new shadow would occur on a very small area and for such a brief duration that the net new shadow would have little effect on the use of this space. In addition, the results show that the proposed project would not cast any net new shadow on any park protected by *Planning Code* Section 295, nor would it add net new shadow to any other usable open space.

The proposed project would add new shade to surrounding sidewalks and properties. However, because of the configuration of existing buildings in the vicinity, the net new shading that would result from the project's construction would be limited in scope, and would not increase the total amount of shading above levels that are common in urban areas, particularly in densely built out neighborhoods such as Tenderloin. Due to the dense urban fabric of the city, the loss of sunlight on private residences or property is rarely considered to be a significant environmental impact and the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

Therefore, the proposed project would not result in new shadows in a manner that substantially affects outdoor recreation facilities or other public areas, and this impact would be less than significant.

⁷⁵ ESA, 2013.1690E: *Shadow Analysis of Proposed 1075 Market Street Project*, February 13, 2015. This document is on file and available for public review as part of Case File No. 2013.1690E.

Impact C-WS: The proposed project, in combination with other past, present, and reasonably foreseeable projects, would not result in cumulatively considerable impacts related to wind and shadow. (Less than Significant)

As described above, the proposed project would not cast any net new shadow on any park protected by *Planning Code* Section 295, nor would it add net new shadow to any usable open space; the only net new shadow cast by the proposed project would be on to the fountain area of the United Nations Plaza, for a brief period in the early morning around 7 a.m. around the summer solstice. Because the new shading would cover such a small area for a brief period and at a time when the open space is not heavily used, the small amount of net new shadow cast by the project would have no adverse effect. Accordingly, the proposed project could not contribute considerably to any cumulative shadow impacts that would result from the combination of the proposed project and other projects, and therefore no cumulative shadow analysis is required, and none was completed.

Wind tunnel testing was conducted for Cumulative Conditions (which includes the proposed project as well as reasonably foreseeable development, including proposed projects nearby at 1125 Market Street, 1053 Market Street, 1066 Market Street, 1028 Market Street, 950 Market Street, 945 Market Street, 1036-1040 Mission Street, 570 Jessie Street, and 145 Leavenworth Street/351 Turk Street) at the same 30 sensor locations as under Existing and Existing plus Project Conditions. The results of the wind tunnel testing indicate that 24 of the 30 sensor locations would exceed the Planning Code's 11 mph pedestrian comfort criterion under Cumulative Conditions, an increase of one location compared to Existing Conditions.

Test results indicate that the addition of cumulative development in the project area would introduce a new exceedance of the wind hazard criterion on the southwest corner of Market and Seventh Streets; this point is upwind from the proposed project, and therefore it is unlikely that the project would result in a considerable contribution to this exceedance. Winds would shift slightly between the test points on either side of Seventh Street south of Stevenson Street, resulting in an increase in the number of annual hours of wind hazard exceedance on the east side of Seventh Street and a decrease on the west side of the street. Considering these sensor locations together, the hours per year exceeded in this area would increase by 10 hours under Cumulative Conditions. Overall, Cumulative Conditions, compared with Existing Conditions, would increase the number of wind hazard exceedance locations by one and the overall hours per year when wind speeds exceed the hazard criterion by 15 hours (from 79 hours per year to 94 hours per year). Although wind conditions would incrementally worsen under Cumulative Conditions, the introduction of the proposed project building would not alter wind in a manner that substantially affects public areas. Project-related wind impacts are considered less than significant and therefore would not result in a considerable contribution to any cumulative effect.

Under Cumulative conditions, three pedestrian comfort criterion exceedances occurring under Existing Conditions would be eliminated along Stevenson Street, and four new pedestrian comfort criterion exceedances would be introduced: on Jones Street north of McAllister Street, at the intersection of Jones and Market Streets, on Market Street west of Jones Street, and on Stevenson Street west of the project site. This totals 24 pedestrian comfort criterion exceedances, compared with 23 under both Existing and

Existing plus Project Conditions. Average wind speeds exceeded 10 percent of the time would be 15.2 mph, an increase of 1.3 mph compared to Existing Conditions. This is unlikely to be a perceptible increase. However, two specific locations, at the northeast corner of Jones and McAllister Streets and on Jones Street north of McAllister Street, would experience increases in 10-percent-exceeded wind speeds of 8 mph and 11 mph, which would be perceptible to pedestrians. It is noted that these points are proximate to an existing surface parking lot at Jones Street and Golden Gate Avenue that would be filled in by proposed development, which would result in redirection of ground-level winds in the vicinity.

Based on the discussion above, the increase in the number of exceedances of the wind hazard criterion and the increase in the number of hours by which the hazard criterion is exceeded would be considered a significant cumulative effect. However, given the location of the new exceedance upwind from the proposed project and the fact that the proposed project, tested alone, would decrease the 10-percent-exceeded wind speed at this location and would result in no change in the wind speed exceeded one hour per year at this location, the proposed project would not make a considerable contribution to the cumulative significant effect, and the proposed project's cumulative effect would, therefore, be less than significant. Thus, the proposed project cumulative wind and shadow impacts would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
9. RECREATION—Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would develop approximately 9,000 square feet of retail uses and 90 residential units on a parcel that currently contains an approximately 50-foot-tall, movie theater and retail building. The new residents of the proposed project would be served by the San Francisco Recreation and Parks Department (SFRPD), which administers more than 220 parks, playgrounds, and open spaces throughout the City, as well as recreational facilities including recreation centers, swimming pools, golf courses, and athletic fields, tennis courts, and basketball courts.⁷⁶ The project site is in an intensely developed urban neighborhood, and does not contain large regional park facilities, but includes a number of neighborhood parks and open spaces, as well as other recreational facilities. The March 2014 draft of the San Francisco General Plan's Recreation and Open Space Element (ROSE) identifies portions of the Plan area as in need

⁷⁶ San Francisco Recreation and Parks Department. Available online at: sfrecpark.org. Accessed December 17, 2013.

of new public open space. The project site is proximate to some greater- and greatest- need areas but is located within one of the medium-need areas of the five categories presented.

Impact RE-1: The proposed project would not result in substantial increase in the use of existing parks and recreational facilities, the deterioration of such facilities, include recreation facilities, or require the expansion of recreational facilities, or physically degrade existing recreational resources. (Less than significant)

There are several facilities managed by the SFRPD near the project site:

- Father Alfred E. Boeddeker Park (at the intersection of Eddy and Jones Streets): An approximately 0.97-acre park containing basketball half-court, swings, slide and play structures as well as a community clubhouse, located three blocks north of the project site.
- Civic Center Plaza (at the intersection of Grove and Larkin Streets): An approximately 5.9-acre public open space containing lawn areas and two tot lots, located adjacent to the City Hall, approximately one block west of the project site.
- Howard & Langton Mini Park (at the intersection of Howard and Langton Streets): An approximately 0.2-acre mini park and community garden, located approximately two blocks south of the project site.
- Victoria Manalo Draves Park (at Folsom and Columbia Square Street): An approximately 2.52-acre park containing a softball field, basketball court, dual-level playground, picnic area, community garden and large grass field, located approximately three blocks southeast of the project site.

