# **Executive Summary**

Downtown Project Authorization
Conditional Use Authorization
Office Allocation
Variance
Shadow Findings
Planning Code Text and Map Amendments
General Plan Amendment

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**HEARING DATE: JANUARY 9, 2020** 

Record Number: 2016-013312PRJ

Project Address: 542-550 Howard Street (Transbay Parcel F)

Existing Zoning: C-3-O(SD) Downtown-Office (Special Development) Zoning District

750-S-2 and 450-S Height and Bulk Districts Transit Center C-3-O(SD) Commercial and

Transbay C-3 Special Use Districts

Downtown and Transit Center District Plan Areas

Block/Lot: 3721/016, 135, 136, 138
Project Sponsor: F4 Transbay Partners, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Property Owner: Parcel F Owner, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

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Recommendation: Approval with Conditions

# **SUMMARY**

On January 9, 2020, the Planning Commission ("Commission") will consider a series of approval actions related to the proposed project ("Project") located at 542-550 Howard Street (otherwise known as the "Parcel F"). The Commission has previously reviewed the Project as part of the initiation of a General Plan Amendment hearing on December 5, 2019. The Recreation and Parks Commission reviewed the Project on September 19, 2019. Should the Commission approve the Project on January 9, 2020 the Board of Supervisors would then conduct hearings which could result in the City's final approval or disapproval of the Project.

# REQUIRED COMMISSION ACTION

The following is a summary of actions that the Commission will consider at the hearing, which are required to implement the Project:

- 1. Adopt findings to approve a Downtown Project Authorization pursuant to Planning Code Section 309 with requests for exceptions from: Setbacks and Streetwall Articulation (Section 132.1(c)(1)); Tower Separation (Section 132.1(d)(1)); Rear Yard (Section 134(a)(1)); Dwelling Unit Exposure (Section 140); Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148); Off-street freight loading (Sections 152.1 and 161); Use requirements in the C-3-O(SD) Commercial Special Use Subdistrict (Section 248); Height limits for buildings taller than 550 feet in height in the S-2 bulk district for allowance of non-occupied architectural, screening, and rooftop elements (Section 260(b)(1)(M); and Bulk Controls (Sections 270, 272); and
- 2. Adopt findings to approve Conditional Use Authorization pursuant to Planning Code Sections 210.2 and 303 to establish a hotel use; and
- 3. Adopt findings related to the allocation of office square footage, pursuant to pursuant to Planning Code Sections 320 through 325 that would authorize up to 275,764 gross square feet of general office use; and
- 4. Adopt Shadow Findings, pursuant to Planning Code Section 295;
- Recommend that the Board of Supervisors approve an ordinance that would amend San Francisco
  Zoning Maps ZN-01 and HT-01 for height and bulk classification and zoning designation;
  uncodified legislative amendments for: the residential footprint requirement per Section 248(d)(2);
  and authorization of off-site inclusionary affordable dwelling units per Section 249.28(b)(6)(B)(C);
  and
- 6. Recommend that the Board of Supervisors approve an ordinance that would amend Maps 1 and 5 of the Downtown Plan and Figure 1 of the Transit Center District Plan.

# PROJECT DESCRIPTION

The Project includes the construction of a new 61-story mixed-use building reaching a height of 749′-10″ tall (799′-9″) inclusive of rooftop screening/mechanical equipment) with a total of approximately 957,000 gross square feet of floor area at the Project Site . The Project would include 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 79,000 square feet of floor area devoted to shared amenity space, approximately 9,000 square feet of retail space, approximately 20,000 square feet of open space, 178 Class 1 and 34 Class 2 bicycle parking spaces, and four below-grade levels that would accommodate up to 183 vehicle parking spaces provided for the residential, hotel, and office uses. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Transbay Transit Center.

# **ISSUES AND OTHER CONSIDERATIONS**

- Public Comment & Outreach. The Department has received correspondence regarding the proposed Project related to shadow impacts on Willie "Woo Woo" Wong Playground, citing concerns around shadows caused by the Project having an adverse impact on the use of the Willie "Woo Woo" Wong Playground. The Project Sponsor has conducted community outreach that includes local community groups to respond to concerns over shadow impacts resulting from the Project, including:
  - o Committee for Better Parks and Recreation in Chinatown; 10/26/18
  - o Chinatown Community Development Corporation; 11/15/18, 2/11/19
  - o SRO Families; 6/6/19, 6/18/19
  - o East Cut CBD Board; 10/15/18
  - o Transbay CAC; 10/11/19, 2/21/19, 7/11/19
  - o South Beach/Rincon Hill / Mission Bay Neighborhood Association; 8/29/18
  - o TODCO; 5/29/19
  - o United Playaz; 5/28/19, 10/11/18
- Planning Code Text and Zoning Map Amendments (Board File No. 191259). On December 10 2019, Supervisor Matt Haney introduced an ordinance amending the Planning Code and Zoning Map to rezone and reclassify a portion of the 542-550 Howard Street project site (Assessor's Parcel Block No. 3721, Lots 016, 135, 136, and 138), also known as Transbay Parcel F and as shown on Figure 1 of the Transit Center District Plan, specifically to rezone a portion of the Project Site ("Site") from the P (Public) District to the C-3-O(SD) Downtown Office Special Development District and to reclassify the height and bulk district designations for a portion of the Site; waiving certain provisions of the Planning Code to allow the Project's required inclusionary affordable housing units to be provided off-site within the Transbay Redevelopment Project Area, subject to certain conditions, and to permit the footprint of the portion of the Site dedicated to dwellings to exceed 15,000 square feet.
- General Plan Amendment. On December 5, 2019, the Planning Commission initiated a General Plan Amendment to amend Maps 1 and 5 of the Downtown Plan and Figure 1 of the Transit Center District Plan. The amendments effectively result in a height and bulk swap between Lots 016 and 136 with Lot 138 on Assessor's Block 3721 and would rezone the western edges of Lots 135 and 138 on Assessor's Block 3721 from "P" to "C-3-O(SD)," thereby eliminating the existing split zoning on Lots 135 and 138.
- **Downtown Project Authorization with Request for Exceptions**. The Project would result in a net addition of more than 50,000 square feet of gross floor area of space. Therefore, the Project is required to obtain Downtown Project Authorization, pursuant to Planning Code Sections 309. Due to significant constraints on the buildable area of the Site (i.e., the presence of a below-grade "Train Box" located within the northwest corner of the Site and the bus ramp easement along the western boundary of the Site), the position, configuration, and overall design of the proposed tower require

exceptions from several provisions of the Planning Code, which, may be granted as provided in the Code sections as referenced below:

- Setbacks and Streetwall Articulation (Section 132.1(c)(1)). The Project does not incorporate setbacks that meets the requirements of the Code and therefore seeks an exception. The Department supports the request as the Project meets the intent of the setbacks and streetwall articulation requirement of the Code. The building incorporates a combination of distinctive façade treatments and contributes to the quality and activation of the pedestrian realm around and through the building.
- Tower Separation (Section 132.1(d)(1)). The project seeks relief from the tower separation requirement. The Department supports the request as a strict enforcement of the Code would result in a building with a much smaller floor plate containing residential uses leading to substantial reduction in the overall number of dwelling units being provided.
- Rear Yard (Section 134(a)(1)). Strict compliance with the Rear Yard requirement is not feasible due to significant constraints on the buildable area of the Site. The Department supports the request as the configuration of the building provide adequate light and air to the residential units and open space provided.
- O Dwelling Unit Exposure (Section 140). The Project includes Dwelling Units that do not face onto an open area as defined by the Code. The Department supports the request as the Project has been designed such that the majority of the units (109 units, or 66% of all units) meet the requirements for dwelling unit exposure.
- o **Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148)**. The Project would result in the addition of 7 pedestrian comfort criterion exceedances. The Department supports the request as it is unlikely the Project could be designed in a manner that would affect wind conditions substantially enough to eliminate all existing exceedances, particularly considering the number of high-rise buildings existing and under construction in immediate proximity to the Site.
- Off-street freight loading (Sections 152.1 and 161). The Project proposes to provide four (4) off-street loading spaces, rather than the six (6) spaces otherwise required by Code. The Department supports the request as the constrained area of the Site makes underground provision of loading spaces infeasible. Providing the full amount of required spaces is operationally unnecessary and would result in the use of an unreasonable percentage of the ground floor area within the Site, thereby precluding more desirable active pedestrianoriented uses
- O Use requirements in the C-3-O(SD) Commercial Special Use Subdistrict (Section 248). With approximately 435,000 gross square feet devoted to residential use and approximately 515,000 gross square feet devoted to non-residential uses (or "commercial uses" for purposes of applicability to Section 248), the Project does not meet the required 2:1 ratio of commercial uses to residential or housing uses. Through a legislative amendment as only applied to the Project (Board File No. 191259), the square footage

threshold for the footprint of the portion of the building devoted to residential uses would be 15,500 sf, thereby allowing the Project to utilize the 309 exception, pursuant to Section 248(d)(2). The Department supports the request as the Project would provide for a balanced mix of residential and non-residential uses that meets the intent of the SUD.

- O Height limits for buildings taller than 550 feet in height in the S-2 bulk district for allowance of non-occupied architectural, screening, and rooftop elements (Section 260(b)(1)(M). The Project's design incorporates an additional building height of 50 feet for unoccupied building features including mechanical and elevator penthouses, enclosed and unenclosed rooftop screening, and unenclosed architectural features not containing occupied space above the height limit of 750 feet. This additional height is less than the 7.5 percent, or 56'-3", of additional height that otherwise may be granted for non-occupied architectural, screening, and rooftop elements, pursuant to Code. The Department supports the request as the extended height is incorporated into the overall building design and allows for improved architectural treatment of the crown of the building.
- O Bulk Controls (Sections 270, 272). The Project proposes an exception from Section 270(d)(4)(B), which requires that average floorplates of the upper tower may not exceed 75% of the average floorplates of the lower tower and the average diagonal dimension of the upper tower may not exceed 87% of the average diagonal dimension of the lower tower. The Department supports the request as the Project achieves a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan.
- Conditional Use Authorization. Pursuant to Planning Code Sections 210.2 and 303, the Project is required to obtain Conditional Use Authorization to establish a Hotel Use. The Project's location will provide an invaluable supply of hotel space in a much-needed location, close to many of San Francisco's most popular tourist attractions, the Moscone Convention Center, the Salesforce Transit Center and the most significant density of office space in the City.
- Office Development Allocation. Pursuant to Planning Code Sections 320 through 325, the Project is required obtain an allocation of office square footage under the Office Development Limitation Program in order to authorize up to 275,764 gross square feet of general office use. The Project is ideally located in the Transit Center C-3-O(SD) Commercial Special Use District directly adjacent to the Salesforce Transit Center, within the core of the city's office district.
- Variance. Pursuant to Planning Code Section 305, the Zoning Administrator shall review the Variance application (Case No. 2016 013312VAR) and make a determination on the request for relief from following provisions of the Planning Code: Parking and Loading Entrance Width per Section 145; Active Street Frontages per Section 145.1; Vehicular Ingress and Egress on Natoma Street per Section 155; and location of Bicycle Parking per Section 155.1.
- **Shadow Findings.** Pursuant to Planning Code Section 295, the Project requires adoption of findings, with the recommendation of the recreation and park commission, that the net new

shadow cast by the Project on Union Square Plaza or Willie "Woo Woo" Wong Playground will not be adverse to their use.

#### **ENVIRONMENTAL REVIEW**

On August 27, 2019, the Department determined that the proposed project did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan FEIR. Since the Transit Center District Plan FEIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this Project, including the Transit Center District Plan FEIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

#### BASIS FOR RECOMMENDATION

- The Project implements the vision of the Downtown and Transit Center District Plans through the
  construction of 165 dwelling units, 189 hotel rooms, and approximately 276,000 square feet of office
  space located directly across from the Salesforce Transit Center, and within walking distance of the
  Downtown Core.
- The Project contribute to the city's housing supply, providing 165 dwelling units on-site and providing the inclusionary affordable housing units off-site, at another site within the Transbay Redevelopment Plan Area.
- The Project's commercial uses (hotel, office, and retail) will provide new employment opportunities within an intense, walkable urban context.
- The proposed ground-floor commercial retail spaces located along both the Howard Street and Natoma Street frontages, along with the commercial retail space located on Level 5 (connected to the adjacent Salesforce Park via a pedestrian bridge), will expand the spectrum of retail goods and services available in the area, and will activate the street frontages at-grade and Salesforce Park located above-grade.
- The project is necessary and desirable, is compatible with the surrounding neighborhood, and would not be detrimental to persons or adjacent properties in the vicinity.
- The Project is, on balance, consistent with the Goals, Policies, and Objectives of the General Plan.

# **ATTACHMENTS:**

Draft Motion - Downtown Project Authorization, Exhibit A: Conditions of Approval

Draft Motion - Conditional Use Authorization, Exhibit A: Conditions of Approval

Draft Motion - Office Development Allocation, Exhibit A: Conditions of Approval

Draft Resolution - Shadow Findings

Draft Resolution - Planning Code Text and Map Amendments, Draft PCA/MAP Ordinance

Draft Resolution - General Plan Amendment, Draft GPA Ordinance

Exhibit B – Plans and Renderings

Exhibit C - MMRP

Exhibit D - Environmental Determination

Exhibit E - General Plan Referral for Natoma Street Pedestrian Bridge

Exhibit F – Land Use Data

Exhibit G – Maps and Context Photos

Exhibit H – Public Correspondence

Exhibit I – Project Sponsor Brief

Exhibit J - Inclusionary Affordable Housing Affidavit

Exhibit K - Anti-Discriminatory Housing Affidavit

Exhibit L - First Source Hiring Affidavit

# Draft Motion – Downtown Project Authorization, Exhibit A: Conditions of Approval

# **Planning Commission Draft Motion**

**HEARING DATE: JANUARY 9, 2020** 

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Reception:

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*Record Number:* **2016-013312DNX** 

Project Address: 542-550 Howard Street (Transbay Parcel F)

Existing Zoning: C-3-O(SD) Downtown-Office (Special Development) Zoning District

750-S-2 and 450-S Height and Bulk Districts Transit Center C-3-O(SD) Commercial and

Transbay C-3 Special Use Districts

Downtown and Transit Center District Plan Areas

Block/Lot: 3721/016, 135, 136, 138
Project Sponsor: F4 Transbay Partners, LLC

101 California Street, Suite 1000

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Property Owner: Parcel F Owner, LLC

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Recommendation: Approval with Conditions

ADOPTING FINDINGS TO APPROVE A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309 WITH REQUESTS FOR EXCEPTIONS FOR SETBACK, STREETWALL, TOWER SEPARATION, AND REAR YARD REQUIREMENTS (SECTIONS 132.1 AND 134(D)); DWELLING UNIT EXPOSURE (SECTION 140); REDUCTION OF GROUND-LEVEL WIND CURRENTS IN C-3 DISTRICTS (SECTION 148); OFF-STREET FREIGHT LOADING (SECTIONS 152.1 AND 161); USE REQUIREMENTS IN THE C-3-O(SD) COMMERCIAL SPECIAL USE SUBDISTRICT (SECTION 248); HEIGHT LIMITS FOR BUILDINGS TALLER THAN 550 FEET IN HEIGHT IN THE S-2 BULK DISTRICT FOR ALLOWANCE OF NON-OCCUPIED ARCHITECTURAL, SCREENING, AND ROOFTOP ELEMENTS THAT MEET THE CRITERIA OF SECTION 260(B)(1)(M); AND BULK CONTROLS (SECTIONS 270 AND 272) TO PERMIT THE NEW CONSTRUCTION OF AN APPROXIMATELY 957,000 GROSS SQUARE FOOT, 750-FOOT TALL (800 FEET INCLUSIVE OF ROOFTOP MECHANICAL FEATURES), 61-STORY, MIXED-USE TOWER LOCATED AT 542-550 HOWARD STREET (TRANSAY PARCEL "F"), LOTS 016, 135, 136, 138 OF ASSESSOR'S BLOCK 3721, WITHIN THE C-3-O(SD) DOWNTOWN-OFFICE (SPECIAL DEVELOPMENT) ZONING DISTRICT AND 750-S2 AND 450-S HEIGHT AND BULK DISTRICTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE PROJECT WOULD INCLUDE 165 DWELLING UNITS, 189 HOTEL ROOMS, 275,674 SQUARE FEET OF OFFICE SPACE, AND APPROXIMATELY 9,000 SQUARE FEET OF RETAIL SPACE. THE PROJECT WOULD INCLUDE FOUR BELOW-GRADE LEVELS TO ACCOMMODATE UP TO 183 VEHICLE PARKING SPACES, AND 178 CLASS 1 AND 34 CLASS 2 BICYCLE PARKING SPACES

# **PREAMBLE**

On October 13, 2016, Cameron Falconer of Hines, acting on behalf of F4 Transbay Partners, LLC (hereinafter "Project Sponsor"), submitted an application with the Planning Department (hereinafter "Department") for a Preliminary Project Assessment ("PPA"). The PPA Letter, assigned to Case No. 2016-013312PPA, was issued on January 9, 2016.

On December 9, 2016, the Project Sponsor submitted Planning Code Text and Map Amendment applications. The application packets were accepted on December 9, 2016 and assigned to Case Numbers 2016-013312MAP and 2016-013312PCA.

On April 19, 2017, the Project Sponsor submitted an Environmental Evaluation Application. The application packet was accepted on July 14, 2016 and assigned Case Number 2016-013312ENV.

On October 17, 2018, the Project Sponsor submitted, as modified by subsequent submittals, the following applications with the Department: Downtown Project Authorization; Conditional Use Authorization; Office Allocation; Variance; Shadow Analysis; and Transportation Demand Management. The application packets were accepted on October 17, 2018 and assigned to Case Numbers: 2016-013312DNX; 2016-013312CUA; 2016-013312OFA; 2016-013312VAR; 2016-013312SHD; and 2016-013312TDM, respectively.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). On May 24, 2012, the Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Transit Center District Plan EIR is a program-level EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a subsequent project in the program area, the agency may approve the project as being within the scope of the project covered by the program EIR, and no new or additional environmental review is required. In certifying the Transit Center District Plan FEIR, the Commission adopted CEQA findings in its Motion No. 18629 and hereby incorporates such Findings by reference herein.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially

significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On August 27, 2019, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan FEIR. Since the Transit Center District Plan FEIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this Project, including the Transit Center District Plan FEIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan FEIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

The Planning Department Commission Secretary is the custodian of records; all pertinent documents are located in the File for Case No. 2016-013312DNX, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 19, 2019, the Recreation and Park Commission conducted a duly noticed public hearing at regularly scheduled meeting and recommended, through Resolution No. 1909-016, that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Union Square and Willie "Woo Woo" Wong Playground.

On October 8, 2019, the Project Sponsor filed a request for a General Plan Amendment. The application packet was accepted on October 8, 2019 and assigned to Case Number 2016-013312GPA.

On October 17, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of a General Plan Amendment for Case No. 2016-013312GPA. After hearing the item, the Commission voted 5-0 (Koppel absent) to continue the item to December 5, 2019.

On December 5, 2019 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of a General Plan Amendment for Case No. 2016-013312GPA. The

Commission voted 6-0 (Richards absent) to initiate the General Plan Amendment for Case No. 2016-013312GPA.

On January 9, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization application No. 2016-001794DNX.

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

**MOVED,** that the Commission hereby authorizes the Downtown Project Authorization as requested in Application No. 2016-013312DNX, subject to the conditions contained in "EXHIBIT A" of this motion, and to the Mitigation, Monitoring and Reporting Program contained in "EXHIBIT C", and incorporated by reference, 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. **Project Description.** The proposed project ("Project") includes the construction of a new 61-story mixed-use building reaching a height of 749′-10″ tall (799′-9″ inclusive of rooftop screening/mechanical equipment). The Project would include 165 dwelling units, 189 hotel rooms, 275,674 square feet of office use floor area, approximately 9,000 square feet of retail space, approximately 20,000 square feet of open space, 178 Class 1 and 34 Class 2 bicycle parking spaces, and four below-grade levels that would accommodate up to 183 vehicle parking spaces provided for the residential, hotel, and office uses. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Transbay Transit Center.
- 3. **Site Description and Present Use.** The Project Site ("Site") consists of four contiguous lots (Lots 016, 135, 136, and 137) within Assessor's Block 3721, totaling 32,229 square feet (0.74 acres) in area. The site, bounded by Howard Street to the south and Natoma Street to the north, is undeveloped at-grade and served as a construction staging area for the adjacent Salesforce Transit Center during its construction. A below-grade "Train Box" is located within the northwest corner of the Site, occupying approximately 12,000 square feet of the Site. The Train Box consists of a two-story structure that will allow Caltrain—and eventually High-Speed Rail—trains to enter and exit the adjacent Salesforce Transit Center below-grade. Because the Train Box can only support a very limited structural load above-grade, the proposed mixed-use building is purposely set back from the northwest corner of the Site (along the Natoma Street frontage), towards the southeast corner of the Site (along the Howard Street frontage). The Project responds to the unique site constraint

by cantilevering the building podium over the area of the Train Box, thereby shifting the majority of the tower's mass onto Lots 016 and 135, away from the area of the Train Box.

- 4. Surrounding Properties and Neighborhood. The Site is located within the Downtown Core, and more specifically, within the Transit Center District Plan (TCDP) area. Development in the vicinity consists primarily of high-rise office buildings, interspersed with low-rise mixed-use buildings. The block on which the Site is located contains several low to mid-rise office buildings and construction staging for planned developments. The 5-story Salesforce Transit Center (STC) and the Salesforce Park are located to the north of the Site, 2- to 3- story buildings at 547, 555, and 557 Howard streets are located to the south of the Site, and a 3-story building at 540 Howard Street, a 4-story building at 530 Howard Street, and a parking lot at 524 Howard Street are located east of the Site. The 2- to 3-story buildings at 547, 555, and 557 Howard streets are planned to be replaced with an approximately 385 foot-tall, 36-story mixed use residential and hotel development project. The parking lot at 524 Howard Street is planned to be replaced with an approximately 495-foot tall, 48-story mixed use residential and hotel development. Several other high-rise buildings are planned, under construction, or have recently completed construction in the surrounding area, including a newly completed office-residential tower at 181 Fremont Street.
- 5. **Public Outreach and Comments.** The Department has received correspondence regarding the proposed Project related to shadow impacts on Willie "Woo Woo" Wong Park, citing concerns around shadows caused by the Project having an adverse impact on the use of the Willie "Woo Woo" Wong Park. The Project Sponsor has conducted community outreach that includes local community groups to respond to concerns over shadow impacts resulting from the Project.
- 6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Permitted Uses in the C-3-O(SD) Zoning District (Section 210.2).** The Planning Code lists the use controls for residential and non-residential uses within the C-3-O(SD) Zoning District

The Project involves the construction of a new 61-story mixed-use building with a total of 1,140,458 sf of uses (956,995 gross square feet (gsf) of uses per the Planning Code. The Project would include 433,556 gsf of residential use, 275,674 gsf of general office use (a non-retail sales and service use), 247,765 gsf of hotel use (a retail sales and service use), and 8,900 gsf of retail uses. Residential uses, retail sales and service uses, and non-retail sales and service uses (office) are all principally permitted within the C-3-O(SD) Zoning District. As Residential, Retail Sales and Service Uses, and Non-Retail Sales and Service Uses are principally permitted uses within the C-3-O(SD) Zoning District, the Project complies with Section 210.2. The office use requires an office allocation, pursuant to Section 321, whereas the hotel use requires Conditional Use Authorization. The Project Sponsor has filed Office Allocation and Conditional Use Authorization applications (Case Nos. 2016-013312OFA and 2016-013312CUA). Please see the required findings for the office allocation and conditional use authorization

under their respective motions (Motion No. XXXXX for Case No. 2016-013312OFA and Motion No. XXXXX for Case No. 2016-013312CUA).

B. Floor Area Ratio (Sections 123, 124, 128, and 210.2). The Planning Code establishes a basic floor area ratio (FAR) for all zoning districts. For C-3 zoning districts, the numerical basic FAR limit is set in Section 210.2. The FAR for the C-3-O (SD) District is 6.0 to 1. Under Section 123, FAR can be increased to 9.0 to 1 with the purchase of transferable development rights (TDR), and may exceed 9.0 to 1 without FAR limitations by participating in the Transit Center District Mello-Roos Community Facilities District as required in Section 424.8.

The Site is 32,229 square feet (0.74 acres) in area. Therefore, up to 193,374 gsf is allowed under the basic FAR limit, and up to 290,061 gsf is permitted with the purchase of TDR. The Project proposes a total of 956,995 gsf, for a floor-area ratio of approximately 29.7-to-1. 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 (96,687 gsf), and to participate in the Transit Center District Mello-Roos Community Facilities District.

C. **Useable Open Space (Section 135).** The Planning Code requires that a minimum of 36 square feet of private usable open space, or 48 square feet (1.33 times 36 square feet) of common usable open space be provided for dwelling units in C-3 zoning districts. The area counting as usable open space must meet minimum requirements for area, horizontal dimensions, and exposure.

The Project includes 165 dwellings units, and therefore requires private and/or common useable open space in service of the residential use. The Project would include two areas of common useable open space that meet the strict dimensional requirements for common useable open space (Code Section 135(g)). These areas include a 7,949 square foot rooftop terrace and a 1,948 square foot terrace located on level 33. Together, the amount of common useable open space is 9,442 square feet where 7,920 square feet are required by Code. Therefore, the Project complies with Section 135.

D. **Publicly Accessible Open Space (Section 138)**. The Planning Code requires new buildings, or additions of Gross Floor Area equal to 20 percent or more to an existing building, in the C-3-O (SD) zoning district to 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.

The Project includes a total of 523,439 gross square feet of non-residential use, and therefore requires 10,469 square feet of privately-owned public open space (POPOS). The Project would provide POPOS in three primary areas: within an elevated pedestrian bridge, linking the building to Salesforce Park located atop the Salesforce Transit Center; within an exterior area located outside of the shared residential/hotel lobby adjacent Natoma Street; and within a midblock passageway along the west edge of the Site, promoting connectivity from Howard Street to the Salesforce Transit Center, through the Site. A glass elevator cab will provide public vertical connection to the Salesforce Transit Center rooftop

park. Both the atrium and the public elevator will be highly visible to the pedestrians on Natoma Street and the Salesforce Park. Pursuant to Section 138(j)(1)(F)(i-iv), the horizontal connection (pedestrian bridge), along with any floor area devoted to vertical circulation (elevator) dedicated specifically to provide public access to Salesforce Park shall count towards the POPOS floor area requirement, inclusive of a 5,000 square foot bonus for providing connection to Salesforce Park itself. For all locations, the Project Sponsor shall comply with all applicable Section 138 requirements relating to this space, including signage, seating, landscaping, and public access. In total, the amount of POPOS credited is 10,796 square feet where 10,469 square feet is required by Code.

E. Streetscape and Pedestrian Improvements (Section 138.1). Planning Code Section 138.1 requires that additions of Gross Floor Area equal to 20 percent or more to an existing building provide streetscape improvements consistent with the Better Streets Plan. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan

The Project Sponsor shall comply with this requirement. The conceptual plan shows improved pedestrian amenities along both frontages (Howard and Natoma Streets) not limited to improved sidewalks, along with the installation of street trees, lighting, and street furniture. The precise location, spacing, and species of the street trees, as well as other streetscape improvements, will be further refined throughout the building permit review process. Moreover, the Project would provide a mid-block connection through the Site, connecting Howard and Natoma Streets. This critical pedestrian connection will provide pedestrian access to the Salesforce Transit Center through the Site, ameliorating the conditions and impacts associated with large blocks that inhibit pedestrian movement—such as the case with the subject block (Block 3721) which extends over 800 linear feet. Therefore, the Project complies with Section 138.1.

F. Standards for Bird-Safe Buildings (Section 139). The Planning Code outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

The Site is not located in close proximity to an Urban Bird Refuge as defined in Section 139. As such, the Project will include feature-related standards. Therefore, the Project complies with Section 139.

G. Street Frontage in Commercial Districts (145.1). The Planning Code 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. Spaces such as lobbies are considered active uses only if they do not exceed 25% of the building's frontage at the ground level, or 40 feet, whichever is greater. Section 145.1(c)(2) of the Planning Code requires that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or

egress. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Section 145.1(c)(4) of the Planning Code requires that ground floor non-residential uses in all C-3 Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. Section 145.1(c)(5) requires the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, frontages with active uses 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.

Related to active uses. the Project includes active uses at the ground floor, including retail spaces along both street frontages (Howard and Natoma Streets). While the floor-to-floor height, location of active uses, and transparency requirements of the Code (Sections 145.1(c)(4-6)) are satisfied, the Project includes a significant amount of lobby space servicing the three primary uses (residential, office and hotel). With 98'-6" feet (or approximately 83 percent) of the Howard Street frontage, and 44'-6" (or approximately 28 percent) of the Natoma Street frontage devoted to lobby space (separate lobbies), the total amount of linear frontage devoted to lobbies exceeds what is permitted by the Code. Therefore the Project requires a Variance from Section 145.1(b)(2)(C). The Project Sponsor has submitted a Variance application (Case No. 2016-013312VAR) and the Zoning Administrator shall review the application and make a determination on the request for an exception from the Planning Code standard.

H. Shadows on Public Sidewalks (Section 146). The Planning Code 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 should be shaped so as to reduce substantial shadow impacts on public sidewalks, if doing so would not create an unattractive design and without unduly restricting the development potential of the site in question.

Section 146(a) does not apply to Howard or Natoma Streets, and therefore does not apply to the Project. Regarding Section 146(c), the Project would create new shadows on sidewalks and pedestrian areas adjacent to the Site. The amount of shadow cast on sidewalks would vary based on time of day, day of year, and weather conditions. Additionally, in certain locations, existing and future development would mask or subsume new shadows from the Project that would otherwise be cast on sidewalks in the Project vicinity. The Project's shadows would be limited in scope and would not increase the total amount of shading above levels that are commonly accepted in dense urban areas. Therefore, the Project complies with Section 146.

I. Shadows on Public Open Spaces (Section 147). The Planning Code requires new buildings in the C-3 districts exceeding 50 feet in height to be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site, to reduce substantial

shadow impacts on public plazas and other publicly-accessible spaces other than those under the jurisdiction of the Recreation and Parks Department under Section 295. The following factors shall be taken into account: (1) the amount of area shadowed; (2) the duration of the shadow; (3) the importance of sunlight to the type of open space being shadowed.

## **Existing Open Spaces**

#### Salesforce Park

Salesforce Park is a 5.4-acre rooftop park located atop the Transbay Transit Center, less than 100 feet north from the Site across Natoma Street. Salesforce Park is under the jurisdiction of the Transbay Joint Powers Authority. The rooftop park is 1,400-foot long and includes an amphitheater, a children's play space, a café, a restaurant, and open grass areas. Salesforce Park would be shaded by the Project throughout the year, beginning at 7:52 a.m. and lasting no later than 7:00 p.m. The existing annual shadow coverage on Salesforce Park is 41.83 percent shaded. The quantitative analysis found that the Project would add approximately 8.25 percent new shadow, relative to theoretical annual available sunlight (TAAS) (approximately 63,887,258 sfh) for a total of 50.07 percent shaded under existing plus project conditions.

