



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary

### Section 309 Review and Request for Exceptions Conditional Use Authorization / Variances

HEARING DATE: MARCH 17, 2016

*Date:* February 29, 2016  
*Case No.:* **2013.1753CXV**  
*Project Address:* **1066 Market Street**  
*Zoning:* C-3-G (Downtown General)  
120-X Height and Bulk District  
*Block/Lot:* 0350/003  
*Project Sponsor:* Julie Burdick– (415) 772.7142  
Multifamily Investments  
Shorenstein Properties  
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## PROJECT DESCRIPTION

The Project includes the demolition of an existing two-story, vacant, commercial building and adjoining 23,419 square foot surface parking lot, and the new construction of a 12-story, 14-level, mixed-used building containing approximately 304 dwelling units, with commercial retail on the ground floor, bicycle parking and two levels of subterranean parking with 102 parking spaces. The building's height ranges from approximately 113 to 120 feet tall. The proposed dwelling unit mix consists of approximately 61 studios (approximately 20 percent of total units), 76 junior one-bedroom units (approximately 25 percent of total units), 56 one-bedroom units (about 18 percent of total units) and 111 two-bedroom units (about 37 percent). Residential amenities include a lounge, lobby, fitness center, leasing office and bicycle parking. The Project will provide 304 Class 1 and 18 Class 2 bicycle parking spaces.

Approximately 4,540 square feet of commercial retail space provides active street frontage along Market Street, Golden Gate Avenue and Jones Street. Due to a grade change of approximately 13 feet between the northwest corner and southeast corner of the project site, street access to the building occurs from two separate ground floors: one with access from Market Street (Level 1) and another from Jones Street and Golden Gate Avenue (Level 2). A 6,333 square-foot open-air courtyard is located in the center of the proposed Project at Level 1, with an elevated walkway through the courtyard providing access to the at-grade lobby amenity and lounge area on Level 2. A patio intended for the 1,684 square foot commercial space fronting Market Street is located at the southeast corner of the open-air courtyard. The roof includes two terraces totaling approximately 6,000 square feet.



The Market Street façade has been designed with a tripartite vertical expression of a base, shaft and capital – typical of buildings within the Market Street Theater and Loft Historic District. The three sections of the building are delineated by a horizontal reveal. The height of the tall base references similar features on adjacent buildings that are also characterized by tall bases, and will be defined by use of a textured masonry cladding at the piers, multi-level recessed window wall and horizontal reveal. The top of the building on the Market Street façade rests above a horizontal reveal and is characterized by stucco-clad vertical piers that align with piers at the base of the building as well as double-height recessed window groupings. The middle of the building is designed with punched openings in a “basket weave” composition that suggests both the vertically expressed double-hung windows and the slightly more horizontally expressed Chicago-style windows found in the district, which are three-part windows with a large fixed center panel flanked by two smaller windows.

The Golden Gate Avenue and Jones Street facades have also been designed with the basket weave composition found on the Market Street façade. The upper stories of the building would be clad in a panelized system of integrally colored pre-cast concrete units in graded color variations with a light, intermediate and dark shade, as well as an accent color. The base of these facades is characterized by double-height storefront windows, except for a small portion on Golden Gate Avenue, where the double-height windows could not be achieved due to on-site elevation changes. While a tripartite pattern can be found on these frontages, the expression of the three-part façade is more loosely implemented on the designs of the Golden Gate Avenue and Jones Street facades.

## **SITE DESCRIPTION AND PRESENT USE**

The “L” shaped, 27,310 square foot (sf) project site has approximately 55-feet of frontage on Market Street, where it is sandwiched by a three-story commercial building to the west and two-story commercial building to the east. The Project also has frontage on Jones Street to the west, north of the aforementioned three-story commercial building, and Golden Gate Avenue to the north of the project site. A 5,066 gross square foot (gsf) vacant commercial building and adjoining 23,419 gsf surface parking lot currently occupies the project site. The commercial building, which was constructed in 1966, fronts Market Street on the south side of the property. The privately owned parking lot holds approximately 102 vehicles. Existing vehicle and pedestrian access to the surface parking lot is provided on Golden Gate Avenue and Jones Street. Two curb cuts / driveways currently exist on the project site, including one on Golden Gate Avenue and one on Jones Street. Pedestrian access to the commercial building is provided on Market Street. There are no trees on the project site; five street trees are located along the sidewalks surrounding the site. The site slopes down gradually from the northwest to the southeast, with an elevation change of approximately 10 feet. The project site is located in C-3-G (Downtown General) Zoning District and a 120-X Height and Bulk District.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located within the Downtown Plan Area at 1066 Market Street in the Downtown/ Civic Center neighborhood of San Francisco. Within the Downtown / Civic Center neighborhood are smaller districts and micro-neighborhoods, such as the Market Street Theater and Loft Historic District, of which this Project is a part. Land uses in the surrounding area include a mix of low- and mid-rise mixed-use commercial buildings, tourist and residential hotels, multifamily housing, entertainment uses and government institutions. Properties in the immediate vicinity of the project site include a three-story

commercial/ retail building to the south at 1072-1098 Market Street; a 10-story, low-income and senior housing development to the west at 121 Golden Gate Avenue; a seven-story, 820-unit homeless housing facility at 39-42 Jones Street; a nine-story, 108-unit apartment a two-story commercial/ retail building at 1028-1056 Market to the east, which is currently occupied by a “pop-up” food and beverage court (“The Hall”). The Hall is temporarily occupying the space while the property’s project sponsor finalizes the entitlement of the proposed project which includes the demolition of the existing building and the new construction of a 12-story, mixed-use residential-over-ground-floor retail development.

## ENVIRONMENTAL REVIEW

On January 13, 2016 Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review. The Draft IS/MND was available for public comment until February 2, 2016. On February 2, 2016, an appeal of the Mitigated Negative Declaration was filed with the Department. The Planning Commission will conduct a duly noticed public hearing on March 17, 2016, at a regularly scheduled meeting on Application No. 2013.1753XCV and the Appeal of the Mitigated Negative Declaration, 2013.1753E.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	February 26, 2016	February 24, 2016	22 days
Posted Notice	20 days	February 26, 2016	February 24, 2016	22 days
Mailed Notice	10 days	March 7, 2016	March 7, 2016	10 days

## PUBLIC COMMENT AND COMMUNITY OUTREACH

As summarized in the enclosed letter from the Project Sponsor, community outreach has included meetings with the Project’s neighbors, local businesses, community groups, individual residents, schools, religious organizations, and non-profits, including the Tenderloin Neighborhood Development Corporation, Tenderloin Housing Clinic, Tenderloin Economic Development Project, UC Hastings, Community Housing Partnerships, Urban Solutions, SF Bike Coalition, CounterPulse, St. Francis Foundation / Tenderloin Help Improvement Project, Central Market Community Benefit District, Housing Action Coalition, SPUR Design Review Committee, Golden Gate Theatre, Building Trades Commission, Draussalem Mosque, Market Street for the Masses, Mid-Market Business Association, as well as project sponsors, property owners, resident coordinators and tenants of neighboring properties, including but not limited to those at 950 Market Street, 1007 Market Street, 1019 Market Street, 1072 Market Street, 1029 Market Street, 1075 Market, 111 Jones Street, 205 Jones Street, 50 Golden Gate, 129 Golden Gate Avenue, 180 Golden Gate Avenue, 25 Taylor, and 55 Taylor. At times, the Project Sponsor has met with the aforementioned stakeholders multiple times throughout the past 2.5 years.

To date, the Department has not received any correspondence expressing opposition to the Project, however, and appeal was filed on the Preliminary Negative Declaration. Twenty letters of support from the following organizations, business owners, residents and tenants have been received:

- Draussalem Mosque – Mosque at 20 Jones Street

- Encore Capital – property owner in Tenderloin / Mid-Market neighborhood and neighbor
- Group I – owner of 950-974 Market Street
- The Housing Action Coalition
- Hibernia Bank – Owner at 1 Jones Street
- International Art Museum of America – tenant at 1025 Market Street
- Marinello Schools of Beauty – tenant at 1035 Market Street
- Molly Jans – Tenderloin Resident
- Khadija Eddkhissi – Resident at 317 Leavenworth Street
- Zohra Araq – Resident at 55 9<sup>th</sup> Street
- Khadija Arif – Resident at 940 Washington
- Zainaba Boudlim – Resident at 141 Eddy Street
- Mosser Companies – Property Owner of 50 Golden Gate Avenue
- Pam Coates – Resident at 41 Jones Street
- PianoFight- Business owner at 144 Taylor Street
- Thanh Nguyen – Resident at 145 Taylor Street
- Tidewater Capital – Property owner at 1028 Market
- UC Hastings
- Warm Planet Bikes – tenant at 1098a Market Street
- WeWork – Tenderloin business

## 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 “Rear Yard”, “Reduction of Ground-Level Wind Currents in C-3 Districts” (Section 148), and Height and Bulk Limits (Sections 263.9, 270 and 272). Compliance with the specific criteria for each exception is summarized below, and is described in the attached draft Section 309 motion.
  - Rear Yard. The Planning Code requires that the Project provide a rear yard equal to 25 percent of the lot depth at the first level containing a dwelling unit, and at every subsequent level. The Project does not meet the Code’s rear yard requirement, and requests an exception to provide an inner court amounting to 6,333 square feet of open space on the ground floor. The proposed area of ground floor open space exceeds the square footage that would be provided with a Code-compliant rear yard. Section 134(d) allows for an exception to the rear yard requirement pursuant to Section 309, so long as the building location and configuration assure adequate light and air to windows within the residential units and to usable open space provided. Both criteria are met.
  - Ground Level Wind Currents. The Code requires that new buildings in C-3 Districts must be designed so as not to cause ground-level wind currents that exceed specified comfort levels. When preexisting ambient wind speeds exceed the comfort levels, new buildings must be designed to reduce those ambient wind speeds to meet the specified comfort level.

According to the wind analysis prepared for the Project, a total of 55 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. The existing conditions at the Project Site indicate that 12 of the 55 test points exceed the Planning Code's comfort criterion. With the Project, an additional five comfort exceedances would occur at grade for a total of 17 exceedances. An additional four (4) comfort exceedances would be created at above grade conditions. However, the Project implements recommendations that would help reduce localized wind speeds, such as the addition of five new street trees along Jones Street (for a total of 7) and eight new street trees along Golden Gate Avenue. At above grade terraces, reduced wind speeds would be achieved by implementing porous furniture and soft landscaping.

A Section 309 exception is being sought because the Project would not eliminate all test locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speeds at the site to reach or exceed the hazard level of 26 mph for a single hour of the year. There are no hazardous wind speeds caused by the Project.

- Off-Street Freight Loading. Section 152.1 requires that projects in the C-3 District that include the addition of 200,001-500,000 sq. ft. of residential space provide two off-street freight loading spaces within the project. However, Section 161(f) recognizes that site constraints in C-3 Districts may make provision of required freight loading and service vehicle spaces impractical or undesirable, and permits a reduction of the provision of freight loading and service vehicle spaces in accordance with Section 309 provisions.

Site conditions do not allow loading and service vehicle spaces underground because site constraints make sufficient vertical clearance impractical. Providing loading and service vehicle spaces at-grade would also preclude valuable ground floor area from being used for more desirable uses, including retail and pedestrian circulation. The transportation analysis conducted as part of environmental review concluded that the Project only generated demand for on-off-street loading space. Additionally, the Project Sponsor is pursuing a "color curb" application with the Metropolitan Transportation Authority (MTA) to ensure that the adjacent loading space can be permanently reserved for service vehicles.

- **Variances.** The Project requests a Variance from the 135(g)(2), Use of Inner Courts as Common Usable Open Space.
  - Use of Inner Courts. Section 135(g)(2) allows inner courts to count towards usable open space, provided that it meet the following three criteria:
    - The enclosed open space is at least 20 feet in every horizontal dimension;
    - The enclosed space is at least 400 square feet in area; and
    - The height of the walls above the court on at least three sides is such that no point on any wall is higher than one foot for each foot that such point is horizontally distance from the opposite side of the court.

The proposed inner court meets two of the three criteria; the dimensions of the inner court are approximately 65 feet wide by 100 feet long amounting to approximately 6,333 square feet. However, the height of the walls surrounding the inner court exceeds the permitted dimension. Therefore, a variance from Section 135 is required.

- **Conditional Use Authorization.** The Project requests Conditional Use Authorization for additional square footage above that permitted by the base floor area ratio limits to construct on-site affordable units to households whose incomes are within 120% Area Median Income (AMI).
  - Section 124(f). Planning Section 124(f) allows additional square footage above that permitted by the base floor area ratio limits may be permitted in C-3 Districts for the construction of on-site affordable units to households whose incomes are within 120% of Area Median Income (AMI) for rental units, in accordance with conditional use procedures and criteria as provided by Planning Code Section 303.

The Project Site has a lot area of approximately 27,312 square feet. Therefore, up to 163,782 square feet of Gross Floor Area (“GFA”) is allowed under the basic FAR limit of 6:1 FAR. The Project is proposing an approximately 298,278 gross square foot structure, of which 227,956 count towards FAR. Approximately 70,322 square feet is exempt from FAR as permitted under Planning Code Sections 102(b) (12) and (13), which exempts one-third of a portion of bay windows conforming to Planning Code Section 136, and ground floor areas devoted to building or pedestrian circulation and service respectively, and Planning Code Section 124(f), permitting floor area exceedances for space devoted to affordable housing. Twelve percent of the proposed units will be affordable; therefore 36 of the 304 units will be rented to households whose incomes are within 120% AMI for rental units.

## REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must Determine that the Project complies with Planning Code Section 309, granting requests for exceptions and grant Conditional Use authorization for allowing additional square footage above that permitted by the base floor area ratio limits to construct on-site affordable units as discussed under “Issues and Other Considerations” above. In addition, the Zoning Administrator would need to grant a Variance from Section 135(g)(2) of the Planning Code, as discussed under “Issues and Other Considerations” above.

## BASIS FOR RECOMMENDATION

- The project would add 304 dwelling units, of which 36 are affordable, to the City’s housing stock.
- The project would help achieve General Plan objectives to expand the supply of housing in and adjacent to downtown.
- The Project would replace an existing surface parking lot and underutilized commercial building with housing and retail, thereby activating and presenting a more pedestrian-oriented streetscape on Market Street, Jones Street and Golden Gate Avenue.
- The Project is compatible with the surrounding neighborhood character, in terms of height, scale, and massing.

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

Draft Section 309 Motion  
Draft MMRP  
Draft Conditional Use Authorization Motion  
Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photograph  
Site Photographs  
Preliminary Mitigated Negative Declaration  
Draft Costa Hawkins Agreement  
Affidavit of Compliance – Inclusionary Housing  
First Source Hiring Affidavit  
Summary of Community Outreach by Project Sponsor  
Letters of Support  
Exhibit B – Section 309 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 checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>   |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Block Book Map              | 3-D Renderings (new construction or significant addition)   |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Aerial Photo                | <input checked="" type="checkbox"/> Housing Documents   |
| <input checked="" type="checkbox"/> Context Photos              | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos                 |   |

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

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TC  
Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415)       | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transit Impact Dev't Fee (Sec. 411) | <input checked="" type="checkbox"/> Street Tree (Sec. 138.1; 428)     |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)                   | <input checked="" type="checkbox"/> Public Art (Sec. 429)             |

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## Planning Commission Draft Motion

HEARING DATE: MARCH 17, 2016

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*Project Address:* **1066 Market Street**  
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**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR REAR YARD PER PLANNING CODE SECTION 134, REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148, AND FREIGHT LOADING PER PLANNING CODE SECTIONS 161, TO CONSTRUCT A 14-STORY-OVER-BASEMENT, APPROXIMATELY 120-FOOT TALL BUILDING WITH UP TO 304 DWELLING UNITS AND APPROXIMATELY 4,540 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, AND 102 OFF-STREET PARKING SPACES AT 1066 MARKET STREET WITHIN THE C-3-G (DOWNTOWN GENERAL) DISTRICT AND A 120-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On June 18, 2014, Julie Burdick of Shorenstein Residential LLC, on behalf of 1066 Market LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Environmental Review, to allow the demolition of an existing two-story, 5,066 gross square foot (gsf) vacant commercial building and adjoining 23,419 gsf surface parking lot and the new construction of a

14-level, 12-story mixed-use building containing approximately 304 dwelling units, with ground floor retail, bicycle parking and two levels of subterranean parking with 102 spaces (hereinafter “the Project”) at 1066 Market Street (hereinafter “Project Site”).

On June 18, 2014, Julie Burdick of Shorenstein Residential LLC, on behalf of the Project Sponsor filed 1) an application with the Department for Compliance with Planning Code Section 309 with exceptions for Rear Yard requirements (Section 134), parking requirements, to provide parking at a ratio exceeding 0.25 to 1 (Section 151.1) and freight loading, to provide one off-street freight loading space instead of two (Sections 152) within the C-3-G (Downtown General) Zoning and 120-X Height and Bulk District to demolish the existing structure and surface parking lot, and construction of the Project; 2) an application with the Department for Conditional Use Authorization (CUA) to a) allow a higher density of residential units, at one unit per 90 square feet instead of one unit per 125 square feet as permitted by Planning Code Section 215(a), and b) to exempt on-site inclusionary units from FAR calculations per Section 124(f); 3) an application for Variance from Section 135(G)(2), use of inner as usable open space.

On December 26, 2014, the “Uses, Conformity of Uses, Parking Requirements for Uses, and Special Use Districts” Ordinance became effective, amending Section 309 such that parking requirements were no longer modifiable per Section 309. Additionally, Section 151.1 was amended by the same Ordinance to permit up to one parking space for each two dwelling units. Therefore, the requested amount of parking no longer required an exception per Section 309. Accordingly, On November 19, 2015, Julie Burdick of Shorenstein Residential LLC, on behalf of the Project Sponsor submitted an amended application to the Department for Compliance with Planning Code Section 309 removing the request for exception to parking requirements. Updated applications for Conditional Use Authorization and a Variance was also submitted to the Department, however, there were no changes to the authorization and variance requests.

On January 13, 2016 Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 2, 2016; and

On February 2, 2016, an appeal of the Mitigated Negative Declaration was filed with the Department.

On March 17, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization Application No. 2013.1753CXCV and the Appeal of the Mitigated Negative Declaration, 2013.1753E.

On March 17, 2016, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On March 17, 2016, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14

California Code of Regulations Sections 15000 et seq. (the “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”): and

The Planning Department/Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2013.1753CXV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

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 requested in Application No. 2013.1753XCV, 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 “L” shaped, 27,310 square foot (sf) project site has approximately 55-feet of frontage on Market Street, where it is sandwiched by a three-story commercial building to the west and two-story commercial building to the east. The Project also has frontage on Jones Street to the west, north of the aforementioned three-story commercial building, and Golden Gate Avenue to the north of the project site. A 5,066 gross square foot (gsf) vacant commercial building and adjoining 23,419 gsf surface parking lot currently occupies the project site. The commercial building, which was construction in 1966, fronts Market Street on the south side of the property. The privately owned parking lot holds approximately 102 vehicles. Existing vehicle and pedestrian access to the surface parking lot is provided on Golden Gate Avenue and Jones Street. Two curb cuts / driveways currently exist on the project site, including one on Golden Gate Avenue and one on Jones Street. Pedestrian access to the commercial building is provided on Market Street. There are no trees on the project site; five street trees are located along the sidewalks surrounding the site. The site slopes down gradually from the

northwest to the southeast, with an elevation change of approximately 10 feet. The project site is located in C-3-G (Downtown General) Zoning District and a 120-X Height and Bulk District.

3. **Surrounding Properties and Neighborhood.** The project site is located within the Downtown Plan Area at 1066 Market Street in the Downtown/ Civic Center neighborhood of San Francisco. Within the Downtown / Civic Center neighborhood are smaller districts and micro-neighborhoods, such as the Market Street Theater and Loft Historic District, of which this Project is a part. Land uses in the surrounding area include a mix of low- and mid-rise mixed-use commercial buildings, tourist and residential hotels, multifamily housing, entertainment uses and government institutions. Properties in the immediate vicinity of the project site include a three-story commercial/ retail building to the south at 1072-1098 Market Street; a 10-story, low-income and senior housing development to the west at 121 Golden Gate Avenue; a seven-story, 820-unit homeless housing facility at 39-42 Jones Street; a nine-story, 108-unit apartment a two-story commercial/ retail building at 1028-1056 Market to the east, which is currently occupied by a “pop-up” food and beverage court (“The Hall”). The Hall is temporarily occupying the space while the property’s project sponsor finalizes the entitlement of the proposed project which includes the demolition of the existing building and the new construction of a 12-story, mixed-use residential-over-ground-floor retail development.
4. **Project Description.** The Project includes the demolition of an existing two-story, vacant, commercial building and adjoining 23,419 square foot surface parking lot, and the new construction of a 12-story, 14-level, mixed-used building containing approximately 304 dwelling units, with commercial retail on the ground floor, bicycle parking and two levels of subterranean parking with 102 parking spaces. The building’s height ranges from approximately 113 to 120 feet tall. The proposed dwelling unit mix consists of approximately 61 studios (approximately 20 percent of total units), 76 junior one-bedroom units (approximately 25 percent of total units), 56 one-bedroom units (about 18 percent of total units) and 111 two-bedroom units (about 37 percent). Residential amenities include a lounge, lobby, fitness center, leasing office and bicycle parking. The Project will provide 304 Class 1 and 18 Class 2 bicycle parking spaces.

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The Market Street façade has been designed with a tripartite vertical expression of a base, shaft and capital – typical of buildings within the Market Street Theater and Loft Historic District. The three sections of the building are delineated by a horizontal reveal. The height of the tall base

references similar features on adjacent buildings that are also characterized by tall bases, and will be defined by use of a textured masonry cladding at the piers, multi-level recessed window wall and horizontal reveal. The top of the building on the Market Street façade rests above a horizontal reveal and is characterized by stucco-clad vertical piers that align with piers at the base of the building as well as double-height recessed window groupings. The middle of the building is designed with punched openings in a “basket weave” composition that suggests both the vertically expressed double-hung windows and the slightly more horizontally expressed Chicago-style windows found in the district, which are three-part windows with a large fixed center panel flanked by two smaller windows.

The Golden Gate Avenue and Jones Street facades have also been designed with the basket weave composition found on the Market Street façade. The upper stories of the building would be clad in a panelized system of integrally colored pre-cast concrete units in graded color variations with a light, intermediate and dark shade, as well as an accent color. The base of these facades is characterized by double-height storefront windows, except for a small portion on Golden Gate Avenue, where the double-height windows could not be achieved due to on-site elevation changes. While a tripartite pattern can be found on these frontages, the expression of the three-part façade is more loosely implemented on the designs of the Golden Gate Avenue and Jones Street facades.

5. **Community Outreach and Public Comment.** As summarized in the enclosed letter from the Project Sponsor, community outreach has included meetings with the Project’s neighbors, local businesses, community groups, individual residents, schools, religious organizations, and non-profits, including the Tenderloin Neighborhood Development Corporation, Tenderloin Housing Clinic, Tenderloin Economic Development Project, UC Hastings, Community Housing Partnerships, Urban Solutions, SF Bike Coalition, CounterPulse, St. Francis Foundation / Tenderloin Help Improvement Project, Central Market Community Benefit District, Housing Action Coalition, SPUR Design Review Committee, Golden Gate Theatre, Building Trades Commission, Draussalem Mosque, Market Street for the Masses, Mid-Market Business Association, as well as project sponsors, property owners, resident coordinators and tenants of neighboring properties, including but not limited to those at 950 Market Street, 1007 Market Street, 1019 Market Street, 1072 Market Street, 1029 Market Street, 1075 Market, 111 Jones Street, 205 Jones Street, 50 Golden Gate, 129 Golden Gate Avenue, 180 Golden Gate Avenue, 25 Taylor, and 55 Taylor. At times, the Project Sponsor has met with the aforementioned stakeholders multiple times throughout the past 2.5 years.

To date, the Department has not received any correspondence expressing opposition to the Project, however, and appeal was filed on the Preliminary Negative Declaration. Twenty letters of support from the following organizations, business owners, residents and tenants have been received:

- Draussalem Mosque – Mosque at 20 Jones Street
- Encore Capital – property owner in Tenderloin / Mid-Market neighborhood and neighbor
- Group I – owner of 950-974 Market Street
- The Housing Action Coalition



- Hibernia Bank – Owner at 1 Jones Street
- International Art Museum of America – tenant at 1025 Market Street
- Marinello Schools of Beauty – tenant at 1035 Market Street
- Molly Jans – Tenderloin Resident
- Khadija Eddkhisssi – Resident at 317 Leavenworth Street
- Zohra Araq – Resident at 55 9<sup>th</sup> Street
- Khadija Arif – Resident at 940 Washington
- Zainaba Boudlim – Resident at 141 Eddy Street
- Mosser Companies – Property Owner of 50 Golden Gate Avenue
- Pam Coates – Resident at 41 Jones Street
- PianoFight- Business owner at 144 Taylor Street
- Thanh Nguyen – Resident at 145 Taylor Street
- Tidewater Capital – Property owner at 1028 Market
- UC Hastings
- Warm Planet Bikes – tenant at 1098a Market Street
- WeWork – Tenderloin business

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. **Maximum Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the C-3-0(SD) District is 6.0:1. Under Sections 123 and 128 of the Planning Code, the FAR can be increased to 9.0 to 1 with the purchase of transferable development rights (“TDR”).

*The Project Site has a lot area of approximately 27,312 square feet. Therefore, up to 163,872 square feet of Gross Floor Area (“GFA”) is allowed under the basic FAR limit, and up to 245,808 square feet of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include 298,278 square feet of GFA, of which 227,956 would count towards FAR. Conditions of approval are included to require the Project Sponsor to purchase TDR for the increment of development between 6.0 to 1 FAR and 9.0 to 1 FAR, for approximately 64,084 (227,956-163,872=64,084) square feet of floor area.*

*Additionally, the Project Sponsor seeks approval of Conditional Use Authorization to exempt floor area dedicated to the 36 below market rate units, or approximately 21,422 square feet, per Section 124(f). Therefore the Project complies with Section 124.*

B. **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 309 findings.*

- C. **Residential Open Space (Section 135).** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that 48 square feet of common usable open be provided per dwelling unit.

*The Project includes 304 units. The Project would provide at least 36 square feet of private open space for 50 of the dwelling units through private balconies or terraces. A total of 12,192 square feet of commonly accessible open space would be required for the remaining 254 units without balconies or terraces, which would be provided in the form of a 6,333 square-foot inner courtyard at grade and two roof decks amounting to 6,000 square feet. In all, 12,333 square feet of common open space would be provided, exceeding the common open space requirement.*

*Section 135(g)(2) allows the use of inner courts to be counted as usable open space, provided that the enclosed space is (1) at least 20 feet in every horizontal dimension, (2) at least 400 square feet in area, and (3) the height of the walls above the court on at least three sides is such that no point on any wall is higher than one foot for each foot that such point is horizontally distant from the opposite side of the court. The proposed inner court meets two of the three criteria; the dimensions of the inner court are approximately 65 feet wide by 100 feet long amounting to approximately 6,333 square feet. However, the height of the walls surrounding the inner court exceeds the permitted dimension. Therefore, a variance from Section 135 is required.*

- D. **Public Open Space (Section 138).** New buildings in the C-3 (SD) Zoning District must provide public open space at a ratio of one square foot per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building. This public open space must be located on the same site as the building or within 900 feet of it within a C-3 district.

*Ground floor retail space in the C-3 Districts that is less than 5,000 square feet and less than 75 percent of the ground floor area is excluded from gross floor area and is therefore not required to provide the associated publically accessible open space. The Project includes approximately 4,578 square feet of ground floor retail space, which is exempt from the requirement.*

- E. **Street Trees (Sections 138.1 ).** 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 includes a total of approximately 370 feet of street frontage along Market Street (approximately 55 feet), Jones Street (approximately 152 feet) and Golden Gate Avenue (163 feet), resulting in a requirement of nineteen street trees. Thirteen (13) new street trees are proposed and five exist, resulting in a total of 18 trees. Conditions of approval have to been added to require the Project to plant (13) street trees and pay an in-lieu fee for the remaining one (1) tree, thereby complying with Section 138.1 and 428.*

*Per Public Works Code, Article 16, Section 806, all street trees would be planted within the public right-of-way adjacent to the subject property, be of a species suitable for the site conditions; be a minimum of 24-inch box size; have a minimum 1 ¼ inch caliper, measured 6-inches above ground; be planted no higher than the adjacent sidewalk and provide a below-grade environment with nutrient-rich soils, free from overly-compacted soils and generally conducive to tree root development and be watered, maintained and replaced if necessary by the property owner in accordance with Article 16 of the Public Works Code and be in compliance with applicable water use requirements of Administrative Code Chapter 63.*

- F. **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.

*In addition to the street trees mentioned above, the Project proposes sidewalk widening along the Project's Golden Gate Avenue frontage, from 12-feet to 16-feet and a 6-foot bulb-out at the southeast corner of the Golden Gate Avenue and Jones Street intersection. These streetscape improvements have been vetted by the Street Design Action Team, an interagency body including the Planning Department, Municipal Transportation Authority and the Department of Public Works.*

- G. **Exposure (Section 140).** Planning Code Section 140 requires all dwelling units in all use districts to face onto a public street at least 20 feet in width, side yard at least 25 feet in width or open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

*The Project complies with Section 140. All units facing public rights-of-way open onto streets greater than 20-feet wide. Units at the upper most levels of the building along Market Street and Golden Gate Avenue must expose onto an inner courtyard at least 75 feet in length. Since the north-south length of the courtyard is 100-feet wide, the Project's courtyard meets exposure requirements. Units along the Jones Street Frontage facing east meet exposure requirements, as the east-west width of the courtyard is 65 feet, and the units at the 11<sup>th</sup> and 12<sup>th</sup> floors are setback 10 feet from the edge closest to the inner court, for a total of 75 feet of open area at the upper most levels.*

- H. **Active Frontages – Loading and Driveway Entry Width (Section 145.1(c)(2)).** Section 145.1(c)(2) limits the width of parking and loading entrances to no more than one-third the width of the street frontage of a structure, or 20 feet, whichever is less.

*The Project includes 20-foot entry for parking along Jones Street and one off-street loading with immediately adjacent elevator access along Golden Gate Avenue. The Project complies with Section 145.1(c)(2).*

- 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 Street, Jones Street and Golden Gate Avenue 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. The only non-active uses along public frontages are the parking access and off-street loading space, and mechanical spaces, and building ingress and egress which are specifically exempt from the active uses requirement. The building lobby is considered an active use because it does not exceed 40 feet per 145.1(b)(2)(C).*

- 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 Project complies with the Ground Floor Transparency requirements of the Planning Code. Approximately 66 percent of the Project’s Golden Gate Avenue non-residential façade is fenestrated with transparent windows and doorways, approximately 64 percent of the Jones Street non-residential façade contains transparent windows and doorways and approximately 83 percent of the Project’s Market Street frontage meets transparency requirements with fenestration of windows and doorways.*

- 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.

*Section 146(a) does not apply to construction on the north side of Market Street, Jones Street or Golden Gate Avenue, and therefore does not apply to the Project. With respect to Section 146(c), the Project would replace an underutilized, vacant, 3-story commercial building and surface parking lot with a 12-story, 14-level residential over ground-floor retail structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project’s shadows 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 complies with Section 146.*

- 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 the Project would not cast shadow on the nearest public open spaces including United Nations Plaza located 500 feet southwest of the project site, which does not fall under the Recreation and Park Department (RPD) jurisdiction, or Boeddeker Park located approximately 800 feet north, which does fall under RPD jurisdiction.*

*Therefore, the Project complies with Section 147.*

- M. **Ground Level Wind (Section 148).** Planning Code Section 148 requires that new construction in Downtown Commercial Districts will not cause ground-level wind currents to exceed pedestrian comfort levels. This standard requires that wind speeds not exceed 11 miles per hour in areas of substantial pedestrian use for more than 10 percent of the time year round, between 7:00 AM and 6:00 PM. The requirements of this Section apply either when preexisting ambient wind speeds at a site exceed the comfort level and are not being eliminated as a result of the project, or when the project may result in wind conditions exceeding the comfort criterion.

*The existing conditions at the Project Site indicate that 12 of the 55 test points exceed the Planning Code's comfort criterion at grade level. With the Project, an additional 5 comfort exceedances are created at grade level for a total of 17. At above grade levels, 4 comfort exceedances would exist. According to the wind tunnel text reports, any trees at grade would help improve localized wind speeds around public areas and building entrances. To improve comfort at above grade levels, porous wind screens and furniture are recommended and will be provided. The Project includes eight new street trees along Golden Gate Avenue and five new street trees along Jones Street for a total of 15 new streets (there are two existing streets on Jones which will be removed and replaced). A Section 309 exception is being sought because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speeds at the site to reach or exceed the hazard level of 26 mph for a single hour of the year. There are no hazardous wind speeds caused by the Project.*

- N. **Parking (Sec. 151.1).** Planning Section 151.1 allows up to one car for each two dwelling units as-of-right, and up to three cars for each four dwelling units as a conditional use. For non-residential uses, the Code does not provide a total number of permitted spaces, but instead limits parking to an area equivalent to 7% of the total gross floor area of such uses.

*The Project contains 304 dwelling units. Per Planning Section 151.1, 152 parking spaces are principally permitted ( $304/2 = 152$ ) for residential uses. The Project proposes, as a total of 102 parked cars, which is less than the principally permitted amount and thus complies with this requirement. The Project does not propose any parking for the retail uses.*

- O. **Off-Street Freight Loading (Sec. 152.1).** Planning Code Section 152.1 requires that projects in the C-3 District that include the addition of 200,001-500,000 sq. ft. of residential space must provide two off-street freight loading spaces within the project.

*The Project includes 298,278 gross square feet of development (227,956 square feet that counts towards Floor Area Ratio), requiring two off-street loading spaces. One off-street loading space is provided, therefore a Section 309 exception is being sought.*

- P. **Bicycle Parking (Section 155.2).** For buildings with more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100, and one Class 2 space per 20 units. For the retail space, Section 155.2 requires a minimum of two spaces.

*The Project complies with Section 155.2 because it provides 304 Class 1 parking spaces, exceeding the Planning Code requirement to provide 152 Class 1 spaces ( $100 + 204/4 = 51$ (for residential uses) + 1 (for commercial use) = 152 spaces required) and 17 Class 2 spaces ( $304 \text{ units}/20 = 15.2$  (for residential uses) + 2 (for commercial uses) = 17 spaces required) for the residential units. The project will provide 304 Class 1 bicycle parking spaces and 18 Class 2 spaces. All Class 1 spaces are located at the first level, accessible by elevator from the Jones Street entrance, and Class 2 spaces are located on each of the Projects street frontages; Market Street includes 10 Class 2 spaces, Jones Street provides 4 spaces and Golden Gate Avenue provides another 4 Class 2 bicycle parking spaces for a total of 18.*

- Q. **Car Share (Section 166).** Planning Code Section 166 requires two car share parking spaces for residential projects with between 201 or more dwelling units plus an additional parking space for every 200 dwelling units over 200.

*The Project complies with Section 166 because it provides two off-street car share parking space within the below-grade garage.*

- R. **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 304 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.*

- S. **Height (Section 260).** The property is located in a 120-X Height and Bulk District, thus permitting structures up to a height of 120 feet.

*The Project would reach a height of approximately 120 feet to the roof of the building, with various features such as elevator/stair penthouses, mechanical structures, an enclosed recreation space, and parapets extending above the 220-foot height limit in accordance with the height exemptions allowed*



*through Planning Code Section 260(b). The Project's Market Street façade reaches a height of 113-feet, 119-feet - 11-inches along Jones Street, and 120-feet on Golden Gate Avenue.*

- T. **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.

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

- U. **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 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee.*

*In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit a contract, in addition to the affordable housing affidavit, demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office.*

*The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on December 12, 2014 and a draft of the Costa Hawkins agreement on March 23, 2015. The EE application was submitted on February 12, 2014. Pursuant to Planning Code Section 415.3 and 415.6 the on-site requirement is 12 percent. Thirty seven units (13 two-bedroom, 16 one-bedroom, and 8 studio units) of the 304 units provided will be affordable rental units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. The Project*

*must execute the Costa Hawkins agreement prior to Planning Commission approval or must revert to payment of the Affordable Housing Fee.*

- V. **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 would comply with this Section by dedicating one percent of the Project's construction cost to works of art. The public art concept and location will be subsequently presented to the Planning Commission at an informational presentation.*

- W. **Signage (Section 607).** 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 pursuant to the provisions of Article 6 of the Planning Code.

7. **Exceptions Request Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and grants each exception to the entire Project (including that portion located within the Rincon Point South Beach Redevelopment Plan Area) 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.

*The Project does not meet the Code's rear yard requirement, and requests an exception in order to provide an inner court amounting to 6,333 square feet of open space on the ground floor. 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." The proposed inner court is adequate to allow significant glazing per the Building Code on all units facing the inner court. Further, the Project is located in the downtown area, where a pattern of rear yards does not exist. Providing a Code-compliant rear yard would disrupt the prevailing street wall on Jones Street and/or Golden Gate Avenue. Therefore, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134 to allow for the provision of an inner court on the subject property. Rear yard exceptions are commonly granted and appropriate in downtown locations given the lot configurations and urban design considerations informing the architecture of downtown buildings.*

- 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 (mph) 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, 12 of the 55 sidewalk locations tested currently exceed the pedestrian comfort level of 11 mph at grade level, with wind speeds ranging from 12 to 15 mph, however average wind speeds generally remain below 11 mph. No above grade exceedances exist under current conditions.*

*With the Project, there are five additional comfort exceedances at grade, ranging from 12 to 16 mph, increasing the average wind speeds to approximately 11mph. Additionally, four exceedances above grade would be created with an average wind speed of 12mph. The range of wind speeds with the Project would be similar to existing conditions, with wind speeds in sidewalk pedestrian areas ranging from 5 mph to 16 mph. With implementation of the Project, there would be localized changes throughout the Project vicinity; average wind speeds at grade and above grade increase by 2-3 mph. The increase in wind speeds is largely a result of the exposure to the prevailing winds from the west-southwest, west, west-northwest and northwest, which are being intercepted by the building, causing down-washing off the building façade and channeling between buildings along Jones Street. The majority of winds that exceed the 11mp threshold are concentrated along the sidewalks of Market Street and the east side of Jones Street.*

*Because the number of exceedances increases with the Project at grade and above grade, an exception is required under Planning Code Section 309. The Project implements recommendations stated in the wind study which would help reduce localized wind speeds, such as the addition of five new street trees along Jones Street (for a total of 7) and eight new street trees along Golden Gate Avenue. At above-grade terraces, reduced wind speeds can be achieved by implementing a porous parapet, porous furniture and soft landscaping. The Project could not be designed in a manner that would affect wind conditions substantially enough to eliminate all 11 of the existing comfort exceedances, without unduly restricting the site's development potential.*

**Hazard Criterion**

*The Wind Study indicated that all test points currently meet the wind hazard criterion, and that the Project would not cause wind speeds to reach or exceed the hazard level. Therefore, the Project would comply with the hazard criterion of Section 148.*

- c. **Off-Street Freight Loading (Section 161(f)).** Section 152.1 requires that projects in the C-3 District that include the addition of 200,001-500,000 sq. ft. of residential space provide two off-street freight loading spaces within the project. However, Section 161(f) recognizes that site constraints in C-3 Districts may make provision of required freight loading and service vehicle spaces impractical or undesirable, and permits a reduction of the provision of freight loading and service vehicle spaces in accordance with Section 309 provisions, provided that provision of freight loading and service vehicle spaces cannot be accomplished due to site constraints, would result in the use of an unreasonable percentage of ground-floor area precluding more desirable uses for retail, pedestrian circulation or open space, and/or or delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

*Site conditions do not allow loading and service vehicle spaces underground because site constraints make sufficient vertical clearance impractical. Additionally, providing loading and service vehicle spaces at-grade would preclude valuable ground floor square footage from being used for more desirable uses, including retail and pedestrian circulation. The proposed freight loading space on Golden Gate Avenue takes up approximately 16-feet of street frontage; and additional space would increase street frontage occupied by freight loading to 32-feet, which is undesirable and counter to both urban and street design principles. Finally, delivery functions can be provided at the adjacent curb along Golden Gate Avenue east of the project site. The transportation analysis conducted as part of environmental review concluded that the Project only generated demand for one off-street loading space. Additionally, the Project Sponsor is pursuing a "color curb" application with the Metropolitan Transportation Authority (MTA) to ensure that the adjacent loading space can be permanently reserved for service vehicles.*

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

## HOUSING ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.8**

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

*The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project proposes to demolish an underutilized three-story commercial garage and surface parking lot and construct a mixed-use residential building above ground floor retail that contains 267 market rate units, 37 on-site affordable units compliant with Section 415 of the Planning Code, and approximately 4,578 gsf of retail use. The Property is an ideal site for new housing due to its central, downtown location, and proximity to public transportation. The current development of this location, with a surface parking lot and underutilized commercial building, represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market Street, Jones Street and Golden Gate Avenue frontages.*

#### **Policy 1.10**

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

*The Project supports this Policy. It is anticipated that because of the central downtown location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project is two blocks from Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also 1.5 blocks from the Civic Center BART and MUNI stations, and is within one block of at least 6 MUNI bus lines. The Project provides 304 Class 1 bicycle parking spaces with a convenient and separate entrance designated for bicyclists, encouraging the use of bikes as a mode of transportation.*

#### **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 304 dwelling units, of which 61 (20%) are studios, 132 (43%) are one-bedroom units and 111 (37%) are two-bedroom units. The Project provides a range of unit types to serve a variety of needs, and will provide 12 percent on-site affordable units*

*comprising of the similar dwelling unit mix, namely 22% studios, 43% one-bedrooms and 35% two-bedroom units.*

**OBJECTIVE 7:**

**SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.**

*In compliance with this policy, the Project would provide permanently affordable on-site housing by allocating 12% of units as affordable, in accordance with the City's Affordable Inclusionary Housing Ordinance, thereby enhancing the City's affordable housing.*

**OBJECTIVE 11:**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals

**Policy 11.3**

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

**Policy 11.4**

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

**Policy 11.6**

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

**Policy 11.7**

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

*The Project supports these Policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings, and complies with the existing zoning in terms of land use, height, and density. The Project's design respect's the architectural design of adjacent historic resources, with a traditional tripartite façade containing defined base, shaft and top, while remaining modern in expression. This new development will greatly enhance the character of the existing neighborhood. deal site*



*for new housing due to its central, downtown location, and proximity to public transportation. The current development of this location, with a surface parking lot and underutilized commercial building, represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market Street, Jones Street and Golden Gate Avenue frontages.*

## 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 employs design to relate to existing development in the neighborhood, which is characterized by mid- to high-rise, mixed-use buildings that help compose a district of Renaissance Revival-style buildings. Renaissance Revival-style buildings are typically expressed by tripartite design, vertical expression, punched windows, decorative brickwork and modillion cornices. The proposed project would replace an underutilized 3-story commercial building and surface parking lot that respects its context by providing a high-rise, mixed-used building of tripartite design, separated with horizontal reveals and punched openings. The proposed structure complies with land use and development controls of the Planning Code and the surrounding development.*

## 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 4,578 square feet of new commercial space – divided between two tenant spaces – 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 Office Special Development District, and is thus consistent with activities in the commercial land use plan.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.2:**

Ensure the safety and comfort of pedestrians throughout the city.

*A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the widening of the sidewalk along the Project's Golden Gate Avenue frontage and a 6-foot bulb-out at the Golden Gate Avenue and Jones Street intersection, intended to reduce vehicular speed and provide greater refuge for pedestrians. The Project would also plant a consistent row of street trees along Jones Street and Golden Gate Avenue, along with bicycle racks enhance the pedestrian experience and provide convenience to bicyclists.*

**Policy 1.3:**

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

**Policy 1.6:**

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

*The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided is not expected to generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project site to the employment opportunities and retail services of the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. In addition, the placement of parking in stacker configurations will discourage frequent use of vehicles for shorter trips and increase the use of public transit. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

*The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is the most transit rich area of the City. The Project would provide only 0.5 parking spaces per dwelling and will not provide any parking for the proposed retail uses. All of these parking spaces would be located underground, and thus be less intrusive from an urban design standpoint.*

**OBJECTIVE 11:**

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

**Policy 11.3:**

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

*The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 322 bicycles (304 Class 1, 18 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain.*

## 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. The Project would not displace any housing because the existing structure at 1066 Market Street is a vacant 3-story commercial space and surface parking lot. The Project would improve the existing character of the neighborhood by removing the surface parking lot and vacant structure. The proposed retail space, which includes ground floor retail space, is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.*

*The Project 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 7.1.1**

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 commercial space and surface parking lot, constructing a 120-foot tall, 12-story-over-basement (14 level), 304-unit residential building over ground floor retail, within easy commuting distance of downtown jobs.*

*The Project includes approximately 4,578 square feet of ground floor commercial space, with tenant spaces on Market Street and the corner of Jones Street and Golden Gate Avenue; these spaces would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on each of the three frontages.*

**OBJECTIVE 16:**

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

**Policy 16.4**

Use designs and materials and include amenities at the ground floor to create pedestrian interest.

*The Project would promote Objective 16 by including a ground floor retail use which would promote pedestrian traffic in the vicinity. The Project would provide floor-to-ceiling, transparent windows in retail spaces, inviting pedestrians, and landscape the sidewalk area surrounding the Project Site with street trees and bike racks. This space would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street.*

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 Project would not displace existing neighborhood-serving retail uses because no retail uses currently exist at the Project Site. In addition to 304 residential units, the Project would include approximately 4,578 square feet of retail space in two separate commercial spaces. The Project would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. Moreover, the Project would not displace any existing neighborhood-serving retail uses. Instead, the Project would enhance neighborhood-serving retail by adding new retail space, which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services. The addition of this new space would also complement the pedestrian-friendly Downtown core and would continue the pattern of active ground floor retail along the Market Street, Jones Street and Golden Gate Avenue frontages.*

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

*The Project would not negatively affect the existing housing and neighborhood character. The Project would not displace any housing because the existing structure at 1066 Market Street is an underutilized, vacant commercial building and surface parking lot. The Project would improve the existing character of the neighborhood by removing the vacant structure and surface parking lot. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.*

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

*There is currently no housing on the site; therefore, no affordable housing will be lost as part of this Project. The Project would enhance the City's supply of affordable housing by providing 37 on-site affordable dwelling units, in compliance with the affordable housing requirements of Planning Code Section 415.*

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

*The Project would not impede MUNI transit service or overburden local streets or parking. The Project is at a location well-served by transit as it is located in a major transit corridor and would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services and the BART system. The Project also provides a sufficient amount of off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents.*

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

*The Project would not negatively affect the industrial and service sectors because it is largely residential in nature and would not displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which is characterized by commercial office buildings and residential high-rise buildings.*

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

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

- G. That landmarks and historic buildings be preserved.

*The Planning Department has determined that the 1066 Market Street a three-story, vacant commercial space and surface parking lot, is not individually eligible for listing on the California Register, but is located in an historic district. Accordingly, the building has been designed to respect the character defining features of the district. As such, the Project would not have an indirect impact on historic resources by negatively altering the existing visual setting of these resources.*

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

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

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. 2013.1753CXV** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated February 23, 2016 and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the Mitigated Negative Declaration (MND) and the record as a whole and finds that there is no substantial evidence that the Project would have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the MND.

The Planning Commission hereby adopts the MND and the MMRP, attached to the CEQA Findings Motion No. XXXXX. All required improvement and mitigation measures identified in the MND and 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 March 17, 2016.

Jonas P. Ionin  
Commission Secretary



AYES:

NAYS:

ABSENT:

ADOPTED:     March 17, 2016

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would demolish an existing three-story, vacant commercial structure and surface parking lot and construct a new, 12-story-over-basement, 14-level approximately 120-foot tall, 298,278 gross square foot building (of which 227,956 counts towards Floor Area Ratio (FAR)) containing approximately 4,578 gross square feet of ground floor commercial space, and 304 dwelling-units located at 1066 Market Street, Assessor's Block 0350, Lot 003, pursuant to **Planning Code Sections 309, 134, 148 and 152.1** within the C-3-G Zoning District and a 120-X Height and Bulk District; in general conformance with plans, dated February 23, 2016, and stamped "EXHIBIT B" included in the docket for Case No. **2013.1753XCV** and subject to conditions of approval reviewed and approved by the Commission on **March 17, 2016** under Motion No. [\_\_\_\_\_]. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **March 17, 2016** under Motion No. [\_\_\_\_\_].

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. [\_\_\_\_\_] 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](http://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](http://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](http://www.sf-planning.org)*
4. **Extension.** All time limits in the preceding three paragraphs shall, at the Project Sponsor's request, be extended by 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](http://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](http://www.sf-planning.org)*
6. **Additional Project Authorization.** The Project Sponsor must obtain a Variance from Section 135(g)(2), which does not provide the one-to-one ratio of depth to building height required by

Section 135(g)(2) of the Planning Code. The Project Sponsor must also obtain a Conditional Use Authorization, pursuant to Planning Code Sections 124(f) and 303, to exempt on-site inclusionary units from Floor Area Ratio calculations per Planning Code Section 124(f). 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](http://www.sf-planning.org).*

7. **Transferable Development Rights.** Pursuant to Section 128, the Project Sponsor shall purchase the required number of units of Transferrable Development Rights (TDR) and secure a Notice of Use of TDR prior to the issuance of an architectural addendum for all development which exceeds the base FAR of 6.0 to 1, up to a maximum FAR of 9.0 to 1. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

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

8. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Exhibit C** to the CEQA Findings Motion associated with the Subject Project 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](http://www.sf-planning.org).*

## DESIGN – COMPLIANCE AT PLAN STAGE

9. **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](http://www.sf-planning.org)*

10. **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 of ten of the fifteen required street trees, with an in-lieu fee requirement applicable for five street trees. The Project shall install the thirteen (13) street trees and pay the in-lieu fee for the one (1) tree as set forth in Condition Number 23 below, unless the installation of the 13 trees proves infeasible, in which case the Project shall pay an in-lieu fee for any of the 13 trees not so installed.

Also, all street trees must meet the standards per Article 16 of the Public Works Code, Section 806.

*For information about compliance, contact the Department of Urban Forestry at 415-554-6700, [www.sf-planning.org](http://www.sf-planning.org)*

11. **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 widening of the sidewalk to 16-feet along the Project's Golden Gate Avenue frontage, and a the provision of a 6-foot bulbout at the southeast corner of the Jones Street and Golden Gate Avenue intersection. 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](http://www.sf-planning.org)*

12. **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](http://www.sf-planning.org)*

13. **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 architectural addendum to 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](http://www.sf-planning.org)*

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

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

15. **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>*

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

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

## PARKING AND TRAFFIC

17. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than one parking space per two dwelling units as of right. With 304 dwelling units proposed, there is a maximum of 102 off-street parking spaces allowed as-of-right. With 102 off-street parking spaces total included, the Project Sponsor must design and designate 4 off-street parking spaces for persons with disabilities.

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

18. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide one off-street loading space and attain one dedicated on-street loading space with the Metropolitan Transportation Authority.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
19. **Car Share.** Pursuant to Planning Code Section 166, no less than two 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](http://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 152 Class 1 bicycle parking spaces (151 for the residential portion of the Project and 1 for the retail portion) and 17 Class 2 spaces - fifteen for residential and 7 for commercial).  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://www.sf-planning.org)*

## PROVISIONS

22. **Street Tree In-Lieu Fee.** Pursuant to Planning Code Section 428, the Project Sponsor shall pay an in-lieu fee for one (1) street trees that is required under Planning Code Section 138.1, but that according to the Department of Public Works, cannot be planted. The in-lieu fee shall be paid prior to the issuance of the first construction document. An in-lieu fee must also be paid for any of the 13 street trees that cannot be planted according to the Department of Public Works.  
*For information about compliance, contact the Department of Urban Forestry, Department of Public Works at 415-554-6700, [www.sf-planning.org](http://www.sf-planning.org)*
23. **Transit Sustainability Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Sustainability Fee (TSF) for the new residential and retail space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

24. **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. If the Project Sponsor elects to provide the artwork on-site, the Conditions set forth in Conditions Numbers 28-30 below shall govern.

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

25. **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](http://www.sf-planning.org)*

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

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

27. **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](http://www.sf-planning.org)*

#### **Affordable Units**

28. **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 304 units; therefore, 37 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 37 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- 29. Unit Mix.** The Project contains 61 studios, 132 one-bedroom and 111 two-bedroom units; therefore, the required affordable unit mix is 7 studios, 16 one-bedroom and 14 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

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

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

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

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

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

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

- 33. 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable

units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.

- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

## 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](http://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>*

## MONITORING

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

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

37. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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# MITIGATION MONITORING AND REPORTING PROGRAM for the 1066 MARKET STREET MITIGATED NEGATIVE DECLARATION

<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Monitoring/ Reporting Responsibility</i>	<i>Monitoring Actions/Schedule and Verification of Compliance</i>
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				

## CULTURAL RESOURCES

### Mitigation Measure M-CR-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 Golden Gate Building (1028 Market Street) and former Praeger's Department Store (1072 Market Street). Prior to any ground-disturbing activity, the Pre-Construction Assessment should 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 should determine specific locations to be monitored and include annotated drawings of the buildings to locate accessible digital photo locations and locations of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the 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 Golden Gate Building (1028 Market Street) and former Praeger's Department Store (1072 Market Street) 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

<i><b>Adopted Mitigation Measures</b></i>	<i><b>Responsibility for Implementation</b></i>	<i><b>Mitigation Schedule</b></i>	<i><b>Monitoring/Reporting Responsibility</b></i>	<i><b>Monitoring Actions/Schedule and Verification of Compliance</b></i>
activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to Planning Department Preservation Staff prior to issuance of any construction permits.  Should vibration levels be observed in excess of the standard, or if damage to either the Golden Gate Building (1028 Market Street) and/or former Praeger's Department Store (1072 Market Street) is observed, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic 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 preconstruction 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.				
<b>Improvement Measure I-CR-1: Construction Best Practices for Historical Architectural Resources</b>				
The project sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Golden Gate Building (1028 Market Street) and former Praeger's Department Store (1072 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 will be submitted to the Planning Department along with the Demolition and Site Permit Applications.	Project sponsor and contractor	Prior to the issuance of any site activity or building permits.	Environmental Review Officer	Review construction specifications. Considered complete after construction is completed.
<b>Mitigation Measure M-CR-4: Archaeological Testing Program</b>				
Based on a reasonable presumption that archaeological 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 Planning	Project sponsor	Testing Plan: Completed prior to issuance of any permit authorizing soils disturbance	Environmental Review Officer	Review ATP and any subsequent reports. Considered complete upon completion and approval of reports.

<i><b>Adopted Mitigation Measures</b></i>	<i><b>Responsibility for Implementation</b></i>	<i><b>Mitigation Schedule</b></i>	<i><b>Monitoring/Reporting Responsibility</b></i>	<i><b>Monitoring Actions/Schedule and Verification of Compliance</b></i>
<p>Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Planning Department archaeologist to obtain the names and contact information for the next three archaeological consultants on the QACL. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological 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 by which to reduce to a less-than-significant level the potential effects on a significant archaeological resource, as defined in State CEQA Guidelines Section 15064.5 (a)(c).</p> <p>Consultation with Descendant Communities. On discovery of an archaeological site associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative 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 consult with the ERO regarding appropriate archeological treatment of the site, recovered data from the site, and, if applicable, any interpretive treatment of the associated archeological site. A copy of the Final Archaeological Resources Report (FARR) shall be provided to the representative of the descendant group.</p> <p>Archeological Testing Program. The archaeological 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 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 identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under</p>		<p>Testing program: Completed prior to commencement of any soils disturbing construction activity</p> <p>Testing Report: Completed prior to commencement of any soils disturbing activity</p>		



<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Actions/Schedule and Verification of Compliance</i>
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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 rather 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 include, at a minimum, the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the Archeological Monitoring Program (AMP) reasonably prior to any project-related soil-disturbing activities commencing. The ERO, in consultation with the archeological consultant, shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, drilling of piers (foundation work, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and 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), know how to identify the evidence of the expected

<i><b>Adopted Mitigation Measures</b></i>	<i><b>Responsibility for Implementation</b></i>	<i><b>Mitigation Schedule</b></i>	<i><b>Monitoring/Reporting Responsibility</b></i>	<i><b>Monitoring Actions/Schedule and Verification of Compliance</b></i>
<ul style="list-style-type: none"> <li>resource(s), and know the appropriate protocol in the event of apparent discovery of an archeological resource;</li> <li>The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</li> <li>The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> <li>If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to redirect demolition/excavation/pile-drilling/construction activities and equipment temporarily until the deposit is evaluated. If, in the case of pile-drilling activity (foundation work, shoring, etc.), the archeological monitor has cause to believe that the pile-drilling activity may affect an archeological resource, the pile-drilling activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit and present the findings of this assessment to the ERO.</li> </ul> <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>				
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	Project sponsor	Data Recovery Plan: Development of Program work scope, in conjunction with work scope for Archeological Monitoring Program prior to	Environmental Review Officer	Review ADRP and any subsequent reports. Considered complete upon completion and approval of reports.

<i><b>Adopted Mitigation Measures</b></i>	<i><b>Responsibility for Implementation</b></i>	<i><b>Mitigation Schedule</b></i>	<i><b>Monitoring/Reporting Responsibility</b></i>	<i><b>Monitoring Actions/Schedule and Verification of Compliance</b></i>
<p>questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>• Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.</li> <li>• Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.</li> <li>• Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.</li> <li>• Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>• Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>• Final Report. Description of proposed report format and distribution of results.</li> <li>• 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.</li> </ul>		<p>commencement of soils disturbance construction activity. More specific or detailed subsequent work scope may be required by OCH upon completion of</p> <p>Cultural and Paleontological Resources, Initial Study Section E4 (cont)</p> <p>Archeological Monitoring Program and Report</p> <p>Data Recovery program: Activity to occur during and subsequent to construction activity, as per Data Recovery Program</p>		
Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and associated or unassociated funerary objects discovered during any soil-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	Project sponsor	Upon discovery, if applicable	Coroner, Environmental Review Officer	Review agreement. Complete upon Applicant notification to Environmental Review Officer, Coroner, and, if applicable, California State Native American Heritage Commission

<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Actions/Schedule and Verification of Compliance</i>
remains, notification of the California Native American Heritage Commission (NAHC), which shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to, but not beyond, six days from the time of discovery to make reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (State CEQA Guidelines Section 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. Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept the recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects, as specified in the treatment agreement, if such as agreement has been made, or, otherwise, as determined by the archeological consultant and the ERO.				

Final Archeological Resources Report. The archeological consultant shall submit a draft 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.	Project sponsor	Upon completion of testing, monitoring and data recovery programs:	Environmental Review Officer	Review Final Archeological Resources Report. Complete upon project sponsor submittal of final approved report as specified in measure
Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey, Northwest Information Center (NWIC), shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning Division of the Planning Department shall receive one bound copy, one unbound copy, and one unlocked and searchable PDF copy of the FARR on CD, along with copies of any formal site recordation forms (California Department of Parks and Recreation [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.			whichever occurs first	

<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Actions/Schedule and Verification of Compliance</i>
<b>Mitigation Measure M-CR-6: Tribal Cultural Resources Interpretive Program</b>				
If the Environmental Review Officer (ERO) determines that preservation-in-place of previously unidentified archeological resources pursuant to Mitigation Measure M-CR-4, Archeological Monitoring, is not a sufficient or feasible option, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a TCR, the project sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.	Project sponsor and contractor	After project construction.	Environmental Review Officer and tribal representatives	Review interpretive program. Considered complete upon ERO's approval of preservation-in-place of previously unidentified archeological resources.

## TRANSPORTATION AND CIRCULATION

### Improvement Measure I-TR-1a: Monitoring and Abatement of Queues

As an improvement measure to reduce the potential for queuing from vehicles that are attempting to access the project site, it shall be the responsibility of the project sponsor or subsequent property owner to ensure that recurring vehicle queues do not occur adjacent to the site.	Project sponsor	After project construction if recurring queue occurs.	San Francisco Planning Department or SFMTA as designee	Review monitoring report(s). Ongoing; may be considered complete after it is determined from the monitoring report(s) that a recurring queue no longer exists.
Because the proposed project would include a new off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces), the project is subject to conditions of approval set forth by the San Francisco Planning Department related to monitoring and abatement of queues. It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) that block any portion of any public street, alley, or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis. If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods, as needed, to abate the queue. Appropriate abatement methods will vary, depending on the characteristics and causes of				

<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Actions/Schedule and Verification of Compliance</i>
the recurring queue as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable). Suggested abatement methods include, but are not limited to, the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs, with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage that directs drivers to available spaces; travel demand management strategies, such as additional bicycle parking, customer shuttles, or delivery services; and/or parking demand management strategies, such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking. If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Planning Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report, which will be submitted to the Planning Department for review. If the Planning Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.				

**Improvement Measure I-TR-1b: Implement Transportation Demand Management Strategies to Reduce Single-Occupancy Vehicle Trips**

The project sponsor and subsequent property owner should implement a Transportation Demand Management (TDM) program to minimize the number of single-occupancy vehicle (SOV) trips generated by the proposed project for the lifetime of the project. The TDM program targets SOV trips by encouraging persons to select other modes of transportation, including walking, bicycling, transit, car-share options, carpooling, and/or other modes. The Project Sponsor--approved TDM checklist is also provided in Appendix K of the TIS prepared for the proposed project.	Project sponsor	During project design.	TDM coordinator; San Francisco Planning Department or SFMTA as designee	Considered complete after TDM measures have been implemented.
<p>The project sponsor has agreed to implement the following TDM measures:</p> <ul style="list-style-type: none"> <li>Identify TDM Coordinator: The project sponsor should identify a TDM coordinator for the project site. The TDM coordinator is responsible for implementation and ongoing operation of all TDM measures described below. The TDM coordinator could be a brokered service provided through an existing transportation management association (e.g., the Transportation Management</li> </ul>				

<i><b>Adopted Mitigation Measures</b></i>	<i><b>Responsibility for Implementation</b></i>	<i><b>Mitigation Schedule</b></i>	<i><b>Monitoring/Reporting Responsibility</b></i>	<i><b>Monitoring Actions/Schedule and Verification of Compliance</b></i>
<p>Association of San Francisco [TMASF], or the TDM coordinator could be an existing staff member (e.g., property manager). The TDM coordinator need not work full time at the project site. However, the TDM coordinator should be the single point of contact for all transportation-related questions from building occupants and City staff members. The TDM coordinator should provide TDM training to the building staff about the transportation amenities and options available at the project site and nearby.</p>				
<ul style="list-style-type: none"> <li> <b>Transportation and Trip Planning Information:</b> <ul style="list-style-type: none"> <li>Move-in packet: Provide a transportation insert for the move-in packet that includes information regarding transit service (local and regional schedules and fares), where transit passes can be purchased, the 511 Regional Rideshare Program and nearby bike- and car-share programs, and where to find additional web-based alternative transportation materials (e.g., the NextMuni phone app). This move-in packet should be continuously updated because local transportation options change. The packet should be provided to each new building occupant, and Muni maps, San Francisco bicycle route maps, and pedestrian maps should be provided upon request.</li> <li>New-hire packet: Provide a transportation insert in the new-hire packet that includes information regarding transit service (local and regional schedules and fares), where transit passes can be purchased, the 511 Regional Rideshare Program and nearby bike- and car-share programs, and where to find additional web-based alternative transportation materials (e.g., the NextMuni phone app). This new hire packet should be continuously updated because local transportation options change. The packet should be provided to each new building occupant, and Muni maps, San Francisco bicycle route maps, and pedestrian maps should be provided upon request.</li> <li>Posted and real-time information: A local map and real-time transit information could be installed on-site in a prominent and visible location, such as within a building lobby. The local map should clearly identify transit, bicycle, and key</li> </ul> </li> </ul>				

<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Actions/Schedule and Verification of Compliance</i>
<p>pedestrian routes and also depict nearby destinations and commercial corridors. Real-time transit information through NextMuni and/or regional transit data should be displayed on a digital screen.</p> <ul style="list-style-type: none"> <li> <b>Data Collection:</b> <ul style="list-style-type: none"> <li>City Access: As part of an ongoing effort to quantify the efficacy of TDM measures, City staff members may need access to the project site (including the garage) to perform trip counts, intercept surveys, or other types of data collection. All on-site activities shall be coordinated through the TDM coordinator. The project sponsor ensures future access to the site by City staff members. Providing access to existing developments for data collection purposes is also encouraged.</li> </ul> </li> <li> <b>Bicycle Measures:</b> <ul style="list-style-type: none"> <li>Parking: Increase the number of on-site secured bicycle parking spaces beyond Planning Code requirements and/or provide additional bike facilities in the public right-of-way adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).</li> <li>Bay Area Bike Share: The project sponsor shall cooperate with the SFMTA, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow a bike-share station to be installed in the public right-of-way along the projects frontage.</li> </ul> </li> <li> <b>Car-Share Measures:</b> <ul style="list-style-type: none"> <li>Parking: Provide optional car-share spaces, as described in Planning Code Section 166(g).</li> </ul> </li> </ul>				
<b>Improvement Measure I-TR-1c: Coordination of Move-in/Move-out Operations and Large Deliveries</b>				
<p>To reduce the potential for delivery vehicles parking within the travel lane adjacent to the curb lane on Jones Street or Golden Gate Avenue (in the event that the off-street loading space is occupied), residential move-in and move-out activities and large deliveries shall be scheduled and coordinated</p>	Project sponsor	During move-in/move-out activities and large deliveries.	SFMTA	Ongoing.



<i><b>Adopted Mitigation Measures</b></i>	<i><b>Responsibility for Implementation</b></i>	<i><b>Mitigation Schedule</b></i>	<i><b>Monitoring/Reporting Responsibility</b></i>	<i><b>Monitoring Actions/Schedule and Verification of Compliance</b></i>
<p>through building management. Appropriate move-in/ move-out procedures shall be enforced to avoid any blockages of Jones Street or Golden Gate Avenue over an extended period of time and reduce any potential conflicts between movers and pedestrians walking along Jones Street or Golden Gate Avenue. Curb parking on Jones Street and Golden Gate Avenue shall be reserved through the SFMTA or by directly contacting the local 311 service. No loading activities (freight/delivery or residential move-in/-out activities) shall be conducted along Market Street.</p> <p>The project sponsor shall enforce strict truck size regulations for the off-street loading space in the proposed freight loading area. Trucks that exceed 30 feet shall be prohibited from entering the off-street loading area and shall utilize the existing on-street loading spaces along Golden Gate Avenue, Jones Street, or McAllister Street, adjacent to or near the project site. Appropriate signage shall be located at the parking garage entrance to notify drivers of truck size regulations and notify drivers of on-street loading spaces on adjacent streets. The project sponsor shall notify building management and related staff members as well as retail/restaurant tenants of imposed truck size limits in the proposed freight loading area.</p> <p>Appropriate move-in/move-out and loading procedures shall be enforced to avoid any blockages of any streets adjacent to the project site over an extended period of time and reduce any potential conflicts between other vehicles and users of adjacent streets as well as movers and pedestrians walking along Golden Gate Avenue and Jones Street. Curb parking on Jones Street or Golden Gate Avenue shall be reserved through the SFMTA or by directly contacting the local 311 service.</p>				
<p><b>Improvement Measure I-TR-1d: Construction Truck Deliveries during Off-Peak Periods</b></p> <p>Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak-hour traffic and could temporarily impede traffic and transit flow, although it would not be considered a significant impact. Limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by the SFMTA) would further minimize any disruption of the general traffic flow on adjacent streets during the AM and PM peak periods.</p> <p>As required, the project sponsor and construction contractor(s) shall meet with the Sustainable Streets Division of the SFMTA, the fire department, Muni, and the Planning Department to determine feasible measures to reduce traffic congestion, including potential transit disruptions and</p>	Project sponsor	Prior to construction.	SFMTA	Considered complete once construction has been completed.

Adopted Mitigation Measures		Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
pedestrian circulation impacts during construction of the project. To minimize cumulative traffic impacts due to project construction, the project sponsor shall coordinate with construction contractors regarding any concurrent nearby projects that are planned for construction or later become known.					
Improvement Measure I-TR-1e: Construction Management Plan					
In addition to items required in the Construction Management Plan, the project sponsor shall include the following:	Project sponsor	Prior to construction.	SFMTA	Considered complete once the Construction Management Plan is approved by the Transportation Advisory Staff Committee.	
<ul style="list-style-type: none"><li>• Carpool and Transit Access for Construction Workers – As an improvement measure to minimize parking demand and vehicle trips associated with construction workers, the construction contractor shall include methods to encourage carpooling and transit use to the project site by construction workers in the Construction Management Plan contracts.</li><li>• Project Construction Updates – As an improvement measure to minimize construction impacts on nearby businesses, the project sponsor shall provide regularly updated information (typically in the form of website content, news articles, on-site postings, etc.) regarding project construction and the schedule as well as contact information for specific construction inquiries or concerns.</li></ul>					
Improvement Measure I-TR-4: Installation of Traffic Calming Devices at Underground Garage Exit Lane					
The project sponsor should install appropriate traffic calming devices (e.g., speed bumps, rumble strips, "slow speed" signage, etc.) at the exiting travel lane along the garage driveway to reduce the speed of vehicles while exiting the underground parking garage and further reduce potential conflicts between pedestrians and bicyclists within the sidewalk area or the travel lane along Jones Street.	Project sponsor	Before project construction.	SFMTA and Planning Department	Considered complete once the traffic calming devices have been installed.	
AIR QUALITY					
Mitigation Measure M-AQ-2: Construction Emissions Air Quality					
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	Project sponsor	Prior to the issuance of the demolition permit and construction and implementation of	Environmental Review Officer	Project sponsor to submit a Construction Emissions Minimization Plan to the Environmental Review Officer for review and approval by an Air Quality Specialist. Considered complete upon submittal of final	

<i><b>Adopted Mitigation Measures</b></i>	<i><b>Responsibility for Implementation</b></i>	<i><b>Mitigation Schedule</b></i>	<i><b>Monitoring/Reporting Responsibility</b></i>	<i><b>Monitoring Actions/Schedule and Verification of Compliance</b></i>
<p>the following requirements:</p> <ol style="list-style-type: none"> <li>1. All off-road equipment greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: <ol style="list-style-type: none"> <li>a. Where access to alternative sources of power is available, portable diesel engines shall be prohibited;</li> <li>b. All off-road equipment shall have: <ol style="list-style-type: none"> <li>i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 3 off-road emission standards, and</li> <li>ii. Engines that are retrofitted with an ARB Level 3 VDECS.<sup>1</sup></li> </ol> </li> <li>c. Exceptions: <ol style="list-style-type: none"> <li>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 applicant shall submit documentation of compliance with A(1)(b) for onsite power generation.</li> <li>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 would not be technically feasible, would not produce the desired emissions reductions because of the expected operating modes, or would create a safety hazard or impair visibility for the operator after installing the control device or there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the applicant 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</li> </ol> </li> </ol> </li> </ol>		<p>plan ongoing during construction; Final plan within six months of the completion of construction.</p>		<p>construction report to the Environmental Review Officer.</p>

<sup>1</sup> Equipment with engines than meet Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.

<i><b>Adopted Mitigation Measures</b></i>	<i><b>Responsibility for Implementation</b></i>	<i><b>Mitigation Schedule</b></i>	<i><b>Monitoring/Reporting Responsibility</b></i>	<i><b>Monitoring Actions/Schedule and Verification of Compliance</b></i>
<p>iii. If an exception is granted pursuant to A (1)©(ii), the project sponsor shall provide the next cleanest piece of off-road equipment provided by the step down schedule, as follows, and document that emissions are sufficiently reduced to ensure excess cancer risks and PM2.5 concentrations would not exceed the air pollution exposure zone criteria:</p> <ol style="list-style-type: none"> <li>1. Compliance Alternative 1: Engine Emissions Standard 2 with ARB Level 2 VDECS</li> <li>2. Compliance Alternative 2: Engine Emissions Standard 2 with the ARB Level 1 VDECS</li> <li>3. Compliance Alternative 3: Engine Emissions Standard 2 with alternative fuels (alternative fuels are not a VDECS)</li> </ol> <p>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 that meets Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment that meets Compliance Alternative 2, then Compliance Alternative 3 would need to be met.</p> <ol style="list-style-type: none"> <li>2. The project sponsor shall require the idling time for off-road and on-road equipment to 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.</li> <li>3. The project sponsor shall require construction operators to maintain and tune equipment in accordance with manufacturers' specifications.</li> <li>4. The Plan shall include estimates of the construction timeline by</li> </ol>				

<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Actions/Schedule and Verification of Compliance</i>
<p>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 the VDECS installed, the information may include technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, 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 who request 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 the Plan to members of the public as requested.</p> <p>B. Reporting. Monthly reports shall be submitted to the ERO that indicate 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 that uses alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Within six months of the completion of construction activities, the project sponsor shall submit a final report to the ERO that summarizes the construction activities. The final report shall indicate the start and end dates and the duration of each construction phase. For each phase, the report shall include the 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>C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan and (2) that all applicable requirements of the Plan have been incorporated into contract specifications.</p>				

<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Actions/Schedule and Verification of Compliance</i>
Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators  All diesel generators shall have engines that (1) meet Tier 4 Final or Tier 4 Interim emission standards or (2) meet Tier 2 emission standards and are equipped with an ARB Level 3 VDECS.	Project sponsor and contractor	Prior to and during construction.	Environmental Review Officer; Department of Building Inspection	Project sponsor to submit documentation to the Environmental Review Officer for review and approval by an Air Quality Specialist. Considered complete when construction has been completed.

## GEOLOGY AND SOILS

### Mitigation Measure M-GE-4: Paleontological Resource Accidental Discovery

Given the potential for paleontological resources to be present within the project site at excavation depths within the Marsh deposit, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on paleontological resources. Before the start of any earthmoving activities, the project sponsor shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology (SVP), who is experienced in teaching non-specialists. The qualified paleontologist shall train all construction personnel who are involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, and proper notification procedures should fossils be encountered. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who shall evaluate the significance.	Project sponsor	Prior to and during any earthmoving activities.	Environmental Review Officer	Review recovery plan and any subsequent reports. Considered complete when all earthmoving activities have been completed.
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If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find and notify the project sponsor and the San Francisco Planning Department. Construction work in the affected areas shall remain stopped or be diverted to allow recovery of fossil remains in a timely manner. The project sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with SVP guidelines. 111 The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City of San Francisco (City) to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. The City shall be

<i><b>Adopted Mitigation Measures</b></i>	<i><b>Responsibility for Implementation</b></i>	<i><b>Mitigation Schedule</b></i>	<i><b>Monitoring/ Reporting Responsibility</b></i>	<i><b>Monitoring Actions/Schedule and Verification of Compliance</b></i>
responsible for ensuring that the monitor's recommendations regarding treatment and reporting are implemented.				
<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
<b>Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement.</b>				
The project sponsor shall ensure that, prior to demolition, the building is surveyed for hazardous building materials, including electrical equipment that contains polychlorinated biphenyl (PCBs), fluorescent light ballasts that contain PCBs or bis(2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes that contain mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs. In cases where the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs and handled and disposed of accordingly under applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.	Project sponsor	Prior to demolition.	Department of Building Inspection	Considered complete when demolition has been completed.



# SAN FRANCISCO PLANNING DEPARTMENT

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*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)
- ☐ Public Art (Sec. 429)

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## Planning Commission Draft Motion

HEARING DATE: MARCH 17, 2016

*Date:* February 29, 2016  
*Case No.:* **2013.1753CXV**  
*Project Address:* **1066 Market Street**  
*Zoning:* C-3-G (Downtown General)  
120-X Height and Bulk District  
*Block/Lot:* 0350/003  
*Project Sponsor:* Julie Burdick– (415) 772.7142  
Multifamily Investments  
Shorenstein Properties  
235 Montgomery Street, 16<sup>th</sup> Floor  
San Francisco, CA 94104  
[jburdick@shorenstein.com](mailto:jburdick@shorenstein.com)  
*Staff Contact:* Tina Chang – (415) 575-9197  
[Tina.Chang@sfgov.org](mailto:Tina.Chang@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 124(F) AND 303, TO ALLOW ADDITIONAL SQUARE FOOTAGE ABOVE THE BASE FLOOR AREA RATIO, FOR DWELLING UNITS THAT WILL BE AFFORDABLE FOR THE LIFE OF THE PROJECT TO HOUSEHOLDS WHOSE INCOMES ARE WITHIN 90 PERCENT OF THE AREA MEDIAN INCOME AT 1066 MARKET STREET WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING AND THE 120-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On June 18, 2014, Julie Burdick of Shorenstein Residential LLC, on behalf of 1066 Market LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Environmental Review, to allow the demolition of an existing two-story, 5,066 gross square foot (gsf) vacant commercial building and adjoining 23,419 gsf surface parking lot and the new construction of a 14-level, 12-story mixed-use building containing approximately 304 dwelling units, with ground floor



retail, bicycle parking and two levels of subterranean parking with 102 spaces (hereinafter “the Project”) at 1066 Market Street (hereinafter “Project Site”).

On June 18, 2014, Julie Burdick of Shorenstein Residential LLC, on behalf of the Project Sponsor filed 1) an application with the Department for Compliance with Planning Code Section 309 with exceptions for Rear Yard requirements (Section 134), parking requirements, to provide parking at a ratio exceeding 0.25 to 1 (Section 151.1) and freight loading, to provide one off-street freight loading space instead of two (Sections 152) within the C-3-G (Downtown General) Zoning and 120-X Height and Bulk District to demolish the existing structure and surface parking lot, and construction of the Project; 2) an application with the Department for Conditional Use Authorization (CUA) to a) allow a higher density of residential units, at one unit per 90 square feet instead of one unit per 125 square feet as permitted by Planning Code Section 215(a), and b) to exempt on-site inclusionary units from FAR calculations per Section 124(f); 3) an application for Variance from Section 135(G)(2), use of inner as usable open space

On December 26, 2014, the “Uses, Conformity of Uses, Parking Requirements for Uses, and Special Use Districts” Ordinance became effective, amending Section 309 such that parking requirements were no longer modifiable per Section 309. Additionally, Section 151.1 was amended by the same Ordinance to permit up to one parking space for each two dwelling units. Therefore, the requested amount of parking no longer required an exception per Section 309. Accordingly, On November 19, 2015, Julie Burdick of Shorenstein Residential LLC, on behalf of the Project Sponsor submitted an amended application to the Department for Compliance with Planning Code Section 309 removing the request for exception to parking requirements. Updated applications for Conditional Use Authorization and a Variance was also submitted to the Department, however, there were no changes to the authorization and variance requests.