In addition, U.N. Plaza, an approximately 2.6-acre pedestrian mall extending from Market Street to Hyde Street in the city's Civic Center area is located across Market Street from the project site. It is not managed by the SFRPD. U.N. Plaza contains landscaped areas and limited seating and is used primarily for passive recreation, in addition to holding events such as seasonal farmer's markets and occasional art festivals.

The proposed project would provide passive recreational uses onsite for the residents, including two common open spaces that would be accessible to building residents only. An approximately 300-square-foot open space would be provided on the first residential level (second floor) in the center of the project site in addition to an approximately 4,000-square-foot roof deck open space with a green roof/dog run. Private decks would be provided for a total of nine units at the fourth, sixth, and eighth floors. In addition, residents of the proposed residential units would be within walking distance of the above-noted open spaces.

Although the proposed project would introduce a new permanent population (approximately 154 residents) to the project site, the number of new residents projected would not be large enough so as to substantially increase demand for or use of either neighborhood parks and recreational facilities (discussed above) or citywide facilities such as Golden Gate Park, such that substantial physical deterioration would be expected. The permanent residential population on the site and the incremental on-site daytime population growth that would result from the proposed retail use would not require the construction of

new recreational facilities or the expansion of existing facilities. The project would have a less-than-significant effect on existing recreational facilities, and would not contribute substantially to cumulative effects.

Impact C-RE: The proposed project, in combination with other past, present, or reasonably foreseeable projects would result in less-than-significant impacts to recreational resources. (Less than Significant)

Recreational facility use in the project area would likely increase with the development of the proposed project, especially in combination with other reasonably foreseeable residential and mixed-use development projects in the vicinity. However, each individual project would be subject to compliance with the City's open space requirements, as defined in the Planning Code. In addition, as described above, a number of public open space and recreational facilities exist in the vicinity of the project site. Thus, future impacts to recreational resources would be cumulatively less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
10. UTILITIES AND SERVICE SYSTEMS— Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is within an urban area that is served by utility service systems, including water, wastewater and storm water collection and treatment, and solid waste collection and disposal. The proposed project

would add new daytime and nighttime population to the site that would increase the demand for utilities and service systems on the site, but not in excess of amounts expected and provided for in the project area.

Impact UT-1: The proposed project would not significantly affect wastewater collection and treatment facilities and would not require or result in the construction of new stormwater drainage facilities, wastewater treatment facilities, or expansion of existing facilities. (Less than Significant)

The project site is served by San Francisco's combined sewer system, which handles both sewage and stormwater runoff. The Southeast Water Pollution Control Plant (Southeast Plant) provides wastewater and stormwater treatment and management for the east side of the city, including the project site. No new sewer or stormwater facilities or construction would be needed to serve the proposed project. The proposed project would meet the wastewater pre-treatment requirements of the San Francisco Public Utilities Commission (SFPUC), as required by the San Francisco Industrial Waste Ordinance in order to meet Regional Water Quality Control Board requirements (see discussion under Impact HYD-1, in Topic 14, for additional stormwater management requirements).⁷⁷ The proposed project would add residential units and retail uses to the project site, which would incrementally increase the demand for wastewater and stormwater treatment services, but not in excess of amounts expected and provided for in the project area.

The project site is currently covered with impervious surfaces and the proposed project would not create any additional impervious surfaces, resulting in little effect on the total storm water volume discharged through the combined sewer system. While the proposed project would add to sewage flows in the area, it would not cause collection treatment capacity of the sewer system in the City to be exceeded. In light of the above, the proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. Because the project is fully developed at present, new development could not result in an increase in stormwater runoff. However, the project would be required to comply with the City's Stormwater Design Guidelines, and thus would reduce the total stormwater runoff volume and peak stormwater runoff rate, compared to existing conditions, through the use of Low Impact Design approaches and BMPs such as rainwater reuse, landscape planters, rain gardens, and green roofs. The SFPUC would review and approve the project's stormwater compliance strategy.

Therefore, the proposed project would not substantially increase the demand for wastewater and would result in a less-than-significant impact on wastewater treatment and storm drainage facilities.

Impact UT-2: The proposed project would not require expansion or construction of new water supply or treatment facilities. (Less than Significant)

The proposed project would add residential units and retail uses to the project site, which would increase the demand for water on the site, but not in excess of amounts expected and provided for in the project area.

⁷⁷ City and County of San Francisco, Ordinance No. 19-92, San Francisco Municipal Code (Public Works), Part II, Chapter X, Article 4.1 (amended), January 13, 1992.

Although the proposed project would incrementally increase the demand for water in San Francisco, the estimated increase in demand could be accommodated within anticipated water use and supply for San Francisco.⁷⁸ The proposed project would also be designed to incorporate water-conserving measures, such as low-flush toilets and urinals, as required by the San Francisco Green Building Ordinance. The project site is not located within a designated recycled water use area, as defined in the Recycled Water Ordinance 390-91 and 393-94; thus, the project is not required to install a recycled water system. Since the proposed project's water demand could be accommodated by the existing and planned supply anticipated under the San Francisco Public Utilities Commission's (SFPUC's) 2010 Urban Water Management Plan (UWMP), as updated by the SFPUC's 2013 Water Availability Study, the proposed project would result in less-than-significant water service impacts.

Impact UT-3: The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. (Less than Significant)

The majority of solid waste generated by the City and County of San Francisco is transported to the Altamont Landfill. As of March 2013, San Francisco's remaining capacity at the landfill was 1,052,815 tons out of the original 15 million ton capacity.⁷⁹ At current disposal rates, San Francisco's available landfill space under the existing contract will run out in January 2015. However, as of the year 2005 (latest year of record), the landfill has a closure date in 2025 and a remaining capacity of 74 percent.⁸⁰ San Francisco Ordinance No. 27-06 requires a minimum of 65 percent of all construction and demolition debris to be recycled and diverted from landfills. San Francisco had a goal of 75 percent solid waste diversion by 2010 and has a goal of 100 percent solid waste diversion by 2020. San Francisco diverted 80 percent of their solid waste in the year 2010.⁸¹

Although the proposed project would incrementally increase total waste generation from the City, the increasing rate of diversion through recycling and other methods would result in a decreasing share of total waste that requires deposition into the landfill. San Francisco Ordinance No. 27-06 requires a minimum of 65 percent of all construction and demolition debris to be recycled and diverted from landfills. Furthermore, the project would be required to comply with City's Ordinance 100-09, the Mandatory Recycling and Composting Ordinance, which requires everyone in San Francisco to separate their refuse into recyclables, compostables, and trash. Given this, and given the long-term capacity

⁷⁸ San Francisco Public Utilities Commission (SFPUC), 2010 Urban Water Management Plan, which includes county-wide demand projections through the year 2035, and compares water supply and demand. Available online at: <http://www.sfwater.org/Modules/ShowDocument.aspx?documentID=1055>, accessed December 18, 2014; and SFPUC, 2013 Water Availability Study for the City and County of San Francisco. Available online at: <http://www.sfs sewers.org/modules/showdocument.aspx?documentid=3589>, accessed December 18, 2013.