The Transit Center District Plan Programmatic EIR (TCDP PEIR) stated that the TCDP plan area buildings, including the proposed project, would add new shadow to Salesforce Park (referred to as City Park in the TCDP PEIR). Existing buildings located near the Salesforce Park, including the Salesforce Tower, would cast shadow throughout the year on most of the park area. The TCDP PEIR acknowledged that this park would be surrounded by high-rise development; thus, it was expected that buildings that were existing at the time of the preparation of the TCDP PEIR, as well as future buildings anticipated as a result of upzoning proposed in that PEIR would cast shadows onto the park during the day. The TCDP PEIR found the plan would have a significant and unavoidable impact with respect to shadow on parks. The Project's net new shadow would not result in any significant shadow impacts that were not identified in the PEIR, nor would it result in more severe impacts than identified in the PEIR.

#### Rincon Park

Rincon Park is a 2-acre waterfront park, located along the Embarcadero, approximately 0.5 mile northeast of the Site. Rincon Park is leased from the Port of San Francisco and developed by Gap Inc. in conjunction with the construction of its headquarters office building. Rincon Park is adjacent to the Bay Trail and includes groomed patches of grass and landscaped areas along a paved promenade area.

The TCDP PEIR found that the non-section 295 public open space that would be most greatly affected by the plan area development is Rincon Park. This open space would be newly shaded in the late afternoon throughout much of the year, except from mid-fall through mid-winter, by the Salesforce Tower, 181 Fremont, the 50 First Street project, and potential 700-foot buildings at the Golden Gate University site and at 350 Mission Street. New buildings in the plan area would add additional shadow between the shadow cast by existing buildings, obscuring some of the existing sunlight. The existing annual shadow coverage on Rincon Park is 30.52 percent shaded. The quantitative analysis found that the proposed project would add 0.00024 percent (1,136 sfh) increase in annual shadow on the

furthermost northwestern edge of Rincon Park, which consists mostly of a small portion of dirt. As the Project would add minor net new shadow to Rincon Park, the Project's new shadow would not result in an adverse physical change to this park.

### **Future Open Spaces**

There are four proposed parks in the vicinity of the proposed project, including Transbay Park (to be located 0.2 miles east of the Site), Under Ramp Park (referred to as Oscar Park in the TCDP PEIR) (to be located 100 feet southeast of the Site, under Fremont Street offramp), Second & Howard Plaza (to be located 250 feet southwest of the Site) and Mission Square (to be located 950 feet northeast of the Site). The Project has the potential to cast new shadow on the future Transbay Park during the evening hours of the fall and spring months covering the eastern portion of the park consisting of open grass areas. Regarding Under Ramp Park, the Project has the potential to add minor new shadow to this park; however, all net new shadow would be subsumed by the existing overhead freeway structures. The Project has the potential to cast new shadow on the future Second & Howard Plaza during the early morning hours of summer on the northwestern and northern portions of the plaza consisting of open space, a fountain, and trees. The Project has the potential to cast new shadow on the future Mission Square during the early afternoon hours of fall, spring, and winter months. During this time, the southern portion of the park with outdoor tables would be shaded by the proposed project.

#### Conclusion

Based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, the Project would not substantially affect, in an adverse manner, the use or enjoyment of these open spaces beyond what was analyzed and disclosed in the TCDP FEIR. The Project would either contribute very minor amount of shadow to those spaces (i.e., Rincon Park) or its shadow impacts were already anticipated with the implementation of the TCDP plan (i.e., Salesforce Park). Thus, the Project would not result in new or more severe shadow impacts than those identified in the PEIR. This conclusion is consistent with the findings of the PEIR, and the Project would not result in individual or cumulative shadow impacts beyond those analyzed in the PEIR, nor would it result it in substantially more severe impacts than identified in the PEIR.

J. Off-Street Parking (Section 151.1). The Planning Code does not require any off-street parking spaces be provided, but instead provides maximum parking amounts based on land use type. Off-street accessory parking for all non-residential uses in the C-3-O (SD) zoning district is limited to 3.5% of the gross floor area for such uses. For residential uses, one off-street parking space is principally permitted for every two dwelling units.

The Project would provide a total of 183 off-street accessory parking spaces. 83 parking spaces would be available for 165 dwelling units, equating to parking ratio of 0.5 spaces per dwelling unit (within the 0.5 ratio limit as established by Code). The balance of the parking spaces (100 spaces) would be available for the non-residential uses (hotel and office uses). For the hotel use, 12 spaces would be provided where 12 are permitted (within the limit as established by Code). For office and retail sales and service uses, 88 spaces (or 6,520 square feet) would be devoted to parking, equating to a ratio of approximately 2.3%

of gross floor area (within the limit of 3.5% of gross floor area as established by Code). As the total amount of off-street accessory parking for both residential and non-residential uses is within the limits established by Code, the Project therefore complies with Section 151.1

K. General Standards for Location and Arrangement of Off-Street Parking, Freight Loading, and Service Vehicle Facilities (Section 155). The Planning Code requires all off-street freight loading and service vehicle spaces in the C-3 Zoning District be completely enclosed, and access from a public Street or Alley shall be provided by means of a private service driveway that is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any single development is limited to a total of two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one façade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet. In addition, the Planning Code prohibits curb cuts along Natoma Street for garage entries, private driveways, or other direct access to off-street parking or loading, except when the curb cut would create new publicly-accessible streets and alleys.

The Site is a through lot with frontages along both Howard Street to the south, and Natoma Street to the north. The Project would utilize two vehicular access points, one along Howard Street for freight loading servicing all residential and non-residential uses, and a second along Natoma Street for access to all accessory off-street parking and car share spaces. The Natoma Street garage is developed with three, separate garage doors for three, independent car lifts accessing the below-grade parking garage. The three garage doors are arranged contiguously, and are positioned perpendicular the Natoma Street, with a curvilinear driveway accessing the garages. The driveway also functions as a port cochere, which, is permitted under Code Section 155(s)(3)(B) because the Project includes hotel use. As developed, the Project requires Code relief from the general standards for location and arrangement of off-street parking, freight loading, and service vehicle facilities as follows:

First, the area devoted to freight loading, while screened on all sides, is not fully enclosed. Therefore the Project requires a Variance pursuant to Section 155(d).

Second, the width of the two façade openings accessing off-street parking and loading exceed the limits established by Code. The Howard Street opening is approximately 38 feet wide and the three garage door openings fronting Natoma Street are, on aggregate, approximately 35 feet wide. As the widths of the two building openings exceed what is permitted by Code, the Project therefore requires a Variance pursuant to Section 155(d).

Lastly, the location of the off-street garage access point and driveway along Natoma Street is within 300' westerly of first street, between first and second streets. This section of Natoma Street is a named street prohibiting curb cuts, therefore the Project requires a Variance pursuant to Section Section 155(r)(2)(V). The Project Sponsor has submitted a Variance application (Case No. 2016-013312VAR) and the Zoning

Administrator shall review the application and make a determination on the request for an exception from the Planning Code standards.

L. **Bicycle Parking (Sections 155.1, 155.2).** The Planning Code establishes bicycle parking requirements for new developments, depending on use. For projects with over 100 residential dwelling units, 100 Class 1 spaces are required, plus 1 additional space for every four units over 100. One Class 2 space is required for every 20 dwelling units. For office, one Class 1 space is required for every 5,000 occupied square feet, and two Class 2 spaces are required for the first 5,000 gross square feet, plus one Class 2 space for each additional 50,000 occupied square feet. One Class 1 space is required for every 7,500 square feet of occupied floor area devoted to Restaurants, Limited Restaurants, and Bars. One Class 2 space is required for every 750 square feet of occupied retail area devoted to Restaurants, Limited Restaurants, and Bars, and in no case less than two Class 2 spaces. For hotel use, one Class 1 space and one Class 2 space is required for every 30 hotel rooms, plus one Class 2 space for every 5,000 square feet of occupied floor area of conference, meeting or function rooms. A Class 1 space is located in a secure, weather-protected facility and intended for long-term use by residents and employees. A Class 2 space is located in a publicly-accessible and visible location, and intended for use by visitors, guests, and patrons.

The Project includes 178 Class 1 and 34 Class 2 bicycle parking spaces (where 178 Class 1 and 34 Class 2 spaces are required by Code). The Class 2 bicycle parking spaces would be located within two distinct locations: one location along the Howard Street frontage, directly in front of the office lobby and adjacent retail space; and a second location along the Natoma Street frontage, adjacent the garage accessing the off-street accessory parking. The Project Sponsor anticipates payment of the lieu fee to satisfy up to 50 percent of the Class 2 bicycle parking requirement, as permitted by Section 430.

To promote greater access to the Class 1 bicycle spaces, the Project would locate all of the required Class 1 bicycle parking spaces within a safe and convenient storage facility located on level 4 of the tower podium. The location is particularly optimal due to the collocation of the required showers and locker facilities, in addition to a independently accessible elevator that would provide direct access from bicycle storage facility to both the ground floor and the level 5 pedestrian bridge accessing the adjacent Salesforce Park. Because Code requires that Class 1 bicycle parking be located either on the ground floor, or within the off-street vehicular parking area, the proposal to locate the Class 1 bicycle parking on level 4 requires a Variance from Section 155.1(b). The Project Sponsor has submitted a Variance application (Case No. 2016-013312VAR) and the Zoning Administrator shall review the application and make a determination on the request for an exception from the Planning Code standard.

M. Shower Facilities and Lockers (Section 155.4). The Planning Code requires shower facilities and lockers for Non-Retail Sales and Service Uses in the following amounts: two showers and 12 clothes lockers where the Occupied Floor Area exceeds 20,000 square feet but is no greater than 50,000 square feet, and four showers and 24 clothes lockers are required where the Occupied Floor Area exceeds 50,000 square feet.

The Project includes more than 50,000 square feet of non-residential uses and thus a total of 4 showers 24 lockers are required per Code. The Project would provide 4 showers and 24 lockers on level 4, adjacent the Class 1 bicycle storage facility. Therefore, the Project complies with Section 155.4.

N. **Transportation Management Programs (Section 163)**. The Planning Code requires, for all applicable projects, that property owner provide on-site transportation brokerage services for the actual lifetime of the project.

The Project contains over 100,000 square feet of residential use (or 100 dwelling units) and is therefore subject to the requirements of Section 163. The Project will provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of a temporary permit of occupancy, the property owner shall execute an agreement with the Planning Department for the provision of on-site transportation brokerage services. Therefore, the Project complies will Section 163.

O. Car Sharing (Section 166). The Planning Code establishes requirements for new developments to provide off-street parking spaces for car-sharing services. The number of spaces depends on the amount and type of residential or office use. One car share space is required for any project with between 50-200 residential units. Projects with over 200 residential units but less than 400 units require two spaces. For non-residential uses, one space is required if the project provides 25-49 off-street spaces for those uses. One car share space is required for every 50 additional parking spaces devoted to non-residential use. The car-share spaces must be made available to a certified car-share organization at the building site or within 800 feet of it.

The Project includes 3 car share spaces for both the residential and non-residential uses where 3 are required by Code. Therefore, the Project complies with Section 163.

P. **Unbundled Parking (Section 167)**. The Planning Code requires all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more, or in new conversions of non-residential buildings to residential use of 10 dwelling units or more, shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.

The Project will lease or sell all accessory off-street parking spaces separately from the rental or purchase fees for dwelling units for the life of the dwelling units. Therefore the Project complies with Section 167.

Q. **Transportation Demand Management (TDM) Plan (Section 169).** The Planning Code requires applicable projects to finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit.

The Project submitted a completed Environmental Evaluation deemed complete on or after September 5, 2016, and before January 1, 2018. Therefore, the Project must only achieve 75% of the point target

established in the TDM Program Standards, resulting in a required target of 31 points (75% of 41). As currently proposed, the Project will achieve its required 31 points through the following TDM measures:

- Bicycle Parking (Option A)
- Showers and Lockers
- Bike Membership (Option B)
- Bicycle Repair Station
- Bicycle Maintenance Services
- Car Share Parking (Option A)
- Contributions or Incentives for Sustainable Transportation (Option A)
- Tailored Transportation Marketing Services (Option A)
- Unbundled Parking (Option C)
- Parking Supply (Option C (Residential)/Option G (Office))

Therefore the Project complies with Section 169.

R. **Dwelling Unit Mix (Section 207.7).** The Planning Code requires that no less than 25% of the total number of proposed dwelling units shall contain at least two bedrooms and that no less than 10% of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units and units counted towards the three bedroom requirement may also count towards the requirement for units with two or more bedrooms

The Project will provide a total of 165 dwelling units, with the following dwelling unit mix: 21 one-bedroom units (13%), 92 two-bedroom units (56%), and 52 three-bedroom units (32%). With 87% of the dwelling units containing at least two bedrooms, the Project exceeds the dwelling unit mix requirement established by Code. Therefore, the Project complies with Section 207.7.

S. **Height (Section 260).** The Planning Code requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. In any S-2 Bulk District for any building which exceeds 550 feet in height, unoccupied building features including mechanical and elevator penthouses, enclosed and unenclosed rooftop screening, and unenclosed architectural features not containing occupied space that extend above the height limit, only as permitted by the Planning Commission according to the procedures of Section 309.

The Site is located within two distinct Height and Bulk Districts. Lots 135 and 138, are located entirely within the 750-S-2 District, whereas Lot 016 is located entirely within the 450-S District. Lot 136 is an irregular-shaped lot, split zoned between the 450-S and 750-S-2 District, with the "panhandle" portion of Lot 136 located within the 450-S. The Project would construct a single tower positioned approximately within the center of Lot 136, closest to the Howard Street frontage. (The building is purposely set back from the northwest corner of the Site (along the Natoma Street frontage), towards the southeast corner of the Site (along the Howard Street frontage) due to presence of a critical component

of below-grade infrastructure serving the adjacent Salesforce Transit Center.) The tower would contain both a distinct lower tower and upper tower. The lower tower contains a larger floorplate that rises to a height of 429′-10″, while the slightly narrower upper tower reaches a maximum finished floor height of 749′-10″. The unoccupied building features including mechanical and elevator penthouses, enclosed and unenclosed rooftop screening, and unenclosed architectural features not containing occupied space up to 800′ tall. As a portion of the tower would encroach into Lot 016, which is within the 450-S District, legislative amendments are required to facilitate the Project. Specifically, a legislative amendment (Board File No. 191259) would amend Zoning Map HT-01, effectively result in a height and bulk swap between Lots 016 and 136 with Lot 138. 1,310 square feet of Lot 016 and 190 square feet of Lot 136 would be rezoned to increase the allowable height from 450′ to 750′. Correspondingly, 5,850 square feet of Lot 138 would be rezoned to decrease the allowable height from 750′ to 450′ (a difference of 4,350 square feet). With benefit of the proposed legislative amendment (Board File No. 191259), the Project would be compliant with the height limits. See Sections 7(I) and (H) for additional findings required for exceptions under Section 309 related to height and bulk.

T. **Mid-Block Connections (Section 270.2).** The Planning Code requires projects provide a publicly-accessible mid-block alley for the entire depth of the property, generally located toward the middle of the subject block face, perpendicular to the subject frontage and connecting to any existing streets and alleys for all new construction on lots with greater than 300 linear feet of street frontage. For development lots with frontage on more than one street that exceeds the above dimensions, one such mid-block alley will be required per frontage.

The Site is a through lot with greater than 300 feet of linear street frontage; therefore the mid-block connections requirement applies. The Project includes a mid-block passageway along the western edge of the Site, positioned in between the Project's freight loading area to the east and the future TJPA bicycle ramp accessing the below-grade bicycle facilities of the Salesforce Transit Center to the west. This important passageway will link Underground Ramp Park south of Howard Street to the future pedestrian paseo along Natoma Street to the north. Conceptually, the passageway is designed as an artistic expression, with an skeleton-like structure resembling "whale-bones" comprised of archways of varying heights. The design is intended to create a sense of projection from the adjacent vehicular and bicycle lanes while remaining transparent and open to the sky above. The mid-block passageway is required to meet the design and performance standards of Section 270.2(e). The Project Sponsor shall continue to work with the Department to further refine the overall design of the passageway post entitlement.

U. **Shadows on Parks (Section 295)**. The Planning Code requires a shadow analysis for projects over 40 feet in height to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department.

#### **Background**

The TCDP PEIR considered reasonably foreseeable future projects on 13 specific sites in the TCDP, based on generalized massing models of buildings at the heights that would be allowed under the TCDP.

The PEIR found that new shadows from development within the plan area would affect nine parks, eight of which have established Absolute Cumulative Limits (ACLs) for net new shadow under section 295. Considered together, development under the TCDP would require that the ACLs be increased on seven downtown parks. No mitigation is available for shadow impacts on existing parks, because it not possible to lessen the intensity or otherwise reduce the shadow cast by a building at a given height and bulk. Therefore, the TCDP PEIR found the plan would have a significant and unavoidable impact with respect to shadow.

On October 11, 2012, the Planning Commission and the Recreation and Park Commission held a duly noticed joint public hearing on and adopted Planning Commission Resolution No. 18717 and Recreation and Park Commission Resolution No. 1201-001 raising the ACLs for seven open spaces under the jurisdiction of the Recreation & Park Department that could be shadowed by likely cumulative development sites in the Plan area, including the Project. In revising these ACLs the Commissions also adopted qualitative criteria for each park related to the characteristics of shading within these ACLs that would not be considered adverse, including the duration, time of day, time of year, and location of shadows on the particular parks. At the hearing on October 11, 2012, the Recreation and Park Commission also recommended that the General Manager of the Recreation & Park Department recommend to the Planning Commission that the shadows cast by the Project on certain properties under the jurisdiction of the Recreation & Park Department are not adverse to the use of these properties, and that the Planning Commission allocate to the Project allowable shadow from the absolute cumulative shadow limits of six of these properties.

Related to the Project, the Planning Department prepared an initial shadow fan that indicated the Project may cast a shadow on both Union Square Plaza and Willie "Woo Woo" Wong Park, properties under the jurisdiction of the San Francisco Recreation and Park Department.

To evaluate the design of the Project, a project-specific shadow study ("Shadow Study") was performed using a detailed 3-D model. The analysis performed by qualified consultants ("FASTCAST") modeled the proposed Project and site consistent with the projects architectural and engineering plan description in addition to utilizing high resolution topography mapping. FASTCAST's methodology and base data is considered highly accurate and to the appropriate level of detail required for a Section 295 shadow analysis. The results of the Shadow Study, including a quantitative analysis of potential shadow impacts on Section 295 parks and qualitative analysis of project consistency with other Planning Code sections regulating new shadow [Sections 146(c), 147, and 260(b)(1)(M)], and potential significant shadow impacts under CEQA were discussed in the Project's Community Plan Exemption certificate.

#### **Shadow Analysis Results**

#### Union Square Plaza

Union Square Plaza is an approximately 2.42-acre (105,516-square feet) public plaza, located approximately 0.50 mile west of the Site. Union Square Plaza contains landscaped areas, walkways, and areas for active and passive uses. The Project would add new shadow to Union Square Plaza in the early morning between 7:44 a.m. until no later than 8:15 a.m. from August 30 through September 13

and from March 29 through April 12 for a total of six weeks. Net new shadow would be cast on the northwest portion of Union Square Plaza, which includes primarily open space, stairs, and portable seating with tables, chairs, and umbrellas.

The existing annual shadow coverage on Union Square Plaza is 44.99 percent shaded relative to the TAAS (approximately 392,667,242 square foot hours of shadow). The quantitative analysis found that the Project would add approximately 0.03 percent new shadow, relative to TAAS (approximately 115,526 sfh of shadow) for a total of 45.02 percent shaded under existing plus project conditions. The Project would add 0.03 net new shadow, within the current ACL of 0.14, leaving a remaining "shadow budget" of 0.11 percent of TAAS.

# Willie "Woo Woo" Wong Playground

Willie "Woo Woo" Wong Playground is an approximately 0.61-acre (26,563 square feet) urban park, located approximately 0.62 mile northwest of the Site. The park contains two sand-floor playgrounds, and basketball, tennis and volleyball courts. It also includes a recreational center that hosts afterschool programs and indoor gym and ping-pong tables. The Project would add new shadow to Willie "Woo Woo" Wong Playground in the early morning starting after 8:00 a.m. and ending before 8:30 a.m. for a total of 11 weeks of the year between November 15 and November 22 and between January 18 and January 25. The net new shadow would cover 2,628 square feet (or 9.89 percent) of the playground and would be cast on a portion of the northwest side of the tennis courts.

The existing annual shadow coverage on Willie "Woo Woo" Wong Playground is 58.44 percent shaded relative to TAAS (approximately 98,852,508 sfh of shadow). The quantitative analysis found that the Project would add approximately 0.01 percent new shadow, relative to TAAS (approximately 9,845 sfh of shadow) for a total of 58.45 percent shaded under existing plus project conditions. The Project would add 0.01 net new shadow, within the current ACL of 0.03, leaving a remaining "shadow budget" of 0.02 percent of TAAS.

#### Conclusion

Based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, the Project would not substantially affect, in an adverse manner, the use or enjoyment of these open spaces beyond what was analyzed and disclosed in the TCDP FEIR. The Project's new shadow on Union Square Plaza and Willie "Woo Woo" Wong Playground would contribute considerably to the significant and unavoidable impact identified in the TCDP FEIR with respect to the need to increase the Absolute Cumulative Limit of downtown parks.

As referenced in Motion No. 18717, the resolution that raised the ACLs for seven Recreation and Parks properties impacted by reasonably-foreseeable projects identified with the TCDP PEIR, a provision specifically stated that any project that seeks allocation of available ACL within the new limits must adequately demonstrate a good faith effort to sculpt the massing and architectural elements of a proposed building so that the effects of any net new shadow on the parks protected under Section 295 are minimized as compared to the building's shadows as analyzed in the TCDP PEIR.

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Given the TCDP PEIR utilized generalized massing models for each of the reasonably-foreseeable projects identified with the TCDP PEIR, the Project's bulk and mass is smaller than what was analyzed. For example, whereas a building with a larger volume that meets the strict Code requirements related to bulk and height would allow for a larger building with 1,385,032 gsf, with an upper tower average floor plate area of 18,750 sf, the Project proposes a smaller building with a total of 1,140,458 gsf (approximately 18% smaller), which, with a much narrow upper tower average floor plate area of 15,330 sf (approximately 18% smaller).

Thus, the Project would not result in new or more severe shadow impacts than those identified in the PEIR. This conclusion is consistent with the findings of the PEIR, and the Project would not result in individual or cumulative shadow impacts beyond those analyzed in the PEIR, nor would it result it in substantially more severe impacts than identified in the PEIR.

On September 19, 2019 the Recreation and Park Commission conducted a duly noticed public hearing at regularly scheduled meetings and recommended, through Resolution No. 1909-016, that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Union Square Plaza or Willie "Woo Woo" Wong Playground.

V. Inclusionary Affordable Housing Program (Section 415). The Planning Code Section sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of ten or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on July 14, 2016; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Off-site Affordable Housing Alternative is to provide 33% of the proposed dwelling units as affordable with a minimum of 18% of the units affordable to low-income households, 8% of the units affordable to moderate-income households, and the remaining 7% of the units affordable to middle-income households as defined by the Planning Code and the Procedures Manual. Off-site units must be located within a one (1) mile radius of the principal project.

The Project is located within the Transbay C-3 Special Use District, which, only permits compliance with the inclusionary affordable housing requirements through the on-site alternative, pursuant to Section 249.28(b)(6)(B)(C). The Project is also located within the Transbay Redevelopment Plan Area, which, is under the jurisdiction of the Office of Community Investment and Infrastructure (OCII). One of the overarching goals of the Transbay Redevelopment Plan was the creation of affordable housing units, with a target goal of 35 percent of all dwelling units provided as affordable within the Plan Area

In an effort to meet the Plan Area goals and provide a higher inclusionary affordable housing rate than would otherwise be provided on-site at the Site, the Project would develop the required inclusionary housing units off-site, within the Transbay Plan Area.

Through a legislative amendment as only applied to the Project (Board File No. 191259), the Project would be relieved of strict compliance with Code Section 249.28(b)(6)(B)(C), allowing the Project the option to provide the inclusionary affordable housing units off-site, at another site within the Transbay Redevelopment Plan Area, potentially located in a future building on Transbay Block 4 on Howard Street between Beale and Main Streets, approximately three blocks east of the Site (and within one (1) mile radius of the principal project).

With benefit of the proposed legislative amendment as only applied to the Project (Board File No. 191259), the Project Sponsor has demonstrated that it is eligible for the Off-site Affordable Housing Alternative under Planning Code Section 415.5 and 415.7, 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 offsite instead of payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the Off-site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit to Establish Eligibility for Alternative to Affordable Housing Fee' to the Planning Department stating that any affordable units designated as off-site units shall be provided as rental units and will remain as rental units for the life of the project. The Project Sponsor submitted such Affidavit on December 9, 2019. The applicable percentage is dependent on the total number of units, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. Environmental Evaluation Application was submitted on July 14, 2016; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Off-site Affordable Housing Alternative is to provide 33% of the total proposed dwelling units as affordable with a minimum of 18% of the units affordable to low-income households, 8% of the units affordable to moderate-income households, and the remaining 7% of the units affordable to middle-income households as defined by the Planning Code and the Procedures Manual. 54 units (7 one-bedrooms, 30 twobedrooms, and 17 three-bedroom units). provided will be affordable units. The proposed ordinance (Board File No. 191259) stipulates that in the event that the Project is unable to comply with the off-site inclusionary affordable housing requirements, that the Project comply with the on-site inclusionary affordable housing requirements under Planning Code Section 249.28(b)(6).

W. **Public Art (Section 429)**. The Planning Code Section requires a project to include works of art costing an amount equal to one percent of the construction cost of the building for 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.

The Project will comply with this Code requirement 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.

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 Project as further described below:

- **A. Setbacks and Streetwall Articulation (Section 132.1(c)(1)).** In order to establish an appropriate street wall in relation to the width of the street and to adjacent structures, and to avoid the perception of overwhelming mass that would be created by a number of tall buildings built close together with unrelieved vertical rise, Planning Code Section 132.1(c) specifies that new buildings taller than 150 feet within the C-3-0(SD) District must establish a streetwall height between 50 and 110 feet, through the use of a horizontal relief totaling at least 10 feet for a minimum of 40 percent of the linear frontage. Exceptions to this subsection (c)(1) may be allowed in accordance with the procedures of Section 309 if the Planning Commission affirmatively determines that all of the following criteria have been met:
  - the design of the proposed project successfully creates a clearly defined building base that establishes or maintains an appropriate streetwall at the height or height range described above,
  - ii. the base is not defined solely by recessing the base,
  - iii. the overall building mass tapers or steps away from the street above the streetwall reducing any sense of unrelieved vertical rise directly from the sidewalk edge, and
  - iv. the overall architectural expression of the proposed project is exceptional, unique, and consistent with the intent of the streetwall requirement.

The Project does not incorporate a literal setback meeting the strict requirements of the Code, however, the Commission may approve other designs that fulfill the intent of the streetwall base requirements. The Site is a through lot with frontages on both Howard and Natoma Streets. The height and context of the existing streetwall along Howard Street differs from that of the streetwall along Natoma Street. As such, the Project has established two separate and distinct streetwall bases to respond to the unique site conditions along its two street frontages.

Along the Howard frontage, the streetwall base is established at 81 feet, to align with the prevailing streetwall. The subject building establishes a lower pedestrian zone with a ten-foot projecting canopy at 12-feet above grade to create a human-scaled entryway for the building. The primary building wall is otherwise unrelieved in horizontal dimensions up through the established streetwall base. Then, beginning at the established streetwall base, the primary building wall is setback 5 feet for two floors (levels 6 and 7). Beginning at level 8, the primary building is then unrelieved in horizontal dimensions up through the top of the finished roof height (749'-10'). The two-story "notch" located at floors 6 and 7 serves to differentiate the building's base from the upper towers above, which, is accentuated by the strong horizontality of the building's base façade articulation, as compared to the strong verticality of the buildings upper tower façade articulation.

Along the Natoma frontage, the streetwall base is established at 64 feet, to align approximately with Saleforce Park, the rooftop park located atop the Salesforce Transit Center. Beginning at the ground floor, a one-story high building volume provides human scale and acts as a balanced counterpart to the undulating metal screens of the adjacent Salesforce Transit Center façade. A four-story setback begins at floor 2, averaging 25'-3" in depth across the length of the Natoma Street frontage, with the greatest

setback (50'-6") located along the western edge of the building. At level 5, there is an additional variable setback with the greatest setback (50') located along the eastern edge of the building, providing shelter for an outdoor terrace and pedestrian bridge that connects to the adjacent Salesforce Park.

In order to achieve a comparable amount of developable floor area, uninhibited by a constrained developable Site, the Project necessitates vertical development with limited setbacks. Therefore, the Project requests an exception from strict application of the streetwall base requirements of the Code due to significant physical constraints on the buildable area of the Site that make technical adherence to the setback requirements of Section 132.1(c) infeasible. The presence of a below-grade "Train Box" located within the northwest corner of the Site, coupled with a bus ramp easement along the western boundary of the Site limit the area of the Site that can be vertically developed since development is generally restricted to the southeastern portion of the Site (closest to Howard Street) and away from the northwestern portion of the Site (closest to Natoma Street).

With a combination of distinctive façade treatments and attention to the pedestrian activity around and through the building, the Project meets the intent of the setbacks and streetwall articulation requirement of the Code (Section 132.1(c)(1)). The façade to the west of the public passageway reinforces a pedestrian scale at the ground floor with building materials and textures that differentiate the public nature of the building lobby and amenity spaces from the guest rooms, offices and residences above. Therefore, the exception from the is warranted.

B. Tower Separation (Section 132.1(d)(1)). The Planning Code requires that the Project provide tower separation in order to preserve the openness of the street to the sky and to provide light and air between structures. This requirement applies to new structures located within the "S" and "S-2" Bulk Districts. Exceptions can be granted to the extent restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will, overall, impair access to light and air or the appearance of separation between buildings, thereby making full setbacks unnecessary. The minimum setback for such facades shall be partially or fully reduced as appropriate by the Planning Commission as an exception according to the procedures of Section 309 for any of the following conditions: for lots on Assessor's Blocks 3719, 3720, and 3721 which have property lines that directly abut the Transbay Transit Center or directly face it across Minna or Natoma Streets; or for development lots abutting preservation lots that have transferred all potential development rights according to the procedures of Section 128.

The Project partially conforms to the requirements for tower separation. Code Section 132.1(d)(1) requires a minimum of 15 horizontal feet measured from the interior property line or the center of a public right-of-way, as the case may be, beginning at a height which is 1.25 times the width of the principal street on which the building faces, and increasing in width as the building increases in height (leading to a 35 foot horizontal setback at a height of 550 feet above grade). Along the Howard Street frontage, the tower separation requirements begin at a height of approximately 110 feet, whereas the tower separation requirements begin at a height of approximately 44 feet along the Natoma Street

frontage. However, the average streetwall base (110 feet) is used as the base for the interior property line tower separation measurements.

For tower separation requirements as measured from the center of public right-of-ways, the Project partially conforms to the requirements along the Howard and Natoma Street frontages. However, the tower encroaches the 35-foot setback plane that begins above 300 feet in height along both street frontages. As measured from the Howard Street frontage, a small area of non-conformity begins on level 53 (or 645'-7' in height), while a slightly larger area of non-conformity begins on level 45 (or 560'in height), as measured from the Natoma Street frontage.

The Project is less compliant with tower separation requirements as measured form interior property lines. The 15-foot setback requirement from both interior property lines would commence at 110 feet above grade (the average streetwall base). While the Project completely conforms to this requirement along the western façade up through a height of 800 feet, a significant portion of the eastern façade encroaches into the required setback area beginning at level 24 (or 302'-11' in height), up through a height of 800 feet.