On January 13, 2016 Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 2, 2016; and

On February 2, 2016, an appeal of the Mitigated Negative Declaration was filed with the Department.

On March 17, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2013.1753XCV and the Appeal of the Mitigated Negative Declaration, 2013.1753E.

On March 17, 2016, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On March 17, 2016, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”): and

The Planning Department/Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2013.1753CXV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

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 requested in Application No. 2013.1753XCV, 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 "L" shaped, 27,310 square foot (sf) project site has approximately 55-feet of frontage on Market Street, where it is sandwiched by a three-story commercial building to the west and two-story commercial building to the east. The Project also has frontage on Jones Street to the west, north of the aforementioned three-story commercial building, and Golden Gate Avenue to the north of the project site. A 5,066 gross square foot (gsf) vacant commercial building and adjoining 23,419 gsf surface parking lot currently occupies the project site. The commercial building, which was constructed in 1966, fronts Market Street on the south side of the property. The privately owned parking lot holds approximately 102 vehicles. Existing vehicle and pedestrian access to the surface parking lot is provided on Golden Gate Avenue and Jones Street. Two curb cuts / driveways currently exist on the project site, including one on Golden Gate Avenue and one on Jones Street. Pedestrian access to the commercial building is provided on Market Street. There are no trees on the project site; five street trees are located along the sidewalks surrounding the site. The site slopes down gradually from the northwest to the southeast, with an elevation change of approximately 10 feet. The project site is located in C-3-G (Downtown General) Zoning District and a 120-X Height and Bulk District.

3. **Surrounding Properties and Neighborhood.** The project site is located within the Downtown Plan Area at 1066 Market Street in the Downtown/ Civic Center neighborhood of San Francisco. Within the Downtown / Civic Center neighborhood are smaller districts and micro-neighborhoods, such as the Market Street Theater and Loft Historic District, of which this Project is a part. Land uses in the surrounding area include a mix of low- and mid-rise mixed-use commercial buildings, tourist and residential hotels, multifamily housing, entertainment uses and government institutions. Properties in the immediate vicinity of the project site include a three-story commercial/ retail building to the south at 1072-1098 Market Street; a 10-story, low-income and senior housing development to the west at 121 Golden Gate Avenue; a seven-story, 820-unit homeless housing facility at 39-42 Jones Street; a nine-story, 108-unit apartment a two-story commercial/ retail building at 1028-1056 Market to the east, which is currently occupied by a “pop-up” food and beverage court (“The Hall”). The Hall is temporarily occupying the space while the property’s project sponsor finalizes the entitlement of the proposed project which includes the demolition of the existing building and the new construction of a 12-story, mixed-use residential-over-ground-floor retail development.
4. **Project Description.** The Project includes the demolition of an existing two-story, vacant, commercial building and adjoining 23,419 square foot surface parking lot, and the new construction of a 12-story, 14-level, mixed-used building containing approximately 304 dwelling units, with commercial retail on the ground floor, bicycle parking and two levels of subterranean parking with 102 parking spaces. The building’s height ranges from approximately 113 to 120 feet tall. The proposed dwelling unit mix consists of approximately 61 studios (approximately 20 percent of total units), 76 junior one-bedroom units (approximately 25 percent of total units), 56 one-bedroom units (about 18 percent of total units) and 111 two-bedroom units (about 37 percent). Residential amenities include a lounge, lobby, fitness center, leasing office and bicycle parking. The Project will provide 304 Class 1 and 18 Class 2 bicycle parking spaces.

Approximately 4,540 square feet of commercial retail space provides active street frontage along Market Street, Golden Gate Avenue and Jones Street. Due to a grade change of approximately 13 feet between the northwest corner and southeast corner of the project site, street access to the building occurs from two separate ground floors: one with access from Market Street (Level 1) and another from Jones Street and Golden Gate Avenue (Level 2). A 6,333 square-foot open-air courtyard is located in the center of the proposed Project at Level 1, with an elevated walkway through the courtyard providing access to the at-grade lobby amenity and lounge area on Level 2. A patio intended for the 1,684 square foot commercial space fronting Market Street is located at the southeast corner of the open-air courtyard. The roof includes two terraces totaling approximately 6,000 square feet.

The Market Street façade has been designed with a tripartite vertical expression of a base, shaft and capital – typical of buildings within the Market Street Theater and Loft Historic District. The three sections of the building are delineated by a horizontal reveal. The height of the tall base references similar features on adjacent buildings that are also characterized by tall bases, and will be defined by use of a textured masonry cladding at the piers, multi-level recessed window wall and horizontal reveal. The top of the building on the Market Street façade rests above a horizontal reveal and is characterized by stucco-clad vertical piers that align with piers at the

base of the building as well as double-height recessed window groupings. The middle of the building is designed with punched openings in a “basket weave” composition that suggests both the vertically expressed double-hung windows and the slightly more horizontally expressed Chicago-style windows found in the district, which are three-part windows with a large fixed center panel flanked by two smaller windows.

The Golden Gate Avenue and Jones Street facades have also been designed with the basket weave composition found on the Market Street façade. The upper stories of the building would be clad in a panelized system of integrally colored pre-cast concrete units in graded color variations with a light, intermediate and dark shade, as well as an accent color. The base of these facades is characterized by double-height storefront windows, except for a small portion on Golden Gate Avenue, where the double-height windows could not be achieved due to on-site elevation changes. While a tripartite pattern can be found on these frontages, the expression of the three-part façade is more loosely implemented on the designs of the Golden Gate Avenue and Jones Street facades.

5. **Community Outreach and Public Comment.** As summarized in the enclosed letter from the Project Sponsor, community outreach has included meetings with the Project’s neighbors, local businesses, community groups, individual residents, schools, religious organizations, and non-profits, including the Tenderloin Neighborhood Development Corporation, Tenderloin Housing Clinic, Tenderloin Economic Development Project, UC Hastings, Community Housing Partnerships, Urban Solutions, SF Bike Coalition, CounterPulse, St. Francis Foundation / Tenderloin Help Improvement Project, Central Market Community Benefit District, Housing Action Coalition, SPUR Design Review Committee, Golden Gate Theatre, Building Trades Commission, Draussalem Mosque, Market Street for the Masses, Mid-Market Business Association, as well as project sponsors, property owners, resident coordinators and tenants of neighboring properties, including but not limited to those at 950 Market Street, 1007 Market Street, 1019 Market Street, 1072 Market Street, 1029 Market Street, 1075 Market, 111 Jones Street, 205 Jones Street, 50 Golden Gate, 129 Golden Gate Avenue, 180 Golden Gate Avenue, 25 Taylor, and 55 Taylor. At times, the Project Sponsor has met with the aforementioned stakeholders multiple times throughout the past 2.5 years.

To date, the Department has not received any correspondence expressing opposition to the Project, however, and appeal was filed on the Preliminary Negative Declaration. Twenty letters of support from the following organizations, business owners, residents and tenants have been received:

- Draussalem Mosque – Mosque at 20 Jones Street
- Encore Capital – property owner in Tenderloin / Mid-Market neighborhood and neighbor
- Group I – owner of 950-974 Market Street
- The Housing Action Coalition
- Hibernia Bank – Owner at 1 Jones Street
- International Art Museum of America – tenant at 1025 Market Street
- Marinello Schools of Beauty – tenant at 1035 Market Street
- Molly Jans – Tenderloin Resident

- Khadija Eddkhissi – Resident at 317 Leavenworth Street
- Zohra Araq – Resident at 55 9<sup>th</sup> Street
- Khadija Arif – Resident at 940 Washington
- Zainaba Boudlim – Resident at 141 Eddy Street
- Mosser Companies – Property Owner of 50 Golden Gate Avenue
- Pam Coates – Resident at 41 Jones Street
- PianoFight- Business owner at 144 Taylor Street
- Thanh Nguyen – Resident at 145 Taylor Street
- Tidewater Capital – Property owner at 1028 Market
- UC Hastings
- Warm Planet Bikes – tenant at 1098a Market Street
- WeWork – Tenderloin business

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. **Maximum Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the C-3-0(SD) District is 6.0:1. Under Sections 123 and 128 of the Planning Code, the FAR can be increased to 9.0 to 1 with the purchase of transferable development rights (“TDR”).

*The Project Site has a lot area of approximately 27,312 square feet. Therefore, up to 163,872 square feet of Gross Floor Area (“GFA”) is allowed under the basic FAR limit, and up to 245,808 square feet of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include 298,278 square feet of GFA, of which 227,956 would count towards FAR. Conditions of approval are included to require the Project Sponsor to purchase TDR for the increment of development between 6.0 to 1 FAR and 9.0 to 1 FAR, for approximately 64,084 (227,956-163,872=64,084) square feet of floor area.*

*Additionally, the Project Sponsor seeks approval of Conditional Use Authorization to exempt floor area dedicated to the 36 below market rate units, or approximately 21,422 square feet, per Section 124(f). Therefore the Project complies with Section 124.*

B. **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 309 findings.*

C. **Residential Open Space (Section 135).** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that 48 square feet of common usable open be provided per dwelling unit.

*The Project includes 304 units. The Project would provide at least 36 square feet of private open space for 50 of the dwelling units through private balconies or terraces. A total of 12,192 square feet of commonly accessible open space would be required for the remaining 254 units without balconies or terraces, which would be provided in the form of a 6,333 square-foot inner courtyard at grade and two roof decks amounting to 6,000 square feet. In all, 12,333 square feet of common open space would be provided, exceeding the common open space requirement.*

*Section 135(g)(2) allows the use of inner courts to be counted as usable open space, provided that the enclosed space is (1) at least 20 feet in every horizontal dimension, (2) at least 400 square feet in area, and (3) the height of the walls above the court on at least three sides is such that no point on any wall is higher than one foot for each foot that such point is horizontally distant from the opposite side of the court. The proposed inner court meets two of the three criteria; the dimensions of the inner court are approximately 65 feet wide by 100 feet long amounting to approximately 6,333 square feet. However, the height of the walls surrounding the inner court exceeds the permitted dimension. Therefore, a variance from Section 135 is required.*

- D. Public Open Space (Section 138).** New buildings in the C-3 (SD) Zoning District must provide public open space at a ratio of one square feet per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building. This public open space must be located on the same site as the building or within 900 feet of it within a C-3 district.

*Ground floor retail space in the C-3 Districts that is less than 5,000 square feet and less than 75 percent of the ground floor area is excluded from gross floor area and is therefore not required to provide the associated publically accessible open space. The Project includes approximately 4,578 square feet of ground floor retail space, which is exempt from the requirement. However, 315 square feet of the inner courtyard would be available to tenants of the proposed retail space fronting Market Street. The patio space adjacent to the Market Street-fronting retail space would be available for residents to use at any time.*

- E. Street Trees (Sections 138.1 ).** 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 includes a total of approximately 370 feet of street frontage along Market Street (approximately 55 feet), Jones Street (approximately 152 feet) and Golden Gate Avenue (163 feet), resulting in a requirement of nineteen street trees. Thirteen (13) new street trees are proposed and five exist, resulting in a total of 18 trees. Conditions of approval have to been added to require the Project to plant (13) street trees and pay an in-lieu fee for the remaining one (1) tree, thereby complying with Section 138.1 and 428.*

*Per Public Works Code, Article 16, Section 806, all street trees would be planted within the public right-of-way adjacent to the subject property, be of a species suitable for the site conditions; be a minimum of 24-inch box size; have a minimum 1 ¼ inch caliper, measured 6-inches above ground; be planted no higher than the adjacent sidewalk and provide a below-grade environment with nutrient-rich soils, free from overly-compacted soils and generally conducive to tree root development and be watered, maintained and replaced if necessary by the property owner in accordance with Article 16 of the Public Works Code and be in compliance with applicable water use requirements of Administrative Code Chapter 63.*

- F. **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.

*In addition to the street trees mentioned above, the Project proposes sidewalk widening along the Project's Golden Gate Avenue frontage, from 12-feet to 16-feet and a 6-foot bulb-out at the southeast corner of the Golden Gate Avenue and Jones Street intersection. These streetscape improvements have been vetted by the Street Design Action Team, an interagency body including the Planning Department, Municipal Transportation Authority and the Department of Public Works.*

- G. **Exposure (Section 140).** Planning Code Section 140 requires all dwelling units in all use districts to face onto a public street at least 20 feet in width, side yard at least 25 feet in width or open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

*The Project complies with Section 140. All units facing public rights-of-way open onto streets greater than 20-feet wide. Units at the upper most levels of the building along Market Street and Golden Gate Avenue must expose onto an inner courtyard at least 75 feet in length. Since the north-south length of the courtyard is 100-feet wide, the Project's courtyard meets exposure requirements. Units along the Jones Street Frontage facing east meet exposure requirements, as the east-west width of the courtyard is 65 feet, and the units at the 11<sup>th</sup> and 12<sup>th</sup> floors are setback 10 feet from the edge closest to the inner court, for a total of 75 feet of open area at the upper most levels.*

- H. **Active Frontages – Loading and Driveway Entry Width (Section 145.1(c)(2)).** Section 145.1(c)(2) limits the width of parking and loading entrances to no more than one-third the width of the street frontage of a structure, or 20 feet, whichever is less.

*The Project includes 20-foot entry for parking along Jones Street and one off-street loading with immediately adjacent elevator access along Golden Gate Avenue. The Project complies with Section 145.1(c)(2).*

- 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 Street, Jones Street and Golden Gate Avenue 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. The only non-active uses along public frontages are the parking access and off-street loading space, and mechanical spaces, and building ingress and egress which are specifically exempt from the active uses requirement. The building lobby is considered an active use because it does not exceed 40 feet per 145.1(b)(2)(C).*

- 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 Project complies with the Ground Floor Transparency requirements of the Planning Code. Approximately 66 percent of the Project’s Golden Gate Avenue non-residential façade is fenestrated with transparent windows and doorways, approximately 64 percent of the Jones Street non-residential façade contains transparent windows and doorways and approximately 83 percent of the Project’s Market Street frontage meets transparency requirements with fenestration of windows and doorways.*

- 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.

*Section 146(a) does not apply to construction on the north side of Market Street, Jones Street or Golden Gate Avenue, and therefore does not apply to the Project. With respect to Section 146(c), the Project would replace an underutilized, vacant, 3-story commercial building and surface parking lot with a 12-story, 14-level residential over ground-floor retail structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project’s shadows 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 complies with Section 146.*

- 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 the Project would not cast shadow on the nearest public open spaces including United Nations Plaza located 500 feet southwest of the project site, which does not fall under the Recreation and Park Department (RPD) jurisdiction, or Boeddeker Park located approximately 800 feet north, which does fall under RPD jurisdiction.*

*Therefore, the Project complies with Section 147.*

- M. **Ground Level Wind (Section 148).** Planning Code Section 148 requires that new construction in Downtown Commercial Districts will not cause ground-level wind currents to exceed pedestrian comfort levels. This standard requires that wind speeds not exceed 11 miles per hour in areas of substantial pedestrian use for more than 10 percent of the time year round, between 7:00 AM and 6:00 PM. The requirements of this Section apply either when preexisting ambient wind speeds at a site exceed the comfort level and are not being eliminated as a result of the project, or when the project may result in wind conditions exceeding the comfort criterion.

*The existing conditions at the Project Site indicate that 12 of the 55 test points exceed the Planning Code's comfort criterion at grade level. With the Project, an additional 5 comfort exceedances are created at grade level for a total of 17. At above grade levels, 4 comfort exceedances would exist. According to the wind tunnel text reports, any trees at grade would help improve localized wind speeds around public areas and building entrances. To improve comfort at above grade levels, porous wind screens and furniture are recommended and will be provided. The Project includes eight new street trees along Golden Gate Avenue and five new street trees along Jones Street for a total of 15 new streets (there are two existing streets on Jones which will be removed and replaced). A Section 309 exception is being sought because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speeds at the site to reach or exceed the hazard level of 26 mph for a single hour of the year. There are no hazardous wind speeds caused by the Project.*

- N. **Parking (Sec. 151.1).** Planning Section 151.1 allows up to one car for each two dwelling units as-of-right, and up to three cars for each four dwelling units as a conditional use. For non-residential uses, the Code does not provide a total number of permitted spaces, but instead limits parking to an area equivalent to 7% of the total gross floor area of such uses.

*The Project contains 304 dwelling units. Per Planning Section 151.1, 152 parking spaces are principally permitted ( $304/2 = 152$ ) for residential uses. The Project proposes, as a total of 102 parked cars, which is less than the principally permitted amount and thus complies with this requirement. The Project does not propose any parking for the retail uses.*

- O. **Off-Street Freight Loading (Sec. 152.1).** Planning Code Section 152.1 requires that projects in the C-3 District that include the addition of 200,001-500,000 sq. ft. of residential space must provide two off-street freight loading spaces within the project.

*The Project includes 298,278 gross square feet of development (227,956 square feet that counts towards Floor Area Ratio), requiring two off-street loading spaces. One off-street loading space is provided, therefore a Section 309 exception is being sought.*

- P. **Bicycle Parking (Section 155.2).** For buildings with more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100, and one Class 2 space per 20 units. For the retail space, Section 155.2 requires a minimum of two spaces.

*The Project complies with Section 155.2 because it provides 304 Class 1 parking spaces, exceeding the Planning Code requirement to provide 152 Class 1 spaces ( $100 + 204/4 = 51$  (for residential uses) + 1 (for commercial use) = 152 spaces required) and 17 Class 2 spaces ( $304 \text{ units}/20 = 15.2$  (for residential uses) + 2 (for commercial uses) = 17 spaces required) for the residential units. The project will provide 304 Class 1 bicycle parking spaces and 18 Class 2 spaces. All Class 1 spaces are located at the first level, accessible by elevator from the Jones Street entrance, and Class 2 spaces are located on each of the Projects street frontages; Market Street includes 10 Class 2 spaces, Jones Street provides 4 spaces and Golden Gate Avenue provides another 4 Class 2 bicycle parking spaces for a total of 18.*

- Q. **Car Share (Section 166).** Planning Code Section 166 requires two car share parking spaces for residential projects with between 201 or more dwelling units plus an additional parking space for every 200 dwelling units over 200.

*The Project complies with Section 166 because it provides two off-street car share parking space within the below-grade garage.*

- R. **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 304 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.*

- S. **Height (Section 260).** The property is located in a 120-X Height and Bulk District, thus permitting structures up to a height of 120 feet.

*The Project would reach a height of approximately 120 feet to the roof of the building, with various features such as elevator/stair penthouses, mechanical structures, an enclosed recreation space, and parapets extending above the 220-foot height limit in accordance with the height exemptions allowed*

*through Planning Code Section 260(b). The Project's Market Street façade reaches a height of 113-feet, 119-feet - 11-inches along Jones Street, and 120-feet on Golden Gate Avenue.*

- T. **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.

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

- U. **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 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee.*

*In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit a contract, in addition to the affordable housing affidavit, demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office.*

*The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on December 12, 2014 and a draft of the Costa Hawkins agreement on March 23, 2015. The EE application was submitted on February 12, 2014. Pursuant to Planning Code Section 415.3 and 415.6 the on-site requirement is 12 percent. Thirty seven units (13 two-bedroom, 16 one-bedroom, and 8 studio units) of the 304 units provided will be affordable rental units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. The Project*

*must execute the Costa Hawkins agreement prior to Planning Commission approval or must revert to payment of the Affordable Housing Fee.*

- V. **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 would comply with this Section by dedicating one percent of the Project's construction cost to works of art. The public art concept and location will be subsequently presented to the Planning Commission at an informational presentation.*

- W. **Signage (Section 607).** 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 pursuant to the provisions of Article 6 of the Planning Code.

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

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

*The Conditional Use Authorization to exempt floor area dedicated to below market rate units would be desirable and compatible with the neighborhood for several reasons. The Project proposes a total of 304 dwelling units, of which 36 will be designated as below market rate units. The Project not only increasing the City's housing stock, but also provides affordable units for households whose income are within 120 percent Area Median Income, for the life of the project.*

*The Project is desirable because it would replace an underutilized commercial building and surface parking lot with a 12-story, 14-level mixed use, residential above ground floor retail building. The Project includes approximately 4,540 square feet of ground floor retail and approximately 12,300 square feet of common open space.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working in the area in that:

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

*The Project would be constructed within existing height and bulk limits. The structure has been arranged on the site to be consistent with the surrounding streetscape and compatible with the*

surrounding buildings. Along Golden Gate Avenue frontage, the Project would be sandwiched by two structures of similar heights and bulks: the recently constructed building at 121 Golden Gate Avenue, which is 10 stories and the proposed structure at 1028 Market Street, which will be approximately 12 stories. The Project provides active uses along every street frontage and includes an inner court amounting to approximately 6,333 square feet at the ground floor.

The Project includes approximately 227,956 floor area square feet of residential uses, of which, approximately 178,515 is rentable. The Project seeks to exempt 21,422 square feet (12 percent of 178,515), which would be dedicated to below market rate units, pursuant to Planning Code Section 124(f), which allows the floor area devoted to affordable housing constructed on-site in a C-3 District to exceed base floor area permissions. The units must be made affordable to households whose incomes are within 120% AMI for ownership units and 90% AMI for rental units. Since the Project would contain rental units, the units must be made affordable

- b. 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;

*In general, the Project would provide a sufficient but not excessive amount of off-street parking. The Project would provide 102 off-street parking spaces in an underground garage, which is principally permitted. Of the 102 parking spaces, two (2) are car share spaces, in accordance with Section 166, four (4) are accessible, and eight (8) include electric vehicle stations. The parking that is being provided is not expected to generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project Site to the employment opportunities and retail services of the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. However, the amount of parking proposed by the Project would support the economic viability of the Project and ensure that the neighborhood parking will not be overburdened by the addition of new residents. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.*

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

*The parking in excess of principally permitted amounts would not result in noxious or offensive emissions such as noise, glare, dust, or odor. The new residential tower and ground floor retail space would generate noise similar to that generated by nearby existing residential and other uses. Any restaurant or retail uses will be properly vented and trash will be disposed of in an appropriate manner. Because all of the Project's parking is below grade, it will have no effect on glare or other visual qualities above grade. The above-grade portion of the Project will be designed to comply with City standards for material properties like reflectiveness and color.*

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

*All parking for the Project is located within a subterranean garage and would not be visible from the public right-of-way. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project. All parking and loading would be accessed by a single service entrance from Howard Street.*

*In order to create more pedestrian interest in the surrounding vicinity and therefore calm traffic along the street, the Project would landscape a portion of the sidewalk and provide neighborhood-serving ground-floor retail uses. To complement the ground floor retail use, the Project would, in conjunction with the Department of Public Works, install new pedestrian amenities, including street trees and sidewalk landscaping, new surface materials in select areas to introduce color and texture and new lighting. Plant species would be climate-adapted and selected for form, color, fragrance and to support native wildlife, while being compatible with the narrow proportions of the site and the characteristics of water conservation, low-maintenance, high durability and San Francisco's Better Street Scape Plan guidelines.*

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

*The square footage to be dedicated to Below Market Rate units complies with applicable provisions of the Planning Code and will not adversely affect the General Plan. 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 and is well served by transit and commercial services, allowing residents to commute, shop and reach amenities by walking, taking transit and bicycling. The Project conforms to multiple goals and policies of the General Plan, as described in further detail in Item #8.*

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

## HOUSING ELEMENT

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.8

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

*The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project proposes to demolish an underutilized three-story commercial garage and surface parking lot and construct a mixed-use residential building above ground floor retail that contains 267 market rate units, 37 on-site affordable units compliant with Section 415 of the Planning Code, and approximately 4,578 gsf of retail use. The Property is an ideal site for new housing due to its central, downtown location, and proximity to*

*public transportation. The current development of this location, with a surface parking lot and underutilized commercial building, represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market Street, Jones Street and Golden Gate Avenue frontages.*

**Policy 1.10**

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

*The Project supports this Policy. It is anticipated that because of the central downtown location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project is two blocks from Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also 1.5 blocks from the Civic Center BART and MUNI stations, and is within one block of at least 6 MUNI bus lines. The Project provides 304 Class 1 bicycle parking spaces with a convenient and separate entrance designated for bicyclists, encouraging the use of bikes as a mode of transportation.*

**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 304 dwelling units, of which 61 (20%) are studios, 132 (43%) are one-bedroom units and 111 (37%) are two-bedroom units. The Project provides a range of unit types to serve a variety of needs, and will provide 12 percent on-site affordable units comprising of the similar dwelling unit mix, namely 22% studios, 43% one-bedrooms and 35% two-bedroom units.*

**OBJECTIVE 7:**

**SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.**

*In compliance with this policy, the Project would provide permanently affordable on-site housing by allocating 12% of units as affordable, in accordance with the City's Affordable Inclusionary Housing Ordinance, thereby enhancing the City's affordable housing.*

**OBJECTIVE 11:**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals

**Policy 11.3**

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

**Policy 11.4**

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

**Policy 11.6**

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

**Policy 11.7**

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

*The Project supports these Policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings, and complies with the existing zoning in terms of land use, height, and density. The Project's design respects the architectural design of adjacent historic resources, with a traditional tripartite façade containing defined base, shaft and top, while remaining modern in expression. This new development will greatly enhance the character of the existing neighborhood. Ideal site for new housing due to its central, downtown location, and proximity to public transportation. The current development of this location, with a surface parking lot and underutilized commercial building, represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market Street, Jones Street and Golden Gate Avenue frontages.*

## 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 employs design to relate to existing development in the neighborhood, which is characterized by mid- to high-rise, mixed-use buildings that help compose a district of Renaissance Revival-style buildings. Renaissance Revival-style buildings are typically expressed by tripartite design, vertical expression, punched windows, decorative brickwork and modillion cornices. The proposed project would replace an underutilized 3-story commercial building and surface parking lot that respects its context by providing a high-rise, mixed-used building of tripartite design, separated with horizontal reveals and punched openings. The proposed structure complies with land use and development controls of the Planning Code and the surrounding development.*

**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 4,578 square feet of new commercial space – divided between two tenant spaces – 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 Office Special Development District, and is thus consistent with activities in the commercial land use plan.*

## TRANSPORTATION ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.2:**

Ensure the safety and comfort of pedestrians throughout the city.

*A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the widening of the sidewalk along the Project's Golden Gate Avenue frontage and a 6-foot bulb-out at the Golden Gate Avenue and Jones Street intersection, intended to reduce vehicular speed and provide greater refuge for pedestrians. The Project would also plant a consistent row of street trees along Jones Street and Golden Gate Avenue, along with bicycle racks enhance the pedestrian experience and provide convenience to bicyclists.*

#### **Policy 1.3:**

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

#### **Policy 1.6:**

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

*The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided is not expected to generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project site to the employment opportunities and retail services of the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. In addition, the placement of parking in stacker configurations will discourage frequent use of vehicles for shorter trips and increase the use of public transit. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.*

#### **OBJECTIVE 2:**

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

**Policy 2.1:**

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

*The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is the most transit rich area of the City. The Project would provide only 0.5 parking spaces per dwelling and will not provide any parking for the proposed retail uses. All of these parking spaces would be located underground, and thus be less intrusive from an urban design standpoint.*

**OBJECTIVE 11:**

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

**Policy 11.3:**

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

*The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 322 bicycles (304 Class 1, 18 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain.*

## 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. The Project would not displace any housing because the existing structure at 1066 Market Street is a vacant 3-story commercial space and surface parking lot. The Project would improve the existing character of the neighborhood by removing the surface parking lot and vacant structure. The proposed retail space, which includes ground floor retail space, is consistent and compatible with the*

*existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.*

*The Project 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 7.1.1**

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 commercial space and surface parking lot, constructing a 120-foot tall, 12-story-over-basement (14 level), 304-unit residential building over ground floor retail, within easy commuting distance of downtown jobs.*

*The Project includes approximately 4,578 square feet of ground floor commercial space, with tenant spaces on Market Street and the corner of Jones Street and Golden Gate Avenue; these spaces would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on each of the three frontages.*

**OBJECTIVE 16:**

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

**Policy 16.4**

Use designs and materials and include amenities at the ground floor to create pedestrian interest.

*The Project would promote Objective 16 by including a ground floor retail use which would promote pedestrian traffic in the vicinity. The Project would provide floor-to-ceiling, transparent windows in retail spaces, inviting pedestrians, and landscape the sidewalk area surrounding the Project Site with street trees and bike racks. This space would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street.*

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 Project would not displace existing neighborhood-serving retail uses because no retail uses currently exist at the Project Site. In addition to 304 residential units, the Project would include approximately 4,578 square feet of retail space in two separate commercial spaces. The Project would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. Moreover, the Project would not displace any existing neighborhood-serving retail uses. Instead, the Project would enhance neighborhood-serving retail by adding new retail space, which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services. The addition of this new space would also complement the pedestrian-friendly Downtown core and would continue the pattern of active ground floor retail along the Market Street, Jones Street and Golden Gate Avenue frontages.*

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

*The Project would not negatively affect the existing housing and neighborhood character. The Project would not displace any housing because the existing structure at 1066 Market Street is an underutilized, vacant commercial building and surface parking lot. The Project would improve the existing character of the neighborhood by removing the vacant structure and surface parking lot. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.*

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

*There is currently no housing on the site; therefore, no affordable housing will be lost as part of this Project. The Project would enhance the City's supply of affordable housing by providing 37 on-site affordable dwelling units, in compliance with the affordable housing requirements of Planning Code Section 415.*

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

*The Project would not impede MUNI transit service or overburden local streets or parking. The Project is at a location well-served by transit as it is located in a major transit corridor and would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services and the BART system. The Project also provides a sufficient amount of off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents.*

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

*The Project would not negatively affect the industrial and service sectors because it is largely residential in nature and would not displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which is characterized by commercial office buildings and residential high-rise buildings.*

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

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

- G. That landmarks and historic buildings be preserved.

*The Planning Department has determined that the 1066 Market Street a three-story, vacant commercial space and surface parking lot, is not individually eligible for listing on the California Register, but is located in an historic district. Accordingly, the building has been designed to respect the character defining features of the district. As such, the Project would not have an indirect impact on historic resources by negatively altering the existing visual setting of these resources.*

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

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

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2013.1753CXV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 23, 2016 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth and includes that portion of the Project described on the plans attached hereto as Exhibit B that is located within the Rincon Point South Beach Redevelopment Plan Area.

**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. The effective 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 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 March 17, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: March 17, 2016



## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Conditional Use Authorization** relating to a Project that would demolish an existing three-story, vacant commercial structure and surface parking lot and construct a new, 12-story-over-basement, 14-level approximately 120-foot tall, 298,278 gross square foot building (of which 227,956 counts towards Floor Area Ratio (FAR)) containing approximately 4,578 gross square feet of ground floor commercial space, and 304 dwelling-units located at 1066 Market Street, Assessor's Block 0350, Lot 003 pursuant to **Planning Code Sections 303 and 124(f)** within the C-3-G Zoning District and a 120-X Height and Bulk District; in general conformance with plans, dated February 23, 2016, and stamped "EXHIBIT B" included in the docket for Case No. **2013.1753CXV** and subject to conditions of approval reviewed and approved by the Commission on **March 17, 2016** under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. XXXXX, Case No. 2013.1753CXV (Downtown Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. Further the Project requires variances from Section 135(g)(2), use of inner courts, that requires approval from the Zoning Administrator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **March 17, 2016** 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](http://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](http://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](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs shall, at the Project Sponsor's request, be extended by 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](http://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](http://www.sf-planning.org)*

6. **Additional Project Authorization.** The Project Sponsor must obtain a Variance from Section 135(g)(2), which does not provide the one-to-one ratio of depth to building height required by

Section 135(g)(2) of the Planning Code. The Project Sponsor must also obtain a Downtown Project Authorization, pursuant to Planning Code Sections 309, and request exceptions for rear yard per Section 134, reduction of ground-level wind currents per Section 148 and reduction of freight loading requirements per Section 161. The conditions set forth 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](http://www.sf-planning.org).*

7. **Transferable Development Rights.** Pursuant to Section 128, the Project Sponsor shall purchase the required number of units of Transferrable Development Rights (TDR) and secure a Notice of Use of TDR prior to the issuance of an architectural addendum for all development which exceeds the base FAR of 6.0 to 1, up to a maximum FAR of 9.0 to 1. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

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

8. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Exhibit C** to the CEQA Findings Motion associated with the Subject Project 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](http://www.sf-planning.org).*

## DESIGN – COMPLIANCE AT PLAN STAGE

9. **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](http://www.sf-planning.org)*

10. **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 of ten of the fifteen required street trees, with an in-lieu fee requirement applicable for five street trees. The Project shall install the thirteen (13) street trees and pay the in-lieu fee for the one (1) tree as set forth in Condition Number 23 below, unless the installation of the 13 trees proves infeasible, in which case the Project shall pay an in-lieu fee for any of the 13 trees not so installed.

Also, all street trees must meet the standards per Article 16 of the Public Works Code, Section 806.

*For information about compliance, contact the Department of Urban Forestry at 415-554-6700, [www.sf-planning.org](http://www.sf-planning.org)*

11. **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 widening of the sidewalk to 16-feet along the Project's Golden Gate Avenue frontage, and a the provision of a 6-foot bulbout at the southeast corner of the Jones Street and Golden Gate Avenue intersection. 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](http://www.sf-planning.org)*

12. **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](http://www.sf-planning.org)*

13. **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 architectural addendum to 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](http://www.sf-planning.org)*

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

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

15. **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>*

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

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

## PARKING AND TRAFFIC

17. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than one parking space per two dwelling units as of right. With 304 dwelling units proposed, there is a maximum of 102 off-street parking spaces allowed as-of-right. With 102 off-street parking spaces total included, the Project Sponsor must design and designate 4 off-street parking spaces for persons with disabilities.

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

18. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide one off-street loading space and attain one dedicated on-street loading space with the Metropolitan Transportation Authority.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
19. **Car Share.** Pursuant to Planning Code Section 166, no less than two 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](http://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 152 Class 1 bicycle parking spaces (151 for the residential portion of the Project and 1 for the retail portion) and 17 Class 2 spaces - fifteen for residential and 7 for commercial).  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://www.sf-planning.org)*

## PROVISIONS

22. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

23. **Transportation Sustainability Fee.** The project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
24. **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. If the Project Sponsor elects to provide the artwork on-site, the Conditions set forth in Conditions Numbers 28-30 below shall govern.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
25. **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](http://www.sf-planning.org)*
26. **Art – Concept Development.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the approval of the first building or site permit application.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
27. **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](http://www.sf-planning.org)*

#### **Affordable Units**

28. **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 304 units; therefore, 37 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 37 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- 29. Unit Mix.** The Project contains 61 studios, 132 one-bedroom and 111 two-bedroom units; therefore, the required affordable unit mix is 7 studios, 16 one-bedroom and 14 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

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

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

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

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

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

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

- 33. 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.

- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

## 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](http://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>*

## MONITORING

36. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning

Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

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

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

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Mitigated Negative Declaration

*Date:* January 13, 2016  
*Case No.:* 2013.1753E  
*Project Title:* **1066 Market Street**  
*Zoning:* Downtown General Commercial (C-3-G) Zoning District  
120-X Height and Bulk District  
*Block/Lot:* 0350/003  
*Lot Size:* 27,310 square feet (0.63 acre)  
*Project Sponsor:* Julie Burdick – (415) 772-7142  
Shorenstein Residential, LLC  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Elizabeth Purl – (415) 575-9028, [elizabeth.purl@sfgov.org](mailto:elizabeth.purl@sfgov.org)

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## PROJECT DESCRIPTION

The 1066 Market Street Project (proposed project) is a multi-family residential development project with ground floor retail space located within the Downtown Plan Area at 1066 Market Street (Assessor's Block 0350, Lot 003) in the Downtown/Civic Center neighborhood in the City and County of San Francisco. The project site is bounded by Golden Gate Avenue to the north, a three-story building and Market Street to the south, Jones Street to the west, and a two-story commercial building to the east.

The project site is "L"-shaped and approximately 27,310 square feet in size (about 0.63 acre). The project site is currently occupied by a two-story, 5,066-gross square foot (gsf) vacant commercial building and an adjoining 23,419 gsf surface parking lot.

The proposed project involves the demolition of the existing building and parking lot and construction of a new 12-story, 120-foot-tall, approximately 297,950 gsf residential building with ground floor retail space and two levels of subterranean parking. The mixed-use building would provide approximately 304 dwelling units and 4,540 gsf of ground-floor commercial retail space. Residential amenities would include a lounge, lobby, and fitness center. The project would provide Class 1 bicycle storage for 304 bicycles on the ground floor. The 41,360 gsf subterranean parking area would provide 102 vehicle parking spaces. The proposed project would include 12,333 square feet of common useable open space in the form of an open-air courtyard and two roof terraces. The proposed project also would include new streetscape features within the sidewalk areas along Golden Gate Avenue, Jones Street, and Market Street, including 18 Class 2 bicycle parking spaces.

## FINDING

This proposed 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

proposed project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. See Section F, Mitigation Measures.

cc: Julie Burdick, Project Sponsor  
Tina Chang, Current Planner  
Master Decision File

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# Initial Study

## 1066 Market Street

### Planning Department Case No. 2013.1753E

#### A. PROJECT DESCRIPTION

##### PROJECT LOCATION AND SITE CHARACTERISTICS

The project site is located within the Downtown Plan Area at 1066 Market Street (Assessor's Block 0350, Lot 003) in the Downtown/Civic Center neighborhood of San Francisco. **Figure 1** shows the project location. The "L"-shaped, 27,310-square-foot (sf) project site is bounded by a three-story building and Market Street to the south, Jones Street to the west, Golden Gate Avenue to the north, and a two-story commercial building to the east.

The project site is currently occupied by a two-story, 5,066-gross-square-foot (gsf) vacant commercial building and adjoining 23,419 gsf surface parking lot. The commercial building, which was constructed in 1966, fronts Market Street on the south side of the property. The privately-owned paid parking lot holds approximately 102 vehicles. Existing vehicle and pedestrian access to the surface parking lot is provided on Golden Gate Avenue and Jones Street. Two curb cuts/driveways currently exist on the project site, including one on Golden Gate Avenue and one on Jones Street. Pedestrian access to the commercial building is provided on Market Street. There are no trees on the project site; five street trees are located along the sidewalks surrounding the site.

The site slopes down gradually from the northwest to the southeast, from an elevation of approximately 47 feet San Francisco City Datum (SF Datum) in the northwest corner of the project site to an elevation of approximately 34 feet SF Datum at the southeast corner of the project site. The project site is in a Downtown General Commercial (C-3-G) Zoning District and a 120-X Height and Bulk District. The C-3-G District covers the western portions of downtown San Francisco and is composed of a variety of uses: retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. The 120-X Height and Bulk District permits buildings up to 120 feet in height, with no bulk restrictions.

##### PROJECT CHARACTERISTICS

The proposed project includes the construction of a 12-story mixed-use building containing approximately 304 dwelling units, with commercial retail on the ground floor, bicycle parking, and two levels of subterranean parking with 102 spaces.<sup>1</sup> Residential amenities would include a lounge, lobby, fitness center, leasing office, and bicycle parking. The proposed building would be approximately 113 to 120 feet tall (129 to 136 feet with parapets, rooftop access, and mechanical equipment, which are excluded from building height calculations for planning purposes). **Table 1**

---

<sup>1</sup> The project has 14 levels, but because of the slope of the site, it is 12 stories in height at all street frontages.

summarizes the characteristics of the proposed project and **Figure 2** shows the project site plan. Unless otherwise noted, all square footage figures in the table refer to gross floor area, as defined in *San Francisco Planning Code (Planning Code)* Section 102.9.

**TABLE 1: PROJECT CHARACTERISTICS**

Use/Characteristic	Area / Amount
Residential and Amenity Space*	252,050 gsf
Dwelling Units	304 units 61 Studio units 76 Junior One-Bedroom units 56 One-Bedroom units 111 Two-Bedroom units
Commercial Retail	4,540 gsf
Parking Levels	41,360 gsf
Parking Spaces	102 spaces (including 37 standard, 51 compact, 8 electric vehicle charging, 4 ADA-compliant, and 2 car share spaces)
Total Building	297,950 gsf
<b>Other Project Elements</b>	
Common Open Space	12,333 sf
Courtyard	6,333 sf
Roof Terraces	6,000 sf
Bicycle Parking (Class 1)	304 spaces
Sidewalk Bicycle Parking (Class 2)	18 spaces
Building Height	113 to 120 feet (129 to 136 feet including parapets, rooftop access, and mechanical equipment)
Number of Stories	12 stories + 2 levels of subterranean parking
Street Trees	13 new street trees and 2 replacement street trees

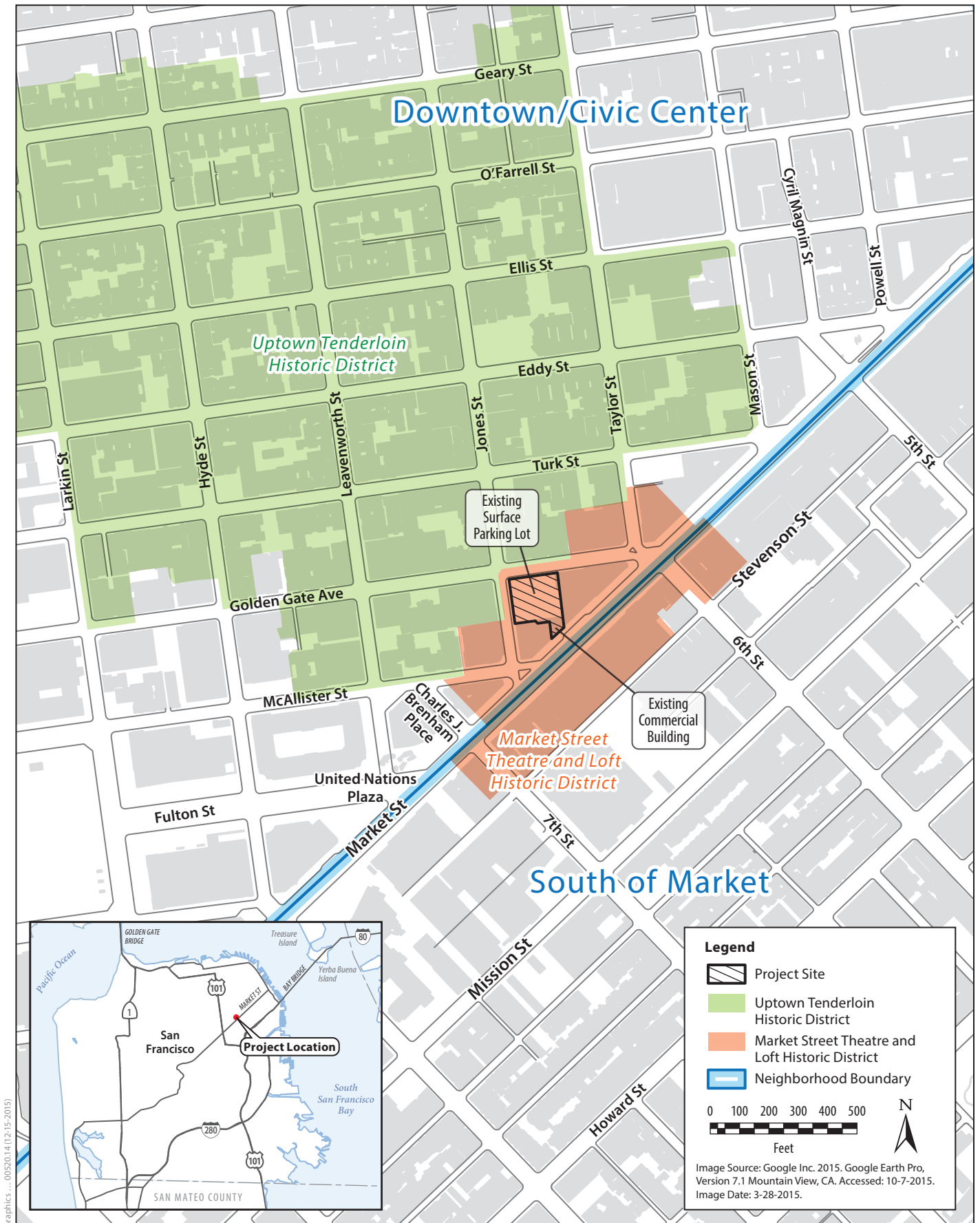
Source: Arquitectonica. 2014. *1066 Market Street Concept Package*. June 18; Shorenstein Residential LLC, 2014.

Note:

\* Amenity space refers to the lounge, lobby, fitness center, leasing office, and bicycle storage (for Class 1 bicycle parking spaces).

**Subterranean Levels.** The 41,360 gsf subterranean parking area would include two levels, up to 36 feet in depth below ground surface (bgs), to provide approximately 102 vehicle parking spaces (i.e., 51 compact spaces and 51 standard spaces, including eight electric vehicle charging spaces, four Americans with Disabilities Act– [ADA–] compliant spaces, and two spaces reserved for car share), a ratio of 0.33 vehicle parking spaces per dwelling unit. **Figure 3** shows the parking level plans.

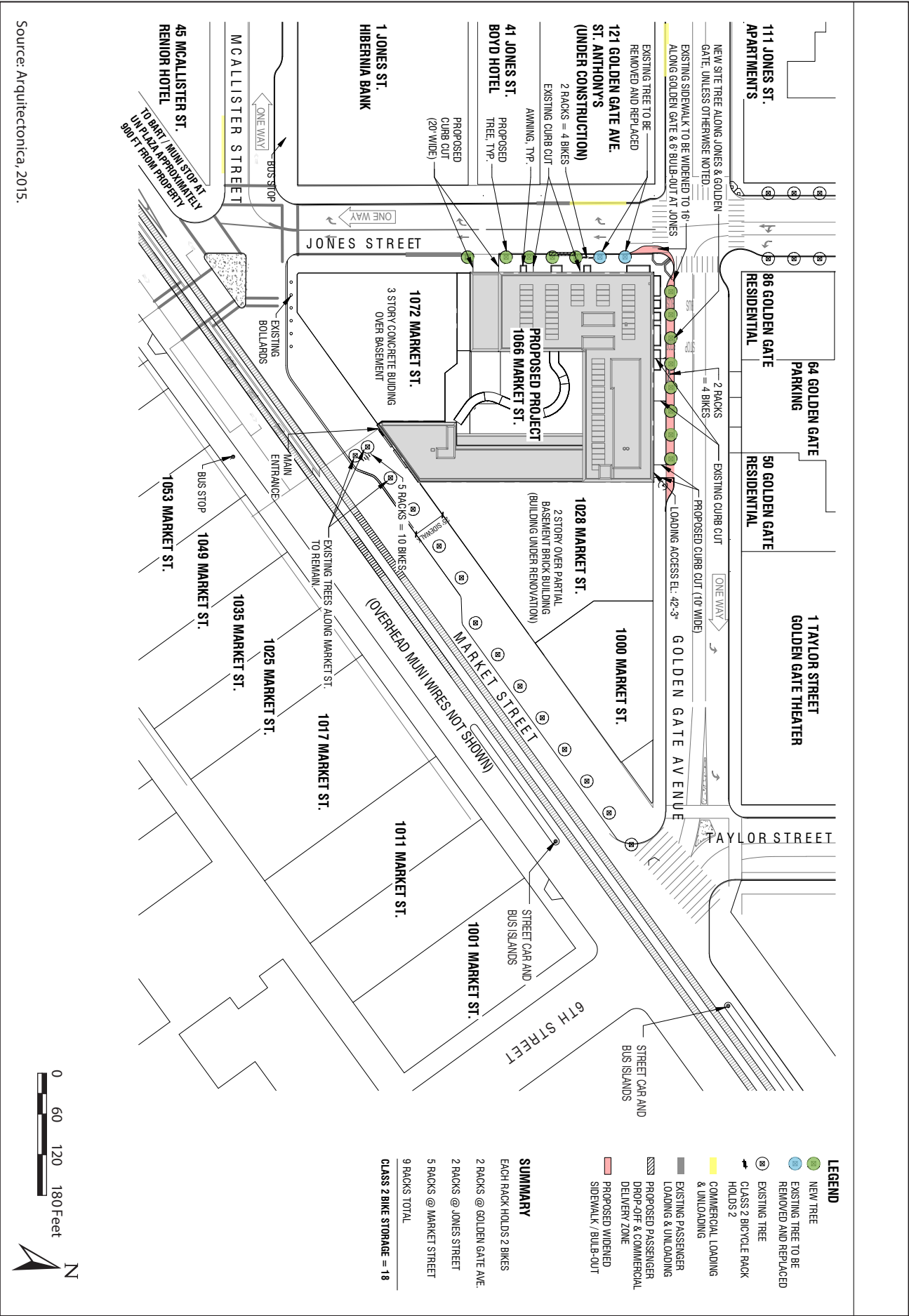
**Ground Levels (including the courtyard).** The proposed project would include approximately 4,540 sf of ground-floor commercial retail space along Market Street, Golden Gate Avenue, and Jones Street. Because of a change of grade of approximately 13 feet between the northwest corner



1066 Market Street Project  
Case No. 2013.1753E

**Figure 1**  
**Project Location**

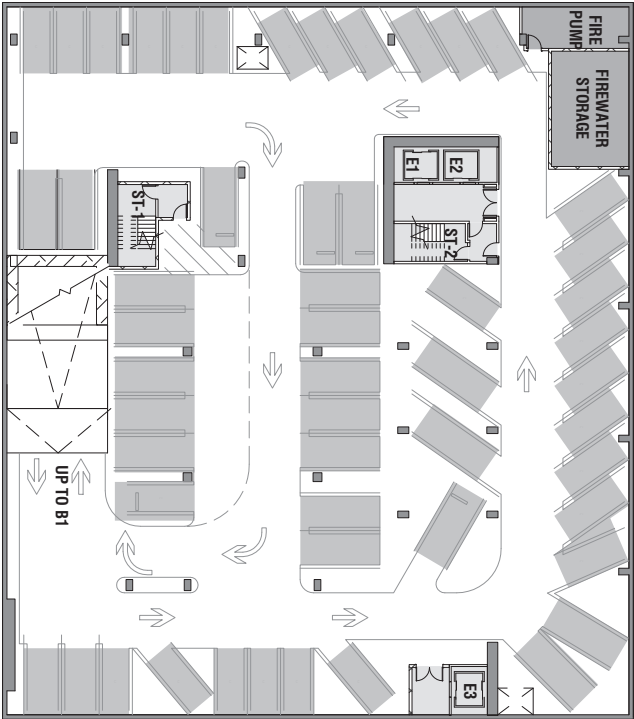




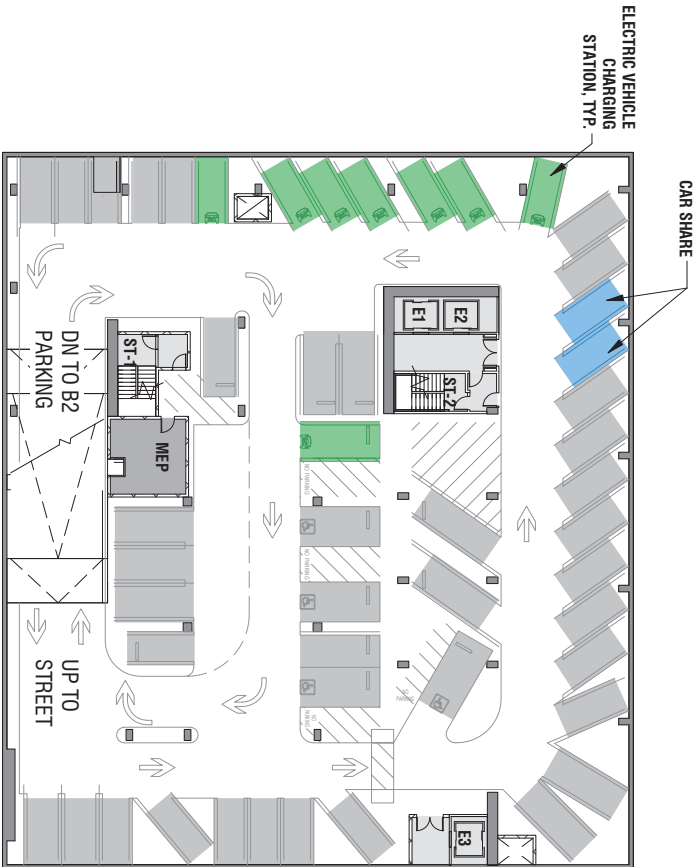
1066 Market Street Project  
Case No. 2013.1753E

Figure 2  
Project Site Plan and Surrounding Uses





<b>PARKING THIS LEVEL:</b>	
24 STANDARD	
29 COMPACT	
<b>TOTAL 53 SPACES</b>	



<b>PARKING THIS LEVEL:</b>	
14 STANDARD	
4 ACCESSIBLE	
21 COMPACT	
2 CAR SHARE	
8 ELECTRIC VEHICLE STATIONS	
<b>TOTAL 49 SPACES</b>	

Source: Arquitectonica, 2015.

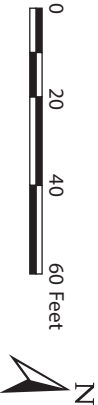


Figure 3  
Parking Level Plans





of the project site and the southeast corner of the project site, street access to the building would occur from two separate ground floors: one with access from Market Street (Level 1) and one with access from Jones Street and Golden Gate Avenue (Level 2).

**Figure 4** shows the ground level plans for Level 1 and Level 2.

Level 1 would include 1,646 gsf of commercial storefront on Market Street, nine residential units, Class 1 bicycle storage for 304 bicycles, electrical rooms, pump room, fitness center, and storage room. A 6,333 sf open-air courtyard would be located in the center of the proposed project at Level 1, with an elevated walkway through the courtyard providing access to the at-grade lobby, amenity, and lounge area on Level 2. The courtyard would have approximately 3,200 sf of landscaped area abutted by a commercial patio (intended for the Market Street commercial space) and seven private patios for ground-floor residential units. Landscaping would include trees, planters, an elevated deck space with step seating and furniture, an outdoor fitness space adjacent to the indoor fitness center (with accordion door openings to the courtyard), and a landscaped area above the garage ramp. A residential exit-only doorway to Market Street would be located at the eastern portion of the commercial storefront. In the northern portion of the project site, Level 1 would include building infrastructure areas and would be located below-grade due to the grade change between the northwest corner of the project site and the southeast corner of the project site.

Level 2 would include 2,894 gsf of commercial space on the corner of Jones Street and Golden Gate Avenue, a residential lobby, lounge, leasing office, 11 residential units, electrical room, trash room, off-street freight loading space, and access to the elevated walkway spanning the center courtyard and leading to Market Street. Entrances to the residential lobby and adjacent lounge area would be located along the east side of Jones Street. A separate bike entrance would be located between the lounge and commercial space along Jones Street. One residential egress doorway would also be provided along Golden Gate Avenue between the loading and trash access areas. The proposed commercial space at the corner of Golden Gate Avenue and Jones Street would contain three access points: one along the east side of Jones Street and two along the south side of Golden Gate Avenue.

**Figure 5** shows a typical residential floor (Floors 4 through 10), with 27 residential units per floor. Floors 11 and 12 contain 23 units per floor. **Figure 6** shows Level 13, with 16 residential units and the proposed roof terraces. Level 14 also contains 16 residential units.

**Roof Terraces.** The roof would include two terraces totaling approximately 6,000 sf. The 4,600-sf terrace on the eastern portion of the roof would include planters, multiple seating areas, and an outdoor kitchen and barbeque area. The 1,400-sf terrace on the western portion of the roof would include planters, trees, and seating areas, and would be accessible from an indoor amenity room.

**Parking and Loading.** Vehicular access to and from the proposed 102-space subterranean parking area would be via a 20-foot-wide curb cut located along the east side of Jones Street, approximately 145 feet north of the intersection of Jones/McAllister and Market Streets and 260 feet south of the intersection of Jones Street and Golden Gate Avenue. The driveway ramp would

include two travel lanes for two-way traffic flow. The parking garage ramp would be gated with controlled entry. The proposed project would also remove the existing 30-foot-wide curb cut along the south side of Golden Gate Avenue and replace it with a new 10-foot-wide curb cut, creating additional on-street parking (and increasing the on-street parking supply from the existing 14 spaces to 15 spaces). The new curb cut on Golden Gate Avenue would provide access to an off-street freight loading space. In addition, the proposed project would remove the existing 36-foot-wide curb cut along the east side of Jones Street, allowing for the addition of a 20-foot-wide passenger loading space and commercial loading zone along Jones Street.

The proposed project would provide access to the Class 1 bicycle storage on Level 1 from a dedicated entry on Jones Street, which would require taking an elevator one level down, and via the Market Street entry and the courtyard. The proposed project would also place several bicycle racks along adjacent sidewalk areas, providing a total of 18 Class 2 bicycle parking spaces. As proposed, four Class 2 spaces would be located along Jones Street, four Class 2 spaces would be located along Golden Gate Avenue, and 10 Class 2 bicycle parking spaces would be located along Market Street. See **Figure 2** for the locations of the Class 2 bicycle parking spaces. The location of Class 2 bicycle parking spaces would be subject to review and approval by the San Francisco Municipal Transportation Authority (SFMTA).

**Building Articulation and Character.** The base of the building, composed of storefront windows and a transom level, which would be recessed from the plane of the upper stories, would be divided vertically into bays by large piers that would be finished with integrally colored pre-cast concrete panels on all façades except Market Street where the finish would be decorative stone. The upper stories of the building would be clad in a panelized system of integrally colored pre-cast concrete units in four graded color variations: dark, two intermediate shades, and a light shade. The panelized system would have deep punched openings with a glazed aluminum window frame system and painted metal spandrel panels. The windows would be Chicago style, with a central fixed light flanked by operable casements over smaller fixed lights. Most of the recessed Chicago windows would be combined in pairs, either horizontally or vertically, to create a façade composition of interlocking vertical and horizontal elements. Similarly, not all of the column lines that would define the bays on the upper stories would extend down to the street level, allowing the storefront bays to vary in width. **Figures 7–10** illustrate the southeast (Market Street), south, west, and north building elevations, respectively.

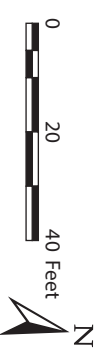
**Streetscape.** The proposed project would include new streetscape features within the sidewalk areas along Golden Gate Avenue, Jones Street, and Market Street. Approximately five new street trees would be planted along the east side of Jones Street and two existing street trees would be removed and replaced along this street, pursuant to Department of Public Works (Public Works) review and approval. The two trees to be removed along Jones Street are protected due to their status as “street trees,” or trees that are growing within the public right-of-way but are not identified as landmark trees. These trees include one Callery pear (trunk diameter of four inches) and one Brisbane box (trunk diameter of six inches). Approximately eight new street trees would be planted along the south side of Golden Gate Avenue; no existing street trees would be removed, nor would any new street trees be planted along the north side of Market Street.



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Figure 4  
Ground Level Plans





**Figure 5**  
**Typical Plan: Levels 4-10**

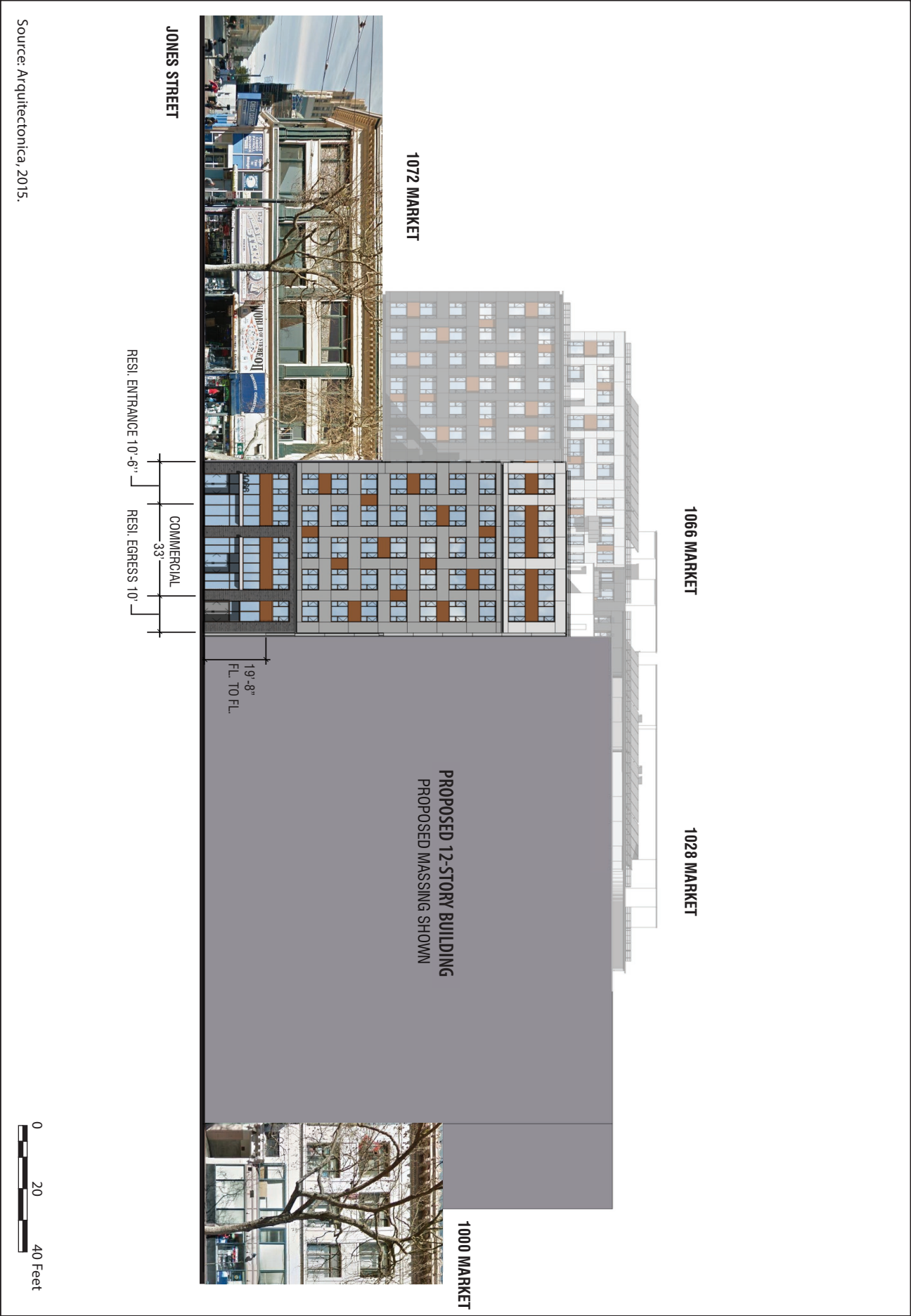


Source: Arquitectonica, 2015.







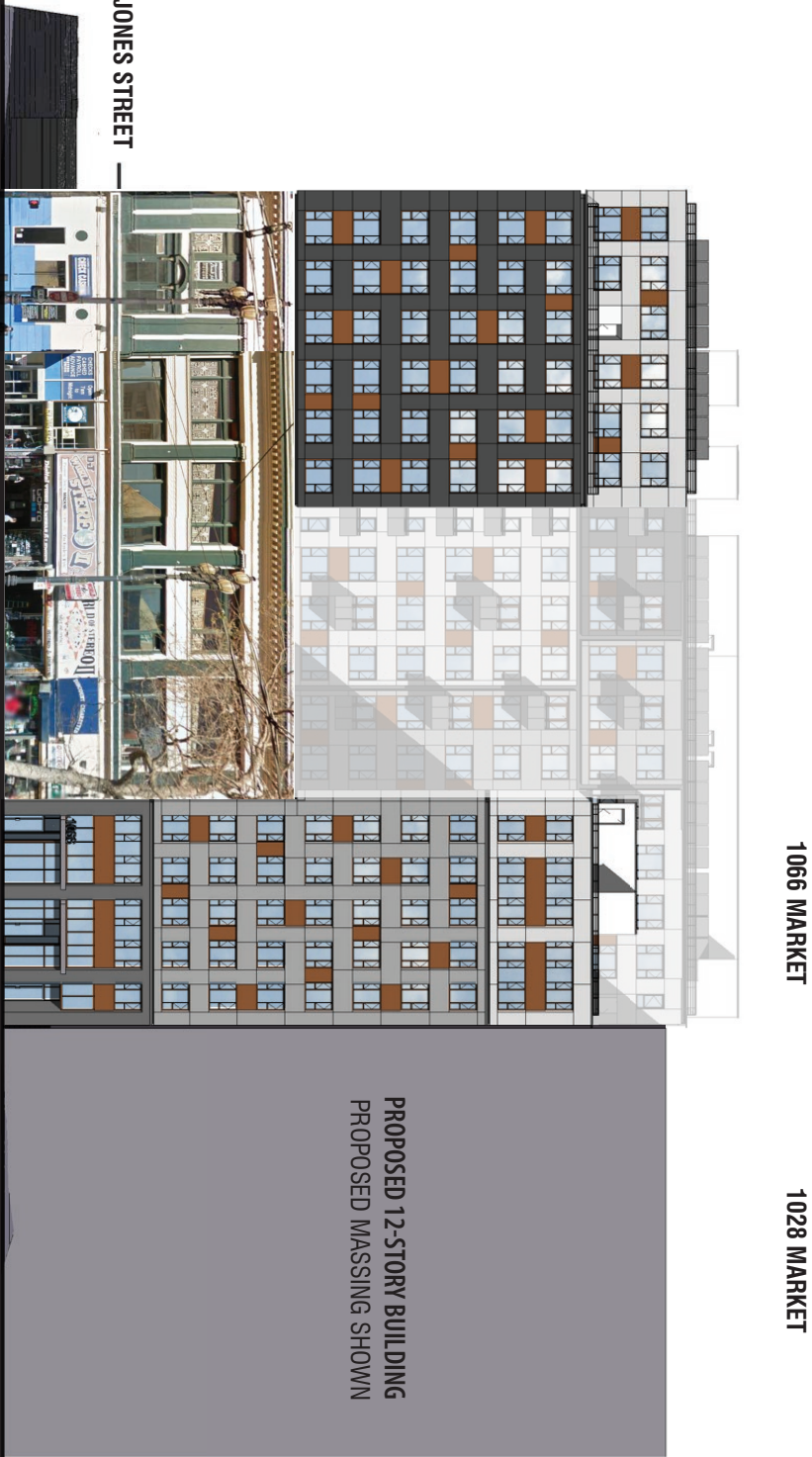


Source: Arquitectonica, 2015.





Source: Arquitectonica, 2015.







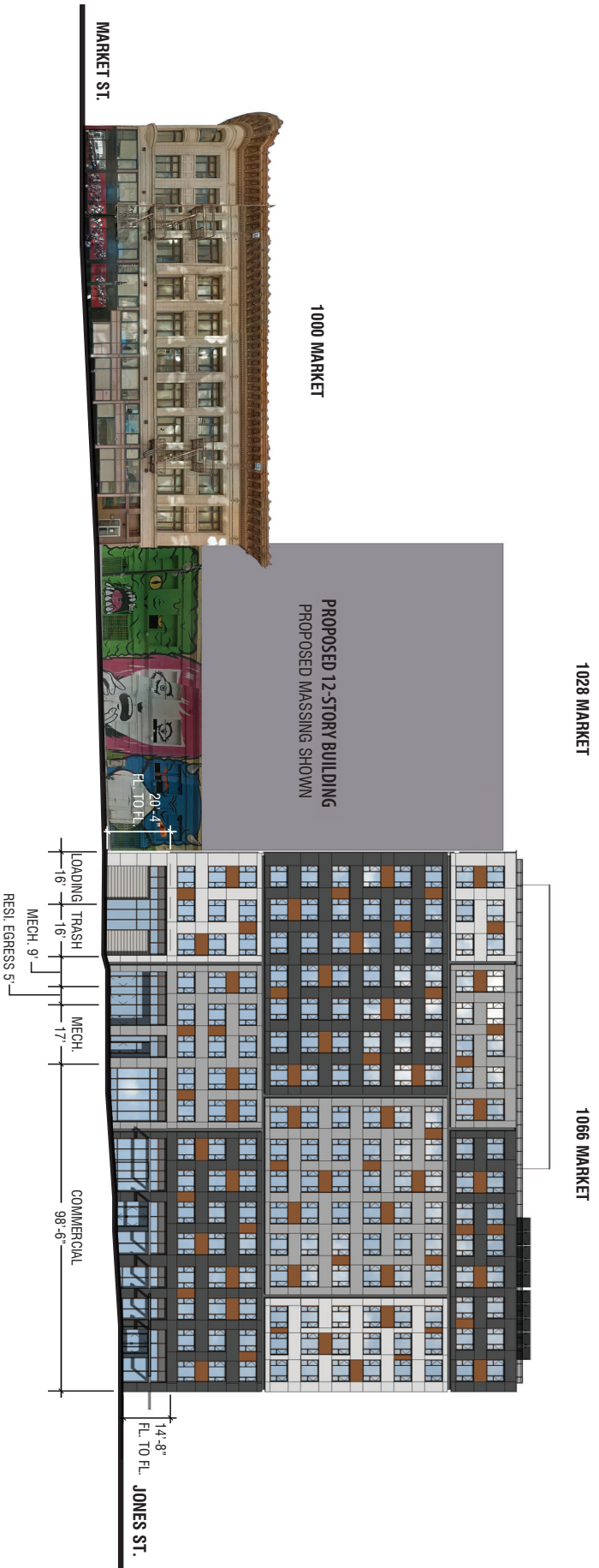
Source: Architectonica, 2015.

1066 Market Street Project  
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**Figure 9**  
**Elevation – West (Jones Street)**



Source: Arquitectonica, 2015.







The proposed project is subject to the Better Streets Plan requirements as specified in *Planning Code* Section 138.1. Because the existing sidewalk widths, paved areas, and other streetscape elements along Golden Gate Avenue, Jones Street, and Market Street are currently in compliance with specific sidewalk requirements per the Better Streets Plan, the proposed project would not modify these current sidewalk features. However, the proposed project would include replacing and repaving the 10-foot-wide sidewalk along the south side of Golden Gate Avenue and the 15-foot-wide sidewalk along the east side of Jones Street. The sidewalk along the north side of Market Street would not be replaced or repaved due to other physical constraints along the street.

**Affordable Housing.** The proposed project is subject to the Inclusionary Affordable Housing Program requirements, and the project sponsor intends to satisfy the requirement by providing 12 percent of the units (approximately 36 units) as on-site affordable housing units. This is discussed further below, under Section C, *Compatibility with Existing Zoning and Plans*.

**Construction.** The depth of excavation would be 25 to 36 feet bgs. Drilled piers, a mat foundation, or a combination of both may be used. A total of 30,000 cubic yards (cy) of material would be exported off-site. Construction would occur in approximately eight overlapping phases: (1) demolition (10 work days); (2) shoring and excavation (64 work days); (3) foundation (23 work days); (4) structure (152 work days); (5) exterior skin (97 work days); (6) interior framing, drywall, and finishes (160 work days); (7) testing and inspections (80 work days); and (8) landscaping and site work (60 work days). In total, construction would be expected to take approximately 21 months.

Construction would occur Monday through Friday, 7:00 a.m. to 5:00 p.m. and occasionally until 8:00 p.m. The daily construction-related truck trips would be 5 to 50 trips, with a maximum of 60 trips during the peak construction period. No specific construction-related truck routing has been identified. The number of construction workers would typically range from 20 to 140 per day, with a maximum of approximately 160.

**Project Approvals.** The applicable *Planning Code* section is cited at the end of each approval item below.

The following actions would be required by the Planning Commission:

- Section 309 Downtown Project Authorization (*Planning Code* Section 309) with exceptions for the following features:
  - Exception to the rear yard requirements (*Planning Code* Section 134(d)).
  - Exception for the reduction of the number of off-site freight loading spaces from two to one (*Planning Code* Section 161(i)).
  - Exception to the ground-level wind current requirement (*Planning Code* Section 148).
- Conditional use to exempt on-site inclusionary housing units from the FAR calculation (*Planning Code* Section 124(f)).

- A variance to the “Use of Inner Courts” requirements to count the inner courtyard as common open space although it does not strictly meet the one-to-one ratio of horizontal dimension to height required (*Planning Code* Sections 135(g)(2)).
- General Plan and Proposition M (*Planning Code* Section 101.1) consistency findings.

The following actions would be required by other City Departments:

- Demolition and Building Permits (Department of Building Inspection) for the demolition of the existing buildings and construction of the new structure.
- Street and Sidewalk Permits (Bureau of Streets and Mapping, Department of Public Works) for modifications to public sidewalks, street trees, and curb cuts.
- Condominium map (Bureau of Streets and Mapping, Department of Public Works).
- Approval of the 20-foot-long passenger loading space along Jones Street and reconfigurations to the location of curb cuts and on-street parking spaces (SFMTA).
- Stormwater Control Plan (San Francisco Public Utilities Commission), because the proposed project would result in ground disturbance of an area greater than 5,000 sf.

As a new high-rise project of more than five units and greater than or equal to 75 feet in height, the proposed project would also be required to comply with the requirements of the Green Building Ordinance. Accordingly, the proposed project will comply with the City’s Green building Ordinance (San Francisco Building Code Chapter 13C) by attaining at least a LEED Silver rating or at least 75 GreenPoints from the GreenPoint Rated Multifamily New Construction checklist.

**Approval Action:** Approval of the Section 309 Downtown Project Authorization by the San Francisco Planning Commission is the Approval Action for the proposed project for the purposes of a CEQA appeal. The Approval Action date would establish the start of the 30-day appeal period for appeal of the Final Mitigated Negative Declaration to the Board of Supervisors pursuant to Section 31.04(h) of the San Francisco Administrative Code.

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.

## **B. PROJECT SETTING**

Land uses in the immediate area of the project site include a mix of low- and mid-rise mixed-use commercial buildings, tourist and residential hotels, multifamily housing, entertainment uses, and government institutions. The project site is bounded by a three-story building and Market Street to the south, Jones Street to the west, Golden Gate Avenue to the north, and a two-story commercial building to the east. The properties in the vicinity of the project site include a two-story commercial/retail building (1028–1056 Market Street) to the east that is currently occupied by a “pop-up” food and beverage court (“The Hall”) (an application has been filed to demolish the existing building and construct a new mixed-use development project); a three-story commercial/retail building (1072–1098 Market Street) to the south; a 10-story low-income and

senior housing development (121 Golden Gate Avenue) to the west, across Jones Street; a seven-story, 82-unit homeless housing facility (39–42 Jones Street) to the west, across Jones Street; a nine-story, 108-unit apartment building (111 Jones Street) to the northwest, across the intersection of Jones Street and Golden Gate Avenue; a two-story mixed commercial building (86–98 Golden Gate Avenue) to the north, across Golden Gate Avenue; and an underground parking garage (64 Golden Gate Avenue) to the north, across Golden Gate Avenue.

The closest public open space to the project site is the United Nations Plaza, located approximately 500 feet southeast of the 1066 Market Street entrance. This plaza is owned by the City and County of San Francisco and is generally bounded by Market Street to the south, McAllister Street to the north, Seventh Street to the east, and Hyde Street to the west. The plaza consists of a 2.6-acre pedestrian mall with seating, lawns, fountain, public art installations, trees, and small gardens with a clear view of City Hall. The plaza is used twice a week for the Heart of the City Farmers Market and is near the San Francisco Public Library, Asian Art Museum, various governmental institutions, offices, and numerous public transportation stops and stations.

In addition to the mixed-uses in the area, described above, the project site is also near live performance venues (Golden Gate, Warfield, and Strand Theaters); schools (De Marillac Middle School, located 0.07 mile west of the project site; San Francisco City Academy, located 0.10 mile north of the project site; and Cal Fed Youth Chance High, located 1.30 miles east of the project site); centers of worship (one of which, Alsabeel Mosque, is located adjacent to the project site to the southwest); small stores; the Civic Center station for the Bay Area Rapid Transit (BART) and San Francisco Municipal Railway (Muni) light-rail and bus lines; and parking garages. Interstate 80 (I-80) is approximately 0.6 mile south of the project site.

### C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Applicable	Not Applicable
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	<input checked="" type="checkbox"/>	<input 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 *Planning Code*, which incorporates by reference the City's Zoning Maps, governs permitted uses, densities, and configuration of buildings within San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless either the proposed project conforms to the *Planning Code* or an exception is granted pursuant to provisions of the *Planning Code*.

**Uses.** The project site is currently zoned C-3-G (Downtown General Commercial), which is intended to support a variety of functions in the area including retail, offices, hotels,

entertainment, clubs and institutions, and high-density residential. The project site is also within Mid-Market Area, which has been the focus of a concentrated revitalization effort resulting in a number of renovation and new construction projects, including significant residential construction and relocation of technology companies to several buildings within this area.

Additional exceptions and a variance would be required to permit construction. These exceptions and variance, including the applicable *Planning Code* sections, are described in detail in the Project Approvals section above.

**Height and Bulk.** The project site is within the 120-X Height and Bulk District, which permits construction to a height of 120 feet. The “X” indicates no building bulk requirements. The proposed residential building would be approximately 113 to 120 feet tall (129 to 136 feet including parapets, rooftop access, and mechanical equipment, which are excluded from building height calculations for planning purposes). Therefore, the proposed building would be within the height and bulk limitations of the area.

**Affordable Housing.** As described above, the project sponsor intends to satisfy the Inclusionary Affordable Housing Program requirements by providing 36 affordable units on-site.

**Floor Area Ratio.** FAR is a measure of building intensity based on the ratio between the total floor area to be built on a site and the size of that site. In the C-3-G District, a base 6:1 FAR is allowed under Section 124, with a FAR of up to 9:1 with the purchase of transferable development rights (TDRs). The proposed project would have a FAR of approximately 7.5:1. As a result, a conditional use authorization to exempt on-site inclusionary housing units from the FAR calculations per *Planning Code* Section 124(f) and the purchase of TDRs are required.

**Parking.** For residential use, *Planning Code* Section 151.1 permits a parking ratio of up to 0.5 space per unit, with up to 0.75 per unit with conditional use approval. The proposed project would include 102 parking spaces, resulting in a ratio of 0.33 space per unit, in compliance with the *Planning Code*.

According to Section 155.2 of the *Planning Code*, one Class 1 bicycle space is required for each of the first 100 dwelling units and one additional space for every four units over 100 units, and one Class 2 bicycle space is required for every 20 dwelling units. Retail uses are required to provide one Class 1 space for every 7,500 sf and one Class 2 space is required for every 2,500 square feet of retail space, with a minimum of two spaces. The proposed project would provide 304 Class 1 and 18 Class 2 bicycle spaces, exceeding the Class 1 and Class 2 requirements.