⁷⁹ San Francisco Department of the Environment (DOE), "Zero Waste FAQ." Available online at: <http://www.sfenvironment.org/zero-waste/overview/zero-waste-faq>. Accessed February 13, 2015.

⁸⁰ CalRecycle, "Active Landfills Profile for Altamont Landfill and Resource Recv'ry (01-AA-0009)." Available online at: <http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/>. Accessed February 13, 2015.

⁸¹ DOE, "Mayor Lee Announces San Francisco Reaches 80 Percent Landfill Waste Diversion, Leads All Cities in North America." Available online at: <http://www.sfenvironment.org/news/press-release/mayor-lee-announces-san-francisco-reaches-80-percent-landfill-waste-diversion-leads-all-cities-in-north-america>. Accessed February 13, 2013.

available at the Altamont Landfill, the solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity, and the project would result in a less-than-significant solid waste generation impact.

Impact UT-4: The construction and operation of the proposed project would comply with all applicable statutes and regulations related to solid waste. (Less than Significant)

The California Integrated Waste Management Act of 1989 (AB 939) requires municipalities to adopt an Integrated Waste Management Plan (IWMP) to establish objectives, policies, and programs relative to waste disposal, management, source reduction, and recycling. Reports filed by the San Francisco Department of the Environment showed the City generated approximately 870,000 tons of waste material in 2000. By 2010, that figure decreased to approximately 455,000 tons. Waste diverted from landfills is defined as recycled or composted. San Francisco has a goal of 75 percent landfill diversion by 2010 and 100 percent by 2020. As of 2009, 78 percent of San Francisco's solid waste was being diverted from landfills, having met the 2010 diversion target. Since 2007, waste diversion increased by 6 percentage points.⁸²

San Francisco Ordinance No. 27-06 requires a minimum of 65 percent of all construction and demolition debris to be recycled and diverted from landfills. Furthermore, the project would be required to comply with City's Ordinance 100-09, the Mandatory Recycling and Composting Ordinance, which requires everyone in San Francisco to separate their refuse into recyclables, compostables, and trash. With waste diversion and expansions that have occurred at the Altamont Landfill, there is adequate capacity to accommodate San Francisco's solid waste. The proposed project would meet both the construction and demolition debris diversion rate and the requirements of the Mandatory Recycling and Composting Ordinance, which requires all persons in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs.

Therefore, solid waste generated from the project's construction and operation would not substantially affect the projected life of the landfill, and no associated impacts related to solid waste would occur.

Impact C-UT: The proposed project would not make a considerable contribution to any cumulative significant effects related to utilities or service systems. (Less than Significant)

Cumulative development in the project site vicinity would incrementally increase demand on citywide utilities and service systems, but not beyond levels anticipated and planned for by public service providers. Given that the City's existing service management plans address anticipated growth in the region, the proposed project would not be expected to have a considerable effect on utility service provision or facilities under cumulative conditions.

⁸² City and County of San Francisco, Department of Public Health, Environmental Health Section. Available on the internet at <http://www.sfindicatorproject.org/indicators/view/4>. Accessed on December 20, 2014.

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

Impact PS-1: The proposed project would not increase the demand for police service, and would not result in substantial adverse impacts associated with the provision of such services. (Less than Significant)

The proposed project would result in more intensive use of the project site than currently exists, and thus would likely incrementally increase police service calls in the project area. Police protection is provided by the Southern Police Station located at 850 Bryant Street (on Bryant between Sixth and Seventh Streets, approximately four blocks southeast of the project site). Although the proposed project could increase the number of calls received from the area or the level of regulatory oversight that must be provided as a result of the increased concentration of activity on site, the increase in responsibilities would not be substantial in light of the existing demand for police protection services. The Southern Station would be able to provide the necessary police services and crime prevention in the area. Meeting this additional service demand would not require the construction of new police facilities. Hence, the proposed project would have a less-than-significant impact on police services.

Impact PS-2: The proposed project would not increase demand for fire protection services, and would not result in substantial adverse impacts associated with the provision of such service. (Less than Significant)

The proposed project would result in more intensive use of the project site than currently exists, and thus, as with police service calls, would likely incrementally increase fire service calls in the project area. The project site receives fire protection services from the San Francisco Fire Department (SFFD). Fire stations located nearby include Station 36 at 109 Oak Street (at the corner of Oak and Franklin Streets, approximately five blocks southwest of the project site), Station 3, at 1067 Post Street (near the corner of Post and Polk Streets, approximately ten short blocks northwest of the project site), and Station 1, at 935 Folsom (at Fifth Street approximately four long blocks southeast of the project site). Although the proposed project would increase the number of calls received from the area or the level of regulatory oversight that must be provided as a result of the increased concentration of activity on site, the increase in responsibilities would not be substantial in light of existing demand for fire protection services.

Furthermore, the proposed project would be required to comply with all applicable building and fire codes, which establish requirements pertaining to fire protection systems, including, but not limited to, the provision of state-mandated smoke alarms, fire alarm and sprinkler systems, fire extinguishers, required number and location of egress with appropriate distance separation, and emergency response

notification systems. Since the proposed project would be required to comply with all applicable building and fire codes, and the proposed project would result in an incremental increase in demand for service and oversight, it would not result in the need for new fire protection facilities, and would not result in significant impacts to the physical environment. Hence, the proposed project would have a less-than-significant impact on fire protection services.

Impact PS-3: The proposed project would generate school students which would not result in substantial adverse impact associated with the provision of school services, and there would be a less than significant impact on existing school facilities. (Less than Significant)

A decade-long decline in San Francisco Unified School District (SFUSD) enrollment ended in the 2008–2009 school year, and total enrollment in the SFUSD has increased from approximately 55,000 in 2007–2008 to nearly 57,650 in the 2013–2014 school year.⁸³ According to a 2010 SFUSD enrollment study, new market-rate condominium units in San Francisco generate very few public school students. In projecting enrollment through 2035, the study used a mix of enrollment factors; for the Market and Octavia and Transbay areas combined, the overall weighted student generation rate was 0.19 Kindergarten through 12th grade students per unit. Applying that rate to the proposed project’s 90 dwelling units would result in an enrollment increase in the SFUSD of approximately 17 students.

The Tenderloin Community School, at 627 Turk Street (about half a mile northwest of the project site), Bessie Carmichael School, at 375 Seventh Street (about half a mile southeast of the project site), and Daniel Webster School, at 465 Missouri Street (about two miles south of the project site) are the nearest public elementary schools to the project site. The closest middle schools are Everett, about 1.75 miles southwest, and Francisco, about 1.8 miles north. Mission, O’Connell, Galileo, and Independent Studies Academy high schools are all within about 2 miles of the site. Nearby private schools include the following: DeMarillac Academy, at 175 Golden Gate Avenue (about two blocks northwest of the project site), and the San Francisco City Academy, at 230 Jones Street (just over two blocks north of the project site). The proposed project, a mix of commercial and residential uses, would incrementally increase the number of school-aged children that would attend public schools in the project area, by a total of about 17 students, as noted above. However, this increase would not exceed the projected student capacities that are expected and provided for by the San Francisco Unified School District as well as private schools in the project area. Therefore, the implementation of the proposed project would not necessitate the need for new or physically altered schools.