In total, the north, east, and south sections of the building are non-compliant with the Code provisions for tower separation as the Code requires tapering of the overall mass up through a height of 1,000 feet. A strict enforcement of the Code would result in a building that is even narrower than the proposed Project, leading to a reduced overall height, with a substantial reduction in the overall number of dwelling units being provided.

Planning Code Section 132.1(d)(2)(B)(i) allows for the minimum setback for facades to be partially or fully reduced as appropriate by the Planning Commission as an exception according to the procedures of Section 309 for lots on Assessor's Blocks 3719, 3720, and 3721 which have property lines that directly abut the Transbay Transit Center or directly face it across Minna or Natoma Streets. Given that the Site is located within Assessor's Block 3721 and also directly abuts the Transbay Transit Center, it is therefore eligible for partial or full relief from the Code as it pertains to Tower Separation.

Therefore, the Project seeks partial relief from the Code provisions for tower separation for the small areas of non-conformity along: 1) the Howard Street frontage (beginning on level 53); 2) the Natoma Street frontage (beginning on level 45); and 3) the eastern interior lot line frontage (beginning at level 24).

C. Rear Yard (Section 134(a)(1)). 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. Exceptions to the rear yard requirements may be granted if the building location and configuration assure adequate light and air to the residential units and the open space provided.

With a total lot depth of 165' (as measured from Howard Street), the required rear yard for the subject lot is 41'-3". Due to significant constraints on the buildable area of the Site (i.e., the presence of a below-

grade "Train Box" located within the northwest corner of the Site and the bus ramp easement along the western boundary of the Site), the position, configuration, and building type of the proposed tower require development within the require rear yard. Therefore, strict compliance with the Rear Yard requirement is not feasible. In addition to the common and publicly accessible open space provided onsite, the Project includes a direct connection to the planned 5.4 acre rooftop park atop the Salesforce Transit Center, and is adjacent to the planned Under Ramp Park. As such, residents, employees, and guests of the Project will have extraordinary access to nearby open/green spaces. In addition, the location and configuration of the tower assure that residential units in the Project will have ample access to light and air.

**D. Dwelling Unit Exposure (Section 140).** The Planning Code requires that at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

The Site is a through lot with frontages along both Howard Street to the south, and Natoma Street to the north, with Howard and Natoma Streets both meeting the minimum requirements established by Code. The dwelling units that face onto one of the abutting streets (Howard or Natoma Streets) would fully comply with Section 140. However, the dwelling units located on floors 33 through 61 that solely face onto the interior property lines do not comply with this requirement because the area of the side setbacks from the interior property lines do not meet the dimensional requirements of Section 140. Therefore, an exception from the exposure requirements of Planning Code Section 140 is sought for the 56 dwelling units that do not meet the dimensional requirements of Section 140. In total, 109 of the 165 dwelling units (or approximately 66%) conform to Section 140, leaving 56 dwelling units (or approximately 34%) that do not conform to Section 140.

E. Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148). Within the C-3 zoning districts, new buildings are required to be shaped, or other wind-baffling measures adopted, so that the building will not cause ground-level wind currents to exceed the comfort level of 11 m.p.h equivalent wind speed in areas of substantial pedestrian use or 7 m.p.h. equivalent wind speed in public seating areas, for more than 10 percent of the time year-round, between 7 am and 6 pm. If pre-existing wind speeds exceed the comfort level, or if the building would cause speeds to exceed the comfort level, the building should be designed to reduce wind speeds to the comfort level.

Exceptions can be granted pursuant to Section 309 allowing the building to add to the amount of time the comfort level is exceeded if (1) the building cannot be shaped and other wind-baffling features cannot be adopted without creating an unattractive and ungainly building form, and without unduly restricting the development potential of the site; and (2) the addition is insubstantial, either due to the limited amount of exceedances, the limited location where the exceedances take place, or the short time when the exceedances occur. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

A qualified wind consultant (Cermak Peterka Peterson, "CPP") analyzed ground-level wind currents in the vicinity of the Site, and performed a wind tunnel analysis of three scenarios: existing, existing plus Project, and Project plus cumulative. The wind study measured wind speeds for the existing, existing plus project, and cumulative scenario. As with the PEIR wind study, the cumulative scenario included a model for the Transit Tower (now known as the Salesforce Tower or Transbay Tower) and massing models of other potential future development in the vicinity of the Transit Tower Site. Wind speed measurements were taken at 38 locations for the project and cumulative scenarios. The addition of 7 pedestrian comfort criterion exceedances requires an exception under the (Section 309) Downtown Project Authorization process.

## **Hazard Criterion**

The Wind Assessment found that, under the existing scenario, two locations exceeded the 26-mile-per hour wind hazard criterion for 1 hour per year: one on the rooftop at the south end of the Transit Center (location 31) at a total of 1.1 hours per year and one on the rooftop of the Transit Center, north of the Site (location 38) at a total of 3.9 hours per year. The Wind Assessment found that, under the existing plus project scenario, the same two locations would exceed the 26-mile-per-hour wind hazard criterion. As such, the Project would not result in any net new exceedances as compared to the existing conditions.

## Pedestrian/Seating Comfort Criterion

The Wind Assessment found that existing wind conditions near the Site average 11 mph for the 38 test locations tested. Under the existing scenario, wind speeds at 16 of the 38 locations exceed the planning code's 11 mph pedestrian-comfort criterion an average of 12 percent of the year. These areas are along Natoma Street at New Montgomery Street, along Second Street at Natoma and Howard streets, along Howard Street east of the project site, along First Street at Tehama Street, at Minna Street west of the Site, atop the Salesforce Park, and at localized areas to the north and east of the project site. Under the existing plus project scenario, the average comfort wind speed would increase by 0.9 mph at all locations. This increase in comfort criteria exceedances are generally in the same locations as under the existing scenario, but would result in 7 additional comfort criterion exceedances for a total of 23 of the 38 locations. These additional exceedances would be along Natoma Street toward the northeast end of the Transit Center, on the eastern side of the project site, and along Howard Street to the east of the project site.

#### Conclusion

The number of test points along Howard Street and First Street were greater in the Wind Assessment than the number of locations addressed in the TCDP PEIR wind study. Therefore, the project-specific wind assessment provides a more fine-grained analysis of the Project's potential wind impacts and would be less than significant under CEQA. Development of the Site would not present a new significant impact not previously identified in the PEIR, nor a substantially more severe impact than identified in the PEIR.

It is unlikely the Project could be designed in a manner that would affect wind conditions substantially enough to eliminate all existing exceedances, particularly considering the number of high-rise buildings existing and under construction in immediate proximity to the Site. The majority of the locations where wind speeds would exceed the comfort criterion are not immediately adjacent to the Site, making it infeasible

to incorporate wind baffles or other design features to reduce wind at these locations, without creating an unattractive building or unduly restricting the development potential of the Project.

Overall, no net new hazard exceedances would occur under the cumulative scenario compared to the existing and existing plus project scenarios. As a result, under the cumulative scenario, the proposed project is not anticipated to cause adverse wind impacts or result in new hazardous wind conditions in or around the Site.

F. Off-street freight loading (Sections 152.1 and 161). The Planning Code requires certain amounts of off-street freight loading space based on the type and size of uses in a project. For office, 0.1 spaces are required for every 10,000 gsf, rounded to the nearest whole number. For hotels and residential units, 2 off-street spaces are required between 200,001 and 500,000 gsf of each use, and hotel and residential uses exceeding 500,000 gsf are required 3 spaces, plus one space for each additional 400,000 gsf. No building in the C-3-O (SD) District can be required to provide more than six off-street freight loading or service vehicle spaces in total. Pursuant to Section 153(a)(6), two service vehicle spaces can be substituted for one required freight loading space if at least 50% of the required number of freight loading spaces are provided. Planning Code Section 154 sets forth standards as to location and arrangement of off-street freight loading and service vehicle spaces. Off-street loading spaces are required to have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet, except that the first freight loading space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet.

In recognition of the fact that site constraints may make provision of required freight loading and service vehicle spaces impractical or undesirable, a reduction in or waiver of the provision of freight loading and service vehicle spaces for uses may be permitted, by the Zoning Administrator in all districts, or in accordance with the provisions of Section 309 of this Code in C-3 Districts. In considering any such reduction or waiver, the following criteria shall be considered:

- Provision of freight loading and service vehicle spaces cannot be accomplished underground because site constraints will not permit ramps, elevators, turntables and maneuvering areas with reasonable safety;
- ii. Provision of the required number of freight loading and service vehicle spaces on-site would result in the use of an unreasonable percentage of ground-floor area, and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses;
- iii. A jointly used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved, cannot be provided; and
- iv. Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, and

off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

The Project proposes to provide four (4) off-street loading spaces, rather than the six (6) spaces otherwise required by Code. The constrained area of the Site makes underground provision of loading spaces infeasible. Providing the full amount of required spaces is operationally unnecessary and would result in the use of an unreasonable percentage of the ground floor area within the Site, thereby precluding more desirable active pedestrian-oriented uses.

- G. Use requirements in the C-3-O(SD) Commercial Special Use Subdistrict (Section 248). The Transit Center C-3-O(SD) Special Use District requires all new development on lots larger than 15,000 square feet in the Special Use District shall include not less than 2 gross square feet of principally or conditionally permitted commercial uses for every 1 gross square foot of dwellings or other housing uses. Exceptions to the controls in Section 248(c) may be granted by the Planning Commission according to the procedures in Section 309 only if the Commission makes one of the following affirmative findings listed in Section 248(d):
  - i. That the development consists of multiple buildings on a single lot or adjacent lots that are entitled as a single development project pursuant to Section 309, and that commercial uses account for greater than 50 percent of the project's aggregate total gross floor area for all buildings and where the project sponsor demonstrates that it is infeasible or impractical to construct commercial uses on the footprint of the portion of the site dedicated to dwellings and/or other housing uses due to the size and configuration of that portion of the lot; or
  - ii. That the footprint of the portion of the site dedicated to dwellings and/or other housing uses is less than 15,000 square feet and the lot contains existing buildings which are to be retained.

The Project contains a total of approximately 945,000 gross square feet of three distinct uses: residential, office, and hotel. With approximately 435,000 gross square feet devoted to residential use and approximately 515,000 gross square feet devoted to non-residential uses (or "commercial uses" for purposes of applicability to Section 248), the Project does not meet the required 2:1 ratio of commercial uses to residential or housing uses. Therefore, the Project seeks an exception from the minimum requirements for commercial uses in the Transit Center C-3-O(SD) Commercial Special Use District, pursuant to Section 248(d).

The Project, while containing more than 50 percent of the Project's aggregate total gross floor area devoted to commercial uses, is developed a single building and not within multiple buildings on a single lot or adjacent lots. Further, the footprint of the portion of the building devoted to residential uses is 15,305 sf, thereby exceeding the 15,000 sf limit. Therefore, the Project is therefore not eligible for a 309 exception from Section 248(c).

Through a legislative amendment as only applied to the Project (Board File No. 191259), the square footage threshold for the footprint of the portion of the building devoted to residential uses would be 15,500 sf, thereby allowing the Project to utilize the 309 exception, pursuant to Section 248(d)(2).

- H. Height limits for buildings taller than 550 feet in height in the S-2 bulk district for allowance of non-occupied architectural, screening, and rooftop elements (Section 260(b)(1)(M). In any S-2 Bulk District for any building which exceeds 550 feet in height, unoccupied building features including mechanical and elevator penthouses, enclosed and unenclosed rooftop screening, and unenclosed architectural features not containing occupied space that extend above the height limit, only as permitted by the Planning Commission according to the procedures of Section 309 and meeting all of the following criteria:
  - such elements are demonstrated to not add more than insignificant amounts of additional shadow compared to the same building without such additional elements on any public open spaces as deemed acceptable by the Planning Commission; and
  - ii. such elements are limited to a maximum additional height equivalent to 7.5 percent of the height of the building to the roof of the highest occupied floor, except that in the case of a building in the 1,000-foot height district such elements are not limited in height, and any building regardless of building height or height district may feature a single spire or flagpole with a diagonal in cross-section of less than 18 feet and up to 50 feet in height in addition to elements allowed according to this subsection (M); and
  - iii. such elements are designed as integral components of the building design, enhance both the overall silhouette of the building and the City skyline as viewed from distant public vantage points by producing an elegant and unique building top, and achieve overall design excellence.

The Project would reach a maximum finished roof height of 749'-10". The Project's design incorporates an additional building height of 50 feet for unoccupied building features including mechanical and elevator penthouses, enclosed and unenclosed rooftop screening, and unenclosed architectural features not containing occupied space above the height limit of 750 feet. This additional height is less than the 7.5 percent, or 56'-3", of additional height that otherwise may be granted for non-occupied architectural, screening, and rooftop elements, pursuant to Code Section 260(b)(1)(M). The extended height is incorporated into the overall building design and allows for improved architectural treatment of the crown of the building. The result is an elegant and unique building crown that enhances the building silhouette and City skyline.

I. Bulk Controls (Sections 270, 272). Section 270 establishes bulk controls by district. For buildings located within the "S" Bulk District, the following bulk controls apply to the lower tower: a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, and a

maximum floor size of 20,000 sq. ft. The upper tower bulk controls are as follows: a maximum length of 130 feet, a maximum diagonal dimension of 160 feet, a maximum floor size of 17,000 sq. ft., and a maximum average floor size of 12,000 sq. ft. The lower tower controls apply above the base height (1.25 times the widest abutting street or 50 feet whichever is greater). The upper tower controls apply above a point that varies with the height of the building, as defined in Chart B of Code Section 270. A volume reduction requirement also applies to the upper tower where the floor size of the lower tower exceeds 5,000 sq. ft. For buildings taller than 650 feet in the "S-2" Bulk District, the following bulk controls apply: there are no bulk controls for the lower tower except as required by Section 132.1. The lower tower for such buildings shall be defined as the bottom two-thirds of the building from sidewalk grade to roof of the uppermost occupied floor. The average floor size of the upper tower shall not exceed 75 percent of the average floor size of the lower tower, and the average diagonal dimension shall not exceed 87 percent of the average diagonal dimension of the lower tower. In determining the average floor size and average diagonal of the upper tower, unoccupied architectural elements permitted according to Section 260(b)(1)(M), except for levels consisting of singular spires with a diagonal in cross-section of less than 18 feet, may be included in the calculations if the Planning Commission determines, according to the procedures of Section 309, that:

- i. such unoccupied architectural elements produce a distinct visual tapering of the building as intended by the controls of Section 260(d)(3)(B); and
- ii. create an elegant profile for the upper tower from key public vantage points throughout the City and beyond. In calculating the floor size and diagonal of such architectural elements, a cross section floor proscribed by the most distant outside points of all elements shall be assumed at 12.5-foot intervals.

The bulk limits prescribed by Section 270 have been carefully considered in relation to objectives and policies for conservation and change in C-3 Districts. However, there may be some exceptional cases in which these limits may properly be permitted to be exceeded to a certain degree, provided, however, that there are adequate compensating factors. Exceptions to the bulk limits may be approved in the manner provided in Section 309, provided that at least one of the criteria listed within Section 272 is met.

The Project proposes an exception from Section 270(d)(4)(B), which requires that average floorplates of the upper tower may not exceed 75% of the average floorplates of the lower tower and the average diagonal dimension of the upper tower may not exceed 87% of the average diagonal dimension of the lower tower.

In order to provide feasible area for residential development, the Project's upper tower floorplates are reduced only to 82% of the lower tower floorplates, and the diagonal dimension of the upper tower is reduced only to 95% of the lower tower diagonal dimension. The limited bulk reduction is attributable to significant constraints on the buildable area of the Site. Due to the presence of a below-grade "Train Box" located within the northwest corner of the Site and the bus ramp easement along the western

boundary of the Site) the lower tower floorplates and diagonal dimension are significantly smaller than that would otherwise be permitted.

The proposed upper tower bulk reductions are such that there is a clear delineation between the lower and upper tower, with reduced bulk of the upper tower contributing to an overall slender appearance of the overall building. Along the south and north façades, the slenderness of the tower is accentuated by vertical piers. The west and east facades feature a horizontal expression while a series of setbacks and transparency gradients express the different components of the building's form. The curved corners of the tower offer a streamlined and transparent expression that softens the overall massing. As the tower reaches its top, the vertical piers progressively transform themselves into an elegant latticework. In addition, the redefinition of the glass surfaces between piers into concave glass surfaces, and a series of subtle setbacks create an elegant and iconic crown. This crown will be softly lit at night, making it visible from afar, creating an elegant profile within the San Francisco skyline.

The Project provides major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass as well as significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements (Sections 272(a)(4)(A) and (B). Therefore, the Project is eligible for exceptions from the minor exceedances of bulk controls as permitted under Section 309(a)(13). Overall, the Project achieves a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the Transit Center District Plan ("TCDP") (a sub-area of the Downtown Area Plan), the Downtown Area Plan, and the General Plan as follows:

#### **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 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially 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.

#### 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.

#### **OBJECTIVE 4**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

#### Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

#### Policy 4.5

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

#### **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.

#### **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 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

#### **OBJECTIVE 12**

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

#### Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

#### Policy 12.2

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

#### Policy 12.3

Ensure new housing is sustainably supported by the City's public infrastructure systems.

#### **OBJECTIVE 13**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

#### Policy 13.1

Support "smart" regional growth that located new housing close to jobs and transit.

#### Policy 13.3

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

#### **GENERAL PLAN: URBAN DESIGN ELEMENT**

#### **Objectives and Policies**

#### **OBJECTIVE 1**

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

#### Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

#### Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

#### **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

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

#### GENERAL PLAN: COMMERCE AND INDUSTRY

#### **OBJECTIVE 1**

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

#### Policy 1.1

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

#### 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.

#### **OBJECTIVE 8**

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

#### Policy 8.1

Guide the location of additional tourist related activities to minimize their adverse impacts on existing residential, commercial, and industrial activities.

#### **GENERAL PLAN: TRANSPORTATION**

#### **OBJECTIVE 1**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT, AND NEXPENSIVE 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.

#### 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.

#### **OBJECTIVE 2**

USE THE EXISTING TRANSPORTATION INFRASTRUCTURE 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.

#### **DOWNTOWN AREA PLAN**

#### **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.

#### **OBJECTIVE 2**

MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

#### Policy 2.1

Encourage prime downtown office activities to grow as long as undesirable consequences of growth can be controlled.

#### Policy 2.2

Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

#### **OBJECTIVE 4**

ENHANCE SAN FRANCISCO'S ROLE AS A TOURIST AND VISITOR CENTER

#### Policy 4.1

Guide the location of new hotels to minimize their adverse impacts on circulation, existing uses, and scale of development.

#### **OBJECTIVE 7**

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

#### Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

#### Policy 7.2

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

#### **OBJECTIVE 10**

ASSURE THAT OPEN SPACES ARE ACCESSIBLE AND USABLE.

#### Policy 10.2

Encourage the creation of new open spaces that become a part of an interconnected pedestrian network.

#### **OBJECTIVE 13**

CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTNE CITIES.

#### Policy 13.1

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.

#### TRANSIT CENTER DISTRICT PLAN: LAND USE

#### Policy 1.2

Revise height and bulk districts in the Plan Area consistent with other Plan objectives and considerations.

#### Policy 1.4

Prevent long-term under-building in the area by requiring minimum building intensities for new development on major sites.

#### TRANSIT CENTER DISTRICT PLAN: URBAN FORM

#### **OBJECTIVE 2.3**

FORM THE DOWNTOWN SKYLINE TO EMPHASIZE THE TRANSIT CENTER AS THE CENTER OF DOWNTOWN, REINFORCING THE PRIMACY OF PUBLIC TRANSIT IN ORGANIZING THE CITY'S DEVELOPMENT PATTERN, AND RECOGNIZING THE LOCATION'S IMPORTANCE IN LOCAL AND REGIONAL ACCESSIBILITY, ACTIVITY, AND DENSITY.

#### Policy 2.3

Create a balanced skyline by permitting a limited number of tall buildings to rise above the dense cluster that forms the downtown core, stepping down from the Transit Tower in significant height increments.

#### TRANSIT CENTER DISTRICT PLAN: PUBLIC REALM

#### **OBJECTIVE 3.8**

ENSURE THAT NEW DEVELOPMENT ENHANCES THE PEDESTRIAN NETWORK AND REDUCES THE SCALE OF LONG BLOCKS BY MAINTAINING AND IMPROVING PUBLIC ACCESS ALONG EXISTING ALLEYS AND CREATING NEW THROUGH-BLOCK PEDESTRIAN CONNECTIONS WHERE NONE EXIST.

#### Policy 3.11

Prohibit the elimination of existing alleys within the District. Consider the benefits of shifting or reconfiguring alley alignments if the proposal provides an equivalent or greater degree of public circulation.

#### Policy 3.12

Design new and improved through-block pedestrian passages to make them attractive and functional parts of the public pedestrian network.

#### **OBJECTIVE 4.1:**

THE DISTRICT'S TRANSPORTATION SYSTEM WILL PRIORITIZE AND INCENTIVIZE THE USE OF TRANSIT. PUBLIC TRANSPORTATION WILL BE THE MAIN, NON-PEDESTRIAN MODE FOR MOVING INTO AND BETWEEN DESTINATIONS IN THE TRANSIT CENTER DISTRICT.

#### Policy 4.5:

Support funding and construction of the Transbay Transit Center project to further goals of the District Plan, including completion of the Downtown Extension for Caltrain and High Speed Rail.

The Project is located within an existing high-density downtown area which was re-zoned as part of an area plan to design development around the Transbay Transit Center. The Transbay Transit Center is designed to be the Bay Area's hub of intermodal public transportation, with corresponding infrastructure improvements in this area of downtown. The overarching premise of the Transit Center District Plan ("TCDP") is to continue the concentration of additional growth where it is most responsible and productive to do so—in proximity to San Francisco's greatest concentration of public transit service. The increase in development, in turn, will provide additional revenue for the Transit Center project and for the necessary improvements and infrastructure in the District. Meanwhile, the well-established Downtown Plan envisions a series of high-density residential areas ringing the area, enabling people to live within walking distance of the central business district. The integration of housing reduces the burden on the transit systems, and helps to enliven the central district. This Project implements the vision of both Plans through the construction of 165 dwelling units, 189 hotel rooms, and approximately 275,00 gross square feet of office use located within walking distance of the Transbay Transit Center, as well as the Downtown Core.

One of the specific goals of the Transit Center Plan is to leverage increased development intensity to generate revenue that will enable the construction of new transportation facilities, including support for the Transbay Transit Center, including the Downtown Rail Extension. These revenues will also be directed toward improvements to sidewalks and other important pedestrian infrastructure to create a public realm that is conducive to, and supportive of pedestrian travel. With approximately 435,000 gross square feet of residential uses, approximately 275,000 gross square feet of office use, and approximately 240,000 gross square feet of hotel use, including approximately 9,800 gross square feet of retail uses, the Project will contribute substantial financial resources toward these improvements, and will also serve to leverage these investments by focusing intense employment growth within the core of planned transportation services.

The Project would add a significant amount of housing to a site that is currently undeveloped, well-served by existing and future transit, and is within walking distance of substantial goods and services. Future residents can walk, bike, or access BART, MUNI, or regional bus service from the Site, including all future modes of public transportation proposed to terminate at the Salesforce Transit Center, located immediately adjacent to the Site.

- 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 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. The Project will provide significant employment opportunities with the addition of a full-service hotel and various retail uses at the ground level and at level 5, where the Project

connects to Salesforce Park, atop the Salesforce Transit Center. Moreover, the Project would not displace any existing neighborhood-serving retail uses.

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 site is currently vacant and does not, therefore, contain any existing housing. The Project's unique mixed-use program provides outstanding amenities to visitors and residents, and contributes significantly to the 24-hour neighborhood character envisioned by the Transit Center District Plan.

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

The Project would not displace any housing given the Site is currently undeveloped. The Project would improve the existing character of the neighborhood by developing a high-density, mixed-use building containing 165 dwelling units, including the provision of off-site inclusionary affordable units at a rate of no less than 33 percent within one-mile of the Site.

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 located in the most transit-rich environs in the city and would therefore 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. The Project also provides a minimum 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 is wholly a residential building and would not negatively affect the industrial and service sectors, nor would it displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which is characterized by neighborhood serving retail and residential high-rise buildings.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

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

A Shadow Study indicated the Project may cast a shadow on both Union Square Plaza and Willie "Woo Woo" Wong Park, properties under the jurisdiction of the San Francisco Recreation and Park Department. However, based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, the Project would not substantially affect, in an adverse manner, the use or enjoyment of these open spaces beyond what was analyzed and disclosed in the TCDP FEIR. The Project's new shadow on Union Square Plaza and Willie "Woo Woo" Wong Playground would contribute considerably to the significant and unavoidable impact identified in the TCDP FEIR with respect to the need to increase the Absolute Cumulative Limit of downtown parks. Shadow from the proposed Project on public plazas, and other publicly-accessible spaces other than those protected under Section 295 would be generally be limited to certain days of the year and would be limited in duration on those days.

10. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Administrative Code Section 83.11), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

12. The Commission hereby finds that approval of the Downtown Project Authorization would promote the health, safety and welfare of the City.

#### **DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2016-013312DNX** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 20, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as "EXHIBIT C" and incorporated herein as part of this Motion by this reference thereto. All required improvement and mitigation measures identified in the Transit Center District Plan EIR and contained in the MMRP are included as Conditions of Approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329/309 Large/Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. Any appeal shall be made to the Board of Appeals, unless an associated entitlement is appealed to the Board of Supervisors, in which case the appeal of this Motion shall also be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103, or the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 9, 2020.

Jonas P. Ionin

Draft Motion January 9, 2020 Record No. 2016-013312DNX 542-550 Howard Street (Transbay Parcel F)

Commission Secretary	
AYES:	
NAYS:	
ABSENT:	
ADOPTED:	January 9, 2020

#### **EXHIBIT A**

#### **AUTHORIZATION**

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would allow for the construction of an approximately 750-foot tall (800 feet inclusive of rooftop mechanical features) 61-story, mixed-use tower with a total of approximately 957,000 gross square feet, including 165 dwelling units, 189 hotel rooms, 275,674 square feet of office use located at 542-550 Howard Street (Transbay Parcel F), within Assessor's Block 3721, Lots 016, 135, 136, and 138, pursuant to Planning Code Sections 309, 132.1, 134, 140, 148, 152.1, 161, 248, 260, 270 and 272 within the C-3-O(SD) Downtown-Office (Special Development) Zoning District and 750-S-2 and 450-S Height and Bulk Districts, in general conformance with plans, dated **December 20, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2016-013312DNX** and subject to conditions of approval reviewed and approved by the Commission on **January 9, 2020** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

#### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on January 9, 2020 under Motion No XXXXXXX.

#### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

#### **SEVERABILITY**

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

#### **CHANGES AND MODIFICATIONS**

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

## Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

- 1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) become effective. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>
- 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 the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.

  For information about compliance contact Code Enforcement Planning Department at 415-575-6863.
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>
- 5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

6. Additional Project Authorization. The Project Sponsor must also obtain Conditional Use Authorization Office to establish a hotel use, pursuant to Section 303; an office allocation, pursuant to Section 321; adoption of shadow findings, pursuant to Section 295; Planning Code Text and Map Amendments to amend San Francisco Zoning Maps ZN-01 and HT-01 for height and bulk classification and zoning designation, and uncodified legislative amendments for the residential footprint requirement per Section 248(d)(2), and authorization of off-site inclusionary affordable dwelling units per Section 249.28(b)(6)(B)(C); General Plan Amendment to amend Maps 1 and 5 of the Downtown Plan and Figure 1 of the Transit Center District Plan; and Variances for Parking and Loading Entrance Width per Section 145, Active Street Frontages per Section 145.1, and Vehicular Ingress and Egress on Natoma Street per Section 155; and location of Bicycle Parking per Section 155, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

- 7. **Mitigation Measures.** Mitigation and Improvement measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="www.sf-planning.org">www.sf-planning.org</a>
- 8. **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 a site permit for all development which exceeds the base FAR of 6.0 to 1, up to an FAR of 9.0 to 1. The net addition of gross floor area subject to this requirement shall be determined based on drawings submitted with the Building Permit Application. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

#### **ENTERTAINMENT COMMISSION - NOISE ATTENUATION CONDITIONS**

- 9. **Chapter 116 Residential Projects.** The Project Sponsor shall comply with the "Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects," which were recommended by the Entertainment Commission on August 25, 2015. These conditions state:
  - A. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.

B. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.

#### C. Design Considerations.

- i. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
- ii. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.
- D. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
- E. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

#### **DESIGN – COMPLIANCE AT PLAN STAGE**

- 10. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
  - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 11. Garbage, Composting and Recycling Storage. Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

- 12. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <a href="www.sf-planning.org">www.sf-planning.org</a>
- 13. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <a href="www.sf-planning.org">www.sf-planning.org</a>
- 14. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

  For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 15. **Open Space Provision C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space so that the open space generally meets the standards of the Downtown Open Space Guidelines in the Downtown Plan of the General Plan.

  For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 16. **Food Service in Open Spaces C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall make food service available during the hours that the open space is accessible to the public. In the event that the Project Sponsor is unable to lease a retail space to a food service, food service shall be provided by a kiosk, or a cart or similar portable device at the rooftop open space. [Planner should insert project specific language ....]

  For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 17. **Open Space Plaques C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the

standard City logo identifying it; the hours open to the public and contact information for building management. The plaques shall be plainly visible from the public sidewalks on **XXXXXX** Street and shall indicate that the open space is accessible to the public via the elevators in the lobby. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

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

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

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

19. **Transformer Vault Location.** 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 in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: within sidewalk along the Howard Street frontage. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

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

20. **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, <u>www.sfmta.org</u>

- 21. **Noise**. Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <a href="www.sf-planning.org">www.sf-planning.org</a>
- 22. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to

implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

23. Salesforce Park/Salesforce Transit Center Connections. The Project Sponsor must provide to the Planning Department a letter from the Executive Director of the TJPA indicating Final approval of the design and operation of both the bridge and the inclined elevator connecting the Project to City Park. Such letter shall be provided prior to approval by the Planning Department of the first site permit.

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

#### **PARKING AND TRAFFIC**

24. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at <u>tdm@sfgov.org</u> or 415-558-6377, <u>www.sf-planning.org</u>.