**Loading.** *Planning Code* Section 152.1 requires two off-street freight loading spaces for residential uses between 200,001 and 500,000 gsf in C-3 Zoning Districts. Because the proposed project would include approximately 297,950 gsf, two loading spaces are required. The project proposes only one off-street freight loading space and one on-street passenger loading space; an exception to *Planning Code* Section 309 for the reduction in the number of off-site freight loading spaces is required.

**Inner Courts.** In order to meet the open space requirements for C-3 district buildings, the proposed project is seeking a variance to the “Use of Inner Courts” requirements to count the inner courtyard as common open space, as it does not strictly meet the one-to-one ratio of horizontal depth to height required (*Planning Code* Section 135(g)(2)). All residential units facing the courtyard would comply with Section 140 of the *Planning Code*, which requires that the windows in at least one room face directly on an open area that is unobstructed and is no less than 25 feet in every horizontal dimension, with an increase of five feet in every horizontal dimension at each subsequent floor.

**Rear Yard Requirements.** *Planning Code* Section 134 stipulates that rear yard depth shall be equal to 25 percent of the total depth of the lot but in no case less than 15 feet. The proposed project has a central courtyard rather than a rear yard to meet those requirements and, therefore, will seek an exception under *Planning Code* Sections 134(d) and 309.

**Ground-Level Wind Currents.** The project site is located in an area that is subject to the San Francisco *Planning Code* Section 148, Reduction of Ground-level Wind Currents in C-3 Districts. *Planning Code* Section 148 specifically outlines wind reduction criteria for the C-3 District by requiring buildings in C-3 Districts to be shaped, or include other wind-baffling measures, so that the development would not cause excessive ground-level currents. The buildings should not result in wind currents above the comfort level of 11 miles per hour (mph) more than 10 percent of the time year-round between 7:00 a.m. and 6:00 p.m. Similarly, the hazard criterion of the *Planning Code* requires that buildings not cause equivalent wind speeds to reach or exceed the hazard level of 26 mph as averaged from a single full hour of the year.

The proposed building would be approximately 120 feet in height and, therefore, has the potential to change wind conditions in the area. A wind study has been prepared for the proposed project, as discussed in more detail in Section 8, Wind and Shadow. The proposed project will seek an exception under *Planning Code* Sections 148 and 309.

## PLANS AND POLICIES

### San Francisco General Plan Priority Planning Policies

The General Plan, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. Any conflict between the proposed project and policies that relate to physical environmental issues is discussed in Section E, Evaluation of Environmental Effects. The compatibility of the proposed project with General Plan policies 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, and any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project.

In November 1986, the San Francisco voters 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 sections of this environmental evaluation addressing the environmental issues

associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 2b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 4a, b, and f, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13a-d, Geology and Soils); (7) landmark and historic building preservation (Question 3a, Cultural Resources); and (8) protection of open space (Questions 8a and b, Wind and Shadow, and Questions 9a and c, Recreation and Public Spaces).

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 is consistent with the Priority Policies. As noted above, the compatibility of the proposed project with the General Plan objectives and policies 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.

### **Regional Plans and Policies**

The five principal regional planning agencies and their policy plans that guide planning in the nine-county Bay Area are (1) the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission *Plan Bay Area and Projections 2013*, (2) the Bay Area Air Quality Management District (BAAQMD) *2010 Clean Air Plan* and *Bay Area 2005 Ozone Strategy*, (3) the Metropolitan Transportation Commission *Regional Transportation Plan – Transportation 2035*, (4) the San Francisco Regional Water Quality Control Board (RWQCB) *San Francisco Basin Plan*, and (5) the San Francisco Bay Conservation and Development Commission *San Francisco Bay Plan*. Because of the size, location, and nature of the proposed project, conflicts with these regional plans are not anticipated.

## D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could affect the environmental factor(s) checked below. 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 checked="" 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 Resources	<input type="checkbox"/> Recreation	<input checked="" 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 and Forest Resources
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Mandatory Findings of Significance

This initial study examines the proposed project to identify potential effects on the environment. For each item on the initial study checklist, the evaluation has considered the impacts of the proposed project both individually and cumulatively. All items on the initial study checklist that have been checked “Less-than-Significant Impact with Mitigation Incorporated,” “Less-than-Significant Impact,” “No Impact,” or “Not Applicable” indicate that, upon evaluation, the staff has determined that the proposed project could not have a significant adverse environmental effect related to that issue. A discussion is included for those issues checked “Less-than-Significant Impact 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 “No Impact” or “Not Applicable” 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 San Francisco Planning Department (Planning Department), such as the Planning Department’s *Transportation Impact Analysis Guidelines for Environmental Review* or the California Natural Diversity Database 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. The items checked above have been determined to be “Less than Significant with Mitigation Incorporated.”

### 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.<sup>2</sup> Among other provisions, SB 743 amended the California Environmental Quality

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<sup>2</sup> SB 743 can be found online at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB743](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743).



Act (CEQA) by adding Public Resources Code (PRC) Section 21099 regarding the analysis of aesthetics and parking impacts for certain urban infill projects in transit priority areas.<sup>3</sup>

## **AESTHETICS AND PARKING ANALYSIS**

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

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

The proposed project meets each of the above three criteria, and thus, this initial study does not consider aesthetics and the adequacy of parking in determining the significance of project impacts under CEQA.<sup>4</sup>

PRC 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 acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this initial study presents parking demand analysis for informational purposes and considers any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce on-site parking spaces that affects the public right-of-way) as applicable in the transportation analysis in Section E.4, Transportation and Circulation.

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<sup>3</sup> A “transit priority area” is defined in 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. A map of San Francisco Transit Priority Areas can be found online at <http://sfmea.sfplanning.org/Map%20of%20San%20Francisco%20Transit%20Priority%20Areas.pdf>.

<sup>4</sup> San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist. January 7, 2015. This document is on file and available for public review as part of Case File No. 2013.1753E.

## E. EVALUATION OF ENVIRONMENTAL EFFECTS

<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>
<b>1. LAND USE AND LAND USE PLANNING— Would the project:</b>					
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"/>
c) Have a substantial impact upon the existing character of the vicinity?	<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)**

The proposed project would involve demolition of an existing two-story building and parking lot and construction of a new 12-story, 120-foot-tall residential building with ground-floor retail space and two levels of subterranean parking. The proposed new building would be developed entirely within the existing boundaries of the lot. Land uses in the immediate area of the project site include low- to mid-rise (one- to 10-story) mixed-use commercial buildings, hotels, multifamily housing, entertainment venues, and institutional uses. The proposed project would be consistent with the mix of development that characterizes the surrounding established community. The proposed project would not interfere with or change the existing street plan or impede the passage of persons or vehicles. Therefore, the proposed project would not physically divide an established community, and this impact would be less than significant.

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

The proposed project would not substantially conflict with any applicable land use plan, policy, or regulation such that an adverse physical change would result (see Section C, Compatibility with Existing Zoning and Plans). Environmental plans and policies are those, such as the BAAQMD 2010 Clean Air Plan, that directly address environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the city's physical environment. Furthermore, the proposed project would not conflict with general plan policies that relate to physical environmental issues. Therefore, the proposed project would be consistent with applicable land use plans, policies, and regulations, and this impact would be less than significant.

**Impact LU-3: The proposed project would not have a significant impact upon the existing character of the project's vicinity. (Less than Significant)**

The project site is currently occupied by a two-story 5,066 gsf vacant commercial building and adjoining 23,419 gsf, 102-space surface parking lot. The proposed project involves demolition of an existing building and parking lot and construction of a new, larger 12-story, 120-foot-tall residential building of, approximately 297,950 gsf, with ground-floor retail space and two levels of subterranean parking. Land uses in the immediate area of the project site include a mix of low- and mid-rise (one- to 10-story) mixed-use commercial buildings, tourist and residential hotels, multifamily housing, entertainment uses, and government institutions. The project site is bounded by a three-story building and Market Street to the south, Jones Street to the west, Golden Gate Avenue to the north, and a two-story commercial building to the east. Although the proposed project would result in development of new land uses at the project site as well as an intensification of development at the project site, the proposed project would not be out of character with the mixed-use buildings of various heights that are typically found in the vicinity of the project site. The project site is located within an urbanized area where taller buildings are common and expected as part of the urban context, and the proposed building would be similar in scale to existing seven- to 10-story buildings located directly across Jones Street and Golden Gate Avenue to the west and northwest. In addition, the proposed project would include land uses that are principally permitted and already existing within the project vicinity. Furthermore, the proposed project would include active uses to replace the vacant commercial building and develop the existing parking lot, making it more consistent with the development intensity and compactness that characterize the Downtown/Civic Center neighborhood. Therefore, the impact of the proposed project on the existing character of project's vicinity would be less than significant.

**Impact C-LU: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in less-than-significant cumulative impacts related to land use. (Less than Significant)**

There are several reasonably foreseeable projects in the immediate project vicinity, including, but not limited to, the nearby planned developments located at 950–974 Market Street, 1028 Market Street, 1125 Market Street, 1055 Market Street, 1075 Market Street, 121 Golden Gate Avenue, 180 Jones Street/181 Turk Street, and 168 Eddy Street (which are anticipated to begin construction in 2016), as well as other planned developments that may be proposed under the potential Mid-Market Special-Use District proposal. The cumulative land use development projects in the project vicinity would result in noticeable physical change to the project area in terms of increasing the permanent and daytime population in the surrounding area. However, new development in the project vicinity is consistent with current land use policies and zoning controls in the area and would not divide an established community, substantially conflict with an applicable land use plan or policy, or cause a substantial adverse change in land use character in the project vicinity. In addition, the project site is not located within the jurisdiction of an adopted habitat conservation plan, natural community conservation plan, or other approved

local, regional, or state habitat conservation plan. New development in the project vicinity would be consistent with prevailing density and would occur on previously developed land on established sites. For these 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.

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<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>
<b>2. POPULATION AND HOUSING— Would the project:</b>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 in San Francisco, either directly or indirectly. (Less than Significant)**

The proposed project would involve demolition of an existing vacant building and parking lot and construction of approximately 304 dwelling units and 4,540 gsf of retail/restaurant space. As such, the proposed project would directly induce population growth in both the neighborhood and the citywide context.

The 2010 U.S. census reported a population of 805,235 residents in the city and county of San Francisco and a population of 5,335 residents within 2,205 occupied housing units in Census Tract 125.01, which includes the project site and its immediate vicinity.<sup>5</sup> The population of census tracts generally within the Downtown/Civic Center neighborhood is approximately 39,231 residents within 21,769 occupied housing units.<sup>6</sup> Based on the average household size for Census Tract 125.01, 2.42 persons per household,<sup>7</sup> the addition of 304 dwelling units would increase the population at the project site by approximately 736 residents. This would represent a residential population increase of 0.09 percent citywide, 1.9 percent within the Downtown/Civic Center

<sup>5</sup> U.S. Census Bureau. 2010a. 2010 Census Interactive Population Search. Available: <http://www.census.gov/2010census/popmap/ipmtext.php>. Accessed: January 20, 2015. Census Tract 125.01, which is irregularly shaped, is generally bounded by Powell Street to the east, Ellis Street between Powell Street and Taylor Street to the north, Turk Street between Taylor Street and Leavenworth Street to the north, Market Street to the south, and Leavenworth Street to the west.

<sup>6</sup> U.S. Census Bureau. 2010a. 2010 Census Interactive Population Search. Available: <http://www.census.gov/2010census/popmap/ipmtext.php>. Accessed: January 20, 2015. Census Tracts 120, 121, 122.01, 122.02, 123.01, 123.02, 124.01, 124.02, and 152.02 were included in this calculation, in the area generally bound by Bush Street to the north, Powell Street to the east, Market Street to the south, and Van Ness Avenue to the west.

<sup>7</sup> U.S. Census Bureau. 2010b. *Profile of General Population and Housing Characteristics: 2010*. San Francisco, CA, Census Tract 125.01. Available: <http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>. Accessed: March 6, 2015.

neighborhood, and 13.8 percent within Census Tract 125.01. Because the project would result in a small incremental amount of growth, compared with growth in the neighborhood and the City, the impact of population growth generated by the increase in the number of residential units on the project site is not considered to be substantial. Therefore, implementation of the proposed project would not directly induce substantial population growth. The proposed project would also not indirectly induce substantial population growth in the project area because it would be located on an infill site in an urbanized area and would not involve any extensions to area roads or other infrastructure that could enable additional development in currently undeveloped areas.

The proposed project would also introduce retail activity and associated employment to the site, estimated to be approximately 13 employees.<sup>8</sup> According to the Planning Department and ABAG, employment in San Francisco is forecast to increase by 34 percent (191,000 jobs) between 2010 and 2040, to a total of approximately 760,000.<sup>9,10</sup> In the context of this projected citywide employment growth, the increase in employment would not result in substantial demand for additional housing.

Although the proposed project would increase the population at the project site, compared with existing conditions, project-specific population impacts would not be significant because they would be small relative to the number of area-wide residents and employees in the project vicinity. Overall, impacts related to the increase in housing and employment would be less than significant in the context of growth in the city. The proposed project would not directly or indirectly induce substantial population growth in San Francisco and would result in a less-than-significant population impact.

**Impacts PH-2: The proposed project would not displace existing housing units or substantial numbers of people or create demand for additional housing, necessitating the construction of replacement housing. (Less than Significant)**

The proposed project would not displace any housing or people because there are no residential dwelling units currently on the project site. Assuming that some employees would be new to the region, the increase of 13 employees (see Impact PH-1) could result in a small increase in demand for additional housing. However, the number of such employees would be very small compared with the total population and the available housing stock in San Francisco and the Bay Area and would not necessitate the construction of new housing. The proposed project would result in less-

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<sup>8</sup> San Francisco Planning Department. 2002. Transportation Impact Analysis Guidelines for Environmental Review. Appendix C, Table C-1. An employment factor of 350 gsf per employee is used for general retail uses. Available: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=6753>. Accessed: January 26, 2015.

<sup>9</sup> Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), Plan Bay Area Jobs-Housing Connection Strategy, revised May 16, 2012. Available at: [http://www.onebayarea.org/pdf/JHCS/May\\_2012\\_Jobs\\_Housing\\_Connection\\_Strategy\\_Main\\_Report.pdf](http://www.onebayarea.org/pdf/JHCS/May_2012_Jobs_Housing_Connection_Strategy_Main_Report.pdf). Accessed March 17, 2015.

<sup>10</sup> San Francisco Planning Department, San Francisco Land Use Allocation, Central SoMa, January 6, 2014. Available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1356E.

than-significant impacts related to the displacement of people or creation of demand for additional housing.

**Impact C-PH: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in less-than-significant cumulative impacts on population and housing. (Less than Significant)**

Housing and employment growth in San Francisco is anticipated to occur consistent with the projections contained in *Plan Bay Area*, which is the current regional transportation plan and Sustainable Communities Strategy that was adopted by MTC and ABAG in July 2013, in compliance with California's governing greenhouse gas reduction legislation, Senate Bill 375. *Plan Bay Area* calls for an increasing percentage of Bay Area growth to occur as infill development in areas with good transit access and where services necessary to daily living are provided in proximity to housing and jobs. With its abundant transit service and mixed-use neighborhoods, San Francisco is expected to accommodate an increasing share of future regional growth. Therefore, the *Plan Bay Area* projections represent the context for cumulative analyses, and the housing and employment growth that would result from the proposed project is consistent with these projections.

As described above, the proposed project would not induce substantial population growth or have significant physical environmental effects on housing demand or population.

The approved and proposed projects identified in Impact C-LU-1 combined would add approximately 2,483 new residents within 1,079 dwelling units in Census Tract 125.01.<sup>11</sup> Overall, these approved and proposed projects when combined with the proposed project would add 3,219 new residents within the 1,833 dwelling units in this census tract, which would represent a residential population increase of 60.3 percent and an occupied dwelling unit increase of 83.1 percent in this census tract. These proposed projects would be required to pay an affordable housing in-lieu fee or provide a percentage of the total number of units, either on-site or off-site, as affordable units.

Over the last several years, the supply of housing has not met the demand for housing within San Francisco. In July 2013, ABAG projected regional housing needs in the *Regional Housing Need Plan for the San Francisco Bay Area: 2014–2022*. The jurisdictional need of San Francisco for 2014–2022 is 28,869 dwelling units, consisting of 6,234 dwelling units within the very low income level (0–50 percent), 4,639 within the low income level (51–80 percent), 5,460 within the moderate income

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<sup>11</sup> Assumes 2.42 persons per household for 229 Ellis Street (18 dwelling units), 180 Jones Street/181 Turk Street (37 dwelling units), 168 Eddy Street (103 dwelling units), 950–974 Market Street (250 dwelling units), 1028 Market Street (186 dwelling units), 19–25 Mason Street (155 dwelling units), 1075 Market (90 dwelling units), and 1125 Market (150 dwelling units). Assumes 1.00 person per household for 121 Golden Gate Avenue (90 senior dwelling units). No new residents were assumed for the 1055 Market Street because it is a proposed hotel development.

level (81–120 percent), and 12,536 within the above-moderate income level (120 percent plus).<sup>12</sup> These numbers are consistent with the development pattern identified for San Francisco in *Plan Bay Area*.<sup>13</sup> As part of the planning process for *Plan Bay Area*, San Francisco identified Priority Development Areas, which are areas where new development will support the day-to-day needs of residents and workers in a pedestrian-friendly environment that will be served by transit. Census Tract 125.01 is within a Priority Development Area. Therefore, although the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would increase the population in the area, it would not induce substantial population growth because this population growth has been anticipated. Furthermore, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in substantial numbers of housing units or people being displaced because the majority of the approved and proposed cumulative projects would demolish vacant buildings and/or construct new buildings on surface parking lots. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable population and housing impact.

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<sup>12</sup> Association of Bay Area Governments. 2013. *Regional Housing Need Plan for the San Francisco Bay Area: 2014 – 2022*. July. Available: [http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22\\_RHNA\\_Plan.pdf](http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22_RHNA_Plan.pdf). Accessed: October 8, 2015.

<sup>13</sup> Metropolitan Transportation Commission and Association of Bay Area Governments. 2013. *Plan Bay Area*. July. Available: <http://onebayarea.org/plan-bay-area/final-plan-bay-area.html>. Accessed: October 8, 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>
<b>3. CULTURAL RESOURCES—Would the project:</b>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<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 archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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"/>
d) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact CR-1: During construction, the proposed project would result in ground-borne vibration that could structurally affect and materially impair nearby historically significant buildings. (Less than Significant with Mitigation)**

As shown in Figure 1, the project site is located across Golden Gate Avenue and Jones Street from the Uptown Tenderloin Historic District. The project site is within the National Register of Historic Places (NRHP) Market Street Theatre and Loft Historic District (District) and adjacent to or within 25 feet of two contributors to the District: Prager's Department Store, at 1072–1098 Market Street, and the Golden Gate Building, at 1028–1056 Market Street. In addition, the project site is within the same block as the San Cristina Building, at 1000–1016 Market Street, which is a contributory building to the District. These adjacent and nearby buildings and contributors to the District are commonly constructed of brick (i.e., masonry) or with reinforced concrete, which could be susceptible to vibration-related construction activities. Although the existing building at the project site lies within the District, which is listed in the NRHP, the nomination form and the San Francisco Property Information Map do not classify the existing onsite building as a contributor to the District. Thus, the project site is not historically significant. The potential impacts of the proposed project related to the Uptown Tenderloin Historic District and Market Street Theatre and Loft Historic District are discussed in Impact CR-3.

The depth of excavation for the proposed project would be 25 to 36 feet bgs. Drilled piers, a mat foundation, or a combination of both may be used. Construction activities, including the use of heavy equipment near adjacent buildings and the installation of cantilevered soldier piles that could require the use of pile drilling or other vibratory methods, could structurally affect and materially impair historically significant buildings within 100 feet of the project site. This is considered a potentially significant impact.

Structures, especially older masonry structures, are sensitive to ground-borne vibration. Ground-borne vibration can move floors in buildings, rattle windows, shake items on shelves or hanging on walls, and create rumbling sounds. In extreme cases, the vibration can damage buildings.

Typically, ground-borne vibration generated by activities attenuates rapidly with distance from the source of the vibration.

Several different methods are used to quantify vibration; peak particle velocity (PPV) is most frequently used to describe vibration impacts on buildings. PPV is defined as the maximum instantaneous peak of the vibration signal and is expressed in inches per second. The Federal Transit Administration (FTA) significance criterion for non-engineered timber and masonry buildings is a PPV of 0.2 or greater; for engineered concrete and masonry buildings, the criterion is a PPV of 0.3 or greater.<sup>14</sup>

Of the various pieces of construction equipment that generate vibration, vibrating pile drivers are associated with the greatest vibration levels. Other pieces of construction equipment that generate vibration include clam shovels, which are used for slurry wall construction; bulldozers; jackhammers; and loaded trucks.

**Table 2** identifies the typical vibration velocities generated by various types of construction equipment at the reference distance of 25 feet.<sup>14</sup> As discussed above, the project site is within 25 feet of Prager's Department Store and the Golden Gate Building, which are both contributors to the District. As shown in **Table 2**, construction activity on the project site could cause vibration at these nearby structures to exceed the FTA vibration velocity threshold of 0.2 inch per second, which is considered a potentially significant impact.

**TABLE 2: VIBRATION VELOCITIES FOR CONSTRUCTION EQUIPMENT**

Equipment	Velocity at 25 feet (inches per second)
Impact Pile Driver (upper range)	1.518
Impact Pile Driver (typical)	0.644
Sonic Pile Driver (upper range)	0.734
Sonic Pile Driver (typical)	0.170
Clam Shovel Drop (slurry wall)	0.202
Hoe Ram	0.089
Large Bulldozer	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozer	0.003

Source: Federal Transit Administration. 2006. *Transit Noise and Vibration Impact Assessment*. Table 12-2. 2006.

The project site is across the street from the Uptown Tenderloin Historic District. According to the Historic Resource Evaluation Response (HRER) described in Impact CR-2, the overall integrity of the individual resources in the Uptown Tenderloin Historic District would not be affected because the physical separation between the proposed project and such resources would reduce

<sup>14</sup> Federal Transit Administration (FTA).. 2006. *Transit Noise and Vibration Impact Assessment*. Table 12-3. May.

the potential for direct or indirect vibration-related impacts. Therefore, construction activity on the project site would not cause vibration that would affect the structures within the Uptown Tenderloin Historic District.

**Mitigation Measure M-CR-1** and **Improvement Measure I-CR-1** would apply to any components of the proposed project that would result in ground-disturbing activities. These measures would require, among other things, the project sponsor to set a performance standard for maximum vibration levels and use construction best practices to avoid vibration damage to adjacent and nearby historic buildings based on that performance standard. In addition, monitoring would be required to document and remediate any damage to adjacent and nearby historic buildings caused by construction activities at the project site. To reduce potential vibration-induced damage to a less-than-significant level, the Project Sponsor would be required to implement **Mitigation Measure M-CR-1**.

#### **Mitigation Measure M-CR-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 Golden Gate Building (1028 Market Street) and former Praeger's Department Store (1072 Market Street). Prior to any ground-disturbing activity, the Pre-Construction Assessment should 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 should determine specific locations to be monitored and include annotated drawings of the buildings to locate accessible digital photo locations and locations of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the 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 Golden Gate Building (1028 Market Street) and former Praeger's Department Store (1072 Market Street) 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 Planning Department Preservation Staff prior to issuance of any construction permits.

Should vibration levels be observed in excess of the standard, or if damage to either the Golden Gate Building (1028 Market Street) and/or former Praeger's Department Store (1072 Market Street) is observed, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic 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 historic buildings in the Market Street Theatre and Loft Historic District and minimize the potential effects from the project's construction activities, the project sponsor has agreed to implement Improvement Measure I-CR-1.

**Improvement Measure I-CR-1: Construction Best Practices for Historical Architectural Resources**

The project sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Golden Gate Building (1028 Market Street) and former Praeger's Department Store (1072 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 will be submitted to the Planning Department along with the Demolition and Site Permit Applications.

With implementation of **Mitigation Measure M-CR-1** to reduce vibration-induced damage to a less than significant level, the proposed project would not result in a substantial adverse impact to nearby historically significant buildings, including buildings in the Uptown Tenderloin Historic District, such that the significance of these buildings would be materially impaired. In addition, implementation of **Improvement Measure I-CR-1** to adhere to construction best practices would further reduce the proposed project's less-than-significant effects on historical resources. Therefore, with implementation of **Mitigation Measure M-CR-1** and **Improvement Measure I-CR-1**, the overall impact as well as temporary construction-related vibration impacts of the proposed project on the Uptown Tenderloin Historic District and Market Street Theatre and Loft Historic District and their historical resources would be less than significant with mitigation.

**Impact CR-2: The proposed project would not result in a substantial change in the significance of an individually eligible historic resource. (Less than Significant)**

Under CEQA, a property qualifies as a historic resource if it is listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR)<sup>15</sup> or if it is considered a contributor to a potential historic district. A Historic Resource Evaluation (HRE) was prepared to assist the Planning Department in determining whether the existing building is a historic resource and provide information about the District in which it is located.<sup>16</sup> The Planning Department reviewed the HRE, concurred with the findings, and issued a HRER determination that the building on the project site is not a historic resource and that the building is a non-contributor to the Market Street Theatre and Loft Historic District.<sup>17</sup>

The following discussion relies on the information provided in the HRE and the HRER. As noted above, the project site is within the Market Street Theatre and Loft Historic District and adjacent to or within 25 feet of two contributors to the District. The project site is not a contributor to the District.

### ***Market Street Theatre and Loft Historic District***<sup>18</sup>

The District is composed of motion picture theater and loft buildings along Market Street, primarily between Sixth and Seventh Streets. On the south side of Market Street, the boundary extends four buildings northeast, past Sixth Street, and one building southwest, past Seventh Street. On the north side of Market Street, the boundary includes two major intersections, Market Street/Golden Gate Avenue/Taylor Street and Market/Jones/McAllister Streets. The District was listed in the NRHP in 1986. According to the NRHP nomination, there are 30 buildings within the District, of which 20 are contributing, and the other 10, including the existing building at the project site, are “intrusions.”<sup>19</sup>

The District is significant under NRHP Criteria A and C. Its period of significance is 1889–1930. The District consists of both of a sampling of pre-1906 earthquake buildings (four of the contributing buildings in the District) and post-1906 earthquake buildings, which were influenced by the City Beautiful Movement in terms of texture, coloration, height, and style. Within the District, each of the two intersections north of Market Street with three converging streets (Market Street/Golden Gate Avenue/Taylor Street and Market/Jones/McAllister Streets) focuses on a primary notable building: the Golden Gate Theatre and the Hibernia Bank, respectively. According to the nomination form, the District is notable for its architects, including, but not

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<sup>15</sup> A property may be considered a historical resource if it meets any of the CRHR criteria related to (1) events, (2) persons, (3) architecture, or (4) information potential that make it eligible for listing in the CRHR.

<sup>16</sup> Knapp Architects. 2015. *Historic Resource Evaluation, 1066 Market Street, San Francisco, CA 94102*. August 3. This document is on file and available for public review as part of Case File No. 2013.1753E.

<sup>17</sup> San Francisco Planning Department, *Historic Resource Evaluation Response, 1066 Market Street, San Francisco, CA 94102*, October 30, 2015. This document is on file and available for public review as part of Case File No. 2013.1753E.

<sup>18</sup> Bloomfield, Anne. 1986. *Market Street Theatre and Loft Historic District, National Register of Historic Places Nomination Form*. San Francisco, Appendix II, Item 7 – Description.

<sup>19</sup> Intrusions are buildings that were constructed or heavily modified after the period of significance.

limited to, G. Albert Lansburgh, Miller & Colmesnil, Shea & Shea, and Sylvain Schnaittacher, and the architects' wealthy real estate clients. It was considered a second downtown in the commercial sense but primarily a center for big movie houses, which reached their height in the 1920s, after their previous vaudeville history. Michael Corbett's description in *Splendid Survivors*, excerpted in the NRHP nomination, notes that the loft buildings are "distinguished by the simplicity of their skeletal façades," characteristic of early Modernist notions of expressing structure and function, but also embellished by ornamentation.<sup>20</sup>

Buildings within the District range in height from two to eight stories, generally occupy the entire lot, and have straight vertical façades. The District's predominant style is described as "The Commercial Style," with ground-floor commercial storefronts with transom bands, which are transverse horizontal structural beams or bars; two- to three-part vertical compositions; decorative Renaissance/Baroque-style formal features, including columns, pilasters, and prominent cornices; double-hung and Chicago windows; arched window openings at the top story; and a parapet with a flat roof beyond. Finish materials include brick, terra cotta, galvanized iron, and stucco over a reinforced concrete or steel framework. Triple-globe streetlights with sculpted bases are noted as complementary to the buildings. Of the four buildings in the same block as the project site, three are contributors to the District and eligible for the CRHR.

### ***Project Site, Existing Building, and Adjacent Existing Buildings***

The Paramount Theatre, built in 1920 and demolished in 1960, once stood on the project site. Designed by architect Alfred H. Jacobs and originally called the Granada, the theater, which was 65 feet tall and contained 2,800 seats, was a venue for first-run films. The existing two-story building, constructed in 1965, designed by Markling & Yamasaki, has a metal panel and light curtain wall exterior through which the concrete structure is visible beyond. The building at the project site is the only building on the block that is not a contributor to the District. As discussed in the HRE, it was constructed after the District's period of significance, and is therefore considered an intrusion.<sup>21</sup> It is not consistent in age and style with the historic buildings on the block and does not reflect the characteristics of the District. In addition, according to the HRER, the project site is not historically significant. Furthermore, the proposed project would not cause a substantial adverse change in the adjacent Golden Gate Building at 1028 Market Street or former Praeger's Department Store at 1072 Market Street such that the significance of these buildings would be materially impaired, according to the HRER. The proposed project would also not cause a substantial adverse impact on any individual historic buildings in the project site vicinity, including Hibernia Bank at 1 Jones Street and Boyd Hotel at 41 Jones Street. According to the HRER, although the proposed project may alter the setting of these nearby individual buildings, the overall integrity of these individual resources would not be affected because the physical separation between the proposed project and such resources would reduce the potential for direct

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<sup>20</sup> Bloomfield, Anne. 1986. *Market Street Theatre and Loft Historic District, National Register of Historic Places Nomination Form*. San Francisco, Item 8 – Significance, Continuation p. 1.

<sup>21</sup> "Intrusions" are buildings constructed or heavily modified after the period of significance.

or indirect impacts. Because the existing on-site two-story building is not a historic resource or a contributor to the surrounding adjacent historical district, the demolition of this building and clearing of the site for the proposed project would not result in a significant impact on an individual historic resource and this impact would be less than significant. .

**Impact CR-3: The proposed project would not result in a substantial adverse change in the significance of a historic district. (Less than Significant)**

The proposed project would demolish the existing non-historic two-story commercial building and parking lot and construct a 12-story mixed-use building. Rising up to 120 feet (129 to 136 feet with parapets and rooftop mechanical structures), the building would have frontages on Market Street, Jones Street, and Golden Gate Avenue and be wrapped around a courtyard on the project site (**Figures 7–10**). The proposed building would be rectilinear in massing along all three street frontages. The base of the building would be composed of storefront windows and a transom level that would be recessed from the plane of the upper stories and divided vertically into bays by large piers that would be finished with integrally colored pre-cast concrete panels on all façades, except for the Market Street frontage where the finish would be decorative stone. Slim-profile canopies or flat awnings would provide cover at entries and divide the storefront from the transom. The aluminum storefront system would have tall vertical sections and transoms that would include two narrow horizontal bands of glazed lights and louvers above, except for the Market Street frontage where the transom would consist of a single row of lights with no louvers. The upper stories of the building would be clad in a panelized system of integrally colored pre-cast concrete units with four graded color variations: dark, two intermediate shades, and a light shade. The panelized system would have deep punched openings with a glazed aluminum window frame system and painted metal spandrel panels. The windows would be Chicago--style, with a central fixed light that would be flanked by operable casements over smaller fixed lights. Most of the recessed Chicago-style windows would be combined in pairs, either horizontally or vertically, to create a composition of interlocking vertical and horizontal elements on the façade. Similarly, not all of the column lines that would define the bays on the upper stories would extend down to the street level, allowing the storefront bays to vary in width.

The project's Market Street façade, which directly relates to the District, would be 114 feet (11 stories) in height; the design would differ somewhat from the Jones Street and Golden Gate Avenue façades. The base of the building would be approximately 29 feet high and would appear to be a tall first story/mezzanine with a transom and topped by a second story. Large piers would divide the base of the building horizontally into three unequal sections. Each section would have a storefront with transom, canopies over the doorways, horizontal bands of storefront windows that would correspond to the double height ground story, and five upper-floor window units that would correspond to the second story, which would include residential units. Each of the two commercial storefronts would be composed of two combined bays that would be flanked by solid piers at the structural column lines, with the entry doors in the center of the eastern bay. The residential exit at the easternmost bay of the building would be similar but would be only one bay wide. The two commercial bays would be covered by full-width canopies. The residential exit on the east side of the Market Street façade would not be distinguished by a marquee. The west entry

that would lead to the on-site courtyard would adjoin the west end of the commercial storefront and have a marquee with signage, depicting the street number above it. The upper stories would be divided into two additional sections that would be marked by a horizontal recessed band. Stories 3 through 9, which would form the mid-section of the building, would be distinguished by an intermediate shade of integral concrete color. The top section, stories 10 and 11, would be the lightest color, terminated by the horizontal lines of the terrace railing at the roof level.

Because the project site is a non-contributory lot with a non-historic building in the District, the *Secretary's Standards for Rehabilitation* and the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating Restoring and Reconstructing Historic Buildings* are not relevant to the existing on-site building but are applied to determine the compatibility of the proposed project with the character-defining features and contributory properties of the District. Standard 1 would allow residential use on upper stories because this use would not require physical features or design characteristics that would make the proposed building incompatible with the District. Standards 2 through 7 generally do not apply to the project site, which does not contain historic resources that would be physically altered. Standard 8, which is geared primarily to archaeological resources, is excluded from the HRE because the City's requirements for archaeological review and monitoring apply. The proposed project would conform to Standard 9 with respect to differentiation from District contributory properties to avoid a false sense of historical development. The design of the proposed project would be consistent with characteristics within the District in that it would divide the façades into horizontal sub-zones and the windows would be stacked in aligned bays. The proposed project would use a series of smaller façade elements to break down the building mass, while the existing contributory buildings use a more hierarchical and consistent system of façade composition and Renaissance/Baroque ornamentation to achieve the same goal.

Standard 10 requires that new interventions avoid the loss of historic features and that they be reversible. The proposed project would not require demolition or alteration of any contributory building, including buildings that flank the project site. The District would remain intact, and the ratio of contributing to non-contributing buildings would remain 20:10, the same as described in the NRHP Nomination.

Demolition of the two-story building and parking lot, which are located on a non-contributing property in the District, would not result in a project-specific impact on the District. Although the proposed 12-story building would be markedly taller than adjacent two- and four-story structures within the block and three- to seven-story buildings opposite Golden Gate Avenue and Jones Street in the Uptown Tenderloin Historic District, it would be broadly compatible with and clearly differentiated from District characteristics and contributory historic buildings in the District. According to the HRE, overall, the proposed building would be a contemporary but compatible design that references the character-defining features of adjacent historic contributory buildings and the surrounding District in conformance with the *Secretary's Standards*. Based on these considerations, the proposed project would not materially impair the significance of the District. Although the proposed project could alter the setting of the adjacent Uptown Tenderloin Historic District, the overall integrity of the Uptown Tenderloin Historic District would not be



affected due to the physical separation between the proposed project and the Uptown Tenderloin Historic District, according to the HRER. Therefore, the proposed project would have a less-than-significant impact on the Market Street Theatre and Loft Historic District as well as the adjacent Uptown Tenderloin Historic District.

**Impact CR-4: The proposed project could cause a substantial adverse change in the significance of an archeological resource. (Less than Significant with Mitigation)**

When determining the potential for encountering archeological resources, relevant factors include the location, depth, and areal extent of excavation proposed, as well as any recorded information on known resources in the area. A Preliminary Archeological Review (PAR) was performed by the Planning Department's archaeologist for the proposed project.<sup>22</sup> As described in Impact GE-2 in Section E.13, Geology and Soils,<sup>23</sup> the project site is blanketed by approximately 22 to 26 feet of fill, consisting of very loose to very dense sand with variable silt, clay, and gravel content, and includes fragments of brick, concrete, and other rubble. In portions of the project site, the fill is underlain by medium-dense to dense native sand, known locally as Dune sand. The Dune sand and the fill are underlain by a Marsh deposit, consisting of medium-stiff to stiff clay with sand, stiff to very stiff sandy clay, very loose to medium-dense clayey sand, and loose to medium-dense clayey silty sand. The bottom of the Marsh deposit was encountered at depths between 36 and 38 feet bgs. The PAR determined that the excavation required for the sub-grade levels of the proposed project, in combination with the improved soil applications and drilled piers required for foundational support, would have the potential to affect any prehistoric deposits that may exist within the project site adversely. The project site is located within an area that the Archeological Research/Design Treatment Plan for the Central SoMa Plan identified as having a "very high" potential for buried prehistoric deposits. Within the project site, prehistoric deposits are most likely to be encountered in native Dune sand and Marsh deposits. The depth of excavation required for the project would be 25 to 36 feet bgs and would therefore extend into the Dune sand and Marsh deposits. Drilled piers, a mat foundation, or a combination of both may be used. Therefore, the proposed project could cause a substantial adverse change in the significance of an archeological resource. This is considered a potentially significant impact. Implementation of Measure M-CR-4, to which the project sponsor has agreed, would reduce this potential impact to less than significant.

**Mitigation Measure M-CR-4: Archeological Testing Program**

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

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<sup>22</sup> San Francisco Planning Department. 2015. Preliminary Archeological Review Log. January 16, 2015. This document is on file and available for public review as part of Case File No. 2013.1753E.

<sup>23</sup> Langan Treadwell Rollo. 2014. *Geotechnical Investigation for 1066 Market Street San Francisco, California*. January 29. This document is on file and available for public review as part of Case File No. 2013.1753E.

resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Planning Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Planning 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 by which to reduce to a less-than-significant level the potential effects on a significant archeological resource, as defined in State CEQA Guidelines Section 15064.5 (a)(c).

*Consultation with Descendant Communities.* On discovery of an archeological site<sup>24</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>25</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and consult with the ERO regarding appropriate archeological treatment of the site, recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report (FARR) 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 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

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<sup>24</sup> The term "archeological site" is intended here to include, at a minimum, any archeological deposit, feature, burial, or evidence of burial.

<sup>25</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and, in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Planning Department archaeologist.

and identify and evaluate whether any archeological resource encountered on the site constitutes a 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 rather 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 include, at a minimum, the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the Archeological Monitoring Program (AMP) reasonably prior to any project-related soil-disturbing activities commencing. The ERO, in consultation with the archeological consultant, shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, drilling of piers (foundation work, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and 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), know how to identify the evidence of the expected resource(s), and know 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 soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to redirect demolition/excavation/pile-drilling/construction activities and equipment temporarily until the deposit is evaluated. If, in the case of pile-drilling activity (foundation work, shoring, etc.), the archeological monitor has cause to believe that the pile-drilling activity may affect an archeological resource, the pile-drilling 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 associated or unassociated funerary objects discovered during any soil-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 Native American Heritage Commission (NAHC), which shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to, but not beyond, six days from the time of discovery to make reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (State CEQA Guidelines Section 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. Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept the recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects, as specified in the treatment agreement, if such as agreement has been made, or, otherwise, as determined by the archeological consultant and the ERO.

*Final Archeological Resources Report.* The archeological consultant shall submit a draft 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 copy, one unbound copy, and one unlocked and searchable PDF copy of the FARR on CD, along with copies of any formal site recordation forms (California Department of Parks and Recreation [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.

**Impact CR-5: The proposed project could disturb human remains, including those interred outside of formal cemeteries. (Less than Significant with Mitigation)**

The depth of excavation would be 25 to 36 feet bgs. Based on this depth, the proposed project could disturb human remains, resulting in a potentially significant impact. Impacts on Native American burials are considered under PRC Section 15064.5(d)(1). When an initial study identifies the existence of, or the likelihood of, Native American human remains within a project site, the CEQA lead agency is required to work with the appropriate tribal entity, as identified by the NAHC. The CEQA lead agency may develop an agreement with the appropriate tribal entity for testing or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials. By implementing such an agreement, the project becomes exempt from the general prohibition on disinterring, disturbing, or removing human remains from any location other than the dedicated cemetery (Health and Safety Code Section 7050.5) and the requirements of CEQA pertaining to Native American human remains. The proposed project's treatment of human remains and associated or unassociated funerary objects discovered during any soil-disturbing activity would comply with applicable state laws, including immediate notification of the City and County of San Francisco Coroner. If the coroner determines that the remains are Native American, the NAHC will be notified and will appoint an MLD (PRC Section 5097.98). **Mitigation Measure M-CR-4** also contains language to ensure the sound handling of any encountered human remains. With implementation of **Mitigation Measure M-CR-4**, the proposed project would have a less-than-significant impact on human remains.

**Impact CR-6: The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource. (Less than Significant with Mitigation)**

Tribal cultural resources (TCR) are those resources that meet the definitions in Public Resources Code Section 21074. Tribal cultural resources are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either (a) included or determined to be eligible for inclusion in the CRHR or (b) included in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k). Based on discussions with Native American tribal representatives, prehistoric archeological resources in San Francisco are presumed to be potential tribal cultural resources. A tribal cultural resource is adversely affected when a project affects its significance.

Pursuant to Assembly Bill 52, effective July 1, 2015, within 14 days of a determination that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency is required to contact the Native American tribes that are culturally or traditionally affiliated with the geographic area in which the project is located. Notified tribes have 30 days to request consultation with the lead agency to discuss potential impacts on tribal cultural resources and measures for addressing those impacts.

On November 6, 2015, the Planning Department mailed a "Tribal Notification Regarding Tribal Cultural Resources and CEQA" related to this project to Native American tribal representatives who requested notification. During the 30-day comment period, no Native American tribal

representatives contacted the Planning Department to request consultation. However, unknown archeological resources may be encountered during construction that could be identified as TCRs at the time of discovery or at a later date. Therefore, the potential adverse effects of the proposed project on previously unidentified archeological resources, as discussed under Impact CR-4, also represent a potentially significant impact on TCRs. Implementation of **Mitigation Measure M-CR-4**, Archeological Testing Program, and **Mitigation Measure M-CR-6**, Tribal Cultural Resources Interpretive Program, would reduce potential adverse effects on TCRs to a less-than-significant level. **Mitigation Measure M-CR-4** would require either preservation-in-place of the TCRs, if determined effective and feasible, or an interpretive program regarding the TCRs developed in consultation with affiliated Native American tribal representatives.

#### **Mitigation Measure M-CR-6: Tribal Cultural Resources Interpretive Program**

If the Environmental Review Officer (ERO) determines that preservation-in-place of previously unidentified archeological resources pursuant to Mitigation Measure M-CR-4, Archeological Monitoring, is not a sufficient or feasible option, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a TCR, the project sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.

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

The geographic scope of potential cumulative impacts on cultural resources encompasses the project site and vicinity. All identified cumulative projects are assumed to involve some degree of ground disturbance during construction and have the potential to affect historic, archeological, and/or tribal cultural resources. Impacts on human remains as well as historic, archeological, and tribal cultural resources are generally site-specific. As discussed in the HREER, with regard to architectural resources, in addition to the proposed project, 10 current or foreseeable projects are located within the District. Of these, seven projects (i.e., 982 Market, 1 Jones Street, 1100 Market, 973 Market Street, 995 Market Street, 1017 Market Street, and 1095 Market Street), which involve interior renovations and exterior rehabilitation work, would not result in an impact on the District. Three projects (i.e., 1028 Market, 1055 Market Street, and 1075 Market Street) are more substantial and may produce a change to the District. Therefore, a potentially significant cumulative impact could occur related to historic architectural resources because, when

considered together, these projects (including the proposed project) could affect the District by creating buildings that would be incompatible with the District's characteristics. However, any cumulative impact would occur with or without construction of the proposed 1066 Market Street project. The HRER prepared for the proposed project noted that although the adjacent 1028 Market Street project may result in project-level and cumulative significant impacts to historic resources, the proposed 1066 Market Street project would not combine with that project or other projects in such a way that there would be a significant cumulative impact to historic architectural resources. In particular, potential cumulative impacts related to the ratio of contributors to non-contributors to the District and to views of the Golden Gate Theatre dome would not be affected by the 1066 Market Street project, which is not a contributor and would not interfere with views of the dome available along Market Street. The proposed project's contribution to any potentially significant cumulative impact would not be considerable.

In addition, as described above, the partially vacant lot and the existing two-story building, which would be demolished under the proposed project, are not historically significant. As discussed under Impact CR-3 above, 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 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. In other aspects, the proposed project would be generally compatible with but differentiated from the District's characteristics. Additionally, vibration impacts on historic resources would not be cumulatively considerable with implementation of Mitigation Measure M-CR-1. Therefore, according to the HRER, the proposed project would not combine within any other project to result in a material impairment of the District. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable impact on historic architectural resources.

One of the current or foreseeable projects, 1028 Market Street, is directly adjacent to the project site. There are no other foreseeable projects that could cumulate with the project to result in impacts to archaeological and/or tribal cultural resources. Due to the proximity of the project site to 1028 Market Street, unidentified human remains or archeological and tribal cultural resources that could be affected by development activities could overlap between the sites, resulting in a potentially significant cumulative impact related to human remains and archeological and tribal cultural resources. The proposed project's contribution to this potentially significant cumulative impact is conservatively assumed to be considerable because it is not known to what extent buried resources at the project site might contribute to this cumulative impact. Implementation of **Mitigation Measure M-CR-4** would ensure that impacts related to archeological and tribal cultural resources as well as human remains remain less than significant. Similar mitigation would be required of other projects in the vicinity. With mitigation, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable impact on archeological resources, human remains, or tribal cultural 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>
<b>4. TRANSPORTATION AND CIRCULATION— Would the project:</b>					
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel, and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input 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 site is not located within an airport land use plan area or in the vicinity of a private airstrip. The proposed project would not interfere with air traffic patterns. Therefore, Topic 4c is not applicable to the proposed project.

A Transportation Impact Study (TIS) was prepared for the proposed project.<sup>26</sup> The following discussion relies on the information provided in the TIS.

## Setting

The project site is located in San Francisco's Downtown/Civic Center neighborhood and bounded by Golden Gate Avenue to the north, Market Street to the south, Jones Street to the west, and a two-story commercial building to the east. In the project area, streets that run in the northwest/southeast direction (i.e., Sixth, Seventh, Eighth Streets) are generally referred to as north/south streets, whereas streets that run in the southwest/northeast direction (i.e., Market,

<sup>26</sup> CHS Consulting Group. 2015. Transportation Impact Study. July 2015. This document is on file and available for public review as part of Case File No. 2013.1753E.

Mission Streets) are generally referred to as east/west streets. The roadway network surrounding the project site north of Market Street is generally an east/west and north/south grid, and the majority of streets near the project site are one-way streets. In the project site vicinity, Golden Gate Avenue is a one-way eastbound street with three travel lanes and parking on both sides. Market Street is a two-way street with generally two travel lanes in each direction; on-street parking is prohibited on Market Street between Franklin Street and The Embarcadero, with the exception of recessed passenger loading and delivery zones on both sides of the street. Jones Street is a one-way southbound street from California Street to Market Street, with three travel lanes and parking on both sides, except for the sections from California Street to Pine Street and from Golden Gate Avenue to McAllister Street, which have two travel lanes.

On Market Street, left turns are not permitted between Franklin Street and Drumm Street. Streetcars operate two ways in the center lanes between Steuart Street and 17<sup>th</sup> Street. Buses operate two ways in the center and outer lanes. Transit stops for buses and streetcars are located both at the curb and at raised center islands along the corridor. Intersections with all major streets are controlled by traffic signals. Market Street generally has high pedestrian volumes compared with other streets in the area because of the greater concentration of commercial uses, the BART station entrances, and Muni surface transit stops. Because of its wide sidewalks (25 to 35 feet), this street accommodates heavier pedestrian volumes without resulting in pedestrian congestion.

In the project area, there are Class II bikeways along Seventh and Eighth Streets (Route 23) and Class III bikeways along Market Street (Route 50), McAllister Street (Route 20), and Fifth Street (Route 19).<sup>27</sup> Existing sidewalks in the project vicinity, other than those on Market Street, are approximately 10 to 15 feet wide.

The project site is well served by nearby local public transit service provided by Muni. There are 19 Muni transit routes in the immediate vicinity of the project area (F Market/Wharves, J Church, K Ingleside/T Third, L Taraval, M Oceanview, N Judah, 5 Fulton, 5L Fulton Limited, 6 Parnassus, 9 San Bruno, 9L San Bruno Limited, 14 Mission, 14L Mission Limited, 16X Noriega Express, 19 Polk, 21 Hayes, 31 Balboa, 71 Haight/Noriega, and 71L Haight/Noriega Limited). Regional service is provided primarily by BART at the Civic Center/UN Plaza (located about 0.2 mile southwest of the project site). In addition, the Muni bus routes that serve the project area provide connections (transfers) to other regional transit providers, including AC Transit, Caltrain, SamTrans, and Golden Gate Transit.

## **Approach to Analysis**

Policy 10.4 of the Transportation Element of the general plan states that the City will “consider the transportation system performance measurements in all decisions for projects that affect the

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<sup>27</sup> On-street bicycle facilities include Class I bikeways (bike paths with exclusive rights-of-way for use by bicyclists or pedestrians), Class II bikeways (bike lanes striped within the paved areas of roadways and established for the preferential use of bicycles), and Class III bikeways (signed bike routes that allow bicycles to share travel lanes with vehicles).

transportation system.” To determine whether the proposed project would conflict with a transportation- or circulation-related plan, ordinance, or policy, this section describes the potential impacts that the proposed project would have on traffic, transit, pedestrians, bicycles, loading, and emergency vehicle circulation as well as any potential transportation impacts related to construction of the proposed project. As described in Section E, a parking demand analysis is provided for informational purposes only, in accordance with Public Resources Code Section 21099(d).

**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, nor would the proposed project conflict with an applicable congestion management program. (Less than Significant)**

### *Trip Generation*

Based on the *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002 (Transportation Guidelines),<sup>28</sup> the proposed project would generate 4,865 daily trips, including approximately 936 auto trips, 1,700 transit trips, 1,719 walking trips, and 510 other trips (bike, etc.) on a typical day. During the PM peak hour, the proposed project would generate 138 auto person trips, 279 transit trips, 261 walking trips, and 76 “other mode” trips.

### *Traffic*

As set forth in the Transportation Guidelines, the Planning Department evaluates traffic conditions for weekday PM peak-hour conditions (between the hours of 4:00 and 6:00 p.m.), which typically represent the worst conditions for the local transportation network. As shown in **Table 3**, eight intersections were evaluated during the PM peak hour. The proposed project would generate about 98 new vehicle trips during the weekday PM peak hour (56 inbound and 42 outbound).<sup>29</sup> The proposed project would result in minor changes to average delay per vehicle at the majority of study intersections, and seven study intersections would continue to operate at an acceptable level of service<sup>30</sup> (LOS) (LOS D or better) with implementation of the proposed project. The intersection of Market Street/Seventh Street/Charles J. Brenham Place would continue to operate at an unacceptable LOS (LOS F) during the PM peak hour with implementation of the proposed project. At this intersection, the proposed project would add 21 vehicles to the shared

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<sup>28</sup> This document can be found here: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=6753>.

<sup>29</sup> Vehicle trips were estimated by dividing the number of auto person-trips, discussed above, by the vehicle occupancy rates (VOR). The VOR for the residential development were obtained from the 2008-2012 American Community Survey data for Census Tract 125.01, and the VOR for retail/eating/drinking use was based on the information contained in the SF Guidelines for C-3 District.

<sup>30</sup> Level of service (LOS) is a qualitative measure of an intersection’s performance based on the average delay per vehicle. LOS has letter designations ranging from A to F, with LOS A representing free-flow traffic, with little or no delay, and LOS F representing jammed conditions, with excessive delay and long backups.

northbound through-right critical movement along Seventh Street (LOS F) and one vehicle to the shared westbound through-right critical movement along Market Street (LOS B), which would represent 1.6 percent and 0.3 percent of the total PM peak-hour volume for these critical movements, respectively. The proposed project's contribution to this intersection under existing plus-project conditions would not be considerable because it would not increase existing traffic volumes on streets in the vicinity by 5 percent or more. The proposed project's impact on existing vehicular traffic is therefore less than significant.

**TABLE 3: INTERSECTION LEVEL OF SERVICE – EXISTING AND EXISTING PLUS-PROJECT  
WEEKDAY PM PEAK HOUR**

Intersection	PM Peak Hour			
	Existing		Existing plus Project	
	Delay*	LOS*	Delay*	LOS*
Jones Street/Golden Gate Avenue	31.2	C	31.7	C
Jones Street/McAllister Street/Market Street	18.4	B	18.4	B
Leavenworth Street/McAllister Street	14.3	B	16.0	B
Taylor Street/Golden Gate Avenue/ Market Street/Sixth Street	43.2	D	45.9	D
Market Street/Seventh Street/ Charles J. Brenham Place	<b>&gt; 80</b>	<b>F</b>	<b>&gt; 80</b>	<b>F</b>
Market Street/Eighth Street/Hyde Street	38.3	D	41.5	D
Sixth Street/Mission Street	32.6	C	34.5	C
Seventh Street/Mission Street	30.3	C	31.8	C

Notes:

\* The LOS and delay (in seconds per vehicle) for signalized intersections represent conditions for the overall intersection.

**BOLD** indicates unacceptable LOS conditions (LOS E or F).

Source: CHS Consulting Group, 2015.

### *Other Traffic Issues*

Under the proposed project, vehicle access to the underground parking garage would be provided along the east side of Jones Street. The 20-foot-wide parking garage ramp would include one ingress lane and one egress lane. Jones Street is approximately 40 feet wide and includes two southbound-only travel lanes and parking along both sides of the street. The garage ramp would allow for two-way traffic flow and would not require vehicles to dwell (stop) along Jones Street prior to entry to the parking garage for an extended period of time (with the exception of waiting for crossing pedestrians). Given the current capacity along Jones Street from the intersection to the off-street parking garage (13 vehicles), vehicle queues and/or blocking of the southbound travel lane from vehicles entering the parking garage would not be considerable. However, it is reasonable to assume other, non-project-related vehicles may experience intermittent, temporary delays while traveling southbound along Jones Street in the event that vehicles that are destined for the parking garage are stopped along Jones Street because of passing pedestrians on the sidewalk. Because there is on-street parking on both sides of the street, there is no room for

vehicles to bypass these stopped vehicles. As a result, minor vehicle queues could occur along Jones Street, and such conditions could be exacerbated during peak commute periods. Although the proposed project would result in less-than-significant traffic impacts, it is noted that any development that provides a new off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) is subject to the conditions of approval set forth by the San Francisco Planning Department related specifically to the monitoring and abatement of queues. The project sponsor has agreed to the following improvement measures, which could further reduce the less-than-significant impacts of automobile traffic queuing on adjacent and area roadways:

#### **Improvement Measure I-TR-1a: Monitoring and Abatement of Queues**

As an improvement measure to reduce the potential for queuing from vehicles that are attempting to access the project site, it shall be the responsibility of the project sponsor or subsequent property owner to ensure that recurring vehicle queues do not occur adjacent to the site.

Because the proposed project would include a new off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces), the project is subject to conditions of approval set forth by the San Francisco Planning Department related to monitoring and abatement of queues. It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) that block any portion of any public street, alley, or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis. If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods, as needed, to abate the queue. Appropriate abatement methods will vary, depending on the characteristics and causes of the recurring queue as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable). Suggested abatement methods include, but are not limited to, the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs, with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage that directs drivers to available spaces; travel demand management strategies, such as additional bicycle parking, customer shuttles, or delivery services; and/or parking demand management strategies, such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Planning Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report, which

will be submitted to the Planning Department for review. If the Planning Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

**Improvement Measure I-TR-1b: Implement Transportation Demand Management Strategies to Reduce Single-Occupancy Vehicle Trips**

The project sponsor and subsequent property owner should implement a Transportation Demand Management (TDM) program to minimize the number of single-occupancy vehicle (SOV) trips generated by the proposed project for the lifetime of the project. The TDM program targets SOV trips by encouraging persons to select other modes of transportation, including walking, bicycling, transit, car-share options, carpooling, and/or other modes. The Project Sponsor-approved TDM checklist is also provided in Appendix K of the TIS prepared for the proposed project.

The project sponsor has agreed to implement the following TDM measures:

- **Identify TDM Coordinator:** The project sponsor should identify a TDM coordinator for the project site. The TDM coordinator is responsible for implementation and ongoing operation of all TDM measures described below. The TDM coordinator could be a brokered service provided through an existing transportation management association (e.g., the Transportation Management Association of San Francisco [TMA SF]), or the TDM coordinator could be an existing staff member (e.g., property manager). The TDM coordinator need not work full time at the project site. However, the TDM coordinator should be the single point of contact for all transportation-related questions from building occupants and City staff members. The TDM coordinator should provide TDM training to the building staff about the transportation amenities and options available at the project site and nearby.
- **Transportation and Trip Planning Information:**
  - *Move-in packet:* Provide a transportation insert for the move-in packet that includes information regarding transit service (local and regional schedules and fares), where transit passes can be purchased, the 511 Regional Rideshare Program and nearby bike- and car-share programs, and where to find additional web-based alternative transportation materials (e.g., the NextMuni phone app). This move-in packet should be continuously updated because local transportation options change. The packet should be provided to each new building occupant, and Muni maps, San Francisco bicycle route maps, and pedestrian maps should be provided upon request.
  - *New-hire packet:* Provide a transportation insert in the new-hire packet that includes information regarding transit service (local and regional schedules and fares), where transit passes can be purchased, the 511 Regional Rideshare Program and nearby bike- and car-share programs, and where to find additional web-based alternative transportation materials (e.g., the NextMuni phone app). This new-

hire packet should be continuously updated because local transportation options change. The packet should be provided to each new building occupant, and Muni maps, San Francisco bicycle route maps, and pedestrian maps should be provided upon request.

- *Posted and real-time information:* A local map and real-time transit information could be installed on-site in a prominent and visible location, such as within a building lobby. The local map should clearly identify transit, bicycle, and key pedestrian routes and also depict nearby destinations and commercial corridors. Real-time transit information through NextMuni and/or regional transit data should be displayed on a digital screen.

- **Data Collection:**

- *City Access:* As part of an ongoing effort to quantify the efficacy of TDM measures, City staff members may need access to the project site (including the garage) to perform trip counts, intercept surveys, or other types of data collection. All on-site activities shall be coordinated through the TDM coordinator. The project sponsor ensures future access to the site by City staff members. Providing access to existing developments for data collection purposes is also encouraged.

- **Bicycle Measures:**

- *Parking:* Increase the number of on-site secured bicycle parking spaces beyond Planning Code requirements and/or provide additional bicycle facilities in the public right-of-way adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).
- *Bay Area Bike Share:* The project sponsor shall cooperate with the SFMTA, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow a bike-share station to be installed in the public right-of-way along the project's frontage.

- **Car-Share Measures:**

- *Parking:* Provide optional car-share spaces, as described in Planning Code Section 166(g).

## **Loading**

As described in Section C, pursuant to *Planning Code* Section 152.1, developments with between 200,001 and 500,000 gsf of residential uses in C-3 districts are required to provide two off-street freight loading spaces; developments with retail spaces totaling less than 10,000 gsf are not required to provide any off-street freight loading spaces. Based on these requirements, the proposed project, which includes one off-street freight loading space, would not meet the off-street loading space requirements per the *Planning Code*. However, the project sponsor would seek an exemption per Section 309 of the *Planning Code* to provide one off-street loading space and not provide a minimum of two off-street loading spaces.

The new residential uses would generate up to seven truck freight and service vehicle trips per day, which would result in a demand for less than one loading space during the peak hour and average hour for loading activities. Similarly, the retail/restaurant uses would generate up to one truck freight and service vehicle trip per day, which would result in a demand for less than one loading space during the peak hour and average hour for loading activities. The proposed project would thus generate a combined demand for less than one freight/delivery loading space during both the average and peak hour for loading activities. The proposed project, with one off-street freight/delivery loading space, would generally meet the proposed project's loading demand, and the loading impact of the project would be less than significant.

#### Passenger Loading

Passenger loading would be accommodated at the proposed 20-foot-wide passenger loading zone located on the east side of Jones Street. The existing curb cut would be filled, and a white curb would be provided, if approved by the SFMTA. Furthermore, passenger loading would also be accommodated at the existing 25-foot-wide passenger loading space on the east side of Jones Street, south of the project (adjacent to the 1072 Market Street property). This existing curbside space would be a convenient walking distance to/from the project site for those who are being dropped off or picked up. Passenger loading activities would not be permitted within the proposed off-street loading space at the project site.

Although the proposed project would have less-than-significant passenger loading impacts, the project sponsor has agreed to **Improvement Measure I-TR-1c**, Coordination of Move-in/Move-out Operations and Large Deliveries, which could further reduce and/or eliminate potential adverse effects on traffic flow on Golden Gate Avenue and Jones Street, including effects on pedestrians, bicyclists, etc., and avoid any adverse queuing effects associated with freight/delivery trucks that enter and exit the off-street loading space. Therefore, the proposed project's loading activities would not create potentially hazardous traffic conditions or significant delays that would affect traffic, transit, bicycles, or pedestrians. The proposed project would have a less-than-significant loading impact.

#### **Improvement Measure I-TR-1c: Coordination of Move-in/Move-out Operations and Large Deliveries**

To reduce the potential for delivery vehicles parking within the travel lane adjacent to the curb lane on Jones Street or Golden Gate Avenue (in the event that the off-street loading space is occupied), residential move-in and move-out activities and large deliveries shall be scheduled and coordinated through building management. Appropriate move-in/move-out procedures shall be enforced to avoid any blockages of Jones Street or Golden Gate Avenue over an extended period of time and reduce any potential conflicts between movers and pedestrians walking along Jones Street or Golden Gate Avenue. Curb parking on Jones Street and Golden Gate Avenue shall be reserved through the SFMTA or by directly contacting the local 311 service. No loading activities (freight/delivery or residential move-in/-out activities) shall be conducted along Market Street.



The project sponsor shall enforce strict truck size regulations for the off-street loading space in the proposed freight loading area. Trucks that exceed 30 feet shall be prohibited from entering the off-street loading area and shall utilize the existing on-street loading spaces along Golden Gate Avenue, Jones Street, or McAllister Street, adjacent to or near the project site. Appropriate signage shall be located at the parking garage entrance to notify drivers of truck size regulations and notify drivers of on-street loading spaces on adjacent streets. The project sponsor shall notify building management and related staff members as well as retail/restaurant tenants of imposed truck size limits in the proposed freight loading area.

Appropriate move-in/move-out and loading procedures shall be enforced to avoid any blockages of any streets adjacent to the project site over an extended period of time and reduce any potential conflicts between other vehicles and users of adjacent streets as well as movers and pedestrians walking along Golden Gate Avenue and Jones Street. Curb parking on Jones Street or Golden Gate Avenue shall be reserved through the SFMTA or by directly contacting the local 311 service.

### *Emergency Access*

The street network that serves the project area currently accommodates the movement of emergency vehicles. In the event of an emergency, such vehicles could access the project site as they do under existing conditions (i.e., from Market Street, Jones Street, and Golden Gate Avenue). The proposed project would generate additional traffic in the area; however, the added vehicle traffic would not be substantial compared to existing conditions and would not substantially increase congestion that could affect emergency vehicle response times, nor would the project create changes to the street network or circulation patterns that would alter access by or impede emergency vehicles. In addition, California State law requires drivers to yield the right-of-way to emergency vehicles and even permits emergency vehicles to use the opposing lane of travel. Therefore, it is not anticipated that an increase in the number vehicles associated with the project would impede or hinder the movement of emergency vehicles (e.g., vehicles from the neighboring fire stations, including Fire Department Station No. 1, No. 3, or No. 36). Therefore, the proposed project's impact on emergency vehicle access would be less than significant.

### *Construction*

Construction of the proposed project would be expected to take approximately 21 months. During this period, temporary and intermittent transportation impacts would result from truck movements to and from the project site during excavation and construction activities associated with the proposed building. Construction staging areas (e.g., for machinery/equipment or temporary parking for haul trucks) would be located adjacent to the project site, within the parking lanes on the south side of Golden Gate Avenue between Jones and Taylor Streets and along the east side of Jones Street between Golden Gate Avenue and McAllister Street.

It is anticipated that traffic lanes, parking lanes, and sidewalk areas would need to be closed at some times during construction. Therefore, the proposed project would require temporary traffic

controls along Golden Gate Avenue and Jones Street to allow for continuous traffic flow and circulation for all modes of transportation. Such actions would need to be coordinated with the City to minimize impacts on local traffic.

Throughout the construction period, there would be a flow of construction-related trucks into and out of the project site. Construction truck traffic would result in a temporary lessening of the capacities of local streets because of the slower movement and larger turning radii of the trucks, which may affect traffic operations. The proposed project would generate approximately 73 two-way trips (146 one-way trips) per day, on average, and up to 180 two-way trips (360 one-way trips) per day during peak construction periods. Construction workers who drive to the site would be able to park in nearby public parking facilities. Because the project site is conveniently located next to two BART stations (that also provide direct access to several Muni light-rail lines), construction workers may also utilize bus and/or commuter/light-rail lines to access the project site and forego their own private vehicles. It is also anticipated that the addition of worker-related vehicle or transit trips would not substantially affect transportation conditions because any impacts on local intersections or the transit network would be similar to, or less than, those associated with operation of the proposed project. Construction-related impacts generally would not be considered significant because of their temporary and limited duration.

Although the proposed project would have less-than-significant construction impacts, the project sponsor has agreed to the improvement measures below, which could further reduce the less-than-significant impacts on construction.

#### **Improvement Measure I-TR-1d: Construction Truck Deliveries during Off-Peak Periods**

Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak-hour traffic and could temporarily impede traffic and transit flow, although it would not be considered a significant impact. Limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by the SFMTA) would further minimize any disruption of the general traffic flow on adjacent streets during the AM and PM peak periods.

As required, the project sponsor and construction contractor(s) shall meet with the Sustainable Streets Division of the SFMTA, the fire department, Muni, and the Planning Department to determine feasible measures to reduce traffic congestion, including potential transit disruptions and pedestrian circulation impacts during construction of the project. To minimize cumulative traffic impacts due to project construction, the project sponsor shall coordinate with construction contractors regarding any concurrent nearby projects that are planned for construction or later become known.

#### **Improvement Measure I-TR-1e: Construction Management Plan**

In addition to items required in the Construction Management Plan, the project sponsor shall include the following:

- Carpool and Transit Access for Construction Workers – As an improvement measure to minimize parking demand and vehicle trips associated with construction workers, the construction contractor shall include methods to encourage carpooling and transit use to the project site by construction workers in the Construction Management Plan contracts.
- Project Construction Updates – As an improvement measure to minimize construction impacts on nearby businesses, the project sponsor shall provide regularly updated information (typically in the form of website content, news articles, on-site postings, etc.) regarding project construction and the schedule as well as contact information for specific construction inquiries or concerns.

**Impact TR-2: The proposed project would not substantially increase hazards due to a design feature or incompatible uses. (Less than Significant)**

The project site exists within a developed block of San Francisco that is currently occupied by a two-story, 5,066 gsf vacant commercial building and adjoining 23,419 gsf surface parking lot. The proposed project involves demolition of an existing building and parking lot and construction of a new 12-story, 120-foot-tall residential building, approximately 297,950 gsf, with ground-floor retail space and two levels of subterranean parking with 102 vehicle spaces. No project design features are proposed that would substantially increase traffic-related hazards. In addition, as described in Impact LU-3 in Section E.1, Land Use and Land Use Planning, although the proposed project would result in a new land use at the project site as well as an intensification of development at the project site, the proposed project would not be out of character with the mixed-use buildings that are typically found in the project vicinity. As such, the proposed project would not include incompatible uses. Transportation hazard impacts due to a design feature or resulting from incompatible uses would be less than significant.

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

The street network serving the project area currently accommodates the movements of emergency vehicles that travel to the project site. Emergency access would remain similar to existing conditions. Emergency vehicles would continue to access the project site from Market Street, Jones Street, and Golden Gate Avenue, which are immediately adjacent to the site. Furthermore, although the proposed project would generate additional traffic in the area, such an increase in the number of vehicles would not be substantial compared to existing traffic volumes and would not impede or hinder the movement of emergency vehicles in the project area (e.g., from the neighboring fire stations [No. 1, No. 3, and No. 36]). Therefore, the proposed project's impact on emergency vehicle access would be less than significant.

**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*

As described above, the project site is well served by nearby local public transit service. The proposed project would generate an estimated 279 new PM peak-hour transit trips, which would be dispersed along the various transit lines within the project vicinity. To analyze potential impacts on these transit facilities, the maximum load points near the project site were identified, and proposed project-generated transit trips were added and compared with the transit providers' capacity utilization standard. For Muni, the standard is 85 percent, and for regional providers, the standard is 100 percent. Implementation of the proposed project would marginally increase capacity utilization on the affected Muni corridors and sub-corridors as well as across screenlines of regional transit providers.<sup>31</sup> However, capacity utilization percentages would increase minimally and would not exceed local or regional capacity utilization standards.

The proposed project would not introduce any design features that would preclude or alter access to nearby transit facilities. The proposed project would provide one driveway along Jones Street to allow access to the underground parking garage. Because there are no Muni routes running on Jones Street adjacent to the project site, the proposed project would not result in substantial conflicts between project-generated vehicles destined for the parking lot and bus transit operations, nor would it result in any considerable travel time delays for the existing bus service adjacent to the project site. Furthermore, the proposed streetscape treatments along the south side of Golden Gate Avenue (e.g., bicycle racks and street trees) would not result in the relocation or modification of the existing Muni bus stop. Given these findings, the proposed project would provide continued pedestrian access to nearby bus stops and commuter-rail/light-rail transit stations (i.e., along Market Street) and would not result in any obstructions or hindrances with respect to transit access by pedestrians and other users.

Although the proposed project would generate traffic along nearby local roadways that currently serve as bus transit routes (e.g., Golden Gate Avenue, Market Street), the proposed project would not result in substantial conflicts between project-generated vehicles destined for the project site and transit vehicles because these streets include adequate travel lanes (and roadway capacity) to allow transit vehicles to bypass any vehicles that attempt to access Jones Street and the underground parking garage. Because the proposed project would not substantially affect utilization of the local and regional transit lines or the operations of the adjacent bus transit routes, the impacts of the proposed project on transit would be less than significant.

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<sup>31</sup> A transit screenline is a strategically-placed imaginary line (for example, a north-south or east-west line representing the border of a downtown area). Summing transit vehicle and ridership data across this line indicates the volume of traffic entering or leaving a particular area of the City. Screenlines are used to describe the magnitude of travel from or to the downtown area and its vicinity and to compare estimated transit volumes to available capacities for each transit operator.

## *Pedestrian Facilities*

The proposed project would generate 540 pedestrian trips, including 279 transit trips and 261 walking trips, during a typical weekday PM peak hour. The new pedestrian trips generated by the proposed project could be accommodated on the existing sidewalks and crosswalks adjacent to the project site, and the proposed streetscape changes to sidewalk areas would enhance the pedestrian realm of the area. Furthermore, the potential increase in the number of pedestrian trips would not result in substantial overcrowding along sidewalk areas or at nearby transit stops and stations because the existing and future sidewalks that include such transit facilities would be able to accommodate an increase in demand.

Although the proposed project would result in an increase in the number of vehicles in the vicinity of the project site, this increase would not be substantial enough to create potentially hazardous conditions for pedestrians or otherwise substantially interfere with pedestrian accessibility to the site and adjoining areas. Conversely, the proposed pedestrian improvements would improve the pedestrian realm within the project environs (per the Better Streets Plan requirements). The proposed project would therefore promote pedestrian travel and also enhance safety and comfort for those walking in and around the project site.

The proposed project would not result in an increase in the amount of overcrowding on public sidewalks, interfere with pedestrian circulation to nearby areas and buildings, or create potentially hazardous conditions for pedestrians. The proposed project would not introduce any design features that would conflict with current City plans to improve the pedestrian network in and around the project site (e.g., Better Streets Plan, San Francisco “Walk First” project). Pedestrian impacts resulting from the project would be less than significant.

Although the proposed project would have less-than-significant pedestrian impacts, the project sponsor may wish to consider the measures in **Improvement Measure I-TR-1a** and **1-TR-1c**, which could be implemented to reduce further any potential effects related to conflicts between vehicles and pedestrians as well as any potential conflicts between freight/delivery operators, movers, and pedestrians on Golden Gate Avenue and Jones Street. In addition, the project sponsor has agreed to **Improvement Measure I-TR-4**, Installation of Traffic Calming Devices at Underground Garage Exit Lane, to reduce further any potential effects related to conflicts between vehicles and pedestrians.

### **Improvement Measure I-TR-4: Installation of Traffic Calming Devices at Underground Garage Exit Lane**

The project sponsor should install appropriate traffic calming devices (e.g., speed bumps, rumble strips, “slow speed” signage, etc.) at the exiting travel lane along the garage driveway to reduce the speed of vehicles while exiting the underground parking garage and further reduce potential conflicts between pedestrians and bicyclists within the sidewalk area or the travel lane along Jones Street.

## ***Bicycle Facilities***

The proposed project would not introduce any design features that would eliminate or impede access to existing bicycle routes in proximity to the project site. There are no bicycle routes on Jones Street or Golden Gate Avenue where the parking and loading entrances to the project site would be located. Therefore, the proposed project would not result in any potential conflict points between bicyclists and vehicles while entering the project site driveways. Although the proposed project would result in an increase in the number of vehicles in the vicinity of the project site, this anticipated increase would not be substantial enough to create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the site and adjoining areas. In addition, it is reasonable to assume that the anticipated increase in the number of bicyclists associated with the proposed project would be accommodated by existing bicycle network facilities in the vicinity of the project site.

Sections 155.1, 155.2, and 155.3 of the *Planning Code* require a minimum number of bicycle parking spaces, based on the proposed number of residential dwelling units and occupied floor area of retail and restaurant uses. Per the *Planning Code*, buildings that contain more than 100 dwelling units are required to provide 100 Class 1 spaces, plus one Class 1 space for every four dwelling units over 100 units. Therefore, 151 Class 1 spaces would be required for the proposed project. Retail uses are required to provide one Class 1 space for every 7,500 square feet; therefore, one Class 1 bicycle space would be required for the proposed retail space. One Class 2 bicycle parking space is required for every 20 dwelling units, and one Class 2 bicycle parking space is required for every 2,500 square feet of retail space, with a minimum of two spaces. Therefore, 17 Class 2 bicycle spaces would be required for the proposed project. The proposed project would provide 304 Class 1 and 18 Class 2 bicycle spaces, exceeding the Class 1 and Class 2 bicycle space requirements. Therefore, the proposed project would result in less-than-significant impacts related to bicycle facilities.

Although the proposed project would have less-than-significant bicycle impacts, the project sponsor has agreed to **Improvement Measure I-TR-4**, which would further reduce any potential effects related to conflicts between vehicles and pedestrians/bicyclists in and around the underground garage driveway.

**Impact C-TR: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in less-than-significant cumulative impacts related to transportation. (Less than Significant)**

The TIS evaluated the transportation impacts of the proposed project under cumulative conditions, as discussed below.

## ***Traffic***

Future cumulative traffic conditions were forecast to assess the cumulative effects of the proposed project and other development through 2040. The 2040 traffic forecast for the study intersections was developed using the SFCTA travel demand forecasting model, which takes into account

planned and proposed future development growth and transportation network changes in the study area as well as background growth in travel demand in the city and region. It is important to note that the cumulative 2040 traffic volumes and roadway network changes account for the land use developments and transportation infrastructure improvement projects described below. Furthermore, the future roadway network and lane configurations modeled under cumulative conditions for the proposed project are consistent with the cumulative traffic analyses for other nearby development projects (e.g., 950 Market Street, 1125 Market Street).

As shown in **Table 4**, five of the eight study intersections in the project vicinity would continue to operate at an acceptable LOS (LOS D or better) under future conditions and three of the eight study intersections in the project vicinity would operate at an unacceptable LOS (LOS F) under 2040 cumulative conditions. In general, the proposed project's contributions to intersections that operate at an acceptable LOS (LOS D or better) would not be substantial and the proposed project would result in a less-than-significant cumulative traffic impact at intersections that operate at an acceptable LOS. Overall, the proposed project would result in a less-than-significant cumulative traffic impact for the intersections performing at an acceptable level.

At the intersection of Leavenworth Street/McAllister Street, the proposed project would add 24 vehicles to the westbound shared through/right critical movement at McAllister Street (existing LOS B), which would represent 4.2 percent of the PM peak-hour westbound through volume of 570 vehicles and would not be considered a substantial contribution to the poorly operating intersection. Therefore, the proposed project would result in a less-than-significant cumulative traffic impact at the intersection of Leavenworth Street/McAllister Street.

**TABLE 4: INTERSECTION LEVEL OF SERVICE – EXISTING, EXISTING PLUS-PROJECT, AND CUMULATIVE WEEKDAY PM PEAK HOUR**

Intersection	Existing		Existing + Project		Cumulative (2040)	
	Delay*	LOS*	Delay*	LOS*	Delay*	LOS*
1. Jones Street/Golden Gate Avenue	31.2	C	31.7	C	34.8	C
2. Jones Street/McAllister Street/Market Street	18.4	B	18.4	B	23.4	C
3. Leavenworth Street/McAllister Street	14.3	B	16.0	B	<b>&gt; 80</b>	<b>F</b>
4. Taylor Street/Golden Gate Avenue/Market Street/Sixth Street	43.2	D	45.9	D	38.4	D
5. Market Street/Seventh Street/Charles J. Brenham Place	<b>&gt; 80</b>	<b>F</b>	<b>&gt; 80</b>	<b>F</b>	<b>&gt; 63.7</b>	<b>F</b>
6. Market Street/Eighth Street/Hyde Street	38.3	D	41.5	D	26.6	C
7. Sixth Street/Mission Street	32.6	C	34.5	C	39.8	D
8. Seventh Street/Mission Street	30.3	C	31.8	C	<b>&gt; 80</b>	<b>F</b>

Notes:

\* The LOS and delay (in seconds per vehicle) for signalized intersections represent conditions for the overall intersection.