⁸³ California Department of Education, Data Reporting Office, San Francisco Unified School District, K-12 Public School Enrollment, Time Series, 1996-2014. Available on the internet at: <http://dq.cde.ca.gov/dataquest/DQ/EnrTimeRpt.aspx?Level=District&cYear=2013-14&cname=San%20Francisco%20Unified&cCode=3868478>. Reviewed October 8, 2014.

In addition, the proposed project would be subject to a citywide development impact fee, which requires a payment of \$2.24 per square foot of assessable space for residential development constructed within the SFUSD to be paid to the district.⁸⁴

In summary, the proposed project would not result in a substantially increased demand for school facilities, and would not require new or expanded school facilities. The proposed project would thus result in a less-than-significant impact on school facilities.

Impact PS-4: The proposed project would not substantially increase demand for government services, and there would be no adverse impact on government facilities. (Less than Significant)

The proposed project would incrementally increase demand for governmental services and facilities such as libraries; however, the project would not be of such a magnitude that the demand could not be easily accommodated without the need to construct or physically alter these existing facilities. Overall, the proposed project would have less-than-significant impacts on governmental services.

Impact C-PS: The proposed project, combined with past, present, and reasonably foreseeable future projects in the vicinity, would not have a substantial cumulative impact to public services. (Less than Significant)

The proposed project is not expected to significantly increase demand for public services beyond levels anticipated and planned for by public service providers. Cumulative development in the project area would incrementally increase demand for public services, but not beyond levels anticipated and planned for by public service providers. Thus, project-related impacts to public services would not be cumulatively considerable.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁸⁴ San Francisco Unified School District, Developer Impact Fee Annual and Five Year Reports for the Fiscal Year Ending June 30 2014, November 10, 2014. Available online at <http://www.sfusd.edu/>. Accessed December 20, 2014.

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

The proposed project is located in a developed area completely covered by impervious surfaces. The project area does not include riparian habitat or other sensitive natural communities as defined by the California Department of Fish and Wildlife and the United States Fish and Wildlife Service; therefore, Question 12b is not applicable to the proposed project. In addition, the project area does not contain any wetlands as defined by Section 404 of the Clean Water Act; therefore Question 12c is not applicable to the proposed project. Moreover, the proposed project does not fall within any local, regional or state habitat conservation plans; therefore, Question 12f is not applicable to the proposed project.

Impact BI-1: The proposed project would have no substantial impact on special status species, avian species, riparian, wetland, or sensitive natural communities, and would not conflict with an approved local, regional, or state habitat conservation plan. (Less than Significant)

The project site is entirely covered with impervious surfaces and does not provide habitat for any rare or endangered plant or animal species. Thus, the proposed project would not adversely affect or substantially diminish plant or animal habitats, including riparian or wetland habitat. The proposed project would not interfere with any resident or migratory species, nor affect any rare, threatened or endangered species. The proposed project would not interfere with species movement or migratory corridors.

Migrating birds do pass through San Francisco, but the project site does not contain habitat to support migrating birds. Nesting birds, their nests, and eggs are fully protected by Fish and Game Code (Sections 3503, 3503.5) and the federal Migratory Bird Treaty Act (MBTA). Although the proposed project would be subject to the MBTA, the site does not contain habitat supporting migratory birds; therefore the project would have a less-than-significant impact to nesting birds.

The proposed project would not conflict with any local policies or ordinances directed at protecting biological resources.

Impact BI-2: The proposed project would not conflict with the City's local tree ordinance. (Less than Significant)

The City's Urban Forestry Ordinance, *Public Works Code* Sections 801 et. seq., requires a permit from the Department of Public Works (DPW) to remove any protected trees. Four existing trees are located on the Market Street frontage, in front of the existing building. As part of the proposed project, the existing street trees would be retained. *Planning Code* Section 138.1(c)(1) requires that for every 20 feet of property frontage along each street, one 24-inch box tree be planted, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. The proposed project, which would include a 75-foot property frontage along both Market and Stevenson Streets, would comply with Section 138.1(c)(1) by retaining the four existing trees along Market Street and planting three new street trees along Stevenson Street. The sidewalk on the project frontage of Stevenson Street is only seven feet wide, street trees can be planted only in the widened portion of the sidewalk that would permit the required five-foot pedestrian zone and that excludes the frontage where the new building's driveway would be located. Because the proposed project would not conflict with the City's local tree ordinance, this impact would be less than significant.

Impact C-BI: The proposed project in combination with other past, present or reasonably foreseeable projects, would not result in impacts to biological resources. (Less than Significant)

As discussed above, the project site does not contain biological resources, and the project vicinity has few street trees, which do not provide a habitat for endangered or threatened plant or animal species. Therefore, the project could not impact such species. The proposed project would not have the potential to contribute to cumulative impacts on biological resources.

In summary, as noted above, the proposed project would not have significant impacts on special status species, avian species, riparian, wetland, or sensitive natural communities; would not conflict with an approved local, regional, or state habitat conservation plan or tree protection ordinance; and would have less-than-significant cumulative impact on biological resources.

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

The project site would be connected to the existing sewer system and would not require use of septic systems. Therefore, Question 13e would not be applicable to the project site.

This section describes the geology, soils, and seismicity characteristics of the project area as they relate to the proposed project. Responses in this section rely on the information and findings provided in the Geotechnical Investigation prepared by Rollo & Ridley for the project site, unless otherwise noted.⁸⁵ The study relied on available geotechnical data from the surrounding area to develop preliminary conclusions and recommendations, including soil samples from borings and penetration tests from the rear of the project site. Based on these tests, the site is likely underlain by 8 to 10 feet of fill below the existing basement slab.

⁸⁵ Rollo and Ridley (see footnote 24, p. 34).

In general, fill encountered in this area consists mainly of loose to medium dense sand with occasional debris and rubble with varying amounts of silt, although abandoned foundation elements and construction debris are also commonly found in the fill. The fill is underlain by loose to very dense, fine-grained sand (Dune sand), to a depth of 50 to 60 feet below ground surface (bgs). The Dune sand is underlain by the Colma formation, which consists of dense to very dense and stiff (clayey sand, sandy clay, and sand interbedded with clay seams) that is up to 60 feet thick in the area and generally extends to bedrock. The Colma formation is relatively incompressible and is a suitable bearing layer for foundation elements. The groundwater was encountered at about 6.5 to 7.6 feet below the basement slab (approximately 20 feet below the surface of Market Street), although it varies somewhat with seasons and rainfall quantity.

Impact GE-1: The proposed project would not result in exposure of people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic ground-shaking, liquefaction, lateral spreading, or landslides. (Less than Significant)

With respect to potential rupture of a known earthquake fault, published data indicate that neither known active faults nor extensions of active faults exist beneath the project site. Therefore, the potential of surface rupture occurring at the site is very low and is considered less than significant for purposes of this analysis.

In terms of the potential for strong seismic ground shaking, the site is located within a 60-kilometer radius of several major active faults, including the San Andrea (12 km), San Gregorio (17 km), and Hayward (17 km). According to U.S. Geological Survey, the overall probability of moment magnitude 6.7 or greater earthquake to occur in the San Francisco Bay Region during the next thirty years is 63 percent. Therefore, there is potential that a strong to very strong earthquake would affect the project during its lifetime.