25. Parking for Affordable Units. All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

26. **Car Share.** Pursuant to Planning Code Section 166, no fewer than **three (3)** 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, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

- 27. **Bicycle Parking** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than **216** bicycle parking spaces (**117** Class 1 and **8** Class 2 spaces for the residential portion of the Project, and **61** Class 1 and **26** Class 2 spaces for the commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at <a href="maikeparking@sfmta.com">bikeparking@sfmta.com</a> to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863,
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863 www.sf-planning.org
- 28. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than **4** showers and **24** clothes lockers.
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863,  $\underline{www.sf-planning.org}$ .
- 29. **Parking Maximum.** Pursuant to Planning Code Section 151 or 151.1, the Project shall provide no more than **183** off-street parking spaces.
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>
- 30. **Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide **4** off-street loading spaces.
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>
- 31. Managing Traffic During Construction. The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

#### **PROVISIONS**

- 32. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 33. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

  For information about compliance contact the First Source Hiring Manager at 415-581-2335.
  - For information about compliance, contact the First Source Hiring Manager at 415-581-2335, <a href="https://www.onestopSF.org"><u>www.onestopSF.org</u></a>
- 34. **Transportation Brokerage Services C-3, EN, and SOMA.** Pursuant to Planning Code Section 163, the Project Sponsor shall provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's transportation management program, subject to the approval of the Planning Director. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 35. **Employment Brokerage Services C-3 District.** Pursuant to Planning Code Section 164, the Project Sponsor shall provide employment brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's local employment program, subject to the approval of the Planning Director.
  - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 36. **Child Care Brokerage Services C-3 District.** Pursuant to Planning Code Section 165, the Project Sponsor shall provide on-site child-care brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's child-care program, subject to the approval of the Planning Director.
  - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

www.sf-planning.org

- 37. **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,
- 38. **Downtown Park Fee C-3 District.** The Project is subject to the Downtown Park Fee, as applicable, pursuant to Planning Code Section 412.
  - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 39. **Jobs-Housing Linkage**. The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.
  - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 40. **Child-Care Requirements for Office and Hotel Development**. In lieu of providing an on-site child-care facility, the Project has elected to meet this requirement by providing an in-lieu fee, as applicable, pursuant to Planning Code Section 414.
  - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 41. **Residential Child Care Impact Fee.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
  - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 42. **Inclusionary Affordable Housing Program.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.
  - A. Number of Required Units. Pursuant to Planning Code Section 415.7, the Project is currently required to provide 33% of the proposed dwelling units as affordable to qualifying households. The Project contains 165 units; therefore, 54 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing a minimum 54 affordable units off-site within the Transbay Redevelopment Project Area as stipulated in Planning Code Text and Map Amendment Ordinance (Board File No. 191259). If the number of market-rate units changes, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

B. **Unit Mix.** The Project contains, 21 one-bedroom, 92 two-bedroom, and 52 three-bedroom units; therefore, the required affordable unit mix is 7 one-bedroom, 30 two-bedroom, and 17 three-bedroom units, or the unit mix that may be required if the inclusionary housing requirements change as discussed above. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consolation with MOH.

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

C. Mixed Income Levels for Affordable Units. Pursuant to Planning Code Section 415.3, the Project is required to provide 33% of the proposed dwelling units as affordable to qualifying households. At least 18% must be affordable to low-income households, at least 8% must be affordable to moderate income households, and at least 7% must be affordable to middle income households. Rental Units for low-income households shall have an affordable rent set at 55% of Area Median Income or less, with households earning up to 65% of Area Median Income eligible to apply for low-income units. Rental Units for moderate-income households shall have an affordable rent set at 80% of Area Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for moderate-income units. Rental Units for middle-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 130% of Area Median Income eligible to apply for middle-income units. For any affordable units with rental rates set at 110% of Area Median Income, the units shall have a minimum occupancy of two persons. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

D. **Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. XXXXX, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.

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

- E. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than thirty three percent (33%), or the applicable percentage as discussed above, of each phase's total number of dwelling units as off-site BMR units. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <a href="www.sf-planning.org">www.sf-planning.org</a> or the Mayor's Office of Housing at 415-701-5500, <a href="www.sf-moh.org">www.sf-moh.org</a>.
- F. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Sections 415.7 must remain affordable to qualifying households for the life of the project.

  For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
  - i. <u>Total Square Footage Requirement.</u> The total square footage of the off-site affordable units constructed shall be no less than the calculation of the total square footage of the on-site market-rate units in the principal project multiplied by the relevant on-site percentage requirement.
  - ii. <u>Interior Features.</u> The interior features in affordable units should generally be the same as those of the market rate units in the principal project but need not be the same make, model, or type of such item as long as they are of new and good quality and are consistent with then-current standards for new housing and so long as they are consistent with the "Quality Standards for Off-Site Affordable Housing Units" found in the Procedures Manual.
- G. 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 the terms of the 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 MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

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

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <a href="www.sf-planning.org">www.sf-planning.org</a> or the Mayor's Office of Housing at 415-701-5500, <a href="www.sf-moh.org">www.sf-moh.org</a>.

i. 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 principal project market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the principal project market rate units, (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 off-site units are outlined under "Quality Standards for Off-site BMR Units" as outlined in the Procedures Manual.

- ii. If the off-site units in the building are offered for rent, the affordable unit(s) shall be rented to low income households, as defined in the Planning Code and the Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- iii. 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 of any unit in the building.
- iv. Required parking spaces shall be made available to initial renters of affordable units according to the Procedures Manual.
- v. 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. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the MOHCD or its successor.
- vi. The Project Sponsor has demonstrated that it is eligible for the Off-site Affordable Housing Alternative under Planning Code Section 415.5 and 415.7 instead of payment of the Affordable Housing Fee, and has submitted an Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415, to the Planning Department stating that any affordable units designated as off-site units shall be rental units and will remain as rental units for the life of the Project.

- vii. 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 Sections 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 by law.
- viii. If the Project becomes ineligible at any time for the Off-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit and penalties, if applicable.
- 43. **Transit Center District Open Space Fee.** Pursuant to Section 424.6, the Project Sponsor shall pay a fee of to be deposited in the Transit Center District Open Space Fund. *For information about compliance, contact the Planning Department at* 415-558-6378, www.sf-planning.org
- 44. **Transit Center District Transportation and Street Improvement Fee.** Pursuant to Section 424.7, the Project Sponsor shall pay a fee which will be deposited in the Transit Center District Transportation and Street Improvement Fund.
  - For information about compliance, contact the Planning Department at 415-558-6378, www.sf-planning.org
- 45. **Transit Center District Mello Roos Community Facilities District Program.** Pursuant to Section 424.8, the Project Sponsor is required to participate in a Transit Center District Mello Roos Community Facilities District (CFD) and to include the Project Site in the CFD prior to issuance of the First Temporary Certificate of Occupancy for the Project.
  - For information about compliance, contact the Planning Department at 415-558-6378, <u>www.sf-planning.org</u>
- 46. **Art.** The Project is subject to the Public Art Fee, as applicable, pursuant to Planning Code Section 429.
  - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 47. **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
- 48. **Art.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion

by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the submittal of the first building or site permit application

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

#### **MONITORING - AFTER ENTITLEMENT**

- 49. **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
- 50. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 51. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

#### **OPERATION**

- 52. **Eating and Drinking Uses**. As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section <u>102</u>, shall be subject to the following conditions:
  - A. The business operator 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 Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of

the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section  $\underline{34}$  of the San Francisco Police Code.

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

B. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

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

For information about compliance with construction noise requirements, contact the Department of Building Inspection at 415-558-6570, www.sfdbi.org.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415-553-0123, <u>www.sf-police.org</u>.

C. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), <a href="www.baaqmd.gov">www.baaqmd.gov</a> and Code Enforcement, Planning Department at 415-575-6863, <a href="www.sf-planning.org">www.sf-planning.org</a>

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

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

53. **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

54. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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

55. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

56. Other Entertainment. The Other Entertainment shall be performed within the enclosed building only. The building shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

# Draft Motion – Conditional Use Authorization, Exhibit A: Conditions of Approval

### **Planning Commission Draft Motion**

**HEARING DATE: JANUARY 9, 2020** 

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*Record Number:* **2016-013312CUA** 

Project Address: 542-550 Howard Street (Transbay Parcel F)

Existing Zoning: C-3-O(SD) Downtown-Office (Special Development) Zoning District

750-S-2 and 450-S Height and Bulk Districts Transit Center C-3-O(SD) Commercial and

Transbay C-3 Special Use Districts

Downtown and Transit Center District Plan Areas

Block/Lot: 3721/016, 135, 136, 138 Project Sponsor: F4 Transbay Partners, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Property Owner: Parcel F Owner, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Staff Contact: Nicholas Foster, AICP, LEED GA

nicholas.foster@sfgov.org, (415) 575-9167

Recommendation: Approval with Conditions

ADOPTING FINDINGS TO APPROVE CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 210.2 AND 303 TO ALLOW A HOTEL USE WITH UP TO 189 TOURIST GUESTROOMS AS PART OF A PROJECT THAT INCLUDES THE NEW CONSTRUCTION OF AN APPROXIMATELY 750-FOOT TALL (800 FEET INCLUSIVE OF ROOFTOP MECHANICAL FEATURES) 61-STORY, MIXED-USE TOWER WITH A TOTAL OF APPROXIMATELY 957,000 GROSS SQUARE FEET OF FLOOR AREA, INCLUDING 165 DWELLING UNITS, 189 HOTEL ROOMS, 276,000 SQUARE FEET OF OFFICE USE FLOOR AREA, APPROXIMATELY 79,000 SQUARE FEET OF FLOOR AREA DEVOTED TO SHARED AMENITY SPACE, APPROXIMATELY 9,000 SQUARE FEET OF RETAIL SPACE, APPROXIMATELY 20,000 SQUARE FEET OF OPEN SPACE, FOUR BELOW-GRADE LEVELS THAT WOULD ACCOMMODATE UP TO 183 VEHICLE PARKING SPACES, AND 178 CLASS 1 AND 34 CLASS 2 BICYCLE PARKING SPACES LOCATED AT 542-550 HOWARD STREET (TRANSAY PARCEL "F"), LOTS 016, 135, 136, 138 OF ASSESSOR'S BLOCK 3721, WITHIN THE C-3-O(SD) DOWNTOWN-OFFICE (SPECIAL DEVELOPMENT) ZONING DISTRICT AND 750-S2 AND 450-S HEIGHT AND BULK DISTRICTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

#### **PREAMBLE**

On October 13, 2016, Cameron Falconer of Hines, acting on behalf of F4 Transbay Partners, LLC (hereinafter "Project Sponsor"), submitted an application with the Planning Department (hereinafter "Department") for a Preliminary Project Assessment ("PPA"). The PPA Letter, assigned to Case No. 2016-013312PPA, was issued on January 9, 2016.

On December 9, 2016, the Project Sponsor submitted Planning Code Text and Map Amendment applications. The application packets were accepted on December 9, 2016 and assigned to Case Numbers 2016-013312MAP and 2016-013312PCA.

On April 19, 2017, the Project Sponsor submitted an Environmental Evaluation Application. The application packet was accepted on July 14, 2016 and assigned Case Number 2016-013312ENV.

On October 17, 2018, the Project Sponsor submitted, as modified by subsequent submittals, the following applications with the Department: Downtown Project Authorization; Conditional Use Authorization; Office Allocation; Variance; Shadow Analysis; and Transportation Demand Management. The application packets were accepted on October 17, 2018 and assigned to Case Numbers: 2016-013312DNX; 2016-013312CUA; 2016-013312OFA; 2016-013312VAR; 2016-013312SHD; and 2016-013312TDM, respectively.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). On May 24, 2012, the Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Transit Center District Plan EIR is a program-level EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a subsequent project in the program area, the agency may approve the project as being within the scope of the project covered by the program EIR, and no new or additional environmental review is required. In certifying the Transit Center District Plan FEIR, the Commission adopted CEQA findings in its Motion No. 18629 and hereby incorporates such Findings by reference herein.

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

On August 27, 2019, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan FEIR. Since the Transit Center District Plan FEIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this Project, including the Transit Center District Plan FEIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan FEIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

The Planning Department Commission Secretary is the custodian of records; all pertinent documents are located in the File for Case No. 2016-013312CUA, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 19, 2019, the Recreation and Park Commission conducted a duly noticed public hearing at regularly scheduled meeting and recommended, through Resolution No. 1909-016, that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Union Square and Willie "Woo Woo" Wong Playground.

On October 8, 2019, the Project Sponsor filed a request for a General Plan Amendment. The application packet was accepted on October 8, 2019 and assigned to Case Number 2016-013312GPA.

On October 17, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of a General Plan Amendment for Case No. 2016-013312GPA. After hearing the item, the Commission voted 5-0 (Koppel absent) to continue the item to December 5, 2019.

On December 5, 2019 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of a General Plan Amendment for Case No. 2016-013312GPA. The Commission voted 6-0 (Richards absent) to initiate the General Plan Amendment for Case No. 2016-013312GPA.

On January 9, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization application No. 2016-001794CUA.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2016-013312CUA, subject to the conditions contained in "EXHIBIT A" of this motion, and incorporated by reference, 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. **Project Description.** The proposed project ("Project") includes the construction of a new 61-story mixed-use building reaching a height of 749′-10″ tall (799′-9″ inclusive of rooftop screening/mechanical equipment). The Project would include 165 dwelling units, 189 hotel rooms, 275,674 square feet of office use floor area, approximately 9,000 square feet of retail space, approximately 20,000 square feet of open space, 178 Class 1 and 34 Class 2 bicycle parking spaces, and four below-grade levels that would accommodate up to 183 vehicle parking spaces provided for the residential, hotel, and office uses. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Transbay Transit Center.
- 3. **Site Description and Present Use.** The Project Site ("Site") consists of four contiguous lots (Lots 016, 135, 136, and 137) within Assessor's Block 3721, totaling 32,229 square feet (0.74 acres) in area. The site, bounded by Howard Street to the south and Natoma Street to the north, is undeveloped at-grade and served as a construction staging area for the adjacent Salesforce Transit Center during its construction. A below-grade "Train Box" is located within the northwest corner of the Site, occupying approximately 12,000 square feet of the Site. The Train Box consists of a two-story structure that will allow Caltrain—and eventually High-Speed Rail—trains to enter and exit the adjacent Salesforce Transit Center below-grade. Because the Train Box can only support a very limited structural load above-grade, the proposed mixed-use building is purposely set back from the northwest corner of the Site (along the Natoma Street frontage), towards the southeast corner of the Site (along the Howard Street frontage). The Project responds to the unique site constraint by cantilevering the building podium over the area of the Train Box, thereby shifting the majority of the tower's mass onto Lots 016 and 135, away from the area of the Train Box.
- 4. Surrounding Properties and Neighborhood. The Site is located within the Downtown Core, and more specifically, within the Transit Center District Plan (TCDP) area. Development in the vicinity consists primarily of high-rise office buildings, interspersed with low-rise mixed-use buildings. The block on which the Site is located contains several low to mid-rise office buildings and construction staging for planned developments. The 5-story Salesforce Transit Center (STC) and

the Salesforce Park are located to the north of the Site, 2- to 3- story buildings at 547, 555, and 557 Howard streets are located to the south of the Site, and a 3-story building at 540 Howard Street, a 4-story building at 530 Howard Street, and a parking lot at 524 Howard Street are located east of the Site. The 2- to 3-story buildings at 547, 555, and 557 Howard streets are planned to be replaced with an approximately 385 foot-tall, 36-story mixed use residential and hotel development project. The parking lot at 524 Howard Street is planned to be replaced with an approximately 495-foot tall, 48-story mixed use residential and hotel development. Several other high-rise buildings are planned, under construction, or have recently completed construction in the surrounding area, including a newly completed office-residential tower at 181 Fremont Street.

- 5. **Public Outreach and Comments.** The Department has received correspondence regarding the proposed Project related to shadow impacts on Willie "Woo Woo" Wong Park, citing concerns around shadows caused by the Project having an adverse impact on the use of the Willie "Woo Woo" Wong Park. The Project Sponsor has conducted community outreach that includes local community groups to respond to concerns over shadow impacts resulting from the Project.
- 6. **Planning Code Compliance.** The Planning Code Compliance as set forth in Downtown Project Authorization Motion No. XXXXX apply to this Conditional Use Authorization Motion, and are incorporated as though fully set forth herein.
- 7. **Planning Code Section 303(c).** The Planning Code establishes criteria for the Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  - **A.** The Proposed use or feature, at the size and intensity contemplated, and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project proposes a unique mixed-use program that includes a 189-room hotel, as well as 165 dwelling units, approximately 275,000 gross square feet of office use, and a mix of supporting retail uses that will create a desirable 24-hour development adjacent to the new Salesforce Transit Center ("STC"). The Project is consistent with and helps to realize the vision set forth in the Transit Center District Plan, providing an architecturally iconic building with significant residential and commercial activity in a prime location at the center of the City's "new" downtown. The Project's location will provide an invaluable supply of hotel space in a much-needed location, close to many of San Francisco's most popular tourist attractions, the Moscone Convention Center, the STC and the most significant density of office space in the City. Thus, its 189 hotel rooms will help to alleviate the shortage of hotel rooms, serving the needs of the city in an ideal location for both tourist and business travel. Furthermore, its unrivaled transit-oriented location directly next to the STC ensures that these needs will be met in the most sustainable location possible.

The Project's unique mixed-use program will provide the city with permanent public amenities that will make it an integral part of the neighborhood. These include enhanced access to the STC and its rooftop park from the Project's integrated through-block pedestrian passageway and pedestrian bridge, several thousand square feet of high-quality retail, and the services and amenities of its 189-room hotel. In summary, the Project provides a thoughtful and balanced response to the city's needs for economic growth and housing, transportation, and public services, and represents a desirable, harmonious addition to the burgeoning Transbay neighborhood.

- **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 the area, in that:
  - i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Site was created as part of the Transbay Redevelopment Plan's strategy of selling formerly publicly owned property to private developers in order to raise funds to support the construction of the new STC. The Project is further intended to be consistent with the zoning prescribed by the Transit Center District Plan. Accordingly, the size, shape, and development potential on the Project site are all consistent with a long-term vision for this particular location as a cornerstone of the Transbay District. The Project proposes a building form and a mix of uses that will provide numerous benefits to the evolving Transbay neighborhood and to the city.

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

Because of its ideal location adjacent to the STC, the Project will be tremendously accessible to hotel guests, employees, visitors and residents via multiple modes of transportation. Given its proximity to the primary transportation hub for the region, the Project will be a model of transportation-oriented development. The Project proposes a reasonable amount of on-site vehicular parking, consistent with the City's "Transit First" policy, and proposes an efficient program of off-street loading on a constrained site that minimizes negative effects on the pedestrian realm.

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

The Project does not propose any uses or materials that would present unusual emissions, noise, glare, dust or odor. The Project Sponsor will work closely with the Planning Department to minimize the potential for any such negative effects.

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

The Project includes thoughtful landscaping and public realm improvements, including: a pedestrian bridge at the Project's 5th level linking the Project to the planned rooftop park atop the STC; a pedestrian passageway allowing for access from Howard Street to Natoma Street and the STC; and publicly accessible elevator access from the Natoma Street frontage to the STC pedestrian bridge connection at the Project's 5th level. The Project's ground level landscape design, particularly along Natoma Street is intended to integrate with the STC streetscape and encourage connections the STC and the Project. The Project provides visual screening of the off-street loading area (adjacent to the STC bus ramp) and will include a lighting design that facilitates 24-hour safety and security in the vicinity of the Project.

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

The Project complies with the various provisions of the San Francisco Planning Code and is consistent with, and will not adversely affect the General Plan. The Project conforms to multiple goals and policies of the General Plan, as described in further detail in the Downtown Project Authorization, Motion No. XXXXX.

**D.** Such use or feature as proposed would provide development that is in conformity with the purpose of the applicable Use District.

The City approved the Transit Center District Plan, a subarea plan of the Downtown Plan, and the Transit Center C-3-O(SD) Commercial Special Use District in 2012. The Subarea Plan and SUD reaffirm long-standing City policy to concentrate intensive office development in the Transit Center District and does so by mandating large sites such as Parcel F be reserved for predominately commercial development.

- 8. **Planning Code Section 303(g).** The Planning Code establishes criteria for the Planning Commission to consider with respect to applications for development of tourist hotels and motels. In addition to criteria set forth in Section 303(c), the Planning Commission shall also consider:
  - **A.** The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, child-care, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

The new 189-room hotel is not anticipated to have an adverse effect on housing. Due to the Project's proximity to a variety of local transit services, many hotel employees are anticipated to be current City residents and residents of nearby communities. The Sponsor's contribution to the Jobs-Housing Linkage Program will help fund the construction of affordable housing in the City. In addition, the residential

component of the Project will satisfy the Inclusionary Affordable Housing requirement, providing more affordable housing units in the City.

Access to a variety of local public transit services, as well as the distribution of hotel employees between different daily shifts will reduce the Project's impact on public transit. The Sponsor's contribution to the City's Transportation Sustainability Fund and payment of the Transit Center Transportation fee, as well as the Sponsor's ongoing participation in a Transportation Demand Management Plan will augment the funding of many planned downtown transit improvements and facilitate use by the Project employees of the available modes of transportation to and from the Site. The Sponsor's participation in the childcare program, pursuant to Section 414 of the Planning Code, will enhance the availability of affordable childcare services in the city. The proposed hotel use will have no appreciable effect on other social services. The Project is likely to provide new employment for some currently unemployed workers and will participate in the City's First Source Hiring Program. Providing additional job opportunities to San Francisco residents may lessen the need for some social services.

The Project's location in downtown San Francisco will ensure business visitors and leisure travelers throughout the year, resulting in a steady number of employees that is unlikely to vary significantly on a seasonal basis. The hotel only has small-scale in-house banqueting and meeting spaces that can be serviced primarily with in-house staff and is unlikely to require the hiring of significant part-time or temporary labor.

**B.** The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation;

The Project Sponsor will participate in the City's First Source Hiring Program, which aims to increase employment of San Francisco residents. The Project will benefit from steady occupancy due to its proximity to the City's major lodging demand generators, including the Moscone Convention Center (which operates at very high capacity), numerous cultural institutions, and Downtown Financial District. There are also high concentrations of technology companies in the immediate vicinity of the Project, which also drive hotel occupancy. The steady occupancy will drive the hotel operator to hire permanent positions rather than those that are seasonal. The stable, full-time nature of employment will lead to the hiring of more local employees.

A 2018 market analysis conducted by a quality consultant ("CBRE, Inc") for the Project shows that the San Francisco lodging market and this location have significant unsatisfied demand. Unsatisfied demand typically results in the displacement of travelers to locations further away from demand generators and increases the need for use of transit systems. The Property's proximity to demand generator reduces the need for travelers to stay far away from their destination and thus reduces the use of transportation systems.

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<sup>&</sup>lt;sup>1</sup> "Market Demand Analysis for Parcel F" - CBRE. 1.3.18, pp. 3

C. The market demand for a hotel or motel of the type proposed; and

A 2018 market analysis conducted by a quality consultant ("CBRE, Inc") for the Project shows at present, hotel occupancy rates in San Francisco are at 84 percent, substantially above the nationwide average.<sup>2</sup> With this level of occupancy, hotels in the competitive market will be operating at capacity during peak periods and will be unable to accommodate additional demand. San Francisco is currently undersupplied with hotel rooms and generates a significant amount of unsatisfied demand. Unsatisfied demand causes displacement of visitors and revenues to locations at the periphery or outside the city. It is anticipated the addition of the proposed 189 hotel guestrooms will be readily absorbed into the marketplace in 2022 without significantly affecting occupancy for any competitive properties. Market conditions clearly support the need for new hotel stock, particularly in the luxury hotel range that would appeal to both tourists and business travelers. Further increase in market demand is anticipated due to the expansion of the Moscone Convention Center, as well as the development of several Class-A office towers on surrounding sites in the Project's vicinity.

**D.** In the Transit Center C-3-O(SD) Commercial Special Use District, the opportunity for commercial growth in the Special Use District and whether the proposed hotel, considered with other hotels and non-commercial uses approved or proposed for major development sites in the Special Use District since its adoption would substantially reduce the capacity to accommodate dense, transit-oriented job growth in the District.

The Project's hotel use will not substantially reduce the capacity of Transit Center C-3-O (SD) Commercial Special Use District to accommodate dense, transit-oriented job growth. The Project's approximately 248,00 gross square feet of hotel space provide a density of jobs that would not likely be realized with a project containing only residential uses. Further, the Project includes approximately 275,000 gross square feet of office use, bolstering the job-creating potential of the Site. As of December 2019, the Oceanwide Center located at First and Mission Streets (with 169 hotel rooms), along with the proposed hotel project at 555 Howard Street (403 hotel rooms), located directly across from the Site, are the only other hotel uses proposed within the District, and there remains capacity for several more hotels to be developed in the Transit Center District.

- 9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the Transit Center District Plan ("TCDP") (a sub-area of the Downtown Area Plan), the Downtown Area Plan, and the General Plan for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.
- 10. **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 for

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<sup>&</sup>lt;sup>2</sup> Market Demand Analysis for Parcel F" – CBRE. 1.3.18, pp. 5

the reasons set forth in the findings in the Downtown Project Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.

- 11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 12. The Commission 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. 2016-013312CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 20, 2019, and stamped "EXHIBIT B" for 2016-013312DNX, which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329/309 Large/Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. Any appeal shall be made to the Board of Appeals, unless an associated entitlement is appealed to the Board of Supervisors, in which case the appeal of this Motion shall also be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103, or the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 9, 2020.

Jonas P. Ionin Commission Secretary

AYES:

Draft Motion January 9, 2020 Record No. 2016-013312CUA 542-550 Howard Street (Transbay Parcel F)

NAYS:

ABSENT:

ADOPTED: January 9, 2020

#### **EXHIBIT A**

#### **AUTHORIZATION**

This authorization is for a **Conditional Use Authorization** to permit a hotel use relating to a Project that would allow for the construction of an approximately 750-foot tall (800 feet inclusive of rooftop mechanical features) 61-story, mixed-use tower with a total of approximately 947,000 gross square feet of floor area, including 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area located at 542-550 Howard Street (Transbay Parcel F), within Assessor's Block 3721, Lots 016, 135, 136, and 138, pursuant to Planning Code Sections 303 and 210.2 within the C-3-O(SD) Downtown-Office (Special Development) Zoning District and 750-S-2 and 450-S Height and Bulk Districts, in general conformance with plans, dated **December 20, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2016-013312DNX** and subject to conditions of approval reviewed and approved by the Commission on **January 9, 2020** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

#### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **January 9**, 2020 under Motion No **XXXXXXX**.

#### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

#### **SEVERABILITY**

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

#### **CHANGES AND MODIFICATIONS**

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

### Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

- 1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) become effective. 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, <a href="https://www.sf-planning.org">www.sf-planning.org</a>
- 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, <a href="https://www.sf-planning.org">www.sf-planning.org</a>
- 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 the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
  - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>
- 5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

6. Additional Project Authorization. The Project Sponsor must also obtain Downtown Project Authorization, pursuant to Section 309; an office allocation, pursuant to Section 321; adoption of shadow findings, pursuant to Section 295; Planning Code Text and Map Amendments to amend San Francisco Zoning Maps ZN-01 and HT-01 for height and bulk classification and zoning designation, and uncodified legislative amendments for the residential footprint requirement per Section 248(d)(2), and authorization of off-site inclusionary affordable dwelling units per Section 249.28(b)(6)(B)(C); General Plan Amendment to amend Maps 1 and 5 of the Downtown Plan and Figure 1 of the Transit Center District Plan; and Variances for Parking and Loading Entrance Width per Section 145, Active Street Frontages per Section 145.1, and Vehicular Ingress and Egress on Natoma Street per Section 155; and location of Bicycle Parking per Section 155, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

# Draft Motion – Office Development Allocation, Exhibit A: Conditions of Approval

#### **Planning Commission Draft Motion**

**HEARING DATE: JANUARY 9, 2020** 

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

Reception:

415.558.6378

Fax: **415.558.6409** 

Planning Information: **415.558.6377** 

*Record Number:* **2016-013312OFA** 

Project Address: 542-550 Howard Street (Transbay Parcel F)

Existing Zoning: C-3-O(SD) Downtown-Office (Special Development) Zoning District

750-S-2 and 450-S Height and Bulk Districts Transit Center C-3-O(SD) Commercial and

Transbay C-3 Special Use Districts

Downtown and Transit Center District Plan Areas

Block/Lot: 3721/016, 135, 136, 138 Project Sponsor: F4 Transbay Partners, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Property Owner: Parcel F Owner, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Staff Contact: Nicholas Foster, AICP, LEED GA

nicholas.foster@sfgov.org, (415) 575-9167

Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATED TO THE ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2019-2020 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM PURSUANT TO PLANNING CODE SECTIONS 320 THROUGH 325 THAT WOULD AUTHORIZE UP TO 275,764 GROSS SQUARE FEET OF GENERAL OFFICE USE WITHIN AN APPROXIMATELY 750-FOOT TALL (800 FEET INCLUSIVE OF ROOFTOP MECHANICAL FEATURES) 61-STORY, MIXED-USE TOWER LOCATED AT 542-550 HOWARD STREET (TRANSAY PARCEL "F"), LOTS 016, 135, 136, 138 OF ASSESSOR'S BLOCK 3721, WITHIN THE C-3-O(SD) DOWNTOWN-OFFICE (SPECIAL DEVELOPMENT) ZONING DISTRICT AND 750-S2 AND 450-S HEIGHT AND BULK DISTRICTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

#### **PREAMBLE**

On October 13, 2016, Cameron Falconer of Hines, acting on behalf of F4 Transbay Partners, LLC (hereinafter "Project Sponsor"), submitted an application with the Planning Department (hereinafter "Department") for a Preliminary Project Assessment ("PPA"). The PPA Letter, assigned to Case No. 2016-013312PPA, was issued on January 9, 2016.

On December 9, 2016, the Project Sponsor submitted Planning Code Text and Map Amendment applications. The application packets were accepted on December 9, 2016 and assigned to Case Numbers 2016-013312MAP and 2016-013312PCA.

On April 19, 2017, the Project Sponsor submitted an Environmental Evaluation Application. The application packet was accepted on July 14, 2016 and assigned Case Number 2016-013312ENV.

On October 17, 2018, the Project Sponsor submitted, as modified by subsequent submittals, the following applications with the Department: Downtown Project Authorization; Conditional Use Authorization; Office Allocation; Variance; Shadow Analysis; and Transportation Demand Management. The application packets were accepted on October 17, 2018 and assigned to Case Numbers: 2016-013312DNX; 2016-013312CUA; 2016-013312OFA; 2016-013312VAR; 2016-013312SHD; and 2016-013312TDM, respectively.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). On May 24, 2012, the Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Transit Center District Plan EIR is a program-level EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a subsequent project in the program area, the agency may approve the project as being within the scope of the project covered by the program EIR, and no new or additional environmental review is required. In certifying the Transit Center District Plan FEIR, the Commission adopted CEQA findings in its Motion No. 18629 and hereby incorporates such Findings by reference herein.

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

On August 27, 2019, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan FEIR. Since the Transit Center District Plan FEIR was finalized, there have been no substantial changes to the Transit Center

District Plan and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this Project, including the Transit Center District Plan FEIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan FEIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

The Planning Department Commission Secretary is the custodian of records; all pertinent documents are located in the File for Case No. 2016-013312OFA, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 19, 2019, the Recreation and Park Commission conducted a duly noticed public hearing at regularly scheduled meeting and recommended, through Resolution No. 1909-016, that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Union Square and Willie "Woo Woo" Wong Playground.

On October 8, 2019, the Project Sponsor filed a request for a General Plan Amendment. The application packet was accepted on October 8, 2019 and assigned to Case Number 2016-013312GPA.

On October 17, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of a General Plan Amendment for Case No. 2016-013312GPA. After hearing the item, the Commission voted 5-0 (Koppel absent) to continue the item to December 5, 2019.

On December 5, 2019 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of a General Plan Amendment for Case No. 2016-013312GPA. The Commission voted 6-0 (Richards absent) to initiate the General Plan Amendment for Case No. 2016-013312GPA.

On January 9, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation application No. 2016-001794OFA.