**BOLD** indicates unacceptable LOS conditions (LOS E or F).

Source: CHS Consulting Group, 2015.

At the intersection of Market Street/Seventh Street/Charles J. Brenham Place, the proposed project would add 21 vehicles to the northbound shared through/right-turning critical movement on Seventh Street (existing LOS F), which would represent 1.2 percent of the PM peak-hour northbound through volume of 1,762 vehicles on Seventh Street and would not be considered a substantial contribution to the poorly operating intersection. In addition, the proposed project would not add any vehicles to the eastbound through critical movement on Market Street. Therefore, the proposed project would result in a less-than-significant cumulative traffic impact at the intersection of Market Street/Seventh Street/Charles J. Brenham Place.

At the intersection of Seventh Street/Mission Street, the proposed project would add 21 vehicles to the northbound shared/left/through/right critical movement on Seventh Street (existing LOS C), which would represent 0.9 percent of the PM peak-hour northwest through volume of 2,465 vehicles and would not be considered a substantial contribution to the poorly operating intersection. In addition, the proposed project would not add any new vehicles to the eastbound through critical movement along Mission Street. Based on these findings, the proposed project would result in a less-than-significant cumulative traffic impact at the intersection of Seventh Street/Mission Street.

As described above, the project sponsor has agreed to Improvement Measure I-TR-1a and I-TR-1b, which could further reduce the less-than-significant impacts of automobile traffic queuing on adjacent and area roadways and, thus, further reduce the proposed project's less-than-significant cumulative traffic impacts.

### *Transit*

Similar to the transit analysis provided above for existing plus-project conditions, an analysis of transit impacts across the Muni and regional screenlines was conducted to determine the extent to which an increase in the number of transit trips associated with the proposed project would affect local and regional transit lines under cumulative (2040) conditions. As previously described, it was assumed that a proportion of the estimated number of transit trips associated with the proposed project would cross all of the downtown San Francisco screenlines, and a proportion of the transit trips would cross regional screenlines (by bus and/or light-rail transfers). Because it is reasonable to expect that a proportion of the project-generated transit trips (about 34 new transit trips out of 104 new transit trips in the outbound direction) would instead begin and end in the greater downtown area (i.e., C-3 District) and utilize local transit lines that currently do not cross any established screenlines in the outbound PM peak-hour direction, these new transit trips were not included in the screenline analysis.

**Table 5** presents projected transit demand among the Muni screenlines with implementation of the proposed project. By 2040, ridership levels on Muni lines are projected to generally grow faster than the projected increases in capacity. In addition, overall PM peak-hour ridership across the screenlines would increase in 2040 compared to existing conditions. However, in some instances, total capacity at the screenlines is expected to increase enough by 2040 so that aggregate capacity utilization would be better than the 85 percent standard across the screenline.



**TABLE 5: CUMULATIVE 2040 TRANSIT DEMAND AMONG MUNI SCREENLINES: PM PEAK HOUR (OUTBOUND)**

Screenline/Corridor	PM Peak Hour			PM Peak Hour	
	Ridership	Capacity	Utilization	Project Trips	Project Contribution
<b>Northeast</b>					
Kearny/Stockton	6,295	8,329	76%	17	-
All Other Lines	1,229	2,065	60%	17	-
<i>Screenline Total</i>	<i>7,524</i>	<i>10,394</i>	<i>72%</i>	<i>34</i>	<i>-</i>
<b>Northwest</b>					
Geary	2,996	3,621	83%	1	-
California	1,766	2,021	<b>87%</b>	1	0.05%
Sutter/Clement	749	756	<b>99%</b>	1	0.13%
Fulton/Hayes	1,762	1,878	<b>94%</b>	2	0.11%
Balboa	776	974	80%	2	-
<i>Screenline Total</i>	<i>8,049</i>	<i>9,250</i>	<i>87%</i>	<i>7</i>	<i>0.09%</i>
<b>Southeast</b>					
Third Street	2,300	5,712	40%	1	-
Mission	2,673	3,008	<b>89%</b>	2	0.07%
San Bruno/Bayshore	1,817	2,134	<b>85%</b>	2	0.11%
All Other Lines	1,582	1,927	82%	3	-
<i>Screenline Total</i>	<i>8,372</i>	<i>12,781</i>	<i>66%</i>	<i>8</i>	<i>0.10%</i>
<b>Southwest</b>					
Subway Lines	5,692	6,804	84%	4	-
Haight/Noriega	1,265	1,596	79%	1	-
All Other Lines	380	840	45%	0	-
<i>Screenline Total</i>	<i>7,337</i>	<i>9,240</i>	<i>79%</i>	<i>5</i>	<i>-</i>
<b>Muni Screenlines Total</b>	<b>31,282</b>	<b>41,665</b>	<b>75%</b>	<b>54</b>	<b>0.17%</b>

Sources: San Francisco Planning Department. 2014. *Regional and Local 2040 Cumulative Transit Screenlines for Transportation Impact Studies*. March 10; CHS Consulting Group, 2015.

**BOLD** indicates that sub-corridors are operating above the Muni standard utilization rate of 85 percent.

The California, Sutter/Clement, and Fulton/Hayes sub-corridors within the northwest screenline would operate above Muni utilization standards, at 87, 99 and 94 percent, respectively under 2040 conditions. The screenline as a whole would operate at 87 percent. The proposed project would contribute approximately less than one percent to these sub-corridors and the entire screenline; therefore, the project impact on this screenline and the sub-corridors would be less than significant under 2040 conditions.

The Mission and San Bruno/Bayshore sub-corridors within the southeast screenline would operate at or above Muni utilization standards, at 89 percent and 85 percent, respectively under 2040 conditions. The proposed project would contribute approximately less than one percent to these sub-corridors and the entire screenline; therefore, the project impact on this screenline and the sub-corridors would be less than significant under 2040 conditions.

Although the subway lines within the southwest screenline would operate at 84 percent, under 2040 conditions the additional four transit trips generated by the proposed project would not increase ridership to a level that would exceed the 85 percent capacity utilization performance standard. Therefore, the increase would continue to be less than significant under 2040 conditions.

Under 2040 cumulative conditions, transit ridership on regional transit lines is not projected to exceed the available capacity at several corridors, and capacity utilization standards would be met for all regional providers across all screenlines. **Table 6** summarizes the project's contributions to 2040 cumulative ridership for the regional transit operators. Overall, the increase in regional transit trips generated by the proposed project would contribute less than one percent to all regional screenlines, and ridership levels would continue to be below the 100 percent capacity utilization performance standard.

**TABLE 6: CUMULATIVE 2040 TRANSIT DEMAND AMONG REGIONAL SCREENLINES: PM PEAK HOUR**

Regional Screenlines	PM Peak Hour (Outbound)			PM Peak Hour (Outbound)	
	Ridership	Capacity	Utilization	Project Trips	Project Contribution
<b>East Bay</b>					
BART	30,383	33,170	92%	5	-
AC Transit	7,000	12,000	58%	2	-
Ferries	5,319	5,940	90%	0	-
<i>Screenline Total</i>	<i>42,702</i>	<i>51,110</i>	<i>84%</i>	<i>7</i>	<i>0.02%</i>
<b>North Bay</b>					
GGT buses	2,070	2,817	74%	4	-
Ferry	1,619	1,959	83%	1	-
<i>Screenline Total</i>	<i>3,689</i>	<i>4,776</i>	<i>77%</i>	<i>5</i>	<i>0.14%</i>
<b>South Bay</b>					
BART	13,971	24,182	59%	3	-
Caltrain	2,529	3,600	70%	0	-
SamTrans	150	320	47%	1	-
Ferries	59	200	30%	0	-
<i>Screenline Total</i>	<i>16,709</i>	<i>28,302</i>	<i>59%</i>	<i>4</i>	<i>0.02%</i>
<b>Regional Screenlines Total</b>	<b>63,100</b>	<b>84,188</b>	<b>75%</b>	<b>16</b>	<b>0.03%</b>

Sources: San Francisco Planning Department. 2014. *Regional and Local 2040 Cumulative Transit Screenlines for Transportation Impact Studies*. March 10; CHS Consulting Group, 2015.

**BOLD** indicates regional lines that are operating above 100 percent standard utilization rate.

The new transit trips associated with the proposed project would not result in overcrowding conditions, and the proposed project would not result in a substantial contribution to future ridership levels along these local and regional transit lines by 2040. Therefore, the project impact on cumulative transit conditions would be less than significant and would not be a considerable contribution to cumulative 2040 transportation operations.

### *Pedestrian Facilities*

Pedestrian circulation impacts by their nature are site specific and generally do not contribute to impacts from other development projects. As described in Impact TR-4, the proposed project would not result in overcrowding of sidewalks or create new, potentially hazardous conditions for pedestrians under cumulative conditions. Conversely, the proposed project would modify the pedestrian circulation in and around the project site by reconstructing sidewalks along Jones Street and Golden Gate Avenue and include specific pedestrian-oriented streetscape treatments in accordance with the Better Streets Plan, as applicable. Furthermore, the proposed project would allow for continued pedestrian circulation and crossings while also continuing to provide adequate capacity for pedestrian travel in and around the project site.

The number of walking trips may increase between the completion of the proposed project and future conditions because of the increasing effectiveness of planned pedestrian improvements in the vicinity of the project site, including the project's streetscape plan and other improvements per the Better Market Street Plan and Sixth Street Improvement Project. Although it is assumed that the number of walking trips between the project site, transit stops/stations, and other uses in the vicinity of the proposed project may increase over time, improvements to the pedestrian realm would accommodate this potential increase in pedestrian activity (through streetscape improvements, safer crossing features, wayfinding measures, etc.), and operation of the proposed project in combination with other future developments in the area would not reach a level that would induce overcrowding on area sidewalks under cumulative conditions.

There would be a projected increase in background vehicle traffic between existing plus-project and 2040 cumulative conditions. This would result in an increase in the potential for vehicle/pedestrian conflicts at intersections in the study area. Although there would be a general increase in vehicle traffic, which is expected through future 2040 cumulative conditions, the proposed project would not create potentially hazardous conditions for pedestrians or otherwise interfere with pedestrian accessibility to the site and adjoining areas (as previously mentioned, improvements measures to reduce potential pedestrian impacts have been included as a part of this analysis). Given these findings, the proposed project, in combination with past, present, and reasonably foreseeable developments in San Francisco, would result in less-than-significant cumulative pedestrian impacts.

## *Bicycle Facilities*

The proposed project would not substantially contribute to cumulative bicycle circulation or hazardous conditions in the project area. Bicycle trips in the area may increase between the completion of the proposed project and the 2040 cumulative scenario because of general growth in the area. In particular, the proposed project would be designed to provide adequate points of access to bicycle parking, including signage to indicate the locations of these facilities, and reduce any potential conflicts with private cars and delivery/freight vehicles while accessing the parking garage and off-street loading spaces. Additionally, the proposed project would not reduce access to the existing bicycle routes along Market, McAllister, Seventh, and Eighth Streets, and these facilities would be able to accommodate any potential increase in the number of bicycle trips over time and under 2040 cumulative conditions. Therefore, the potential increase in bicycle trips generated by the proposed project would not reach a level that would create potentially hazardous conditions for bicycles.

As described above, under cumulative conditions, there is a projected increase in vehicles at intersections in the vicinity of the proposed project, which may result in an increase in vehicle/bicycle conflicts at intersections in the study area. Although there would be a general increase in vehicle traffic, which is expected through future 2040 cumulative conditions, the proposed project would not contribute to potentially hazardous conditions for bicycles or otherwise interfere with bicycle accessibility to the project site and adjoining areas or substantially affect nearby bicycle routes. Based on these findings, the proposed project, in combination with past, present, and reasonably foreseeable developments in San Francisco, would result in less-than-significant cumulative impacts on bicyclists.

## *Loading*

Loading impacts are by their nature localized and site specific and would not contribute to impacts from other development projects near the project site. The proposed project would not result in loading impacts because the estimated loading demand would be met at the proposed off-street loading space (as previously discussed), and appropriate improvement measures have been recommended to reduce any potential loading impacts (see **Improvement Measure I-TR-1c** on page 43). Therefore, based on these findings, the proposed project, in combination with past, present, and reasonably foreseeable developments in San Francisco, would result in less-than-significant cumulative loading impacts.

## *Construction*

Construction of the proposed project may overlap with the construction of other projects, including, but not limited to, the nearby planned developments located at 950–974 Market Street, 1028 Market Street, 1125 Market Street, 1055 Market Street, and 1075 Market Street (which are to begin construction in 2016) as well as other planned developments proposed under the potential Mid-Market Special Use District proposal. As a result, construction activities associated with these projects would affect access, traffic, and pedestrians on streets that are used as access routes to

and from the project sites (e.g., Market Street, Jones Street, Golden Gate Avenue, etc.). Overall, localized cumulative construction-related transportation impacts could occur as a result of projects that generate increased traffic at the same time and on the same roads as the proposed project. The construction manager for each individual project would work with the various departments of the City to develop a detailed and coordinated plan that would address issues related to construction vehicle routing, traffic control, and pedestrian movement adjacent to the construction area for the duration of any overlap in construction activity. **Improvement Measures I-TR-1d and I-TR-1e** would further reduce the proposed project's less-than-significant impacts related to potential conflicts between construction activities and pedestrians, transit, and autos, including construction truck traffic management, project construction updates for adjacent businesses and residents, and carpool and transit access for construction workers.

The cumulative impacts of multiple nearby construction projects would not be considerable because construction of the proposed project and other projects would be temporary. Furthermore, the proposed project would coordinate with various City departments, such as the SFMTA and Public Works, through the Transportation Advisory Staff Committee (TASC) to develop coordinated plans that would address construction-related vehicle routing and pedestrian/bicycle movements adjacent to the construction area for the duration of construction overlap. Therefore, based on these findings, the proposed project, in combination with past, present, and reasonably foreseeable developments in San Francisco, would result in a less-than-significant cumulative construction-related transportation impact.

### ***Parking***

Public Resources Code Section 21099(d), effective January 1, 2014, provides that "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." The proposed project meets each of the three criteria, and thus, this initial study does not consider the adequacy of parking in determining the significance of project impacts under CEQA. Therefore, this analysis presents parking demand and supply requirements under the *Planning Code* for informational purposes.

Parking conditions are not static because 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. 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 Charter, Article 8A, Section 8A, Section 115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as drivers who are 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 who search for parking is typically offset by a reduction in the number of 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, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise, and pedestrian safety analyses, would reasonably address potential secondary effects.

The parking demand for the proposed project was based on the methodology presented in the Transportation Guidelines. On an average weekday, the demand for parking would be 418 spaces, including 414 long-term parking spaces associated with residential uses and about four short-term spaces for non-residential uses. The proposed project would provide 102 off-street spaces. Thus, as proposed, the proposed project would have an unmet parking demand of 316 spaces.

During the weekday evening hours, there is available parking in the vicinity of the project; the majority of on- and off-street parking spaces are not occupied (about 26 percent availability for on-street parking and about 48 percent availability for off-street parking near the project site).<sup>32</sup> The proposed project would displace the existing privately owned paid parking lot that holds approximately 102 vehicles. Given the anticipated parking demand associated with the proposed project and estimated unmet demand for on-site off-street parking, residents of and visitors to the proposed project may experience a low to moderate degree of difficulty finding available parking during the weekday evening hours. Although future residents of and visitors to the proposed project would most likely generate a greater parking demand in the evening hours, the project site is well served by alternative modes of transportation, as described above.

The proposed project is located within the C-3-G zoning district, which does not include any minimum parking requirements. Instead, for residential use, per *Planning Code* Section 151.1, a parking ratio of up to 0.5 space per unit is permitted, with up to 0.75 per unit with conditional use approval. Retail uses are allowed to provide a parking area that is not to exceed seven percent of the gross floor area of such uses. Furthermore, the proposed project would be required to provide up to one car-share parking space for 50 to 200 dwelling units and two car-share spaces plus one for every 200 dwelling units over 200. For non-residential use, no car-share parking spaces are required for 0 to 24 spaces; one space is required for 25 to 49 spaces (per Section 166). Car-share parking spaces do not count against the maximum number of accessory off-street parking spaces. As a result, the proposed project would be permitted to provide up to 165 parking spaces for residential use and up to 321 sf of parking area (approximately two parking spaces) for non-

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<sup>32</sup> CHS Consulting Group, 2015.

residential use. The proposed project would be required to provide two car-share parking spaces. Lastly, in compliance with *Planning Code* Section 167, residential parking would be required to be unbundled and sold or leased separately from dwelling units. Unbundling parking may encourage some residents to save money by opting for a single off-street space or no dedicated parking.

Given these findings, the proposed project, with 100 residential parking spaces and two car-share spaces, would be in compliance with the off-street parking requirements set forth in the *Planning Code*. The project site is well served by transit and bicycle facilities, as described above.

### ***Conclusion***

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.

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<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>
<b>5. NOISE—Would the project:</b>					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne 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"/>
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 located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, Topics 5e and 5f are not applicable to the proposed project.

**Impact NO-1: The proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity, expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or be substantially affected by existing noise levels. (Less than Significant)**

#### *Substantial Permanent Increase in Ambient Noise Levels*

Noise is commonly defined as unwanted sound that annoys or disturbs people and potentially causes an adverse psychological or physiological effect on human health.

Sound is mechanical energy (vibration) transmitted by pressure waves over a medium such as air or water. Sound is characterized by various parameters, including the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor for characterizing the loudness of an ambient (existing) sound level. A decibel (dB) is a unit of sound energy intensity. Sound waves, traveling outward from a source, exert a sound pressure level



(commonly called "sound level"), which is measured in dB. Although the dB scale, a logarithmic scale, is used to quantify sound intensity, it does not accurately describe how sound intensity is perceived by human hearing. The human ear is not equally sensitive to all frequencies in the entire spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive in a process called *A-weighting*, written as *dBA* and referred to as *A-weighted decibels*.

In general, human sound perception is such that a change in sound level of 1 dB cannot typically be perceived by the human ear, a change of 3 dB is barely noticeable, a change of 5 dB is clearly noticeable, and a change of 10 dB is perceived as doubling or halving the sound level as it increases or decreases, respectively.

Different types of measurements are used to characterize the time-varying nature of sound. These measurements include the equivalent sound level ( $L_{eq}$ ), the minimum and maximum sound levels ( $L_{min}$  and  $L_{max}$ ), percentile-exceeded sound levels (such as  $L_{10}$ ,  $L_{20}$ ), the day-night sound level ( $L_{dn}$ ), and the community noise equivalent level (CNEL).  $L_{dn}$  and CNEL values differ by less than 1 dB. As a matter of practice,  $L_{dn}$  and CNEL values are considered to be equivalent.

For a point source, such as a stationary compressor or a piece of construction equipment, sound attenuates (lessens in intensity) at a rate of 6 dB per doubling of distance. For a line source, such as free-flowing traffic on a freeway, sound attenuates at a rate of 3 dB per doubling of distance.<sup>33</sup>

Ambient noise levels in the vicinity of the project site are typical of noise levels in downtown San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, and emergency vehicles, and land use activities, such as commercial businesses and periodic construction-related noise from nearby development or street maintenance. Noises generated by such activities are common and generally accepted in urban areas. The proposed project consists of removal of an existing parking lot and a vacant commercial building and new construction of a building with approximately 304 dwelling units and commercial retail space on the ground floor.

Operation of the proposed project would result in an increase in traffic noise because there would be an increase in vehicle trips associated with the residential and commercial land uses at the project site. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels, which would be barely perceptible to most people (a 3 dB increase). Thus, any increase in traffic that is less than current peak-hour volumes would not be noticeable to those people who currently work or reside in the project area. According to the TIS prepared for the proposed project and summarized in Section 5.4, Transportation and Circulation, the project would generate 98 weekday PM peak-hour trips. The TIS shows that the maximum increase in peak-hour traffic volumes on any single roadway in the project vicinity

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<sup>33</sup> California Department of Transportation. 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. September. Available: [http://www.dot.ca.gov/hq/env/noise/pub/TeNS\\_Sept\\_2013A.pdf](http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013A.pdf). Accessed: October 6, 2015.

would be 26 percent. This corresponds to approximately a 1 dB increase in traffic noise,<sup>34</sup> which is below the 3 dBA increase needed to produce a barely noticeable change in traffic noise. Consequently, increased traffic from the proposed project would not result in a substantial increase in noise.

The proposed project would also include new fixed noise sources that would produce operational noise at the project site. These permanent noise sources associated with the project could include heating, ventilation, and air-conditioning (HVAC) noise; noise from a backup generator, which would require monthly testing; and other minor building noise. Operation of this equipment would be subject to the City's Noise Ordinance (Article 29 of the San Francisco Police Code). Section 2909(a)(1) regulates noise from mechanical equipment and other similar sources on residential property. Mechanical equipment operating on residential property must not produce a noise level more than 5 dBA above the ambient noise level at the property boundary. Section 2909(d) states that no fixed noise source may cause the noise level measured inside any sleeping or living room in a dwelling unit on residential property to exceed 45 dBA between 10 p.m. and 7 a.m. with windows open, except where building ventilation is achieved through mechanical systems that allow windows to remain closed. The proposed project would be subject to and would comply with the City's Noise Ordinance.

Based on the analysis above, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity, and impacts would be less than significant.

### *Expose Persons to Noise Levels in Excess of Standards*

Residential uses are considered noise-sensitive uses because they may be occupied by noise-sensitive receptors, including children and the elderly. Residential development in noisy environments could expose these sensitive receptors to noise levels that would be in excess of established standards. The U.S. Department of Housing and Urban Development (HUD) has developed minimum national noise standards for land use compatibility. HUD considers noise levels below 65 dB to be generally "acceptable," between 65 dB and 75 dB "normally unacceptable," and in excess of 75 dB "considered unacceptable" for residential land uses.<sup>35</sup> The California State Office of Planning and Research (OPR) has developed similar statewide guidelines. OPR's guidelines have largely been incorporated into the Environmental Protection Element of the General Plan. In addition, Title 24 (Part 2, Volume 1) of the California Code of Regulations requires interior noise levels that are attributable to exterior noise sources to have a

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<sup>34</sup> This assumes that a doubling of traffic (i.e., a 100 percent increase) would lead to a 3 dB increase. A 26 percent increase is roughly one quarter to one third of a doubling in traffic and would lead to one quarter to one third of a 3 dB increase (i.e., approximately 1 dB).

<sup>35</sup> U.S. Department of Housing and Urban Development. 24 CFR 51.103. Available: <<http://www.gpo.gov/fdsys/pkg/CFR-2012-title24-vol1/pdf/CFR-2012-title24-vol1-part51-subpartB.pdf>>. Accessed: October 6, 2015.

day-night average sound level ( $L_{dn}$ ) of 45 or less in any habitable room.<sup>36</sup> Standard building construction will typically provide at least 25 dB of exterior-to-interior noise reduction with windows closed. With exterior noise levels in the range of 75 to 80  $L_{dn}$  (see **Table 7**) there is some potential for interior noise levels to exceed 45  $L_{dn}$  (e.g., 75 dBA minus 25 dBA = 50 dBA, which would exceed the interior standard).

Ambient noise levels in San Francisco are largely influenced by traffic-related noise. Figures V.G-2 and V.G-3 in the San Francisco 2004 and 2009 Housing Element Environmental Impact Report (EIR) identifies roadways within San Francisco with traffic noise levels that exceed 60  $L_{dn}$  and 75  $L_{dn}$ , respectively. Most of San Francisco's neighborhoods are currently affected by traffic noise levels that exceed 60  $L_{dn}$ . The project site is located along streets with modeled noise levels above 75 dBA  $L_{dn}$  (Market Street, Jones Street, and Golden Gate Avenue), and potential noise-generating land uses are nearby. Therefore, a noise survey was conducted in the project area to measure actual noise levels at the project site.<sup>37</sup> The results of the noise survey are summarized below.

Ambient noise levels in the project area were measured at three long-term (LT) sites (24-hour measurements) and three short-term (ST) sites (15-minute measurements). Long-term measurements were conducted with three Piccolo Type 2 integrating sound-level meters. Short-term measurements were conducted with a Larson Davis Type 2 integrating sound-level meter.

Long-term measurements were conducted by affixing the sound meters to utility poles in the project area at heights of approximately 10 to 12 feet above the street level. The meters continuously measured sound levels over a 24-hour period, from January 28, 2015, to January 29, 2015. All relevant noise data metrics were recorded.

Short-term measurements were completed on February 17, 2015, at three locations in the vicinity of the project. Measurements were conducted for 15-minute intervals at each measurement location, with the relevant noise data metrics being recorded.

**Table 7** and **Table 8** present the results of the long-term and short-term noise measurement surveys, respectively. As shown in **Table 7**,  $L_{dn}$  values for the long-term measurement sites are between approximately 75.2 dBA and 80.3 dBA. The measurement location with the highest  $L_{dn}$  (LT-3, 80.3 dBA) is located on Market Street, on the south side of the project site. Market Street is a corridor with substantial noise sources, including car, bus, and truck traffic; light rail vehicles; delivery vehicles; and human voices. LT-1 had the next-highest  $L_{dn}$  value (77.5 dBA) and is located on the north side of the project site, on Golden Gate Avenue. LT-2 has the lowest  $L_{dn}$  value and is located on the west side of the project site, on Jones Street. Jones Street was observed to

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<sup>36</sup> California Building Standards Commission. *Title 24, California Code of Regulations, Section 1207.4*. Available: <[www.documents.dgs.ca.gov/bsc/prpsd\\_chngs/2013/AD-HOC/HCD-02-13-ET-Pt2-ADDENDUM-SRV.doc](http://www.documents.dgs.ca.gov/bsc/prpsd_chngs/2013/AD-HOC/HCD-02-13-ET-Pt2-ADDENDUM-SRV.doc)>. Accessed: October 6, 2015.

<sup>37</sup> Noise survey conducted by ICF International (2015). Data are available for review as part of Case File No. 2013.1753E. Long-term noise measurements were taken on January 28 and 29, 2015. Short-term noise measurements were taken on February 17, 2015.

have less vehicle traffic than either Market Street or Golden Gate Avenue, and this observation is reflected in the  $L_{dn}$  values.

**TABLE 7: LONG-TERM NOISE MEASUREMENTS RESULTS**

Site #	Location	$L_{dn}$
LT-1	North side of project site, 95 feet east of intersection of Golden Gate Avenue and Jones Street	77.5
LT-2	West side of project site, 185 feet south of intersection of Golden Gate Ave and Jones Street	75.2
LT-3	Southeast side of project site, in front of project façade on Market Street	80.3

Notes:

<sup>a</sup> All values are in units of dBA.

<sup>b</sup> Measurements began between 10:45 a.m. and 11:45 a.m. on January 28, 2015, and ended between approximately 12:45 p.m. and 1:45 p.m. on January 29, 2015.

Source: ICF International, 2015.

**TABLE 8: SHORT-TERM NOISE MEASUREMENTS RESULTS**

Site #	Location	Start Time	$L_{eq}$	$L_{max}$	$L_{min}$	$L_{10}$	$L_{33}$	$L_{50}$	$L_{90}$
ST-1	North side of project site, 150 feet east of intersection of Golden Gate Avenue and Jones Street	2:00 p.m.	66.1	80.7	58.2	68.9	65.6	63.9	60.4
ST-2	West side of project site, 95 feet south of intersection of Golden Gate Avenue and Jones Street	1:37 p.m.	65.2	78.1	59.5	67.8	64.8	63.8	61.4
ST-3	Southeast side of project site, in front of project façade on Market Street	1:07 p.m.	70.7	83.2	58.9	73.9	70.0	68.1	63.9

Notes:

<sup>a</sup> All values are in units of dBA.

<sup>b</sup> Measurements were taken on February 17, 2015.

$L_{min}$  and  $L_{max}$  = minimum and maximum sound levels;  $L_{xx}$  = percentile-exceeded sound levels (such as  $L_{10}$ ,  $L_{50}$ , etc.).

Source: ICF International, 2015.

As shown in **Table 8**, equivalent noise level ( $L_{eq}$ ) values from the short-term noise measurements range from 65.2 dBA to 70.7 dBA. The measurement site in front of the project façade on Market Street was the noisiest; the measurement sites on Golden Gate Avenue and Jones Street had lower noise levels. Noise sources during the short-term measurements included cars and medium-duty trucks, light rail transit vehicles (on Market Street only), parking garage alert sirens, human voices, and periodic background construction noise at other sites in the vicinity.

The proposed project would be subject to and would comply with Title 24 interior noise standards. Furthermore, through the building permit review process, the San Francisco Department of Building Inspection (DBI) would ensure that Title 24 requirements would be met.

Therefore, the proposed project would not expose persons to noise levels that would be in excess of applicable noise standards, and this impact would be less than significant.

### *Effects of Existing Noise Levels on Project*

As described above, the proposed project would be required to comply with Title 24 standards and achieve an interior noise level of 45 dBA  $L_{dn}$ . Based on the noise survey conducted for the proposed project (see **Tables 7 and 8**), to achieve 45 dBA interior noise, an Outdoor-Indoor Transmission Class (OITC) rating of 32 to 35 is suggested for windows in residential units facing Golden Gate Avenue and Jones Street. An OITC rating of at least 35 to 37 is suggested for windows in residential units facing Market Street. These ratings can be achieved by using a prime window glazing with one-quarter inch of laminated glass (lami), one-half inch of air, and one-eighth inch of anneal; a prime to secondary air space of 2 inches; and a secondary window glazing with either one-quarter inch of anneal or one-quarter inch of lami.<sup>38</sup> Installing windows in the proposed residential units with the OITC ratings discussed above, and shown in **Table 9**, will ensure that the project will comply with Title 24 standards. The proposed project would not be substantially affected by existing noise levels, and this impact would be less than significant.

**TABLE 9: SUGGESTED OITC RATINGS FOR THE PROPOSED PROJECT**

	Golden Gate Avenue	Jones Street	Market Street
OITC Rating	32–35	32–35	34–36

Note: OITC = Outdoor Indoor Transmission Class.

Source: PPG Technologies. Available:

<[http://educationcenter.ppg.com/glassttopics/determining\\_the\\_right\\_glass.aspx](http://educationcenter.ppg.com/glassttopics/determining_the_right_glass.aspx)>. Accessed: October 5, 2015. ICF International, 2015 (noise monitoring data).

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

Project construction would occur over approximately 21 months. During this time, construction equipment would generate noise as the existing building is demolished, the site is excavated, and the new building is constructed. Construction activities would generate noise and vibration that could be considered an annoyance by occupants of nearby properties. Construction activities would require the use of heavy trucks, excavating and grading equipment, material loaders, concrete breakers, and other mobile and stationary construction equipment. Construction noise would fluctuate, depending on the construction phase, equipment type and duration of use, and distance between noise source and listener. The greatest construction-related noise and vibration impacts would generally be limited to the demolition phase and periods when new foundations

<sup>38</sup> Architectural Testing, Inc. 2015. Acoustical Performance Testing. Available: <<http://www.archtest.com/testing/faqs.aspx?id=2>>.

and exterior structural and façade elements would be constructed. Interior construction noise would be substantially reduced by the exterior walls. Further, construction noise would be intermittent and limited to the period of construction. However, there would be times when noise could interfere with indoor activities at nearby residences or businesses.

Sensitive land uses that could be affected by project construction include the De Marillac Academy (175 Golden Gate Avenue), Alsabeel Mosque (118 Jones Street), 121 Golden Gate Avenue Apartments, St. Anthony's Foundation (150 Golden Gate Avenue), a homeless housing facility (39–42 Jones Street), 111 Jones Street Apartments; and the Aspen Tenderloin Apartments (165 Turk Street). The sensitive land uses nearest the project site (Alsabeel Mosque and the homeless housing facility) are approximately 60 feet to the west and north, respectively.

**Table 10** summarizes noise levels produced by the construction equipment that is anticipated to be used during construction activities.  $L_{max}$  sound levels at 50 feet are shown along with the typical acoustical use factor. The acoustical use factor is the percentage of time each piece of construction equipment is assumed to be operating at full power (i.e., its noisiest condition). This is used to estimate  $L_{eq}$  values from  $L_{max}$  values. For example, the  $L_{eq}$  value for a piece of equipment that operates at full power and 50 percent of the time (acoustical use factor of 50) is 3 dB less than the  $L_{max}$  value.

**TABLE 10: TYPICAL NOISE LEVELS BY CONSTRUCTION EQUIPMENT**

Equipment	Acoustical Use Factor (%)	Typical Noise Level (dBA) at 50 feet from Source	
		$L_{max}$	$L_{eq}$
Concrete pump	20	81	74
Crane	16	81	73
Drill	20	79	72
Excavator	40	81	77
Loader	40	79	75
Generator	50	81	78
Personnel Hoist	20	75	68

Source: Federal Highway Administration. 2006. *Roadway Construction Noise Model User's Guide*. Available: <[http://www.fhwa.dot.gov/environment/noise/construction\\_noise/rcnm/rcnm.pdf](http://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/rcnm.pdf)>. Accessed: February 27, 2015.

Construction noise is regulated by the City's Noise Ordinance (Article 29 of the San Francisco Police Code), which requires noise levels from individual pieces of construction equipment, other than impact tools, to not exceed 80 dBA at 100 feet from the source. Impact tools must have both their intake and exhaust muffled to the satisfaction of the director of Public Works. Section 2908 of the City's Noise Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m. if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the director of Public Works. A reasonable worst-case construction noise level assumes that the three loudest and most frequently used pieces of equipment would operate

concurrently (generator, excavator, and concrete pump). The combined  $L_{eq}$  for these three pieces of equipment would be 81 dBA at 50 feet. At a distance of 100 feet, the combined  $L_{eq}$  for this equipment would be 75 dBA, which is below the City's Noise Ordinance limit for powered construction equipment. As such, noise from construction equipment is anticipated to comply with the City's Noise Ordinance, and this impact would be less than significant.

Vibration from construction activity is typically below the threshold of perception when the activity is more than 50 feet from the receiver. The proposed project would demolish an existing building and parking lot and construct a new residential building. The demolition, excavation, and building construction phases of construction would not require high-impact activities, such as jackhammering. In addition, any vibration impacts that do occur would be temporary, ceasing when the construction period is completed. Because vibration from non-impact construction equipment is typically below the threshold of perception at a distance greater than 50 feet, and because construction activity would not involve high-impact activities and would be short term in nature, people living in the project vicinity would not be expected to be exposed to excessive ground-borne vibration or noise levels.

In extreme cases, ground-borne vibrations can cause damage to buildings. Older buildings, particularly masonry buildings, can be damaged by excessive vibration associated with construction activities. As discussed above, construction of the proposed project would not generate excessive vibration. In addition, DBI would be responsible for reviewing the building permit application to ensure that proposed construction activities, including shoring and underpinning, would comply with all applicable procedures and requirements and would not materially impair adjacent or nearby buildings.

Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by only a small margin. However, a vibration level that causes annoyance is well below the damage threshold for normal buildings. Because construction activities would be below the threshold of perception for receivers more than 50 feet away, as discussed above, the level of vibration would be well below the damage threshold for normal buildings.

For the reasons given above, construction of the proposed project would not generate excessive ground-borne vibration or ground-borne noise levels. This impact would be less than significant, and no mitigation measures are necessary.

**Impact NO-3: During operation, the proposed project would not expose new sensitive receptors to existing substantial operational ground-borne vibration. (Less than Significant)**

The proposed project would place residential uses approximately 50 feet north of Muni's F Line, a historic streetcar. At a similar distance but more than 20 feet below grade, Muni operates its underground Metro light-rail service. Approximately 20 feet farther below, BART operates its regional transit service. These three rail systems each generate vibration, and operation of the proposed project may therefore result in the exposure of onsite residents to some minor ground vibration. Such vibration dissipates rapidly with distance from the source rail. Of the three rail

systems, Muni's F Line historic streetcar operates at grade and is closest to the project site. As such, Muni's F Line historic streetcar is the greatest source of vibration among the three rail systems.

For residences and buildings where people normally sleep, such as hotels and hospitals, the Federal Transit Administration (FTA) has established a vibration impact criterion of 72 vibration decibels (VdB)<sup>39</sup> for frequent events (i.e., 70 or more vibration events of the same source per day). Muni's F Line would pass by the proposed project more than 70 times per day; thus, this threshold is appropriate.<sup>40</sup> Vibration levels that exceed the 72 VdB threshold could interfere with sleep or other activities. No project-specific vibration study was performed; however, a noise and vibration analysis prepared for a similar project located nearby at 1125 Market Street (650 feet from the project site) was used to provide a comparable estimate of vibration effects. That analysis determined that the existing vibration level at that site is approximately 76 VdB.<sup>41</sup> Because the project site and the 1125 Market Street project are located in the same general vicinity and both projects are expected to be exposed to the same level of rail and other vibration, it is reasonable to assume that the vibration level at the project site would also be approximately 76 VdB, which exceeds the threshold of 72 VdB established by FTA. Guidance from FTA suggests that coupling between the ground and building could reduce vibration that is transmitted into the building. Vibration from the ground is less likely to move a larger building than a smaller building. There is therefore less attenuation (i.e., more coupling) for smaller and lighter buildings compared to larger and more massive buildings. FTA suggests the following vibration reductions for various types of buildings:<sup>42</sup>

- Wood-frame house: -5 VdB
- One- or two-story masonry: -7 VdB
- Three- or four-story masonry: -10 VdB
- Large masonry on piles: -10 VdB
- Large masonry on spread footings: -13 VdB

The small portion of the proposed project that would front Market Street would be supported on a drilled pier foundation, which would be isolated from the surface soils to avoid impacts on the BART and Muni underground tunnels.<sup>43</sup> This isolation would limit the transmission of vibration to the structure. The foundation for the rest of the proposed project, which would be located more

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<sup>39</sup> Ground-borne vibration can be quantified by its peak or root-mean-square (RMS) velocity amplitude. The RMS amplitude, which is useful for assessing human annoyance, is expressed in terms of velocity level in decibel units (VdB). The peak amplitude is most often used for assessing the potential for damage to building structures; the peak amplitude is typically assessed in terms of peak particle velocity (PPV), measured in inches per second.

<sup>40</sup> Federal Transit Administration. 2006. *Transit Noise and Vibration Impact Assessment*. May, p. 8-3.

<sup>41</sup> ESA. 2014. *1125 Market Street Project Noise and Vibration Technical Report*. November. This document is on file and available for public review as part of Case File No. 2013.0511E.

<sup>42</sup> Federal Transit Administration. 2006.

<sup>43</sup> Menninger, Kevin. 2015. Personal communication. September 15.



than 100 feet from the surface rails, would be a large monolithic concrete mat foundation. Based on FTA's suggested vibration reductions for various types of buildings, it is reasonable to assume that building construction techniques would reduce vibration further, by at least 5 VdB, but most likely up to 10 dB. This would result in a vibration level below the FTA threshold of 72 VdB. Vibration generated by Muni's F Line historic streetcar would thus not interfere with sleep or other residential activities. Given their respective distances from the project site, the Muni Metro and BART operations are expected to result in vibration levels that would be lower than those associated with Muni's F Line historic streetcar. Those operations would not be expected to interfere with sleep or other residential activities on the project site.

For the reasons given above, the proposed project would not expose persons to excessive ground-borne vibration or ground-borne noise levels during project operation. This impact would be less than significant, and no mitigation measures are necessary.

**Impact C-NO: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in less-than-significant cumulative impacts related to noise. (Less than Significant)**

Construction of the proposed project could overlap with construction activities of other projects in the area, including development sites at 950–974 Market Street, 1028 Market Street, 1125 Market Street, 1055 Market Street, and other development in the vicinity. Construction noise would be localized and, because of the physical nature of how noise dissipates with distance from its source, would affect primarily the land uses in the immediate vicinity of the construction equipment. As described above, construction noise at a distance of 100 feet from the project site is expected to be 75 dBA or less, which represents the worst-case scenario for the three loudest pieces of equipment operating simultaneously. Other projects in the area may result in intermittent, cumulative construction noise if construction schedules overlap, but, because the proposed project's construction noise at 100 feet would be less than the  $L_{dn}$  for the area, the proposed project's contribution to the cumulative noise environment would not be substantial. As discussed above, the project would generate 98 PM peak-hour vehicle trips. An increase of that size is not substantial because the additional trips represent a small fraction of the existing non-project-related traffic volumes. The proposed project's contribution of 98 PM peak-hour vehicle trips to cumulative traffic volumes in 2040 would be even less noticeable than under the existing-conditions scenario because background (non-project) traffic would increase in 2040, but the number of project trips would stay the same (98 PM peak-hour trips). Thus, the contribution of the project's traffic noise in 2040 would have a smaller effect on background noise levels. In addition, the TIS determined that the proposed project would result in a maximum of 4.2 percent of total traffic volumes at any intersection in the project vicinity in 2040. Because this is such a minor proportion of the traffic volumes, the project's contribution to cumulative traffic noise impacts would not be considerable. Because neither the proposed project nor the other cumulative impacts in the vicinity are anticipated to result in a doubling of traffic volumes along nearby streets, the project, in combination with other foreseeable projects in the area, would not contribute considerably to any cumulative traffic-related increases in ambient noise. Moreover, the proposed project's mechanical equipment and occupants would be required to comply with

the City's Noise Ordinance and, therefore, would not be expected to contribute to any significant cumulative increases in ambient noise. Similar to the proposed project, any rooftop mechanical equipment that would be a part of cumulative development would be reviewed by an acoustical specialist and the DBI to ensure that the City's Noise Ordinance standards are met.

Similar to noise, construction vibration would be localized and the proposed project would not require high-impact activities, such as jackhammering. As stated above, the vibration from construction activity is typically below the threshold of perception when the activity is more than 50 feet from the receiver. Residents in the project vicinity would not be expected to be exposed to excessive ground-borne vibration. For these reasons, the proposed project, in combination with the past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable noise impact.

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<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>
<b>6. AIR QUALITY—Would the project:</b>					
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 in any criteria pollutant for which the project region is in non-attainment status under an applicable federal, state, or regional ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 that would affect a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Setting

### Overview

The Bay Area Air Quality Management District (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 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 *Bay Area 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 air quality plans.

### ***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 (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), 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 compared with federal or state standards. The SFBAAB is designated as either in attainment<sup>44</sup> or unclassified for most criteria pollutants, with the exception of ozone, particulate matter 2.5 microns in diameter or less (PM<sub>2.5</sub>), and particulate matter 10 microns in diameter or less (PM<sub>10</sub>); the SFBAAB is designated as a non-attainment area for either the state or federal standards with respect to these pollutants.

By its very nature, regional air pollution is largely a cumulative impact in that no single project is large enough by itself to 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 is considered significant.<sup>45</sup>

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases. **Table 11** 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.

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<sup>44</sup> "Attainment" status refers to those regions that meet 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 not enough data exist to determine the region's attainment status for a specified criteria air pollutant.

<sup>45</sup> Bay Area Air Quality Management District. 2011. California Environmental Quality Act Air Quality Guidelines. May 2011, page 2-1.

**TABLE 11: CRITERIA AIR POLLUTANT SIGNIFICANCE THRESHOLDS**

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82 (exhaust)	82	15
PM <sub>2.5</sub>	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

ROG = reactive organic gases; NO<sub>x</sub> = oxides of nitrogen

**Ozone Precursors.** As discussed previously, the SFBAAB is currently designated as a non-attainment area for ozone and particulate matter. Ozone is a secondary air pollutant that is produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>). 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, is based on the state and federal emissions limits under the CCAA and CAA, respectively, for stationary sources. 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 any new source that emits criteria air pollutants above a specified emissions limit to offset those emissions. For ozone precursors ROG and NO<sub>x</sub>, the offset emissions level is an annual average of 10 tons per year (or 54 pounds per day).<sup>46</sup> These levels represent emissions below 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<sub>x</sub> emissions as a result of an increased number of vehicle trips, architectural coatings, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of land use projects. Those projects that result in emissions that are below the thresholds would not be considered projects that would contribute to an existing or projected air quality violation or result in a considerable net increase in ROG and NO<sub>x</sub> emissions. Because of the temporary nature of construction activities, only the average daily thresholds are applicable to construction-phase emissions.

**Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>).**<sup>47</sup> The BAAQMD has not established an offset limit for PM<sub>2.5</sub>. However, the emissions limit in the federal New Source Review (NSR) for stationary

<sup>46</sup> Bay Area Air Quality Management District. 2009. Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance. October 2009, page 17.

<sup>47</sup> PM<sub>10</sub> is often termed “coarse” particulate matter and is made of particulates that are 10 microns in diameter or smaller. PM<sub>2.5</sub>, termed “fine” particulate matter, is composed of particles that are 2.5 microns or less in diameter.

sources in nonattainment areas is an appropriate significance threshold. For PM<sub>10</sub> and PM<sub>2.5</sub>, the emissions limit under the NSR is 15 tons per year (82 pounds per day) and 10 tons per year (54 pounds per day), respectively. These emissions limits represent levels below which a source is not expected to have an impact on air quality.<sup>48</sup> Similar to the 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 controls fugitive dust,<sup>49</sup> and individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.<sup>50</sup> The BAAQMD has identified a number of BMPs to control fugitive dust emissions from construction activities.<sup>51</sup> The City's Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) requires a number of measures to control fugitive dust, and the BMPs employed in compliance with the City's Construction Dust Control Ordinance are part of an effective strategy for controlling construction-related fugitive dust.

**Other Criteria Pollutants.** Regional concentrations of CO in the Bay Area have not exceeded the state standards in the past 11 years, and SO<sub>2</sub> concentrations have never exceeded the standards. The primary source of CO emissions from development projects is vehicle traffic. Construction-related SO<sub>2</sub> emissions represent a negligible portion of total basin-wide emissions, and construction-related CO emissions represent less than five percent of total basin-wide CO emissions in the Bay Area. As discussed previously, the Bay Area is in attainment for both CO and SO<sub>2</sub>. Furthermore, the BAAQMD has demonstrated, based on modeling, that in order to exceed the California ambient air quality standard of 9.0 parts per million (ppm) (8-hour average) or 20.0 ppm (1-hour average) for CO, project traffic in addition to existing traffic would need to exceed 44,000 vehicles per hour at affected intersections (or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited). Therefore, given the Bay Area's attainment status and the limited amount of CO and SO<sub>2</sub> emissions that result from development projects, development projects would not result in a cumulatively considerable net increase in CO or SO<sub>2</sub>, and quantitative analysis is not required.

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<sup>48</sup> Bay Area Air Quality Management District. 2009. Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance. October 2009, page 16.

<sup>49</sup> Western Regional Air Partnership. 2006. WRAP Fugitive Dust Handbook. September 7, 2006. Available: [http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook\\_Rev\\_06.pdf](http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf). Accessed: February 16, 2012.

<sup>50</sup> Bay Area Air Quality Management District. 2009. Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance. October 2009, page 27.

<sup>51</sup> Bay Area Air Quality Management District. 2011. CEQA Air Quality Guidelines. May.

### *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 short-term) adverse effects on human health, including carcinogenic effects. Human health effects of TACs include birth defects, neurological damage, cancer, and mortality. 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 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.<sup>52</sup>

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 that for other land uses. Therefore, these groups are referred to as sensitive receptors. 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 residents' exposure to air pollutants typically result in the greatest adverse health outcomes.

Exposures to fine particulate matter (PM<sub>2.5</sub>) are strongly associated with mortality, respiratory diseases, and lung development in children as well as hospitalization for cardiopulmonary disease.<sup>53</sup> In addition to PM<sub>2.5</sub>, diesel particulate matter (DPM) is also of concern. The California Air Resources Board (ARB) identified DPM as a TAC in 1998. This was based primarily on evidence that demonstrated cancer effects in humans.<sup>54</sup> The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC that is routinely measured in the region.

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<sup>52</sup> 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.

<sup>53</sup> San Francisco Department of Public Health. 2008. Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review. May 2008.

<sup>54</sup> California Air Resources Board. 1998. 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 that are most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to conduct a citywide health risk assessment based on an inventory and assessment of air pollution and exposures from mobile, stationary, and area sources within San Francisco. The identification of an area with poor air quality, termed the “Air Pollutant Exposure Zone,” was based on health-protective criteria that consider estimated cancer risk, exposures to fine particulate matter, proximity to freeways, and locations with particularly vulnerable populations. Each of the Air Pollutant Exposure Zone criteria is discussed below.

**Excess Cancer Risk.** The excess cancer cases criterion of 100 per 1 million persons is based on U.S. Environmental Protection Agency (USEPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.<sup>55</sup> As described by the BAAQMD, the USEPA considers a cancer risk of 100 per 1 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 rulemaking,<sup>56</sup> the USEPA stated 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 1 million and (2) limiting to no higher than approximately one in 10,000 (100 in 1 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 excess cancer cases criterion of 100 per 1 million is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area, based on BAAQMD regional modeling.<sup>57</sup>

**Fine Particulate Matter.** In April 2011, the USEPA published its *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards*, the “Particulate Matter Policy Assessment.” In this document, USEPA concludes that the then-current federal annual PM<sub>2.5</sub> standard of 15 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ )<sup>3</sup> should be revised to a level within the range of 13 to 11  $\mu\text{g}/\text{m}^3$ , with evidence strongly supporting a standard within the range of 12 to 11  $\mu\text{g}/\text{m}^3$ . The Air Pollutant Exposure Zone for San Francisco is based on the health-protective PM<sub>2.5</sub> standard of 11  $\mu\text{g}/\text{m}^3$ , as supported by the USEPA’s Particulate Matter Policy Assessment, although lowered to 10  $\mu\text{g}/\text{m}^3$  to account for uncertainty in accurately predicting air pollutant concentrations using emissions modeling programs.

**Proximity to Freeways.** According to ARB, 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 proximity to freeways increases both exposure to air pollution and the potential for adverse health effects. Evidence shows that sensitive uses within a 500-foot buffer of any freeway have an increased

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<sup>55</sup> Bay Area Air Quality Management District. 2009. Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance. October 2009, page 67.

<sup>56</sup> 54 Federal Register 38044, September 14, 1989.

<sup>57</sup> Bay Area Air Quality Management District. 2009. Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance. October 2009, page 67.



health risk from air pollution.<sup>58</sup> Lots that are within 500 feet of freeways are included in the Air Pollutant Exposure Zone.

**Health-Vulnerable Locations.** Based on the BAAQMD's evaluation of health vulnerability in the Bay Area, those zip codes<sup>59</sup> in the worst quintile because of air pollution were afforded additional protection. This consisted of lowering the standards for identifying lots in the Air Pollutant Exposure Zone to (1) an excess cancer risk greater than 90 per 1 million persons exposed and/or (2) PM<sub>2.5</sub> concentrations in excess of 9 µg/m<sup>3</sup>.<sup>60</sup>

The citywide health risk modeling was also used as the basis for approving a series of amendments to the San Francisco Building and Health Codes, generally referred to as Enhanced Ventilation Required for Urban Infill Sensitive-Use Developments (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 a project's activities would add a substantial amount of emissions to areas that are already adversely affected by poor air quality. The project site is located within the Air Pollutant Exposure Zone.<sup>61</sup>

### *Construction Air Quality Impacts*

Project-related air quality impacts fall into two categories: short-term impacts from construction and long-term impacts from project operation. The following discussion focuses on construction-related air quality impacts resulting from the proposed project.

**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 ozone precursors and PM in the form of dust (fugitive dust) and exhaust (e.g., vehicle tailpipe emissions). Emissions of ozone precursors and PM are primarily a result of the combustion of fuel from on-road and off-road

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<sup>58</sup> California Air Resources Board. 2005. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005. Available: <http://www.arb.ca.gov/ch/landuse.htm>.

<sup>59</sup> Zip codes 94102, 94103, 94105, 94124, and 94130.

<sup>60</sup> 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.

<sup>61</sup> San Francisco Planning Department. 2014. Air Pollutant Exposure Zone Map. April 10, 2014. Available at: <https://www.sfdph.org/dph/files/EHSdocs/AirQuality/AirPollutantExposureZoneMap.pdf>. Accessed on March 12, 2015.

vehicles. However, ROGs are also emitted from activities that involve paints and other types of architectural coatings or asphalt paving. The proposed project includes demolition of an existing 5,066 gsf vacant commercial building and adjoining 23,419 gsf surface parking lot. Development of the 27,310 sf project site includes construction of a 12-story mixed-use building containing approximately 304 dwelling units, with general retail/restaurant space on the ground floor and two levels of subterranean parking, providing 102 parking spaces. The proposed project would include 252,050 gsf of residential and amenity space, 4,540 gsf of retail/restaurant space, and 41,360 gsf of parking.<sup>62</sup> During the proposed project's approximately 21-month construction period, construction activities would have the potential to result in emissions of ozone precursors and PM, as discussed below.<sup>63</sup>

### *Fugitive Dust*

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter to the local atmosphere. Although there are federal standards for air pollutants as well as state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that PM exposure can cause health effects at levels that are lower than the national standards. The current health burden of PM demands that, where possible, public agencies take feasible available actions to reduce sources of PM exposure. According to ARB, reducing PM<sub>2.5</sub> concentrations in the San Francisco Bay Area to the state and federal standards of 12 µg/m<sup>3</sup> would prevent between 200 and 1,300 premature deaths.<sup>64</sup>

Dust can be an irritant that causes watery eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading, and other construction activities can result in wind-blown dust adding PM to the local atmosphere. Depending on the exposure, adverse health effects can occur from this PM in general and also from specific contaminants such as lead or asbestos, which may be constituents of the 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 on-site workers, minimize public nuisance complaints, and avoid orders to stop work by the San Francisco Department of Building

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<sup>62</sup> The description of the proposed project in the Transportation Impact Study (TIS) differs slightly from the description of the proposed project in Section A, Project Description. Specifically, the TIS analyzed 224,000 gsf of residential space, 330 dwelling units, 4,589 gsf of retail space, and 45,400 gsf for parking. Nonetheless, the proposed project exceeds the screening criteria, and the TIS provides a conservative analysis because it evaluates a worse-case scenario compared with the description of the proposed project in Section A.

<sup>63</sup> A 28-workday weather contingency period is assumed as part of the total 21-month construction period, hence the projected end date of May 4, 2018, for construction activities instead of April 4, 2018, as described in the construction phasing schedule.

<sup>64</sup> California Air Resources Board. 2008. Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California. Staff report. Table 4c. October 24, 2008.

Inspection (DBI). The ordinance requires all site preparation work, demolition, or other construction activities within San Francisco that has the potential to create dust or expose or disturb more than 10 cy or 500 sf of soil to 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 that are less than one-half acre and unlikely to result in any visible wind-blown dust.

In compliance with the Construction Dust Control Ordinance, the project sponsor and the contractor with responsibility 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 would result in equivalent dust control and be acceptable to the director. Dust suppression activities may include watering all active construction areas enough to prevent dust from becoming airborne (increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour). 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 workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cy or 500 sf with excavated material, 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 that has been braced, or other equivalent soil stabilization techniques shall be employed. City and County of San Francisco Ordinance 175-91 restricts the use of potable water for soil compaction and dust control activities undertaken in conjunction with any construction or demolition project occurring within the boundaries of San Francisco, unless permission is obtained from the San Francisco Public Utilities Commission (SFPUC). Non-potable water must be used for soil compaction and dust control activities during project construction and demolition. The SFPUC operates a fill station for trucks at the Southeast Water Pollution Control Plant that provides recycled water for these activities at no charge.

For projects that are more than one-half acre, such as the proposed project, the Dust Control Ordinance requires the project sponsor to submit a Dust Control Plan for approval by the San Francisco Department of Public Health (DPH). DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has a site-specific Dust Control Plan, unless the director waives the requirement. Interior-only tenant improvement projects that are more than one-half acre in size and will not produce exterior visible dust are exempt from the site-specific Dust Control Plan requirement.

The site-specific Dust Control Plan would require the project sponsor to submit a map to the Director of Public Health that shows all sensitive receptors within 1,000 feet of the site; wet down areas with soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent third party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be affected by project-related dust; limit the size of the area that would be subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in haul trucks to the size of the truck

bed and secure with a tarpaulin; enforce a 15 mph speed limit for vehicles when entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and sweep off adjacent streets to reduce particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with these dust control requirements. Compliance with the regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that potential dust-related air quality impacts would be reduced to a less-than-significant level.

### ***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 help lead agencies determine whether short-term construction-related air pollutant emissions require further analysis regarding an exceedance of the criteria air pollutant significance thresholds shown in **Table 11**, 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 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 greenfield<sup>65</sup> 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.

The proposed project would exceed the criteria air pollutant screening criteria; therefore, a quantitative analysis was conducted. Construction-related criteria air pollutants generated by the proposed project were quantified using the California Emissions Estimator Model (CalEEMod). The model was developed, including default data (e.g., emission factors, meteorology, etc.), in collaboration with staff members from California air districts. Default assumptions were used where project-specific information was unknown.

Construction of the proposed project would occur over an approximately 21-month period. Emissions were converted from tons/year to pounds/day using the estimated construction duration of 646 working days. As shown in **Table 12**, unmitigated project construction emissions would not be above the threshold of significance for any criteria air pollutant that was analyzed.

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<sup>65</sup> “Greenfield site” refers to agricultural land or forestland or an undeveloped site that has been earmarked for commercial, residential, or industrial projects.

**TABLE 12: ESTIMATED UNMITIGATED CONSTRUCTION EMISSIONS, 2016–2018  
(POUNDS PER DAY)**

Year	ROG	NO <sub>x</sub>	PM <sub>10</sub> Dust	PM <sub>10</sub> Exhaust	PM <sub>10</sub> Total	PM <sub>2.5</sub> Dust	PM <sub>2.5</sub> Exhaust	PM <sub>2.5</sub> Total
2016	4.2	49.3	2.3	1.4	3.1	0.6	1.3	1.7
2017	29.2	30.5	6.4	0.7	7.1	1.7	0.7	2.4
2018	26.5	8.8	4.6	0.1	4.8	1.2	0.1	1.4
Maximum Daily <sup>1</sup>	29.2	49.3	6.4	1.4	7.1	1.7	1.3	2.4
Significance Thresholds	54	54	BMP <sup>2</sup>	82	N/A	BMP	54	N/A

<sup>1</sup> Because construction activities would occur over a three-year period, “maximum daily” emissions represent the greatest amount of emissions that would occur in any given day over the entire three-year construction period, during which multiple construction phases would occur.

<sup>2</sup> As noted above, the City’s Dust Control Plan satisfies the BAAQMD’s dust-control BMPs.

Because project construction emissions would be below the thresholds of significance, no mitigation would be required. Construction-related criteria air pollutant impacts would be less than significant.

**Impact AQ-2: The proposed project’s construction activities would generate toxic air contaminants, including diesel particulate matter, which could expose sensitive receptors to substantial pollutant concentrations. (Less than Significant with Mitigation)**

The project site is located within the Air Pollutant Exposure Zone as described above. Sensitive land uses exist within 1,000 feet of the project site, including the Curry Senior Center (333 Turk Street), De Marillac Academy (175 Golden Gate Avenue), St. Anthony’s Foundation (150 Golden Gate Avenue), 121 Golden Gate Avenue Apartments, a homeless housing facility (39–42 Jones Street), 111 Jones Street Apartments, Barcelona Apartments (270 Turk Street), Aspen Tenderloin Apartments (165 Turk Street), San Francisco Christian Academy (302 Eddy Street), and the Aranda Residence (64 Turk Street). Off-road equipment (which includes construction-related equipment) is a large contributor to DPM emissions in California, although since 2007, ARB has found the emissions to be substantially lower than previously expected.<sup>66</sup> Newer and more refined emissions 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.<sup>67</sup> For example, revised PM emissions estimates for 2010, with DPM

<sup>66</sup> California Air Resources Board. 2010. 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.

<sup>67</sup> California Air Resources Board. 2010. 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.

as a major component of total PM, have decreased by 83 percent from previous 2010 emissions estimates for the SFBAAB.<sup>68</sup> Approximately half of the reduction in emissions can be attributed to the 2008 economic recession and half to updated methodologies for assessing construction emissions.<sup>69</sup> Additionally, a number of federal and state regulations require 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; Tier 4 Interim and Final emissions standards for all new engines will be phased in between 2008 and 2015. To meet the Tier 4 emission standards, engine manufacturers will be required to produce new engines with advanced emissions-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<sub>x</sub> and PM emissions will be reduced by more than 90 percent.<sup>70</sup> 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 (ARB 2005). In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure 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."<sup>71</sup>

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 21-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 Air Quality**, would reduce the magnitude of this impact to a

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<sup>68</sup> California Air Resources Board. 2014. In-Use Off-Road Equipment, 2011 Inventory Model. Available: [http://www.arb.ca.gov/msei/categories.htm#inuse\\_or\\_category](http://www.arb.ca.gov/msei/categories.htm#inuse_or_category). Accessed: April 2, 2012,

<sup>69</sup> California Air Resources Board. 2010. 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.

<sup>70</sup> U.S. Environmental Protection Agency. 2004. Clean Air Nonroad Diesel Rule: Fact Sheet. May 2004.

<sup>71</sup> Bay Area Air Quality Management District. 2011. CEQA Air Quality Guidelines. May 2011, page 8-6.

less-than-significant level. Although emissions 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 a Level 3 Verified Diesel Emission Control Strategy (VDECS), can reduce construction emissions by 89 to 94 percent compared with equipment with engines that do not meet emissions standards and do not have a VDECS.<sup>72</sup> Emissions reductions from the combination of Tier 2 equipment with a Level 3 VDECS are almost equivalent to requiring only equipment with Tier 4 Final engines, which is not yet available for engine sizes that would be subject to the mitigation. Therefore, compliance with **Mitigation Measure M-AQ-2** would reduce construction emissions impacts on nearby sensitive receptors to a less-than-significant level.

### **Mitigation Measure M-AQ-2: Construction Emissions Air Quality**

- A. Construction Emissions Minimization Plan. Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:
  - 1. All off-road equipment greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
    - a. Where access to alternative sources of power is 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 3 off-road emission standards, *and*

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<sup>72</sup> PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tiers 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the USEPA's Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition has estimated Tier 0 engines between 50 and 100 horsepower to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 gram per horsepower-hour (g/hp-hr). Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 and 63 percent reduction in PM emissions compared with off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 and 50 horsepower for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 horsepower for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, the ARB Level 3 VDECS is required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions compared with equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

- ii. Engines that are retrofitted with an ARB Level 3 VDECS.<sup>73</sup>
- c. Exceptions:
  - i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the applicant shall submit documentation of compliance with A(1)(b) for on-site 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 would not be technically feasible, would not produce the desired emissions reductions because of the expected operating modes, or would create a safety hazard or impair visibility for the operator after installing the control device or there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the applicant 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 provided by the step-down schedule, as follows, and document that emissions are sufficiently reduced to ensure excess cancer risks and PM<sub>2.5</sub> concentrations would not exceed the air pollution exposure zone criteria:
    - 1. Compliance Alternative 1: Engine Emissions Standard 2 with the ARB Level 2 VDECS
    - 2. Compliance Alternative 2: Engine Emissions Standard 2 with the ARB Level 1 VDECS
    - 3. Compliance Alternative 3: Engine Emissions Standard 2 with alternative fuels (alternative fuels are not a VDECS)

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 that meets Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road

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<sup>73</sup> Equipment with engines than meet Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.



equipment that meets Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

2. The project sponsor shall require the idling time for off-road and on-road equipment to 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 construction operators to maintain and tune equipment in accordance with manufacturers' 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 the VDECS installed, the information may include technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, 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 who request 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 the Plan to members of the public as requested.
- B. Reporting. Monthly reports shall be submitted to the ERO that indicate 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 that uses alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within six months of the completion of construction activities, the project sponsor shall submit a final report to the ERO that summarizes the construction activities. The final report shall indicate the start and end dates and the duration of each construction phase. For each phase, the report shall include the detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

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

### ***Operational Air Quality Impacts***

Land use projects typically result in emissions of criteria air pollutants and toxic air contaminants, primarily from an increase in the number of motor vehicle trips. However, land use projects may also result in criteria air pollutants and toxic air contaminants from the combustion of natural gas, landscape maintenance, use of consumer products, and architectural coatings. The following discussion focuses on 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.

The proposed project would generate criteria pollutant emissions associated with vehicle traffic (mobile sources), on-site area sources (i.e., natural gas combustion for space and water heating and combustion of other fuels by building and grounds maintenance equipment), energy usage, and testing of a backup diesel generator. Operations-related criteria air pollutants generated by the proposed project were also quantified using CalEEMod. Default assumptions were used where project-specific information was unknown.

The daily and annual emissions associated with operation of the proposed project are shown in **Table 13**, which also includes the thresholds of significance the City utilizes.

**TABLE 13: ESTIMATED DAILY OPERATIONAL EMISSIONS (POUNDS PER DAY)<sup>1</sup>**

Source	ROG	NO <sub>x</sub>	PM10 Dust	PM10 Exhaust	PM10 Total	PM2.5 Dust	PM2.5 Exhaust	PM2.5 Total
Area	8.5	0.3	N/A	0.1	0.1	N/A	0.1	0.1
Energy	0.1	0.9	N/A	0.1	0.1	N/A	0.1	0.1
Mobile	1.8	2.9	2.3	<0.1	2.4	0.6	<0.1	0.7
Total	10.4	4.1	2.3	0.3	2.6	0.6	<0.1	0.7
Significance Thresholds	54	54	N/A	82	N/A	N/A	54	N/A

<sup>1</sup>Values may not add up due to rounding.

As shown in **Table 13**, the proposed project would not exceed any of the significance thresholds for criteria air pollutants, and would result in a less-than-significant impact with respect to criteria air pollutants from operations.

**Impact AQ-4: During project operations, the proposed project would generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. (Less than Significant with Mitigation)**

The project site is located near sensitive land uses, as described above.

#### *Sources of Toxic Air Contaminants*

Individual projects result in emissions of toxic air contaminants primarily as a result of an increase in the number of 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 642 daily vehicle trips would be well below this level and would be distributed among the local roadway network; therefore, an assessment of project-generated TACs resulting from vehicle trips is not required. The increase in the number of vehicle trips due to the proposed project would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors.

The proposed project would also include a backup emergency generator. Emergency generators are regulated by the BAAQMD through the NSR (Regulation 2, Rule 5) permitting process. The project sponsor would be required to obtain applicable permits from the BAAQMD to operate an emergency generator. Although emergency generators are intended to be used only during power outages, monthly testing of the generator would be required. The BAAQMD limits testing to no more than 50 hours per year. Additionally, as part of the permitting process, the BAAQMD would limit the excess cancer risk from any facility that includes an emergency generator to no more than 10 per 1 million in the population and require any source that would result in an excess cancer risk greater than one per 1 million to install best available control technology for toxics. However, because the project site is located in an area that already experiences poor air quality, the proposed emergency backup generator has the potential to expose sensitive receptors to substantial concentrations of diesel emissions, a known TAC, resulting in a significant air quality impact. Implementation of **Mitigation Measure M-AQ-4**, Best Available Control Technology for Diesel Generators, would reduce the magnitude of this impact to a less-than-significant level by reducing emissions from the on-site generator by 89 to 94 percent compared with equipment with engines that do not meet any emissions standards and without a VDECS. Therefore, although the proposed project would add a new source of TACs within an area that already experiences poor air quality, implementation of **Mitigation Measure M-AQ-4** would reduce this impact to a less-than-significant level.

#### **Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators**

All diesel generators shall have engines that (1) meet Tier 4 Final or Tier 4 Interim emission standards or (2) meet Tier 2 emission standards and are equipped with an ARB Level 3 VDECS.

### *Siting Sensitive Land Uses*

The proposed project would include development of a mixed-use building with 304 residential dwelling units.<sup>74</sup> This is considered a sensitive land use for purposes of air quality evaluation. For sensitive-use projects within the Air Pollutant Exposure Zone, as defined by Article 38, such as the proposed project, Article 38 requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by DPH that achieves protection from PM<sub>2.5</sub> (fine particulate matter) equivalent to that associated with Minimum Efficiency Reporting Value (MERV) 13 filtration. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with Article 38, the project sponsor has submitted an initial application to DPH.<sup>75</sup> The regulations and procedures set forth by Article 38 would ensure that impacts related to sensitive receptors' exposure would not be significant. Therefore, impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

#### **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 in neighboring air basins. In determining consistency with the 2010 Clean Air Plan, this analysis considers whether the project would (1) support the primary goals of the Clean Air Plan, (2) include applicable control measures from the Clean Air Plan, and (3) avoid disrupting or hindering implementation of control measures identified in the Clean Air Plan.

The primary goals of the Clean Air Plan are to (1) reduce emissions and decrease concentrations of harmful pollutants, (2) safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, and (3) reduce greenhouse gas emissions. To meet the primary goals, the Clean Air Plan recommends specific control measures and actions. These control measures are grouped into various categories and include stationary- and area-source measures, mobile-source

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<sup>74</sup> The description of the proposed project in the TIS differs slightly from the description of the proposed project in Section A, Project Description. Specifically, the TIS analyzed 224,000 gsf of residential space, 330 dwelling units, 4,589 gsf of retail space, and 45,400 gsf for parking. Nonetheless, the proposed project exceeds the screening criteria. The TIS provides a conservative analysis because it evaluates a worse-case scenario compared with the description of the proposed project in Section A. The air quality analysis considered the worse-case scenario for residential space, dwelling units, retail space, and parking, relying on either the description of the proposed project in Section A or the TIS. Specifically, the air quality analysis considered 252,050 gsf of retail space, 330 dwelling units, 4,590 gsf of retail space, and 45,400 gsf for parking.

<sup>75</sup> Application for Article 38 Compliance Assessment for 1066 Market Street, March 19, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1753E.

measures, transportation control measures, land use measures, and energy and climate measures. The Clean Air Plan 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 to reduce 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's impact with respect to greenhouse gases are discussed in Section 8, 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 availability of viable transportation options ensure that residents could ride bicycles, walk, and ride transit to and from the project site instead of taking trips in private automobiles. These features ensure that the project would avoid substantial growth in the number of automobile trips and vehicle miles traveled. The proposed project's anticipated 642 net new vehicle trips would result in a negligible increase in air pollutant emissions. Furthermore, the proposed project would be generally consistent with the San Francisco General Plan, as discussed in Section C. Transportation control measures that are identified in the 2010 Clean Air Plan are implemented by the San Francisco General Plan and *Planning Code* (e.g., through the City's Transit First Policy, bicycle parking requirements, and transit impact development fees). Compliance with these requirements would ensure that the project would include the relevant transportation control measures specified in the 2010 Clean Air Plan. Therefore, the proposed project would include the applicable control measures identified in the Clean Air Plan to meet the primary goals of the plan.

Examples of projects that could disrupt or delay 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 (i.e., beyond parking requirements). The proposed project would add 252,050 gsf of residential space, 4,540 gsf of retail/restaurant space, and 41,360 gsf of parking to a dense, walkable urban area near a concentration of regional and local transit service. It would not preclude the extension of a transit line or a bike path or any other transit improvement and, thus, would not disrupt or hinder implementation of the control measures identified in the Clean Air Plan.

For the reasons described above, the proposed project would not interfere with implementation of the 2010 Clean Air Plan, and because 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, this impact would be *less than significant*.

**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 facilities. 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.<sup>76</sup> Additionally, the proposed project includes residential, retail/restaurant, and parking uses and would therefore not be a significant source of new odors. Therefore, odor impacts would be less than significant.

**Impact C-AQ: The proposed project, in combination with past, present, and reasonably foreseeable future development in the project area, could contribute to 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 large enough 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.<sup>77</sup> 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 result in a cumulatively considerable contribution to regional air quality impacts.

As discussed above, the project site is located in an area that already experiences poor air quality. The project would add 642 new vehicle trips as well as an emergency generator within an area that is already adversely affected by air quality, resulting in a considerable contribution to cumulative health risk impacts on sensitive receptors. This would be a significant cumulative impact. The proposed project would be required to implement **Mitigation Measure M-AQ-2**, Construction Emissions Air Quality which could reduce construction-period emissions by as much as 94 percent, and **Mitigation Measure M-AQ-4**, Best Available Control Technology for Diesel Generators which requires best available control technology to limit emissions from the proposed project's emergency backup generator. Furthermore, compliance with Article 38 would ensure that new sensitive receptors would not be exposed to cumulatively significant levels of air pollution. Thus, with implementation of identified mitigation measures, the project itself would

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<sup>76</sup> Project site was visited on January 16, 2015.

<sup>77</sup> Bay Area Air Quality Management District. 2011. CEQA Air Quality Guidelines. May 2011, page 2-1.

result in less-than-significant impacts related to air quality. Implementation of these mitigation measures and adherence to Article 38 would reduce the proposed project's contribution to cumulative air quality impacts to a less-than-significant level.

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<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>
<b>7. GREENHOUSE GAS EMISSIONS— Would the project:</b>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation 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"/>

Greenhouse gas (GHG) emissions and global climate change represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. However, no single project could generate enough GHG emissions to change the global average temperature noticeably; 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 BAAQMD has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with State CEQA Guidelines Sections 15064.4 and 15183.5, which address the analysis and determination of significant impacts from a proposed project's GHG emissions. State CEQA Guidelines Section 15064.4 allows lead agencies to rely on a qualitative analysis to describe GHG emissions resulting from a project. Furthermore, State 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 GHGs and describes the required contents of such a plan. Accordingly, San Francisco has prepared Strategies to Address Greenhouse Gas Emissions (GHG Reduction Strategy),<sup>78</sup> which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's Qualified GHG Reduction Strategy in compliance with State CEQA Guidelines. The actions outlined in the strategy resulted in a 14.5 percent reduction in GHG emissions in 2010 compared with 1990 levels, exceeding the 2020 reduction goals outlined in BAAQMD's 2010 Clean Air Plan, Executive Order (EO) S-3- 05,<sup>79</sup> and Assembly Bill 32 (also known as the Global Warming Solutions Act.)<sup>80,81</sup>

<sup>78</sup> San Francisco Planning Department. 2010. Strategies to Address Greenhouse Gas Emissions in San Francisco. The final document is available online at <http://www.sf-planning.org/index.aspx?page=2627>.

<sup>79</sup> 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 metric tons of carbon dioxide equivalent [MTCO<sub>2</sub>E]); by 2020, reduce emissions to 1990 levels (estimated at 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E).

<sup>80</sup> San Francisco Department of Environment. 2013. San Francisco Community-Wide Carbon Emissions by Category. Excel spreadsheet provided by email between Pansy Gee, San Francisco Department of Environment, and Wade Wietgreffe, San Francisco Planning Department. June 7, 2013.

<sup>81</sup> The Clean Air Plan, Executive Order S-3-05, and Assembly Bill 32 goals, among others, are designed to reduce GHGs in 2020 to 1990 levels.



Given that the City's local GHG reduction targets are more aggressive than the state and region's 2020 GHG reduction targets and consistent with long-term 2050 reduction targets, the City's GHG 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 GHG Reduction Strategy would be consistent with the goals of EO S-3-05, AB 32, and the Bay Area 2010 Clean Air Plan and would not conflict with these plans. Therefore, such projects would 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 (e.g., 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 activity on-site by demolishing an existing building and parking lot and constructing a new 12-story, 120-foot-tall residential building, approximately 297,950 gsf, with ground-floor retail space and two levels of subterranean parking. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of an increased number of vehicle trips (mobile sources) and residential and retail 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 that have been adopted to reduce GHG emissions, as identified in the GHG Reduction Strategy. The regulations that are applicable to the proposed project include the Commuter Benefits Ordinance, Emergency Ride Home Program, Transportation Management Programs, Transit Impact Development Fee, Bicycle Parking Requirements, San Francisco Green Building Code, Car Sharing Requirements, San Francisco Green Building Requirements for Energy Efficiency, San Francisco Green Building Requirements: Commissioning of Building Energy and Water Systems, San Francisco Stormwater Management Ordinance, San Francisco Green Building Requirements for Water Use Reduction, Residential Water Conservation Ordinance, San Francisco Water Efficient Irrigation Ordinance, Residential Energy Conservation Ordinance, Mandatory Recycling and Composting Ordinance, San Francisco Construction and Demolition Debris Recover Ordinance, San Francisco Green Building Code: Construction and Demolition Debris Recycling, Street Tree Planting Requirements for New Construction, Light Pollution Reduction, Construction

Site Runoff Pollution Prevention for New Construction, and Regulation of Diesel Backup Generators as well as Low-emitting Adhesives, Sealants, Caulks, Paints, Coatings, Composite Wood, and Flooring. These regulations, as outlined in San Francisco's Strategies to Address Greenhouse Gas Emissions, have proven effective. Compared with 1990 emissions levels, San Francisco's GHG emissions have been measurably reduced, 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 2020.

It was determined that the proposed project would be consistent with San Francisco's GHG Reduction Strategy.<sup>82</sup> Other existing regulations, such as those implemented through AB 32, will continue to reduce the 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. Therefore, the proposed project's contribution to GHG emissions would not be cumulatively considerable. The proposed project would not 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.

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<sup>82</sup> Greenhouse Gas Analysis: Compliance Checklist. January 11, 2015. This document is on file and available for public review as part of Case File No. 2013.1753E.

<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>
<b>8. WIND AND SHADOW—Would the project:</b>					
a) Alter wind in a manner that would substantially affect 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 would substantially affect outdoor recreational 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 would substantially affect 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. Throughout the year, the highest wind speeds occur in mid-afternoon and the lowest in the early morning. Winds from the west-northwest, west, northwest, and west-southwest are the most frequent and strongest during all seasons (referred to as prevailing winds).

*Planning Code* Section 148, Reduction of Ground-level Wind Currents in C-3 Districts, outlines wind reduction criteria for projects in C-3 Districts. The project site is in the C-3-G District, and therefore, the proposed project is subject to these criteria. The *Planning Code* sets criteria for both comfort and hazards and requires buildings to be shaped so as not to cause ground-level wind currents to exceed these criteria.

The *Planning Code* comfort criteria of 11 miles per hour (mph) for pedestrian areas and 7 mph for public seating areas are based on wind speeds measured and averaged over a period of one minute. In contrast, the *Planning Code* wind hazard criterion of 26 mph is defined by a wind speed that is measured and averaged over a period of one hour. When stated on the same time basis as the comfort criterion wind speed, the hazard criterion wind speed (26 mph averaged over one hour) is equivalent to a one-minute average of 36 mph; wind gusts of that speed can blow people over and therefore are hazardous. 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 would substantially affect public areas. The proposed project's effects related to the comfort criterion are presented for informational purposes.

A building taller than its immediate surroundings 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 a two-story vacant commercial building and adjoining surface parking lot. Existing buildings in the surrounding area include a three-story building to the south and a two-story commercial building to the east.