ABAG has classified the Modified Mercalli Intensity Shaking Severity Level of ground shaking in the proposed project vicinity due to an earthquake on the North San Andreas Fault as “VIII-Very Strong.”⁸⁶ Very strong shaking would result in damage to some masonry buildings, fall of stucco and some masonry walls, fall of chimneys and elevated tanks, and shifting of unbolted wood frame structures off their foundations. In accordance with the *San Francisco Building Code* requirement, the design-level Geotechnical Investigation analyzed the potential for strong seismic shaking and recommended that the proposed project seismic design be in accordance either with the provisions of 2010 California Building Code or the provisions of 2013 California Building Code. With implementation of these recommendations, as required by the *San Francisco Building Code*, the impacts to the proposed project due to strong seismic ground shaking would be less than significant.⁸⁷

⁸⁶ Association of Bay Area Governments. Earthquake Hazard Map for San Francisco Scenario: Entire San Andreas Fault System, <http://www.abag.ca.gov/cgi-bin/pickmapx.pl>. Accessed on November 5, 2014.

⁸⁷ Rollo and Ridley (see footnote 24, p. 34).

Liquefaction and lateral spreading of soils can occur when ground shaking causes saturated soils to lose strength due to an increase in pore pressure. In terms of seismic-related ground failure, including liquefaction, the site is within a designated liquefaction hazard zone as shown on the California Geological Survey (CGS) seismic hazard zone map for the area titled State of California Seismic Hazard Zones, City and County of San Francisco, Official Map, dated November 17, 2000.⁸⁸ CGS provided recommendations for the content of site investigation reports within seismic hazard zones in Special Publication 117A, which recommends that at least one exploration point extend to a depth of at least 50 feet to evaluate liquefaction potential. Review of borings indicates that loose to medium dense sand is likely present both above and below the natural groundwater table in the site vicinity. Loose sand above the groundwater table may densify and loose to medium dense sand below the groundwater table may liquefy during strong ground shaking due to a seismic event on a nearby fault.

The Geotechnical Investigation tests show medium dense sand exists below the water table from a depth of about 7 to 13 feet below the existing basement slab. According to the investigation, liquefaction-induced settlement may occur within the building footprint where the medium dense sand is present and that the saturated sand (sand below the groundwater table) encountered is sufficiently dense so that liquefaction-induced settlement should not occur. Overall, the investigation concluded that the potential for lateral spreading is low given that there is no continuous liquefiable layer beneath the site and that the surrounding ground surface is relatively level. As noted above, the Geotechnical recommended that the proposed project seismic design be in accordance either with the provisions of 2010 California Building Code or the provisions of 2013 California Building Code. Implementation of these recommendations, as required by the *San Francisco Building Code*, would reduce any potential impacts of seismic-related ground failure, including liquefaction, to a less-than-significant level.⁸⁹

With respect to landslides, based on the *San Francisco General Plan*, the project site is relatively level and is not located within a mapped landslide zone.⁹⁰ The site is not within a designated earthquake-induced landslide zone as shown on the CGS seismic hazard zone map for the area. Therefore, the proposed project would have no impact with respect to potential for landslides.

Impact GE-2: The proposed project would not result in substantial loss of topsoil or erosion. (Less than Significant)

The project site is generally flat and entirely covered with impervious surfaces. The proposed project would not substantially change the general topography of the site or any unique geologic or physical features of the site. The project would require excavation of the construction of the proposed building and removal of approximately 8,000 cubic yards of soil. The project site size of 12,375 square feet

⁸⁸ California Geologic Survey, *Seismic Hazard Zones, City and County of San Francisco, Official Map*, November 17, 2000.

⁸⁹ Rollo and Ridley (see footnote 24, p. 34).

⁹⁰ *San Francisco General Plan*, Community Safety Element, Map 4. Available online at: http://www.sf-planning.org/ftp/General_Plan/Community_Safety_Element_2012.pdf. Accessed on November 5, 2014.

(0.28 acre) would be under the one-acre threshold for a National Pollutant Discharge Elimination System (NPDES) General Construction Permit.

The project sponsor and its contractor would be required to implement best management practices (BMPs) that include erosion and sedimentation control measures, as required by the City and/or resources agencies, which would reduce short-term construction-related erosion impacts to less-than-significant levels.

Impact GE-3: The proposed project would be located on a 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. (Less than Significant)

The area around the project site does not include hills or cut slopes likely to be subject to landslide. Improvements proposed as part of the project include a one-story basement below grade, which would require excavation to a maximum of approximately 15 feet bgs (20 to 21 feet including the foundation). According to the preliminary geotechnical study, the site is underlain by 8 to 10 feet of fill (consisting mainly of poorly graded fine-grained sand with occasional debris and rubble), with Dune sand extending down to 50 to 60 feet bgs beneath the fill. Groundwater was measured at a depth of approximately 6.5 to 7.6 feet below the existing basement slab (approximately 20 to 21 feet below the surface of Market Street), although it varies somewhat with seasons and rainfall quantity. According to the Geotechnical Investigation, waterproofing should be designed for the portions of the building extending below 18 feet elevation. At approximately 15 feet bgs, the proposed basement slab would be above the groundwater table. However, the Geotechnical Investigation provides recommendations for either waterproofed system or vapor retarder system to manage the water vapor that may occasionally be present within the subgrade soil.

During construction, excavation of the existing surface fill materials and Dune sand would be necessary to construct the proposed basement level of the structure. The Geotechnical Investigation included specific recommendations to be implemented during construction in order to prevent the Dune sands from caving and to protect neighboring structures, including the BART Tunnel to the north of the site. Excavation activities would require the use of shoring and underpinning in accordance with the recommendations of the geotechnical report and *San Francisco Building Code* requirements. BART guidelines for design and construction over or adjacent to BART subway structure include, but are not limited to, a minimum depth for pre-drilled piles, shoring and underpinning, vibration monitoring, and dewatering monitoring. Per the recommendations of the geotechnical report, the proposed project construction and excavation activities would be required to adhere to these guidelines. Further, the project sponsor is required to submit to the BART Engineering Department, structural calculations and/or a narrative that shows and explains how the proposed project would not adversely affect the BART Tunnel under both static and seismic load conditions. A review of the geotechnical report, and structural and shoring plans and calculations by the BART Engineering Department will be required during final design of the proposed project.

San Francisco Building Code requirements would ensure that the project applicant include analysis of the potential for unstable soil impacts as part of the design-level geotechnical investigation prepared for the proposed project; therefore, potential impacts of unstable soils would be less than significant.

Impact GE-4: The proposed project could be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property. (Less than Significant)

Expansive soils expand and contract in response to changes in soil moisture, most notably when near surface soils change from saturated to a low-moisture content condition, and back again. The presence of expansive soils is typically determined on site specific data. As noted above, the site is likely underlain by approximately 8 to 10 feet of fill below the existing basement slab (or between 20 and 22 feet below Market Street). Anticipated excavation of the basement garage and foundation is expected to remove the majority existing fill materials at the site, leaving mostly the underlying Dune sands. Due to the low clay content within the Dune sands, there would have a low likelihood for expansion. However, areas not excavated, including sidewalks and other adjacent improvements, may be affected by expansive soils, if present. Due to the *San Francisco Building Code* requirement that the project applicant include analysis of the potential for soil expansion impacts as part of the design-level geotechnical investigation prepared for the proposed project, potential impacts related to expansive soils would be less than significant.