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

**MOVED**, that the Commission hereby authorizes the Office Allocation as requested in Application No. 2016-013312OFA, 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. **Project Description.** The proposed project ("Project") includes the construction of a new 61-story mixed-use building reaching a height of 749′-10″ tall (799′-9″ inclusive of rooftop screening/mechanical equipment). The Project would include 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 79,000 square feet of floor area devoted to shared amenity space, approximately 9,000 square feet of retail space, approximately 20,000 square feet of open space, 178 Class 1 and 34 Class 2 bicycle parking spaces, and four below-grade levels that would accommodate up to 183 vehicle parking spaces provided for the residential, hotel, and office uses. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Transbay Transit Center.
- 3. **Site Description and Present Use.** The Project Site ("Site") consists of four contiguous lots (Lots 016, 135, 136, and 137) within Assessor's Block 3721, totaling 32,229 square feet (0.74 acres) in area. The site, bounded by Howard Street to the south and Natoma Street to the north, is undeveloped at-grade and served as a construction staging area for the adjacent Salesforce Transit Center during its construction. A below-grade "Train Box" is located within the northwest corner of the Site, occupying approximately 12,000 square feet of the Site. The Train Box consists of a two-story structure that will allow Caltrain—and eventually High-Speed Rail—trains to enter and exit the adjacent Salesforce Transit Center below-grade. Because the Train Box can only support a very limited structural load above-grade, the proposed mixed-use building is purposely set back from the northwest corner of the Site (along the Natoma Street frontage), towards the southeast corner of the Site (along the Howard Street frontage). The Project responds to the unique site constraint by cantilevering the building podium over the area of the Train Box, thereby shifting the majority of the tower's mass onto Lots 016 and 135, away from the area of the Train Box.
- 4. **Surrounding Properties and Neighborhood.** The Site is located within the Downtown Core, and more specifically, within the Transit Center District Plan (TCDP) area. Development in the vicinity consists primarily of high-rise office buildings, interspersed with low-rise mixed-use buildings. The block on which the Site is located contains several low to mid-rise office buildings and construction staging for planned developments. The 5-story Salesforce Transit Center (STC) and the Salesforce Park are located to the north of the Site, 2- to 3- story buildings at 547, 555, and 557 Howard streets are located to the south of the Site, and a 3-story building at 540 Howard Street, a 4-story building at 530 Howard Street, and a parking lot at 524 Howard Street are located east of

the Site. The 2- to 3-story buildings at 547, 555, and 557 Howard streets are planned to be replaced with an approximately 385 foot-tall, 36-story mixed use residential and hotel development project. The parking lot at 524 Howard Street is planned to be replaced with an approximately 495-foot tall, 48-story mixed use residential and hotel development. Several other high-rise buildings are planned, under construction, or have recently completed construction in the surrounding area, including a newly completed office-residential tower at 181 Fremont Street.

- 5. **Public Outreach and Comments.** The Department has received correspondence regarding the proposed Project related to shadow impacts on Willie "Woo Woo" Wong Park, citing concerns around shadows caused by the Project having an adverse impact on the use of the Willie "Woo Woo" Wong Park. The Project Sponsor has conducted community outreach that includes local community groups to respond to concerns over shadow impacts resulting from the Project.
- 6. **Planning Code Compliance.** The Planning Code Compliance as set forth in Downtown Project Authorization Motion No. XXXXX apply to this Office Allocation Motion, and are incorporated as though fully set forth herein.
- 7. **Office Development Authorization (Section 321).** The Planning Code establishes standards for San Francisco's Office Development Annual Limit. In determining which office developments best promote the public welfare, convenience and necessity, the Commission shall consider:
  - **A.** Apportionment of office space over the course of the approval period in order to maintain a balance between economic growth, on the one hand, and housing, transportation and public services, on the other.

As of September 19, 2019, there exists 21,752 gross square feet (gsf) of office development allocations available for "Large Allocation Projects" (projects with greater than 50,000 gsf) under the Office Allocation Program (Section 321). That amount does not reflect the 6,008,677 gsf that has been "pre-allocated" for "pending projects" for which the Planning Department has a current Office Allocation Application on-file. The Project is included within the pending projects group and seeks an allocation of up to 275,764 square feet, or, approximately 5 percent of the pending projects group. If the Project is approved, 5,732,903 square feet of space will remain in pending projects group for Large Allocation Projects.

The Project maintains an appropriate balance between economic growth on the one hand, and housing, transportation, and public services, on the other. As part of its unique mixed-use program, the Project will provide an integrated balance of housing and economic growth, delivering 165 dwelling units in 433,556 gross square feet of residential use plus a 189-room hotel to downtown San Francisco. In addition, the Project will further contribute to the development of affordable housing pursuant to its participation in the Jobs-Housing Linkage Program. The Project's transit-orientation is unrivaled owing to its location directly adjacent to the Salesforce Transit Center ("STC"), which will link 11 transit systems and serve over 100,000 passengers each weekday and 45 million commuters annually.

This location will serve to provide office density in the closest possible proximity to sustainable transit alternatives including BART, MUNI, regional bus, and future Caltrain/HSR, among others. In addition to proximity to the STC, the Project is within two blocks of the Montgomery BART and Muni station and within close walking distance of the Ferry Building, providing more convenient public transportation alternatives to its tenants and residents.

Lastly, the Project's unique mixed-use program will provide the city with permanent public amenities. These include enhanced access to the STC and its rooftop park from the Project's integrated throughblock pedestrian passageway and sky bridge, several thousand square feet of high-quality retail, and the services and amenities of its 189-key hotel. In summary, the Project provides a thoughtful and balanced response to the city's needs for economic growth and housing, transportation, and public services.

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

The City approved the Transit Center District Plan ("TCDP"), a subarea plan of the Downtown Plan, and the Transit Center C-3-O(SD) Commercial Special Use District in 2012. The Subarea Plan and SUD reaffirm long-standing City policy to concentrate intensive office development in the Transit Center District and does so by mandating large sites such as the Project Site be reserved for predominately commercial development.

The Project's unique mix of retail, office, hotel and residential uses will mean a built-in customer base and frequent foot traffic through the area, also providing a direct benefit to the immediately adjacent ground floor specialty retail of the STC.

**C.** The quality of the design of the proposed office development.

The Project seeks to provide an exceptional design that will make a lasting, iconic contribution to the city's architectural character and skyline. The building's streamlined volume will present gently rounded corners and a series of setbacks on its east and west sides, becoming increasingly slender as it reaches the sky. The building's energy efficient and expressive façade exhibits a unique materiality and verticality that is reminiscent of some of San Francisco's most remarkable traditional buildings, such as the Pacific Telephone and Telegraph Tower. As the tower reaches its top, the design culminates in an elegant and iconic crown.

Within the pedestrian realm, the Project will incorporate a lively pedestrian and retail alleyway on Natoma Street, as well as a public passageway that will allow pedestrians and cyclists to pass through the Site from Howard Street and Under Ramp Park to Natoma Street and access STC to the north of the Site. In addition, the Project will provide direct public access to the 5.4 acre rooftop park located atop the STC, via a on-site public elevator and a pedestrian sky bridge that connects the Project's fifth level directly to the park.

**D.** The suitability of the proposed office development for its location, and any effects of the proposed office development specific to that location;

#### i. Use.

The Project is ideally located in the Transit Center C-3-O(SD) Commercial Special Use District directly adjacent to the STC, within the core of the city's office district. In addition to its superior proximity to transit access, the Project will offer its office tenants abundant access to existing and planned retail goods and services, as well as over 4,300 new housing units (recently delivered or under construction) in the Transbay Redevelopment Area and adjacent Rincon Hill District, all within close walking distance.

The Special Use District reserves the Project area for intensive office development by limiting other competing uses, and under the TCDP, office is the preferred use at the site. However, the Project's unique mixed-use program balances office use at just under 29% of the total gross square footage, and further provides 165 dwelling units, a 189-room hotel, and significant new retail space.

#### ii. Transit Accessibility.

The Project's location within the heart of the TCDP provides it with immediate access to the greatest concentration of local and regional transit anywhere in San Francisco and the greater Bay Area. The adjacent Salesforce Transit Center will serve the Project's occupants with 11 interconnected transit systems at their front door and provide additional access to MUNI/Bart and ferry service within close walking distance. This unrivaled proximity to public transit affords the Project the optimal location to produce sustainable, desirable office space to meet the city's long-term needs.

By locating a critical density of jobs, housing, hotel rooms, and amenities in this bustling area, the Project will furthermore build on the synergies created by the City's thriving Financial District and South of Market neighborhoods, and assist in realizing the Transit Center District Plan's vision of a transit- and pedestrian-oriented, mixed-use neighborhood surrounding the new transit hub.

#### iii. Open Space Accessibility.

The Project adds a significant amount of publicly-accessible open space that will be not only an amenity to office tenants and the public, but significantly enhance pedestrian and bicycle circulation in the immediate area. In total the Project will provide nearly 11,000 square feet of open space, including a 1,920 square foot pedestrian passageway from Howard Street to Natoma Street on the ground floor. A public elevator will enable pedestrians to travel up to the 2,530

square foot terrace and sky bridge on the Project's fifth level, providing direct access for the STC's 5.4 acre rooftop park.

In addition to this integrated open space, the Project offers its occupants abundant open space options within close walking distance as part of the 11 acres of new public open space created by the TCDP. In addition to the directly adjoining Salesforce Park atop the STC, the Project is located at the intersection of the future Howard Square Park at 2nd and Howard, as well as Under-Ramp Park immediately to the south.

#### iv. Urban Design.

As the final project to complete the realization of the TCDP's rezoning of the city's new downtown, the Project will provide an important contribution to San Francisco's urban form. The Project's 750-foot height limit designates the site for the third-tallest building in the Transbay District that will mark it as an important crescendo of the downtown "hill" towards the nearby Salesforce Tower at its center, and complete the elegance of the City's new skyline envisioned by the TCDP.

#### v. Seismic Safety.

The Project would be designed in conformance with current seismic and life safety codes as mandated by the Department of Building Inspection

- **E.** The anticipated uses of the proposed office development, in light of employment opportunities to be provided, needs of existing businesses, and the available supply of space suitable for such anticipated uses;
  - i. Anticipated Employment Opportunities.

The unique size and program of the Project will enable it to create a significant number of temporary and permanent jobs. In addition to facilitating a significant amount of local employment through its provision of office space, the Project's 189-room hotel, 165 dwelling units, and retail components will employ a significant staff on a permanent basis. A qualified consultant, (Economic & Planning Systems, Inc., or "EPS") estimates that the Project's permanent workforce will total 1,550 employees.¹ These positions will span from entry-level to executive-level employees and provide a uniquely multifaceted source of employment for the region's workforce. The Project's significant scale of construction itself will also create a large number of union construction jobs, and will support the provision of jobs to disadvantaged San

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<sup>&</sup>lt;sup>1</sup> "Fiscal & Community Benefits of Parcel F" - Economic & Planning Systems, Inc. Memorandum 3.10.17

Franciscans by participating in the First Source Hiring Program. EPS estimates that the Project will support nearly 3,000 full-time equivalent jobs during its construction.<sup>2</sup>

ii. Needs of Existing Businesses.

The Project will supply office space in the Downtown/Transit Center District area, which permits office use within C-3-O(SD) Zoning District. The Project will provide office space with high ceilings and large floor plates, which are characteristics desired by emerging technology businesses. This building type offers flexibility for new businesses to further grow in the future. In addition, the Project adds approximately 9,000 gross square feet new retail use on the ground and fifth floors, which would complement other residential and non-residential uses within subject building, but help to active two street frontages (Howard and Natoma).

iii. Availability of Space for Anticipated Uses.

Demand for new office space has increased rapidly in the past few years. In particular shortage are large blocks of office space over 50,000 sf. In providing such large-block space, as well as the flexibility to accommodate smaller users as well, the Project will serve to address the needs of a broad variety of potential tenants and the City over the long term. Further, large, open floor plates are among the most important features in today's office market, and the Project will help meet this demand with large floorplate and flexible office space that is suitable for a variety of office uses and sizes.

**F.** The extent to which the proposed development will be owned or occupied by a single entity.

At this stage the Project Sponsor has not identified particular tenants or an overall ownership structure. However, because of the mixed-use nature of the Project, it is likely that numerous entities will occupy the Project.

**G.** The use, if any, of TDR by the project sponsor.

The Site is 32,229 square feet (0.74 acres) in area. Therefore, up to 193,374 gsf is allowed under the basic FAR limit, and up to 290,061 gsf is permitted with the purchase of TDR. The Project proposes a total of approximately 964,000 gsf, for a floor-area ratio of approximately 29.9-to-1. Conditions of Approval are included with the Downtown Project Authorization (Motion No. XXXXX) 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 (96,687 gsf).

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the Transit Center District Plan ("TCDP") (a sub-area of the Downtown Area Plan), the

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<sup>&</sup>lt;sup>2</sup> Ibid.

Downtown Area Plan, and the General Plan for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.

- 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 for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.
- 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 Office Development 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 Office Development Application No. 2016-013312OFA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 20, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329/309 Large/Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. Any appeal shall be made to the Board of Appeals, unless an associated entitlement is appealed to the Board of Supervisors, in which case the appeal of this Motion shall also be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103, or the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 9, 2020.

Jonas P. Ionin Commission Secretary

AYES:

Draft Motion January 9, 2020 Record No. 2016-013312OFA 542-550 Howard Street (Transbay Parcel F)

NAYS:

ABSENT:

ADOPTED: January 9, 2020

SAN FRANCISCO
PLANNING DEPARTMENT

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#### **EXHIBIT A**

#### **AUTHORIZATION**

This authorization is for an **Office Development Allocation** authorizing up to 275,674 square feet of general office space under the 2019-2020 Annual Office Development Limitation Program, pursuant to Planning Code Sections 320 through 325 in connection with a Project that would allow for the construction of an approximately 750-foot tall (800 feet inclusive of rooftop mechanical features) 61-story, mixed-use tower with a total of approximately 964,000 gross square feet of floor area, including 165 dwelling units, 189 hotel rooms, 275,674 square feet of office use floor area located at 542-550 Howard Street (Transbay Parcel F), within Assessor's Block 3721, Lots 016, 135, 136, and 138, pursuant to Planning Code Sections 303 and 210.2 within the C-3-O(SD) Downtown-Office (Special Development) Zoning District and 750-S-2 and 450-S Height and Bulk Districts, in general conformance with plans, dated **December 20, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2016-013312OFA** and subject to conditions of approval reviewed and approved by the Commission on **January 9, 2020** under Motion No **XXXXXXX**. 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 January 9, 2020 under Motion No XXXXXXX.

#### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

#### **SEVERABILITY**

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

#### CHANGES AND MODIFICATIONS

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

### Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

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

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

3. Additional Project Authorization. The Project Sponsor must also obtain Downtown Project Authorization, pursuant to Section 309; Conditional Use Authorization Office to establish a hotel use, pursuant to Section 303; adoption of shadow findings, pursuant to Section 295; Planning Code Text and Map Amendments to amend San Francisco Zoning Maps ZN-01 and HT-01 for height and bulk classification and zoning designation, and uncodified legislative amendments for the residential footprint requirement per Section 248(d)(2), and authorization of off-site inclusionary affordable dwelling units per Section 249.28(b)(6)(B)(C); General Plan Amendment to amend Maps 1 and 5 of the Downtown Plan and Figure 1 of the Transit Center District Plan; and Variances for Parking and Loading Entrance Width per Section 145, Active Street Frontages per Section 145.1, and Vehicular Ingress and Egress on Natoma Street per Section 155; and location of Bicycle Parking per Section 155, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

## **Draft Resolution – Shadow Findings**

#### **Planning Commission Draft Motion**

**HEARING DATE: JANUARY 9, 2020** 

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

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Planning Information: 415.558.6377

*Record Number:* **2016-013312SHD** 

Project Address: 542-550 Howard Street (Transbay Parcel F)

Existing Zoning: C-3-O(SD) Downtown-Office (Special Development) Zoning District

750-S-2 and 450-S Height and Bulk Districts Transit Center C-3-O(SD) Commercial and

Transbay C-3 Special Use Districts

Downtown and Transit Center District Plan Areas

Block/Lot: 3721/016, 135, 136, 138 Project Sponsor: F4 Transbay Partners, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Property Owner: Parcel F Owner, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Staff Contact: Nicholas Foster, AICP, LEED GA

nicholas.foster@sfgov.org, (415) 575-9167

Recommendation: Adoption of Findings

ADOPTING FINDINGS, WITH THE RECOMMENDATION OF THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW CAST UPON UNION SQUARE PLAZA AND WILLIE "WOO WOO" WONG PLAYGROUND BY THE PROPOSED PROJECT AT 542-550 HOWARD STREET ("PARCEL F") WOULD NOT BE ADVERSE TO THEIR USE.

#### **PREAMBLE**

Under Planning Code Section 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1959, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Planning Code Section 295 was adopted in 1985 in response to voter-approved Proposition K, which required Planning Commission disapproval of any structure greater than 40 feet in height that cast a shadow on property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission found the shadow would not be significant. In 1989, the Recreation and Park Commission and Planning Commission jointly adopted a memorandum ("1989 Memorandum") which identified

quantitative and qualitative criteria for determinations of significant shadows in parks under the jurisdiction of the Recreation and Park Department.

The 1989 Memorandum established generic criteria for determining a potentially permissible quantitative limit for additional shadows, known as the absolute cumulative limit, for parks not named in the memorandum. Guy Place Mini Park ("Park") is a proposed new park under the jurisdiction of the Recreation and Park Department. The Park was not named in the 1989 Memorandum and is considered a small park which is shadowed more than 20 percent of the time during the year. As such, the 1989 Memorandum recommended that no additional shadow could be potentially permitted unless the shadow meets the qualitative criteria of the 1989 Memorandum. The qualitative criteria includes existing shadow profiles, important times of day and seasons in the year associated with the park's use, the size and duration of new shadows, and the public good served by the buildings casting new shadow. Approval of new shadow on the Park would require hearings at the Recreation and Park Commission and the Planning Commission.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). On May 24, 2012, the Planning Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Transit Center District Plan EIR is a program-level EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a subsequent project in the program area, the agency may approve the project as being within the scope of the project covered by the program EIR, and no new or additional environmental review is required. In certifying the Transit Center District Plan FEIR, the Planning Commission adopted CEQA findings in its Motion No. 18629 and hereby incorporates such Findings by reference herein.

The TCDP PEIR considered reasonably foreseeable future projects on 13 specific sites in the TCDP, based on generalized massing models of buildings at the heights that would be allowed under the TCDP. The PEIR found that new shadows from development within the plan area would affect nine parks, eight of which have established Absolute Cumulative Limits (ACLs) for net new shadow under section 295. Considered together, development under the TCDP would require that the ACLs be increased on seven downtown parks. No mitigation is available for shadow impacts on existing parks, because it not possible to lessen the intensity or otherwise reduce the shadow cast by a building at a given height and bulk. Therefore, the TCDP PEIR found the plan would have a significant and unavoidable impact with respect to shadow.

On October 11, 2012, the Planning Commission and the Recreation and Park Commission held a duly noticed joint public hearing on and adopted Planning Commission Resolution No. 18717 and Recreation

and Park Commission Resolution No. 1201-001 raising the ACLs for seven open spaces under the jurisdiction of the Recreation & Park Department that could be shadowed by likely cumulative development sites in the Plan area, including the Project. In revising these ACLs the Commissions also adopted qualitative criteria for each park related to the characteristics of shading within these ACLs that would not be considered adverse, including the duration, time of day, time of year, and location of shadows on the particular parks. At the hearing on October 11, 2012, the Recreation and Park Commission also recommended that the General Manager of the Recreation & Park Department recommend to the Planning Commission that the shadows cast by the Project on certain properties under the jurisdiction of the Recreation & Park Department are not adverse to the use of these properties, and that the Planning Commission allocate to the Project allowable shadow from the absolute cumulative shadow limits of six of these properties.

On August 27, 2019, the Department determined that the Project did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan FEIR. Since the Transit Center District Plan FEIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this Project, including the Transit Center District Plan FEIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

The Planning Department prepared an initial shadow fan that indicated the Project may cast a shadow on both Union Square Plaza and Willie "Woo Woo" Wong Playground, properties under the jurisdiction of the San Francisco Recreation and Park Department.

On October 17, 2018, Cameron Falconer of Hines, acting on behalf of F4 Transbay Partners, LLC (hereinafter "Project Sponsor"), filed application No. 2016-013312SHD to analyze shadow impacts associated with the proposed project ("Project") located at 542-550 Howard Street ("Parcel F"), within Lots 016,135,136 and 138 of Assessor's Block 3721. The Project includes the construction of a new 61-story mixed-use building reaching a height of 749'-10" tall (800' inclusive of rooftop screening/mechanical equipment). The Project would include 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 79,000 square feet of floor area devoted to shared amenity space, approximately 9,000 square feet of retail space, approximately 20,000 square feet of open space, 177 Class 1 and 39 Class 2 bicycle parking spaces, and four belowgrade levels that would accommodate up to 183 vehicle parking spaces provided for the residential, hotel, and office uses. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Transbay Transit Center.

To evaluate the design of the Project, a project-specific shadow study ("Shadow Study") was performed using a detailed 3-D model. The analysis performed by qualified consultants ("FASTCAST") modeled the proposed Project and site consistent with the projects architectural and engineering plan description in addition to utilizing high resolution topography mapping. FASTCAST's methodology and base data is considered highly accurate and to the appropriate level of detail required for a Section 295 shadow analysis. The results of the Shadow Study, including a quantitative analysis of potential shadow impacts on Section 295 parks and qualitative analysis of project consistency with other Planning Code sections regulating new shadow [Sections 146(c), 147, and 260(b)(1)(M)], and potential significant shadow impacts under CEQA were discussed in the Project's Community Plan Exemption certificate.

Union Square Plaza is an approximately 2.42-acre (105,516-square feet) public plaza, located approximately 0.50 mile west of the Site. Union Square Plaza contains landscaped areas, walkways, and areas for active and passive uses. The Project would add new shadow to Union Square Plaza in the early morning between 7:44 a.m. until no later than 8:15 a.m. from August 30 through September 13 and from March 29 through April 12 for a total of six weeks. Net new shadow would be cast on the northwest portion of Union Square Plaza, which includes primarily open space, stairs, and portable seating with tables, chairs, and umbrellas.

The average duration of new shadow from the proposed project on Union Square Plaza would be 18 minutes. The maximum extent of net new shadow cast by the proposed project would occur on September and April 5 at 7:44 a.m., when approximately 14,956 square feet of project shadow would fall on the northwest portion of Union Square, covering approximately 14.17 percent of the park and increasing shadow coverage from 82.33 percent of the park to 96.5 percent coverage of the park, with only a small sliver of sunlight remaining. The greatest amount of net new daily shadow from the proposed project would also occur on September 6 and April 5, when the project would add approximately 4,687 square foot hours of new shadow.

The existing annual shadow coverage on Union Square Plaza is 44.99 percent shaded relative to the TAAS (approximately 392,667,242 square foot hours of shadow). The quantitative analysis found that the Project would add approximately 0.03 percent new shadow, relative to TAAS (approximately 115,526 sfh of shadow) for a total of 45.02 percent shaded under existing plus project conditions. The Project would add 0.03 net new shadow, within the current ACL of 0.14, leaving a remaining "shadow budget" of 0.11 percent of TAAS.

Willie "Woo Woo" Wong Playground is an approximately 0.61-acre (26,563 square feet) urban park, located approximately 0.62 mile northwest of the Site. The park contains two sand-floor playgrounds, and basketball, tennis and volleyball courts. It also includes a recreational center that hosts afterschool programs and indoor gym and ping-pong tables. The Project would add new shadow to Willie "Woo Woo" Wong Playground in the early morning starting after 8:00 a.m. and ending before 8:30 a.m. for a total of 11 weeks of the year between November 15 and November 22 and between January 18 and January 25. The net new shadow would cover 2,628 square feet (or 9.89 percent) of the playground and would be cast on a portion of the northwest side of the tennis courts.

The average duration of new shadow resulting from the proposed project on Willie "Woo Woo" Wong Playground would be 10 minutes, 48 seconds. The greatest amount of net new daily shadow from the proposed project would occur on November 29 and January 11 at 8:15 a.m., when the project would add approximately 2,628 sfh of new shadow. The duration of net new project shadow reaching Willie "Woo Woo" Wong Playground during the year would be 11 weeks, slightly larger than the eight weeks analyzed in the TCDP PEIR. However, the greatest area of new shadow would be less than what was analyzed in the TCDP PEIR, with the project casting new shadow of approximately 2,628 square feet, compared to the 4,000 square feet analyzed in the TCDP PEIR.

The existing annual shadow coverage on Willie "Woo Woo" Wong Playground is 58.44 percent shaded relative to TAAS (approximately 98,852,508 sfh of shadow). The quantitative analysis found that the Project would add approximately 0.01 percent new shadow, relative to TAAS (approximately 9,845 sfh of shadow) for a total of 58.45 percent shaded under existing plus project conditions. The Project would add 0.01 net new shadow, within the current ACL of 0.03, leaving a remaining "shadow budget" of 0.02 percent of TAAS.

Based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, the Project would not substantially affect, in an adverse manner, the use or enjoyment of these open spaces beyond what was analyzed and disclosed in the TCDP FEIR. The Project's new shadow on Union Square Plaza and Willie "Woo Woo" Wong Playground would contribute considerably to the significant and unavoidable impact identified in the TCDP FEIR with respect to the need to increase the Absolute Cumulative Limit of downtown parks.

On September 19, 2019, the Recreation and Park Commission conducted a duly noticed public hearing at regularly scheduled meeting and recommended, through Resolution No. 1909-016, that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Union Square Plaza or Willie "Woo Woo" Wong Playground. The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2016-013312SHD is located at 1650 Mission Street, Suite 400, San Francisco, California.

On January 9, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Shadow Analysis Application No. 2016-013312SHD.

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.

#### **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. The additional shadow cast by the Project would not be adverse and is not expected in interfere with the use of the Park for the following reasons:
  - a. The magnitude of the additional shadow is well below one percent of TAAS on an annual basis, and amounts to a reasonable and small loss of sunlight for a park in an area of intended for increased building heights and residential density.
  - b. The Project would result in minor net new shadow (0.03 percent of TAAS) on Union Square Plaza during the early morning hours between 7:44 a.m. and no later than 8:15 a.m. The proposed project would cast new shadow on Union Square Plaza between August 30 and September 13, and again between March 29 and April 12, for a total of six weeks on any day of the year. During these periods, net new shadow would be cast from 7:44 a.m. to no later than 8:15 a.m. The areas affected by new shadow during these times consist mostly of stairs, grass, and pedestrian pathways. The average duration of new shadow resulting from the proposed project on Union Square Plaza would be 18 minutes. The longest new shadow duration resulting from the proposed project would occur on August 30 and April 12 for 26 minutes and 24 seconds. Outside of August 30 through September 13 and March 29 through April 12, the Project would not cast new shadow on Union Square Plaza. Net new shadow cast by the Project would be greatest on September 6 and April 5 with a net new shadow of approximately 4,687 sfh. The largest new shadow (based on area) would occur on September 6 and April 5 at 7:44 a.m., lasting 7 minutes 48 seconds, and would cover an area of approximately 14,956 square feet, or 14.17 percent of Union Square Plaza.
  - The Project would result in minor net new shadow (0.01 percent of TAAS) on Willie "Woo Woo" Wong Playground for limited periods during the early morning hours starting after 8:00 a.m. and ending before 8:30 a.m. During this time a small percentage of the playground would be shaded including a portion of the southwestern side of the tennis court. Additional shadow generated by the proposed project on this portion would be minor and would not noticeably change the shadow conditions at the playground. The Project would cast new shadow on Willie "Woo Woo" Wong Playground between November 15 and January 25, for a total of 11 weeks on any day of the year. During these periods, net new shadow would be cast starting after 8:00 a.m. and ending before 8:30 a.m. The average duration of new shadow resulting from the proposed project on Willie "Woo Woo" Wong Playground would be 10 minutes, 48 seconds. The longest new shadow duration resulting from the Project would occur between November 15 and November 22, and between January 18 and January 25 for 15 minutes. Outside of periods, the Project would not cast any new shadow on Willie "Woo Woo" Wong Playground. Net new shadow cast by the Project would be greatest on November 29 and January 11 and would total approximately 552 sfh. The largest new shadow (based on area) would occur on November 29 and January 11 at 8:15 a.m., lasting 12 minutes 36 seconds, and

would cover an area of approximately 2,628 square feet, or 9.89 percent of Willie "Woo Woo" Wong Playground.

- d. Shading from the Project would be cast over the top of intervening buildings, which already cast shadows on the park.
- e. No single location within Union Square Plaza would be in continuous new shadow for longer than 27 minutes, while no single location within Willie "Woo Woo" Wong Playground would be in continuous new shadow for longer than 16 minutes.
- 3. **Public Outreach and Comment**. The Department has received correspondence regarding the proposed Project related to shadow impacts on Willie "Woo Woo" Wong Playground, citing concerns around shadows caused by the Project having an adverse impact on the use of the Willie "Woo Woo" Wong Playground. The Project Sponsor has conducted community outreach that includes local community groups to respond to concerns over shadow impacts resulting from the Project, including:
  - Committee for Better Parks and Recreation in Chinatown; 10/26/18
  - Chinatown Community Development Corporation; 11/15/18, 2/11/19
  - SRO Families; 6/6/19, 6/18/19
  - East Cut CBD Board; 10/15/18
  - Transbay CAC; 10/11/19, 2/21/19, 7/11/19
  - South Beach/Rincon Hill / Mission Bay Neighborhood Association; 8/29/18
  - TODCO; 5/29/19
  - United Playaz; 5/28/19, 10/11/18
- 4. A determination by the Planning Commission and the Recreation and Park Commission to allocate new shadow to the Project does not constitute an approval of the Project.

#### **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 **DETERMINES**, under Shadow Analysis Application No. 2016-013312SHD that the net new shadow cast by the Project on Union Square Plaza or Willie "Woo Woo" Wong Playground will not be adverse to the use of Union Square Plaza or Willie "Woo Woo" Wong Playground.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 9, 2020.

Jonas P. Ionin
Commission Secretary
AYES:
NAYS:
11110
ABSENT:
ADJENT.