A pedestrian wind study was prepared for the proposed project.<sup>83</sup> Wind tunnel testing was conducted at 48 wind speed sensors under Existing Conditions within a 1,125-foot radius of the project site, at a pedestrian height of approximately five feet. The results of the wind tunnel testing indicate that no sensor locations exceed the hazard criterion under Existing Conditions. For informational purposes, the results of the wind tunnel testing indicate that 12 of the 48 sensor locations exceed the *Planning Code's* 11 mph pedestrian comfort criterion under Existing Conditions. Wind speeds of 10 percent exceedance (i.e., the wind speed exceeded 10 percent of time) are 9 mph on average over 48 sensor locations. The nearest comfort criterion exceedances to the project site are concentrated on the sidewalks to the south of the project site along Market Street. Most sensor locations along Market Street exceed the comfort criterion, with the highest wind speeds modeled along the south side of Market Street.

The proposed project would demolish the existing building and parking lot and construct a new residential building. The proposed residential building would be approximately 113 to 120 feet tall (129 to 136 feet including parapets, rooftop access, and mechanical equipment, which are excluded from building height calculations for planning purposes). The roof would include two terraces, totaling approximately 6,000 sf. The terrace on the eastern portion of the roof would include planters, multiple seating areas, and an outdoor kitchen and barbeque area and the terrace on the western portion of the roof would include planters, trees, and seating areas. Wind tunnel testing was conducted at seven additional wind speed sensor locations (for a total of 55) under existing plus-project conditions on the proposed roof terraces. The results of the wind tunnel testing indicate that the proposed project would increase wind speeds in the vicinity of the project site. The proposed residential building would be taller than the existing surrounding buildings, and the modeled increase in wind speeds would largely result from exposure to prevailing winds from the west-southwest, west, west-northwest, and northwest. These winds would be intercepted by the building, causing downwashing off of the façade and channeling between the buildings along Jones Street. The average ground-level wind speed exceeded 1 hour or more per year would increase from 18 to 20 mph, and at several locations, the wind speed exceeded 1 hour or more per year would increase by up to 6 mph. However, wind speeds would not exceed the 36-mph hazard criterion under existing plus-project conditions at any of the sensor locations where project-related wind testing was conducted. Therefore, the proposed project would not alter wind in a manner that would substantially affect public areas, and impacts related to wind hazards would be less than significant.

For informational purposes, the results of the wind tunnel testing indicate that wind speeds at 17 of the 48 ground-level sensor locations would exceed the *Planning Code's* 11 mph pedestrian comfort criterion under existing plus-project conditions.<sup>84</sup> Four of the ground-level sensors were

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<sup>83</sup> RWDI. 2015. *1066 Market Street Project, San Francisco, CA*. Pedestrian Wind Assessment, RWDI #1400945, March 20, 2015. This document is on file and available for public review as part of Case File No. 2013.1753E.

<sup>84</sup> The *Planning Code* requires buildings to be shaped so as not to cause ground-level wind currents to exceed defined comfort and hazard criteria. The comfort criteria specifies that wind speeds will not exceed, more than 10 percent of the time, 11 mph in substantial pedestrian use areas and 7 mph in public seating areas.

located on site, and 13 were located off site. Implementation of the proposed project would result in slightly worse wind conditions (i.e., higher wind speeds) at locations in the vicinity of the project site. Although exceedances of the wind comfort criteria as a result of the project would not represent a significant impact, an exception to the ground-level wind current requirements under Planning Code Section 148 would be necessary to approve the project. In addition, approximately 13 new street trees would be planted along the east side of Jones Street and eight new street trees would be planted along the south side of Golden Gate Avenue, which would help reduce localized wind speeds around public areas and building entrances. Landscaping and wind screens, as needed, would be included on the roof terraces to reduce wind speeds.

**Impact WS-2: The proposed project would not create new shadows in a manner that would substantially affect outdoor recreational facilities or other public areas. (Less than Significant)**

Section 295 of the *Planning Code* was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces under the jurisdiction of the Recreation and Park Commission from shadowing by new and altered structures during the period between one hour after sunrise and one hour before sunset, year-round. Section 295 restricts new shadow upon open spaces under the jurisdiction of the Recreation and Park Commission by any structure exceeding 40 feet in height unless the Planning Commission finds the shadow to be an insignificant effect. Section 147 of the *Planning Code* regulates new construction shadow impacts near publicly accessible open spaces that are not subject to Section 295 of the *Planning Code*.

Because the proposed building would be greater than 40 feet in height, a preliminary shadow fan analysis was conducted by the Planning Department.<sup>85</sup> The shadow fan analysis shows that, at its greatest extent, the proposed project's shadow would extend east to Mason Street, south to Mission Street, west to the block between Leavenworth Street and Hyde Street, and north almost to Eddy Street. According to the shadow fan, the project shadow would not reach any parks that are protected by Section 295. It is noted that the Planning Department's preliminary shadow fan does not consider existing buildings or their shadows; rather, it illustrates the maximum extent of potential shadow from a proposed project.

Following completion of the preliminary shadow fan analysis prepared by the Planning Department, a shadow study was prepared for the proposed project.<sup>86</sup> The nearest public open space to the project site that would be subject to Section 295 is Father Alfred E. Boeddeker Park, which is located approximately 800 feet north of the project site. The nearest public open space to the project site that would be subject to Section 147 is United Nations Plaza, which is located 500 feet southwest of the project site. The proposed residential building would be approximately 113

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<sup>85</sup> San Francisco Planning Department. 2014. *Shadow Fan – 1066 Market Street*. January 10, 2014. This document is on file and available for public review as part of Case File No. 2013.1753E.

<sup>86</sup> Arquitectonica. 2014. Environmental Evaluation Application. Exhibit 3: Shadow Analysis. February 12, 2014. This document is on file and available for public review as part of Case File No. 2013.1753E.

to 120 feet tall (129 to 136 feet, including parapets, rooftop access, and mechanical equipment, which are excluded from building height calculations for planning purposes). The shadow study depicts the projected shadows at 10 a.m., 12 p.m., and 3 p.m. for each approximate equinox and solstice for the proposed project. The proposed project's shadow would not extend to the nearest public open spaces. No privately owned, publicly accessible open spaces exist within reach of the proposed project's shadow.

The proposed project would cast a shadow on nearby sidewalks, including those along Market Street, Jones Street, and Golden Gate Avenue, at certain times of the day throughout the year. Many sidewalks in this part of San Francisco are already shadowed for much of the day by dense development. Additional shadow created by the proposed project would be temporary in nature and would not substantially affect the use of the sidewalks.

Based on the analysis above, the proposed project would not create new shadow that would substantially affect outdoor recreation facilities or other public areas, and the impacts would be less than significant.

The shadow analysis also found that the proposed project would shade portions of private property within the project vicinity at certain times. Although occupants of nearby private property may regard the increase in shadow as undesirable, the increase in shading of private properties as a result of the proposed project is not considered a significant impact under CEQA.

**Impact C-WS-1: The proposed project, in combination with other past, present, or reasonably foreseeable future projects in the vicinity of the project site, would result in less-than-significant cumulative impacts related to wind. (Less than Significant)**

Wind tunnel testing was conducted at 55 wind speed sensors under Cumulative Conditions (which includes the proposed project), taking into account the following anticipated/proposed buildings at the following locations: 1036-1040 Mission Street, 570 Jessie Street, 1125 Market Street, 1075 Market Street, 1053 Market Street, 1028 Market Street, 945 Market Street, 950-974 Market Street, 19-25 Mason Street and 2-16 Turk Street, 168 Eddy Street/210 Taylor Street, 181 Turk Street/180 Jones Street, 145 Leavenworth Street, and 351 Turk Street. The results of the project-related wind tunnel testing indicate that none of the 48 at-grade sensor locations or the seven above-grade sensor locations would exceed the hazard criterion under cumulative conditions.<sup>87</sup> For informational purposes, the results of the wind tunnel testing indicate that 18 of the 48 sensor locations at pedestrian height exceed the *Planning Code's* 11 mph pedestrian comfort criterion under Cumulative Conditions, an increase of six sensor locations compared to Existing Conditions. Four of the at-grade sensors are located on-site, and 13 are located off-site. Five of the seven above-grade sensors on the roof terrace exceed the *Planning Code's* 11 mph pedestrian comfort criterion under cumulative conditions. Wind speeds of 10 percent exceedance (i.e., the

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<sup>87</sup> The hazard criterion of the *Planning Code* requires that buildings not cause equivalent wind speeds to reach or exceed the hazard level of 26 mph, as averaged from a single full hour of the year.

wind speed exceeded 10 percent of time) would be 11 mph on average over the 48 sensor locations at pedestrian height, an increase of 2 mph compared to Existing Conditions. Additional wind comfort criterion exceedances compared to Existing Conditions would occur on-site within the proposed open-air courtyard, along the north side of Market Street, along the north side of McAllister Street, and along both sides of Jones Street. The highest wind speeds (18 mph) are anticipated to occur adjacent to the project site along the east side of Jones Street near the existing curb cut as well as on the south side of Market Street. Under Cumulative Conditions, no sensor locations would exceed the hazard criterion. Therefore, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable wind impact.

**Impact C-WS-2: The proposed project, in combination with other past, present, or reasonably foreseeable future projects in the vicinity of the project site, would result in less than significant cumulative impacts related to shadow. (Less than Significant)**

Based on the fact that the proposed project would not cast new shadows on a public open space, it would not contribute to a cumulative shadow impact on the public open spaces in the project vicinity. Future projects would be subject to *Planning Code* Section 295 and other controls to avoid substantial net new shading of public open space. Thus, the proposed project, in combination with other past, present, and reasonably foreseeable future projects proposed in the vicinity, would not result in a cumulatively considerable shadow impact.

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<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>
<b>9. RECREATION—Would the project:</b>					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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"/>

**Impact RE-1: The proposed project would not physically degrade existing recreation resources nor would it increase the use of existing neighborhood parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. (Less than Significant)**

There are several recreation facilities and public open spaces near the project site, including:

- 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 approximately 800 feet north of the project site.
- United Nations Plaza, an approximately 2.6-acre pedestrian mall extending from Market Street to Hyde Street in the city's Civic Center area located approximately 500 feet southeast of the 1066 Market Street entrance.
- Civic Center Plaza (at the intersection of McAllister 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 1,500 feet west of the project site.

The San Francisco General Plan Recreation and Open Space Element (ROSE) defines a "high needs area" of the City as an area that is projected to absorb future population growth and that exhibits a combination of high population densities; high percentages of children and youth, seniors, and low-income households relative to the City as a whole; and low access to open space.<sup>88</sup> As shown on Maps 4a through 4c of the ROSE, the project site is located within the ½-mile service area of "Active Use/Sports Fields" and "Passive Use/Tranquil Spaces" and the ¼-mile service area of "Playgrounds." As shown on Maps 5a, 5c, and 5d of the ROSE, the project site is not within an area of the City that exhibits higher population densities or higher percentages of children and youth and seniors relative to the City as a whole, although it is adjacent to such areas

<sup>88</sup> City and County of San Francisco. San Francisco General Plan. Recreation and Open Space Element (ROSE). Available: <http://openspace.sfplanning.org> Accessed: February 4, 2015 and January 5, 2016.



in the Tenderloin neighborhood. However, it is within an area with a higher percentage of low-income households relative to the City as a whole (Map 5b) and an area designated to absorb future population growth (Map 6 of the ROSE). Based on these variables, a composite map was generated to identify areas of the City that receive priority when opportunities to acquire land for development of new parks arise and when funding decisions for the renovation of existing parks are made (Map 7 of the ROSE). As shown on Map 7, the project site is not located within a “high needs area,” but is immediately adjacent to such areas.<sup>89</sup>

The proposed project involves demolition of an existing building and parking lot and construction of a new residential building with 304 dwelling units and ground-floor retail space. As described in Impact PH-1 in Section E.2, Population and Housing, the proposed project would add 736 permanent residents and 13 employees to the local population, which would increase the demand for parks and recreational services in the project vicinity. The proposed project would provide passive recreational spaces onsite for the residents, including 12,333 sf of common open space at the courtyard and roof terraces. In addition, residents of the proposed residential units would be within walking distance of the above-noted open spaces. Based on the number of public parks and open spaces, playgrounds, and other recreational resources in the project vicinity; the availability of open space on and in the immediate vicinity of the project site; and the incremental increase in population due to the proposed project, project-generated demand could be accommodated by the existing local recreational resources. Although new residents may use park and recreational services in the project vicinity, and existing open space in the vicinity is limited, such use would most likely be modest given the size of the projected population increase due to the proposed project. In addition, the adjacent Tenderloin neighborhood is a “high needs area” that would receive priority for development of new parks or renovation of existing facilities; implementation of the policies included in the ROSE would address long-term needs associated with population increase in the project vicinity. Therefore, it is unlikely that physical deterioration of existing facilities would occur with increased use by project residents. In addition, the proposed project would not substantially increase demand for or use of citywide/regional facilities such as Golden Gate Park or other recreational facilities such as the Tenderloin Recreation Center because the size of the projected population increase would be modest compared to existing populations within the city and the region. The proposed project thus would not result in the physical alteration or degradation of any recreational resource within the vicinity of the project site or in the city as a whole.

Therefore, the proposed project is not expected to create a substantial contribution to the existing demand for existing neighborhood parks or other recreational facilities in the area or physically degrade existing recreational facilities. This impact would be less than significant.

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<sup>89</sup> ROSE, Maps 4 through 9. Available: <http://openspace.sfplanning.org>. Accessed: January 5, 2016.

**Impact RE-2: The proposed project would not require the construction of recreational facilities that may have an adverse physical effect on the environment. (No Impact)**

The proposed project does not include public recreational facilities. As described in Impact RE-1, the proposed project would not substantially increase use of nearby recreational facilities and thus would not require the construction or expansion of recreational facilities. Therefore, the project would not result in the construction of recreational facilities that would themselves have a physical environmental impact. The proposed project would have no impact.

**Impact C-RE: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in less-than-significant cumulative impacts related to recreation. (Less than Significant)**

Recreational facility use in the project area would most 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, the use of recreational facilities in the vicinity of the project site is not expected to increase noticeably as a result of the proposed project because the increase in new employees and residents in the project vicinity as a result of the proposed project would be relatively small compared with the existing population. Similar to the proposed project, cumulative projects in the area would be subject to *Planning Code* open space requirements regarding the provision of public and/or private open space. As noted above, implementation of the policies included in the ROSE would address long-term needs associated with population increase in the project vicinity. For these reasons, the proposed project would not result in a considerable contribution to any potential cumulative impact on recreational facilities. Cumulative impacts would be less than significant.

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<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>
<b>10. UTILITIES AND SERVICE SYSTEMS— Would the project:</b>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 stormwater 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"/>

**Impact UT-1: Implementation of the proposed project would not exceed wastewater treatment requirements, exceed the capacity of the wastewater treatment provider serving the project site, or result in the construction of new or expansion of existing wastewater treatment or stormwater drainage facilities. (Less than Significant)**

Wastewater and stormwater associated with the proposed project would flow to the City's combined stormwater and sewer system and be treated to the standards of the City's National Pollutant Discharge Elimination System (NPDES) permit for the Southeast Water Pollution Control Plant. Then, treated water would be discharged in the San Francisco Bay. The San Francisco Bay Area Regional Water Quality Control Board (RWQCB) sets and regulates the NPDES requirements. The proposed project would comply with RWQCB standards.

The project site is completely covered with impervious surfaces. With implementation of the proposed project, the amount of impervious surface at the project site would decrease slightly because the proposed project would include an open-air courtyard with 3,200 sf of landscaped area. Therefore, the proposed project could reduce the amount of stormwater discharged from the project site. Compliance with the City's Stormwater Management Ordinance (Ordinance No. 83-10) would require the proposed project to reduce or eliminate the existing volume and rate of

stormwater runoff discharged from the project site. To achieve this, the proposed project would implement and install appropriate stormwater management systems that would manage stormwater on-site and limit demand on both collection system and wastewater facilities resulting from stormwater discharges. A Stormwater Control Plan would be designed for review and approval by the SFPUC because the proposed project would result in ground disturbance of an area greater than 5,000 sf. The Stormwater Control Plan would also include a maintenance agreement that must be signed by the project sponsor to ensure proper care of the necessary stormwater controls. Therefore, the proposed project would not substantially increase the demand for wastewater or stormwater treatment and would result in a less-than-significant impact.

As described in Impact PH-1 in Section E.2, Population and Housing, the proposed project would add 736 permanent residents and 13 employees to the project site, which would increase the amount of wastewater generated at the project site. In compliance with Title 24 of the California Code of Regulations and the City's Green Building Ordinance, the proposed project would include water-efficient fixtures to reduce wastewater flows and the amount of potable water used for building functions. The SFPUC's infrastructure capacity plans account for projected population and employment growth in San Francisco. As discussed in Section E.2, Population and Housing, population and employment growth induced by the proposed project is not considered substantial. In addition, the utilization of water-efficient fixtures would allow more efficient use of existing infrastructure. Therefore, implementation of the proposed project would not require construction or expansion of wastewater treatment facilities, and this impact would be less than significant.

**Impact UT-2: The SFPUC has sufficient water supply and entitlements to serve the proposed project, and implementation of the proposed project would not require expansion or construction of new water treatment facilities. (Less than Significant)**

The SFPUC's 2010 Urban Watershed Management Plan (UWMP) uses 2035 growth projections that were prepared by the Planning Department and ABAG to estimate future water demand. The proposed project would add residential units and commercial uses to the project site, which would increase the demand for water on the site. This increase is within the demand projections included in the UWMP. Although the proposed project would incrementally increase the demand for water in San Francisco, the estimated increase in demand could be accommodated under the anticipated water use and supply projections for San Francisco.<sup>90,91</sup>

In compliance with Title 24 of the California Code of Regulations and the City's Green Building Ordinance, the proposed project would include water-efficient fixtures to reduce the amount of

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<sup>90</sup> San Francisco Public Utilities Commission. 2010. *Urban Water Management Plan*. Includes countywide demand projections through 2035 and compares water supply and demand. Available: <http://sfwater.org/modules/showdocument.aspx?documentid=1055>. Accessed: October 12, 2015.

<sup>91</sup> San Francisco Public Utilities Commission. 2013. *Water Availability Study for the City and County of San Francisco*. Available: <http://www.sfwaters.org/modules/showdocument.aspx?documentid=3589>. Accessed: June 14, 2013.

potable water used for building functions. In addition, the proposed project would comply with all applicable standards in the Residential Water Conservation Ordinance. Furthermore, because the proposed project would include an open-air courtyard that would include 3,200 sf of landscaped area, the proposed project would comply with the San Francisco Water Efficient Irrigation Ordinance. Because the water demand could be accommodated by the existing and planned water supply anticipated under the UWMP and would include water-efficient elements, the proposed project would not result in a substantial increase in water use and would be served from existing water supply entitlements and resources. Therefore, the proposed project would not require the expansion of water facilities, and this impact would be less than significant.

**Impact UT-3: The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs. (Less than Significant)**

Solid waste from the project site would be collected and hauled to a transfer station near Candlestick Point and recycled as feasible. The majority of the City's non-recycled solid waste is transported to the Altamont Landfill, in Alameda County, for disposal. As of March 2013, San Francisco's remaining capacity at the landfill was approximately 1 million tons out of the original 15-million-ton capacity.<sup>92</sup> At current disposal rates, San Francisco's available landfill space under the existing contract will run out in January 2016. In September 2015, the City approved an Agreement with Recology, Inc., for the transport and disposal of the City's municipal solid waste at the Recology Hay Road Landfill in Solano County. That Agreement is anticipated to extend for approximately nine years from 2016, with an option to renew the Agreement thereafter for an additional six years. 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.<sup>93</sup> San Francisco diverted 80 percent of its solid waste in 2010.<sup>94</sup> The proposed project would be served by a landfill with adequate capacity.

The proposed project would be subject to the City's Mandatory Recycling and Composting Ordinance, which requires all San Francisco residents and commercial landlords to separate their refuse into recyclables, compostables, and trash, thereby minimizing solid waste disposal and maximizing recycling. The proposed project would also be subject to the City's Construction and Demolition Debris Recovery Ordinance, which requires all construction and demolition debris to be transported to a registered facility, which can divert a minimum of 65 percent of the material from landfills.

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<sup>92</sup> San Francisco Department of the Environment. n.d. Zero Waste FAQ. Available: <http://www.sfenvironment.org/zero-waste/overview/zero-waste-faq>. Accessed: February 4, 2015.

<sup>93</sup> Elizabeth Purl. 2015. Personal communication. December 7.

<sup>94</sup> San Francisco Department of the Environment. 2012. Mayor Lee Announces San Francisco Reaches 80 Percent Landfill Waste Diversion, Leads All Cities in North America. Available: <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 4, 2015.

Although the proposed project would increase total waste generation within the city, the increasing rate of diversion through recycling and other methods would result in a decreasing share of total waste that would require disposal at the landfill. Given this, 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 (Assembly Bill 939) requires municipalities to adopt an Integrated Waste Management Plan to establish objectives, policies, and programs related to waste disposal, management, source reduction, and recycling. 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 a goal of 100 percent solid waste diversion by 2020. San Francisco diverted 80 percent of its solid waste in 2010.<sup>95</sup> San Francisco Ordinance No. 100-09 requires everyone in San Francisco to separate their solid waste into recyclables, compostables, and trash. The proposed project would be subject to and would comply with San Francisco Ordinance No. 27-06, San Francisco Ordinance No. 100-09, and all other applicable statutes and regulations related to solid waste. Therefore, the proposed project would have a less-than-significant impact related to applicable solid waste statutes and regulations.

**Impact C-UT: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in less-than-significant cumulative impacts related to utilities and service systems. (Less than Significant)**

The proposed project would not substantially affect utility provision or service, including water supply, wastewater facilities, and solid waste services. The SFPUC, the local water and wastewater service provider, has incorporated the demand associated with cumulative projects in its future water supply and wastewater service projections. The City and County of San Francisco currently exceed statewide goals for reducing solid waste and are expected to reduce solid waste volumes further in the future. The operation of the proposed project would not contribute considerably to significant regional impacts on landfill capacity because it would comply with City and County of San Francisco requirements to reduce solid waste, as would other development projects that would also contribute waste to the city's landfills. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable utilities and service systems impact.

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<sup>95</sup> San Francisco Department of the Environment. 2012. Mayor Lee Announces San Francisco Reaches 80 Percent Landfill Waste Diversion, Leads All Cities in North America. Available: <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 4, 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>
<b>11. PUBLIC SERVICES— Would the project:</b>					
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A description of impacts on parks is provided in Impact RE-1, RE-2, and RE-3.

**Impact PS-1: The proposed project would increase demand for police protection and fire protection but not to an extent that would require new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. (Less than Significant)**

The project site currently receives fire protection services from the San Francisco Fire Department. The two closest fire stations are Stations 1 and 36. Station 1 is located at 935 Folsom Street, approximately 0.5 mile northeast of the project site.<sup>96</sup> Station 36 is located at 109 Oak Street, approximately 0.7 mile southwest of the project site.<sup>97,98</sup> The project site currently receives police protection services from the Tenderloin police station, located at 301 Eddy Street, approximately 0.1 mile north of the project site.

The proposed project involves demolition of an existing vacant building and parking lot and construction of a new 12-story, 120-foot-tall residential building, approximately 297,950 gsf, containing approximately 304 dwelling units. Construction of the proposed project would be subject to and would comply with the regulations of the California Fire Code, which establishes requirements pertaining to fire protection systems, including the provision of state-mandated fire alarms, fire extinguishers, appropriate building access and egress, and emergency response notification systems.

As described in Impact PH-1, the proposed project would add approximately 736 permanent residents and 13 employees to the local population, which would incrementally increase demand

<sup>96</sup> City and County of San Francisco Fire Department. n.d. SFFD Fire Station Locations. Available: <<http://www.sf-fire.org/Modules/ShowDocument.aspx?documentid=1975>> Accessed: January 20, 2015.

<sup>97</sup> City and County of San Francisco Fire Department. n.d. Fire Station Locations. Available: <<http://www.sf-fire.org/index.aspx?page=176>>. Accessed: January 20, 2015.

<sup>98</sup> City and County of San Francisco Fire Department. n.d. SFFD Fire Station Locations Map. Available: <<http://www.sf-fire.org/Modules/ShowDocument.aspx?documentid=1975>> Accessed: January 20, 2015.

for fire protection and police services. This increase in population could result in an incremental increase in demand for fire and police protection services but not in excess of amounts expected and provided for in this area. No new or physically altered facilities would be required.

Given that the proposed project is located near, and already served by, existing police and fire protection services, the proposed new and modified structures would be required to comply with fire codes, and the proposed project would increase the service population in the area of the project only incrementally, impacts related to police and fire services would be less than significant.

**Impact PS-2: The proposed project could directly increase the population of school-aged children, but these new students would be accommodated within existing school facilities and would not require new or physically altered school facilities. (Less than Significant)**

School services in the city are provided by the San Francisco Unified School District (SFUSD). Although some of the new residents of the proposed 304 dwelling units may be families with school-age children, it is anticipated that existing schools in the city could accommodate these students. However, the proposed project would be assessed a per-gross-square-foot school impact fee for the increase in residential space to help offset school district costs. Because the project is not anticipated to necessitate new or physically altered school facilities, impacts on schools are expected to be less than significant.

**Impact PS-3: The proposed project would not increase demand for government services, and there would be no impact on government facilities. (Less than Significant)**

Similar to Impacts PS-1 and PS-2, residents of the proposed project would most likely use existing government services, including libraries, but this increase in demand would be small compared with demand from the existing population and overall service capacity. The project would not affect government services to the extent that new government services or physically altered government facilities would be required. Therefore, the proposed project would have a less-than-significant impact on government services.

**Impact C-PS: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in less-than-significant cumulative impacts related to public services. (Less than Significant)**

The cumulative context for public services impacts consists of public service providers in the vicinity of the project site. Public services in the project vicinity include services provided by the San Francisco Police Department, San Francisco Fire Department, SFUSD, and City and County of San Francisco. Similar to the proposed project, projects within the vicinity would utilize services provided by these departments.

There are several reasonably foreseeable projects in the immediate project vicinity, including, but not limited to, the nearby planned developments located at 950–974 Market Street, 1028 Market



Street, 1125 Market Street, 1055 Market Street, and 1075 Market Street (which are to begin construction in 2016), as well as other planned developments that could be proposed under the potential Mid-Market Special Use District proposal. Cumulative development in the project vicinity could incrementally increase demand for public services, which could result in the need for new or altered government facilities. The proposed project's increase in employment and visitor attendance would incrementally increase demand for public services, but this increase would not be cumulatively considerable because the increase in demand would not be beyond levels anticipated and planned for in the project site vicinity. For these reasons, the proposed project would not result in a considerable contribution to cumulative public service impacts. This impact would be less than significant.

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<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>
<b>12. BIOLOGICAL RESOURCES— Would the project:</b>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
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 project area does not include riparian habitat or other sensitive natural communities, as defined by the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service; therefore, Topic 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, Topic 12c is not applicable to the proposed project. The project site is not located within the jurisdiction of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Therefore, Topic 12f is not applicable to the proposed project.

**Impact BI-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any special-status species. (Less than Significant)**

The project site is currently occupied by a vacant commercial building and an adjoining surface parking lot. Along Market Street, Jones Street, and Golden Gate Avenue, the existing building and

surface parking lot are surrounded by sidewalks with a total of five street trees. There are no trees on the project site. The proposed project would include removal and replacement of two street trees, including one Callery pear (trunk diameter of four inches) and one Brisbane box (trunk diameter of six inches).<sup>99</sup> No special-status species are known to occur at the project site.<sup>100</sup> The project site does not provide habitat for any rare or endangered plant or animal species, and the proposed project would not affect or diminish plant or animal habitats. Therefore, the impacts of the proposed project on special-status species would be less than significant.

**Impact BI-2: The proposed project would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. (Less than Significant)**

The proposed residential building would be approximately 113 to 120 feet tall (129 to 136 feet, including parapets, rooftop access, and mechanical equipment, which are excluded from building height calculations for planning purposes). Because of their location and/or their features, structures in an urban setting may present risks for birds as they traverse their migratory paths. The City has adopted guidelines to address this issue and provided regulations for bird-safe design within the city.<sup>101</sup> The regulations establish bird-safe standards for new building construction, additions to existing buildings, and replacement façades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be “bird hazards.” The two circumstances regulated are 1) location-related hazards where the siting of a structure (defined as inside or within 300 feet of open spaces that are two acres and larger and dominated by vegetation or open water) creates an increased risk to birds and 2) feature-related hazards, which may increase risks to birds regardless of where the structure is located. For new building construction where the location-related standard would apply, the façade requirements include no more than 10 percent untreated glazing and minimal lighting. Any lighting that is used must be shielded and prevented from resulting in any uplighting. Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 sf or larger in size. Any structure that contains these elements must treat 100 percent of the glazing.

The project site is not located within 300 feet of open spaces that are 2 acres or larger. The standards for location-related hazards would therefore not apply. In addition, the proposed project would not include features on rooftops that would have unbroken glazed segments 24 sf

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<sup>99</sup> San Francisco Planning Department. 2014. Required Checklist for Tree Planting and Protection for 1066 Market Street, San Francisco, CA. February 12, 2014. This document is on file and available for public review as part of Case File No. 2013.1753E.

<sup>100</sup> Project site was visited on January 16, 2015.

<sup>101</sup> San Francisco Planning Department. 2011. Standards for Bird Safe Buildings. Available: [http://www.sf-planning.org/ftp/files/publications\\_reports/bird\\_safe\\_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%202011-30-11.pdf](http://www.sf-planning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%202011-30-11.pdf). Accessed: February 4, 2015.

or larger in size. Therefore, the proposed project would not include bird hazards related to building features.

The proposed project would also be required to comply with the California Fish and Game Codes and the Migratory Bird Treaty Act (MBTA), which protect special-status bird species.

Existing street trees could support native nesting birds that are protected under the California Fish and Game Code or the MBTA. Although the majority of these existing trees would not be directly affected by construction activities, the activities could occur during the breeding season. However, compliance with the requirements of the Fish and Game Code and the MBTA would ensure that there would be no loss of active nests or bird mortality. The requirements include one or more of the following for construction that takes place during the bird nesting season (January 15–August 15):

- Preconstruction surveys will be conducted by a qualified biologist no more than 15 days prior to the start of work during the nesting season to determine if any birds are nesting in or in the vicinity of any vegetation that is to be removed for the construction to be undertaken.
- Any nests that are identified will be avoided, and the qualified biologist will establish a construction-free buffer zone, which is to be maintained until the nestlings have fledged.

Because the proposed project would be subject to and would comply with City-adopted regulations for bird-safe buildings and federal and State migratory bird regulations, the proposed project would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. The impacts would be less than significant.

**Impact BI-3: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Less than Significant)**

The San Francisco Board of Supervisors adopted legislation that amended the City's Urban Forestry Ordinance, Public Works Code Section 801 et seq., to require a permit from Public Works to remove any protected trees.<sup>102</sup> If any activity is to occur within the dripline of a protected tree, prior to building permit issuance, a tree protection plan prepared by an International Society of Arborists–certified arborist is to be submitted to the Planning Department for review and approval. All permit applications that could affect a protected tree must include the Planning Department's Required Checklist for Tree Planting and Protection. Protected trees include landmark trees, significant trees, or streets trees that are located on private or public property anywhere within the territorial limits of the city and county of San Francisco. Article 16 of the San

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<sup>102</sup> San Francisco Planning Department. 2014. Required Checklist for Tree Planting and Protection for 1066 Market Street, San Francisco, CA. February 12, 2014. This document is on file and available for public review as part of Case File No. 2013.1753E.

San Francisco Public Works Code, the Urban Forestry Ordinance, provides for the protection of landmark, significant, and street trees. Landmark trees are designated by the Board of Supervisors upon the recommendation of the Urban Forestry Council, which determines whether a nominated tree meets the qualification for landmark designation by using established criteria (Section 810). Significant trees are those trees within the jurisdiction of Public Works or trees on private property within 10 feet of the public right-of-way that meet any of three size criteria. Significant trees must have a diameter at breast height in excess of 12 inches or a height in excess of 20 feet or a canopy in excess of 15 feet (Section 810(A)(a)).

Street trees are any trees that are growing within the public right-of-way, including unimproved public streets and sidewalks, and any trees that are growing on land that is under the jurisdiction of Public Works (Section 802(w)). If a project were to result in tree removal, subject to the Urban Forestry Ordinance, and Public Works were to grant a permit, Public Works would require replacement trees to be planted (at a one-to-one ratio) by the project sponsor or an in-lieu fee to be paid by the project sponsor (Section 806(b)).

As described in Impact BI-1, the existing building and surface parking lot are surrounded by sidewalks with a total of five street trees. There are no trees on the site. Two existing street trees would be removed and replaced along the east side of Jones Street, pursuant to Public Works review and approval. Thirteen new street trees would be planted under the proposed project. None of the surrounding street trees is a significant or landmark tree. Project construction would last for approximately 21 months. The three existing street trees that would not be removed under the proposed project would be protected in place during project construction, as described in the Required Checklist for Tree Planting and Protection prepared for the proposed project. Therefore, the proposed project would not conflict with any local policy ordinance for the protection biological resources, and impacts would be less than significant.

**Impact C-BI: The proposed project would not result in impacts on biological resources, and therefore, a discussion of cumulative impacts is not necessary. (Less than Significant)**

The geographic scope for potential cumulative biological resources impacts encompasses land uses in the vicinity of the project site. The area generally includes the area bounded by Turk Street to the north, Leavenworth Street to the west, Taylor Street to the east, and Stevenson Street to the south. Similar to the project area, the project vicinity does not include riparian habitat or other sensitive natural communities. With the exception of trees (primarily street trees) and landscaped areas, the area does not support or provide habitat for any known rare or endangered species. Project development would not interfere with any resident or migratory species.

Similar to the proposed project, other projects in the area would be required to comply with the federal Endangered Species Act, California Fish and Game Codes, the MBTA, which protects special-status bird species, and the *Standards for Bird-Safe Buildings*. Projects could result in cumulative impacts on street trees or other protected trees but would be subject to Public Works Code Section 8.02-8.11 as well as *Planning Code* Section 138.1, regarding the planting of street trees. The proposed project would include removal and replacement of two street trees, which are

protected because of their status as “street trees” or trees that are growing within the public right-of-way but are not identified as significant or landmark trees. However, the proposed project would include the planting of 13 new street trees.

In summary, as noted above, the proposed project would not have significant impacts on special-status species, avian species, or 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 not contribute to potential cumulative impacts on biological resources. Therefore, the proposed project’s contribution to cumulative impacts on biological resources would not be cumulatively considerable.

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<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>
<b>13. GEOLOGY AND SOILS— Would the project:</b>					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input 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) Seismically 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 checked="" type="checkbox"/>	<input 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 Table 18-1-B of the Uniform 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 that are 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would connect to San Francisco's sewer and stormwater collection and treatment system. It would not use a septic water disposal system. Therefore, Topic 13e is not applicable to the proposed project.

**Impact GE-1: The proposed project would not result in exposure of people and structures to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismically related ground shaking, liquefaction, lateral spreading, or landslides. (Less than Significant)**

A geotechnical investigation was prepared for the proposed project.<sup>103</sup> The following analysis is based in part on the geotechnical investigation findings.

### ***Known Earthquake Fault, Seismically Related Ground Shaking, and Landslides***

During a major earthquake event, the project site is expected to experience strong to very strong ground shaking, which could result in ground failure associated with soil liquefaction,<sup>104</sup> lateral spreading,<sup>105</sup> and seismic densification.<sup>106</sup> The project site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known or potentially active faults exist on the project site. In a seismically active area, the remote possibility exists for future faulting in areas where no active faults previously existed; however, the risk of surface faulting or consequent secondary ground failure from a previously unknown site is low. The major active faults in the project area are the San Andreas, Hayward, San Gregorio, and Calaveras faults. The closest major active fault is the San Andreas – Peninsula fault, located approximately 11.7 miles west of the project site. The Community Safety Element of the general plan identifies the potential for very strong seismic ground shaking at the project site from a magnitude 7.2 earthquake on this fault. The Community Safety Element of the general plan also identifies the potential for strong seismic ground shaking at the project site from a magnitude 6.5 earthquake on the Hayward fault, approximately 17 miles northeast of the project site. With respect to seismic densification, it is estimated to occur from a range of 0.25 to 5.50 inches as a result of strong ground shaking during a major earthquake event at a nearby fault.

### ***Liquefaction***

The project site is within a liquefaction hazard zone (i.e., an area where ground shaking causes saturated soils to lose strength and behave like a liquid rather than a solid) but not in a landslide hazard zone (i.e., an area where the movement of a mass of soil down a steep slope occurs when the soil loses strength and can no longer support the weight of overlying soil or rocks). It is estimated that liquefaction-induced settlement ranging from zero to three inches would occur at the project site during a major earthquake on a nearby fault. This settlement could be erratic and vary significantly across the site; differential liquefaction-induced settlement could be on the order of three inches within a horizontal distance of 30 feet. Because of the presence of relatively shallow, potentially liquefiable soil, ground failure, such as lurch cracking or the development of sand boils, could occur at the site during a major earthquake.

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<sup>103</sup> Langan Treadwell Rollo. 2014. Geotechnical Investigation for 1066 Market Street San Francisco, California. January 29, 2014. This document is on file and available for public review as part of Case File No. 2013.1753E.

<sup>104</sup> Liquefaction occurs when saturated soils are subjected to earthquake-induced or other cyclic loading, resulting in a buildup of excess pore water pressure and causing the soils to lose strength temporarily.

<sup>105</sup> Lateral spreading is a phenomenon in which surficial soil displaces along a shear zone that has formed within an underlying liquefied layer. Upon reaching mobilization, the surficial blocks are transported downslope or in the direction of a free face by earthquake and gravitational forces.

<sup>106</sup> Seismic densification (also referred to as differential compaction) is a phenomenon in which non-saturated, cohesionless soil is densified by earthquake vibrations, causing ground-surface settlement.



### *Lateral Spreading*

With respect to lateral spreading, the potentially liquefiable layers were generally isolated and discontinuous, as evidenced by the borings, aside from the loose to medium-dense fill and medium-dense Dune sand found below the water table. The native Dune sand at the project site is too dense to be subject to lateral spreading. Additionally, the potentially liquefiable fill layers are thin and discontinuous across the project site. Therefore, the potential for lateral spreading to occur beneath the project site is low.

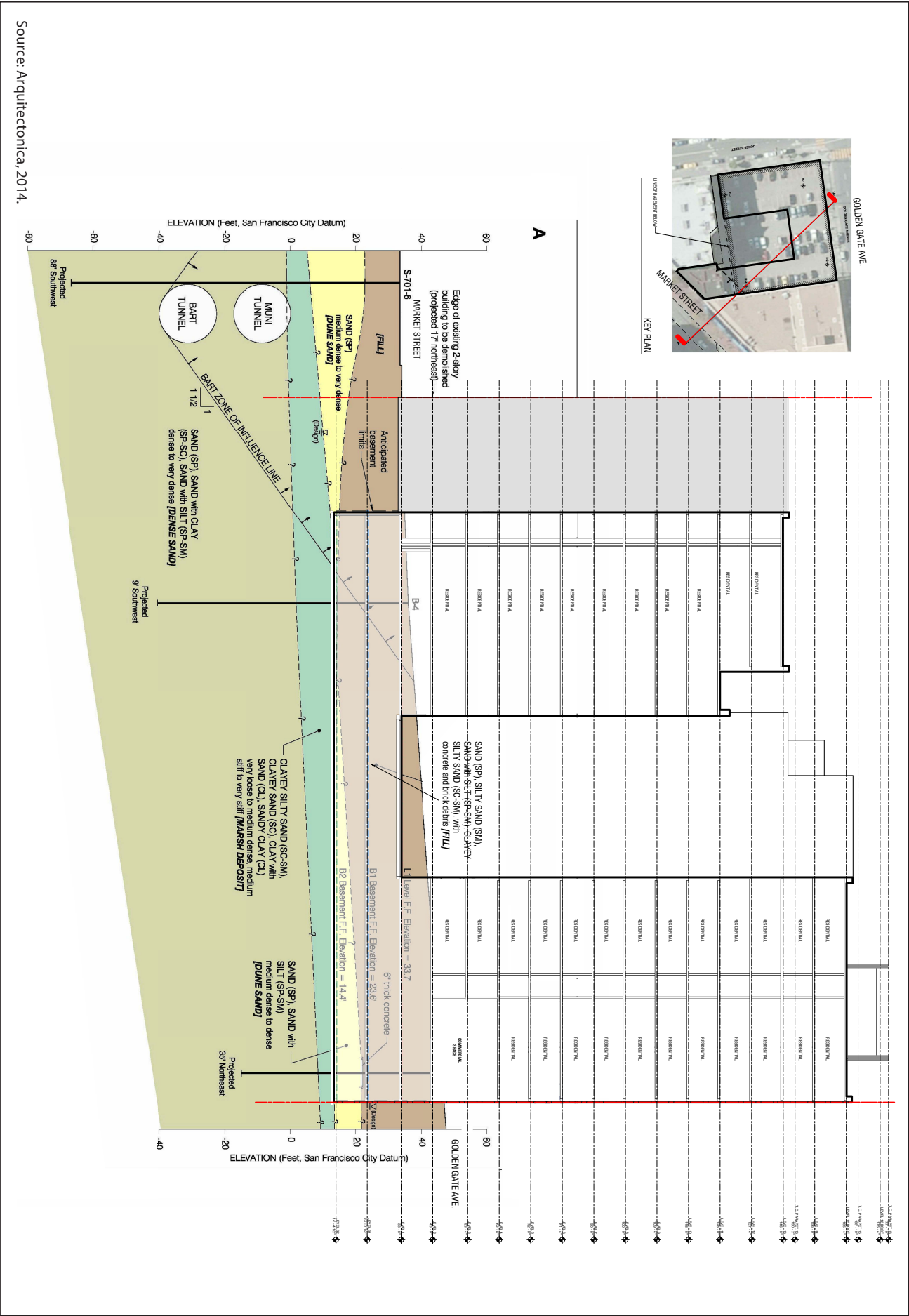
### *Geotechnical Recommendations*

As shown in **Figure 11**, the BART tunnel and Muni light rail tunnel run underground beneath Market Street adjacent to the site. It is estimated that the BART zone of influence extends 74 feet into the project site, as measured from the Market Street property line, and the presence of the BART and Muni tunnels south of the project site would need to be considered in determining appropriate foundation, shoring, and dewatering systems for the proposed project. BART has developed guidelines for construction near its subway structures. The BART guidelines would need to be considered during the design and construction of foundation and shoring systems for the planned building within the zone of influence. The recommendations in the geotechnical investigation are designed to adhere to BART requirements and mitigate potential impacts on the tunnels. Based on the geotechnical analysis, it was determined that the project site can be developed as planned, provided that the recommendations presented in the geotechnical investigation are incorporated into the design and contract documents and during construction of the proposed project. Recommendations provided in the geotechnical investigation include criteria for foundation design, together with recommendations for site preparation, shoring, below-grade walls, floor slabs, and seismic design.

Final building foundation plans would be reviewed by San Francisco DBI. To ensure compliance with all building code provisions regarding structure safety, when San Francisco DBI reviews the geotechnical investigation and building plans for a proposed project, it determines the adequacy of engineering and design features. Past geological and geotechnical investigations would be available for use by San Francisco DBI during its review of building permits for the project site. Also, San Francisco DBI could require that additional site-specific soil reports be prepared in conjunction with permit applications, as needed. Therefore, potential damage to structures from geologic hazards on the project site would be avoided through San Francisco DBI's requirement for a geotechnical investigation and review of the building permit application, pursuant to San Francisco DBI implementation of the building code. This impact would be less than significant.

### *Conclusion*

Overall, the proposed project would not 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. This impact would be less than significant.





**Impact GE-2: The proposed project would not result in substantial soil erosion or loss of topsoil. (Less than Significant)**

The proposed project is located in a highly developed urban area. The project site is blanketed by approximately 22 to 26 feet of fill, consisting of very loose to very dense sand with variable silt, clay, and gravel content that includes fragments of brick, concrete, and other rubble. The site slopes downward gradually from the northwest to the southeast, from an elevation of approximately 47 feet SF Datum in the northwest corner of the project site to an elevation of approximately 34 feet SF Datum at the southeast corner of the project site. Site preparation and excavation activities would disturb soils on the gradually sloped site, creating the potential for wind and water-borne soil erosion. However, the proposed project would implement construction BMPs to prevent erosion and the discharge of sediment into construction site stormwater runoff, as described in Section E.14, Hydrology and Water Quality. Therefore, impacts related to the loss of topsoil and soil erosion would be less than significant.

**Impact GE-3: The proposed project would not substantially change the topography or any unique geologic or physical features of the site. (Less than Significant)**

The project site slopes gradually from the northwest to the southeast and has no unique topographic, geologic, or physical features. Construction of the proposed project would not substantially alter the topography of the site. Therefore, the impact is less than significant.

**Impact GE-4: The project site could be located on expansive soil but would not create 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 low-moisture-content conditions and back again. It is unknown if the project site is located on expansive soils. However, the proposed project would be required to comply with recommendations from San Francisco DBI, which would be developed through its building permit review process and include an analysis of the potential for soil expansion impacts. Therefore, the proposed project would not create substantial risks to life and property from expansive soils, and the impact would be less than significant.

**Impact GE-5: The proposed project could result in damage to, or destruction of, an as-yet-unknown unique paleontological resource or site or unique geologic feature. (Less than Significant with Mitigation)**

Paleontological resources, or fossils, are the remains, imprints, 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. They represent a limited, nonrenewable resource, and once destroyed they cannot be replaced.

The deposition and preservation of paleontological resources are related to the lithologic (rock) unit in which they occur. If a rock type was created in a deposition environment that was not conducive to the deposition and preservation of fossils, fossils will not be present. Lithologic units that may be fossiliferous include sedimentary and volcanic formations. Pleistocene sediments in the San Francisco Bay are known to yield vertebrate fossils.<sup>107</sup>

The project site is blanketed by approximately 22 to 26 feet of artificial fill, consisting of very loose to very dense sand, with variable silt, clay, and gravel content, including fragments of brick, concrete and other rubble. The artificial fill is underlain by medium-dense to dense native sand of Holocene age, known locally as Dune sand.<sup>108</sup> The Dune sand and the fill are underlain by a Marsh deposit that is of Holocene or Pleistocene age,<sup>109</sup> consisting of medium-stiff to stiff clay, with sand, stiff to very stiff sandy clay, very loose to medium-dense clayey sand, and loose to medium-dense clayey silty sand. The bottom of the Marsh deposit was encountered at depths between 36 and 38 feet bgs. The Marsh deposits are underlain by eroded Franciscan Complex bedrock.<sup>110</sup> Because the Marsh deposits could be of Pleistocene age and thus may contain vertebrate fossils, the Marsh deposits have undetermined paleontological sensitivity. The depth of excavation would be 25 to 36 feet bgs, extending into the Marsh deposits layer. Thus, excavation work resulting from the proposed project could affect geologic units that might contain paleontological remains or traces of paleontological remains. This constitutes a potentially significant impact.

Implementation of Measure M-GE-4 would reduce this potential impact to a less than significant level.

#### **Mitigation Measure M-GE-4: Paleontological Resource Accidental Discovery**

Given the potential for paleontological resources to be present within the project site at excavation depths within the Marsh deposit, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on paleontological resources. Before the start of any earthmoving activities, the project sponsor shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology (SVP), who is experienced in teaching non-specialists. The qualified

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<sup>107</sup> UC Museum of Paleontology Specimens. 2015. *UC Museum of Paleontology Specimens*. Available: [http://ucmpdb.berkeley.edu/cgi/ucmp\\_query2](http://ucmpdb.berkeley.edu/cgi/ucmp_query2). Accessed: October 8, 2015.

<sup>108</sup> Blake, M.C., Jr., Graymer, R.W., and Jones, D.L. 2000. *Geologic Map and Database of Parts of Marin, San Francisco, Alameda, Contra Costa, and Sonoma Counties, California*. U.S. Geological Survey, Miscellaneous Field Studies, MF 2337, Online Version 1.0. Available: <http://pubs.usgs.gov/mf/2000/2337/>. Accessed: March 12, 2015.

<sup>109</sup> Haasl, D.M. and L.H. Fisk. 2015. Paleontological Resource Monitoring and Mitigation Plan for the 706 Mission Street Project, City and County of San Francisco, California. Prepared for: City and County of San Francisco Planning Department, San Francisco, CA and Kristin Gonsar, Millennium Partners, San Francisco, CA. September 17. Auburn, CA.

<sup>110</sup> Blake, M.C., Jr., Graymer, R.W., and Jones, D.L. 2000. *Geologic Map and Database of Parts of Marin, San Francisco, Alameda, Contra Costa, and Sonoma Counties, California*. U.S. Geological Survey, Miscellaneous Field Studies, MF 2337, Online Version 1.0. Available: <http://pubs.usgs.gov/mf/2000/2337/>. Accessed: March 12, 2015.

paleontologist shall train all construction personnel who are involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, and proper notification procedures should fossils be encountered. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who shall evaluate the significance.

If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find and notify the project sponsor and the San Francisco Planning Department. Construction work in the affected areas shall remain stopped or be diverted to allow recovery of fossil remains in a timely manner. The project sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with SVP guidelines.<sup>111</sup> The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City of San Francisco (City) to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. The City shall be responsible for ensuring that the monitor's recommendations regarding treatment and reporting are implemented.

As discussed above, the project site is underlain by artificial fill and sedimentary deposits. No unique geologic features exist at the project site, and there would be no impact related to such resources.

**Impact C-GE: The proposed project, in combination with the past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in less-than-significant cumulative impacts related to geology and soils. (Less than Significant)**

Geological impacts, including impacts on paleontological resources, are generally site specific, and the proposed project would not have the potential for cumulative effects with other projects. Cumulative development would be subject to the same design review and safety measures that apply to the proposed project. These measures would reduce the geologic effects of cumulative projects to less-than-significant levels. Projects with a potential for impacts on paleontological resources would be subject to the same review and mitigation requirements. For these reasons, the proposed project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable geology and soils impact.

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<sup>111</sup> Society of Vertebrate Paleontology. 1996. *Conditions of Receivership for Paleontologic Salvage Collections*. Final draft. Society of Vertebrate Paleontology News Bulletin 166:31-32.

<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>
<b>14. HYDROLOGY AND WATER QUALITY— Would the project:</b>					
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 that 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 or 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 that 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located in a 100-year flood hazard boundary, a dam failure area, or a tsunami flood hazard area.<sup>112,113</sup> A seiche is an oscillation of a water body, such as a bay, that may cause local flooding. A seiche could occur in the San Francisco Bay because of seismic or atmospheric activity. The project site is located 1.3 miles from San Francisco Bay and would therefore not be subject to a seiche. No mudslide hazards exist at the project site because the project site is not located near any landslide-prone areas.<sup>114</sup> Therefore, Topics 14g, 14h, 14i, and 14j are not applicable to the proposed project.

**Impact HY-1: The proposed project would not violate water quality standards or waste discharge requirements, substantially degrade water quality, or provide substantial additional sources of polluted runoff. (Less than Significant)**

Proposed project-related wastewater would flow to the City's combined stormwater and sewer system and would be treated to standards contained in the City's NPDES permit for the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Because the NPDES standards are set and regulated by the RWQCB, the proposed project would not conflict with RWQCB requirements.

According to the geotechnical investigation prepared for the proposed project, the groundwater level is anticipated to vary, depending upon the amount of rainfall. Based on the available subsurface information for the site and vicinity, the groundwater surface slopes downward from the northwest to the southeast portions of the project site, consistent with the change in ground surface elevation across the project site. The high groundwater level is at 25 feet SF Datum at the northwest corner of the project site and slopes downward linearly to 13 feet SF Datum at the southeast corner of the project site. The proposed depth of excavation would be 25 to 36 feet bgs, and the proposed project's excavation could therefore encounter groundwater, requiring dewatering that could affect water quality. Groundwater dewatering during construction of the proposed project would be subject to requirements of the City's Sewer Use Ordinance (Ordinance Number 19-92, amended 116-97), as supplemented by Public Works Order No. 158170, requiring a permit from the Wastewater Enterprise Collection System Division of the SFPUC for discharge of water produced by dewatering. A permit may be issued only if an effective pretreatment system is maintained and operated. Each permit for such discharge shall contain specified water quality standards and may require the project sponsor to install and maintain meters to measure the volume of the discharge to the combined sewer system. The SFPUC may also require water

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<sup>112</sup> San Francisco Planning Department. 2012. San Francisco General Plan. Community Safety Element, Map 6. Available: [http://www.sf-planning.org/ftp/general\\_plan/Community\\_Safety\\_Element\\_2012.pdf](http://www.sf-planning.org/ftp/general_plan/Community_Safety_Element_2012.pdf). Accessed March 6, 2015.

<sup>113</sup> San Francisco Planning Department. 2012. San Francisco General Plan. Community Safety Element, Map 5. Available: [http://www.sf-planning.org/ftp/general\\_plan/Community\\_Safety\\_Element\\_2012.pdf](http://www.sf-planning.org/ftp/general_plan/Community_Safety_Element_2012.pdf). Accessed March 6, 2015.

<sup>114</sup> San Francisco Planning Department. 2012. San Francisco General Plan. Community Safety Element, Map 4. Available: [http://www.sf-planning.org/ftp/general\\_plan/Community\\_Safety\\_Element\\_2012.pdf](http://www.sf-planning.org/ftp/general_plan/Community_Safety_Element_2012.pdf). Accessed March 6, 2015.



analysis prior to discharge, per the City's Industrial Waste Ordinance (Ordinance number 199-77). As described in the geotechnical investigation, if the groundwater level is lowered outside the property boundary, the groundwater level in the vicinity of the BART and Muni tunnels would need to be monitored while the site is dewatered, and recharging the groundwater in the vicinity of the tunnels to pre-construction levels will be required. In addition, as described under Impact HZ-2 in Section E.15, Hazards and Hazardous Materials, the proposed project would be required to comply with the Maher Ordinance, which enforces further site management and reporting requirements for potentially hazardous soils.

During construction of the proposed project, the potential for erosion and the transport of soil particles would exist through surface water runoff. Once in surface water runoff, sediment and other pollutants could leave the construction site and drain into the City's combined stormwater and sewer system, necessitating treatment at the Southeast Water Pollution Control Plant prior to discharge into the Bay. To prevent sediments and other pollutants from entering the combined stormwater and sewer system, the project sponsor would be required to prepare and implement an Erosion Control Plan, including BMPs.

As described in Impact UT-1 in Section E.10, Utilities and Service Systems, the project site is completely covered with impervious surfaces. With implementation of the proposed project, the amount of impervious surface at the project site would decrease because the proposed project includes an open-air courtyard with 3,200 sf of landscaped area. Therefore, the proposed project could slightly reduce the amount of stormwater discharged from the project site compared to existing conditions. A Stormwater Control Plan would be designed for review and approval by the SFPUC, and the proposed project would be required to manage stormwater on-site using a low-impact design. Compliance with the City's Stormwater Management Ordinance (Ordinance No. 83-10) would require the proposed project to maintain, reduce, or eliminate the existing volume and rate of stormwater runoff discharged from the project site. To achieve this, the proposed project would implement and install appropriate stormwater management systems that would retain runoff on-site, promote stormwater reuse, and limit (or eliminate altogether) site discharges to the combined sewer collection system.

Based on the analysis above, the proposed project would not violate water quality standards or waste discharge requirements, substantially degrade water quality, or provide substantial additional sources of polluted runoff. This impact would be less than significant.

**Impacts HY-2: The proposed project would not 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. (Less than Significant)**

As described in Impact HY-1, the high groundwater level was encountered at 25 feet SF Datum at the northwest corner of the project site and was found to slope downward linearly to 13 feet SF Datum at the southeast corner of the project site. The depth of excavation would be 25 to 36 feet bgs. The proposed project's excavation could encounter groundwater, and construction dewatering could affect groundwater supplies. In addition, as described in the geotechnical

investigation prepared for the proposed project, if the groundwater level is lowered outside the property boundary, the groundwater level in the vicinity of the BART and Muni tunnels would need to be monitored while the site is dewatered, and recharging the groundwater in the vicinity of the tunnels to pre-construction levels would be required. Although dewatering could be required during construction, any effects related to lowering the water table would be temporary and would not be expected to deplete groundwater resources substantially. The proposed project would not require long-term, continuous dewatering following construction. When a mat foundation or slabs are below or less than 30 inches above the design groundwater level, the basement floor/mat and basement walls must be waterproofed and designed to resist hydrostatic uplift pressures. The specifications for construction dewatering, potential groundwater recharge, and protection against long-term groundwater intrusion are outlined in the geotechnical investigation prepared for the proposed project and will be reviewed by the San Francisco DBI as part of the building permit process. In addition, the project site is located in the Downtown San Francisco Groundwater Basin. This basin is not used as a drinking water supply, and no plans for development of this basin for groundwater production exist.

Based on the analysis above, the proposed project would not 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, and this impact would be less than significant.

**Impact HY-3: The proposed project would not result in altered drainage patterns that would cause substantial erosion or flooding or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems. (Less than Significant)**

There are no streams or rivers present on the project site. Therefore, the proposed project would not alter the route of a stream or river or substantially alter the existing drainage pattern of the project site or area. As described in Impact HY-1, there would be some potential for the transportation of soil particles during construction. However, the proposed project would be subject to and required to comply with regulations that would limit the amount of runoff from the project site. The project site is completely covered with impervious surfaces. With implementation of the proposed project, the amount of impervious surface at the project site would decrease because the proposed project would include an open-air courtyard with 3,200 sf of landscaped area. Therefore, the proposed project could reduce the amount of stormwater discharged from the project site. Furthermore, because of the requirements of applicable regulations, and because the proposed project would not increase impervious surfaces or runoff at the project site, the proposed project would not result in altered drainage patterns that would cause substantial erosion or flooding or contribute to runoff that would exceed the capacity of the existing or planned storm drainage system. This impact would be less than significant.

**Impacts C-HY: The proposed project, in combination past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in less-than-significant cumulative impacts related to hydrology and water quality. (Less than Significant)**

Cumulative development in the project area could result in intensified uses and a cumulative increase in wastewater generation. The SFPUC has accounted for such growth in its service projections. Cumulative development could also result in an increase in polluted runoff and stormwater discharges. However, the other development projects would be required to comply with construction-phase stormwater pollution control and water quality regulations, if necessary, similar to the proposed project. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable hydrology and water quality impact.

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<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>
<b>15. HAZARDS AND HAZARDOUS MATERIALS— Would the project:</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or result in hazardous or acutely hazardous materials, substances, or waste being handled within 0.25 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 that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	<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 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, Topics 15e and 15f are not applicable to the proposed project.

**Impact HZ-1: The proposed project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials. (Less than Significant)**

The proposed project would involve demolition of an existing building and parking lot and construction of a new residential building with ground-floor retail space and subterranean parking. The project would result in the use of relatively small amounts of hazardous materials, those typically used by residential and retail land uses, such as disinfectants, cleaners, fertilizers, and other types of hazardous materials. Because the materials are labeled to inform users of potential adverse effects as well as proper handling and care, it is unlikely that the use of such materials would create a significant hazard. Additionally, most of the hazardous components of

disinfectants, cleaners, fertilizers, and other types of hazardous materials are consumed through use, resulting in little waste. Therefore, hazardous materials used during project operation would not pose any substantial public health or safety hazards related to hazardous materials. For these reasons, the proposed project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials, and this impact would be less than significant.

**Impact HZ-2: The proposed project could create a potentially significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Less than Significant with Mitigation)**

A Phase I Environmental Site Assessment (ESA) was prepared for the proposed project.<sup>115</sup> A Phase I ESA provides a record of conditions at a subject property and identifies potential environmental issues at the site. In addition, the Phase I ESA evaluates the potential for adverse environmental impacts from current and historical on-site practices and in the surrounding area.

The project site is currently occupied by a two-story vacant commercial building and an adjoining surface parking lot. According to the Phase I ESA, an early use of the property was for a dry goods building, with office uses on the second through fourth floors. In 1913, the project site was used for a department store and a theater. The current building was constructed in 1966, with the northern portion of the site used as a parking lot by 1968 and the southern portion of the site used as a restaurant and store, with offices on the second floor. The site has never been used for industrial uses.

As discussed below, the Phase I ESA documented one recognized environmental condition in connection with the project site: the project site is underlain by approximately 20 feet of fill materials. As with many sites in San Francisco, these fill materials may contain elevated concentrations of metals. Elevated concentrations of metals (particularly lead) often result in the classification of construction-generated soils as hazardous waste.

The Phase I ESA also documented one historical recognized environmental condition in connection with the project site: the presence of leaking underground fuel storage tanks. Two underground storage tanks (USTs), a 2,000-gallon tank and a 4,000-gallon tank that were used to store gasoline, were removed from the project site with approval and oversight from the San Francisco DPH on January 16, 1990. Confirmation soil sampling detected total petroleum hydrocarbons as gasoline (TPHg), benzene, toluene, ethylbenzene, and xylenes (BTEX) in soil near the fuel dispenser at concentrations below current RWQCB environmental screening levels (ESLs) for shallow soil on residential properties where groundwater is a current or potential drinking water resource. TPHg and BTEX were not detected after four rounds of groundwater sampling

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<sup>115</sup> Iris Environmental. 2014. Phase I Environmental Site Assessment, 1066 Market Street and 99 Golden Gate Avenue, San Francisco, California. Prepared for Shorenstein Properties, LLC., San Francisco. January 31, 2014. This document is on file and available for public review as part of Case File No. 2013.1753E.

from a well installed in the location of the former dispenser. Based on the sampling results, the RWQCB closed the case on May 18, 1993.

### ***Soil and Groundwater***

As described above, the Phase I ESA documented one recognized environmental condition and one historical recognized environmental condition in connection with the project site, either of which could be potential sources of soil and/or groundwater contamination. In addition, the project site is located within the Maher Zone. Therefore, the proposed project is subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the San Francisco DPH. The Phase I ESA satisfies one of the requirements of Health Code Section 22.A.6A. Based on the information in the Phase I ESA, 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 would be required to submit a Site Mitigation Plan (SMP) to DPH or other appropriate state or federal agencies and 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.

The proposed project would be required to remediate any soil or groundwater contamination identified on-site in accordance with Article 22A of the Health Code. Compliance with this regulation would avoid potential contamination-related impacts. Therefore, the proposed project would not result in a significant hazard to the public or environment from contaminated soil and groundwater, and this impact would be less than significant.

### ***Hazardous Building Materials***

Given its age, the existing building may contain hazardous building materials, including asbestos-containing materials, lead-based paint, and polychlorinated biphenyls (PCBs), bis(2-ethylhexyl) phthalate (DEHP), and mercury. Electrical equipment may contain PCBs, while fluorescent light ballasts may contain PCBs or DEHP. Fluorescent light tubes generally contain mercury vapors. All of these materials were commonly employed well into the second half of the 20<sup>th</sup> century and were still in use at the time the building was constructed. During building demolition, workers and the public could be exposed to hazardous building materials if they were not abated prior to demolition. However, as discussed below, there is a well-established regulatory framework for the abatement of asbestos-containing materials and lead-based paint, and impacts related to exposure to these hazardous building materials would be less than significant with compliance with regulatory requirements. Impacts related to exposure to other hazardous building materials would be potentially significant but could be mitigated to a less-than-significant level.

**Lead-based Paint.** Work that could result in disturbance of lead-based paint must comply with Section 3425 of the San Francisco Building Code, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead-based paint on the exterior of any building built prior to 1979, Section 3425 requires specific notification

and work standards and identifies prohibited work methods and penalties. Section 3425 applies to the exterior of all buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces, unless demonstrated otherwise through laboratory analysis) and to the interior of residential buildings, hotels, and child care centers.

Section 3425 contains performance standards, including the establishment of containment barriers, and identifies prohibited practices that may not be used during any disturbance or removal of lead-based paint. Any person who performs work that is subject to Section 3425 shall make all reasonable efforts to prevent the migration of lead-paint contaminants beyond containment barriers during the course of the work, and any person who performs regulated work shall make all reasonable efforts to remove all visible lead-paint contaminants from all regulated areas of the property prior to completion of the work.

Section 3425 also includes requirements pertaining to notification and project site signs. Prior to commencement of exterior work that disturbs or removes 100 or more sf or 100 or more linear feet of lead-based paint in total, the responsible party must provide the director of the San Francisco DBI with written notice that includes the following: the address and location of the proposed project; the scope and specific location of the work; information regarding whether the responsible party has reason to know or presume that lead-based paint is present; the methods and tools for paint disturbance and/or removal; the approximate age of the structure; anticipated job start and completion dates for the work; whether the building is residential or nonresidential; whether it is owner occupied or rental property; the approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. Further notice requirements include a posted sign, notifying the public of restricted access to work area; a notice to residential occupants; a pamphlet related to protection from lead in the home; an early commencement of work notice (by owner, requested by tenant), and notice of lead contaminated dust or soil, if applicable. Section 3425 contains provisions regarding inspection and sampling for compliance by San Francisco DBI, as well as enforcement. It also describes penalties for non-compliance with the requirements of the ordinance.

Demolition would also be subject to the Cal/OSHA Lead in Construction Standard (8 CCR Section 1532.1). This standard requires development and implementation of a lead compliance plan when materials that contain lead would be disturbed during construction. The plan must describe activities that could emit lead, methods that will be used to comply with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. Cal/OSHA would require 24-hour notification if more than 100 square feet of materials that contain lead would be disturbed.

Implementation of procedures required by Section 3425 of the Building Code and the Lead in Construction Standard would ensure that potential impacts from demolition or renovation of structures with lead-based paint would be less than significant.

**Asbestos-Containing Building Materials.** Section 19827.5 of the California Health and Safety Code requires local agencies not to issue alteration permits until an applicant has demonstrated compliance with the notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement and is to be notified 10 days in advance of any proposed demolition or asbestos abatement work. The notification must include (1) the address of the operation; (2) the names and addresses of those who are responsible; (3) the location and description of the structure to be altered, including size, age, prior use, and the approximate amount of friable asbestos; (4) scheduled start and completion dates for the asbestos abatement work; (5) nature of the planned work and methods to be employed; (6) procedures to be employed to meet BAAQMD requirements; (7) and the name and location of the waste disposal site to be used.

The BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD will inspect any removal operation about which a complaint has been received. Any asbestos-containing building material disturbance at the project site would be subject to the requirements of BAAQMD Regulation 11, Rule 2: Hazardous Materials; Asbestos Demolition, Renovation, and Manufacturing.

The local office of the State Occupational Safety and Health Administration must also be notified of any asbestos abatement that is to be carried out. Asbestos abatement contractors must follow state regulations contained in the California Code of Regulations, Title 8, Section 1529, and Title 8, Sections 341.6 through 341.14, where there is asbestos-related work involving 100 sf or more of asbestos-containing building material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of it. Pursuant to California law, San Francisco DBI will not issue the required permit until the applicant has complied with the notice requirements described above.

Compliance with these regulations and implementation of the required procedures during the development process would ensure that any potential impacts due to demolition or renovation of structures with asbestos-containing materials would be less than significant.

**Other Hazardous Building Materials.** Other hazardous building materials that could be present include electrical transformers, which could contain PCBs; fluorescent light ballasts, which could contain PCBs or DEHP; and fluorescent light tubes, which could contain mercury vapors. Disruption of these materials could pose health threats for construction workers if not properly disposed of, a potentially significant impact. However, implementation of **Mitigation Measure M-HZ-2**, Hazardous Building Materials Abatement, would require that the presence of such materials be evaluated prior to demolition or renovation and, if such materials are present, that they be properly handled during removal and building demolition or renovation. This would



reduce the potential impacts of exposure to these hazardous building materials to a less-than-significant level.

### **Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement**

The project sponsor shall ensure that, prior to demolition, the building is surveyed for hazardous building materials, including electrical equipment that contains polychlorinated biphenyl (PCBs), fluorescent light ballasts that contain PCBs or bis(2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes that contain mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs. In cases where the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs and handled and disposed of accordingly under applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.

Implementation of **Mitigation Measure M-HZ-2** would reduce impacts related to exposure to hazardous building materials during demolition to a less-than-significant level.

### ***Conclusions***

With the existing regulations in place and with the mitigation identified above, proposed demolition of the existing building and construction of the proposed project would not have the potential to pose a direct (through material removal) or indirect (through transport of materials or accidental release) public health hazard for the surrounding neighborhood. Compliance with existing regulatory requirements and permits would ensure that operation of the proposed project would not result in significant effects due to hazardous materials or wastes. Therefore, the proposed project would have less-than-significant impacts related to hazardous materials use.

**Impact HZ-3: The project would not emit hazardous emissions or result in hazardous or acutely hazardous materials, substances, or waste being handled within 0.25 mile of an existing or proposed school site. (Less than Significant)**

There are no public schools within 0.25 mile of the project site.<sup>116</sup> There are private schools within 0.25 mile of the project site, including De Marillac Middle School, located 0.07 mile to the west, and San Francisco City Academy, located 0.10 mile to the north. The project would result in the use of relatively small amounts of hazardous materials, those that are typically used by residential and retail uses, such as disinfectants, cleaners, fertilizers, and similar types of hazardous materials. Because the materials would be used in small quantities and are labeled to inform users of potential adverse effects as well as proper handling and care, it is unlikely that the use of such

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<sup>116</sup> San Francisco Public Schools. 2014. Search results. Available: <http://www.sfpublicschools.org/php/lookup.php>. Accessed: January 21, 2015.

materials would create a significant hazard. Overall, the proposed project would not use or emit hazardous or acutely hazardous substances. Therefore, the proposed project's impact with respect to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste near a school would be less than significant.

**Impact HZ-4: The project site is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 but no risk to human health has been identified. (Less than Significant)**

The Phase I ESA prepared for the proposed project included a search of the environmental databases covered by Government Code Section 65962.5. According to the Phase I ESA, the project site is listed in the following hazardous materials databases: Resource Conservation and Recovery Act Information System database of treatment, storage, and disposal facilities that are not subject to corrective action and hazardous waste generators, Engineering Controls Sites, Sites with Institutional Controls, Emergency Response Notification System, UST Registrations database, Site Mitigation and Brownfield Re-use Program Facility Sites with Deed Restrictions and Hazardous Waste Management Program Facility Sites with Deed/Land Use Restrictions database, and the USTs on Indian Land database. As described in Impact HZ-2, the Phase I ESA documented one historical recognized environmental condition in connection with the project site. Two USTs, a 2,000-gallon tank and a 4,000-gallon tank that were used to store gasoline, were removed from the project site with approval and oversight from the San Francisco DPH on January 16, 1990. Based on the sampling results, the RWQCB closed the case on May 18, 1993. No further action is required. Therefore, the proposed project's impact with respect to being included on a list of hazardous materials sites would be less than significant.

**Impact HZ-5: The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving fires or interfere with the implementation of an emergency response plan. (Less than Significant)**

The San Francisco Building and Fire Codes ensure fire safety in San Francisco. In addition, the San Francisco Fire Department (as well as San Francisco DBI) reviews final building plans to ensure conformance with these codes. The proposed project would conform to these fire safety standards, which (depending on building type) may also include development of an emergency procedure manual and an exit drill plan. The proposed project is not located within a fire hazard severity zone.<sup>117</sup>

Implementation of the proposed project could add to congested traffic conditions in the immediate area in the event of an emergency evacuation. However, traffic associated with the proposed project would be relatively insignificant within the dense urban setting of the project site, and it is expected that traffic would disperse within the existing street grid, resulting in no

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<sup>117</sup> California Department of Forestry and Fire Protection. 2012. San Francisco County Fire Hazard Safety Zone Map. Available at <[http://www.fire.ca.gov/fire\\_prevention/fhsz\\_maps\\_sanfrancisco.php](http://www.fire.ca.gov/fire_prevention/fhsz_maps_sanfrancisco.php)>. Accessed: January 21, 2015.

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. Therefore, the proposed project's impact on emergency response plans and fire hazards would be less than significant.

**Impact C-HZ: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in less-than-significant cumulative impacts related to hazards and hazardous materials. (Less than Significant)**

Impacts from hazards are generally site specific and typically do not result in cumulative impacts. The proposed project would not have a significant impact due to hazardous material conditions on the project site or in the vicinity. There are no existing, proposed, or foreseeable developments in the project vicinity that would contribute considerably to cumulative effects. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable hazards and hazardous materials impact.

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<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>
<b>16. MINERAL AND ENERGY RESOURCES—Would the project:</b>					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities that result in the use of large amounts of fuel, water, or energy or use these resources in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975.<sup>118</sup> This designation indicates that there is inadequate information available for assignment to any other MRZ, and thus, the project site is not a designated area of significant mineral deposits. No operational mineral resource recovery sites exist in the project area; therefore, operations or accessibility would not be affected by the proposed project. Therefore, Topics 16a and 16b are not applicable to the proposed project.

**Impact ME-1: The proposed project would not encourage activities that would result in the use of large amounts of fuel, water, or energy or use these resources in a wasteful manner. (Less than Significant)**

The proposed project involves demolition of an existing building and parking lot and construction of a new 12-story, 120-foot-tall residential building, approximately 297,950 gsf, with ground-floor retail space and two levels of subterranean parking. Electricity would be required during demolition and construction activities to operate necessary machinery and equipment. Construction vehicles and equipment would use primarily diesel fuel, and construction workers' vehicles would use gasoline and diesel to commute. Construction activities would not result in a demand for electricity or fuels that would be greater than that of any other similar project in the region. Construction-related energy use would not be large or wasteful relative to similar projects or energy use in the region as a whole. Therefore, the construction-related impacts of the proposed project related to fuel, water, or energy would be less than significant.

Operation of the proposed residential building would not result in wasteful use of fuel, water, or energy. The GHG analysis includes a description of the energy-conservation measures that would

<sup>118</sup> California Division of Mines and Geology. 1986. Open File Report 96 03 and Special Report 146, Parts I and II. Available: <http://www.conservation.ca.gov/cgs/minerals/mlc/Pages/index.aspx>.

be implemented or continued under the proposed project. The proposed project would use energy produced in regional power plants from hydropower, natural gas, coal, and nuclear fuels and would not use substantial quantities of other nonrenewable natural resources. The proposed project would meet or exceed current state and local energy conservation standards, including the City's Green Building Ordinance and Title 24 of the California Code of Regulations, which is enforced by the San Francisco DBI. Although the proposed project would increase demand for energy, the project-generated demand would be typical for a project of this size and negligible in the context of the overall consumer demand in San Francisco and the state. As such, operations-related energy use would not be large or wasteful. Therefore, operations-related impacts of the proposed project related to fuel, water, or energy would be less than significant.

**Impact-C-ME: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in less-than-significant cumulative impacts related to energy and minerals. (Less than Significant)**

No known minerals exist at the project site, and thus, the proposed project would not contribute to any cumulative impact on mineral resources. The project-generated demand for electricity would be negligible in the context of overall demand within San Francisco, the greater Bay Area, and the state and would not in and of itself require any expansion of power facilities. The City plans to reduce GHG emissions to 25 percent below 1990 levels by 2017 and ultimately reduce GHG emission to 80 percent below 1990 levels by 2050, which would be achieved through a number of different strategies, including energy efficiency. Therefore, the energy demand associated with the proposed project would not substantially contribute to a cumulative impact on existing or proposed energy supplies or resources. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable mineral and energy resources impact.

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<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>
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#### 17. AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts on 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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts on 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 forestland, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project, and the 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forestland (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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forestland or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment that, because of their location or nature, could result in conversion of Farmland to non-agricultural use or forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located within an urban area in the city and county of San Francisco. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the site as Urban and Built-Up Land, which is defined as "... land [that] is used for residential, industrial, commercial, institutional, public administrative purposes; railroad and other transportation yards; cemeteries; airports; golf courses; sanitary landfills; sewage treatment; water control structures; and other developed purposes."<sup>119</sup> Because the project site does not contain agricultural uses and is not zoned for such uses, the proposed project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Furthermore, it would not conflict with existing zoning for agricultural land or a Williamson Act contract, nor would it involve any changes to the environment that could result in the conversion of farmland or forestland to non-forest use. Additionally, the proposed project would not convert any forestland or timberland to non-forest use. Forestland is defined as "land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that

<sup>119</sup> California Department of Conservation. 2007. Bay Area Region Important Farmland 2004 and Urbanization 1984 – 2004 (map). Available at: [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/urban\\_change/bayarea\\_urban\\_change1984\\_2004.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/urban_change/bayarea_urban_change1984_2004.pdf). Accessed March 2, 2015.

allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits” (Public Resources Code Section 12220(g)). Timberland is defined as “land, other than land owned by the federal government and land designated by the board (State Board of Forestry and Fire Protection) as experimental forestland, which is available for, and capable of, growing a crop of trees of any commercial species uses to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others” (Government Code Section 51104(g)). Therefore, Topics 17a, 17b, 17c, 17d, and 17e are not applicable to the proposed project.

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<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>
<b>18. MANDATORY FINDINGS OF SIGNIFICANCE— Would the project:</b>					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As described in Section E.3, Cultural Resources, it is possible that below-ground archeological and paleontological resources may be present at the project site. Implementation of **Mitigation Measure M-CR-2** and **M-CR-3** would reduce impacts on these resources to less-than-significant levels. Therefore, the proposed project would not result in a significant archeological or paleontological resource impact.

As described in Section E.6, Air Quality, the proposed project’s construction activities would generate toxic air contaminants, including diesel particulate matter, which could expose sensitive receptors to substantial pollutant concentrations. In addition, the proposed project would add a new source of TACs within an area that already experiences poor air quality. Implementation of **Mitigation Measure M-AQ-2** and **M-AQ-4** would reduce the impacts to less-than-significant levels. Therefore, the proposed project would not result in a significant air quality impact.

Both long-term and short-term environmental effects, including substantial adverse effects on human beings, associated with the proposed project would be less than significant, as discussed under each environmental topic. Each environmental topic area includes an analysis of cumulative impacts based on land use projects, compliance with adopted plans, statutes, and ordinances, and currently proposed projects.



## **F. MITIGATION MEASURES AND IMPROVEMENT MEASURES**

The following mitigation measures have been adopted by the project sponsor and are necessary to reduce the potentially significant environmental impacts of the proposed project to less-than-significant levels. In addition, improvement measures have also been agreed to by the project sponsor to further reduce less-than-significant impacts.

### **Mitigation Measure M-CR-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 Golden Gate Building (1028 Market Street) and former Praeger's Department Store (1072 Market Street). Prior to any ground-disturbing activity, the Pre-Construction Assessment should 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 should 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 will be submitted to the Planning Department along with the 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 Golden Gate Building (1028 Market Street) and former Praeger's Department Store (1072 Market Street) 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 Golden Gate Building (1028 Market Street) and/or former Praeger's Department Store (1072 Market Street) is observed, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should 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.