Impact GE-5: The proposed project would not substantially change the topography or any unique geologic or physical features of the site. (No Impact)

The existing project site is already developed. The proposed project would not substantially change the topography of the site, with the exception of excavation for the underground garage. There are no unique geologic or physical features of the site. Therefore, no impact would occur to topographic or unique geologic or physical features.

Impact C-GE: The proposed project would not make a considerable contribution to any cumulative significant effects related to geology or soils. (Less than Significant)

Given that the proposed project would not result in a large degree of excavation and that there are no adjacent projects that would combine with the proposed project's less-than-significant impacts in a cumulatively considerable manner. Thus, the proposed project's impacts related to geology and soils, both individually and cumulatively, would be less than significant.

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

The project is not located in an area identified as subject to seiche or potential inundation in the event of a tsunami along the San Francisco coast, based on a 20-foot water level rise at the Golden Gate (Maps Six and Seven of the Community Safety Element of the *San Francisco General Plan*). In addition, the developed area of the project site would not be subject to mudflow. Thus, Question 14j does not apply.

Impact HY-1: The proposed project would not violate any water quality standards or waste discharge requirements and would result in less-than-significant impacts to water quality. (Less than Significant)

As discussed in the utilities and services section, wastewater and stormwater from the project site would continue to flow into the City's combined stormwater and sewer system and would be treated to the standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant, prior to discharge into the San Francisco Bay. Treatment would be provided pursuant to the effluent discharge standards contained in the City's NPDES permit for the plant. Additionally, as new construction, the proposed project would be required to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance (SFSMO) and meet the San Francisco Public Utilities Commission (SFPUC) stormwater management requirements per the Stormwater Design Guidelines. The project sponsor would be required to submit and have approved by the SFPUC a Stormwater Control Plan (SCP) that complies with the City's Stormwater Design Guidelines using a variety of BMPs. For a project that would disturb over 5,000 square feet of ground surface and that is located in the combined sewer system, the BMPs must meet the SFPUC performance requirements equivalent to LEED 6.1 and reduce the total stormwater runoff volume and peak runoff rate from the project site. The SFPUC emphasizes the use of low-cost, low impact BMPs to meet this requirement. Implementation of the SCP would ensure that the project meets performance measures set by the SFPUC related to stormwater runoff rate and volume. Therefore, the proposed project would not substantially degrade water quality and water quality standards or waste discharge requirements would not be violated. Thus, the project would have a less-than-significant impact on water quality resources.

Impact HY-2: The proposed project would not substantially deplete groundwater supplies or interfere with groundwater recharge, or otherwise substantially alter the existing drainage pattern of the site resulting in erosion or flooding on- or off-site. (Less than Significant)

Construction of the proposed project would retain the existing impervious surface at the site, but would not increase the amount of impervious surface; therefore, the project would not result in any change in infiltration or runoff. As noted above, groundwater was encountered at about 6.5 to 7.6 feet below the basement slab (approximately 20 feet below the surface of Market Street), although it varies somewhat with seasons and rainfall quantity. Groundwater is not used as a drinking water supply in San Francisco. As noted above, at approximately 15 feet bgs, the proposed basement slab would be above the groundwater table. However, if groundwater were encountered on-site, then dewatering activities would be necessary. The Bureau of Systems Planning, Environment, and Compliance of the SFPUC must be notified of projects necessitating dewatering. The SFPUC may require water analysis before discharge. The project would be required to obtain a Batch Wastewater Discharge Permit from the SFPUC Wastewater Enterprise Collection System Division (WWE/CSD) prior to any dewatering activities. Groundwater encountered during construction of the proposed project would be subject to requirements of the Article 4.1 of the Public Works Code, Industrial Waste, requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. These measures would ensure protection of water quality during construction of the proposed project. Therefore, groundwater resources would not be substantially

degraded or depleted, and the proposed project would not substantially interfere with groundwater recharge. Thus, the proposed project would have a less-than-significant impact on groundwater.

Impact HY-4: The proposed project would not result in an increase in risks from flooding. (Less than Significant)

The ground surface elevation at the site and vicinity is approximately 35 feet San Francisco City Datum.⁹¹ The project site is not located within a Special Flood Hazard Area identified on San Francisco's Interim Floodplain Map.⁹² According to SFPUC's areas of inundation maps, the project site is not located in an area subject to permanent or temporary inundation as a result of a 100-year storm surge in addition to projected water level increases as a result of sea level rise. Therefore, and the project would not propose housing or structures that would impede or redirect flood flows within a 100-year flood hazard area.

However, the project site is within the South of Market Flood Zone—an area the SFPUC has specifically identified as having potential flooding hazards related to the depth of sewer lines relative to properties they serve. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. As described in Topic 13, Geology and Soils, the project site is underlain by approximately 8 to 10 feet of artificial fill below the existing basement slab. Accordingly, the project sponsor would be required to determine whether the project would result in ground level flooding during storms. If so, the sponsor would be required to comply with SFPUC post-construction stormwater design guidelines for projects in flood-prone zones as part of the permit approval process. These measures could include providing a pump station for the sewage flow, raising the elevation of entryways, providing special sidewalk construction, and constructing deep gutters, among others. Implementation of SFPUC requirements for projects in flood-prone zones as part of the permit approval process would ensure that the project would not result in flood hazards that would endanger people or result in structural damage. Therefore, impacts related to placement of housing within a 100-year flood zone and impedance or redirection of flood flows would be less than significant.

Impact C-HY: The proposed project in combination with other past, present, or reasonably foreseeable projects would result in less-than-significant hydrology and water quality impacts. (Less than Significant)

As stated above, the proposed project would result in less-than-significant impacts to groundwater levels and existing drainage patterns. Therefore, it would not contribute considerably to any potential cumulative impacts, and cumulative impacts related to flooding would be less than significant. Because other development projects would be required to follow dewatering and water quality regulations, similar to the proposed project, no substantial cumulative impacts are anticipated, and the proposed

⁹¹ Rollo and Ridley (see footnote 24, p. 34). San Francisco Datum (SFD) establishes the City's zero point for surveying purposes at approximately 11.3 feet above the mean sea level established by the current 1988 North American Vertical Datum.

⁹² City and County of San Francisco, San Francisco Interim Floodplain Map, Northeast. Final Draft July, 2008.

project would not contribute considerably to any such cumulative effects. Thus, cumulative hydrology and water quality impacts would be less than significant.

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

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, Questions 15e and 15f are not applicable.

Impact HZ-1: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Less than Significant)

The project would likely result in use of common types of hazardous materials typically associated with retail and residential uses, such as cleaning products and disinfectants. These products are labeled to inform users of their potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. Businesses are required by

law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers who handle hazardous materials, and adequately training workers. For these reasons, hazardous materials used during project operation would not pose any substantial public health or safety hazards resulting from hazardous materials. Thus, the project would result in less-than-significant impacts related to the use of hazardous materials.