January 9, 2020

ADOPTED:

# Draft Resolution – Planning Code Text and Map Amendments, Draft PCA/MAP Ordinance

## **Planning Commission Draft Resolution**

**HEARING DATE: JANUARY 9, 2020** 

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

Reception:

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Planning Information: **415.558.6377** 

Record Number: 2016-013312MAP/PCA

Project Address: 542-550 Howard Street (Transbay Parcel F)

Existing Zoning: C-3-O(SD) Downtown-Office (Special Development) Zoning District

750-S-2 and 450-S Height and Bulk Districts Transit Center C-3-O(SD) Commercial and

Transbay C-3 Special Use Districts

Downtown and Transit Center District Plan Areas

Block/Lot: 3721/016, 135, 136, 138 Project Sponsor: F4 Transbay Partners, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Property Owner: Parcel F Owner, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Staff Contact: Nicholas Foster, AICP, LEED GA

nicholas.foster@sfgov.org, (415) 575-9167

Recommendation: Approval

RESOLUTION APPROVING A PROPOSED ORDINANCE AMENDING THE PLANNING CODE AND ZONING MAP TO REZONE AND RECLASSIFY A PORTION OF THE 542-550 HOWARD STREET PROJECT SITE (ASSESSOR'S PARCEL BLOCK NO. 3721, LOTS 016, 135, 136, AND 138), ALSO KNOWN AS TRANSBAY PARCEL F AND AS SHOWN ON FIGURE 1 OF THE TRANSIT CENTER DISTRICT PLAN, SPECIFICALLY TO REZONE A PORTION OF THE PROJECT SITE FROM THE P (PUBLIC) DISTRICT TO THE C-3-O(SD) DOWNTOWN OFFICE SPECIAL DEVELOPMENT DISTRICT AND TO RECLASSIFY THE HEIGHT AND BULK DISTRICT DESIGNATIONS FOR A PORTION OF THE PROJECT SITE; WAIVING CERTAIN PROVISIONS OF THE PLANNING CODE TO ALLOW THE PROJECT'S REQUIRED INCLUSIONARY AFFORDABLE HOUSING UNITS TO BE PROVIDED OFF-SITE WITHIN THE TRANSBAY REDEVELOPMENT PROJECT AREA, SUBJECT TO CERTAIN CONDITIONS, AND TO PERMIT THE FOOTPRINT OF THE PORTION OF THE PROJECT SITE DEDICATED TO DWELLINGS TO EXCEED 15,000 SQUARE FEET; ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND ADOPTING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on December 10, 2019, pursuant to Planning Code section 302(b), Supervisor Matt Haney introduced an ordinance amending the Planning Code and Zoning Map to rezone and reclassify a portion of the 542-550 Howard Street project site (Assessor's Parcel Block No. 3721, Lots 016, 135, 136, and 138), also known as Transbay Parcel F and as shown on Figure 1 of the Transit Center District Plan, specifically to rezone a portion of the Project Site ("Site") from the P (Public) District to the C-3-O(SD) Downtown Office

Special Development District and to reclassify the height and bulk district designations for a portion of the Site; waiving certain provisions of the Planning Code to allow the Project's required inclusionary affordable housing units to be provided off-site within the Transbay Redevelopment Project Area, subject to certain conditions, and to permit the footprint of the portion of the Site dedicated to dwellings to exceed 15,000 square feet.

WHEREAS, the Ordinance would enable the Project. The Project includes the construction of a new 61-story mixed-use building reaching a height of 749′-10″ tall (800′ inclusive of rooftop screening/mechanical equipment). The Project would include 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 79,000 square feet of floor area devoted to shared amenity space, approximately 9,000 square feet of retail space, approximately 20,000 square feet of open space, 177 Class 1 and 39 Class 2 bicycle parking spaces, and four below-grade levels that would accommodate up to 183 vehicle parking spaces provided for the residential, hotel, and office uses. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Transbay Transit Center.

WHEREAS, the Project Site is encumbered by the placement of an underground train box that will facilitate future rail service at the adjacent Salesforce Transit Center, current zoning does not accommodate the Project at the height and density required for the creation of new housing or job opportunities.

WHEREAS, the proposed Ordinance is intended to resolve the aforementioned issues by amending the Planning Code and Zoning Maps in order to facilitate the Project; and

WHEREAS, this Resolution recommending the approval of the Ordinance is a companion to other legislative approvals concerning a General Plan amendment to amend Figure 1 of the of the Transit Center District Subarea Plan and Map 1 and Map 5 of the Downtown Area Plan. The companion ordinance also describes the details regarding the Project. This companion ordinance is on file with the Clerk of the Board of Supervisors in File No. XXXXX.

WHEREAS, the environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). On May 24, 2012, the Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

WHEREAS, On August 27, 2019, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan FEIR. Since the Transit Center District Plan FEIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the

FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this Project, including the Transit Center District Plan FEIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

WHEREAS, Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan FEIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion for the Downtown Project Authorization Case No. 2016-013312DNX, as Exhibit C.

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

### **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 Ordinance would give effect to the Project, thereby facilitating the development of currently under-utilized land for much-needed housing, commercial office space, tourist hotel guest rooms, as well as a new open space. These new uses would create a new mixed-use development that would strengthen and complement nearby neighborhoods.
- 2. The Ordinance would enable construction of new housing, on the Site including in addition to off-site inclusionary affordable housing located within the Transbay Redevelopment Plan Area.
- 3. The Ordinance would help ensure a vibrant neighborhood with active streets and open spaces, a high quality and well-designed building, and thoughtful relationships between the building and the public realm. This new development would integrate with the surrounding city fabric and the existing neighborhood and would constitute a beneficial development.
- 4. The Ordinance would give effect to the Project, which in turn will provide employment opportunities for local residents during construction and post-occupancy.

5. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### **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 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially 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.

### 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.

### **OBJECTIVE 4**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

### Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

### Policy 4.5

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

### **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.

### **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 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

### **OBJECTIVE 12**

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

### Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

### Policy 12.2

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

### Policy 12.3

Ensure new housing is sustainably supported by the City's public infrastructure systems.

### **OBJECTIVE 13**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

### Policy 13.1

Support "smart" regional growth that located new housing close to jobs and transit.

### Policy 13.3

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

### GENERAL PLAN: URBAN DESIGN ELEMENT

### **Objectives and Policies**

### **OBJECTIVE 1**

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

### Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

### Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

### **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

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

### **GENERAL PLAN: COMMERCE AND INDUSTRY**

### **OBJECTIVE 1**

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

### Policy 1.1

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

### 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.

### **OBJECTIVE 8**

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

### Policy 8.1

Guide the location of additional tourist related activities to minimize their adverse impacts on existing residential, commercial, and industrial activities.

### **GENERAL PLAN: TRANSPORTATION**

### **OBJECTIVE 1**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT, AND NEXPENSIVE 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.

### 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.

### **OBJECTIVE 2**

USE THE EXISTING TRANSPORTATION INFRASTRUCTURE 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.

### **DOWNTOWN AREA PLAN**

### **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.

### **OBJECTIVE 2**

MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

### Policy 2.1

Encourage prime downtown office activities to grow as long as undesirable consequences of growth can be controlled.

### Policy 2.2

Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

### **OBJECTIVE 4**

ENHANCE SAN FRANCISCO'S ROLE AS A TOURIST AND VISITOR CENTER

### Policy 4.1

Guide the location of new hotels to minimize their adverse impacts on circulation, existing uses, and scale of development.

### **OBJECTIVE 7**

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

### Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

### Policy 7.2

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

### **OBJECTIVE 10**

ASSURE THAT OPEN SPACES ARE ACCESSIBLE AND USABLE.

### Policy 10.2

Encourage the creation of new open spaces that become a part of an interconnected pedestrian network.

### **OBJECTIVE 13**

CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTNE CITIES.

### Policy 13.1

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.

### TRANSIT CENTER DISTRICT PLAN: LAND USE

### Policy 1.2

Revise height and bulk districts in the Plan Area consistent with other Plan objectives and considerations.

### Policy 1.4

Prevent long-term under-building in the area by requiring minimum building intensities for new development on major sites.

### TRANSIT CENTER DISTRICT PLAN: URBAN FORM

### **OBJECTIVE 2.3**

FORM THE DOWNTOWN SKYLINE TO EMPHASIZE THE TRANSIT CENTER AS THE CENTER OF DOWNTOWN, REINFORCING THE PRIMACY OF PUBLIC TRANSIT IN ORGANIZING THE CITY'S DEVELOPMENT PATTERN, AND RECOGNIZING THE LOCATION'S IMPORTANCE IN LOCAL AND REGIONAL ACCESSIBILITY, ACTIVITY, AND DENSITY.

### Policy 2.3

Create a balanced skyline by permitting a limited number of tall buildings to rise above the dense cluster that forms the downtown core, stepping down from the Transit Tower in significant height increments.

### TRANSIT CENTER DISTRICT PLAN: PUBLIC REALM

### **OBJECTIVE 3.8**

ENSURE THAT NEW DEVELOPMENT ENHANCES THE PEDESTRIAN NETWORK AND REDUCES THE SCALE OF LONG BLOCKS BY MAINTAINING AND IMPROVING PUBLIC ACCESS ALONG EXISTING ALLEYS AND CREATING NEW THROUGH-BLOCK PEDESTRIAN CONNECTIONS WHERE NONE EXIST.

### Policy 3.11

Prohibit the elimination of existing alleys within the District. Consider the benefits of shifting or reconfiguring alley alignments if the proposal provides an equivalent or greater degree of public circulation.

### Policy 3.12

Design new and improved through-block pedestrian passages to make them attractive and functional parts of the public pedestrian network.

### **OBJECTIVE 4.1:**

THE DISTRICT'S TRANSPORTATION SYSTEM WILL PRIORITIZE AND INCENTIVIZE THE USE OF TRANSIT. PUBLIC TRANSPORTATION WILL BE THE MAIN, NON-PEDESTRIAN MODE FOR MOVING INTO AND BETWEEN DESTINATIONS IN THE TRANSIT CENTER DISTRICT.

### Policy 4.5:

Support funding and construction of the Transbay Transit Center project to further goals of the District Plan, including completion of the Downtown Extension for Caltrain and High-Speed Rail.

The Project is located within an existing high-density downtown area which was re-zoned as part of an area plan to design development around the Transbay Transit Center. The Transbay Transit Center is designed to be the Bay Area's hub of intermodal public transportation, with corresponding infrastructure improvements in this area of downtown. The overarching premise of the Transit Center District Plan ("TCDP") is to continue the concentration of additional growth where it is most responsible and productive to do so—in proximity to San Francisco's greatest concentration of public transit service. The increase in development, in turn, will provide additional revenue for the Transit Center project and for the necessary improvements and infrastructure in the District. Meanwhile, the well-established Downtown Plan envisions a series of high-density residential areas ringing the area, enabling people to live within walking distance of the central business district. The integration of housing reduces the burden on the transit systems and helps to enliven the central district. This Project implements the vision of both Plans through the construction of 165 dwelling units, 189 hotel rooms, and approximately 275,00 gross square feet of office use located within walking distance of the Transbay Transit Center, as well as the Downtown Core.

One of the specific goals of the Transit Center Plan is to leverage increased development intensity to generate revenue that will enable the construction of new transportation facilities, including support for the Transbay Transit Center, including the Downtown Rail Extension. These revenues will also be directed toward improvements to sidewalks and other important pedestrian infrastructure to create a public realm that is conducive to, and supportive of pedestrian travel. With approximately 434,000 gross square feet of residential uses, approximately 276,000 gross square feet of office use, and approximately 248,000 gross square feet of hotel use, including approximately 9,800 gross square feet of retail uses, the Project will contribute substantial financial resources toward these improvements, and will also serve to leverage these investments by focusing intense employment growth within the core of planned transportation services.

The Project would add a significant amount of housing to a site that is currently undeveloped, well-served by existing and future transit, and is within walking distance of substantial goods and services. Future residents can walk, bike, or access BART, MUNI, or regional bus service from the Site, including all future modes of public transportation proposed to terminate at the Salesforce Transit Center, located immediately adjacent to the Site.

- 6. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code 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 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. The Project will provide significant employment opportunities with the addition of a full-service hotel and various retail uses at the ground level and at level 5, where the Project connects to Salesforce Park, atop the Salesforce Transit Center. Moreover, the Project would not displace any existing neighborhood-serving retail uses.

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 site is currently vacant and does not, therefore, contain any existing housing. The Project's unique mixed-use program provides outstanding amenities to visitors and residents, and contributes significantly to the 24-hour neighborhood character envisioned by the Transit Center District Plan.

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

The Project would not displace any housing given the Site is currently undeveloped. The Project would improve the existing character of the neighborhood by developing a high-density, mixed-use building containing 165 dwelling units, including the provision of off-site inclusionary affordable units at a rate of no less than 33 percent within one-mile of the Site.

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 located in the most transit-rich environs in the city and would therefore 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. The Project also provides a minimum 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 is wholly a residential building and would not negatively affect the industrial and service sectors, nor would it displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which is characterized by neighborhood serving retail and residential high-rise buildings.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

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

A Shadow Study indicated the Project may cast a shadow on both Union Square Plaza and Willie "Woo Woo" Wong Park, properties under the jurisdiction of the San Francisco Recreation and Park Department. However, based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, the Project would not substantially affect, in an adverse manner, the use or enjoyment of these open spaces beyond what was analyzed and disclosed in the TCDP FEIR. The Project's new shadow on Union Square Plaza and Willie "Woo Woo" Wong Playground would contribute considerably to the significant and unavoidable impact identified in the TCDP FEIR with respect to the need to increase the Absolute Cumulative Limit of downtown parks. Shadow from the proposed Project on public plazas, and other publicly-accessible spaces other than those protected under Section 295 would be generally be limited to certain days of the year and would be limited in duration on those days.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

# Record No. 2016-013312MAP/PCA 542-550 Howard Street (Transbay Parcel F)

Jonas P. Ionin Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: January 9, 2020

1	[Planning Code	, Zoning Map - 542-550 Howard Street]
2		
3	Ordinance amo	ending the Planning Code and Zoning Map to rezone and reclassify a
4	portion of the	542-550 Howard Street project site (Assessor's Parcel Block No. 3721,
5	Lots 016, 135,	136, and 138), also known as Transbay Parcel F and as shown on Figure
6	1 of the Transi	t Center District Plan, specifically to rezone a portion of the Project site
7	from the P (Pu	blic) District to the C-3-O(SD) Downtown Office Special Development
8	District and to	reclassify the height and bulk district designations for a portion of the
9	project site; w	aiving certain provisions of the Planning Code to allow the project's
10	required inclus	sionary affordable housing units to be provided off-site within the
11	Transbay Rede	evelopment Project Area, subject to certain conditions, and to permit the
12	footprint of the	e portion of the project site dedicated to dwellings to exceed 15,000
13	square feet; ac	dopting findings under the California Environmental Quality Act; making
14	findings of cor	nsistency with the General Plan and the eight priority policies of Planning
15	Code, Section	101.1; and adopting findings of public necessity, convenience, and
16	welfare under	Planning Code, Section 302.
17	NOTE:	Unchanged Code text and uncodified text are in plain Arial font.
18		Additions to Codes are in <u>single-underline italics Times New Roman font</u> .  Deletions to Codes are in <u>strikethrough italics Times New Roman font</u> .
19		Board amendment additions are in double-underlined Arial font.  Board amendment deletions are in strikethrough Arial font.
20		<b>Asterisks (* * * *)</b> indicate the omission of unchanged Code subsections or parts of tables.
21		
22	Be it ord	ained by the People of the City and County of San Francisco:
23		
24	Section <sup>2</sup>	1. Findings.
25	///	

(a) The 542-550 Howard Street project, also known as Transbay Parcel F (Assessor's
Parcel Block No. 3721, Lots 16, 135, 136, and 138), referred to herein as the "Project," is
planned for a an approximately 0.74 acre site along the north side of Howard Street extending
to the south side of Natoma Street between First and Second Streets in the Transit Center
District Plan Area and in the Transbay Redevelopment Project Area. The Project site includes
an underground train box to accommodate future rail service to the Transbay Transit Center,
and the Project sponsor acquired the site from the Transbay Joint Powers Authority with the
land sales proceeds used to support completion of the Transbay Transit Center.

(b) This ordinance is related to a companion ordinance concerning a General Plan amendment to modify the Downtown Plan element height map and other General Plan provisions. The companion ordinance also describes the details regarding the Project. This companion ordinance is on file with the Clerk of the Board of Supervisors in File No.

13 \_\_\_\_\_.

<sup>(</sup>c) The Planning Commission, in Motion No. 18628, certified the Final Environmental Impact Report for the Transit Center District Plan ("FEIR") and related actions as in compliance with the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.).

<sup>(</sup>d) On May 24, 2012, the Planning Commission conducted a duly noticed public hearing and, by Motion No. 18629, adopted findings pursuant to CEQA, including a mitigation monitoring and reporting program, for the Transit Center District Plan and related actions. In Ordinance No. 181-12, the Board of Supervisors adopted the Planning Commission's environmental findings as its own and relies on these same findings for purposes of this ordinance. Copies of Planning Commission Motion Nos. 18628 and 18629 and Ordinance No. 181-12 are on file with the Clerk of the Board of Supervisors in File No. 120665 and incorporated herein by reference.

1	(e) On August 27, 2019, the Planning Department issued a Community Plan
2	Exemption Determination ("CPE") determining that the environmental effects of the Project,
3	including the actions contemplated herein, were adequately analyzed in the FEIR and that no
4	further environmental review is required in accordance with CEQA and Administrative Code
5	Chapter 31. A copy of the CPE and related documents, including applicable mitigation
6	measures, are on file with the Clerk of the Board of Supervisors in File No
7	and are incorporated herein by reference. In addition, other documents, reports, and records
8	related to the CPE and Project approvals are on file with the Planning Department custodian
9	of records, located at 1650 Mission Street, Fourth Floor, San Francisco, California 94103.
10	The Board of Supervisors treats these additional Planning Department records as part of its
11	own administrative record and incorporates such materials herein by reference.
12	(f) In accordance with the actions contemplated herein, this Board relies on its
13	environmental findings in Ordinance No. 181-12, has reviewed the CPE, and concurs with the
14	Planning Department's determination that the environmental effects of the Project were
15	adequately analyzed in the FEIR and that no further environmental review is required.
16	(g) After a duly noticed public hearing on, 2020, in Resolution No.
17	, the Planning Commission found that this ordinance is, on balance, in
18	conformity with the General Plan as proposed for amendment and the priority policies of
19	Planning Code Section 101.1. A copy of this Resolution is on file with the Clerk of the Board
20	of Supervisors in File No and is incorporated herein by reference. The
21	Board hereby adopts the Planning Commission General Plan and Planning Code Section
22	101.1 findings as its own.
23	(h) This legislation relies on a companion ordinance that amends the General Plan in
24	connection with the Project (the "General Plan Amendment"). The companion ordinance is on
25	file with the Clerk of the Board of Supervisors in File No

1	(i) Also in Resolution No, the Planning Commission adopted findings
2	under Planning Code Section 302 determining that this ordinance serves the public necessity,
3	convenience, and general welfare. The Board of Supervisors adopts as its own these
4	findings.

Section 2. The Planning Code is hereby amended in accordance with Planning Code Section 106 by revising Zoning Map ZN1 as follows:

Description of Property	Zoning District to be	Zoning District Hereby
	Superseded	Approved
Assessor's Parcel Block No.	Р	C-3-O(SD)
3721, Lots 135 and 138		

Section 3. The Planning Code is hereby amended in accordance with Planning Code Section 106 by revising Zoning Map HT1 as follows:

Description of Property	Height/Bulk Districts to be Superseded
Assessor's Parcel Block No. 3721, Lot 016 (western 15 feet)	450-S
Assessor's Parcel Block No. 3721, Lot 136	450-S
(3'-5" wide area located 111'-7" west of the eastern edge of Lot 136)	

Assessor's Parcel Block No. 3721, Lot 138	750-S-2
(area measuring 109' by 69' of the	
northwest corner of Lot 138)	
Description of Property	Height/Bulk Districts Hereby Approved
Assessor's Parcel Block No. 3721, Lot 016	750-S-2
(western 15 feet)	
Assessor's Parcel Block No. 3721, Lot 136	750-S-2
(3'-5" wide area located 111'-7" west of the	
eastern edge of Lot 136)	
Assessor's Parcel Block No. 3721, Lot 138	450-S
(area measuring 109' by 69' of the	
northwest corner of Lot 138)	

Section 4. As applied to this Project, Planning Code Sections 249.28(b)(6)(B) and 249.28(b)(6)(C) are hereby waived and shall not apply to the Project. In doing so, the Board of Supervisors allows the Project sponsor to elect the Off-Site Affordable Housing Alternative under Planning Code Sections 415 et seq. instead of providing all inclusionary affordable units on-site as required under Section 249.28(b)(6)(B); provided, however, that the off-site inclusionary affordable units that this Project provides under this Section 4 shall be located only within the Transbay Redevelopment Project Area. In addition, the following conditions

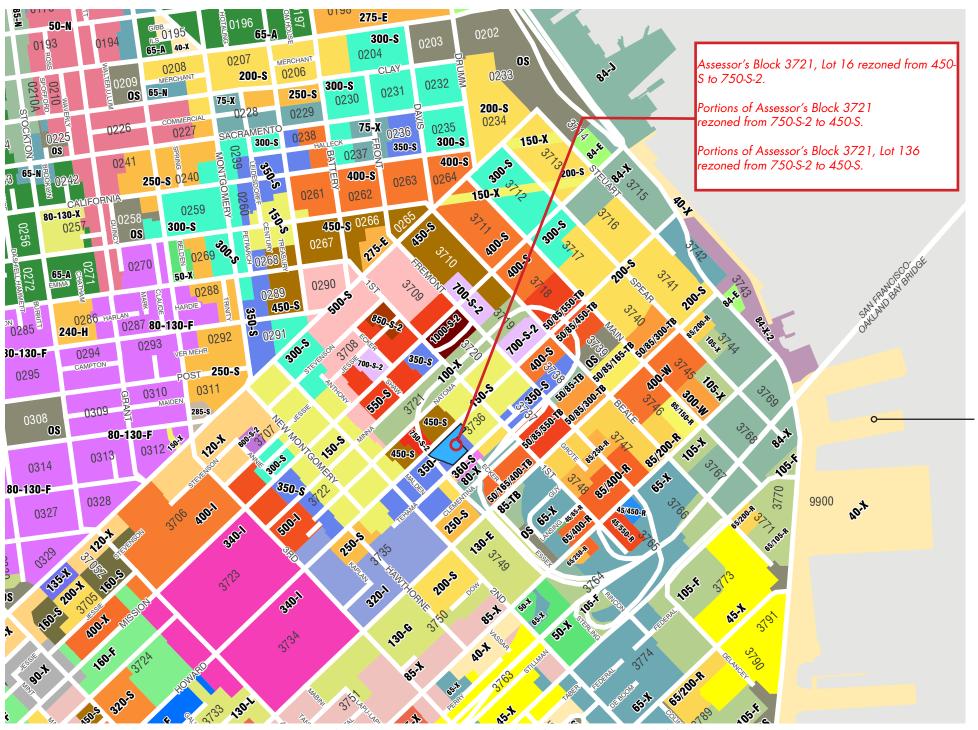
- also shall apply to election of the Off-Site Affordable Housing Alternative as set forth in this Section 4:
  - (a) The number of off-site inclusionary affordable units shall be as specified in Planning Code Section 415.7(a) and the timing of construction for such units shall be as specified in Section 415.7(b);
  - (b) The Successor Agency to the Redevelopment Agency of the City and County of San Francisco shall approve a variation for this Project to Section 4.9.3 (On-Site Affordable Housing Requirement) of the Redevelopment Plan for the Transbay Redevelopment Project Area that meets or exceeds the requirements for the number of off-site inclusionary affordable units under Planning Code Section 415.7(a); and
  - (c) The Planning Commission approval of this Project shall include conditions requiring compliance with the on-site inclusionary affordable housing requirements under Planning Code Section 249.28(b)(6) in the event that the Project is unable to comply with the off-site inclusionary affordable housing requirements established in this Section 4.

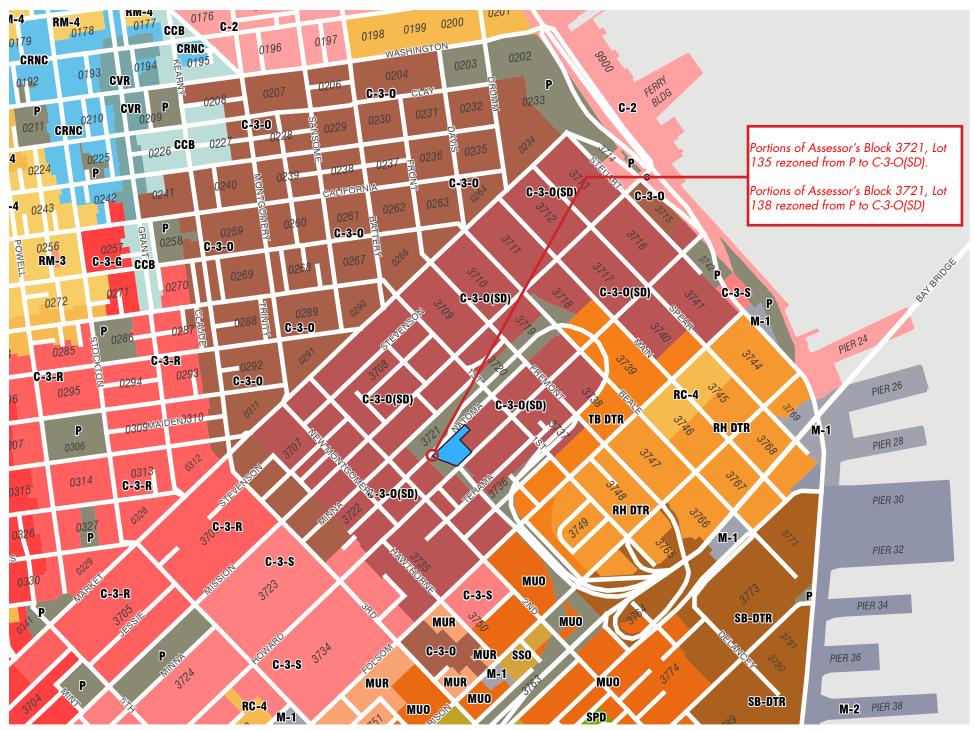
Section 5. As applied to the Project, Planning Code Section 248(d)(2) is hereby waived and replaced with the following: "That the footprint of the portion of the site dedicated to dwellings and/or other housing uses is less than 15,500 square feet and the lot contains existing buildings which are to be retained." Section 248(d) otherwise remains unchanged.

- Section 6. Effective and Operative Dates.
- (a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

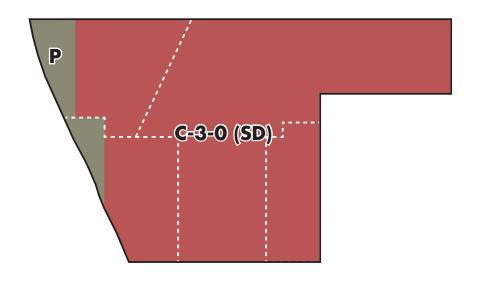
1		(b) This ordinance shall become operative on its effective date or on the effective date
2	of the	e General Plan Amendment, enacted by the ordinance in Board of Supervisors File No.
3		, whichever date occurs later; provided, that this ordinance shall not become operative
4	if the	ordinance regarding the General Plan Amendment is not approved.
5		
6		ROVED AS TO FORM:
7	DENI	NIS J. HERRERA, City Attorney
8		
9	Ву:	
10		JOHN D. MALAMUT Deputy City Attorney
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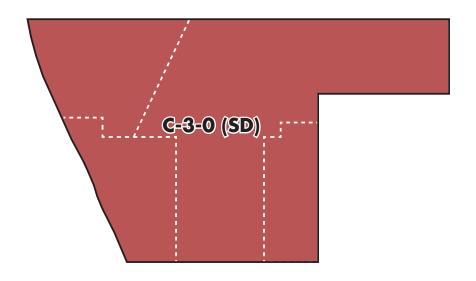
# PROPOSED MAP CHANGES





ZONING DISTRICT MAP (SHEET ZNO1)

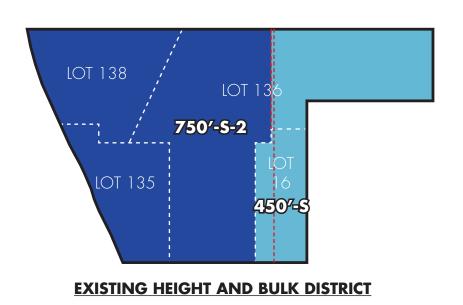




**EXISTING ZONING DISTRICTS** 

PROPOSED ZONING DISTRICT



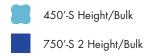


AREA OF PARCEL F NOT REACHING 750': 5,850 SF

LOT 138
450%
LOT 136
LOT 136 (750'): 190 SF

LOT 16 (750'): 1,310 SF

PROPOSED HEIGHT AND BULK DISTRICT



# Draft Resolution – General Plan Amendment, Draft GPA Ordinance

## **Planning Commission Draft Resolution**

**HEARING DATE: JANUARY 9, 2020** 

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

Reception:

415.558.6378

Fax:

415.558.6409

Planning Information: **415.558.6377** 

*Record Number:* **2016-013312GPA** 

Project Address: 542-550 Howard Street (Transbay Parcel F)

Existing Zoning: C-3-O(SD) Downtown-Office (Special Development) Zoning District

750-S-2 and 450-S Height and Bulk Districts Transit Center C-3-O(SD) Commercial and

Transbay C-3 Special Use Districts

Downtown and Transit Center District Plan Areas

Block/Lot: 3721/016, 135, 136, 138
Project Sponsor: F4 Transbay Partners, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Property Owner: Parcel F Owner, LLC

101 California Street, Suite 1000

San Francisco, CA 94111

Staff Contact: Nicholas Foster, AICP, LEED GA

nicholas.foster@sfgov.org, (415) 575-9167

RESOLUTION TO ADOPT A GENERAL PLAN AMENDMENT, PURSUANT TO PLANNING CODE 340, INCLUDING REVISONS TO FIGURE 1 OF THE TRANSIT CENTER DISTRICT SUBAREA PLAN AND MAP 1 AND MAP 5 OF THE DOWNTOWN AREA PLAN. THE PROPOSED AMENDMENT WOULD REVISE THE HEIGHT AND BULK DESIGNATIONS FOR PORTIONS OF THE 542-550 HOWARD STREET PROJECT SITE, ASSESSOR'S PARCEL BLOCK NO. 3721, LOTS 016, 135, 136, AND 138, ALSO KNOWN AS TRANSBAY PARCEL F, AS SHOWN ON FIGURE 1 OF THE TRANSIT CENTER DISTRICT SUBAREA PLAN, AND REVISE THE USE DESIGNATIONS ON MAP 1 AND HEIGHT AND BULK DESIGNATIONS ON MAP 5 OF THE DOWNTOWN AREA PLAN. THE PROPOSED GENERAL PLAN AMENDMENT IS RELATED TO PLANNING CODE TEXT AND MAP AMENDMENTS TO ALLOW THE CONSTRUCTION OF A NEW MIXED-USE BUILDING PROPOSED ON THE SUBJECT SITE.

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, Parcel F Owner, LLC ("Project Sponsor") has filed an application requesting amendments to the General Plan, Planning Code, and Zoning Maps to facilitate the construction of a mixed-use project known as the Transbay Parcel F Mixed-Use Project ("Project"); and

WHEREAS, pursuant to Planning Code Section 340(C), the Planning Commission ("Commission") initiated a General Plan Amendment for the 542-550 Howard Street ("Parcel F") Mixed-Use Project ("Project"), per Planning Commission Resolution No. 20586 on December 5, 2019; and

Draft Motion Hearing Date: January 9, 2020

WHEREAS, the General Plan Amendment would: revise Map 5 of the Downtown Area Plan to reclassify the height and bulk designations for the western 15 feet of Assessor's Block 3721, Lot 016 from 450-S to 750-S2, a 3'-5" wide area located 111'-7" west of the eastern edge of Assessor's Parcel Block No. 3721, Lot 136 from 450-S to 750-S2, and an area measuring 109' by 69' of the northwest corner of Assessor's Parcel Block No. 3721, Lot 138 from 750-S2 to 450-S; revise Map 1 of the Downtown Area Plan to reclassify the land use designations for Assessor's Block 3721, Lots 016, 135, 136, and 138 from "Downtown Service (C-3-O(SD))" and "P" to "Downtown Service (C-3-O(SD)); and revise Figure 1 of the Transit Center District Subarea Plan to reclassify the height limits for the western 15 feet of Assessor's Block 3721, Lot 016 from 450' to 750', a 3'-5" wide area located 111'-7" west of the eastern edge of Assessor's Parcel Block No. 3721, Lot 136 from 450' to 750', and an area measuring 109' by 69' of the northwest corner of Assessor's Parcel Block No. 3721, Lot 138 from 750' to 450'.