#### **Mitigation Measure M-CR-4: Archeological Testing Program**

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 Planning Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Planning 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 by which to reduce to a less-than-significant level potential effects on a significant archeological resource, as defined in State CEQA Guidelines Section 15064.5 (a)(c).

*Consultation with Descendant Communities.* On discovery of an archeological site<sup>120</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>121</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the

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<sup>120</sup> By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>121</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and, in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Planning Department archaeologist.

opportunity to monitor archeological field investigations of the site and consult with the ERO regarding appropriate archeological treatment of the site, recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report (FARR) 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 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 identify and evaluate whether any archeological resource encountered on the site constitutes a 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 rather 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 soil-disturbing activities commencing. The ERO, in consultation with the archeological consultant, shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, drilling of piers (foundation work, shoring, etc.), site remediation, etc., shall

require archeological monitoring because of the risk these activities pose to potential archaeological resources and 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), know how to identify the evidence of the expected resource(s), and know 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 soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to redirect demolition/excavation/pile-drilling/construction activities and equipment temporarily until the deposit is evaluated. If, in the case of pile-drilling activity (foundation work, shoring, etc.), the archeological monitor has cause to believe that the pile-drilling activity may affect an archeological resource, the pile-drilling 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 associated or unassociated funerary objects discovered during any soil-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 Native American Heritage Commission (NAHC), which shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall make reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (State CEQA Guidelines Section 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 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 of the FARR on CD, along with copies of any formal site recordation forms (California Department of Parks and Recreation [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-CR-6: Tribal Cultural Resources Interpretive Program**

If the Environmental Review Officer (ERO) determines that preservation-in-place of previously unidentified archeological resources pursuant to Mitigation Measure M-CR-4, Archeological Monitoring, is not a sufficient or feasible option, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a TCR, the project sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.

#### **Mitigation Measure M-AQ-2: Construction Emissions Air Quality**

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

1. All off-road equipment greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
  - a. Where access to alternative sources of power is 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 3 off-road emission standards, *and*

- ii. Engines that are retrofitted with an ARB Level 3 VDECS.<sup>122</sup>
  - c. Exceptions:
    - i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the applicant shall submit documentation of compliance with A(1)(b) for on-site 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 would not be technically feasible, would not produce the desired emissions reductions because of the expected operating modes, or would create a safety hazard or impair visibility for the operator after installing the control device or there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the applicant 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 provided by the step-down schedule, as follows, and document that emissions are sufficiently reduced to ensure excess cancer risks and PM<sub>2.5</sub> concentrations would not exceed the air pollution exposure zone criteria:
      - 1. Compliance Alternative 1: Engine Emissions Standard 2 with the ARB Level 2 VDECS
      - 2. Compliance Alternative 2: Engine Emissions Standard 2 with the ARB Level 1 VDECS
      - 3. Compliance Alternative 3: Engine Emissions Standard 2 with alternative fuels (alternative fuels are not a VDECS)
- 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 that meets Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road

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<sup>122</sup> Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.

equipment that meets Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

2. The project sponsor shall require the idling time for off-road and on-road equipment to 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 construction operators to maintain and tune equipment in accordance with manufacturers' 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 the VDECS installed, the information may include technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, 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 who request 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 the Plan to members of the public as requested.
- B. Reporting. Monthly reports shall be submitted to the ERO that indicate 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 that uses alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within six months of the completion of construction activities, the project sponsor shall submit a final report to the ERO that summarizes the construction activities. The final report shall indicate the start and end dates and the duration of each construction phase. For each phase, the report shall include the detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

- C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan



and (2) that all applicable requirements of the Plan have been incorporated into contract specifications.

**Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators**

All diesel generators shall have engines that (1) meet Tier 4 Final or Tier 4 Interim emission standards or (2) meet Tier 2 emission standards and are equipped with an ARB Level 3 VDECS.

**Mitigation Measure M-GE-4: Paleontological Resource Accidental Discovery**

Based on the potential for paleontological resources to be present within the project site at excavation depths within the Dune sand, Marsh deposit, as well as the underlying Franciscan Complex bedrock, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on paleontological resources. Before the start of any earthmoving activities, the project sponsor shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology (SVP), who is experienced in teaching non-specialists. The qualified paleontologist shall train all construction personnel who are involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, and proper notification procedures should fossils be encountered. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who shall evaluate the significance.

If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find and notify the project sponsor and the San Francisco Planning Department. Construction work in the affected areas shall remain stopped or be diverted to allow recovery of fossil remains in a timely manner. The project sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with SVP guidelines.<sup>123</sup> The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City of San Francisco (City) to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. The City shall be responsible for ensuring that the monitor's recommendations regarding treatment and reporting are implemented.

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<sup>123</sup> Society of Vertebrate Paleontology. 1996. Conditions of Receivership for Paleontologic Salvage Collections. Final draft. Society of Vertebrate Paleontology News Bulletin 166:31-32.

## **Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement**

The project sponsor shall ensure that, prior to demolition, the building is surveyed for hazardous building materials, including electrical equipment that contains polychlorinated biphenyl (PCBs), fluorescent light ballasts that contain PCBs or bis(2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes that contain mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs. In cases where the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs and handled and disposed of accordingly under applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.

### ***Improvement Measures***

#### **Improvement Measure I-CR-1: Construction Best Practices for Historical Architectural Resources**

The project sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Golden Gate Building (1028 Market Street) and former Praeger's Department Store (1072 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 will be submitted to the Planning Department along with the Demolition and Site Permit Applications.

#### **Improvement Measure I-TR-1a: Monitoring and Abatement of Queues**

As an improvement measure to reduce the potential for queuing from vehicles that are attempting to access the project site, it shall be the responsibility of the project sponsor or subsequent property owner to ensure that recurring vehicle queues do not occur adjacent to the site.

Because the proposed project would include a new off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces), the project is subject to conditions of approval set forth by the San Francisco Planning Department related to monitoring and abatement of queues. It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-

of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) that block any portion of any public street, alley, or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis. If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods, as needed, to abate the queue. Appropriate abatement methods will vary, depending on the characteristics and causes of the recurring queue as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable). Suggested abatement methods include, but are not limited to, the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs, with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage that directs drivers to available spaces; travel demand management strategies, such as additional bicycle parking, customer shuttles, or delivery services; and/or parking demand management strategies, such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Planning Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report, which will be submitted to the Planning Department for review. If the Planning Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

#### **Improvement Measure I-TR-1b: Implement Transportation Demand Management Strategies to Reduce Single-Occupancy Vehicle Trips**

The project sponsor and subsequent property owner should implement a Transportation Demand Management (TDM) program to minimize the number of single-occupancy vehicle (SOV) trips generated by the proposed project for the lifetime of the project. The TDM program targets SOV trips by encouraging persons to select other modes of transportation, including walking, bicycling, transit, car-share options, carpooling, and/or other modes. The Project Sponsor-approved TDM checklist is also provided in Appendix K of the TIS prepared for the proposed project.

The project sponsor has agreed to implement the following TDM measures:

- **Identify TDM Coordinator:** The project sponsor should identify a TDM coordinator for the project site. The TDM coordinator is responsible for implementation and ongoing operation of all TDM measures described below. The TDM coordinator could be a brokered service provided through an existing transportation management association (e.g., the Transportation Management Association of San Francisco [TMA SF]), or the TDM coordinator could be an existing staff member (e.g., property manager). The TDM coordinator need not work full time at the project site.

However, the TDM coordinator should be the single point of contact for all transportation-related questions from building occupants and City staff members. The TDM coordinator should provide TDM training to the building staff about the transportation amenities and options available at the project site and nearby.

- **Transportation and Trip Planning Information:**

- *Move-in packet:* Provide a transportation insert for the move-in packet that includes information regarding transit service (local and regional schedules and fares), where transit passes can be purchased, the 511 Regional Rideshare Program and nearby bike- and car-share programs, and where to find additional web-based alternative transportation materials (e.g., the NextMuni phone app). This move-in packet should be continuously updated because local transportation options change. The packet should be provided to each new building occupant, and Muni maps, San Francisco bicycle route maps, and pedestrian maps should be provided upon request.
- *New-hire packet:* Provide a transportation insert in the new-hire packet that includes information regarding transit service (local and regional schedules and fares), where transit passes can be purchased, the 511 Regional Rideshare Program and nearby bike- and car-share programs, and where to find additional web-based alternative transportation materials (e.g., the NextMuni phone app). This new-hire packet should be continuously updated because local transportation options change. The packet should be provided to each new building occupant, and Muni maps, San Francisco bicycle route maps, and pedestrian maps should be provided upon request.
- *Posted and real-time information:* A local map and real-time transit information could be installed on-site in a prominent and visible location, such as within a building lobby. The local map should clearly identify transit, bicycle, and key pedestrian routes and also depict nearby destinations and commercial corridors. Real-time transit information through NextMuni and/or regional transit data should be displayed on a digital screen.

- **Data Collection:**

- *City Access:* As part of an ongoing effort to quantify the efficacy of TDM measures, City staff members may need access to the project site (including the garage) to perform trip counts, intercept surveys, or other types of data collection. All on-site activities shall be coordinated through the TDM coordinator. The project sponsor ensures future access to the site by City staff members. Providing access to existing developments for data collection purposes is also encouraged.

- **Bicycle Measures:**

- *Parking:* Increase the number of on-site secured bicycle parking spaces beyond Planning Code requirements and/or provide additional bicycle facilities in the

public right-of-way adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).

- o *Bay Area Bike Share*: The project sponsor shall cooperate with the SFMTA, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow a bike-share station to be installed in the public right-of-way along the project's frontage.
- **Car-Share Measures:**
  - o *Parking*: Provide optional car-share spaces, as described in Planning Code Section 166(g).

#### **Improvement Measure I-TR-1c: Coordination of Move-in/Move-out Operations and Large Deliveries**

To reduce the potential for delivery vehicles parking within the travel lane adjacent to the curb lane on Jones Street or Golden Gate Avenue (in the event that the off-street loading space is occupied), residential move-in and move-out activities and large deliveries shall be scheduled and coordinated through building management. Appropriate move-in/move-out procedures shall be enforced to avoid any blockages of Jones Street or Golden Gate Avenue over an extended period of time and reduce any potential conflicts between movers and pedestrians walking along Jones Street or Golden Gate Avenue. Curb parking on Jones Street and Golden Gate Avenue shall be reserved through the SFMTA or by directly contacting the local 311 service. No loading activities (freight/delivery or residential move-in/-out activities) shall be conducted along Market Street.

The project sponsor shall enforce strict truck size regulations for the off-street loading space in the proposed freight loading area. Trucks that exceed 30 feet shall be prohibited from entering the off-street loading area and shall utilize the existing on-street loading spaces along Golden Gate Avenue, Jones Street, or McAllister Street, adjacent to or near the project site. Appropriate signage shall be located at the parking garage entrance to notify drivers of truck size regulations and notify drivers of on-street loading spaces on adjacent streets. The project sponsor shall notify building management and related staff members as well as retail/restaurant tenants of imposed truck size limits in the proposed freight loading area.

Appropriate move-in/move-out and loading procedures shall be enforced to avoid any blockages of any streets adjacent to the project site over an extended period of time and reduce any potential conflicts between other vehicles and users of adjacent streets as well as movers and pedestrians walking along Golden Gate Avenue and Jones Street. Curb parking on Jones Street or Golden Gate Avenue shall be reserved through the SFMTA or by directly contacting the local 311 service.

#### **Improvement Measure I-TR-1d: Construction Truck Deliveries during Off-Peak Periods**

Any construction traffic occurring between 7 a.m. and 9 a.m. or between 3:30 p.m. and 6 p.m. would coincide with peak-hour traffic and could temporarily impede traffic and transit flow, although it would not be considered a significant impact. Limiting truck movements to the hours between 9 a.m. and 3:30 p.m. (or other times, if approved by SFMTA) would further minimize any disruption of the general traffic flow on adjacent streets during the AM and PM peak periods.

As required, the project sponsor and construction contractor(s) shall meet with the Sustainable Streets Division of the SFMTA, the fire department, Muni, and the Planning Department to determine feasible measures to reduce traffic congestion, including potential transit disruptions and pedestrian circulation impacts during construction of the project. To minimize cumulative traffic impacts due to project construction, the project sponsor shall coordinate with construction contractors regarding any concurrent nearby projects that are planned for construction or later become known.

#### **Improvement Measure I-TR-1e: Construction Management Plan**

In addition to items required in the Construction Management Plan, the project sponsor shall include the following:

- **Carpool and Transit Access for Construction Workers** – As an improvement measure to minimize parking demand and vehicle trips associated with construction workers, the construction contractor shall include methods to encourage carpooling and transit use to the project site by construction workers in the Construction Management Plan contracts.
- **Project Construction Updates** – As an improvement measure to minimize construction impacts on nearby businesses, the project sponsor shall provide regularly updated information (typically in the form of website content, news articles, on-site postings, etc.) regarding project construction and the schedule as well as contact information for specific construction inquiries or concerns.

#### **Improvement Measure I-TR-4: Installation of Traffic Calming Devices at Underground Garage Exit Lane**

The project sponsor should install appropriate traffic calming devices (e.g., speed bumps, rumble strips, “slow speed” signage, etc.) at the exiting travel lane along the garage driveway to reduce the speed of vehicles while exiting the underground parking garage and further reduce potential conflicts between pedestrians and bicyclists within the sidewalk area or the travel lane along Jones Street.

## G. PUBLIC NOTICE AND COMMENT

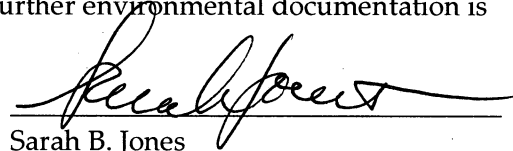
A "Notification of Project Receiving Environmental Review" was mailed on March 5, 2015 to owners of properties within 300 feet of the project site, adjacent occupants, and community organizations. One comment regarding physical environmental effects was related to the displacement of residents. This comment was addressed in Section E.2, Population and Housing.

## 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.

DATE 1/13/2016



Sarah B. Jones

Environmental Review Officer

for

John Rahaim

Director of Planning

## **I. INITIAL STUDY PREPARERS**

Planning Department, City and County of San Francisco  
Environmental Planning Division  
165 Mission Street, Suite 400  
San Francisco, CA 94103

Environmental Review Officer: Sarah B. Jones  
Senior Environmental Planner: Devyani Jain  
Environmental Planner: Elizabeth Purl  
Environmental Planner (archeology): Randall Dean  
Environmental Planner (transportation): Manoj Madhavan and Andrea Contreras  
Preservation Planner: Pilar LaValley

### **Environmental Consultants**

ICF International  
620 Folsom Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94107

Project Manager: Erin Efner  
Deputy Project Manager: Jessica Viramontes  
Technical Staff: Jillian Burns, Geneva Faulkner, Shannon Hatcher, David Buehler, Cory Matsui, and Darrin Trageser

CHS Consulting Group  
130 Sutter Street, Suite 468  
San Francisco, CA 94104

Project Manager: Peter Costa

### **Project Sponsor**

Shorenstein Residential LLC  
235 Montgomery Street, 16<sup>th</sup> Floor  
San Francisco, CA 94104

Julie Burdick



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Free Recording Requested Pursuant to  
Government Code Section 27383

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

Lot 003 in Assessor's Block 0350

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**AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS  
BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND  
1066 MARKET LLC RELATIVE TO THE  
DEVELOPMENT KNOWN AS 1066 MARKET STREET**

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS ("Agreement") dated for reference purposes only as of this \_\_\_\_ day of \_\_\_\_\_, 2015, is by and between the CITY AND COUNTY OF SAN FRANCISCO, a political subdivision of the State of California (the "City"), acting by and through its Planning Department, and 1066 MARKET LLC, a Delaware limited liability company ("Developer") with respect to the project approved for 1066 Market Street (the "Project"). City and Developer are also sometimes referred to individually as a "Party" and together as the "Parties."

**RECITALS**

This Agreement is made with reference to the following facts:

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

B. Property Subject to this Agreement. The property that is the subject of this Agreement consists of the real property in the City and County of San Francisco, California, at 1066 Market Street, Lot 003 in Assessor's Block 0350 and located at the southeast corner of Jones Street and Golden Gate Avenue (hereinafter "Property"). The Property is more particularly described in Exhibit A attached hereto. The Property is owned in fee by Developer.

C. Development Proposal; Intent of the Parties. The Developer proposes to remove the existing two-story commercial building and surface parking lot and construct a new 12-story building containing 304 dwelling units, 4,540 gross square feet of ground floor commercial space, a subterranean garage with 102 off-street parking spaces and 304 Class I bicycle parking space, and one truck loading space. The dwelling units would be offered as rental units and the inclusionary affordable housing would be provided on-site. The Project would fulfill its inclusionary affordable housing requirement by providing 12% of the dwelling units, or 36 below-market rate (BMR) units, on-site, assuming that 304 dwelling units are constructed.

On \_\_\_\_\_, 2016, pursuant to Motion No. \_\_\_\_\_ and \_\_\_\_\_, the Planning Commission approved (i) Section 309 Review with Exceptions under Section 309 ("Section 309 Approval") from Planning Code requirements related to off-street loading, the applicable rear yard requirement, and to the ground-level comfort wind current requirements; and (ii) a conditional use authorization under Section 303 ("Conditional Use Authorization") to develop up to an additional 21,422 square feet of floor area above the 6:1 base floor area ratio in the C-3-G district for the on-site Inclusionary Units pursuant to Section 124(f). On \_\_\_\_\_, 2016, the Zoning Administrator granted a Variance to the requirement for common open space dimension.

The Section 309 Approval, the Conditional Use Authorization and the Variance are collectively referred to herein as the "Project Approvals". The dwelling units that are the subject of this Agreement are the Project's on-site inclusionary units representing twelve percent (12%) of the Project's dwelling units, which assuming that 304 dwelling are constructed, would total 36 inclusionary units (the "Inclusionary Units"). The dwelling units in the Project that are not Inclusionary Units, representing eighty-eight percent (88%) of the Project's dwelling units, which assuming that 304 units are constructed would total 268 units, are referred to herein as the "Market Rate Units". This Agreement is not intended to impose restrictions on the Market Rate Units or any portions of the Project other than the Inclusionary Units. The Parties acknowledge that this Agreement is entered into in consideration of the respective burdens and benefits of the Parties contained in this Agreement and in reliance on their agreements, representations and warranties.

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

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

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

G. Project's Compliance with CEQA. Pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the potential significant environmental impacts associated with the Project were described and analyzed, and mitigation measures that would avoid or reduce those impacts to less than significant levels were discussed in the Mitigated Negative Declaration ("MND") for the Project (Case No. 2013.1753E). The information in the MND was considered by the Planning Department and the Planning Department adopted and published the MND on \_\_\_\_\_, 2016, in accordance with Section 15070 of the CEQA Guidelines.

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

## **AGREEMENT**

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

### **1. GENERAL PROVISIONS**

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

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

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

2.1.1 Project Approvals and Density Bonus. The Project Approvals included the Conditional Use Authorization to develop up to an additional 21,422 gross square feet of floor area above the 6:1 base floor area ratio in the C-3-G district for the Inclusionary Units pursuant to Section 124(f). The Conditional Use Authorization granted a density bonus of approximately 36 units and 21,422 square feet of additional residential square footage. The Project Approvals also included the Section 309 Approval to provide concessions and incentives to the Developer including (1) modification of the rear yard requirement (pursuant to Planning Code Section 134(d)); (2) modification of the off-street loading requirement (pursuant to Planning Code Section 152.1) and (3) modification of the comfort level wind speeds (pursuant to Planning Code Section 148). The Project Approvals also include a Variance to decrease the horizontal dimensions of the Project's open space courtyard.

2.1.2 Waiver of Affordable Housing Fee. City hereby determines that the Developer has satisfied the requirements of the Affordable Housing Program by covenanting to provide the Inclusionary Units on-site, as provided in Section 3.1, and accordingly hereby waives the obligation of the Developer to pay the Affordable Housing Fee. City would not be willing to enter into this Agreement and waive the Affordable Housing Fee without the understanding and agreement that Costa-Hawkins Act provisions set forth in California Civil Code section 1954.52(a) do not apply to the Inclusionary Units as a result of the exemption set forth in California Civil Code section 1954.52(b). Upon completion of the Project and identification of the Inclusionary Units, Developer agrees to record a notice of restriction against the Inclusionary Units in the form required by the Affordable Housing Program.

2.2 Costa-Hawkins Act Inapplicable to Inclusionary Units Only.

2.2.1 Inclusionary Units. The parties acknowledge that, under Section 1954.52(b) of the Costa-Hawkins Act, the Inclusionary Units are not subject to the Costa Hawkins Act. Through this Agreement, Developer hereby enters into an agreement with a public entity in consideration for forms of concessions and incentives specified in California Government Code Sections 65915 et seq. The concessions and incentives are comprised of, but not limited to, the concessions and incentives set forth in Section 2.1.

2.2.2 Market Rate Units. The Parties hereby agree and acknowledge that this Agreement does not alter in any manner the way that the Costa-Hawkins Act or any other law, including the City's Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code) apply to the Market Rate Units.

**3. COVENANTS OF DEVELOPER**

3.1 On-Site Inclusionary Affordable Units. In consideration of the concessions and incentives set forth in Section 2.1 and in accordance with the terms and conditions set forth in the Affordable Housing Program and the Project Approvals, upon Developer obtaining its first certificate of occupancy for the Project, Developer shall provide twelve percent (12%) of the dwelling units as on-site Inclusionary Units in lieu of payment of the Affordable Housing Fee. For example, based on the contemplated total of 304 units comprising the Project, a total of 36 Inclusionary Units would be required in the aggregate for the entire Project in lieu of payment of the Affordable Housing Fee.

3.2 Developer's Waiver of Rights Under the Costa-Hawkins Act Only as to the Inclusionary Units. The Parties acknowledge that under the Costa-Hawkins Act, the owner of newly constructed residential real property may establish the initial and all subsequent rental rates for dwelling units in the property without regard to the City's Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code). The Parties also understand and agree that the Costa-Hawkins Act does not and in no way shall limit or otherwise affect the restriction of rental charges for the Inclusionary Units because this Agreement falls within an express exception to the Costa-Hawkins Act as a contract with a public entity in consideration for a direct financial contribution or other forms of assistance specified in Chapter 4.3 (commencing with section 65915) of Division 1 of Title 7 of the California Government Code including but not limited to the density bonus, concessions and incentives specified in Section 2. Developer

acknowledges that the density bonus and concessions and incentives result in identifiable and actual cost reductions to the Project. Should the Inclusionary Units be deemed subject to the Costa-Hawkins Act, as a material part of the consideration for entering into this Agreement, Developer, on behalf of itself and all its successors and assigns to this Agreement, hereby expressly waives, now and forever, any and all rights it may have under the Costa-Hawkins Act with respect only to the Inclusionary Units (but only the Inclusionary Units and not as to the Market Rate Units) consistent with Section 3.1 of this Agreement. Without limiting the foregoing, Developer, on behalf of itself and all successors and assigns to this Agreement, agrees not to bring any legal or other action against City seeking application of the Costa-Hawkins Act to the Inclusionary Units for so long as the Inclusionary Units are subject to the restriction on rental rates pursuant to the Affordable Housing Program. The Parties understand and agree that the City would not be willing to enter into this Agreement without the waivers and agreements set forth in this Section 3.2.

3.3 Developer's Waiver of Right to Seek Waiver of Affordable Housing Program. Developer specifically agrees to be bound by all of the provisions of the Affordable Housing Program applicable to on-site inclusionary units with respect to the Inclusionary Units. Developer covenants and agrees that it will not seek a waiver of the provisions of the Affordable Housing Program applicable to the Inclusionary Units.

#### **4. MUTUAL OBLIGATIONS**

4.1 Good Faith and Fair Dealing. The Parties shall cooperate with each other and act in good faith in complying with the provisions of this Agreement and implementing the Project Approvals.

4.2 Other Necessary Acts. Each Party shall execute and deliver to the other all further instruments and documents as may be reasonably necessary to carry out this Agreement, the Project Approvals, the Affordable Housing Program (as applied to the Inclusionary Units) and applicable law in order to provide and secure to each Party the full and complete enjoyment of its rights and privileges hereunder.

4.3 Effect of Future Changes to Affordable Housing Program. The City hereby acknowledges and agrees that, in the event that the City adopts changes to the Affordable Housing Program after the date this Agreement is executed by both Parties, nothing in this Agreement shall be construed to limit or prohibit any rights Developer may have to modify Project requirements with respect to the Inclusionary Units to the extent permitted by such changes to the Affordable Housing Program.

#### **5. DEVELOPER REPRESENTATIONS, WARRANTIES AND COVENANTS.**

5.1 Interest of Developer. Developer represents that it is the legal and equitable fee owner of the Property, that it has the power and authority to bind all other persons with legal or equitable interest in the Inclusionary Units to the terms of this Agreement, and that all other persons holding legal or equitable interest in the Inclusionary Units are to be bound by this Agreement. Developer is a limited liability company, duly organized and validly existing and in good standing under the laws of the State of Delaware. Developer has all requisite power and authority to own

property and conduct business as presently conducted. Developer has made all filings and is in good standing in the State of California.

5.2 No Conflict With Other Agreements; No Further Approvals; No Suits. Developer warrants and represents that it is not a party to any other agreement that would conflict with the Developer's obligations under this Agreement. Neither Developer's articles of organization, bylaws, or operating agreement, as applicable, nor any other agreement or law in any way prohibits, limits or otherwise affects the right or power of Developer to enter into and perform all of the terms and covenants of this Agreement. No consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person is required for the due execution, delivery and performance by Developer of this Agreement or any of the terms and covenants contained in this Agreement. To Developer's knowledge, there are no pending or threatened suits or proceedings or undischarged judgments affecting Developer or any of its members before any court, governmental agency, or arbitrator which might materially adversely affect Developer's business, operations, or assets or Developer's ability to perform under this Agreement.

5.3 No Inability to Perform; Valid Execution. Developer warrants and represents that it has no knowledge of any inability to perform its obligations under this Agreement. The execution and delivery of this Agreement and the agreements contemplated hereby by Developer have been duly and validly authorized by all necessary action. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms.

5.4 Conflict of Interest. Through its execution of this Agreement, the Developer acknowledges that it is familiar with the provisions of Section 15.103 of the City's Charter, Article III, Chapter 2 of the City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the California Government Code, and certifies that it does not know of any facts which constitute a violation of said provisions and agrees that it will immediately notify the City if it becomes aware of any such fact during the term of this Agreement.

5.5 Notification of Limitations on Contributions. Through execution of this Agreement, the Developer acknowledges that it is familiar with Section 1.126 of City's Campaign and Governmental Conduct Code, which prohibits any person who contracts with the City, whenever such transaction would require approval by a City elective officer or the board on which that City elective officer serves, from making any campaign contribution to the officer at any time from the commencement of negotiations for the contract until three (3) months after the date the contract is approved by the City elective officer or the board on which that City elective officer serves. San Francisco Ethics Commission Regulation 1.126-1 provides that negotiations are commenced when a prospective contractor first communicates with a City officer or employee about the possibility of obtaining a specific contract. This communication may occur in person, by telephone or in writing, and may be initiated by the prospective contractor or a City officer or employee. Negotiations are completed when a contract is finalized and signed by the City and the contractor. Negotiations are terminated when the City and/or the prospective contractor end the negotiation process before a final decision is made to award the contract.

5.6 Nondiscrimination. In the performance of this Agreement, Developer agrees not to discriminate on the basis of the fact or perception of a person's, race, color, creed, religion, national

origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes, against any City employee, employee of or applicant for employment with the Developer, or against any bidder or contractor for public works or improvements, or for a franchise, concession or lease of property, or for goods or services or supplies to be purchased by the Developer. A similar provision shall be included in all subordinate agreements let, awarded, negotiated or entered into by the Developer for the purpose of implementing this Agreement.

## **6. AMENDMENT; TERMINATION**

6.1 Amendment or Termination. Except as provided in Sections 6.2 (Automatic Termination) and 8.3 (Remedies for Default), this Agreement may only be amended or terminated with the mutual written consent of the Parties.

6.1.1 Amendment Exemptions. No amendment of a Project Approval shall require an amendment to this Agreement. Upon approval, any such matter shall be deemed to be incorporated automatically into the Project and this Agreement (subject to any conditions set forth in the amendment). Notwithstanding the foregoing, in the event of any direct conflict between the terms of this Agreement and any amendment to a Project Approval, then the terms of this Agreement shall prevail and any amendment to this Agreement shall be accomplished as set forth in Section 6.1 above.

6.2 Automatic Termination. This Agreement shall automatically terminate in the event that the Inclusionary Units are no longer subject to regulation as to the rental rates of the Inclusionary Units and/or the income level of households eligible to rent the Inclusionary Units under the Affordable Housing Program, or successor program.

## **7. TRANSFER OR ASSIGNMENT; RELEASE; RIGHTS OF MORTGAGEES; CONSTRUCTIVE NOTICE**

7.1 Agreement Runs With The Land. Developer may assign or transfer its duties and obligations under this Agreement to another entity, provided such entity is the legal and equitable fee owner of the Property ("Transferee"). As provided in Section 9.2, this Agreement runs with the land and any Transferee will be bound by all of the terms and conditions of this Agreement.

7.2 Rights of Developer. The provisions in this Section 7 shall not be deemed to prohibit or otherwise restrict Developer from (i) granting easements or licenses to facilitate development of the Property, (ii) encumbering the Property or any portion of the improvements thereon by any mortgage, deed of trust, or other device securing financing with respect to the Property or Project, (iii) granting a leasehold interest in all or any portion of the Property, or (iv) transferring all or a portion of the Property pursuant to a sale, transfer pursuant to foreclosure, conveyance in lieu of foreclosure, or other remedial action in connection with a mortgage. None of the terms, covenants, conditions, or restrictions of this Agreement or the other Project Approvals shall be deemed waived by City by reason of the rights given to the Developer pursuant to this Section 7.2. Furthermore, although the Developer initially intends to operate the Project on a rental basis, nothing in this



Agreement shall prevent Developer from later selling all or part of the Project on a condominium basis, provided that such sale is permitted by, and complies with, all applicable City and State laws including, but not limited to that, with respect to any inclusionary units, those shall only be sold pursuant to the City Procedures for sale of inclusionary units under the Affordable Housing Program.

7.3 Developer's Responsibility for Performance. If Developer transfers or assigns all or any portion of the Property or any interest therein to any other person or entity, Developer shall continue to be responsible for performing the obligations under this Agreement as to the transferred property interest until such time as there is delivered to the City a legally binding agreement pursuant to which the Transferee assumes and agrees to perform Developer's obligations under this Agreement from and after the date of transfer of the Property (or an interest therein) to the Transferee (an "Assignment and Assumption Agreement"). The City is entitled to enforce each and every such obligation assumed by the Transferee directly against the Transferee as if the Transferee were an original signatory to this Agreement with respect to such obligation. Accordingly, in any action by the City against a Transferee to enforce an obligation assumed by the Transferee, the Transferee shall not assert any defense against the City's enforcement of performance of such obligation that is attributable to Developer's breach of any duty or obligation to the Transferee arising out of the transfer or assignment, the Assignment and Assumption Agreement, the purchase and sale agreement, or any other agreement or transaction between the Developer and the Transferee. The transferor Developer shall remain responsible for the performance of all of its obligations under the Agreement prior to the date of transfer, and shall remain liable to the City for any failure to perform such obligations prior to the date of the transfer.

7.4 Release Upon Transfer or Assignment. Upon the Developer's transfer or assignment of all or a portion of the Property or any interest therein, including the Developer's rights and interests under this Agreement, the Developer shall be released from any obligations required to be performed from and after the date of transfer under this Agreement with respect to the portion of the Property so transferred; provided, however, that (i) the Developer is not then in default under this Agreement and (ii) the Transferee executes and delivers to the City the legally binding Assignment and Assumption Agreement. Following any transfer, in accordance with the terms of this Section 7, a default under this Agreement by the Transferee shall not constitute a default by the Developer under this Agreement and shall have no effect upon the Developer's rights under this Agreement as to the remaining portions of the Property owned by the Developer. Further, a default under this Agreement by the Developer as to any portion of the Property not transferred or a default under this agreement by the Developer prior to the date of transfer shall not constitute a default by the Transferee and shall not affect any of Transferee's rights under this Agreement.

7.5 Rights of Mortgagees; Not Obligated to Construct; Right to Cure Default.

7.5.1 Notwithstanding anything to the contrary contained in this Agreement (including without limitation those provisions that are or are intended to be covenants running with the land), a mortgagee or beneficiary under a deed of trust, including any mortgagee or beneficiary who obtains title to the Property or any portion thereof as a result of foreclosure proceedings or conveyance or other action in lieu thereof, or other remedial action, ("Mortgagee") shall not be obligated under this Agreement to construct or complete the Inclusionary Units required by this Agreement or to guarantee their construction or completion solely because the Mortgagee holds a mortgage or other interest in the Property or this Agreement. The foregoing provisions shall not be

applicable to any other party who, after such foreclosure, conveyance, or other action in lieu thereof, or other remedial action, obtains title to the Property or a portion thereof from or through the Mortgagee or any other purchaser at a foreclosure sale other than the Mortgagee itself. A breach of any obligation secured by any mortgage or other lien against the mortgaged interest or a foreclosure under any mortgage or other lien shall not by itself defeat, diminish, render invalid or unenforceable, or otherwise impair the obligations or rights of the Developer under this Agreement.

7.5.2 Subject to the provisions of the first sentence of Section 7.5.1, any person, including a Mortgagee, who acquires title to all or any portion of the mortgaged property by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise shall succeed to all of the rights and obligations of the Developer under this Agreement and shall take title subject to all of the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote any portion of the Property to any uses, or to construct any improvements, other than the uses and improvements provided for or authorized by the Project Approvals and this Agreement.

7.5.3 If City receives a written notice from a Mortgagee or from Developer requesting a copy of any Notice of Default delivered to Developer and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any Notice of Default delivered to Developer under this Agreement. In accordance with Section 2924 of the California Civil Code, City hereby requests that a copy of any notice of default and a copy of any notice of sale under any mortgage or deed of trust be mailed to City at the address shown on the first page of this Agreement for recording, provided that no Mortgagee or trustee under a deed of trust shall incur any liability to the City for any failure to give any such notice of default or notice of sale except to the extent the City records a request for notice of default and notice of sale in compliance with Section 2924b of the California Civil Code (a "Request for Special Notice") with respect to a specific mortgage or deed of trust and the Mortgagee or trustee fails to give any notice required under Section 2924b of the California Civil Code as a result of the recordation of a Request for Special Notice.

7.5.4 A Mortgagee shall have the right, at its option, to cure any default or breach by the Developer under this Agreement within the same time period as Developer has to remedy or cause to be remedied any default or breach, plus an additional period of (i) thirty (30) calendar days to cure a default or breach by the Developer to pay any sum of money required to be paid hereunder and (ii) ninety (90) days to cure or commence to cure a non-monetary default or breach and thereafter to pursue such cure diligently to completion; provided that if the Mortgagee cannot cure a non-monetary default or breach without acquiring title to the Property, then so long as Mortgagee is diligently pursuing foreclosure of its mortgage or deed of trust, Mortgagee shall have until ninety (90) days after completion of such foreclosure to cure such non-monetary default or breach. Mortgagee may add the cost of such cure to the indebtedness or other obligation evidenced by its mortgage, provided that if the breach or default is with respect to the construction of the improvements on the Property, nothing contained in this Section or elsewhere in this Agreement shall be deemed to permit or authorize such Mortgagee, either before or after foreclosure or action in lieu thereof or other remedial measure, to undertake or continue the construction or completion of the improvements (beyond the extent necessary to conserve or protect improvements or construction already made) without first having expressly assumed the obligation to the City, by written agreement reasonably satisfactory to the City, to complete in the manner provided in this Agreement

the improvements on the Property or the part thereof to which the lien or title of such Mortgagee relates. Notwithstanding a Mortgagee's agreement to assume the obligation to complete in the manner provided in this Agreement the improvements on the Property or the part thereof acquired by such Mortgagee, the Mortgagee shall have the right to abandon completion of the improvement at any time thereafter.

7.5.5 If at any time there is more than one mortgage constituting a lien on any portion of the Property, the lien of the Mortgagee prior in lien to all others on that portion of the mortgaged property shall be vested with the rights under this Section 7.5 to the exclusion of the holder of any junior mortgage; provided that if the holder of the senior mortgage notifies the City that it elects not to exercise the rights sets forth in this Section 7.5, then each holder of a mortgage junior in lien in the order of priority of their respective liens shall have the right to exercise those rights to the exclusion of junior lien holders. Neither any failure by the senior Mortgagee to exercise its rights under this Agreement nor any delay in the response of a Mortgagee to any notice by the City shall extend Developer's or any Mortgagee's rights under this Section 7.5. For purposes of this Section 7.5, in the absence of an order of a court of competent jurisdiction that is served on the City, a then current title report of a title company licensed to do business in the State of California and having an office in the City setting forth the order of priority of lien of the mortgages shall be reasonably relied upon by the City as evidence of priority.

7.6 Constructive Notice. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Project or the Property is and shall be constructively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Project or the Property.

## **8. ENFORCEMENT OF AGREEMENT; REMEDIES FOR DEFAULT; DISPUTE RESOLUTION**

8.1 Enforcement. The only parties to this Agreement are the City and the Developer. This Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person or entity whatsoever.

8.2 Default. For purposes of this Agreement, the following shall constitute a default under this Agreement: the failure to perform or fulfill any material term, provision, obligation, or covenant hereunder and the continuation of such failure for a period of thirty (30) calendar days following a written notice of default and demand for compliance; provided, however, if a cure cannot reasonably be completed within thirty (30) days, then it shall not be considered a default if a cure is commenced within said 30-day period and diligently prosecuted to completion thereafter, but in no event later than one hundred twenty (120) days.

8.3 Remedies for Default. In the event of an uncured default under this Agreement, the remedies available to a Party shall include specific performance of the Agreement in addition to any other remedy available at law or in equity. In addition, the non-defaulting Party may terminate this Agreement subject to the provisions of this Section 8 by sending a Notice of Intent to Terminate to the other Party setting forth the basis for the termination. The Agreement will be considered terminated effective upon receipt of a Notice of Termination. The Party receiving the Notice of

Termination may take legal action available at law or in equity if it believes the other Party's decision to terminate was not legally supportable.

8.4 No Waiver. Failure or delay in giving notice of default shall not constitute a waiver of default, nor shall it change the time of default. Except as otherwise expressly provided in this Agreement, any failure or delay by a Party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies; nor shall it deprive any such Party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any such rights or remedies.

## 9. MISCELLANEOUS PROVISIONS

9.1 Entire Agreement. This Agreement, including the preamble paragraph, Recitals and Exhibits, constitute the entire understanding and agreement between the Parties with respect to the subject matter contained herein.

9.2 Binding Covenants; Run With the Land. From and after recordation of this Agreement, all of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the Parties, and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, and all persons or entities acquiring the Property, any lot, parcel or any portion thereof, or any interest therein, whether by sale, operation of law, or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. Regardless of whether the procedures in Section 7 are followed, all provisions of this Agreement shall be enforceable during the term hereof as equitable servitudes and constitute covenants and benefits running with the land pursuant to applicable law, including but not limited to California Civil Code Section 1468.

9.3 Applicable Law and Venue. This Agreement has been executed and delivered in and shall be interpreted, construed, and enforced in accordance with the laws of the State of California. All rights and obligations of the Parties under this Agreement are to be performed in the City and County of San Francisco, and such City and County shall be the venue for any legal action or proceeding that may be brought, or arise out of, in connection with or by reason of this Agreement.

9.4 Construction of Agreement. The Parties have mutually negotiated the terms and conditions of this Agreement and its terms and provisions have been reviewed and revised by legal counsel for both City and Developer. Accordingly, no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. Language in this Agreement shall be construed as a whole and in accordance with its true meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. Each reference in this Agreement to this Agreement or any of the Project Approvals shall be deemed to refer to the Agreement or the Project Approval as it may be amended from time to time pursuant to the provisions of the Agreement, whether or not the particular reference refers to such possible amendment.

9.5 Project Is a Private Undertaking; No Joint Venture or Partnership.

9.5.1 The development proposed to be undertaken by Developer on the Property is a private development. The City has no interest in, responsibility for, or duty to third persons concerning any of said improvements. The Developer shall exercise full dominion and control over the Property, subject only to the limitations and obligations of the Developer contained in this Agreement or in the Project Approvals.

9.5.2 Nothing contained in this Agreement, or in any document executed in connection with this Agreement, shall be construed as creating a joint venture or partnership between the City and the Developer. Neither Party is acting as the agent of the other Party in any respect hereunder. The Developer is not a state or governmental actor with respect to any activity conducted by the Developer hereunder.

9.6 Signature in Counterparts. This Agreement may be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.

9.7 Time of the Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties under this Agreement.

9.8 Notices. Any notice or communication required or authorized by this Agreement shall be in writing and may be delivered personally or by registered mail, return receipt requested. Notice, whether given by personal delivery or registered mail, shall be deemed to have been given and received upon the actual receipt by any of the addressees designated below as the person to whom notices are to be sent. Either Party to this Agreement may at any time, upon written notice to the other Party, designate any other person or address in substitution of the person and address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

**To City:**

John Rahaim  
Director of Planning  
San Francisco Planning Department  
1650 Mission Street  
San Francisco, California 94102

with a copy to:

Dennis J. Herrera, Esq.  
City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Attn: Evan A. Gross, Dep. City Attorney

**To Developer:**

1066 Market LLC

Attn: Corporate Secretary  
Shorenstein Residential  
235 Montgomery Street  
San Francisco, CA 94104

and a copy to:

Steven L. Vettel  
Farella Braun + Martel LLP  
235 Montgomery Street  
San Francisco, CA 94104

9.9 Severability. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect unless enforcement of the remaining portions of the Agreement would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

9.10 MacBride Principles. The City urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in San Francisco Administrative Code Section 12F.1 et seq. The City also urges San Francisco companies to do business with corporations that abide by the MacBride Principles. Developer acknowledges that it has read and understands the above statement of the City concerning doing business in Northern Ireland.

9.11 Tropical Hardwood and Virgin Redwood. The City urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood, or virgin redwood wood product.

9.12 Sunshine. The Developer understands and agrees that under the City's Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the State Public Records Law (Gov't Code Section 6250 et seq.), this Agreement and any and all records, information, and materials submitted to the City hereunder are public records subject to public disclosure.

9.13 Effective Date. This Agreement will become effective on the date that the last Party duly executes and delivers this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

**CITY**

CITY AND COUNTY OF SAN  
FRANCISCO,  
a municipal corporation

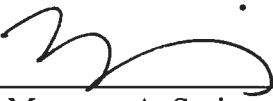
Approved as to form:  
Beth Anderson, City Attorney

By: \_\_\_\_\_  
John Rahaim  
Director of Planning

By: \_\_\_\_\_  
Evan A. Gross  
Deputy City Attorney

**DEVELOPER**

1066 MARKET LLC, a Delaware limited  
liability company

By:  \_\_\_\_\_  
Margaret A. Spriggs  
Vice President

CALIFORNIA ALL-PURPOSE  
CERTIFICATE OF ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_, 2015 before me \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

(Notary Seal)



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Francisco )

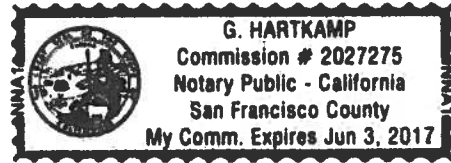
On February 26, 2016 before me, G.Hartkamp, Notary Public  
(insert name and title of the officer)

personally appeared Margaret A. Spriggs  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



CALIFORNIA ALL-PURPOSE  
CERTIFICATE OF ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_

On \_\_\_\_\_, 2015 before me, \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

(Notary Seal)

## **EXHIBIT A**

### **Legal Description of Property**

## **EXHIBIT A**

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

Commencing at a point on the Easterly line of Jones Street, distant thereon 122 feet, 9-3/8 inches Northerly from the Northerly line of McAllister Street; running thence Northerly along said line of Jones Street 152 feet, 2-5/8 inches to the Southerly line of Golden Gate Avenue; thence at a right angle Easterly and along said line of Golden Gate Avenue 162 feet, 6 inches; thence at a right angle Southerly and parallel with the Easterly line of Jones Street 181 feet, 7-5/8 inches, more or less, to the Northwesterly line of Market Street; thence Southwesterly and along said line of Market Street 55 feet, 4-1/4 inches, more or less, to a point distant thereon 104 feet, 4-3/4 inches Northeasterly from its intersection with the Northerly line of McAllister Street; thence at a right angle Northwesterly 3 feet, 11-1/2 inches to a point which is perpendicularly distant Easterly 115 feet, 3-1/8 inches from the Easterly line of Jones Street; thence deflecting 35° 45' 51" to the right and running Northerly parallel with the Easterly line of Jones Street 49 feet, 1-3/8 inches; thence at a right angle Westerly 37 feet, 6-1/4 inches; thence deflecting 52° 05' 35" to the right and running Northwesterly 11 feet, 5/8 inches to a line drawn at right angles to the Easterly line of Jones Street from the point of commencement; thence deflecting 52° 05' 36" to the left and running Westerly along the line so drawn 70 feet, 4-5/8 inches to the Easterly line of Jones Street and the point of commencement.

Being all of 50 Vara Lot 1054, and the part of 50 Vara Lots No. 1051, 1052 and 1053.

Assessor's Lot 003; Block 0350

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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: 415.558.6378  
F: 415.558.6409

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.

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

December 9th, 2014

Date

I, Meg Spriggs, do hereby declare as follows:

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

1066 Market Street

Address

0350 / 003

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:

2013.1753CVX

Planning Case Number

2014.06.12.8212

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:

Kanishka Burns

Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

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

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

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

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

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

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

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

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

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

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

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

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

235 Montgomery Street, San Francisco

Location

Date

12/12/14

Signature

Meg Spriggs, Vice President

Name (Print), Title

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

415-772-7142

Contact Phone Number



## Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT:					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
304	0	61	132	111	0

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
36	0	7	16	13	0

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

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

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

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

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

1. Fee \_\_\_\_\_ % of affordable housing requirement.

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

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

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

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

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

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

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
Company Name <b>Shorenstein Residential LLC</b>	Company Name
Print Name of Contact Person <b>Julie Burdick</b>	Print Name of Contact Person
Address <b>235 Montgomery Street, 16th Floor</b>	Address
City, State, Zip <b>San Francisco, CA 94104</b>	City, State, Zip
Phone, Fax <b>415-772-7142</b>	Phone, Fax
Email <b>jburdick@shorenstein.com</b>	Email
<p>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.</p> <p></p> <p>Signature</p> <p><b>Meg Spragg, Vice President</b></p> <p>Name (Print), Title</p>	<p>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.</p> <p>_____ Signature</p> <p>_____ Name (Print), Title</p>

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SAN FRANCISCO  
PLANNING  
DEPARTMENT

# AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

## Administrative Code

### Chapter 83

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

#### Section 1: Project Information

PROJECT ADDRESS 1066 Market Street		BLOCK/LOT(S) 0350 / 003	
BUILDING PERMIT APPLICATION NO. 2014.06.12.8212	CASE NO. (IF APPLICABLE) 2013.1753CVX	MOTION NO. (IF APPLICABLE)	
PROJECT SPONSOR Shorenstein Residential LLC	MAIN CONTACT Julie Burdick	PHONE 415-772-7142	
ADDRESS 235 Montgomery Street, 16th Floor			
CITY, STATE, ZIP San Francisco, CA 941014		EMAIL jburdick@shorenstein.com	
ESTIMATED RESIDENTIAL UNITS 304	ESTIMATED SQ FT COMMERCIAL SPACE 4,540	ESTIMATED HEIGHT/FLOORS 120 feet / 12-story	ESTIMATED CONSTRUCTION COST \$290 / sf x 297,950 = APPROX. \$86.4 M
ANTICIPATED START DATE April 2017			

#### 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.
<b>NOTES:</b> <ul style="list-style-type: none"><li>If you checked <b>C</b>, 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.</li><li>If you checked <b>A</b> or <b>B</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.</li><li>For questions, please contact OEWD's CityBuild program at <a href="mailto:CityBuild@sfgov.org">CityBuild@sfgov.org</a> or (415) 701-4848. For more information about the First Source Hiring Program visit <a href="http://www.workforcedevelopmentsf.org">www.workforcedevelopmentsf.org</a></li><li>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.</li></ul>	

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	—	—	0	Laborer	\$28	6	30
Boilermaker	—	—	0	Operating Engineer	\$35	1	5
Bricklayer	\$40	1	4	Painter	\$30	2	10
Carpenter	\$35	10	40	Pile Driver	\$40	0	2
Cement Mason	\$35	2	10	Plasterer	\$40	0	2
Drywall/Latherer	\$35	3	20	Plumber and Pipefitter	\$50	2	12
Electrician	\$50	3	15	Roofer/Water proofer	\$35	1	8
Elevator Constructor	\$70	1	4	Sheet Metal Worker	\$40	0	2
Floor Coverer	\$30	1	4	Sprinkler Fitter	\$35	1	5
Glazier	\$35	2	10	Taper	\$35	2	8
Heat & Frost Insulator	\$30	0	2	Tile Layer/Finisher	\$35	1	4
Ironworker	\$40	4	20	Other:	\$30	2	10
TOTAL:			131	TOTAL:			96

- 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? to be determined

### Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Meg Spriggs, Managing Director	mspriggs@shorenstein.com	415-772-7142
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)	(DATE)	
	1/6/15	

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](mailto:CITYBUILD@SFGOV.ORG)

Cc: Office of Economic and Workforce Development, CityBuild  
 Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848  
 Website: [www.workforcedevelopmentsf.org](http://www.workforcedevelopmentsf.org) Email: [CityBuild@sfgov.org](mailto:CityBuild@sfgov.org)





February 24<sup>th</sup>, 2016

Ms. Tina Chang  
City of San Francisco, Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 1066 Market Street  
Shorenstein Residential's Community Outreach-to Date

Dear Ms. Chang,

Enclosed is a summary of Shorenstein Residential's community outreach efforts to date related to our project at 1066 Market Street in San Francisco ("Project").

Since we started to work on the Project in 2013, we have met with the Project's neighbors, local businesses, community groups, individual residents, schools, religious organizations, non-profits, and other stakeholders about the Project. We are continuing to collect signatures and additional letters of support and will provide an updated support package with those letters prior to the Planning Commission hearing on March 17<sup>th</sup>.

Some specific changes to the Project that we have made as a direct result of meeting with the community and local stakeholders include:

- 1) Committing to provide onsite inclusionary housing. In keeping with the mixed-income nature of the Tenderloin neighborhood, it was important to the community that the affordable units be located onsite.
- 2) To activate the use of the ground floor on each facing street (Market Street, Jones Street, and Golden Gate Avenue) which has been done by incorporating the following:
  - a. Locating our main residential entry, lobby and lounge on Jones Street.
  - b. Providing almost 100 linear feet of commercial use at the ground level on Golden Gate Avenue.
  - c. Providing over 100 linear feet of commercial and active use at the ground level on Jones Street.
  - d. Providing almost 50 linear feet of commercial and active use at the ground level on Market Street.
  - e. Dividing the location of loading dock and parking garage entry between Golden Gate Avenue and Jones Street frontage to eliminate long stretches of in-active use.
  - f. Limiting "back of house" operations at the street level by moving mechanical rooms below grade to eliminate long stretches of the frontage that would be an in-active use.

- g. Providing ceiling heights of over 15 feet on the ground floor to ensure that the space is leasable by a variety of tenants.
  - h. Providing restaurant capable exhaust / grease in the base building construction to ensure that the space is marketable and leasable by food service tenants.
  - i. We heard there is a potential need for non-profit tenants or local owned businesses and we are willing to subsidize the commercial rent to get the right tenant for the neighborhood in the ground floor space.
- 3) To locate the entry to the residential parking garage on Jones Street to minimize the traffic impact on Golden Gate Avenue.
  - 4) To provide parking for Project's residents to minimize the impact on resident use of street parking.
  - 5) Committing to creating a "Good Neighbor Agreement" during our operations of the building which is to include the following:
    - a. The appointment an operations staff liaison to the community.
    - b. Educating our residents on the rich history of the Tenderloin and the type of non-profit service provided in the neighborhood
    - c. Organizing community volunteer days
    - d. An ongoing commitment to meet with the stakeholders and stay involved in the community.
    - e. To make an effort to hire local Tenderloin residents to our operations staff and paying a livable wage.

As noted above, Shorenstein has spent the last two and one half years working with the community on this Project. Our outreach efforts have created unique, lasting partnerships that will continue throughout construction and operations. Shorenstein Residential intends to develop and own the property and proposed apartment building for the long term and will continue to be a committed member of the Tenderloin community.

Below is a list of meetings the project team had with property owners, residents, and stakeholders in the community. While it is not required for this Project, we self-selected to conduct a hosted community meeting following the 300 foot notice requirements set forth in the Conditional Use Application, which resulted in 421 community meeting notices being sent to attend a June 2014 meeting. Shorenstein has also been very active in the community through our involvement on the Tenderloin Community Benefit District's Board of Directors for the past two years.

#### **1066 Market Community Outreach Summary:**

- Tenderloin Neighborhood Development Corporation
  - November 2013 – Don Falk & Katie Lamont
  - March 2015 – Tenant Organizers Committee
  - January 2016 - Don Falk
- Tenderloin Housing Clinic / Randy Shaw
  - February 2014
  - August 2015
- Tenderloin Economic Development Project / NOMNIC
  - February 2014 – Art Evans, Elvin Padilla, Board of Directors
  - December 2015 – Brytnée Brown, Staff
  - February 2016 – Anh Nguyen, Executive Director
- UC Hastings / David Seward, CFO
  - February 2014
  - October 2015

- 1072 Market owner's representative Nasser Kadourhe
  - February 2014
  - July 2015
- Urban Solutions
  - March 2014
  - November 2015
- St Anthony's
  - March 2014 – Barry Stanger
  - August 2015 – Barry Stanger
  - February 2016 – Barry Stanger, Charles Sommer
- Community Housing Partnership
  - March 2014
  - September 2015
  - January 2016
- Mercy Housing (located at 111 Jones, 205 Jones and 129 Golden Gate)
  - May 2014 – Doug Shoemaker
  - February 2016 – Property Managers and Resident Coordinators for 111 Jones, 205 Jones & 129 Golden Gate
  - March 2016 – scheduled at resident meetings for 111 Jones, 205 Jones, and 129 Golden Gate
- Tidewater Capital owner of 1028 Market Owner
  - April 2014
  - August 2014
  - September 2015
- SF Bike Coalition
  - May 2014
  - September 2015
- Tenderloin Community Benefit District
  - May 2014 – Dina Hilliard
- Group I / Joy Oh owner of 950 Market Owner
  - April 2014
  - January 2016
- Supervisor Jane Kim
  - May 2014
- De Marillac Academy
  - May 2014 – Mike Daniels, President & Mike Anderer, Vice President of Mission Advancement
  - September 2015 – Mike Daniels, President & Mike Anderer, Vice President of Mission Advancement
- CounterPulse
  - September 2015
- St Francis Foundation / Tenderloin Help Improvement Project
  - January 2016
  - February 2016
- Market Street for the Masses
  - September 2015 – Steering Committee
  - October 2015 – Steering Committee
  - November 2015 – Full Coalition Meeting
  - January 2016 – Steering Committee
  - February 2016 – Steering Committee



- Hibernia Bank owner Dolman Property Group
  - September 2015
- 1075 Market owner Robert Huggins
  - November 2015
- Renior Hotel owner Kor Group
  - October 2015
- Huckleberry Bikes
  - December 2015
- Boyd SRO Hotel Residents
  - October 2015
- Central City SRO Collaborative
  - October 2015– Community Organizers
  - December 2015 – Executive Director
- Alliance For a Better District 6
  - May 2014 – monthly meeting
  - October 2015 – monthly meeting
- Tenderloin Futures Collaborative
  - May 2014 – monthly meeting
  - October 2015 – monthly meeting
- Central Market Community Benefit District
  - May 2014 – Tracy Everwine, Executive Director
  - June 2014 – Board Meeting
- Housing Action Coalition
  - April 2014
- SPUR Design Review Committee
  - June 2014
- Residents of 50 Golden Gate
  - February 2016
- Darussalem Mosque located at 20 Jones
  - January 2016
  - February 2016
- Building Trades Commission
  - February 2016
- 111 Jones Street, Mercy Housing Community
  - February 2016 – Property Manager & Resident Coordinator
- 129 Golden Gate Avenue, Mercy Senior Housing Community
  - February 2016 - Property Manager & Resident Coordinator
- Warm Planet Bikes located at 1072 Market
  - December 2015
- Luggage Store Gallery at 1007 Market Street
  - January 2016
- 826 Valencia located at 180 Golden Gate Avenue
  - January 2016 – Bitu Nazarian, Executive Director
- Rosa Maria Cavallo, Tenderloin Resident
  - January 2016
- Molly Jans, Tenderloin Resident
  - January 2016
- Peter Stevens, Tenderloin Resident
  - January 2016

- Nguyen Thanh, Tenderloin Resident
  - January 2016
- Del Seymore, Tenderloin Walking Tours
  - January 2016
- Piano Fight, 144 Taylor Street
  - January 2016 – Dan Williams, Executive Director
- Mosser Capital – property owner 50 Golden Gate
  - January 2016 – Danny Ross, Development Manager
- Golden Gate Theatre / SHN
  - January 2016
- WeWork Golden Gate at 25 Taylor
  - January 2016 – Tim Pauly
- Mid-Market Business Association
  - December 2015 – Membership Meeting
- Kathy Looper, owner Cadillac Hotel SRO
  - December 2015
- Center for New Music, 55 Taylor
  - December 2015, Adam Fong
- Chai Bar at 1019 Market Street, owner Scott Lowe
  - December 2015
- International Museum of Art, 1025 Market Street
  - December 2015

As the Project moves toward the March 17<sup>th</sup>, 2015 Planning Commission Hearing, Shorenstein will continue our community outreach efforts. We are currently in the process of scheduling meetings with Tenderloin neighborhood groups and residents as well as continuing to update existing stakeholders regarding the status of the Project. If you have any questions about the information provided or need any additional information regarding the benefits of the Project, please let us know.

Sincerely,



Meg Spriggs  
 Managing Director  
 Shorenstein Residential  
[mspriggs@shorenstein.com](mailto:mspriggs@shorenstein.com)  
 (415) 772-9366



Julie Burdick  
 Development Manager  
 Shorenstein Residential  
[jburdick@shorenstein.com](mailto:jburdick@shorenstein.com)  
 (415) 772-7142



City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a multi-location enterprise in the Tenderloin / Mid-Market neighborhood, I am writing to support Shorenstein's proposed development at 1066 Market Street / 99 Golden Gate. The 304-unit mix-use residential project with onsite affordable units, ground floor commercial, and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail that is used as storage.

I believe it is important to favor projects that are in a transit rich location and that enhance the pedestrian experience along Market Street, Golden Gate, and Jones. The addition of the development will provide new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Safety and security are important issues in the neighborhood. By adding additional residents to the area and active uses at the ground floor I believe the sense of community, safety, and security of the area will be improved.

Shorenstein's proposed project is a well-planned way to activate the site and it is a welcome improvement to the neighborhood. Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. Shorenstein is a local owner and we welcome them as a neighbor. I encourage you to support this exciting and desirable new development as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Pauly", with a long, sweeping flourish extending from the end.

Tim Pauly, City Lead  
WeWork  
25 Taylor St  
San Francisco, CA 94102

City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX



Commissioners:

I own Warm Planet Bikes, located at 1098a Market st., next door to the Market st entrance to the site. I support Shorenstein Residential's proposed development at 1066 Market Street / 99 Golden Gate.

My main reason for supporting the project is neighborhood improvement. Specifically, Shorenstien's commitment to working with neighboring landlords and the city to deal with the three ring drug dealing and loitering circus currently playing out on the 1000 block of Market by increasing police and security presence on the 1000 block of Market and the 0 block of Golden Gate.

I'm also looking forward to the new trees, on street bike parking, new retail storefronts, and a healthy mix of market rate and affordable housing with minimal automobile parking. Having a local company like Shorenstein with long term commitment to the property as a neighbor is also a plus.

I encourage you to support this exciting and desirable new development as proposed.

Sincerely,

K Haas  
kash@warmplanetbikes.com  
Owner  
Warm Planet Bikes  
1098a Market St.  
San Francisco, CA 94102



UNIVERSITY OF CALIFORNIA  
HASTINGS COLLEGE OF THE LAW

DAVID N. SEWARD  
*Chief Financial Officer*

December 14, 2015

City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners:

As Chief Financial Officer of the University of California Hastings College of the Law located in the Tenderloin / Mid-Market neighborhood, I am writing to support Shorenstein's proposed development at 1066 Market Street / 99 Golden Gate. The 304-unit mix-use residential project with onsite affordable units, ground floor commercial, and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail that is used as storage.

I support Shorenstein's proposed redevelopment of the property which will revitalize this stretch of the Tenderloin. Their proposed project is in a transit rich location, is bicycle-friendly, and will greatly enhance the pedestrian experience along Market Street, Golden Gate, and Jones. The addition of the development will provide new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Safety and security are important issues in the neighborhood. By adding additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents will generally enliven the area and add additional residents to will patronize and support local businesses.

Shorenstein's proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood. Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. Shorenstein is a local owner and we welcome them as a neighbor. I encourage you to support this exciting and desirable new development as proposed.

Sincerely,

David Seward

City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a neighboring property owner, I am writing to support Shorenstein Residential's proposed development at 1066 Market Street / 99 Golden Gate. The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail.

Shorenstein's proposed project is in a transit rich location, is bicycle-friendly, and will greatly enhance the pedestrian experience along Market Street, Golden Gate, and Jones. The addition of the development will provide new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Safety and security are important issues in the neighborhood. By adding additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents will generally enliven the area and add additional residents to will patronize and support local businesses.

Shorenstein's proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood. Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. Shorenstein is a local owner and we welcome them as a neighbor. I encourage you to support this exciting and desirable new development as proposed.

Sincerely,



Craig M. Young  
Managing Principal  
Tidewater Capital

January 20<sup>th</sup>, 2016

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street Project Support  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a resident in the Tenderloin for 20 years, I strongly support Shorenstein's planned development at 1066 Market Street / 99 Golden Gate Avenue. The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail.

Safety and security are important issues for residents in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.

The project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street by providing new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community as demonstrated by their involvement on the Tenderloin Community Benefit District Board. Shorenstein is a local, long term owner and I welcome them as a neighbor.

I encourage you to approve Shorenstein's 1066 Market Street project. The proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood.

Sincerely,



Name: Thanh Nguyen  
Address: 145 Taylor Street, Apt #204  
San Francisco, CA 94102



City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a business owner in the Tenderloin neighborhood, I am writing to support Shorenstein Residential's proposed development at 1066 Market Street / 99 Golden Gate. The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail.

Shorenstein's proposed project is in a transit rich location, is bicycle-friendly, and will greatly enhance the pedestrian experience along Market Street, Golden Gate, and Jones. The project will provide new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Future residents of the project will generally enliven the area, patronize, and support local businesses. Safety and security are important issues in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved.

Shorenstein's proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood. Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. Shorenstein is a local owner and we welcome them as a neighbor. I encourage you to support this exciting and desirable new development as proposed.

Sincerely,

Dan Williams  
Executive Director  
PianoFight, LLC  
144 Taylor Street



January 13<sup>th</sup>, 2016

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street Project Support  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a resident of the Boyd Hotel, a supportive housing SRO in the Tenderloin, I strongly support Shorenstein's planned development at 1066 Market Street / 99 Golden Gate Avenue.

The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail. The project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street by providing new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community as demonstrated by their involvement on the Tenderloin Community Benefit District Board. Shorenstein is a local, long term owner and I welcome them as a neighbor.

I strongly encourage you to approve Shorenstein's 1066 Market Street project. The proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Coates", with a long, sweeping horizontal line extending to the right.

Pam Coates  
Boyd Hotel Resident  
41 Jones Street  
San Francisco, CA 94102



January 25<sup>th</sup>, 2016

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street Project Support  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As the property owner of 50 Golden Gate and many other residential properties in the Tenderloin for over fifty years through Mosser Companies, I strongly support Shorenstein's planned development at 1066 Market Street / 99 Golden Gate Avenue.


The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail. The project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street by providing new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Safety and security are important issues for businesses and residents in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community as demonstrated by their involvement on the Tenderloin Community Benefit District Board. Shorenstein is a local, long term owner and I welcome them as a neighbor.

I strongly encourage you to approve Shorenstein's 1066 Market Street project. The proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood.

Sincerely,



Neveo Mosser  
CEO

Mosser Companies  
Property Owner 50 Golden Gate Avenue

January 27, 2016

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street Project Support  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a resident in the Tenderloin, I strongly support Shorenstein's planned development at 1066 Market Street / 99 Golden Gate Avenue. The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail.

Safety and security are important issues for residents in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.

The project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street by providing new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community as demonstrated by their involvement on the Tenderloin Community Benefit District Board. Shorenstein is a local, long term owner and I welcome them as a neighbor.

I encourage you to approve Shorenstein's 1066 Market Street project. The proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood.

Sincerely,

Name:

Address:

Khadija Eddkhissi  
317 Leavenworth St RM 505  
MAZ

January 27, 2016

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street Project Support  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a resident in the Tenderloin, I strongly support Shorenstein's planned development at 1066 Market Street / 99 Golden Gate Avenue. The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail.

Safety and security are important issues for residents in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.

The project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street by providing new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community as demonstrated by their involvement on the Tenderloin Community Benefit District Board. Shorenstein is a local, long term owner and I welcome them as a neighbor.

I encourage you to approve Shorenstein's 1066 Market Street project. The proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood.

Sincerely,

Name: Zahed Asad  
Address: 55 9th St #304  
SF - CA - 94103



January 27, 2016

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street Project Support  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a resident in the Tenderloin, I strongly support Shorenstein's planned development at 1066 Market Street / 99 Golden Gate Avenue. The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail.

Safety and security are important issues for residents in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.


The project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street by providing new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community as demonstrated by their involvement on the Tenderloin Community Benefit District Board. Shorenstein is a local, long term owner and I welcome them as a neighbor.

I encourage you to approve Shorenstein's 1066 Market Street project. The proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood.

Sincerely,

Name:

Khadija - ARIF 

Address:

940 Washington  
SF - CA 94108



January 27, 2016

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street Project Support  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a resident in the Tenderloin, I strongly support Shorenstein's planned development at 1066 Market Street / 99 Golden Gate Avenue. The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail.

Safety and security are important issues for residents in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.

The project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street by providing new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community as demonstrated by their involvement on the Tenderloin Community Benefit District Board. Shorenstein is a local, long term owner and I welcome them as a neighbor.

I encourage you to approve Shorenstein's 1066 Market Street project. The proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood.

Sincerely,

Name: Zainaba Bouadine  
Address: 141 Eddy Street  
SF - CA - 94102



January 25<sup>th</sup>, 2016

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street Project Support  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a resident in the Tenderloin for 16 years, I strongly support Shorenstein's planned development at 1066 Market Street / 99 Golden Gate Avenue. The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail.

I often pass this location on my commute down Jones Street taking a right on McAlister and it is in need of a real building with tenants and a renewed vibrancy. There are often loiterers and jaywalkers. If there was more of a 'people presence' with storefront and active inhabitants and commerce that I feel this would help deter the unsafe feeling this block currently has.

Safety and security are important issues for residents in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.

The project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street by providing new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community as demonstrated by their involvement on the Tenderloin Community Benefit District Board. Shorenstein is a local, long term owner and I welcome them as a neighbor.

I encourage you to approve Shorenstein's 1066 Market Street project. The proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood.

Sincerely,



Molly Jans  
747 Geary # 303  
SF, CA 94109

January 14<sup>th</sup>, 2016

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street Project Support  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As the Reginal Director of Marinello Schools of Beauty located at 1035 Market Street, I strongly support Shorenstein's planned development at 1066 Market Street / 99 Golden Gate Avenue.

The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail. The project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street by providing new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Safety and security are important issues for businesses and residents in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community as demonstrated by their involvement on the Tenderloin Community Benefit District Board. Shorenstein is a local, long term owner and I welcome them as a neighbor.

I strongly encourage you to approve Shorenstein's 1066 Market Street project. The proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Zayed", with a stylized, flowing script.

Robert Zayed  
Vice President  
Reginal Director  
Marinello Schools of Beauty  
1035 Market Street  
San Francisco, 94103





**International Art Museum of America**  
**1025 Market Street**  
**San Francisco, California 94103**

(415) 376-6344 – Office  
(415) 255- 9415 – Fax

January 27, 2016

**TO WHOM IT MAY CONCERN:**

The International Art Museum of America would like to endorse the proposed construction project at 1066 Market Street/ 99 Golden Gate Street.

- Proposed Use: Mixed use project with 304 for rent units (36 below market rate units onsite) and 4,500 square feet of ground floor retail
- Ground Floor:
  - ~50 feet of frontage on Market Street – resident entry & commercial space
  - ~130 feet of frontage on Jones – parking entry, resident lobby, bike entry, and 50 feet of commercial frontage
  - ~165 feet of frontage on Golden Gate – 100 feet of commercial frontage, loading dock entry, trash, and resident exit
  - Street trees to be added on Golden Gate & Jones, guest bike parking to be provided, and Golden Gate sidewalk to be widened to 17 feet
- Parking: 2 levels of below grade resident parking (102 stalls), 304 bike parking stalls provided onsite, car share & electric vehicle parking provided
- Height: 12 stories / 120 feet on Golden Gate/ Jones, 113 feet on Market Street (within the allowed height limits per zoning)

We believe the project will enhance the growth and vitality of the Central Market Area.

*Loretta Huang, Ph.D.*

Loretta Huang, Ph.D.  
Director of Museum Operations  
International Art Museum of America  
415.376.6344 x 7005  
626-993-4787 (cell)

1 Jones LLC, 1 Jones Street, San Francisco, CA 94102

City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a property owner in the Tenderloin neighborhood for 8 years and direct neighbor to the project, I am writing to support Shorenstein's proposed residential development at 1066 Market Street / 99 Golden Gate Avenue. The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail.

Safety and security are important issues in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.

Shorenstein's proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood. I encourage you to support the proposed development.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a horizontal line and a loop.

The Hibernia Bank, 1 Jones Street



Ms. Meg Spriggs  
Managing Director, Multifamily Investments Group  
Shorenstein Properties LLC  
235 Montgomery Street, 16<sup>th</sup> Floor  
San Francisco, CA 94104

May 12, 2014

**Ref: 1066 Market Street – Mixed-use Development**

Dear Ms. Spriggs,

Thank you for bringing your proposal for 1066 Market Street to the San Francisco Housing Action Coalition's (SFHAC) Project Review Committee. Upon review, we believe your project has many merits and will contribute to SFHAC's mission of increasing the supply of well-designed, well-located housing in San Francisco. Please review this letter, which explains how your project meets our guidelines as well as areas in which improvements are suggested. Also see our report card, which grades the proposed project according to each guideline. We have attached a copy of our project review guidelines for your reference.

**Project Description:**

The proposed project would replace a surface parking lot with 300 apartments above ground-floor retail and a subsurface parking garage. You indicated that your plan is to build and hold the units as rentals for the foreseeable future.

**Land Use:**

The SFHAC believes this is an excellent site for new housing. The proposed project would replace a surface parking lot with 300 residential rental units and ground floor retail. It is located next to several transit lines that run along Market Street as well as the rapidly evolving Mid-Market neighborhood. We strongly support the addition of housing in this rapidly growing job center.

**Density:**

The SFHAC supports your plans to build relatively small, efficient units that will likely be more affordable than larger homes. Your average unit size is approximately 600 square feet, which is about 100 square feet less than the average unit size of other projects entering the market.

**Affordability:**

The SFHAC commends you for providing your below-market-units (BMR) on site. This equates to 36 new homes that will serve residents earning 55 percent of the Area Median Income.

**Parking and Alternative Transportation:**

Our Project Review Committee believes your project successfully embodies the principles of transit-oriented development and promotes our City's transit-first policies. The site is located near the Civic Center BART and Muni rail station and is within close proximity to several Muni bus stops. It is also adjacent to the major bicycle corridor that runs along Market Street.

You are proposing 98 car parking spaces, which equates to a low ratio of approximately 0.3 spaces to one residential unit. These spaces will be located in an underground parking garage. Two of these spaces will be for City CarShare vehicles. You also plan to provide eight electrical vehicle-charging spaces. In addition, you plan to provide 300 Class I bicycle parking spaces, which will create a 1:1 bike parking to unit ratio. Finally, you also plan to provide an additional 18 Class II bicycle parking spaces.

**Preservation:**

There are no structures of significant or cultural merit on the site. The proposed building encircles an existing early 20<sup>th</sup> century mixed-use building and you have made efforts in your design to acknowledge the scale and massing of that building in your project.

**Urban Design:**

The SFHAC supports your efforts to ensure that your project fits contextually with the surrounding neighborhood. You looked at the architectural style of the surrounding buildings and worked with the Planning Department to develop a design that would achieve this.

We think your project will create an engaging environment for the residents. Your designs include an interior courtyard with a pathway that runs across the entire space. This space connects to an indoor lounge and gym. Our group was uncertain about how the space in the interior courtyard located outside and below the pathway would be used. We hope the entirety of the courtyard is accessible to the residents. The second floor will have another lounge space and the 13<sup>th</sup> floor will have an outdoor kitchen.

The SFHAC would like you to consider ways to make the ground floor space more interactive with the surrounding neighborhood. This could include widening the sidewalk and designing the leasable space so it could host neighborhood-serving retail. You might consider extending the retail along Golden Gate Avenue to further activate the street and may also wish to design a more prominent entrance to the building lobby.

Ms. Meg Spriggs  
Page Three

We suggest that you further examine the interior corner units and the wind impact on the roof decks.

**Environmental Features:**

The SFHAC supports the measures you employed to enhance the sustainability of your project, which targets LEED for Homes or LEED for New Construction. Some of your environmental features include maximizing natural daylight in the units, passive ventilation, drought resistant plants, low-flow fixtures and storm water reuse.

**Community Input:**

It appears that you have been thorough in your outreach to the community. During your presentation to our Committee, you expressed that community feedback has been positive. The neighborhood would like to see the site be put to better use, so that it encourages active use at the street level and also includes on-site affordable housing. We understand you are in the early stages of your community outreach process, so we encourage you to continue engaging the neighborhood and responding to legitimate concerns that can readily be accommodated.

We believe this project could set a noteworthy precedent for the Tenderloin/Mid-Market neighborhood. As the plans and designs advance, we encourage you to contact us to bring the project back to our Committee for a follow-up presentation.

Thank you for bringing your project to the SFHAC for review. We are pleased to endorse it. Please keep us abreast of any changes and let us know how we may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Colen", is written over a light blue grid background.

Tim Colen

### **SFHAC Project Review Criteria**

**Land Use:** Housing should be an appropriate use of the site given the context of the adjacent properties and the surrounding neighborhood and should enhance neighborhood livability.

**Density:** The project should take full advantage of the maximum unit density and/or building envelope, allowable under the zoning rules.

**Affordability:** The need for affordable housing, including middle income (120-150 of Area Median Income) housing, is a critical problem and SFHAC gives special support to projects that propose creative ways to expand or improve unit affordability beyond the legally mandated requirements.

**Parking and Alternative Transportation:** SFHAC expects the projects it endorses to include creative strategies to reduce the need for parking, such as ample bicycle storage, provision of space for car-share vehicles on-site or nearby, un-bundling parking cost from residential unit cost, and measures to incentivize transit use. Proximity to transit should result in less need for parking.

In districts with an as-of-right maximum and discretionary approval up to an absolute maximum, SFHAC will support parking exceeding the as-of-right maximum only to the extent the Code criteria for doing so are clearly met. In districts where the minimum parking requirement is one parking space per residential unit (1:1), the SFHAC will not, except in extraordinary circumstances, support a project with parking in excess of that amount.

**Preservation:** If there are structures of significant historic or cultural merit on the site, their retention and/or incorporation into the project consistent with historic preservation standards is encouraged. If such structures are to be demolished, there should be compelling reasons for doing so.

**Urban Design:** The project should promote principles of good urban design: Where appropriate, contextual design that is compatible with the adjacent streetscape and existing neighborhood character while at the same time utilizing allowable unit density: pleasant and functional private and/or common open space; pedestrian, bicycle and transit friendly site planning; and design treatments that protect and enhance the pedestrian realm, with curb cuts minimized and active ground floor uses provided.

Projects with a substantial number of multiple bedroom units should consider including features that will make the project friendly to families with children.

**Environmental Features:** SFHAC is particularly supportive of projects that employ substantial and/or innovative measures that will enhance their sustainability and reduce their carbon footprint.

**Community Input:** Projects for which the developer has made a good faith effort to communicate to the community and to address legitimate neighborhood concerns, without sacrificing SFHAC's objectives, will receive more SFHAC support.



500 Sansome Street  
Suite 750  
San Francisco CA 94111

OFFICE  
415 394 7027

FAX  
415 394 6095

[www.groupi.com](http://www.groupi.com)

City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As the property owner of 950-974 Market St, I am writing to support Shorenstein Residential's proposed development at 1066 Market Street / 99 Golden Gate. The 304-unit mix-use residential project with onsite affordable units, ground floor commercial, and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail that is used as storage.

Shorenstein's proposed project is in a transit rich location, is bicycle-friendly, and will greatly enhance the pedestrian experience along Market Street, Golden Gate, and Jones. The addition of the development will provide new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Safety and security are important issues in the neighborhood. By adding additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents will generally enliven the area and add additional residents to will patronize and support local businesses.

Shorenstein's proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood. Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. Shorenstein is



## GROUP i

a local owner and we welcome them as a neighbor. I encourage you to support this exciting and desirable new development as proposed.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Joy Ou', with a stylized, cursive script.

Joy Ou  
President of Group I



City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a property owner located in the Tenderloin / Mid-Market neighborhood and neighbor of the site, I am writing to support Shorenstein Residential's proposed development at 1066 Market Street / 99 Golden Gate. The 304-unit mix-use residential project with onsite affordable units, ground floor commercial, and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail that is used as storage.