Impact HZ-2: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable conditions involving the release of hazardous materials into the environment. (Less than Significant)

The proposed project site is located in an area of San Francisco governed by Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH).⁹³ The project would disturb more than 50 cubic yards of soil and would involve excavation of approximately 8,000 cubic yards of soil. Therefore, the project is subject to the Maher Ordinance. The Maher Ordinance requires the project sponsor 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 Phase I would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to DPH or other appropriate state or federal agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to DPH and a Phase I ESA has been prepared to assess the potential for site contamination.⁹⁴ The Phase I ESA included: (1) a reconnaissance-level site visit to look for evidence of the release(s) of hazardous materials and petroleum products; (2) inquires by telephone, visit, online databases, and /or written correspondence to regulatory agencies regarding building or environmental permits, environmental violations, incidents and/or status of enforcement actions at the project site; (3) review local, state, and federal records pertinent to a Phase I ESA; (4) review of relevant documents and maps regarding local geologic and hydrogeologic conditions; and (5) review of historical documents including aerial photographs and topographical maps.

According to historic sources, the earliest recorded land uses in the immediate area were residential and retail. By 1912, the existing Grauman's Imperial Theater building was occupying the site while the surrounding area was still dominated by residential dwellings, store fronts, and some commercial

⁹³ San Francisco Planning Department, "Expanded Maher Area" Map, February 2014. Available on the internet at: http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf.

⁹⁴ Treadwell & Rollo, *Phase I Environmental Site Assessment, 1075 – 1077 Market Street, San Francisco, CA*, August 23, 2013. This document is available for review as part of Case File No. 2013.1690E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

buildings. By the 1950's the surrounding area is occupied by mostly commercial and retail businesses with very little changes since then.

No observed evidence of any significant staining, spillage, and/or ponded liquids or unconfined solids was discovered on the project site during site reconnaissance. No recognized environmental conditions associated with the storage of hazardous materials at the project site were observed. No potential underground storage tanks (USTs), fill ports, or groundwater monitoring wells were noted at adjacent properties. No apparent signs of chemical releases or leaks were noted at any of the nearby facilities.

As noted in the Phase I, a regulatory agency database report (EDR Report) indicates that facilities of environmental concern in the vicinity of the project site had no violations, were closed by the regulatory agency, were hydrologically cross-gradient or down-gradient, or were determined to be a significant distance (greater than a 1/4 mile) from the project site. As a result, these listings are not expected to pose an environmental risk to the project site and are not discussed. The project site itself was not listed on any of the regulatory databases.

Overall, the documented nearby off-site sources that could affect environmental conditions at the project is judged to be unlikely. Although several neighboring properties were identified as potential sources of activities involving hazardous substances or petroleum products, there is no readily available evidence that these facilities have affected the environmental conditions of the project site.

Based on the information and conclusions from the Phase I, the proposed project would not result in a significant hazard to the public or environment from contaminated soil and/or groundwater and the proposed project would result in a less-than-significant impact.

Impact HZ-3: The proposed project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school. (Less than Significant)

Several schools are located within a quarter-mile of the project site, including the following: Judith Baker Child Development Center, at 685 Natoma Street, about 1,000 feet south of the project site; DeMarillac Academy, at 175 Golden Gate Avenue, about 650 feet northwest of the project site; and the San Francisco City Academy, at 230 Jones Street, or about 1,000 feet north of the project site.

The proposed project would not store, handle, or dispose of significant quantities of hazardous materials and would not otherwise include any uses that would include emissions of hazardous substances. Thus, the proposed project would have a less-than-significant impact related to hazardous emissions or materials within a quarter mile of a school.

Impact HZ-4: The proposed project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (No Impact)

The project site is not on any available environmental databases as compiled by the California Department of Toxic Substances Control (DTSC) or the State Water Resources Control Board pursuant to Government Code Section 65962.5. The project site is not listed in database reports from state and federal regulatory agencies that identify businesses and properties that handle or have released hazardous materials or waste.⁹⁵ The proposed project would have no impact related to this criterion.

Impact HZ-5: The proposed project would not expose people or structures to a significant risk of loss, injury or death involving fires, nor interfere with the implementation of an emergency response plan. (Less than Significant)

San Francisco ensures fire safety primarily through provisions of the Building and Fire Codes. Final building plans are reviewed by the San Francisco Fire Department (as well as the Department of Building Inspection), to ensure conformance with these provisions. In this way, potential fire hazards, including those associated with hydrant water pressures and emergency access, would be mitigated during the permit review process.

The implementation of the proposed project could add incrementally to congested traffic conditions in the immediate area in the event of an emergency evacuation. However, the proposed project would be relatively insignificant within the dense urban setting of the project site and it is expected that traffic would be dispersed within the existing street grid such that there would be no significant adverse effects on nearby traffic conditions. Therefore, the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan and this impact would be less than significant.

Impact C-HZ: The proposed project would not make a considerable contribution to any cumulative significant effects related to hazardous materials. (Less than Significant)

Impacts from hazardous materials are generally site-specific and typically do not result in cumulative impacts. Any hazards at nearby sites would be subject to the same safety or remediation requirements discussed for the proposed project above, which would reduce any hazard effects to less-than-significant levels. As such, the proposed project's impacts related to hazardous materials, both individually and cumulatively, would be less than significant.

⁹⁵ Treadwell and Rollo (see footnote 94, p. 96).

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
16. MINERAL AND ENERGY RESOURCES— Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact ME-1: The proposed project would have no impact on mineral resources. (No Impact)

All land in the City of San Francisco, including the project site, is designated by the CGS as Mineral Resource Zone Four (MRZ-4) under the Surface Mining and Reclamation Act of 1975. The MRZ-4 designation indicates that adequate information does not exist to assign the area to any other MRZ; thus, the area is not one designated to have significant mineral deposits. The project site has previously been developed, and future evaluations of the presence of minerals at this site would therefore not be affected by the proposed project. Further, the development and operation of the proposed project would not have an impact on any off-site operational mineral resource recovery sites.

In addition, because the site has been designated as having no known mineral deposits, the proposed project would not result in the loss of availability of a locally- or regionally- important mineral resource, and would have no impact on mineral resources.

Impact ME-2: The proposed project would result in increased energy consumption, but not in large amounts or in a wasteful manner. (Less than Significant)

The proposed project would add new retail and residential uses, and an increased intensity of use, to the project site, although, not to an extent that exceeds anticipated growth in the area. As a new building in San Francisco, the proposed project would be subject to the energy conservation standards included in the San Francisco Green Building Ordinance (SFGBO), which would require the project to meet a number of conservation standards. Documentation showing compliance with the SFGBO would be submitted with the application of the building permit, and would be enforced by the Department of Building Inspection.

In summary, the proposed project would not cause a wasteful use of energy, and effects related to use of fuel, water, or energy would be less than significant.

Impact C-ME: The proposed project in combination with other past, present or reasonably foreseeable projects would result in less-than significant impacts to mineral and energy resources. (Less than Significant)

No known minerals exist in the project site or in the vicinity, as all of the City of San Francisco falls within MRZ-4, as described above. Therefore, the proposed project would not contribute to any cumulative impact on mineral resources.