WHEREAS, the General Plan Amendment would enable the Project. The Project includes the construction of a new 61-story mixed-use building reaching a height of 749′-10″ tall (800′ inclusive of rooftop screening/mechanical equipment). The Project would include 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 79,000 square feet of floor area devoted to shared amenity space, approximately 9,000 square feet of retail space, approximately 20,000 square feet of open space, 177 Class 1 and 39 Class 2 bicycle parking spaces, and four below-grade levels that would accommodate up to 183 vehicle parking spaces provided for the residential, hotel, and office uses. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Transbay Transit Center.

WHEREAS, a Proposed Ordinance has been drafted in order to make the necessary amendments to the General Plan to implement the Project. The Office of the City Attorney has approved the Proposed Ordinance as to form; and

WHEREAS, this General Plan Amendment Initiation is covered by San Francisco Planning Commission Motion No. 18628, Final Environmental Impact Report certification for the Transit Center District Plan ("FEIR") and the August 27, 2019 Planning Department issuance of a Community Plan Evaluation ("CPE") determining that the environmental effects of the Project, including the actions contemplated herein, were adequately analyzed in the FEIR and that no further environmental review is required in accordance with the California Environmental Quality Act ("CEQA", California Public Resources Code Sections 21000 et seq.) and Administrative Code Chapter 31; and

WHEREAS, the environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). On May 24, 2012, the Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

WHEREAS, On August 27, 2019, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan FEIR. Since the Transit Center District Plan FEIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this Project, including the Transit Center District Plan FEIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

WHEREAS, Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan FEIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion for the Downtown Project Authorization Case No. 2016-013312DNX, as Exhibit C.

WHEREAS, this Resolution approving this General Plan Amendment is a companion to other legislative approvals relating to the Project, including recommendation of approval of Planning Code Text and Map Amendments. This companion ordinance is on file with the Clerk of the Board of Supervisors in File No. 191259.

WHEREAS, 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 Department staff and other interested parties; and

WHEREAS, the Commission has reviewed the proposed General Plan Amendment; and

WHEREAS, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the General Plan Amendment on January 9, 2020; and,

MOVED, that pursuant to Planning Code Section 340, the Commission adopts a Resolution to amend the General Plan based on the following:

### **FINDINGS**

- 1. The General Plan Amendment would give effect to the Project, thereby facilitating the development of currently under-utilized land for much-needed housing, commercial office space, tourist hotel guest rooms, as well as a new open space. These new uses would create a new mixed-use development that would strengthen and complement nearby neighborhoods.
- 2. The General Plan Amendment would enable construction of new housing, on the Site including in addition to off-site inclusionary affordable housing located within the Transbay Redevelopment Plan Area.

# Record No. 2016-013312GPA 542-550 Howard Street (Transbay Parcel F)

- 3. The General Plan Amendment would help ensure a vibrant neighborhood with active streets and open spaces, a high quality and well-designed building, and thoughtful relationships between the building and the public realm. This new development would integrate with the surrounding city fabric and the existing neighborhood and would constitute a beneficial development.
- 4. The General Plan Amendment would give effect to the Project, which in turn will provide employment opportunities for local residents during construction and post-occupancy.
- 5. **General Plan Compliance.** The Planning Code and General Plan Compliance Findings set forth in Motion No. XXXXX, Case No. 2016-013312DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion and are incorporated herein as though fully set forth.
- 6. **Planning Code Section 101.1(b).** The Planning Code Priority Policy Findings set forth in Motion No. XXXXX, Case No. 2016-013312DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion and are incorporated herein as though fully set forth.
- 7. **Planning Code Section 340 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 340.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution and attached as Exhibit A.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 9, 2020.

Jonas P. Ionin Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

1	[General Plan Amendments – 542-550 Howard Street/Transbay Parcel F Project]
2	
3	Ordinance amending the General Plan by revising the height and bulk designations for
4	portions of the 542-550 Howard Street project site, Assessor's Parcel Block No. 3721,
5	Lots 016, 135, 136, and 138, also known as Transbay Parcel F, as shown on Figure 1 of
6	the Transit Center District Subarea Plan, and revising the use designations on Map 1
7	and height and bulk designations on Map 5 of the Downtown Area Plan; adopting
8	findings under the California Environmental Quality Act; making findings of
9	consistency with the General Plan, as proposed for amendment, and the eight priority
10	policies of Planning Code, Section 101.1; and adopting findings of public necessity,
11	convenience, and welfare under Planning Code, Section 340.
12	NOTE: Unchanged Code text and uncodified text are in plain Arial font.
13	Additions to Codes are in <u>single-underline italics Times New Roman font</u> .  Deletions to Codes are in <u>strikethrough italics Times New Roman font</u> .
14	Board amendment additions are in double-underlined Arial font.  Board amendment deletions are in strikethrough Arial font.
15	<b>Asterisks (* * * *)</b> indicate the omission of unchanged Code subsections or parts of tables.
16	
17	Be it ordained by the People of the City and County of San Francisco:
18	
19	Section 1. Findings and Environmental Findings.
20	(a) The 542-550 Howard Street project, also known as Transbay Parcel F (Assessor's
21	Parcel Block No. 3721, Lots 16, 135, 136, and 138), referred to herein as the ("Project"), is
22	planned for an approximately 0.74 acre site along the north side of Howard Street extending
23	to the south side of Natoma Street between First and Second Streets in the Transit Center
24	District Plan Area. The Project site includes an underground train box to accommodate future
25	rail service to the Transbay Transit Center. The Project sponsor acquired the site from the

- Transbay Joint Powers Authority with the land sales proceeds used to support completion of the Transbay Transit Center.
  - (b) The Project would construct a new 61-story, mixed-use high-rise tower with approximately 240,000 gross square feet (gsf) of hotel uses (189 tourist guest rooms); approximately 434,000 gsf of residential uses (165 dwelling units); approximately 274,000 gsf of office uses; approximately 8,700 gsf of retail space; approximately 20,000 gsf of open space; and four below-grade levels that would accommodate up to 183 vehicle parking spaces. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Transbay Transit Center.
  - (c) The Planning Commission, in Motion No. 18628, certified the Final Environmental Impact Report for the Transit Center District Plan ("FEIR") and related actions as in comply with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.). A copy of said Motion is on file with the Clerk of the Board of Supervisors in File No. 120665 and is incorporated herein by reference.
  - (d) On May 24, 2012, the Planning Commission conducted a duly noticed public hearing and, by Motion No. 18629, adopted findings pursuant to the California Environmental Quality Act for the Transit Center District Plan and related actions. A copy of Planning Commission Resolution No. 18629, including its attachment and mitigation monitoring and reporting program, is on file with the Clerk of the Board of Supervisors in File No. 120665 and is incorporated herein by reference. The Board of Supervisors hereby adopts the Planning Commission's environmental findings as its own.
  - (e) On August 27, 2019, the Planning Department issued a Community Plan Exemption Determination ("CPE") determining that the environmental effects of the Project, including the actions contemplated herein, were adequately analyzed in the FEIR and that no further environmental review is required in accordance with the California Environmental

1	Quality Act ("CEQA", California Public Resources Code Sections 21000 et seq.) and
2	Administrative Code Chapter 31. The CPE is found in Planning Case No. 2016-013312ENV.
3	A copy of the CPE and related documents, including applicable mitigation measures, are on
4	file with the Clerk of the Board of Supervisors in File No and are
5	incorporated herein by reference. In addition, other documents, reports, and records related
6	to the CPE and Project approvals are on file with the Planning Department custodian of
7	records, and located at 1650 Mission Street, Fourth Floor, San Francisco, California, 94103.
8	The Board of Supervisors treats these additional Planning Department records as part of its
9	own administrative record and incorporates such materials by reference herein.
10	(f) In accordance with the actions contemplated herein, this Board has reviewed the
11	CPE and concurs with the Planning Department's determination that the environmental effects
12	of the Project were adequately analyzed in the FEIR and CPE and that no further
13	environmental review is required.
14	(g) This ordinance is companion legislation to legislation that amends the Planning
15	Code to modify Zoning Map ZN1 to rezone a portion of the Project site from the P (Public)
16	district to the C-3-O(SD) Downtown Office Special Development District, to modify Zoning
17	Map HT1 to reclassify the height and bulk district designations for a portion of the project site;
18	to modify the application of Planning Code Section 248(d)(2) to permit the footprint of the
19	portion of the project site dedicated to dwellings to exceed 15,000 square feet; and to modify
20	the application of Planning Code Section 249.28(b)(6)(B) to permit the project's required
21	inclusionary affordable housing units to be provided off-site within the Transbay
22	Redevelopment Project Area subject to specified conditions. This legislation is on file with the
23	Clerk of the Board of Supervisors in File No
24	

Section 2. General Plan and Planning Code Section 340 Findings.

1 (a) Section 4.105 of the Charter provides that the Planning Commission shall 2 periodically recommend to the Board of Supervisors, for approval or rejection, proposed 3 amendments to the General Plan. (b) Planning Code Section 340 provides that the Planning Commission may initiate an 4 amendment to the General Plan by a resolution of intention, which refers to, and incorporates 5 6 by reference, the proposed General Plan amendments. Section 340 further provides that the 7 Planning Commission shall adopt the proposed General Plan amendments after a public 8 hearing if it finds from the facts presented that the public necessity, convenience, and general 9 welfare require the proposed amendment or any part thereof. If adopted by the Commission in whole or in part, the proposed amendments shall be presented to the Board of Supervisors, 10 which may approve or reject the amendments by a majority vote. 11 12 (c) After a duly noticed public hearing on October 17, 2019 in Motion No. 13 , the Planning Commission initiated amendments to the General Plan ("Plan Amendments"). Said Motion is on file with the Clerk of the Board of Supervisors in File No. 14 15 and incorporated herein by reference. (d) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, 16 adopted findings regarding the City's General Plan, eight priority policies of Planning Code 17 18 Section 101.1, and Planning Code Section 340. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by 19 reference. 20 21 (e) Section 4.105 of the City Charter further provides that if the Board of Supervisors fails to Act within 90 days of receipt of the proposed Plan Amendments, then the Plan 22 23 Amendments shall be deemed approved. 24 (f) The Board of Supervisors finds that the Plan Amendments are, on balance, in conformity with the General Plan, as it is amended by this ordinance, and the eight priority 25

1	policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission
2	Resolution No The Board hereby adopts these Planning Commission
3	findings as its own.
4	(g) The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
5	Plan Amendments set forth in this ordinance and in documents on file with the Clerk of the
6	Board in File No will serve the public necessity, convenience and general
7	welfare for the reasons set forth in Planning Commission Resolution No
8	The Board hereby adopts these Planning Commission findings as its own.
9	
10	Section 3. The General Plan is hereby amended by revising the Transit Center District
11	Subarea Plan as follows:
12	Revise Figure 1 to reclassify the height limits for the western 15 feet of Assessor's
13	Block 3721, Lot 016 from 450' to 750', a 3'-5" wide area located 111'-7" west of the eastern
14	edge of Assessor's Parcel Block No. 3721, Lot 136 from 450' to 750', and an area measuring
15	109' by 69' of the northwest corner of Assessor's Parcel Block No. 3721, Lot 138 from 750' to
16	450', as described below:
17	
18	
19	

Description of Property	Height Districts to be Superseded
Assessor's Parcel Block No. 3721, Lot 016 (western 15 feet)	450'
Assessor's Parcel Block No. 3721, Lot 136 (3'-5" wide area located 111'-7" west of the eastern edge of Lot 136)	450'

750' Assessor's Parcel Block No. 3721, Lot 1 2 138, (area measuring 109' by 69' of the 3 northwest corner of Lot 138) 4

750'

750'

450'

**Height Districts Hereby Approved** 

5

6 7

**Description of Property** 

eastern edge of Lot 136)

northwest corner of Lot 138)

(western 15 feet)

Assessor's Parcel Block No. 3721, Lot 016

Assessor's Parcel Block No. 3721, Lot 136

(3'-5" wide area located 111'-7" west of the

Assessor's Parcel Block No. 3721, Lot

138, (area measuring 109' by 69' of the

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Section 4. The General Plan is hereby amended by revising the Downtown Area Plan Map 1 to reclassify the land use designation of the Assessor's Block and Lots as described below:

1	
2	
3	

Description of Property	Land Use Designation to be Superseded
Assessor's Parcel Block No. 3721, Lots 016, 135, 136, and 138	Downtown Service C-3-O(SD); and P

Description of Property	Land Use Designation Hereby Approved
Assessor's Parcel Block No. 3721, Lots	Downtown Office C-3-O(SD)
016, 135, 136, and 138	

Section 5. The General Plan is hereby amended by revising height and bulk designations on Map 5 of the Downtown Area Plan as follows:

Revise Map 5 to reclassify the height and bulk designations for the western 15 feet of Assessor's Block 3721, Lot 016 from 450-S to 750-S2, a 3'-5" wide area located 111'-7" west of the eastern edge of Assessor's Parcel Block No. 3721, Lot 136 from 450-S to 750-S2, and an area measuring 109' by 69' of the northwest corner of Assessor's Parcel Block No. 3721, Lot 138 from 750-S2 to 450-S, as described below:

Description of Property	Height and Bulk Districts to be Superseded
Assessor's Parcel Block No. 3721, Lot 16 (western 15 feet)	450-S

1 2	Assessor's Parcel Block No. 3721, Lot 136 (3'-5" wide area located 111'-7" west of the eastern edge of Lot 136)	450-S
3	Assessor's Parcel Block No. 3721, Lot	
4	138, (area measuring 109' by 69' of the northwest corner of Lot 138)	750-S2
5	,	

Description of Property	Height and Bulk Districts Hereby
	Approved
Assessor's Parcel Block No. 3721, Lot 16	750-S2
(western 15 feet)	
Assessor's Parcel Block No. 3721, Lot 136	750-S2
(3'-5" wide area located 111'-7" west of the	
eastern edge of Lot 136)	
Assessor's Parcel Block No. 3721, Lot	450-S
138, (area measuring 109' by 69' of the	
northwest corner of Lot 138)	

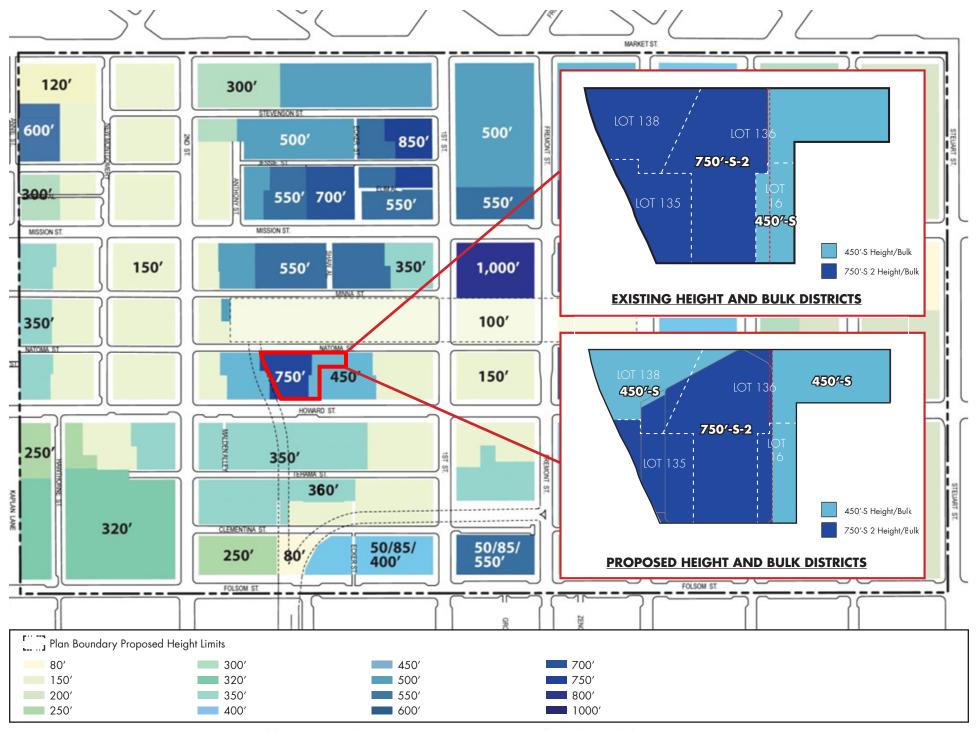
Section 6. Effective Date and Operative Date.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not

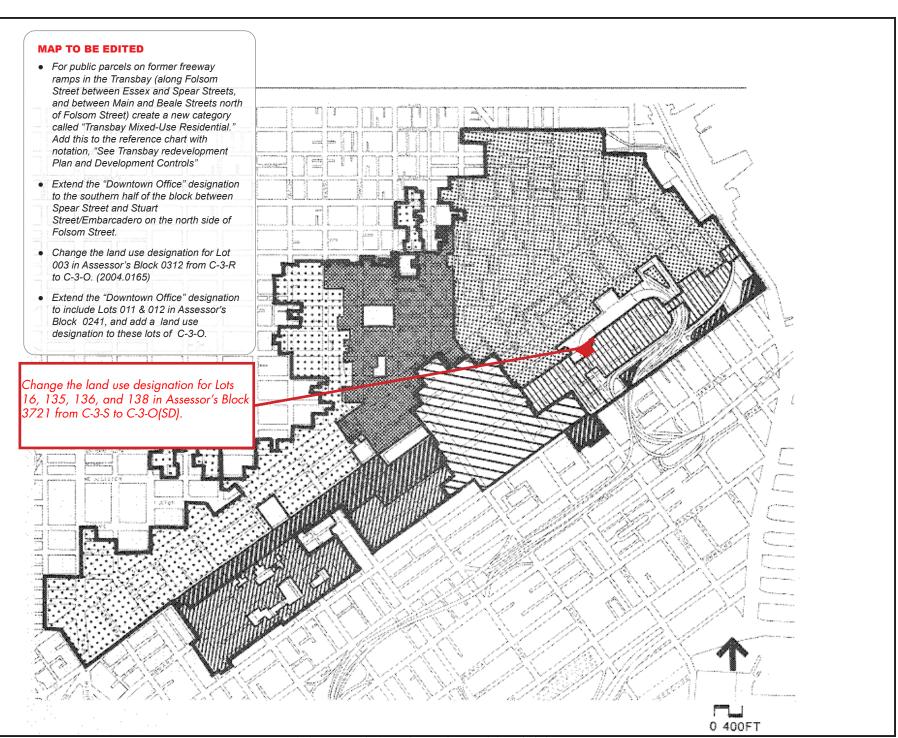
1	sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
2	Mayor's veto of the ordinance.
3	(b) This ordinance shall become operative only on (and no rights or duties are affected
4	until) the later of (1) its effective date, as stated in subsection (a) above, or (2) the effective
5	date of the companion ordinance approving the Planning Code Amendments for the Project.
6	A copy of said ordinance is on file with the Clerk of the Board of Supervisors in File No.
7	<del></del>
8	
9	Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10	intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11	numbers, punctuation marks, charts, diagrams, or any other constituent parts of the General
12	Plan that are explicitly shown in this ordinance as additions, deletions, Board amendment
13	additions, and Board amendment deletions in accordance with the "Note" that appears under
14	the official title of the ordinance.
15	
16	
17	APPROVED AS TO FORM:
18	DENNIS J. HERRERA, City Attorney
19	By:
20	JOHN D. MALAMUT Deputy City Attorney
21	n:\legana\as2018\1900166\01312301.docx
22	
23	
24	

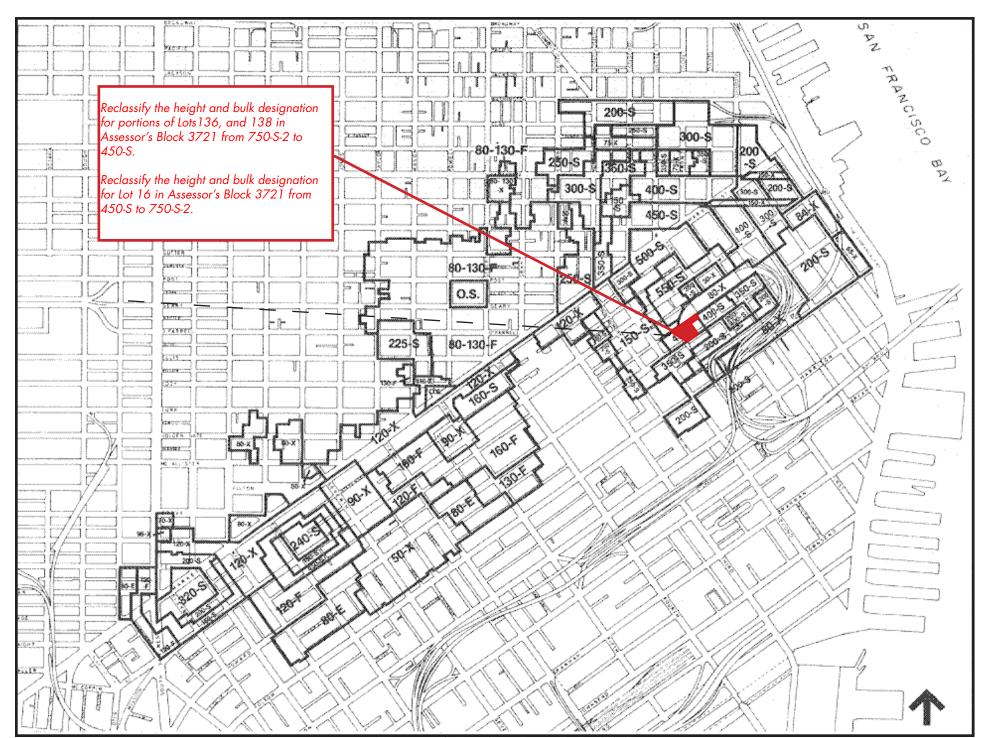
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# PROPOSED MAP CHANGES

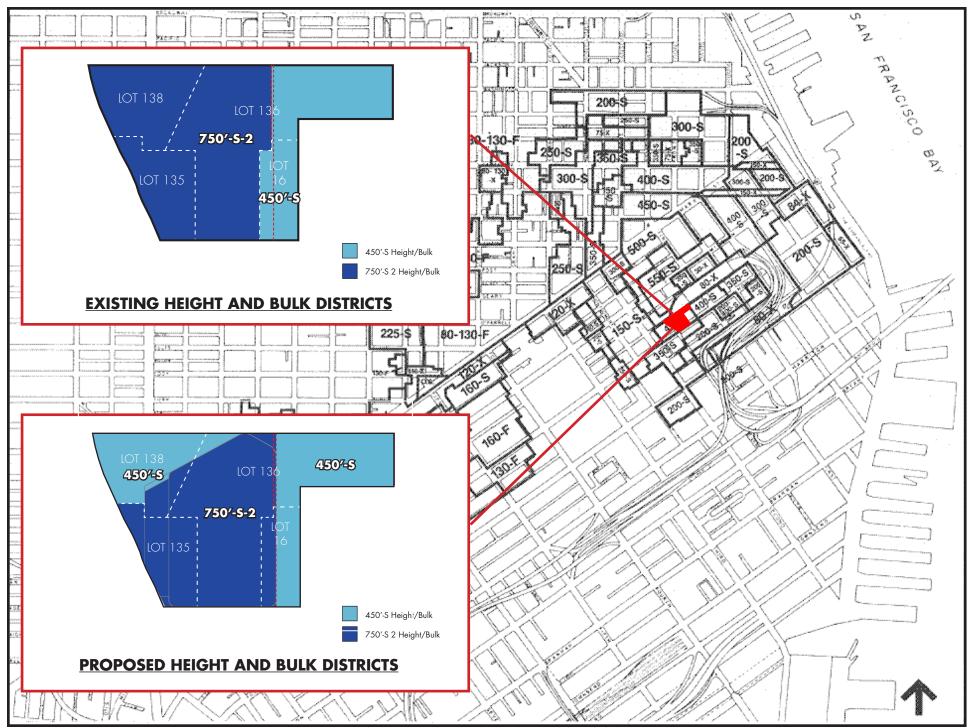


TRANSIT CENTER DISTRICT SUBAREA PLAN FIGURE 1

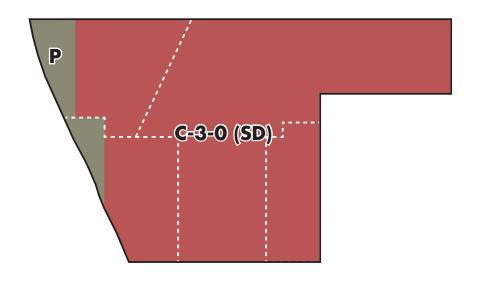


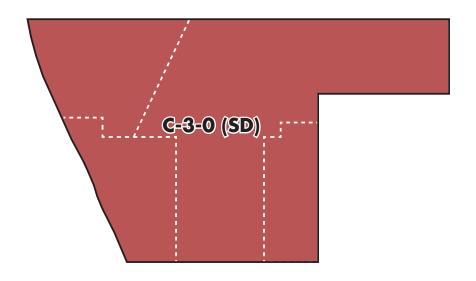


DOWNTOWN AREA PLAN MAP 5



DOWNTOWN AREA PLAN MAP 5

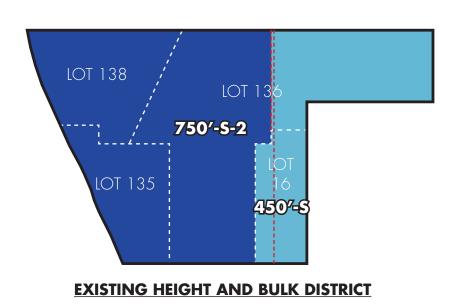


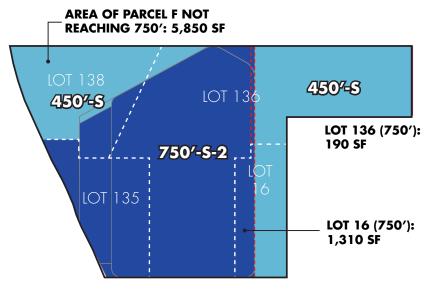


**EXISTING ZONING DISTRICTS** 

PROPOSED ZONING DISTRICT







PROPOSED HEIGHT AND BULK DISTRICT



## Exhibit C – MMRP

DDODOSED IMPROVEMENT MEASURES TO BE	Pagnone ikility for	Mitigation	Manitoring/Dang-t	Status/Data
PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
Mitigation Measures from the TCDP Area Plan EIR				
Project Mitigation Measure 1- Construction Best Practices for Historic Resources (Implements TCDP PEIR Mitigation Measure M-CP-5a)  The project sponsor of a development project in the plan area shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings, including, but not necessarily limited to, staging of equipment and materials as far as possible from historic buildings to avoid direct impact damage; using techniques in demolition (of the parking lot), excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historical resource(s) within 125 feet, as identified by the planning department; appropriately shoring excavation sidewalls to prevent movement of adjacent structures; design and installation of the new foundation to minimize uplift of adjacent soils; ensuring adequate drainage from adjacent sites; covering the roof of adjacent structures to avoid damage from falling objects; and ensuring appropriate security to	Project sponsor and/or construction contractor, and qualified historic preservation individual.	Prior to issuance of grading or excavation permit	Environmental Review Officer (ERO) , Planning Department Preservation Technical Specialist.	Considered complete upon project sponsor's submittal of Construction Specifications to ERO for review and approval
Project Mitigation Measure 2- Construction Monitoring Program for Historic Resources (Implements TCDP PEIR Mitigation Measure M-CP-5b)  The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program would include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of historical resource(s) identified by the planning department within 125 feet of planned construction to document and photograph the buildings' existing conditions. Based on the construction and condition of the resource(s), the consultant shall also establish a maximum vibration level that shall not be exceeded at each building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 inches per second, peak particle velocity). To ensure that vibration levels do not exceed the established standard, the project sponsor shall monitor	Project sponsor and/or construction contractor, and qualified historic preservation individual.	Prior to any ground- disturbing activities on the project site	ERO, Planning Department Preservation Technical Specialist.	Considered complete upon receipt by ERO of final report

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard. Should vibration levels be observed in excess of the standard, construction shall be halted and alternative techniques put in practice, to the extent feasible. The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its preconstruction condition at the conclusion of ground-disturbing activity on the site.  Project Mitigation Measure 3- Subsequent Archeological Testing Program (Implements TCDP PEIR Mitigation Measure M-CP-1)  Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the planning department archaeological Consultants List (QACL) maintained by the planning department archaeological 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 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 suspensi	Project sponsor and planning department archeologist or a qualified archeological consultant from the planning department pool.	Archeological consultant shall be under contract and ATP scope will reviewed and approved by ERO prior to issuance of the site permit.	ERO to review and approve the Archeological Testing Program.	Considered complete upon review and approval by ERO of results of Archeological Testing Program/Archeological Monitoring Program/Archeological Data Recovery Program, as applicable.
resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).  Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan	Archeological consultant at the direction of the ERO.	Archeological testing plan completed prior	Submittal of draft ATP to ERO for review and approval. Distribution of	Considered complete upon completion of the archeological testing

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
(ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.  At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:  A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or  B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.		to soil disturbing activities.	the ATP by the archeological consultant.  Archeological consultant undertake activities specified in ATP and immediately notify ERO of any encountered archeological resource.	program outlined in the ATP.
Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological consultant shall prepare an archeological monitoring plan (AMP):  The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because	Project sponsor/ archeological consultant at the direction of the ERO.	During soils- disturbing activities.	Project sponsor/archeological consultant shall meet and consult with ERO on scope of AMP.  Archeological consultant to monitor soils-disturbing activities specified in AMP and immediately notify ERO of any encountered archeological resource.	Considered complete upon completion of archeological monitoring plan as outlined in the AMP.

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
of the risk these activities pose to potential archaeological resources and to their depositional context;				
<ul> <li>Archeological monitoring shall conform to the requirements of the final AMP reviewed and approved by the ERO;</li> </ul>				
<ul> <li>The archeological consultant shall advise all project contractors to</li> </ul>				
be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of				
apparent discovery of an archeological resource;  The archeological monitor(s) shall be present on the project site				
according to a schedule agreed upon by the archeological				
consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project				
construction activities could have no effects on significant				
archeological deposits;  The archeological monitor shall record and be authorized to				
collect soil samples and artifactual/ecofactual material as				
warranted for analysis;  If an intact archeological deposit is encountered, all				
soils-disturbing activities in the vicinity of the deposit shall cease.				
The archeological monitor shall be empowered to temporarily				
redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile				
driving activity (foundation, shoring, etc.), the archeological				
monitor has cause to believe that the pile driving activity may				
affect an archeological resource, the pile driving activity shall be				
terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological				
consultant shall immediately notify the ERO of the encountered				
archeological deposit. The archeological consultant shall make a				
reasonable effort to assess the identity, integrity, and significance				
of the encountered archeological deposit, and present the findings of this assessment to the ERO.				
Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.				
Archeological Data Recovery Program. The archeological data recovery	ERO, archeological		Archeological	Considered complete
program shall be conducted in accord with an archeological data recovery plan	consultant, and	In the event that an archeological	consultant to	upon completion of

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
(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.	project sponsor.	site is uncovered during the construction period.	prepare an ADRP and to undertake the archeological data recovery program in consultation with ERO.	archeological data recovery plan as outlined in the ADRP.
<ul> <li>The scope of the ADRP shall include the following elements:         <ul> <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> </li> </ul>				
Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Office of the Chief Medical Examiner of the City and County of San Francisco and in the event of the Medical Examiner's determination that the	Archeological consultant, ERO, and Medical Examiner.	Following discovery of human remains.	Notification of ERO, Coroner and, as warranted, notification of NAHC.	Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been adhered to, consultation

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept 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. If no agreement is reached State regulations shall be followed including the reburial of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).				with MLD is completed as warranted, and that sufficient opportunity has been provided has been provided to the archeological consultant for scientific and historical analysis of remains and funerary objects.
Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Archeological consultant at the direction of the ERO.	Following completion of cataloguing, analysis, and interpretation of recovered archeological data.	Archeological consultant to prepare FARR.	Considered complete upon review and approval of FARR by ERO.
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 Major Environmental Analysis division of the planning department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or	Archeological consultant at the direction of the ERO.	Following completion of FARR and review and approval by ERO.	Following approval from the ERO, archeological consultant to distribute FARR.	Considered complete upon certification to ERO that copies of FARR have been distributed.