Shorenstein's proposed project recognizes the great, underutilized potential of a transit-rich location that is bicycle-friendly, and will greatly enhance the pedestrian experience along Market Street, Golden Gate, and Jones. The addition of their development will provide new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Safety and security are important issues in the neighborhood. By adding additional residents to the area and active uses at the ground floor, the safety and security of the area will be greatly improved. Future residents will generally enliven the area and add additional residents to patronize and support local businesses.

Shorenstein's proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood. Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. Shorenstein is a local owner and we welcome them as a neighbor. I encourage you to support this exciting and desirable new development as proposed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Huggins', with a stylized flourish at the end.

Robert Huggins  
Encore Market St, LLC  
1075-1081 Market Street  
San Francisco, CA 94103



# Islamic Society of San Francisco

20 Jones, 3rd Floor  
San Francisco, CA 94102

Tel 415.863.7997

February 8th, 2016

City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As the Imam of Darussalam Mosque located at 20 Jones, I am writing to support Shorenstein Residential proposed development at 1066 Market Street / 99 Golden Gate.

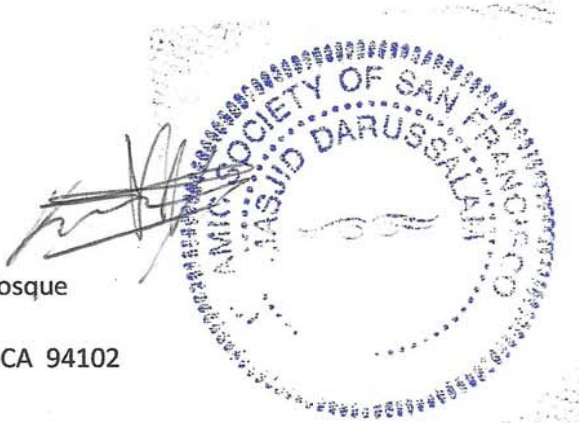
The 304-unit mix-use residential project with ground floor retail and below grade car and bike parking is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail. The project will provide new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Shorenstein's proposed project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street. Safety and security are important issues in the neighborhood. By activating the uses at the ground floor I believe the safety and security of the area will be greatly improved.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. Shorenstein is a local owner and we welcome them as a neighbor. I encourage you to support this new development as proposed.

Sincerely,

Khaled Galeb  
Imam  
Darussalam Mosque  
20 Jones  
San Francisco, CA 94102



January 27<sup>th</sup>, 2016

City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a business owner and community activist in the Tenderloin, I am writing to support Shorenstein Residential's proposed development at 1066 Market Street / 99 Golden Gate.

The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail. The project will provide new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Shorenstein's proposed project will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street. Safety and security are important issues in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.

Shorenstein's proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood. Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. Shorenstein is a local owner and we welcome them as a neighbor. I strongly encourage you to support this exciting and desirable new development as proposed.

Sincerely,



Del Seymour

Code Tenderloin Director  
Tenderloin Walking Tours Founder  
Local Homeless Coordinating Board Member  
Swords To Plowshares Director  
Gubbio Project Director  
Better Market Street Project Committee Person



City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As the owner of **Chai Bar by David Rio** at 1019 Market Street, I am writing to support Shorenstein's proposed development across the street at 1066 Market. I opened our company's first retail location in the heart of mid-Market in part to improve the neighborhood and make the city better, and I feel that Shorenstein's 304-unit mix-use residential project is poised to do the same.

I support Shorenstein's proposed redevelopment of the property which will revitalize this stretch of the Tenderloin. Their proposed project is in a transit rich location, is bicycle-friendly, and will greatly enhance the pedestrian experience along Market Street, Golden Gate, and Jones. The addition of the development will provide new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

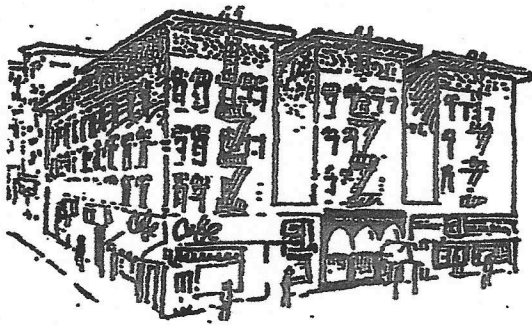
Safety and security are important issues in the neighborhood. By adding additional residents to the area and active uses at the ground floor, I believe the safety and security of the area will be greatly improved. Future residents will generally enliven the area and add additional residents who will patronize and support local businesses – these are additions we at Chai Bar by David Rio gladly welcome.

Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. Shorenstein is a local owner and we welcome them as a neighbor. I encourage you to support this exciting and desirable new development as proposed.

Sincerely,

Scott Lowe  
Owner, Chai Bar by David Rio  
1019 Market Street  
San Francisco, CA 94102





# reality house west

cadillac hotel 380 eddy street, san francisco, 94102, 415-673-7223

City and County of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

My husband Leroy Looper and I purchased the Cadillac Hotel on behalf of our non-profit Reality House West in 1976. It is located in the central Tenderloin. Both Leroy and I have both been active not only in running the Hotel but also in trying to improve the Tenderloin community through various community efforts and encouragements.

One thing Leroy and I always believed in is the need for the Tenderloin to be diverse. The Tenderloin needs a wide variety of retail businesses (that serve our residential community), residential buildings that bring in all economic levels of residents – from the very poor to the well-to-do. I want the Tenderloin to have lots of trees and open space, to be a safe, secure, warm, inclusive vibrant community with lots of public art. The Tenderloin should be a "livable community" where it is safe to walk down the street, an inclusive community where everyone feels welcome.

I believe that this new project on 1066 Market will enhance the pedestrian experience along Market Street, Golden Gate Avenue and Jones. Currently a greatly blighted area it could be restored with this greatly needed housing, new street trees, new bike parking, and open and well lit retail stores. With lots of positive foot traffic, new residents with an investment in our community, with eyes on the street, safety and security will be greatly improved. **It's literally dangerous to walk down Golden Gate Avenue right now! Let's make something positive happen to activate that site.** Shorenstein has demonstrated a high level of community engagement through their ongoing outreach for this project and it's present commitment to the community. I support this project as a desirable new development and encourage you to do so as well.

Sincerely,

Kathy Looper



January 6, 2016

City of San Francisco  
Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 1066 Market Street  
Shorenstein Residential  
Case # 2013.1753CVX

Dear Commissioners,

As a property owner in the Tenderloin neighborhood for 2 years (10 UN Plaza), I am writing to support Shorenstein Residential's proposed development at 1066 Market Street / 99 Golden Gate. The 304-unit mix-use residential project with ground floor commercial and below grade car and bike parking, is a very positive improvement to the existing use, which includes a surface parking lot and vacant retail.

Shorenstein's proposed project is in a transit rich location, is bicycle-friendly, and will greatly enhance the pedestrian experience along Market Street, Golden Gate Avenue, and Jones Street. The project will provide new street trees, on-street guest bike parking, and neighborhood serving retail that will activate the site, improve safety and security in the neighborhood, and provide needed housing to the area.

Safety and security are important issues in the neighborhood. By bringing additional residents to the area and active uses at the ground floor I believe the safety and security of the area will be greatly improved. Future residents of the project will generally enliven the area as well as patronize and support local businesses.

Shorenstein's proposed project is critical to activate the site and it is a very welcome improvement to the neighborhood. Shorenstein has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. Shorenstein is a local owner and we welcome them as a neighbor. I encourage you to support this exciting and desirable new development as proposed.

Sincerely,

**TKG 10 UN, LLC**

Owner of 10 UN Plaza on Market Street

By:   
Nancy Kivelson  
Authorized Signatory

Cc: Julie K. Burdick, Shorenstein

Mailing Address: PO Box 580, San Francisco, CA 94104  
Delivery Address: 235 Montgomery Street, San Francisco, CA 94104

# 1066 Market Street

San Francisco, California 94102

Schematic Design  
February 2016

**ARQUITECTONICA**

818 WEST SEVENTH STREET, SUITE 800  
LOS ANGELES, CA 90017  
TEL: 213.895.7800 FAX: 213.895.7808





BUILDING INFORMATION

TOTAL BUILDING			
FAR Area (SF)	227,956	Overall Height (Ft)	120
Gross Building (SF)	298,278	Occupied Levels	14
		Below-grade Levels	2

COMMERCIAL AREA			
Level 1 - Market St (SF)	1,684	Total Commercial Area (SF)	4,578
Level 2 - Jones / GG (SF)	2,894		

UNIT MIX / SIZES

	Avg. Size (SF)	% of Total	Total No. of Units
Studio	412	20%	61
Junior 1 Bedroom	443	25%	76
1 Bedroom	563	18%	56
2 Bedroom	836	37%	111
Total	587	100%	304

FLOOR AREA RATIO INFORMATION

PERMITTED		
Lot Area (SF)	FAR	Area (SF)
27,312	6 :1 (allowed)	163,872
	9 :1 (with TDR's)	245,808
PROPOSED		
		Area (SF)
Total FAR Area Proposed	8.35 :1	227,956
	12% Inclusionary Units (BMR)	21,422

PARKING

VEHICULAR PARKING		
	Parking Ratio (Stalls per Unit)	No. of Parking Stalls
Maximum Permitted	0.50	152 Stalls
Proposed		37 Standard
		51 Compact
		8 Electrical Vehicle Charging
		2 Car Share
		4 Accessible
Total Proposed	0.33	102 Stalls

BICYCLE PARKING				
Type of Bicycle Parking	Use per Class	No. Spaces Required	Total Required per Class	Total No. of Spaces Provided
Class 1	Residential	100 + (.25 *204) = 151	152	304
	Commercial	1 / 7,500 sf = 1		
Class 2	Residential	304 / 20 = 15.2	17.2	
	Commercial	1 / 2,500 sf = 2		

OPEN SPACE

PRIVATE OPEN SPACE		COMMON OPEN SPACE		
Type	No. Provided	Required		Provided
Balconies	40	Remaining Units Requiring Open Space	(Total Units less Units w/ Private)	<b>Location</b>
Terraces	10			<b>Area (SF)</b>
<b>Total Units w/ Private Open Space</b>	<b>50</b>	Required Area per Unit (SF)	48	Courtyard (less terraces)
		<b>Total Required (SF)</b>	<b>12,192</b>	Level 13 West Roof
				Level 13 East Roof
				<b>Total Provided (SF)</b>
				<b>12,333</b>

Variances requested:  
1 - To allow courtyard as open space.

Conditional uses requested:  
1 - To exempt on-site inclusionary units from FAR calculations.

Section 309 exceptions:  
1 - Rear Yard configuration.  
  
2 - Reduction of freight loading spaces from 2 to 1.  
  
3 - Ground level wind.









Source: Bancroft Library, U.C. Berkeley

~ 1906



Source: San Francisco History Center, S.F. Public Library

~ 1921

Paramount Theater, 1964.



~ 1964

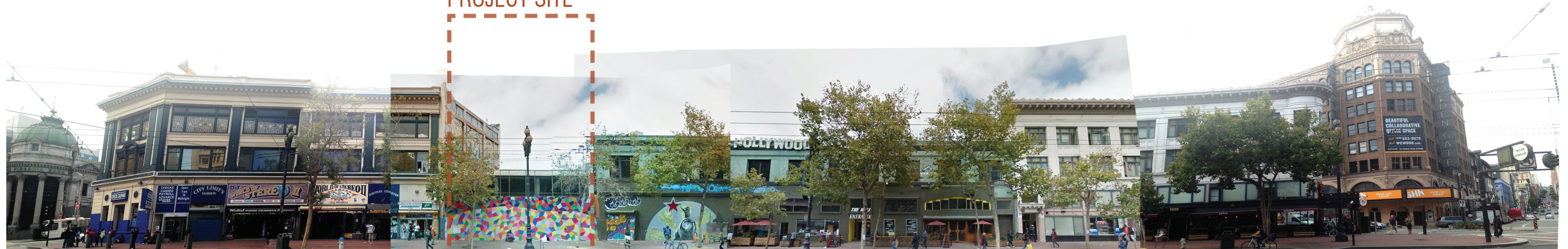


today

MARKET STREET



PROJECT SITE



MARKET STREET

PROJECT SITE



GOLDEN GATE AVENUE

JONES STREET

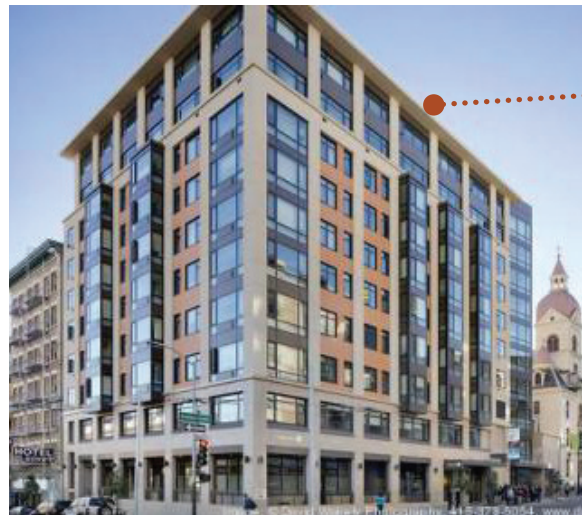
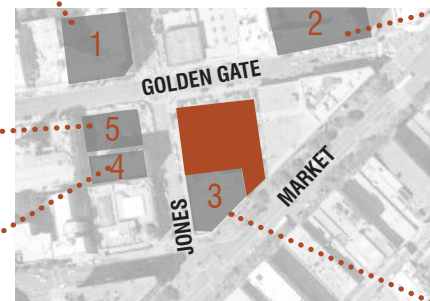




1. 111 JONES / LOW-INCOME HOUSING



2. GOLDEN GATE THEATER



5. ST. ANTHONY'S / SENIOR HOUSING



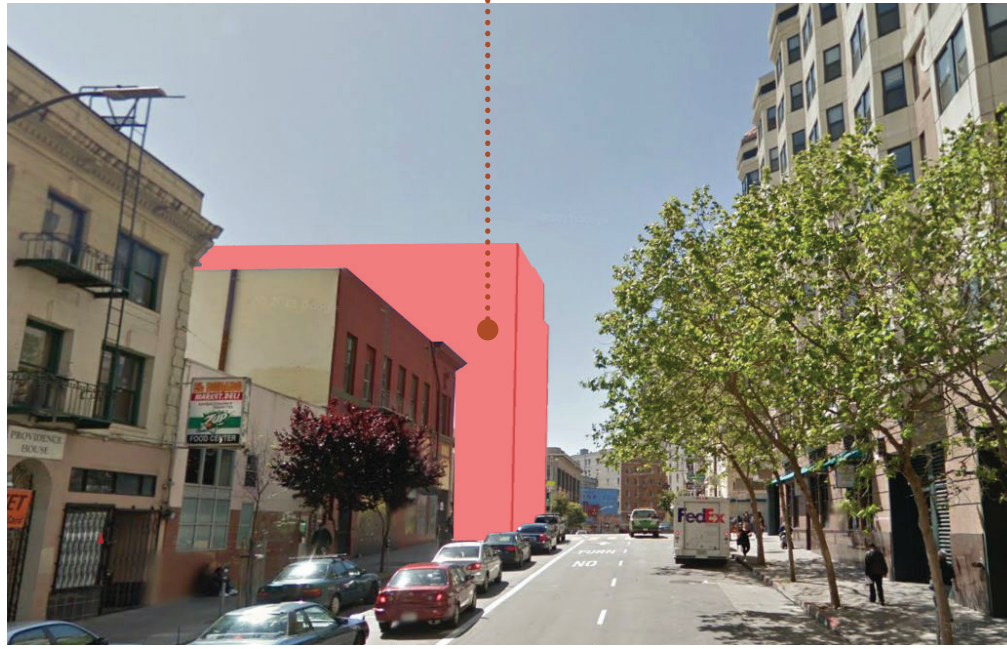
4. BOYD HOTEL



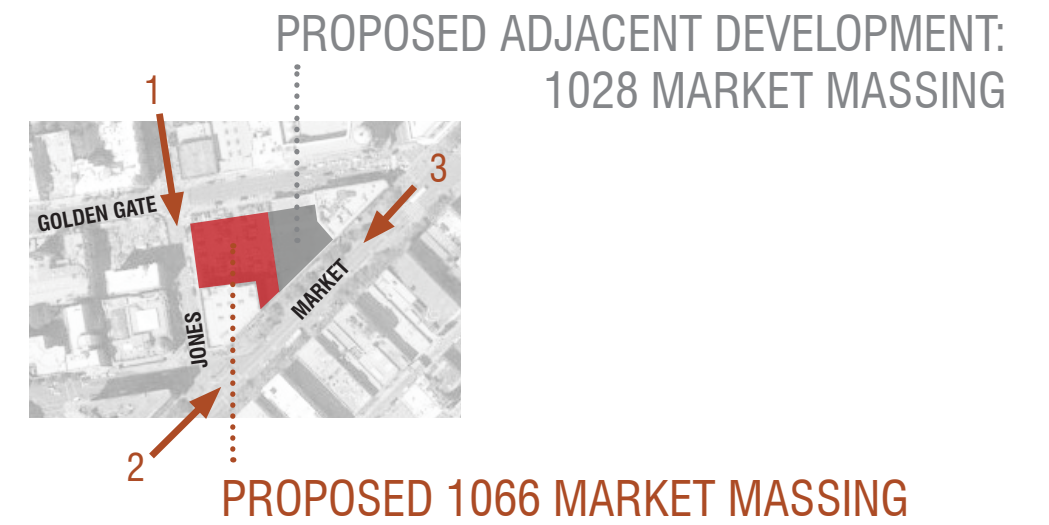
3. 1072-1098 MARKET



1066 Market

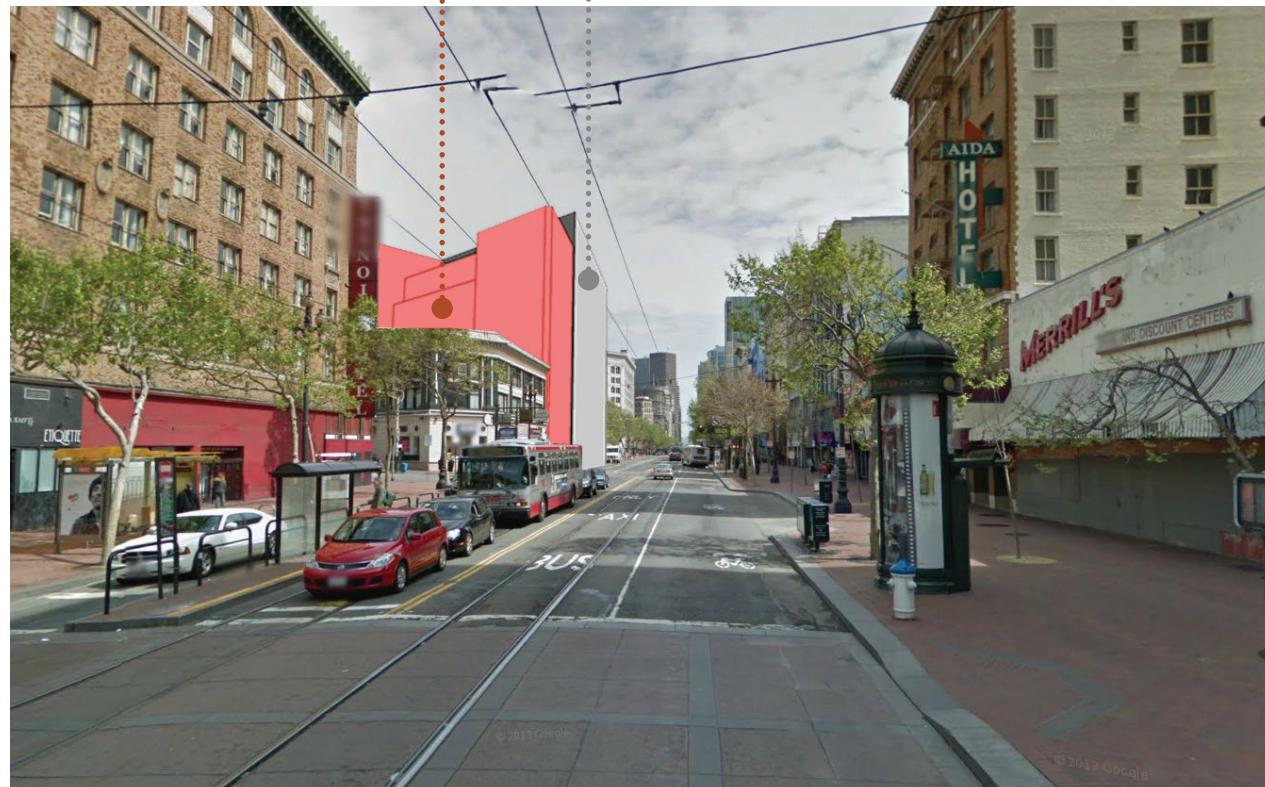


1. JONES STREET, towards Market St



1066 Market

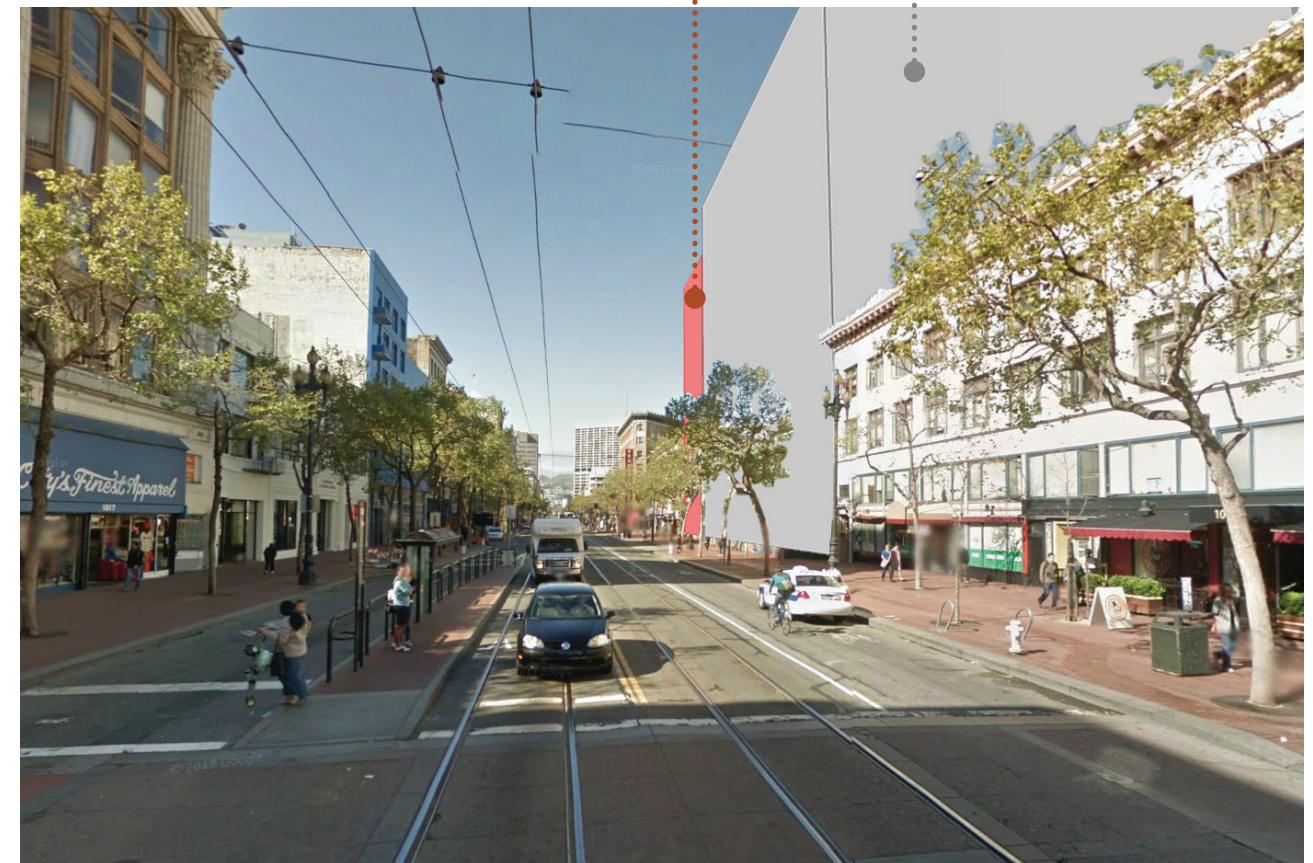
1028 Market



1. MARKET STREET, towards downtown

1066 Market

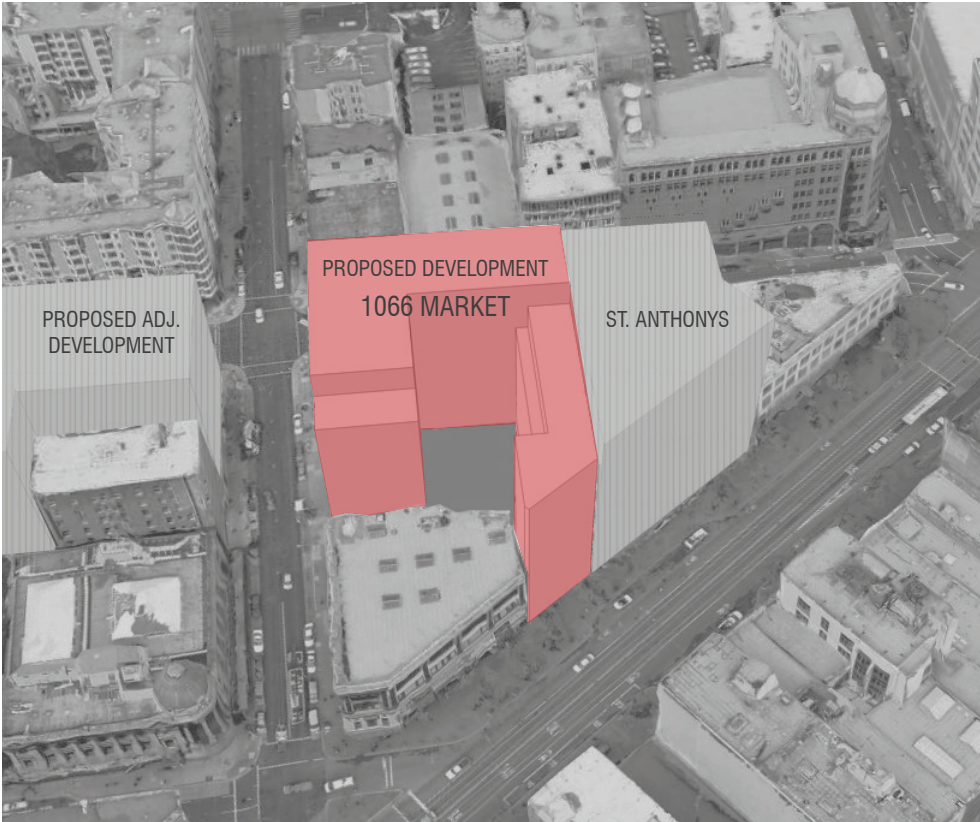
1028 Market



3. MARKET STREET, away from downtown



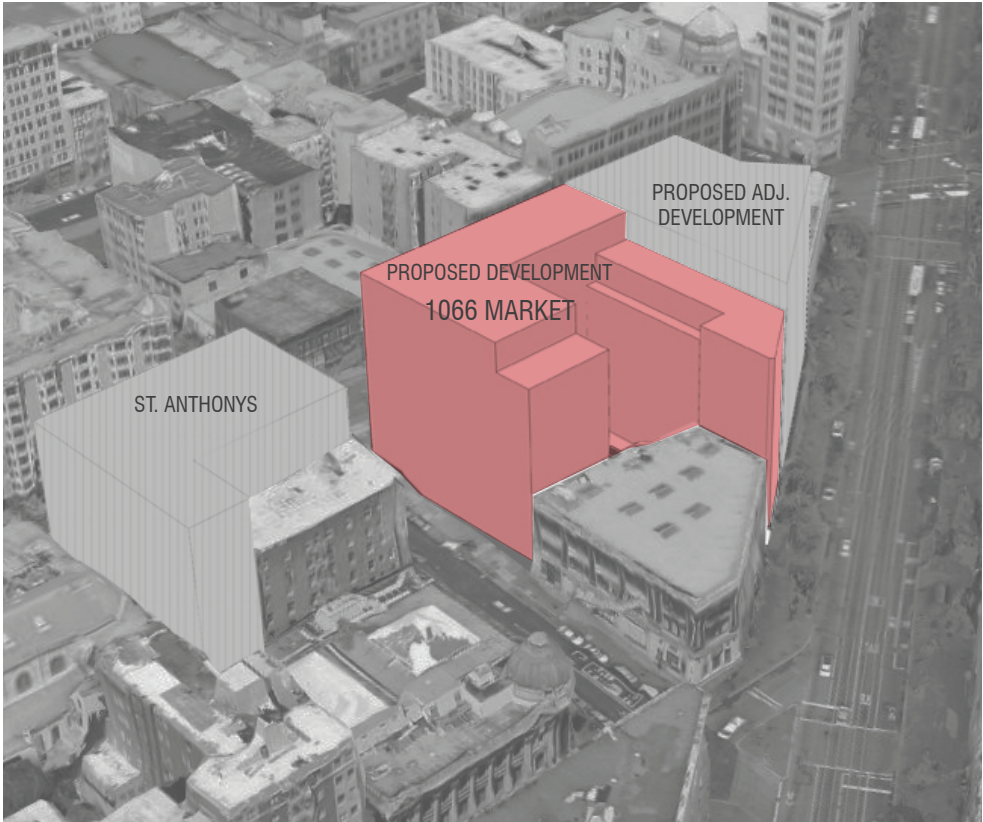
NORTHWEST



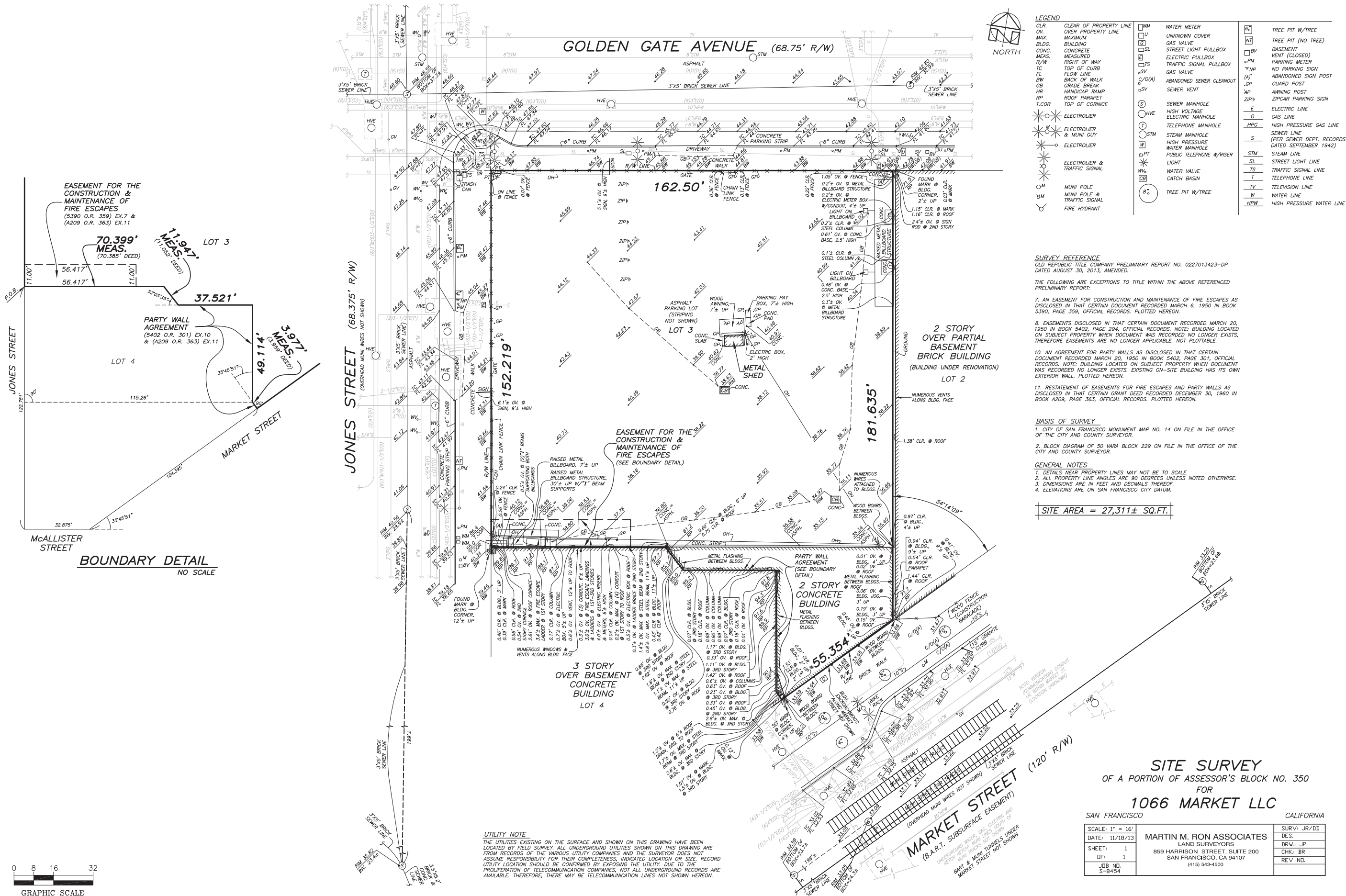
SOUTH



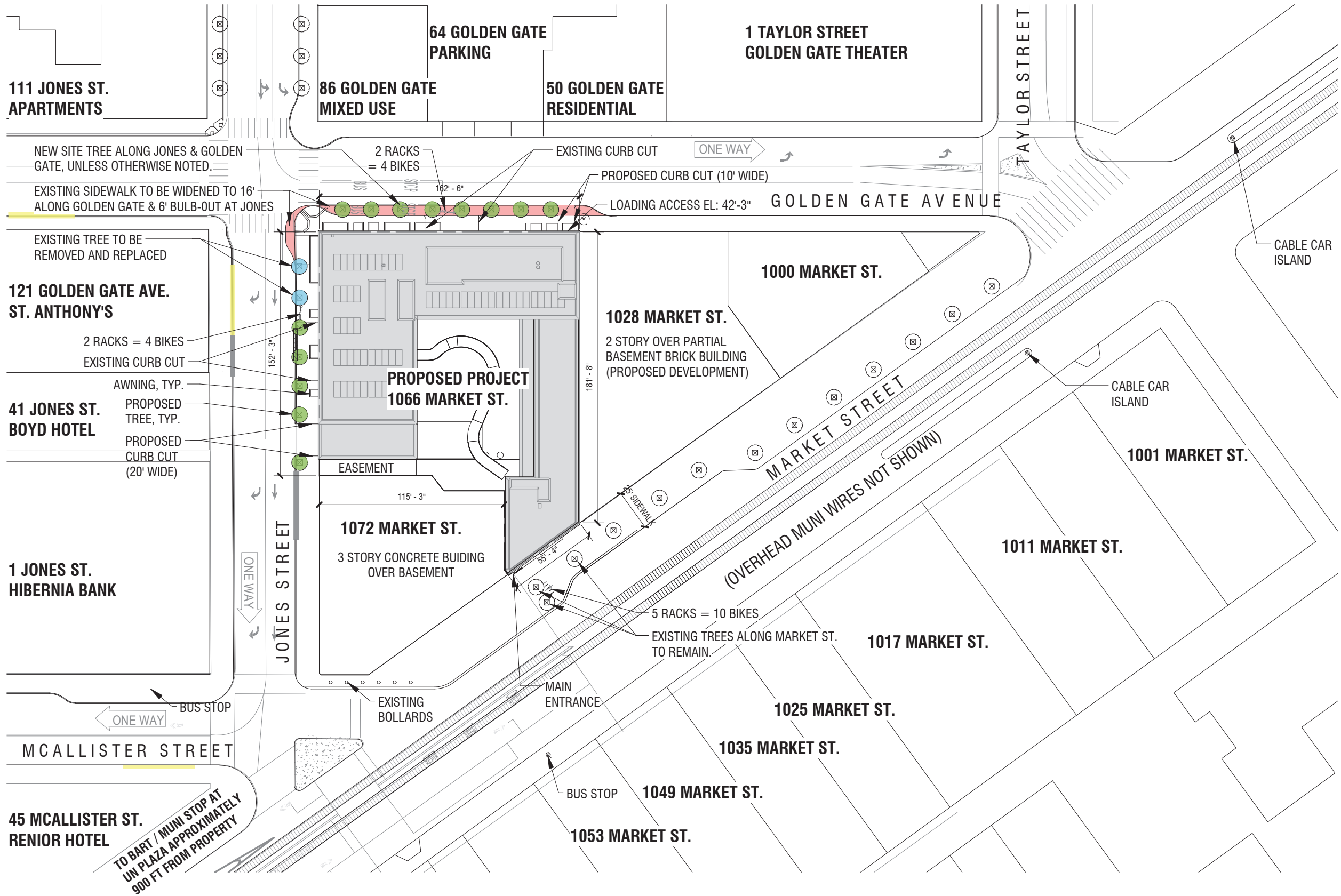
EAST











## LEGEND

- NEW TREE
- EXISTING TREE TO BE REMOVED AND REPLACED
- EXISTING TREE
- CLASS 2 BICYCLE RACK HOLDS 2
- COMMERCIAL LOADING & UNLOADING
- EXISTING PASSENGER LOADING & UNLOADING
- PROPOSED 'YELLOW' COMMERCIAL LOADING / UNLOADING ZONE
- PROPOSED WIDENED SIDEWALK / BULB-OUT

## SUMMARY

EACH RACK HOLDS 2 BIKES

2 RACKS @ GOLDEN GATE AVE.

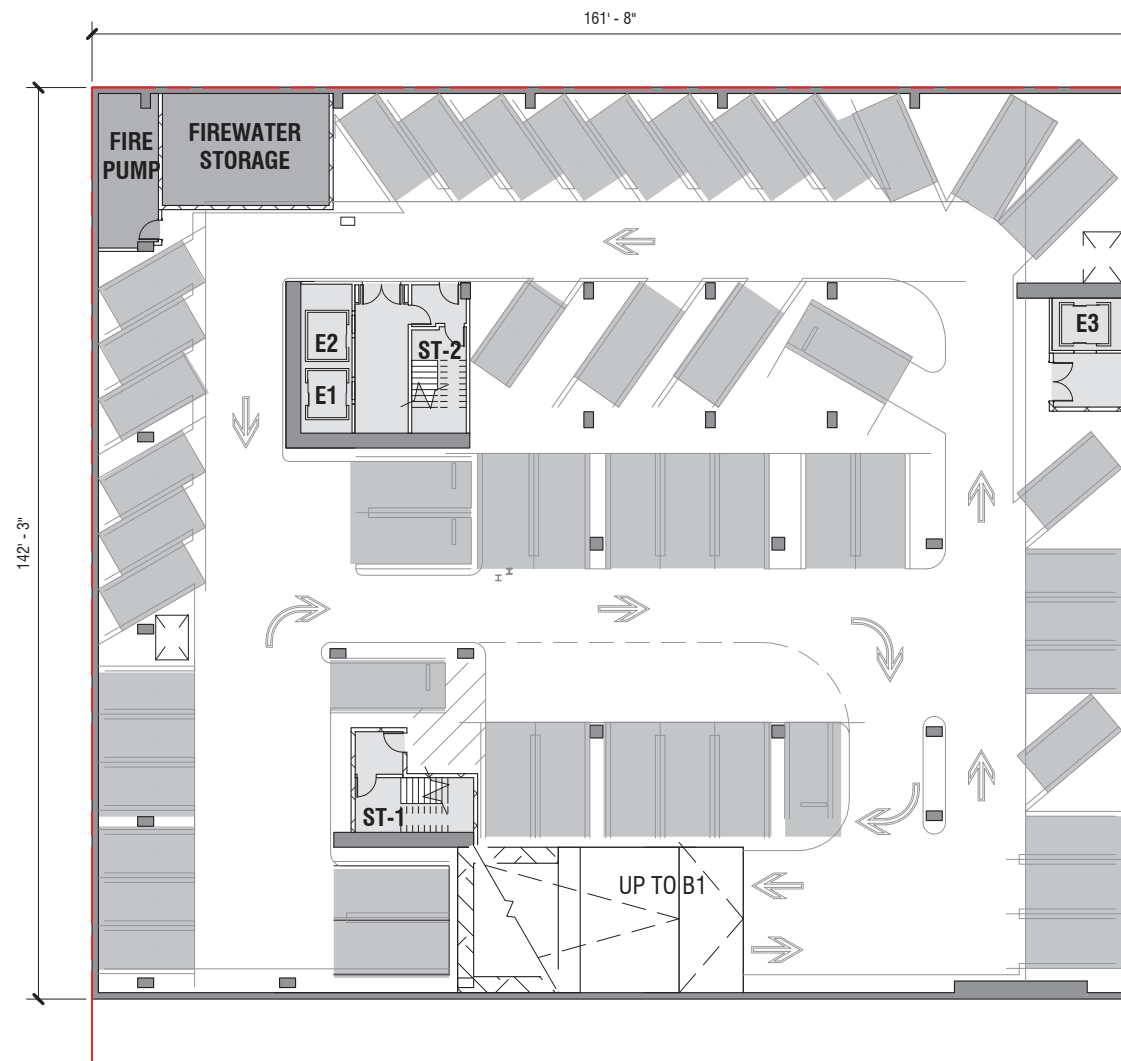
2 RACKS @ JONES STREET

5 RACKS @ MARKET STREET

9 RACKS TOTAL

**CLASS 2 BIKE STORAGE = 18**

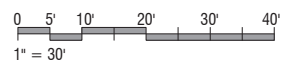
NOTE: DIMENSIONS SHOWN ARE OVERALL PROPERTY DISTANCES, FOR SITE BOUNDARY REFERENCE ONLY. SEE FLOOR PLANS FOR OTHER DIMENSIONS.



**PARKING THIS LEVEL:**  
 24 STANDARD  
 29 COMPACT  
**TOTAL 53 SPACES**



**PARKING THIS LEVEL:**  
 14 STANDARD  
 4 ACCESSIBLE  
 21 COMPACT  
 2 CAR SHARE  
 8 ELECTRIC VEHICLE STATIONS  
**TOTAL 49 SPACES**

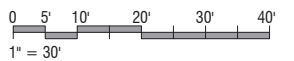
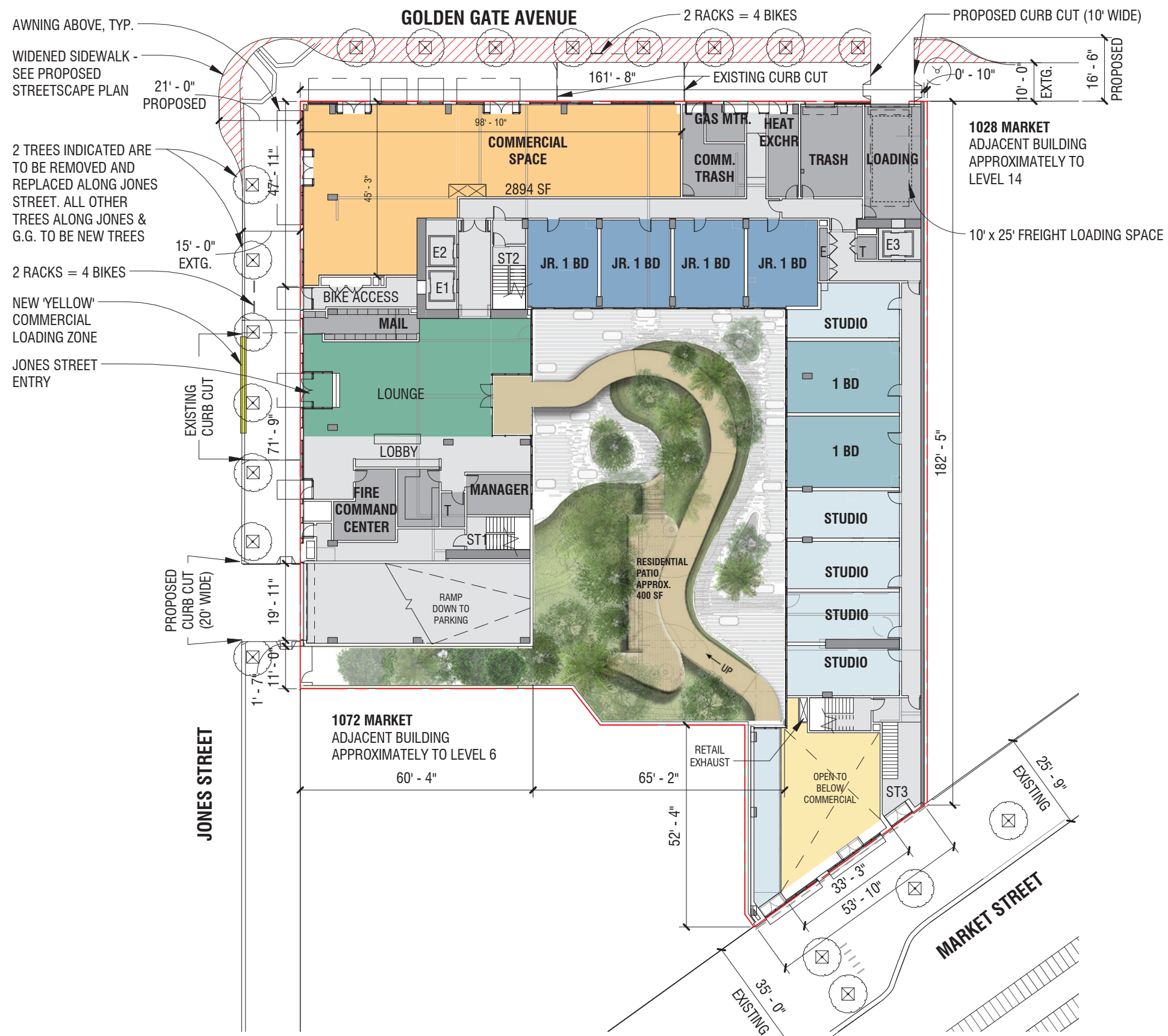


**TOTAL PARKING SPACES: 102**





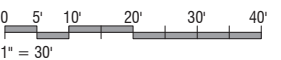


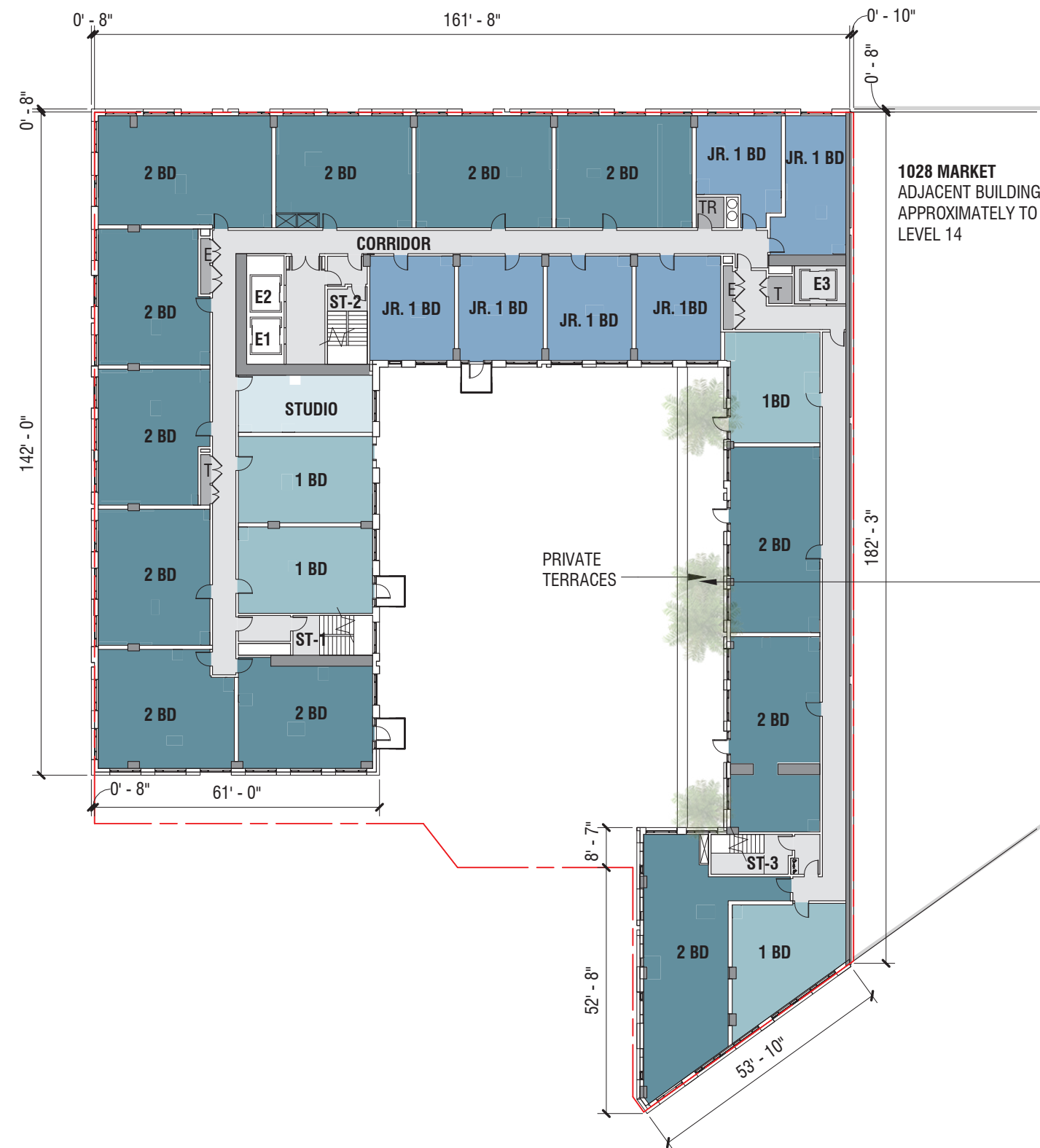


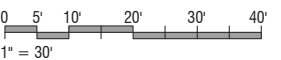
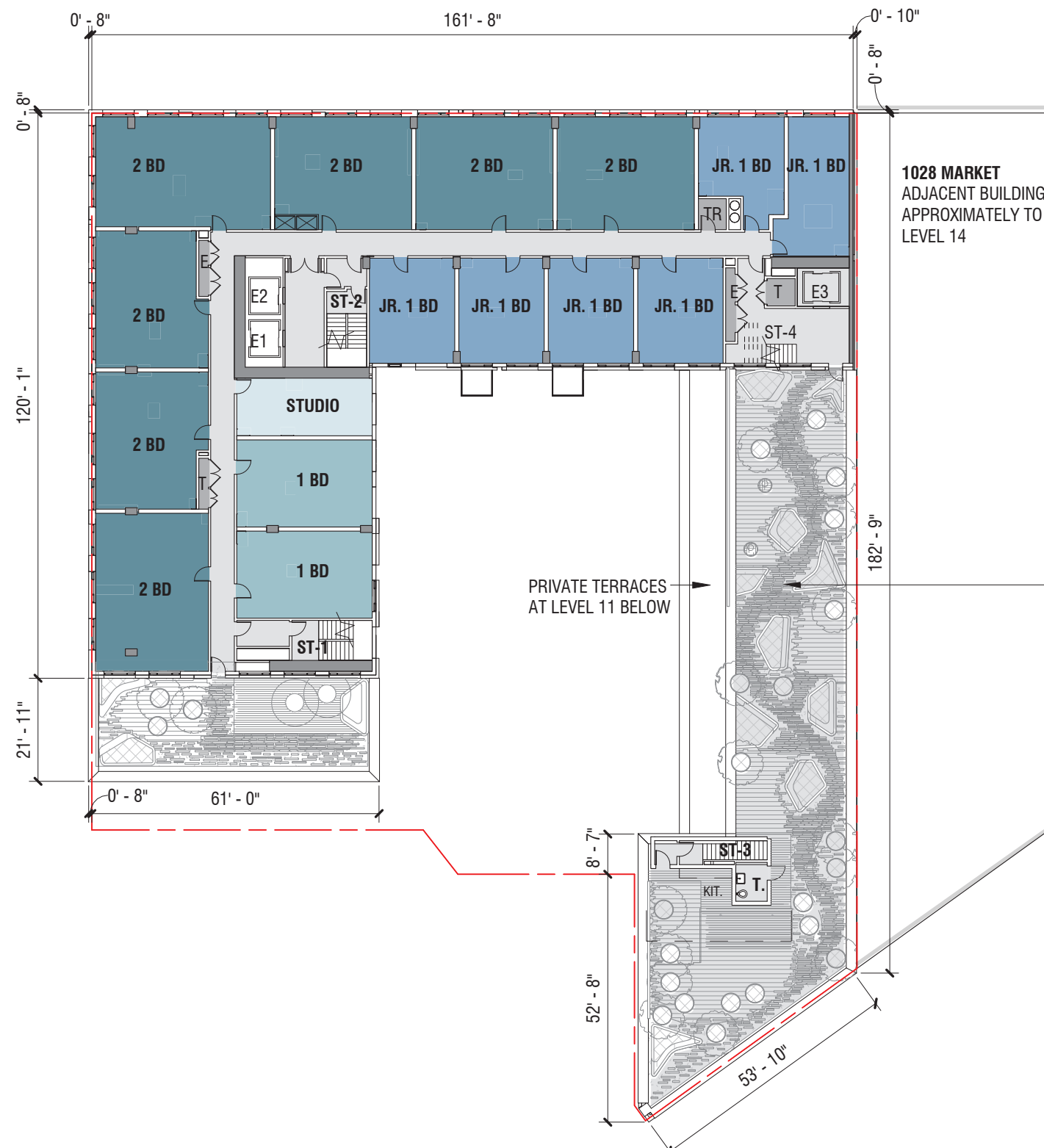
Jones & Golden Gate Access



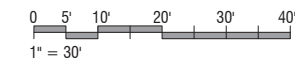




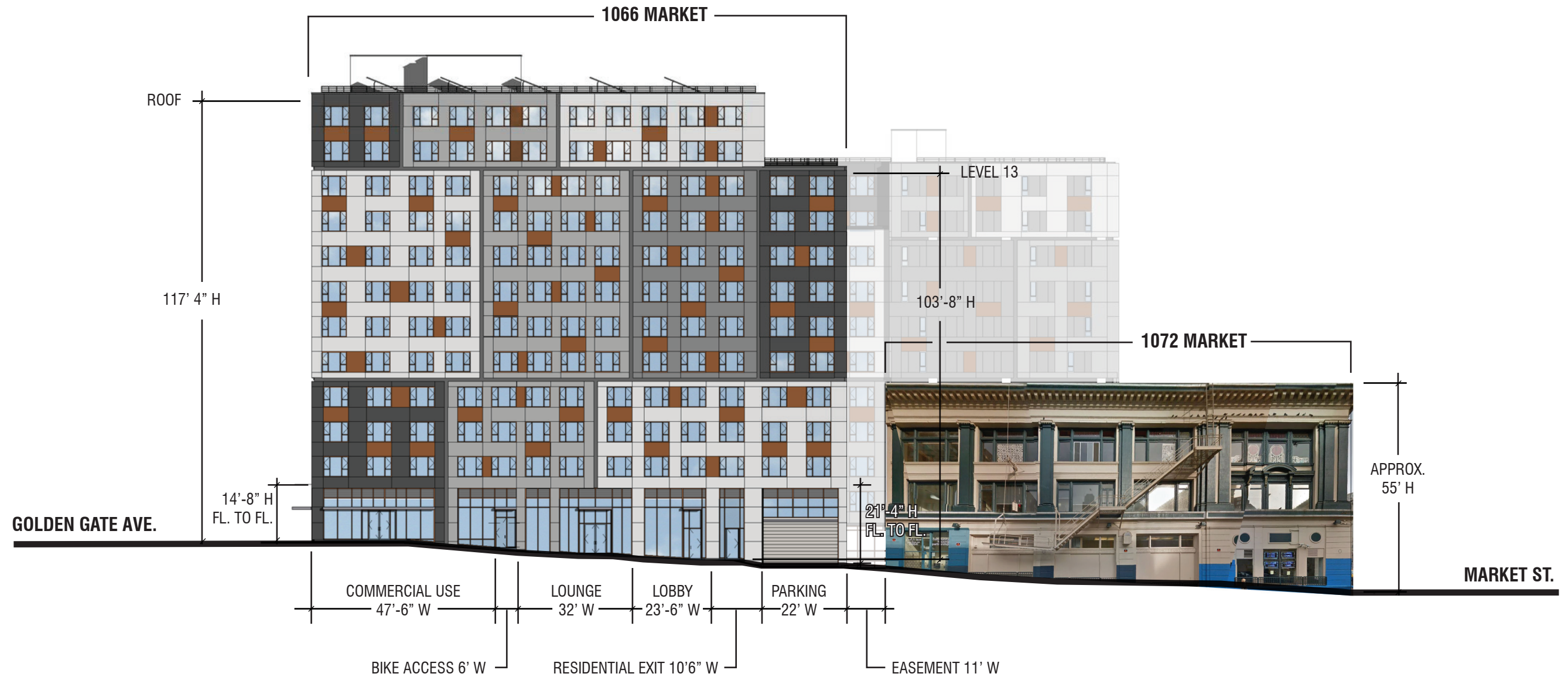










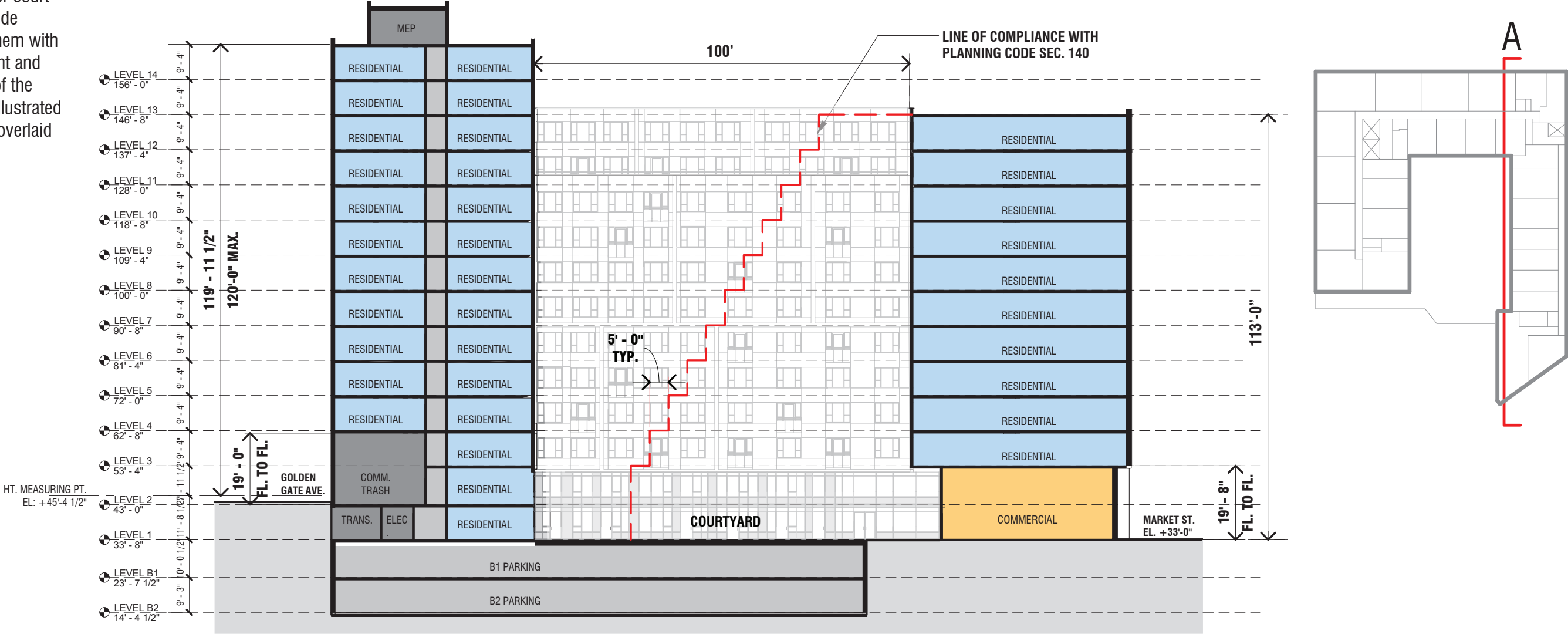






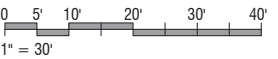
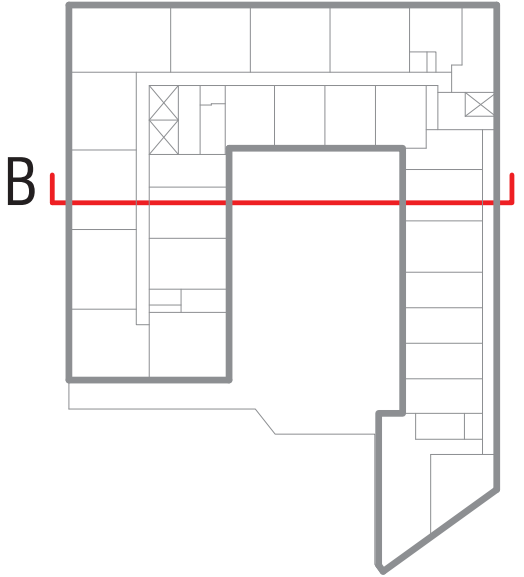
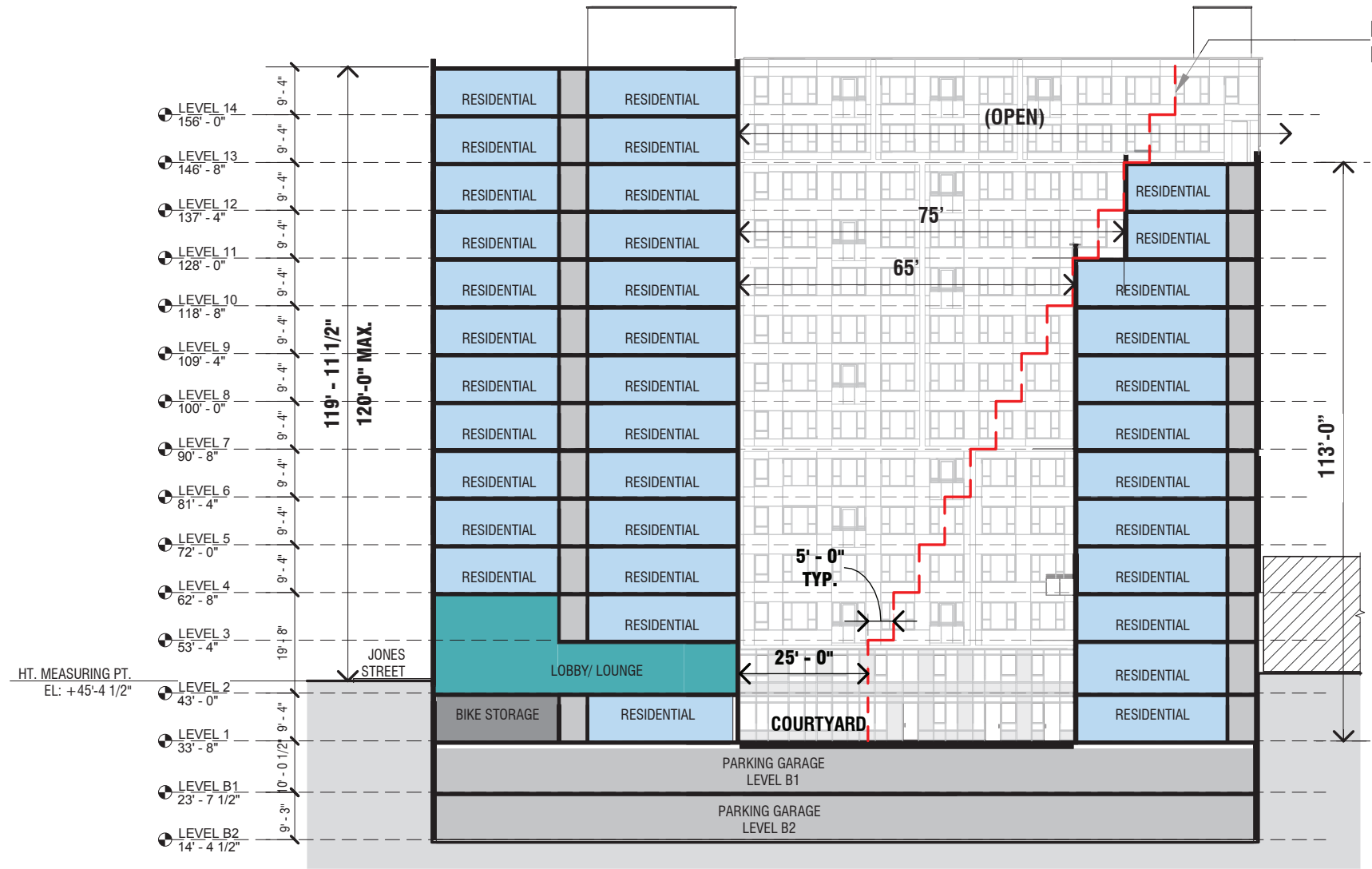
# Inner Court Dimension Compliance / SFPC Sec. 140

All units facing the interior court comply with Planning Code Section 140, providing them with adequate exposure to light and air. A graphic depiction of the project's compliance is illustrated with the dashed red line overlaid on the building section.



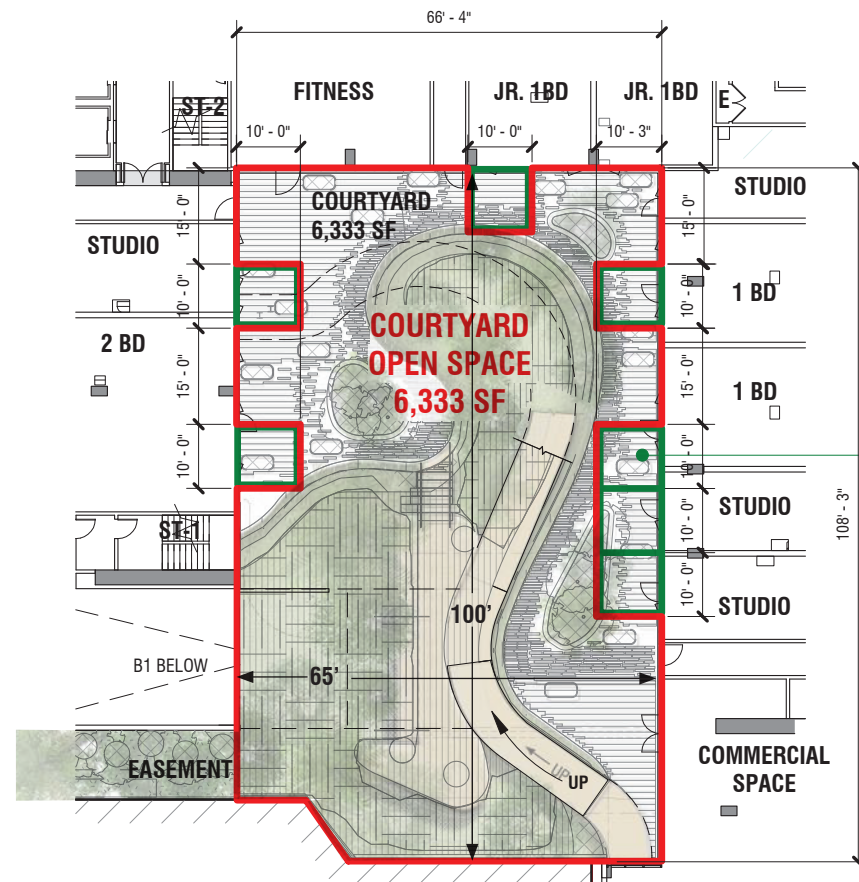
# Inner Court Dimension Compliance / SFPC Sec. 140

All units facing the interior court comply with Planning Code Section 140, providing them with adequate exposure to light and air. A graphic depiction of the project's compliance is illustrated with the dashed red line overlaid on the building section. In this section, the Level 11 and 12 setback needed to comply with Section 140 is illustrated.

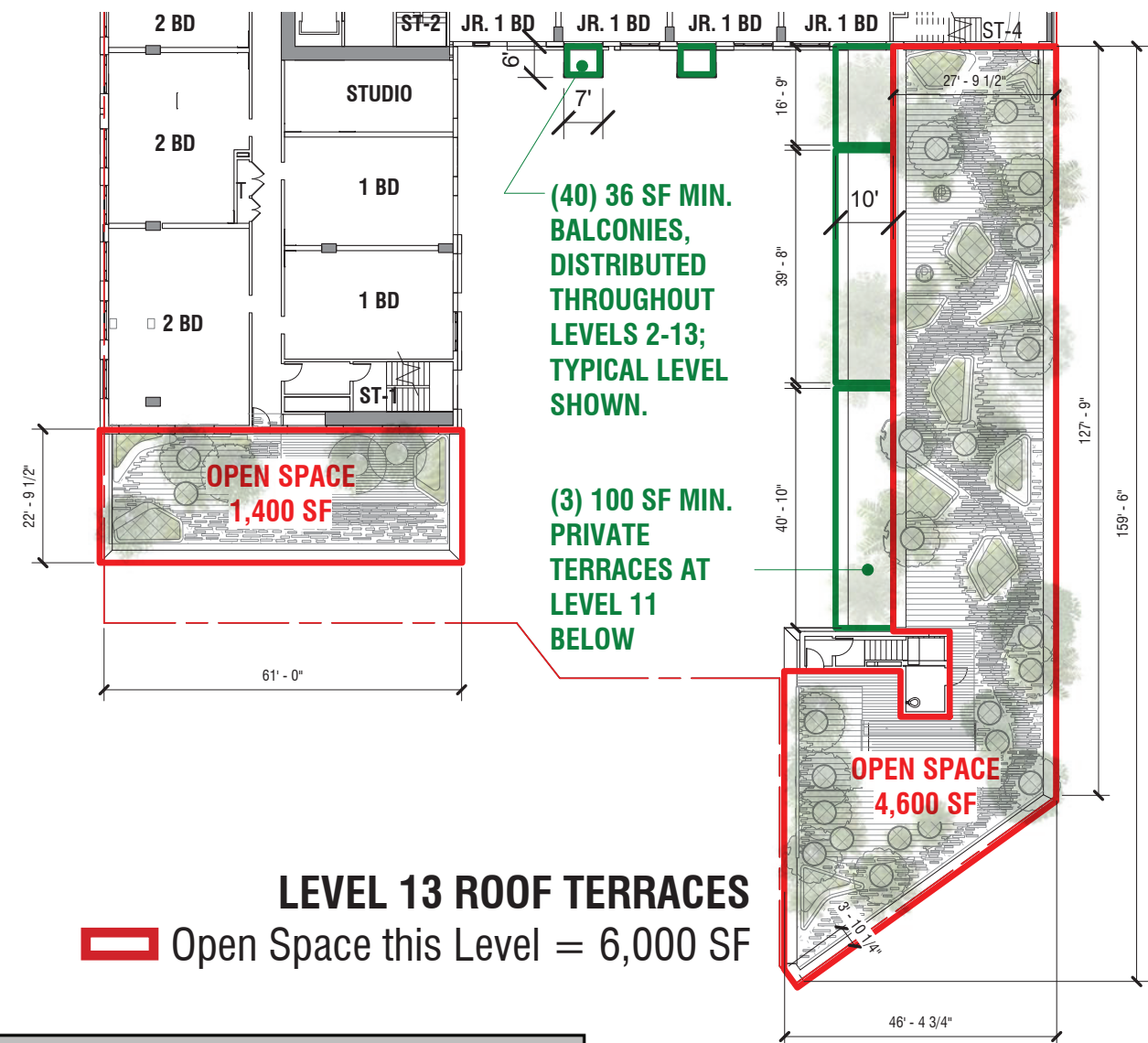




# Open Space / SFPC Sec. 135



**LEVEL 1 COURTYARD**  
 Open Space this Level = 6,333 SF

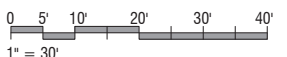


**LEVEL 13 ROOF TERRACES**  
 Open Space this Level = 6,000 SF

OPEN SPACE SUMMARY		
<b>COMMON OPEN SPACE CALCULATION:</b>		
UNITS W/ PRIVATE OPEN SPACE (Balconies)	40 balconies + 10 terraces	50 UNITS
REMAINING UNITS (Require common open space:)	304 total units - 50 units =	254 UNITS
<b>COMMON OPEN SPACE REQUIRED:</b>	254 units x 48 sf/unit =	<b>12,192 SF Required</b>
<b>COMMON OPEN SPACE PROVIDED:</b>	Courtyard (less terraces)=	6,333 SF
	Level 13 West Roof=	1,400 SF
	Level 13 East Roof=	4,600 SF
		<b>12,333 TOTAL SF Provided</b>

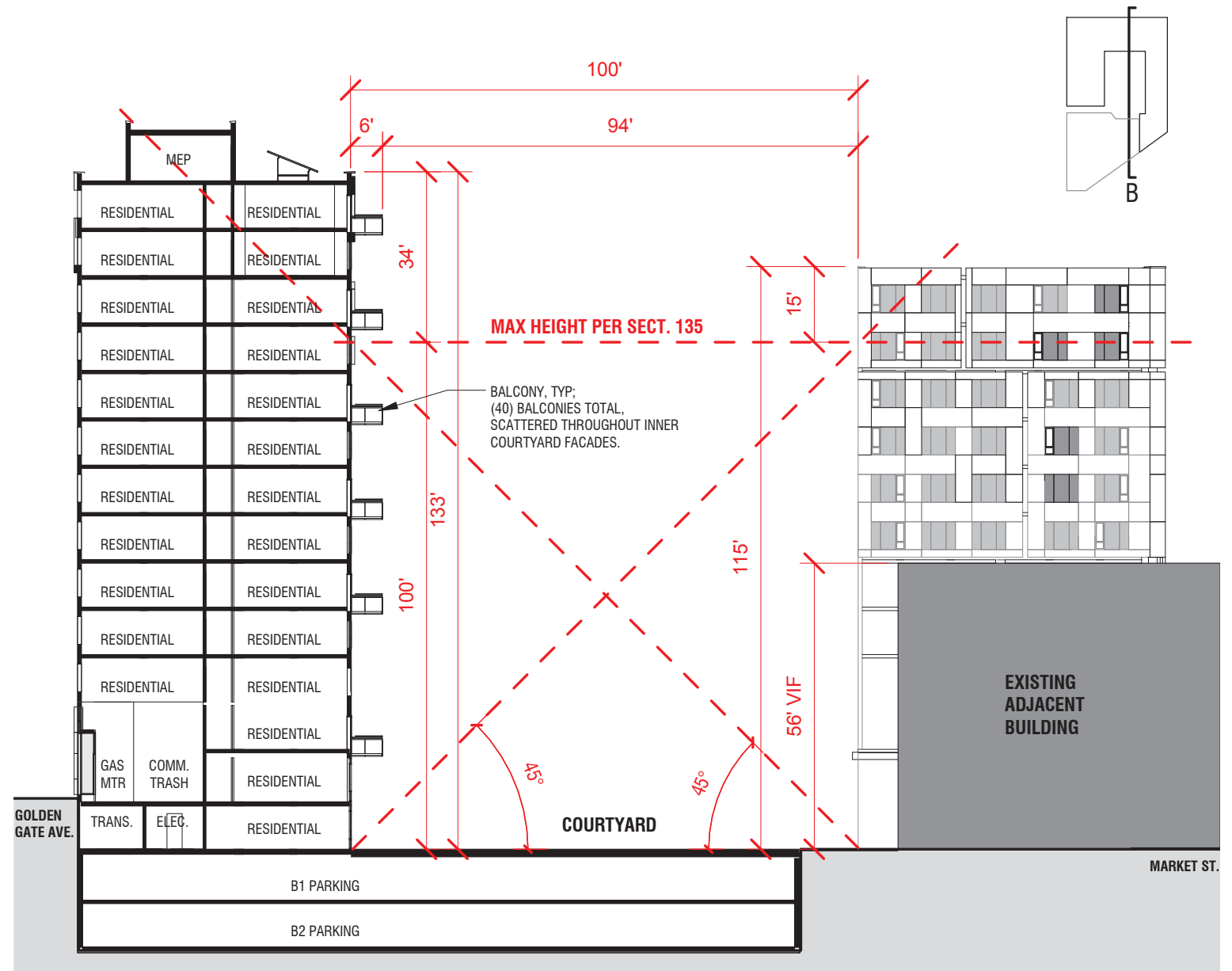
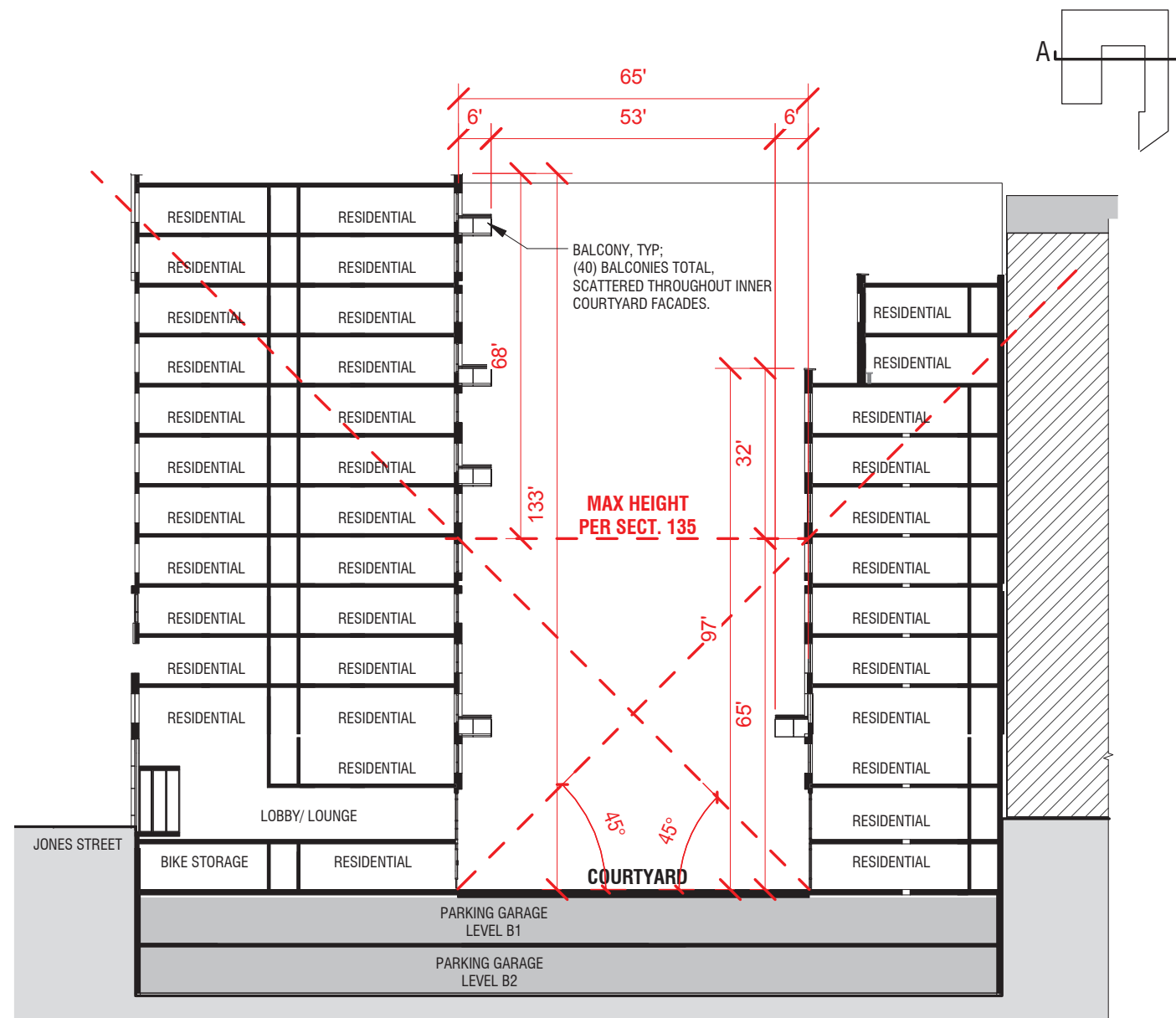
Private Open Space:  
 7 terraces at Level 1  
 3 terraces at Level 11  
 40 total balconies

Note 1: Private terraces are located at Levels 1 and 11. Balconies are distributed throughout units at inner court.  
 Note 2: See plans on following pages for locations of open space.