While statewide efforts are being made to increase power supply and to encourage energy conservation, the demand for energy created by the proposed project would be insubstantial in the context of the total demand within San Francisco and the state, and would not require a major expansion of power facilities. Thus, the energy demand that would be created by the proposed project would not contribute to a cumulative impact, and in cumulative conditions the proposed project would result in less-than-significant impacts on mineral and energy resources.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
17. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.— Would the project					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact AF-1: The proposed project would not convert farmland, conflict with existing zoning for agricultural uses or forest land, and would not result in the loss or conversion of forest land. (No Impact)

The project site is located within an urbanized area of San Francisco. No land in San Francisco County has been designated by the California Department of Conservation's Farmland Mapping and Monitoring Program as agricultural land. Because the project site does not contain agricultural uses and is not zoned for such uses, the proposed project would not require the conversion of any land designated as prime farmland, unique farmland, or Farmland of Statewide Importance to non-agricultural use. The proposed project would not conflict with any existing agricultural zoning or Williamson Act contracts.⁹⁶ No land in San Francisco is designated as forest land or timberland by the State Public Resource Code. Therefore, the proposed project would not conflict with zoning for forest land, cause a loss of forest land, or convert forest land to a different use. The proposed project would therefore have no impact on agricultural and forest resources.

Impact C-AF: The proposed project in combination with other past, present or reasonably foreseeable projects would not result in impacts to agricultural and forest resources. (No Impact)

As described above, the proposed project would have no impact with respect to agriculture and forestry resources; therefore, the proposed project would not contribute to any cumulatively considerable impact to agricultural and forest resources.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
18. MANDATORY FINDINGS OF SIGNIFICANCE— Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁹⁶ San Francisco is identified as "Urban and Built-Up Land" on the California Department of Conservation Important Farmland in California Map, 2008. Available online at www.consrv.ca.gov. Accessed on December 3, 2014.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
18. MANDATORY FINDINGS OF SIGNIFICANCE (continued)					
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The foregoing analysis identifies potentially significant impacts related to archaeological resources, construction noise, and construction air quality, which would all be mitigated through implementation of mitigation measures identified below and described within Section E.

- a) As discussed in the various topics in this Initial Study, the proposed project is anticipated to have less-than-significant impacts on the environmental topics discussed. The project, however, could have potentially significant impacts resulting from direct or indirect damage to adjacent historic resources, disturbance to archeological resources, construction noise effects on nearby sensitive receptors, or exposure of nearby sensitive receptors to additional air pollution from project construction. These impacts would be mitigated through implementation of Mitigation Measures M-CP-1, M-CP-2, and M-AQ-2 to less-than-significant levels, as described within Section E.
- b) The proposed project in combination with the past, present and foreseeable projects as described in Section E, would not result in cumulative impacts to land use, aesthetics, population and housing, transportation and circulation, noise, air quality, GHG emissions, wind and shadow, recreation, utilities and service systems, public services, biological resources, geology and soils, hydrology and water quality, hazards and hazardous materials, mineral and energy resources, and agricultural and forest resources.
- c) The proposed project, as discussed in Section C (Compatibility with Existing Zoning and Plans) and Section E, Topic 1 (Land Use and Land Use Planning) would be generally consistent with local and zoning requirements. Mitigation Measures M-CP-1, M-CP-2, and M-AQ-2, would address cultural resources, noise, and air quality impacts. Implementation of these mitigation measures would reduce any direct and indirect impact to humans from construction and operation of the project to less-than-significant levels.

F. MITIGATION MEASURES AND IMPROVEMENT MEASURES

The following mitigation measures have been identified to reduce potentially significant impacts resulting from the proposed project to less-than-significant levels. Accordingly, the project sponsor has agreed to implement all improvement measures and mitigation measures described below.

Improvement Measure I-CP-1a: Protect Existing Decorative Features of Adjacent Buildings

The project sponsor shall modify the design of the new building to avoid damaging, or requiring removal, of existing projecting cornice elements or other decorative features of the adjacent buildings at the side property lines (the former Egyptian Theater at 1067 Market Street and the Federal Hotel/Aida Hotel at 1083 Market Street). Architectural plans for the proposed project noting retention of these decorative features shall be submitted to the Planning Department as part of the Site Permit Application.

Improvement Measure I-CP-1b: Construction Best Practices for Historic Resources

The project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the former Egyptian Theater at 1067 Market Street and the Federal Hotel/Aida Hotel at 1083 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to direct damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications shall be submitted to the Planning Department along with the Demolition and Site Permit Applications.

Mitigation Measure M-CP-1: Vibration Monitoring and Management Plan

The project sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the former Egyptian Theater at 1067 Market Street and Federal Hotel/Aida Hotel at 1083 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment shall be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment shall determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment shall be submitted to the Planning Department along with the Site Demolition and/or Permit Applications.

The structural engineer and/or preservation architect shall develop and the project sponsor shall adopt a vibration management and continuous monitoring plan to protect the Federal Hotel/Aida Hotel and former Egyptian Theater against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the Project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the Project. The vibration management and monitoring plan shall

include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation Staff prior to issuance of any construction permits.

Should vibration levels be observed in excess of the standard, or damage to either the Federal Hotel/Aida Hotel or former Egyptian Theater is observed, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant shall conduct regular period inspections of digital photographs, survey markers, and/or other monitoring devices during ground-disturbing activity at project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the Pre-Construction Assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco *Building Code* standards.

Mitigation Measure M-CP-2: Archeology Resources (Testing)

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Consultation with Descendant Communities: On discovery of an archeological site⁹⁷ associated with descendant Native Americans, the Overseas Chinese, or other descendant group an appropriate representative⁹⁸ of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment

⁹⁷ By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

⁹⁸ An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archaeologist.

of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

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

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;

- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.

- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

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

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

Mitigation Measure M-AQ-2: Construction Emissions Minimization

- A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:
1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:

- a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
- b) All off-road equipment shall have:
 - i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 offroad emission standards, and
 - ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).⁹⁹
- c) Exceptions:
 - i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.
 - ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).
 - iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in **Table M-AQ-2**.

Table M-AQ-2 – Off-Road Equipment Compliance Step-down Schedule

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

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

⁹⁹ Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
 3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
 4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.
 5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.
- B. *Reporting.* Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.
- C. Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.
- D. *Certification Statement and On-site Requirements.* Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

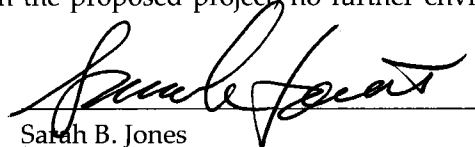
G. PUBLIC NOTICE AND COMMENT

On June 24, 2015, the Planning Department mailed a Notice of Project Receiving Environmental Review to property owners within 300 feet of the project site, adjacent tenants, and other potentially interested parties. One environmental comment was received regarding sewer capacity and one non-environmental comment was received regarding proposed building setbacks.

H. DETERMINATION

On the basis of this Initial Study:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.



Sarah B. Jones

Environmental Review Officer

for

John Rahaim

Director of Planning

DATE: September 16, 2015

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