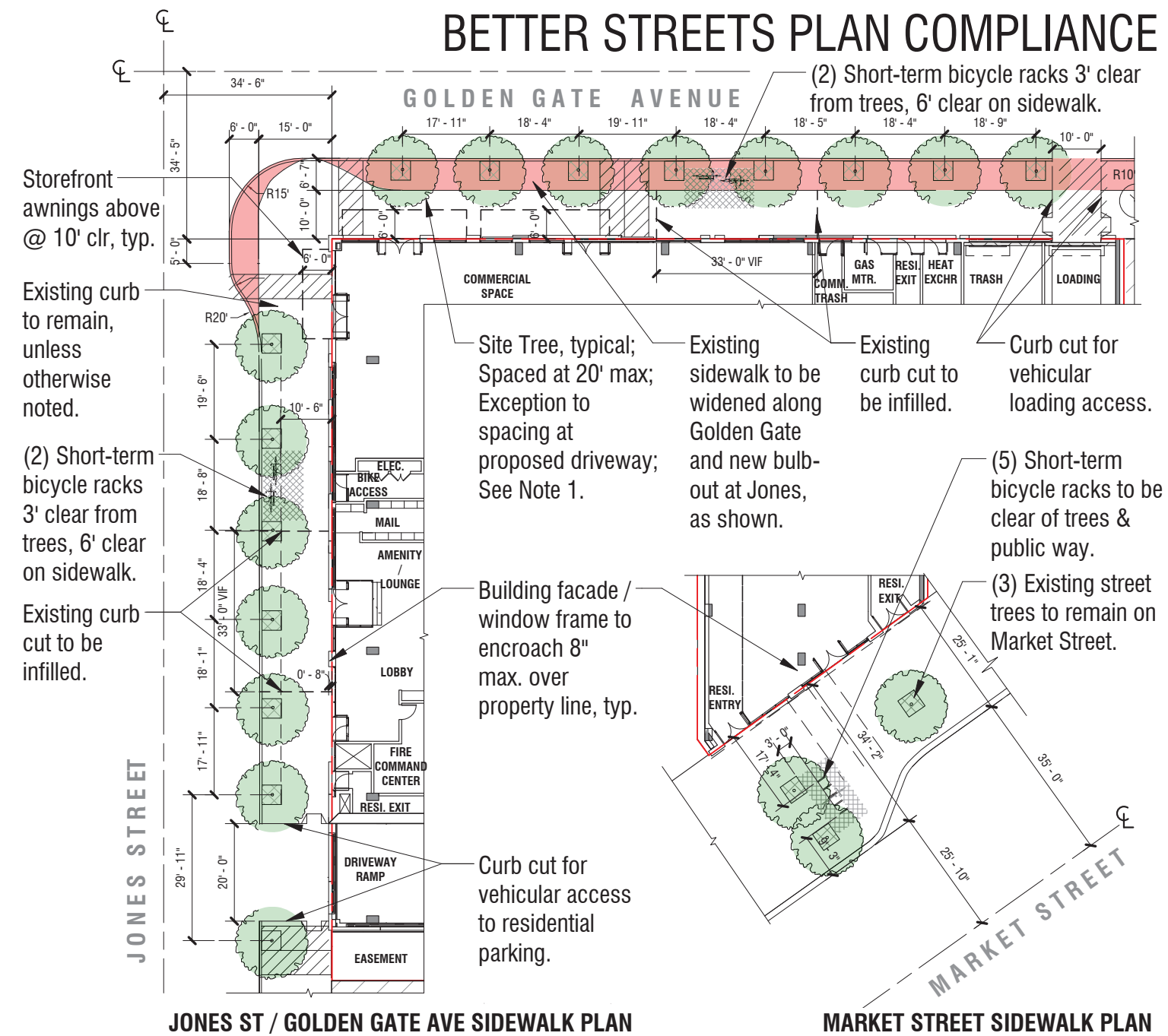


## SFPC 135(g)(2) INNER COURT

Note: This project is requesting a variance to Section 135 (g)(2).  
This diagram is to quantify amount varying from Planning Code.

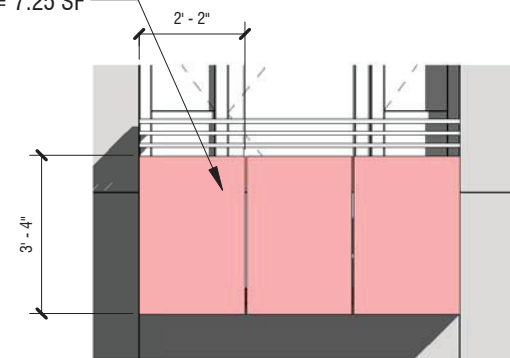




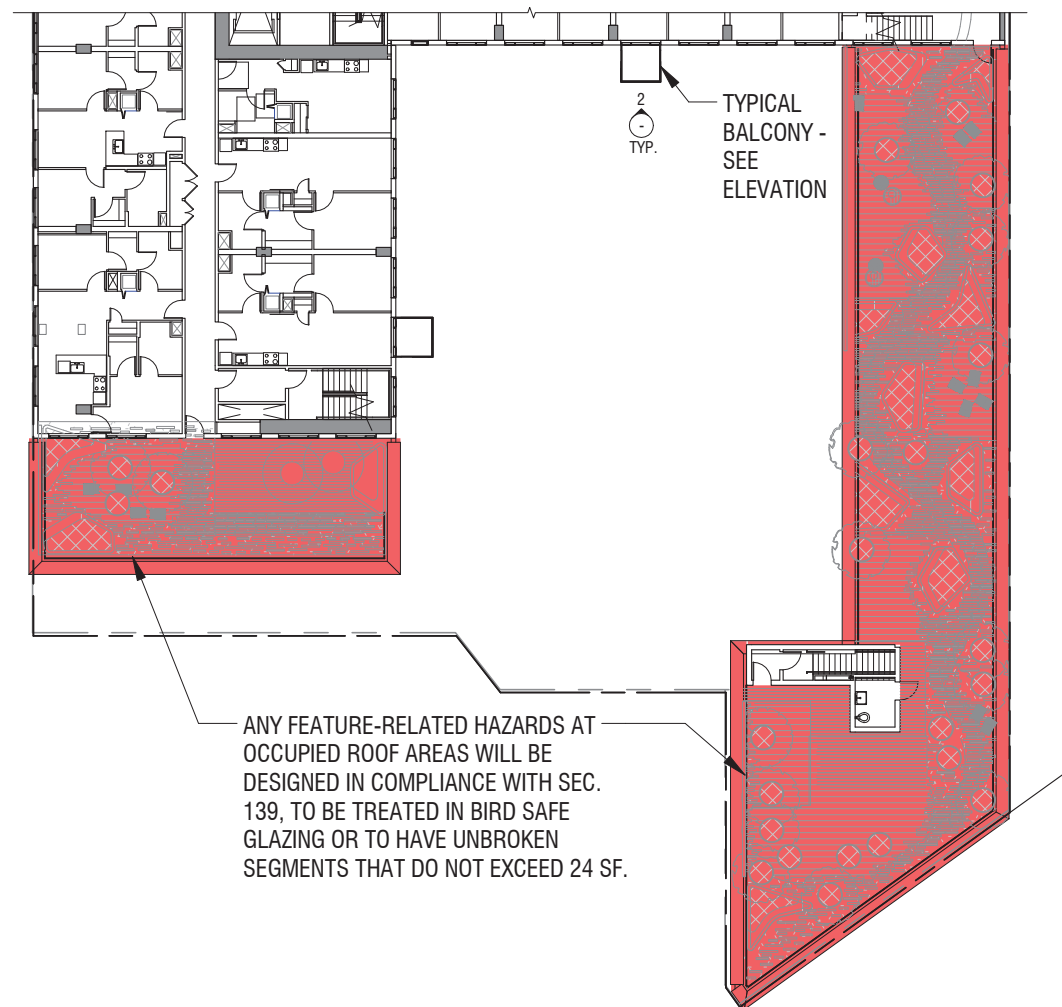


# Bird Safety / SFPC Sec. 139

TYPICAL UNBROKEN SIDE PANEL = 7.25 SF

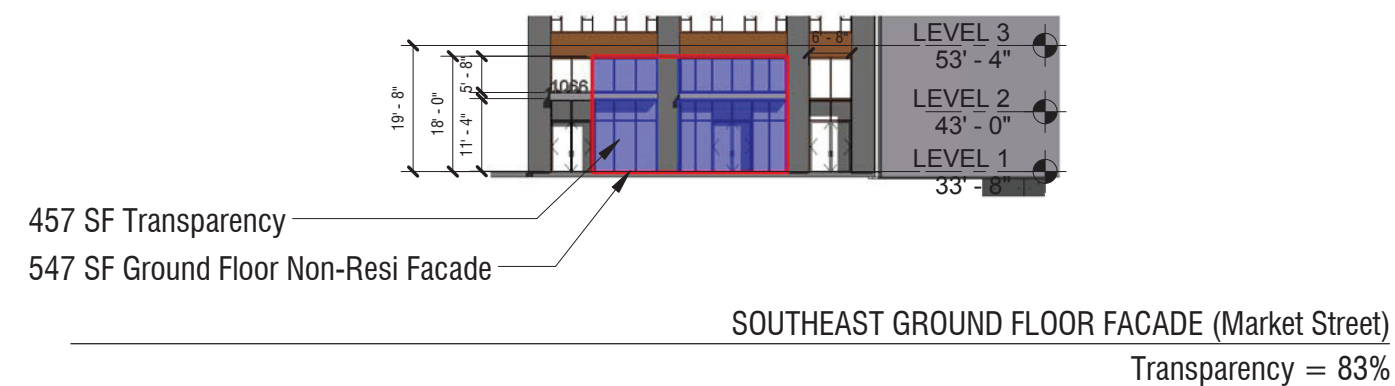
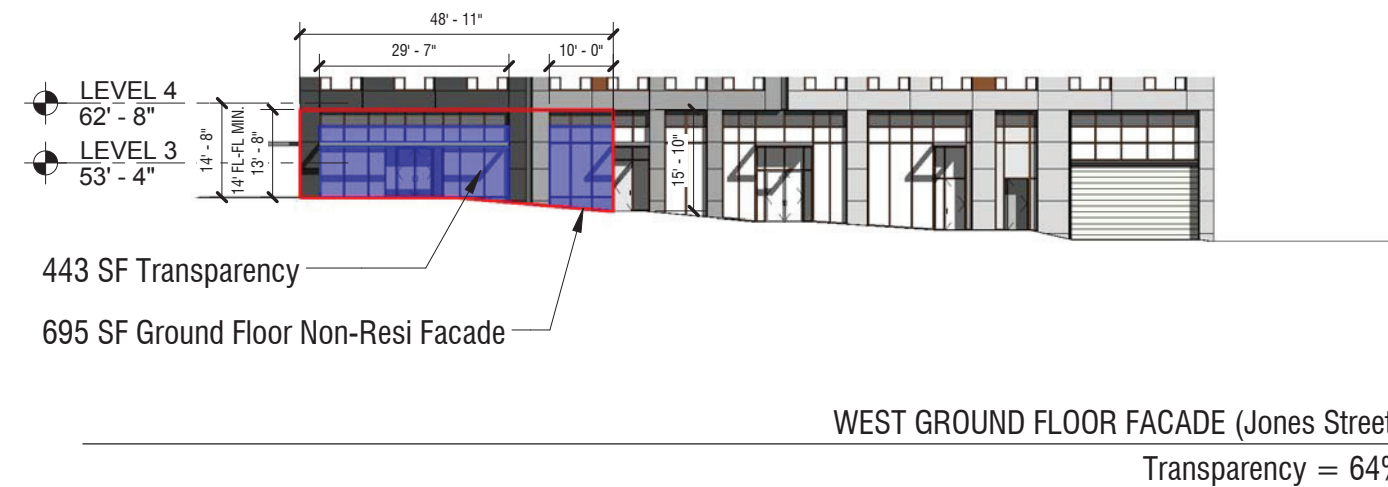
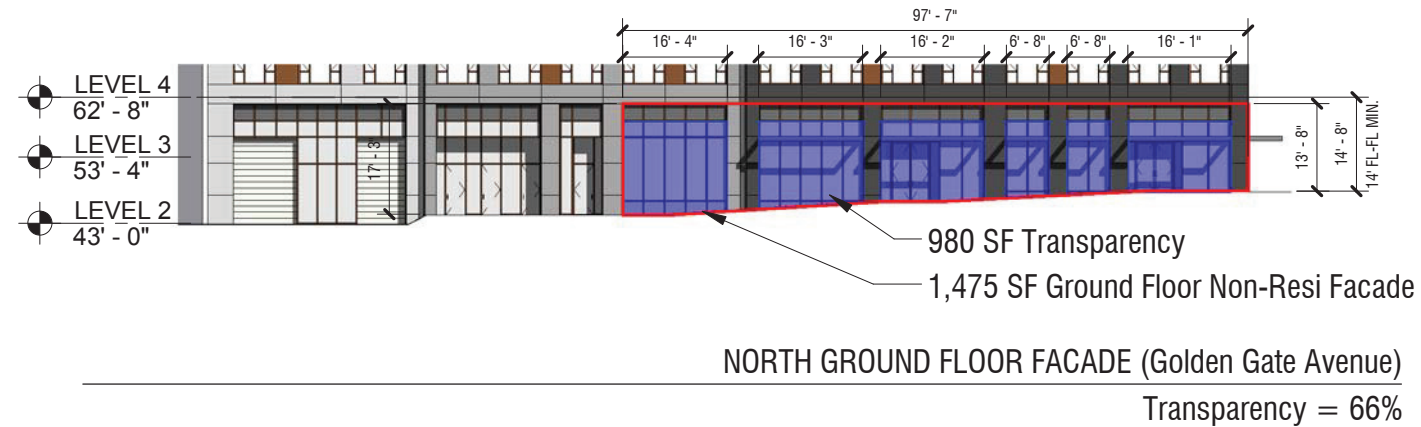


TYPICAL BALCONY ELEVATION  
1/4" = 1'-0" **2**



LEVEL 13 OCCUPIED ROOF PLAN  
1/32" = 1'-0" **1**

# Ground Floor Use / SFPC Sec. 145.1



**AVERAGE TRANSPARENCY = 71%**

FAR CALCULATIONS

RESIDENTIAL FAR AREA			
LEVEL	RESIDENTIAL FAR AREA (SF) <i>Areas shown on following pages</i>	AREA EXCLUDED (SF)	TOTAL GROSS SF
B2	0	22,950	22,950
B1	0	22,950	22,950
1	10,523	9,402	19,925
2	4,988	12,212	17,200
3	12,590	0	12,590
4	19,545	0	19,545
5	19,545	0	19,545
6	19,545	0	19,545
7	19,545	0	19,545
8	19,545	0	19,545
9	19,545	0	19,545
10	19,545	0	19,545
11	18,720	0	18,720
12	18,720	0	18,720
13	12,920	0	12,920
14	12,680	0	12,680
Roof	0	2,808	2,808
TOTAL (SF)	227,956	70,322	298,278

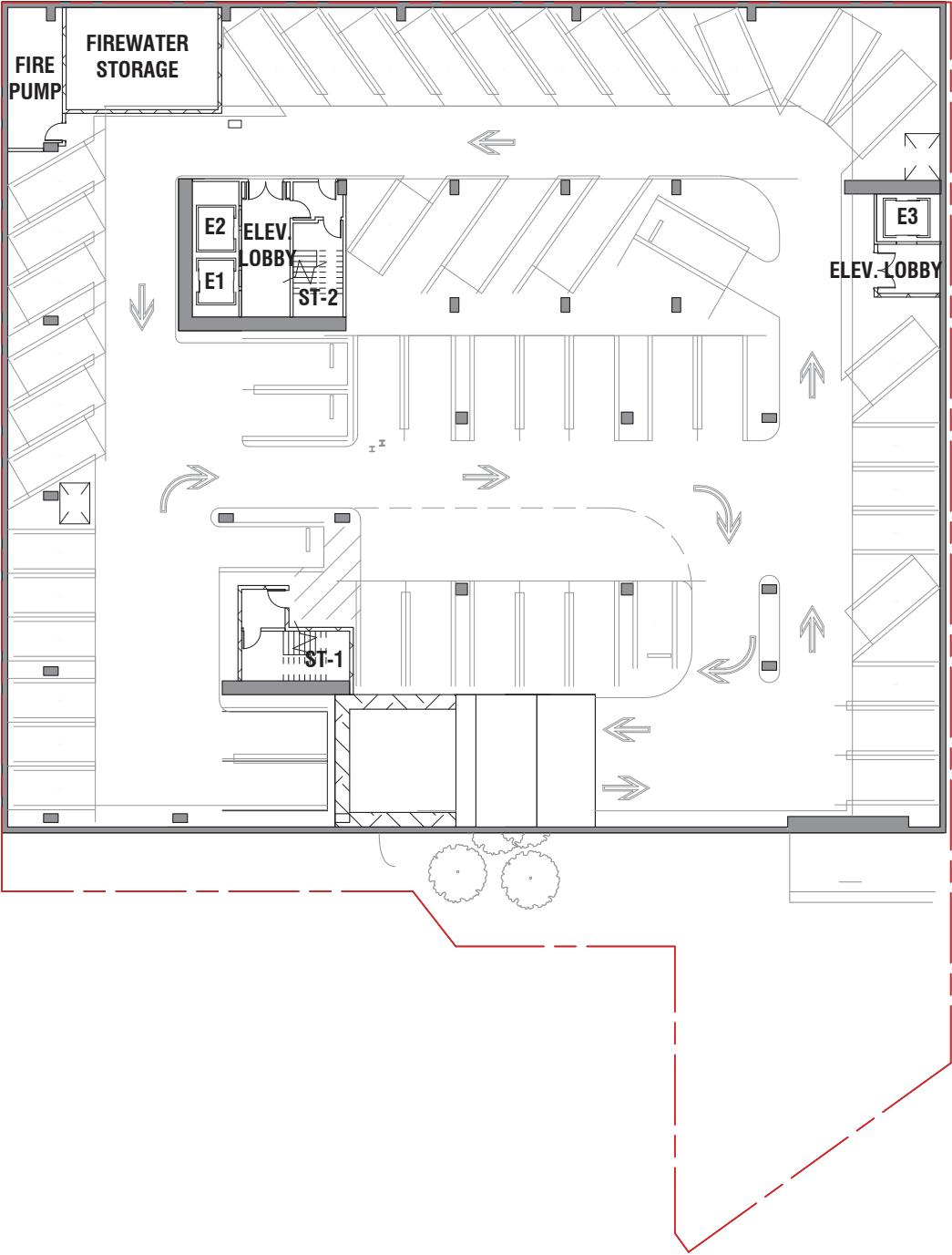
BELOW MARKET RATE UNIT SUMMARY			
Total Number of Units			304
Number of BMR units Required:	12% of total Units	304	36.48
Number of BMR units provided:	12% of total Units	304	36
Total Area of the 36 BMR units (SF):	12% of Net Rentable SF	178,515	21,422

FAR SUMMARY			
Lot Area			27,312
Allowable 6:1 FAR		(Lot Area x 6)	163,872
Current FAR Area	FAR Gross Area	227,956	
	BMR Unit Area*	21,422	
	(Total FAR Gross Area - BMR Unit Area)		206,534
TDR's Required		(Current FAR Area - Allowable)	42,662

\*Location of actual BMR units to be determined.

\*\*Note: 42,662 TDR to be provided to increase FAR to 206,534 SF.

Floor Area Ratio / SFPC Sec. 102.9



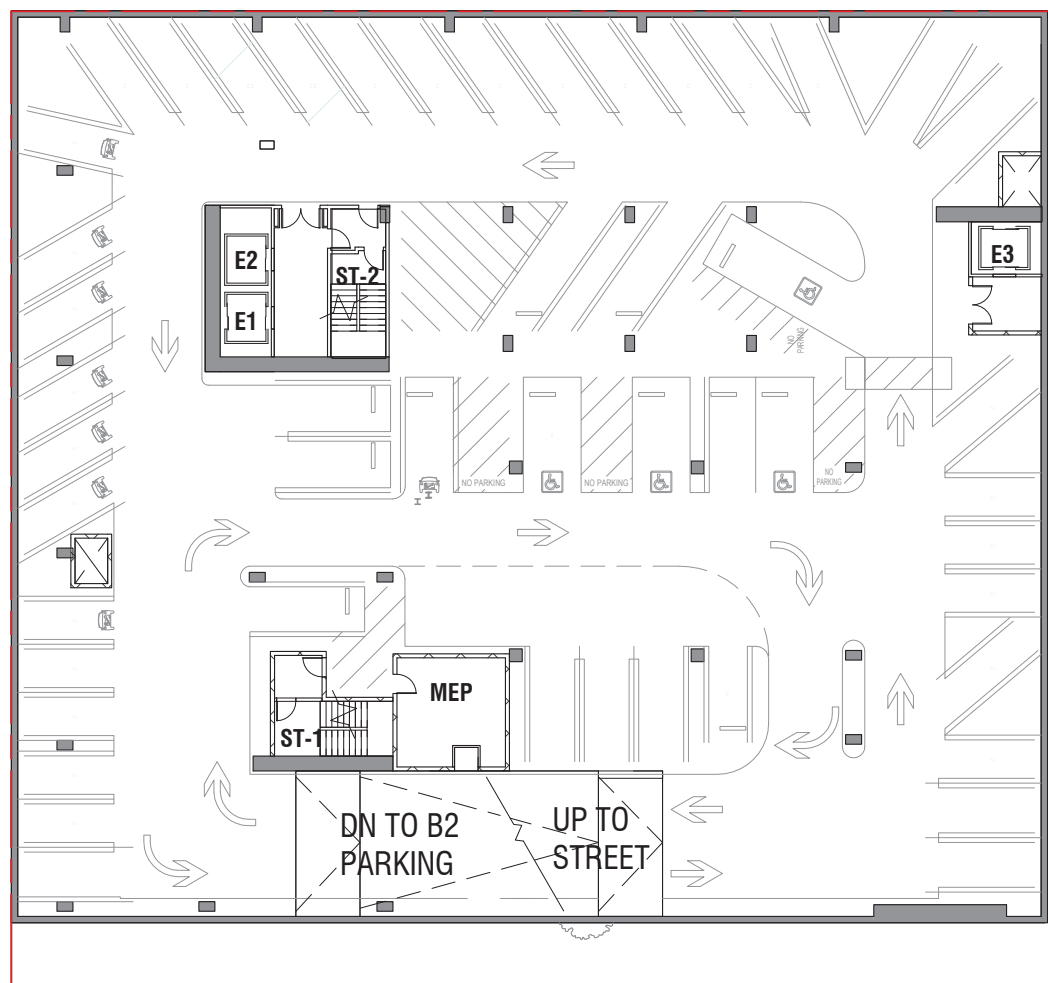
NOTE: NO FAR AREA  
CALCULATED THIS LEVEL.

FAR Calculations - Level B2

Scale: 1" = 30'-0"



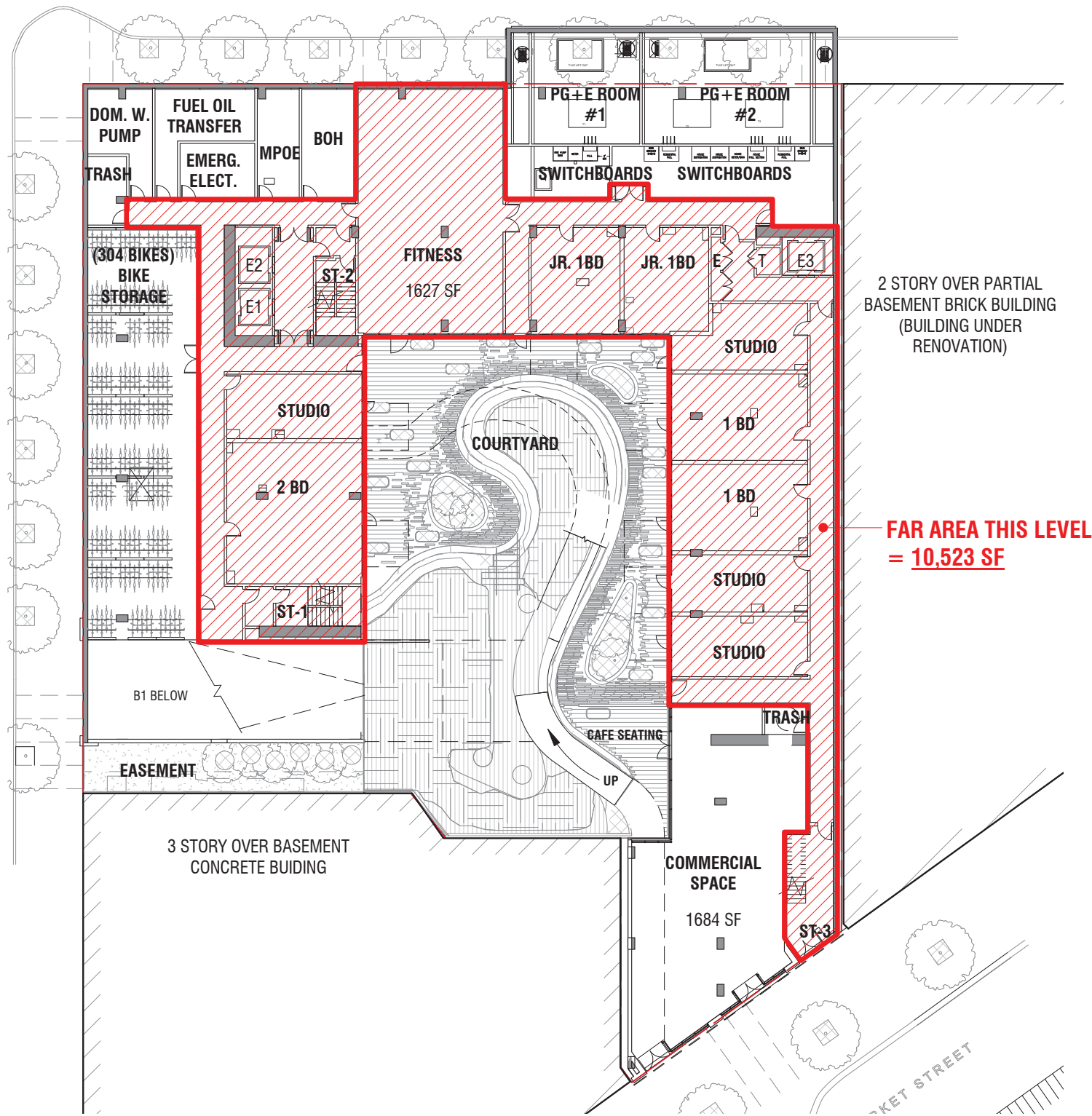
# Floor Area Ratio / SFPC Sec. 102.9



**NOTE: NO FAR AREA  
CALCULATED THIS LEVEL.**

FAR Calculations - Level B1

Scale: 1" = 30'-0"

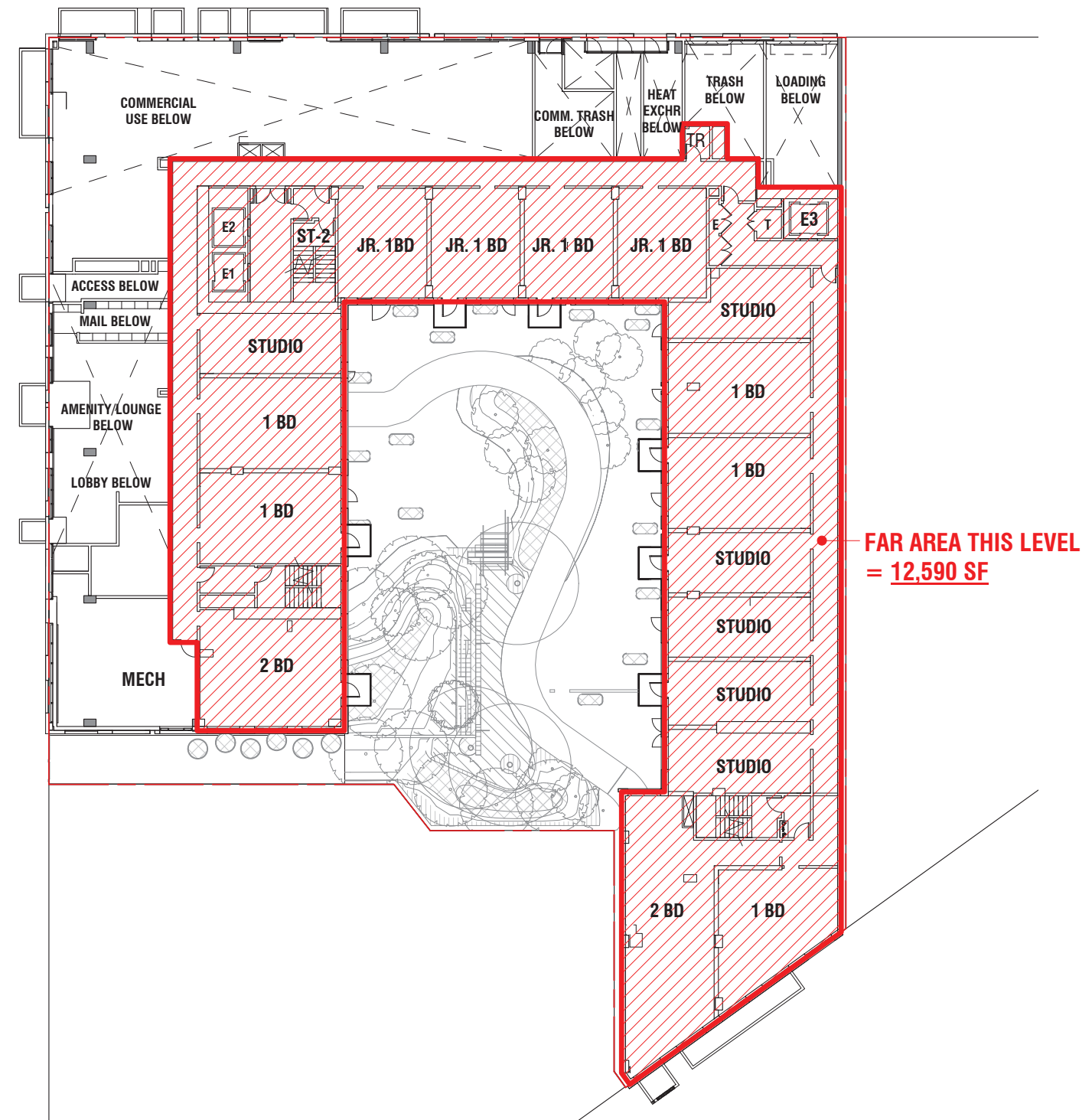
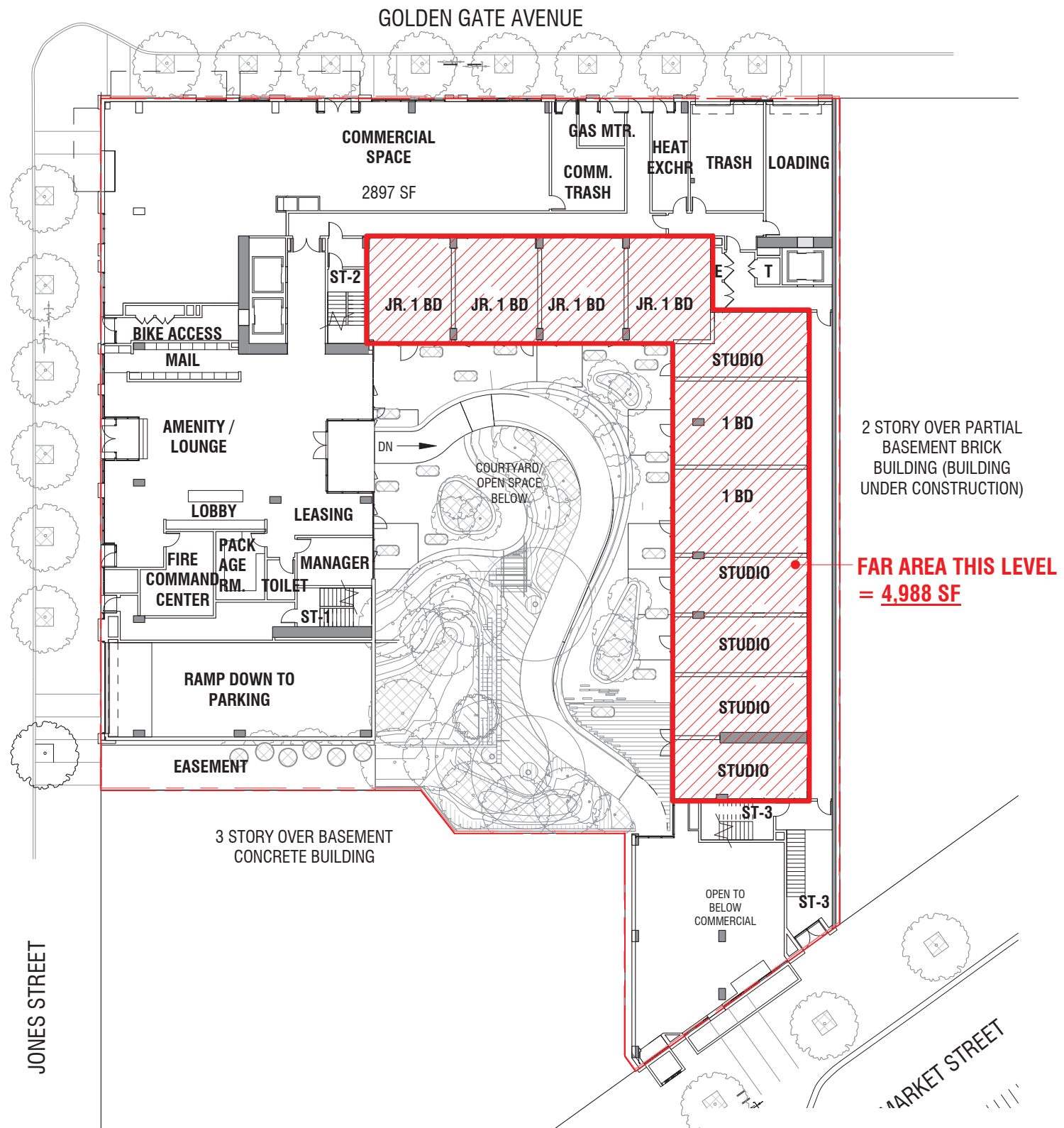


FAR Calculations - Level 1

Scale: 1" = 30'-0"



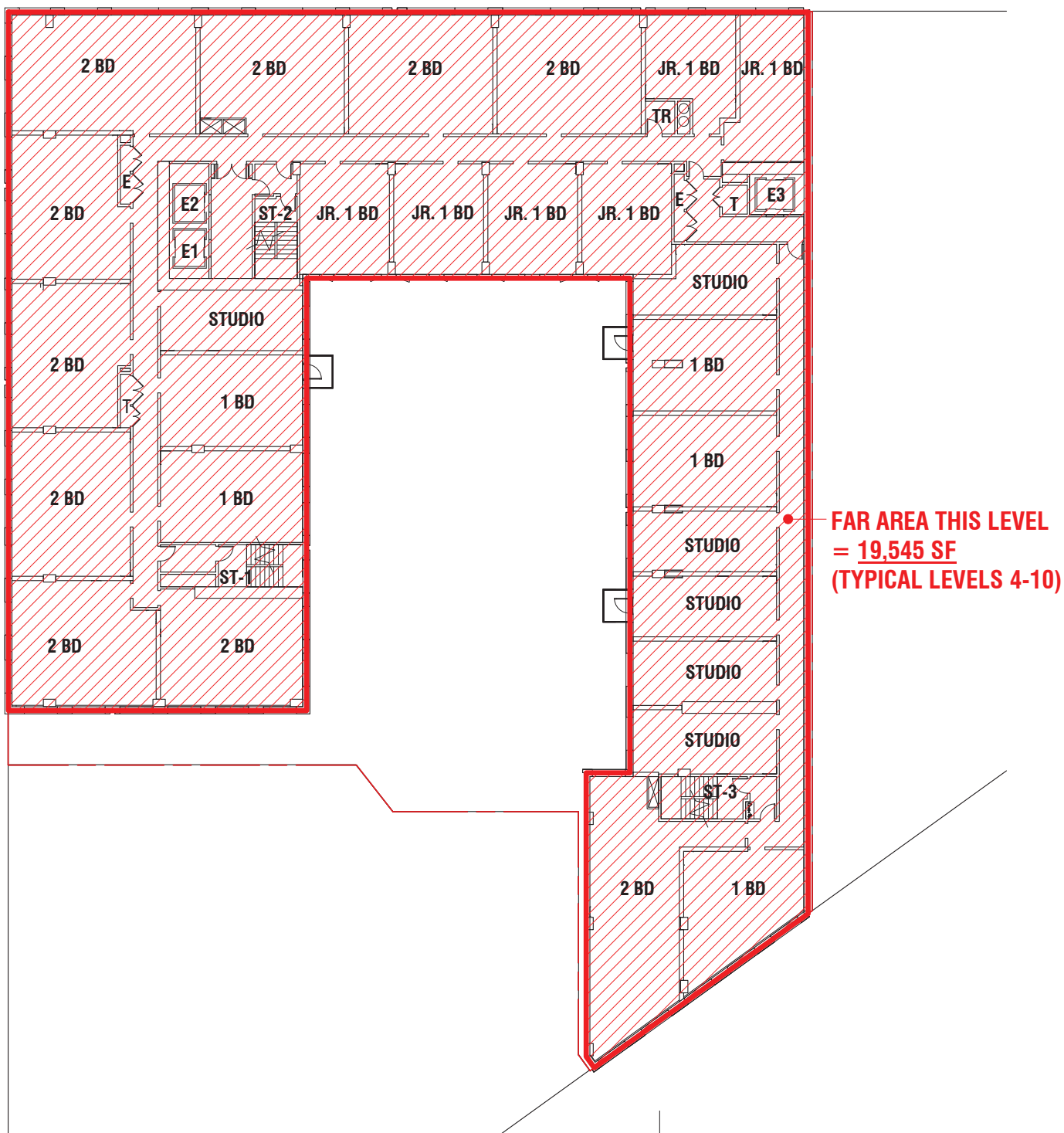
# Floor Area Ratio / SFPC Sec. 102.9



FAR Calculations - Level 2

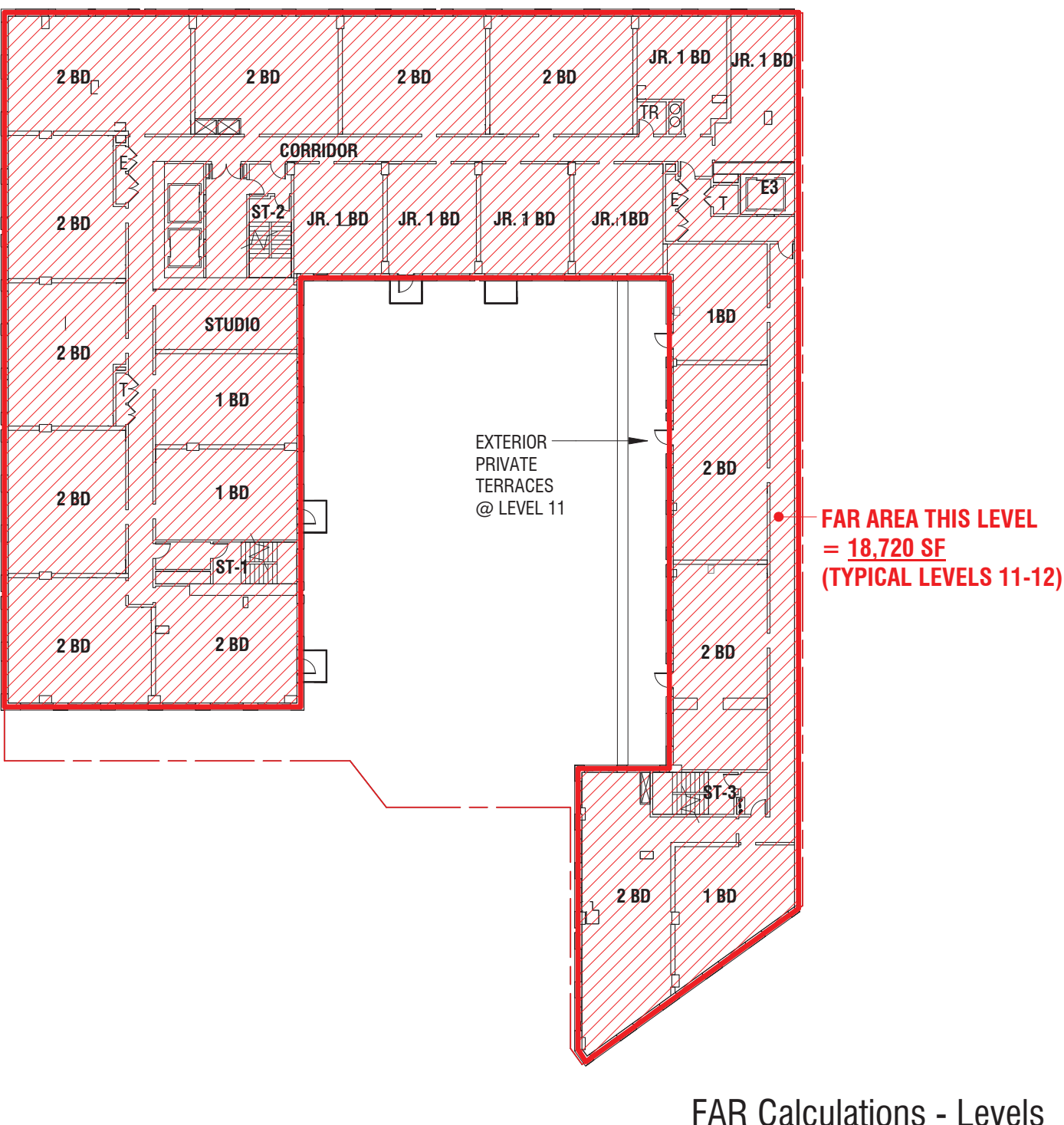
FAR Calculations - Level 3

# Floor Area Ratio / SFPC Sec. 102.9



FAR Calculations - Levels 4-10

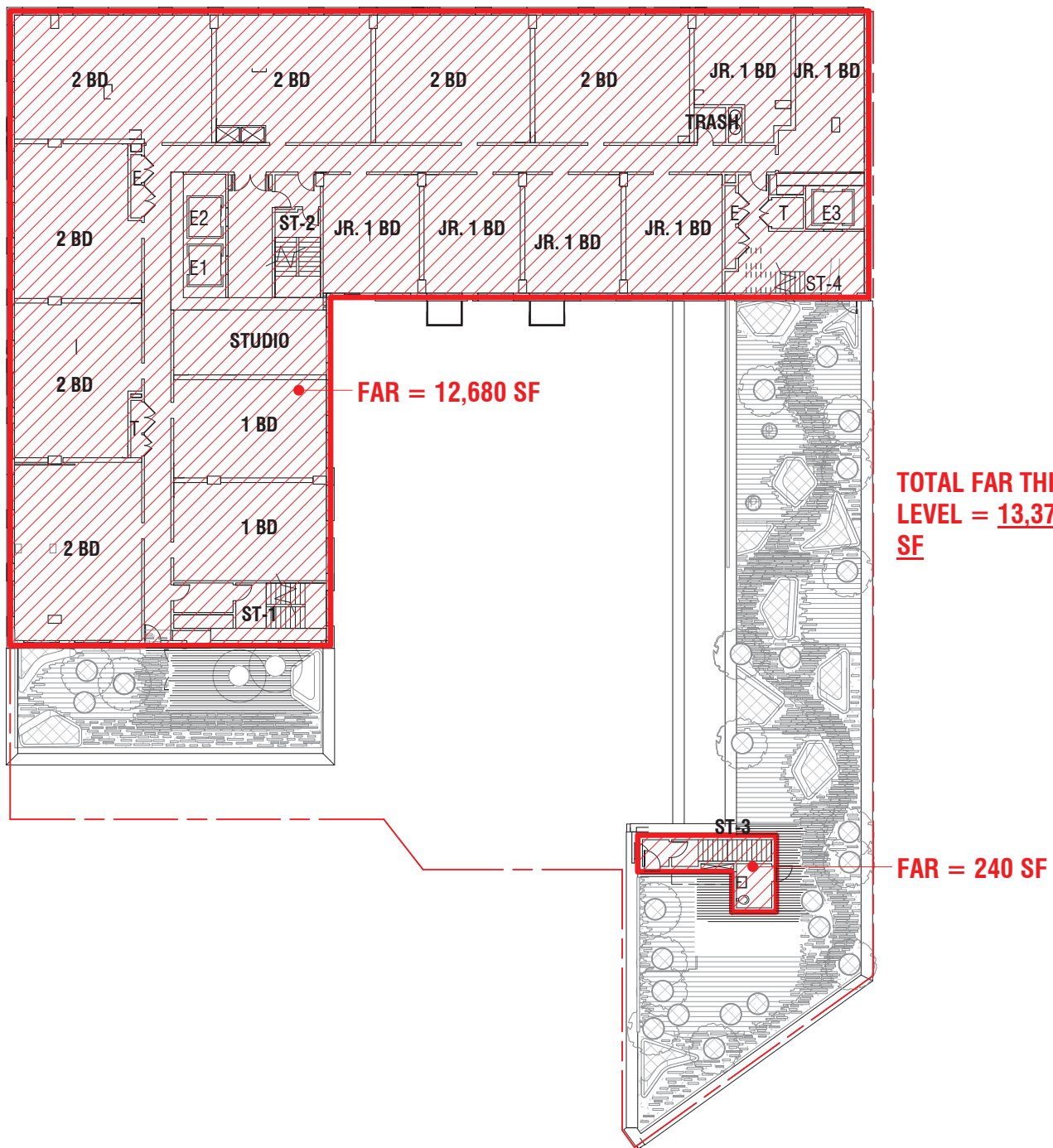
Scale: 1" = 30'-0"



FAR Calculations - Levels 11-12

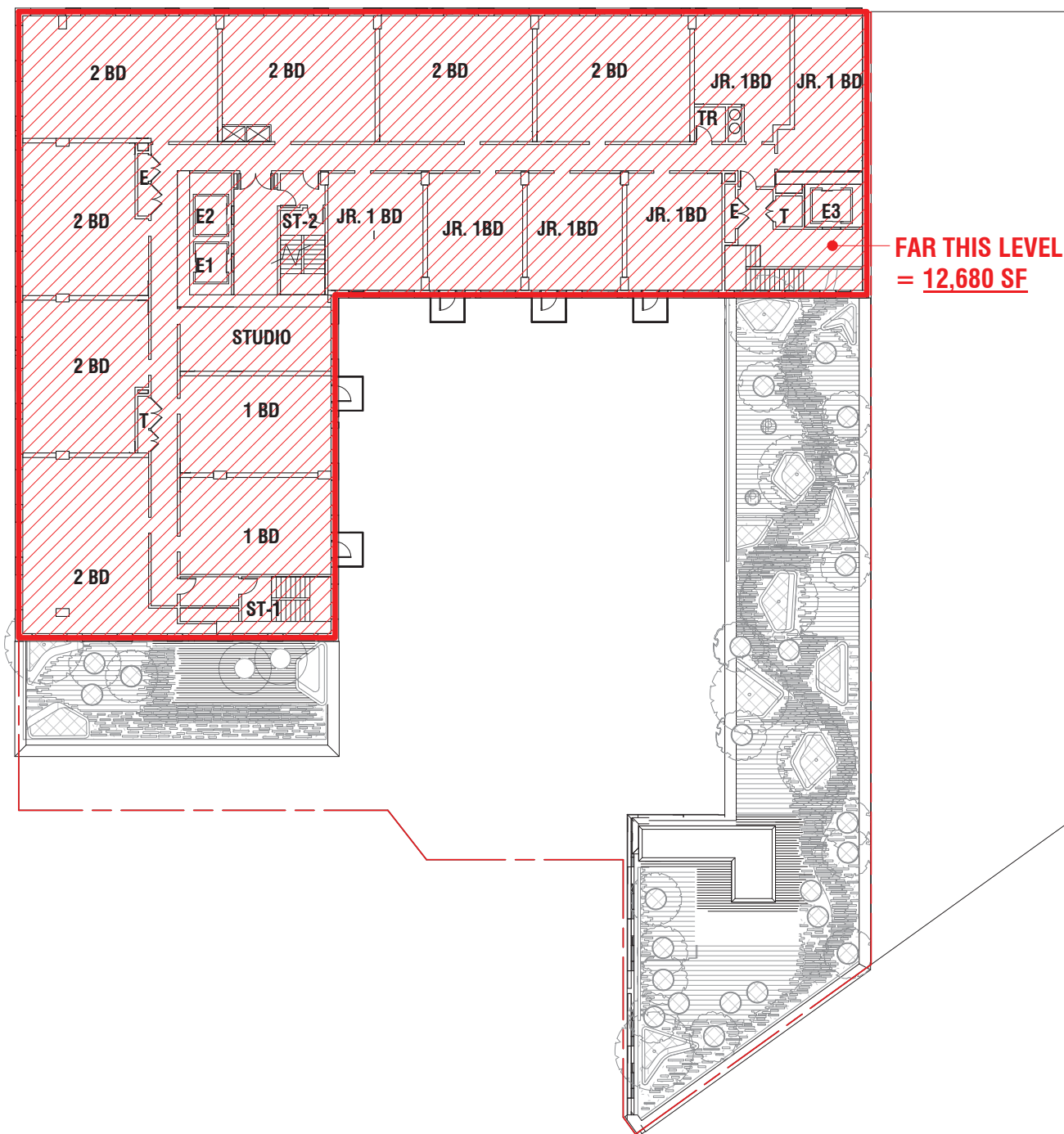
Scale: 1" = 30'-0"

# Floor Area Ratio / SFPC Sec. 102.9



FAR Calculations - Level 14

Scale: 1" = 30'-0"

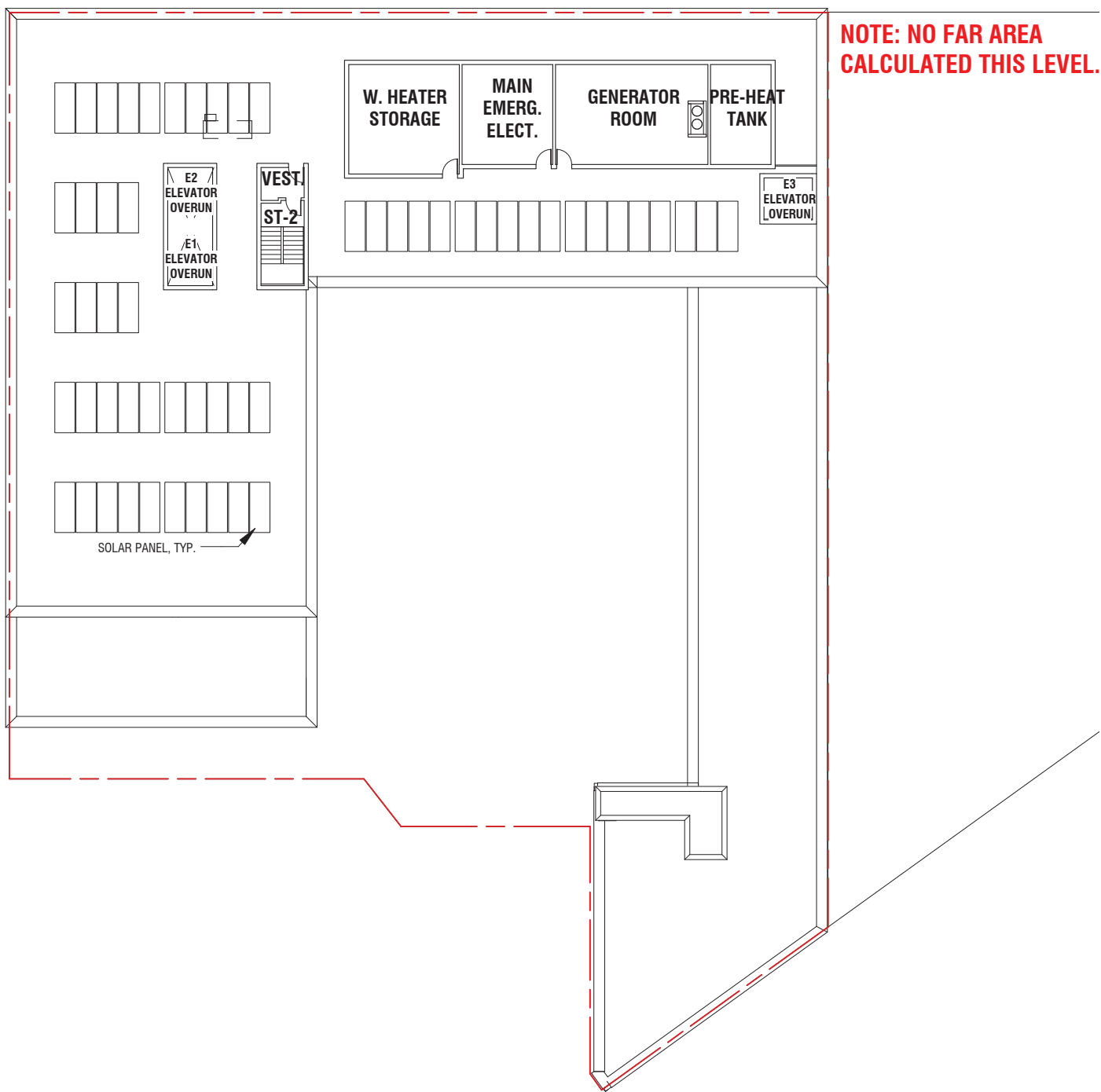


FAR Calculations - Level 14

Scale: 1" = 30'-0"



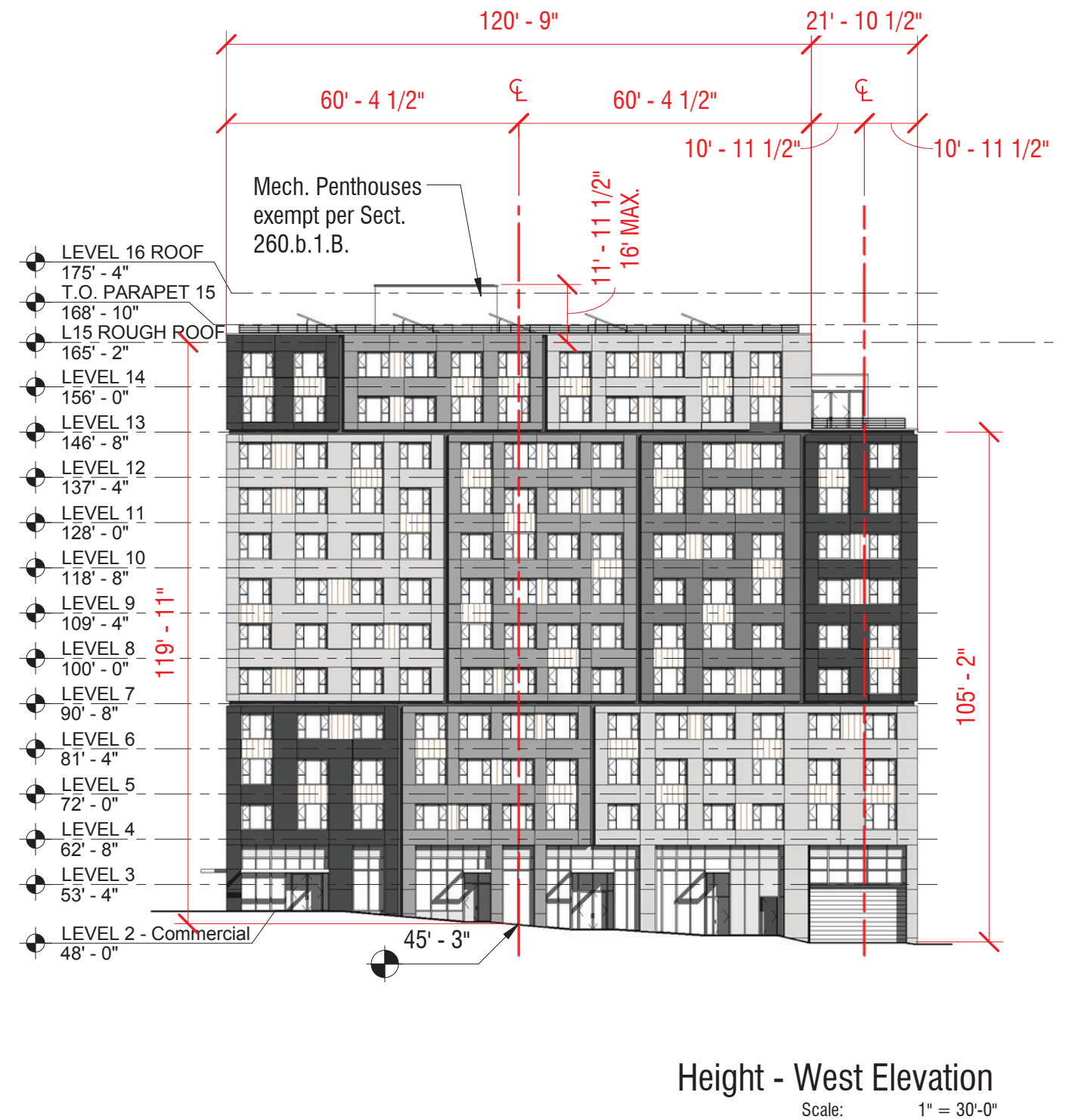
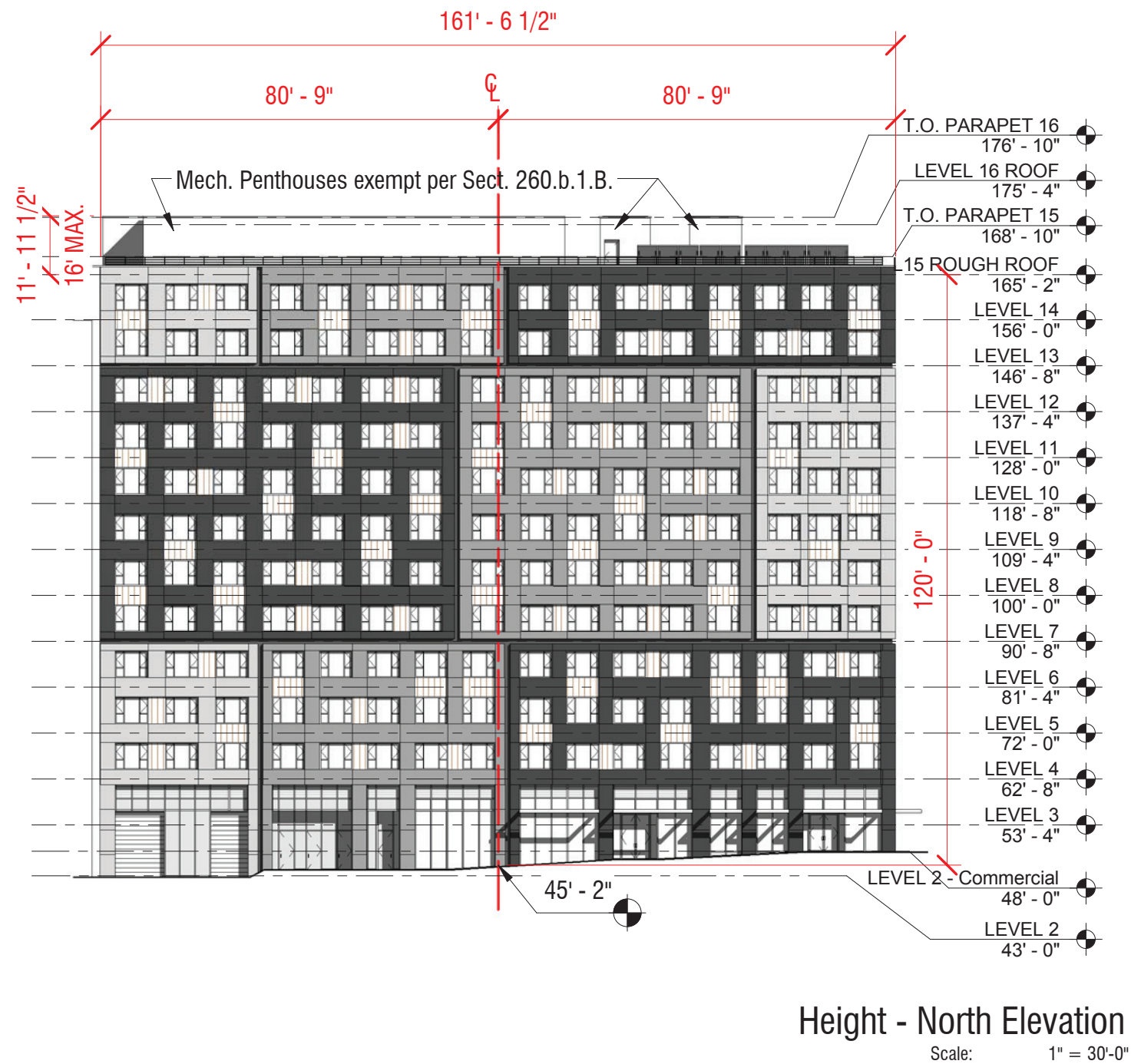
# Floor Area Ratio / SFPC Sec. 102.9



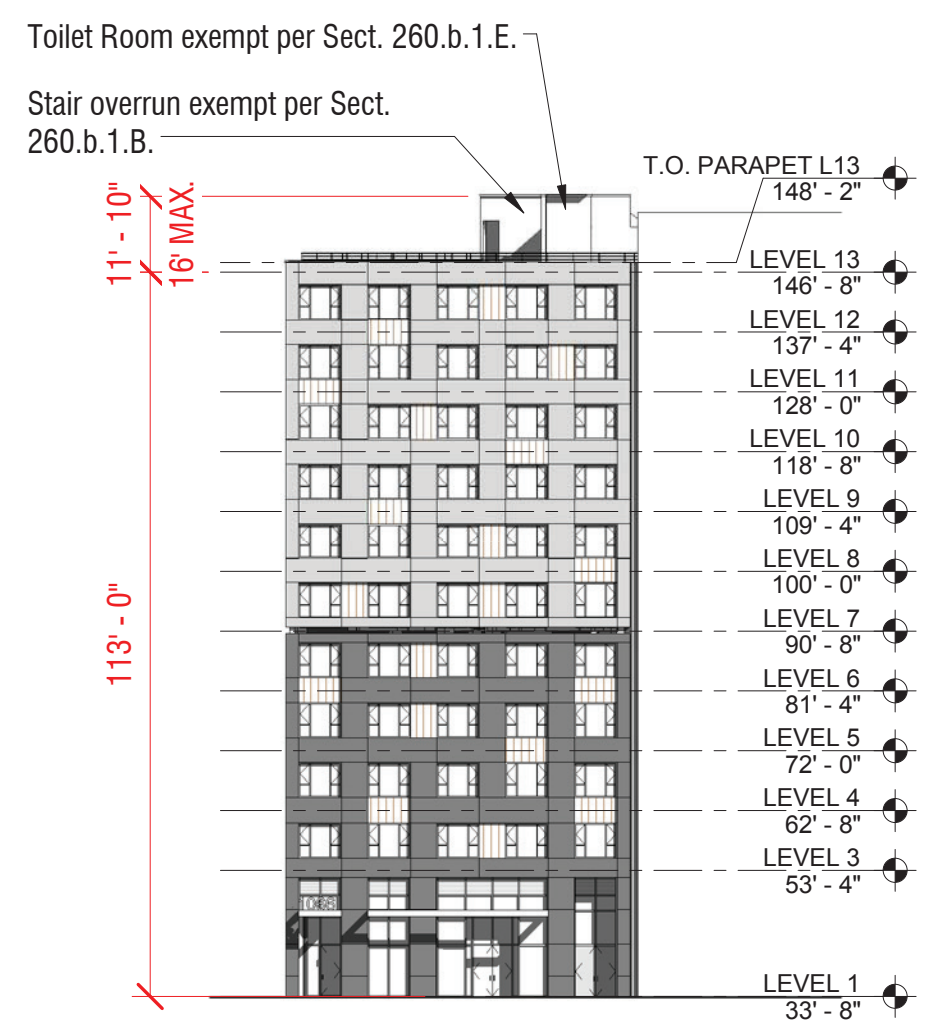
FAR Calculations - Roof

Scale: 1" = 30'-0"

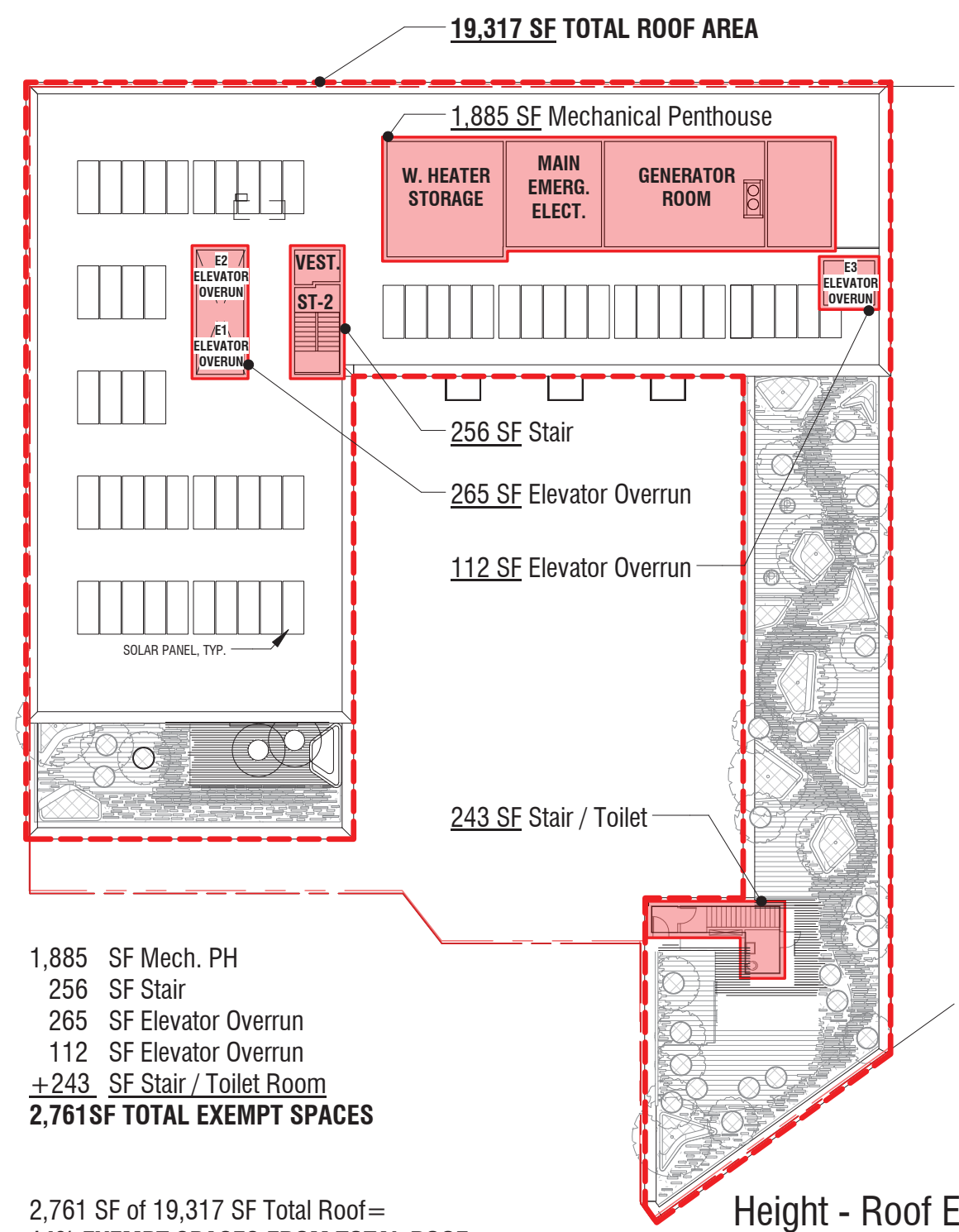
# Height Compliance / SFPC Sec. 260



# Height Compliance / SFPC Sec. 260



Height - Southeast Elevation  
Scale: 1" = 30'-0"



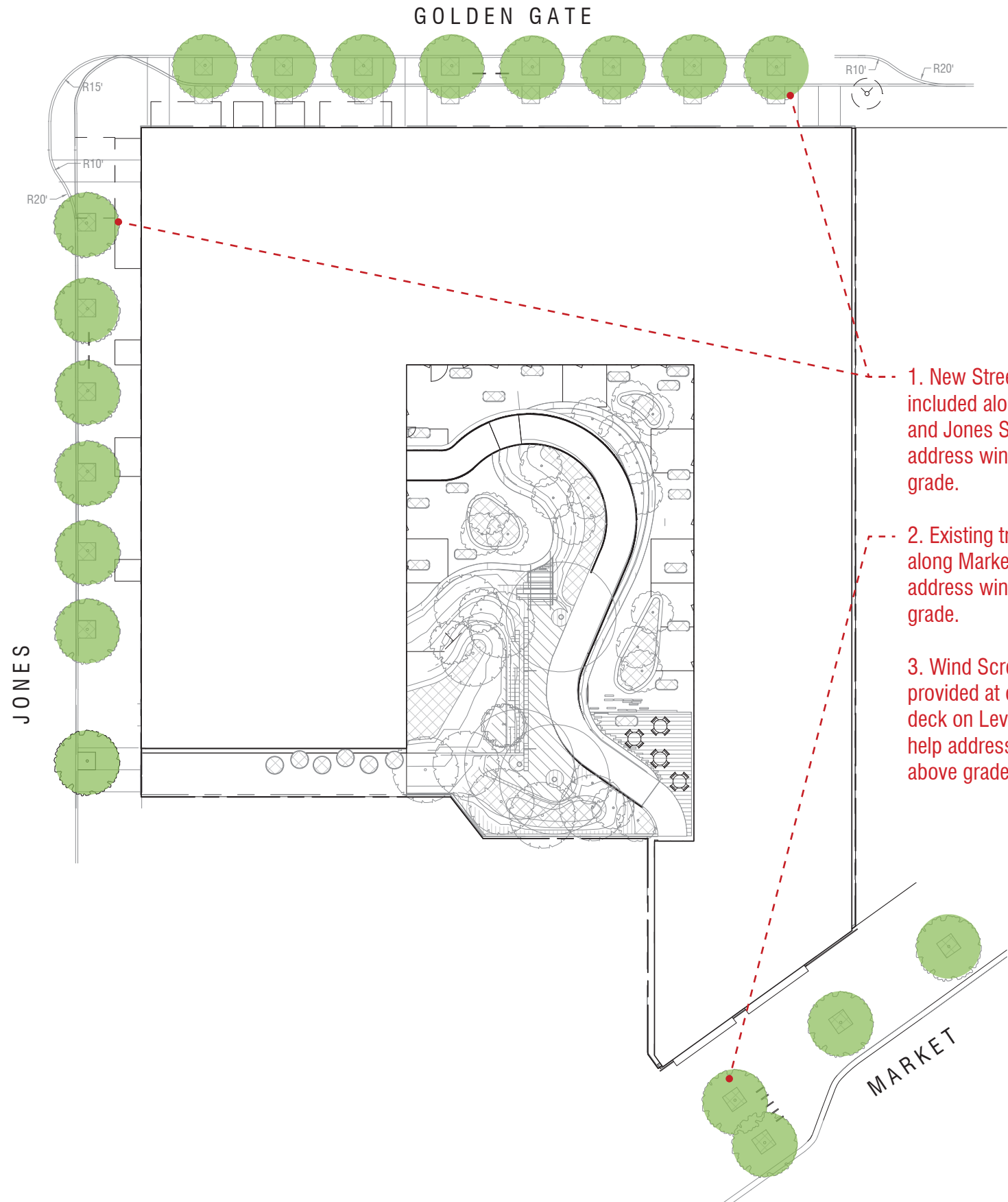
- 1,885 SF Mech. PH
- 256 SF Stair
- 265 SF Elevator Overrun
- 112 SF Elevator Overrun
- +243 SF Stair / Toilet Room
- 2,761SF TOTAL EXEMPT SPACES**

2,761 SF of 19,317 SF Total Roof=  
**14% EXEMPT SPACES FROM TOTAL ROOF**

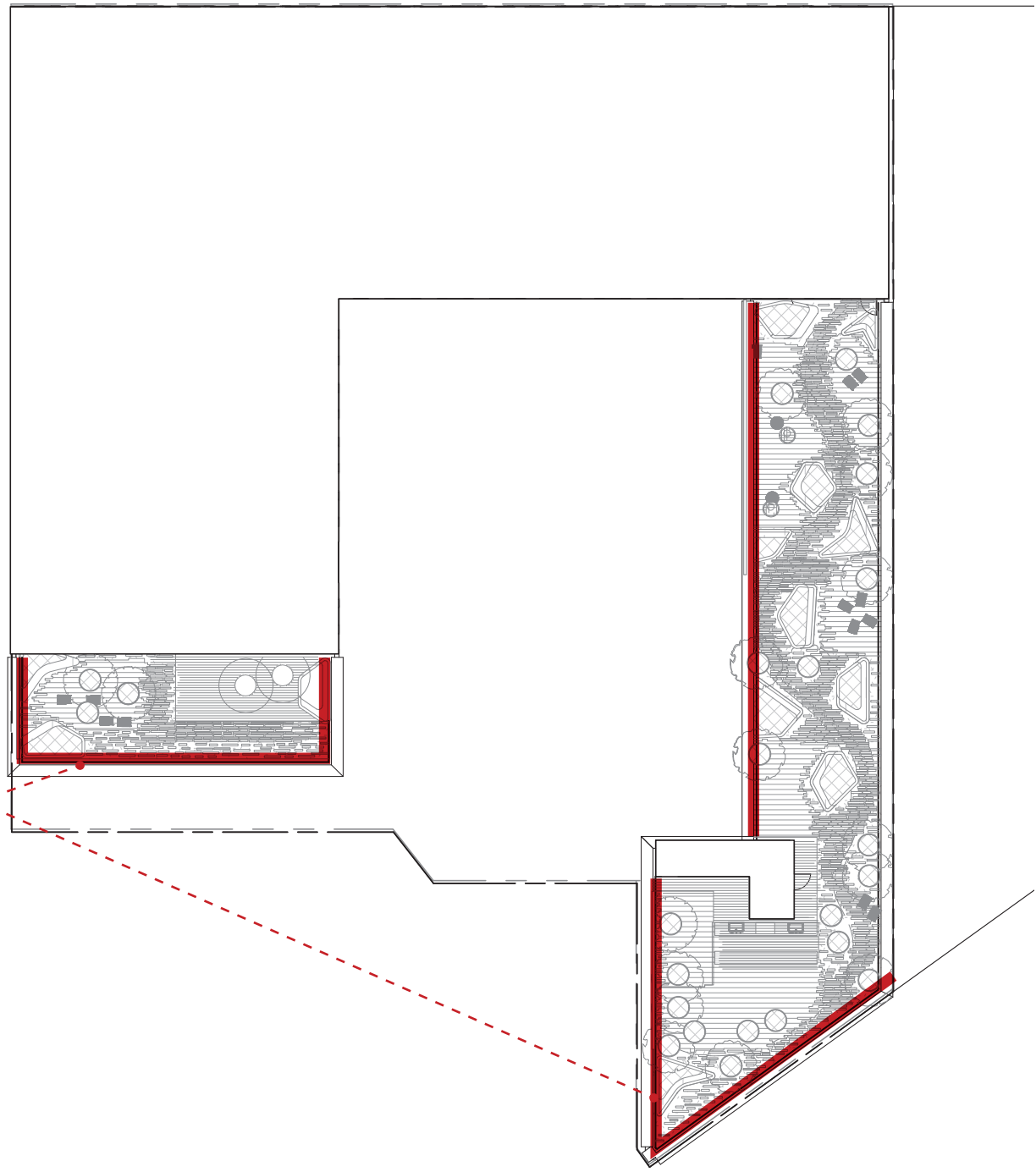
Height - Roof Exemptions  
Scale: 1" = 30'-0"



# WIND REDUCTION MEASURES



- 1. New Street Trees to be included along Golden Gate and Jones Street will help address wind comfort at grade.
- 2. Existing trees to remain along Market Street will help address wind comfort at grade.
- 3. Wind Screens are to be provided at occupied roof deck on Level 13, which will help address wind comfort above grade.



Ground Level Sidewalks Plan  
Scale: 1" = 30'-0"

Level 13 Roof Deck Plan  
Scale: 1" = 30'-0"





PROPOSED  
ADJACENT  
DEVELOPMENT