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
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.				
Project Mitigation Measure 4: Garage/Loading Dock Attendant (Implements TCDP PEIR Mitigation Measure M-TR-5)  The project sponsor shall ensure that building management employs attendant(s) for the project's garage. The attendant shall be stationed at the project's valet station to direct vehicles entering and exiting the building and avoid any safety-related conflicts with pedestrians on the sidewalk during the peak periods of traffic and pedestrian activity, with extended hours as dictated by traffic and pedestrian conditions and by activity in the project garage. The project shall also install audible and/or visible warning devices, or comparably effective warning devices as approved by the planning department and/or the Sustainable Streets Division of the Municipal Transportation Agency, to alert pedestrians of the outbound vehicles from the car elevators, as applicable. The project sponsor shall ensure that valet attendants actively manage vehicle traffic in the porte cochère area, passenger loading zone, and loading dock.	Project sponsor/ building management.	Ongoing during building occupancy.	ERO and planning department.	Considered complete upon verification of provisions by ERO or designated Planning staff.
Project Mitigation Measure 5: Loading Dock Management (Implements TCDP PEIR Mitigation Measure M-TR-7a)  The project sponsor shall develop a loading dock management plan to ensure that off-street loading facilities are efficiently used and maintained and that trucks longer than can be safely accommodated are not permitted to use a building's loading dock. In order to do so, the project sponsor shall develop a plan for management and maintenance of the building's loading dock and truck turntable and shall ensure that tenants in the building are informed of limitations and conditions on loading schedule and truck size. Such a management plan shall include strategies such as the use of an attendant to direct and guide trucks, installing a "Full" sign at the loading dock driveway, limiting activity during peak hours, installation of audible and/or visual warning devices, and other features. The maintenance plan will include a schedule for routine maintenance of the truck turntable.	Project sponsor/ building management.	Prior to occupancy; Revise Management Plan as necessary to reflect changes in generally accepted technology or operation protocols, or changes in conditions.	ERO and planning department.	Initial completion upon receipt of Management Plan by ERO or designated Planning staff for review and approval.  Periodically revise Management Plan during project operation.

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
Project Mitigation Measure 6: Construction Coordination (Implements TCDP PEIR Mitigation Measure M-TR-9)  To minimize potential disruptions to transit, traffic, and pedestrian and bicyclists, the project sponsor and/or construction contractor shall develop a Construction Management Plan that could include, but not necessarily be limited to, the following:  Limit construction truck movements to the hours between 9:00 a.m. and 4:00 p.m. (or other times, if approved by the Municipal Transportation Agency) to minimize disruption of traffic, transit, and pedestrian flow on adjacent streets and sidewalks during the weekday a.m. and p.m. peak periods.  Identify optimal truck routes to and from the site to minimize impacts to traffic, transit, pedestrians, and bicyclists; and,  Encourage construction workers to use transit when commuting to and from the site, reducing the need for parking.  The project sponsor shall also coordinate with the Municipal Transportation Agency/Sustainable Streets Division, the Transbay Joint Powers Authority, and construction manager(s)/ contractor(s) for the Transit Center project, and with Muni, AC Transit, Golden Gate Transit, and SamTrans, as applicable, to develop construction phasing and operations plans that would result in the least amount of disruption that is feasible to transit operations, pedestrian and bicycle activity, and vehicular traffic.  The Construction Management Plan would disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruptions and ensure that overall circulation in the project area is maintained to the extent possible, with particular focus on ensuring transit, pedestrian, and bicycle connectivity. The program would supplement and expand, rather than modify or supersede, any manual, regulations, or provisions set forth by SFMTA, the Department	Project sponsor and/or construction contractor.	Prior to project construction and throughout construction.	SFMTA, planning department, other affected agencies.	Considered complete upon project sponsor's submittal of construction management plan to MTA and planning department.
of Public Works, or other city departments and agencies, and Caltrans.  Noise				
Project Mitigation Measure 7: Reduce Mechanical Equipment Noise (Implements TCDP PEIR Mitigation Measure M-NO-1e):  After completing installation of the mechanical equipment but before receipt of any Certificate of Occupancy, the project sponsor shall conduct noise measurements to ensure that the noise generated by stationary equipment complies with section 2909 (b) and (d) of the San Francisco Noise	Project sponsor, acoustical consultant/ acoustical engineer.	Prior to receipt of Certificate of Occupancy.	Planning Department.	Considered complete upon submittal of an acoustic memorandum demonstrating measured noise levels do not exceed noise standards.

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
Ordinance. The noise measurements shall be conducted by persons qualified in acoustical analysis and/or engineering. To ensure that the project noise from mechanical equipment is minimized to meet the Noise Ordinance requirements, the project sponsor shall incorporate the following measures:  • The generators shall include sound attenuators sufficient to not exceed 75 dBA at the project property plane.  • The Level 4 air-handler unit air intake systems shall include 10 feet of intermally lined duct or a sound attenuator sufficient to not exceed 61 dBA at the project property plane.  • The Level 6 exhaust fan air discharge system shall include 40 feet of intermally lined duct or a sound attenuator sufficient to not exceed 61 dBA at the project property plane.  • The Level 32 air-handler unit air intake systems shall include 5 feet of intermally lined duct or a sound attenuator sufficient to not exceed 61 dBA at the project property plane.  • The Level 32 exhaust fan air discharge systems shall include 5 feet of intermally lined duct or a sound attenuator sufficient to not exceed 61 dBA at the project property plane.  • The Level 62 (also referenced as mechanical mezzanine) exhaust fan air discharge systems shall include 10 feet of internally lined duct or a sound attenuator sufficient to not exceed 61 dBA at the project property plane.  On completion of such testing, the acoustical consultant/acoustical engineer shall submit a memorandum summarizing test results to the San Francisco Planning Department. If measured noise levels are found to exceed these standards, the project sponsor shall be responsible for implementing stationary equipment noise control measures or other acoustical upgrades such as additional noise insulation in mechanical rooms, until similar measurements of interior sound levels in sleeping or living rooms in residential units after installation of these upgrades demonstrate compliance with the noise ordinance standards above. No Certificate of Occupancy shall be issued for any part of the s				
Project Mitigation Measure 8: Control Exterior Amplified Noise (Implements TCDP PEIR Mitigation Measure M-NO-1e)  To ensure that the project noise from amplified noise is minimized to meet the Noise Ordinance requirements (article 29 of the Police Code), the project	Project sponsor	During operation of the project.	Project sponsor to implement ongoing monitoring of amplified noise, as needed and on an on-going basis.	Project sponsor to monitor compliance on an on-going basis following start of operation. Monitoring to continue indefinitely.

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul> <li>sponsor shall incorporate the following measures:         <ul> <li>During events on the Level 2 Terrace, the project sponsor shall ensure that amplified music be controlled to a noise level no greater than 57 dBA at 25 feet from the center of a given noise source (e.g., two loudspeakers, guitar amplifier, etc.). Permanent equipment (e.g., speakers) on-site and provided by the sponsor shall have electronic limiters and shall be set to maintain the 57 dBA at 25 feet limit.</li> <li>The sponsor shall ensure that speakers do not face sensitive receivers, including the mixed-use residential tower at 524 Howard Street. For temporary equipment brought for special events, the sponsor shall have a staff person with a sound level meter who would monitor the noise levels to ensure that the 57 dBA at 25 feet limit is maintained.</li> </ul> </li> <li>Project Mitigation Measure 9: General Construction Noise Control Measures (Implements TCDP PEIR Mitigation Measure M-NO-2b)</li> <li>To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor shall incorporate the following practices into the construction agreement to be implemented by the construction contractor during the entire construction phase of the proposed project:         <ul> <li>The project sponsor shall conduct noise monitoring at the beginning of major construction phases (e.g., demolition, excavation) to determine the need and the effectiveness of noise-attenuation measures.</li> <li>The project sponsor shall require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</li> <li>The project sponsor shall require the general contractor to avoid placing stationary</li></ul></li></ul>	Project sponsor and construction contractor(s).	Prior to site mobilization or use of any construction vehicles or equipment at the site and during construction.	Project sponsor to provide planning department with monthly reports during the construction period	Considered completed upon receipt of final monitoring report at completion of construction.

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.  • The project sponsor shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.  • The project sponsor shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the noisiest activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.  • Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the planning department and Department of Building Inspection (the building department) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying the building department, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing permitted construction days and hours, noise complaint procedures and who to notify in the event of a problem, with telephone numbers listed, and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for t		Scriedule		

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul> <li>information.</li> <li>The project sponsor shall limit construction to the hours of 7:00 a.m. to 8:00 p.m. per San Francisco Police Code Article 29.</li> <li>The project sponsor shall require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. Avoid unnecessary idling of equipment and engines.</li> </ul>				
Project Mitigation Measure 10- Construction Vehicle Emissions Minimization (Implements TCDP PEIR Mitigation Measure M-AQ-4a)  To reduce construction vehicle emissions, the project sponsor shall incorporate the following into construction specifications:  All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.  Project Mitigation Measure 11- Construction Vehicle Emissions Evaluation and Minimization (Implements TCDP PEIR Mitigation Measure M-AQ-5)  The project sponsor or the project sponsor's contractor shall comply with the	Project sponsor and construction contractor(s).  Project sponsor and construction contractor(s).	Prior to site mobilization or use of any construction vehicles or equipment at the site and during construction.  Submit certification statement prior to construction activities	Project sponsor, contractor(s), and ERO.  Project sponsor, contractor(s) to submit certification statement to the ERO.	Considered complete upon submittal and acceptance of certification statement.  Considered complete upon submittal and acceptance of certification statement.
<ol> <li>following:</li> <li>Engine Requirements.         <ul> <li>All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (U.S. EPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emissions standards automatically meet this requirement.</li> <li>Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</li> <li>Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding</li> </ul> </li> </ol>		requiring the use of off-road equipment.		

	IMPROVEMENT MEASU AS CONDITIONS OF AF		Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
safe operating visible signs queuing areas the two minute d) The Contracto operators on equipment, an maintain and specifications.  2) Waivers  a) The planning designee (ER requirement of limited or infea the Contractor for onsite pow (1)(a). The ER (1)(a) if: a parti 3 VDECS is produce desire modes; installa or impaired viemergency ne with an ARB I	department's Environment department departmen	shall post legible and chinese, in designated to remind operators of workers and equipment uning of construction and operators properly nce with manufacturer all Review Officer or tive source of power ive source of power ive source of power is ERO grants the waiver, hat the equipment used equirements of section requirements of section requirements of section ment with an ARB Level equipment would not to expected operating create a safety hazard there is a compelling and that is not retrofitted grants the waiver, the				
Compliance Alternative	Engine Emission Standard	Emissions Control				
1	Tier 2	ARB Level 2 VDECS				
!					i	
2	Tier 2	ARB Level 1 VDECS				

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
				,
contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the contractor must meet Compliance Alternative 3. *Alternative Fuels are not a VDECS.				
<ul> <li>3) Construction Emissions Minimization Plan. Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan to the ERO for review and approval. The plan shall state, in reasonable detail, how the Contractor will meet the requirements of section 1.</li> <li>a) The plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</li> <li>b) The ERO shall ensure that all applicable requirements of the plan have been incorporated into the contract specifications. The plan shall include a certification statement that the contractor agrees to comply fully with the plan.</li> <li>c) The contractor shall make the plan available to the public for review on-site during work hours. The contractor shall post at the construction site, a legible and visible sign summarizing the plan. The sign shall also state that the public may ask to inspect the plan for the project at any time during working hours and shall explain how to request to inspect the plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the</li> </ul>	Project sponsor and construction contractor(s).	Prepare and submit a Plan prior to issuance of a permit specified in Section 106A.3.2.6 of the San Francisco Building Code.	Project sponsor, contractor(s) and the ERO.	Considered complete upon findings by the ERO that the Plan is complete.
construction site facing a public right-of-way.  4) Monitoring. After start of construction activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific	Project sponsor and construction contractor(s).	Submit quarterly reports.	Project sponsor, construction contractor(s) and the ERO.	Considered complete upon findings by the ERO that the Plan is being/has been implemented.

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
Project Mitigation Measure 12- Best Available Control Technology for Diesel Generators (Implements TCDP PEIR Mitigation Measure M-AQ-3)  The project sponsor shall ensure that the backup diesel generators meet or exceed one of the following emission standards for particulate matter: (1)  Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality Management District (air district) approves of its use. The project sponsor shall submit documentation of compliance with the air district New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the planning department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.	Project sponsor and project contractor; air district.	Prior to issuance of a permit for a backup diesel generator	Project sponsor shall submit documentation to the Planning Department verifying best available control technology for all installed diesel generators on the project site.	Considered complete upon submittal of documentation to the Planning Department.

**Improvement Measures** 

Transportation				
Project Improvement Measure 1- Install Conflict Striping To increase visibility of the driveway crossing and passenger loading zone, the project should construct a highly visible treatment on the street across the loading dock driveway and passenger loading zone. For example, skip stop conflict striping or solid green markings could be used in the bike lane to demarcate the conflict zones. Implementation of this improvement measure would require the review and approval of SFMTA.	Project sponsor and construction contractor(s).	Prior to issuance of occupancy permit and during construction.	Planning Department and SFMTA.	Considered complete upon installation of conflict striping.
Project Improvement Measure 2- Queue Abatement It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces to ensure that vehicle queues do not occur regularly on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of Natoma Street or sidewalk for a consecutive period of 3 minutes or longer on a daily or weekly basis.	Project sponsor, building management, and owner/operator of the parking facility to implement ongoing monitoring of vehicle queues indefinitely.	During operation of the project.	Project sponsor to implement ongoing monitoring of vehicle queues and employ abatement methods, as needed on an on-going basis.	Project sponsor to monitor compliance on an on-going basis following start of operation. Monitoring to continue indefinitely.

PROPOSED IMPROVEMENT MEASURES TO BE ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Action and Schedule	Monitoring/Report Responsibility	Status/Date Completed
If a recurring queue occurs, the owner/operator of the parking facility should employ abatement methods as needed to abate the queue. Suggested proactive methods may include:  • Employment or deployment of additional valet staff to direct passenger loading activities  • Installation of LOT FULL signs with active management by attendants  • Use of off-site parking facilities  • Implementation of additional transportation demand management strategies, including parking time limits, paid parking, time of day parking surcharge  If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Planning Department should 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 to 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.	Project sponsor, transportation consultant.	During operation of the project.	Transportation consultant to prepare a monitoring report.	Considered complete upon approval of monitoring report and abatement of vehicle queues to the Planning Director or designated Planning staff.

## Exhibit D – Environmental Determination



## Certificate of Determination Community Plan Evaluation

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

Reception: 415.558.6378

Planning

Information: 415.558.6377

415.558.6409

Case No.:

2016-013312ENV

Project Address:

542-550 Howard Street

Zoning:

C-3-O(SD) – Downtown Office (Special Development)

P - Public

Transit Center C-3-O(SD) Commercial Special Use District

Transbay C-3 Special Use District
Transbay Redevelopment Area Zone 2

750-S-2 Height and Bulk District 450-S Height and Bulk District

Block/Lot:

3721/016, 135, 136, 138

Lot Size:

31,980 square feet (0.73 acre)

Plan Area:

Transit Center District Plan (TCDP)

Project Sponsor:

Cameron Falconer, Hines, (415) 982-6200, cameron.falconer@hines.com

Staff Contact:

Alesia Hsiao, (415) 575-9044, alesia.hsiao@sfgov.org

#### PROJECT DESCRIPTION

The proposed project involves the construction of a 750-foot-tall (800 feet including rooftop mechanical features), 61-story, mixed-use high-rise tower approximately 1,089650 gross square feet (gsf) in size. The proposed building would include approximately 165 dwelling units, 189 hotel rooms, 274,000 gsf of office uses, 59,800 gsf of hotel amenities, 9,900 square feet (sf) of retail, 22,400 sf of open space, and four belowgrade levels that would accommodate up to 183 vehicle parking spaces (a total of approximately 74,600 square feet). The project would also provide 177 class 1 bicycle parking spaces and 20 class 2 bicycle parking spaces.

(Continued on next page.)

#### **CEQA DETERMINATION**

The project is eligible for streamlined environmental review per section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code section 21083.3

#### DETERMINATION

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

Lisa Gibson

8/27/19 Date

**Environmental Review Officer** 

cc: Cameron Falconer, Project Sponsor; Supervisor Matt Haney, District 6; Nick Foster, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

#### PROJECT DESCRIPTION (continued)

#### **Project Location and Site Characteristics**

The project site encompasses four lots on the block bounded by Natoma Street<sup>1</sup> to the north, Howard Street to the south, First Street to the east, and Second Street to the west within the city's Financial District (see Project Location). It is also within the Transit Center District Plan (TCDP) subarea of the San Francisco General Plan's Downtown Plan. Natoma and Howard streets front the project site. The site is currently vacant except for one air vent and a below-grade train box associated with the Transbay Transit Center (TTC) located beneath a portion of the site, and has been recently utilized as a staging area for the construction of the TTC. A bus bridge over Howard Street connecting the Bay Bridge bus-only on- and off-ramp and the TTC is directly west of the site. There are two existing curb cuts along Howard Street.

#### **Project Characteristics**

Proposed Land Uses

As noted above, the project sponsor proposes the construction of a new 61-story, mixed-use high-rise tower. See p. 1 for project description details.

The proposed project would be 750 feet in height to the roofline, and 800 feet to the top of the rooftop mechanical features, which would include elevator overruns, mechanical equipment, and cooling towers. As noted above, the project site is located within the C-3-O (SD) Downtown Office Special Development, Public (P), and Transbay C-3 Special Use districts, Zone 2 of the Redevelopment Area, and 750-S-2 and 450-S height and bulk districts. The project sponsor would request a zoning map amendment to amend San Francisco Zoning Maps ZN-01 and HT-01 to swap height and bulk classifications of the two parcels within the project site and to rezone a portion of the site from P to C-3-O(SD). The sponsor would also seek uncodified legislative amendments to permit residential floor plates over 15,000 sf and to permit the project's inclusionary affordable dwelling units to be provided off-site within the Transbay Redevelopment Area.<sup>2</sup> The existing air vent associated with the TTC would be removed and the venting system would be converted to a dry cooling system with the new vent constructed on the Transbay Joint Powers Authority (TJPA) property adjacent to the western edge of the vehicle ramp into the subterranean portion of the TTC.

The ground level of the proposed project would include the residential, hotel, and office lobbies, and approximately 2,300 sf of retail spaces. Levels 2, 3, 6 and 7 would contain hotel amenities. The hotel amenities would include meeting/conference/pre-function space, catering kitchen spaces, a gym/pool/spa serving hotel guests and residents, exclusively, and hotel back-of-house spaces. Level 4 would contain a *class 1* bicycle storage facility with 177 secured bicycle spaces. Level 5 would contain additional retail spaces (approximately 7,600 sf) and would be connected to the TTC rooftop terrace and park by a 22-footwide, 65-foot-long pedestrian bridge over Natoma Street. Levels 8 through 16 would contain hotel rooms and servicing areas. Levels 17 through 31 would contain office space, which is intended to be leased to traditional office tenants in the market.

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Natoma Street is an east-west alleyway running discontinuously between First and Lafayette streets. The western portion of Natoma Street between First and Second streets is currently closed due to construction and will soon be converted to a primarily pedestrian-only street. The eastern third of this segment of Natoma Street has been converted to two-way operations and will continue to operate as a two-way street after construction of the Transbay Transit Center.

<sup>&</sup>lt;sup>2</sup> San Francisco Planning Department, Legislative Amendment Application, January 23, 2018. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File Nos. 2016-013312MAP and 2016-013312PCA.

Levels 33 through 61 would contain the residential uses, with 165 residential units. Level 33 would include residential amenities, including a chef's kitchen and bar, private dining and media space, café, resident library and an approximately 2,500 sf outdoor terrace along the western and eastern portions of the level that would provide common open space to residents. The proposed project would provide affordable housing either on-site or off-site. If provided off-site, approximately 55 affordable housing units would be accommodated on another site within the Transbay Redevelopment Plan Area, potentially located in a future building on Transbay Block 4 on Howard Street between Beale and Main Streets, approximately three blocks east of the project site.

Mechanical equipment, such as air handlers, exhaust fans, water treatment equipment, fire tanks, fire pumps, and storm water holding tank would be located on levels B1 through B4, 2, 4, 6, 7, 32, and the mechanical mezzanine. Two diesel emergency generators (a base building emergency generator and a potential tenant emergency generator) would be installed on levels B1 and 7.

#### Streetscape Improvements

Pedestrian access into the building would be provided at multiple locations along the perimeter of the building. The hotel and residential shared lobby would be accessible from a pedestrian entrance on the Natoma Street frontage, whereas the office and residential lobbies would be accessible from separate pedestrian entrances along the Howard Street frontage. A nine-foot-wide public passageway on the far western side of the site adjacent to the TTC bus bridge would provide through access between Natoma and Howard streets for pedestrians and bicyclists. A glass-enclosed public elevator fronting Natoma Street would provide access to the proposed retail space and 22-foot-wide pedestrian bridge to Salesforce Park, located on level 5. The pedestrian bridge, which would have 6-foot-tall solid glass parapet railings and would be constructed 65 feet over Natoma Street, would provide public access and a direct connection to the recently constructed TTC Salesforce Park. Approximately 108 linear feet of public right of way on Howard Street would be converted to a passenger loading zone.

#### Circulation, Parking and Loading

The proposed project would construct a new vehicular roadway and cul-de-sac. The new roadway would provide vehicular access into the western two-thirds of Natoma Street between First and Second streets by constructing an additional 85.5 feet within the Natoma Street right-of-way. The project would also construct a new cul-de-sac, which would extend an additional 64.5 feet for a combined 150 feet vehicular roadway extension. The 64.5-foot-wide cul-de-sac would have a curb cut providing vehicular access to three car elevators and the below-grade garage. The garage would be valet operated with vehicular drop-off and pick-up from the cul-de-sac. The westernmost edge of the cul-de-sac would contain security bollards to prevent vehicles from traveling west on Natoma Street beyond the cul-de-sac to create a pedestrian only zone.<sup>3</sup> Some of the bollards would be removable to allow for emergency vehicle access into the pedestrian zone, as needed.

The proposed four below-grade subterranean garage levels would accommodate 183 vehicle parking spaces (12 hotel, 83 residential, 88 office, and three car share spaces) arranged in mechanical stackers. The project would also include a class 1 bicycle storage facility with 177 secured bicycle spaces on level 4 and

SAN FRANCISCO
PLANNING DEPARTMENT

<sup>3</sup> At the time of this environmental analysis, Natoma Street west of the proposed cul-de-sac to Second Street is planned to be a pedestrian only zone.

would be accessed using the public elevator located near the hotel lobby on Natoma Street. *Class* 2 bicycle spaces for 20 bicycles would be provided in racks on sidewalks along Howard Street and Natoma Street.

The project sponsor would seek approval from SFMTA for a 108-foot-long white curb passenger loading zone along Howard Street that could also accommodate tour bus loading for the hotel on an as-needed basis. The white curb passenger loading zone would help to accommodate general passenger loading/unloading activity (i.e., proposed project-related loading activity, as well as other activity in the surrounding area). For freight loading, the building would feature an off-street loading dock along the western portion of the project site with four off-street freight loading spaces (measuring 10 feet wide by 30 feet long with at least 14 feet vertical clearance) and a truck turntable to allow trucks to head in and out of the loading area from Howard Street without needing to back up.

#### Public Open Spaces

The proposed project would include a total of 5,800 sf of publicly accessible open space including 1,950 sf of open space for the public passageway from Howard Street through the project site to Natoma Street, 670 sf of open space adjacent to the public elevator, 830 sf for the public elevator at level 5, and 2,350 sf of publicly accessible open space at the pedestrian bridge and terrace at level 5.4

#### Common Open Spaces

The proposed project would include a total of 16,600 of residential, hotel, and office common open spaces. The proposed project would include 9,500 sf of residential common open space with 7,500 sf on the roof top and 2,000 sf on level 33. In addition, the project would include 7,200 square feet of common outdoor terraces available for the hotel and office tenants. The project would include 3,800 square feet of common outdoor spaces on level 2 (the northeast portion above the ground floor retail on Natoma Street), 900 square feet of common open space on level 6 (along the Howard Street frontage), and 1,600 square feet of common open space on level 7 (along the eastern side of the building) for hotel guests. The project would include 900 square feet of common outdoor open space on level 31 (along both the eastern and western perimeters of the building) for the office tenant.

#### Construction

Construction of the proposed project would occur in a single phase lasting approximately 45 months. Excavation is expected to be conducted to a maximum depth of approximately 70 feet below the ground surface for construction of the four below-grade parking levels, which would result in the removal of approximately 51,180 cubic yards of soil.

The proposed tower structure would be supported on a mat with deep foundations to bedrock, ranging from 130 to 185 feet below existing grades. The mat may be up to 13 feet thick beneath the tower core, and 5 feet thick beneath the podium. Deep foundation types such as large diameter drilled cast-in-place piers (also known as drilled shafts) or rectangular-section load bearing elements (also known as barrettes) would extend to bedrock. The bottom of the tower core mat may extend eight feet below the bottom of the adjacent Transit Center train box<sup>5</sup> foundation, but the podium foundation would not extend below the bottom of the adjacent Transit Center train box foundation, but the podium foundation would not

<sup>4</sup> The proposed project provides public open space elements that meet the criteria per Planning Code Section 138, Privately-owned public open space requirements in C-3 districts.

<sup>&</sup>lt;sup>5</sup> The train box is the subterranean portion of the Transit Center that will house the Caltrain and high-speed rail (HSR) tracks leading into the station. (U.S. Department of Transportation Federal Transit Administration and the Transbay Joint Power Authority, Draft Supplemental Environmental Impact Statement/Environmental Impact Report for the Transbay Transit Center Program, December 2015).

extend below the bottom of the adjacent Transit Center train box foundation. The portion of the tower and podium mat over the Transit Center train box would be designed to cantilever over the train box. Impact pile driving is not proposed or required.

Construction staging would occur primarily within the confines of the project site, but would occasionally occur on portions of the public right-of-way along both Howard and Natoma streets. Parking lane and sidewalk closures would be required throughout the approximately 45-month construction period on Howard and Natoma streets and the sidewalk would be rerouted to the perimeter of the parking lane. On Natoma Street, the southern portion of the promenade and street adjacent to the site would be closed; instead pedestrian access would be provided on Natoma Street on the northern half of the street. Signage and pedestrian protection would be erected, as appropriate, for all sidewalk and travel lane closures.

#### **PROJECT APPROVALS**

The proposed project would require the following approvals:

San Francisco Planning Commission

- Downtown Project Authorization, pursuant to Planning Code section 309, with exceptions to the requirements for "Streetwall Base" and "Tower Separation" pursuant to section 132.1; "Rear Yard" pursuant to section 134; Reduction of Ground-Level Wind Currents" in C-3 Districts pursuant to section 148; "Off-Street Freight Loading" per sections 152.1 and 161; "Loading Driveway Access from Bicycle Route Street" per section 155 (r)(4); "Off-street Tour Bus Loading" per section 162; and "Bulk Controls" per section 270 and 272; and "Dwelling Unit Exposure" per section 140;.
- Conditional Use Authorization to establish Hotel Use per sections 210.2 and 303.
- Zoning Administrator consideration of Variance for Parking and Loading Entrance Width per section 145; Active Street Frontages per section 145.1; and Vehicular Ingress and Egress on Natoma Street per section 155(r)(2).
- Office Allocation per section 321.
- General Plan Amendment to amend Maps 1 and 5 of the Downtown Plan and Figure 1 of the Transit Center District Plan.
- Legislative Amendment to amend San Francisco Zoning Maps ZN-01 and HT-01 for height and bulk classification and zoning designation; Uncodified Legislative Amendments for: the residential floor plate requirement per section 248; and authorization of off-site inclusionary affordable dwelling units per section 249.28 (recommendation to Board of Supervisors).
- Findings, upon the recommendation of the Recreation and Park Director and/or Commission, that shadow would not adversely affect public open spaces under Recreation and Park Commission jurisdiction (section 295).

#### Office of Community Investment and Infrastructure

 Variation from Transbay Redevelopment Plan for off-site inclusionary affordable housing (section 4.9.3 of Redevelopment Plan; Planning Code section 249.28).

#### San Francisco Board of Supervisors

• General Plan Amendment to amend Maps 1 and 5 of the Downtown Plan and Figure 1 of the Transit Center District Plan.

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- Legislative Amendment to amend San Francisco Zoning Maps ZN-01 and HT-01 for height and bulk classification and zoning designation; Uncodified Legislative Amendments for the residential floor plate requirement per section 248 and authorization of off-site inclusionary affordable dwelling units per section 249.28.
- Consent to Variation from Transbay Redevelopment Plan for off-site inclusionary affordable housing (section 4.9.3 of Redevelopment Plan).

#### San Francisco Municipal Transportation Agency

- Approval of a white curb passenger loading zone along Howard Street to accommodate passenger and tour bus loading.
- Approval of any necessary construction permits for work within roadways, if required.

#### San Francisco Department of Building Inspection

Review and approval of building and demolition permits.

#### San Francisco Public Utilities Commission

- Review and approval of the water supply assessment.
- Review and approval of the stormwater management system to meet the Stormwater Design Guidelines.
- Review and approval of an Erosion and Sediment Control Plan in accordance with Article 4.1 of the San Francisco Public Works Code for construction activities.

#### San Francisco Department of Public Works

 Approval of any changes in the public right-of-way and any necessary construction permits for work within roadways.

#### Bay Area Air Quality Management District

Approval of a permit to operate the proposed backup emergency generators.

The proposed project is subject to Downtown Project Authorization from the Planning Commission, which is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

#### **COMMUNITY PLAN EVALUATION OVERVIEW**

California Public Resources Code section 21083.3 and CEQA Guidelines section 15183 provide that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or

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to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 542-550 Howard Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Transit Center District Plan and Transit Tower (TCDP).<sup>6</sup> Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the TCDP PEIR.

After years of analysis, community outreach, and public review, the TCDP PEIR was adopted in May 2012.7. The TCDP PEIR was adopted to result in new planning policies and controls for land use; urban form, including building height and design; street network modifications/public realm improvements; historic preservation; and district sustainability, including the enhancement of green building standards in the district, among other features. The TCDP allows for height limit increases in subareas composed of multiple parcels or blocks within the TCDP plan area. It also includes one or more financial programs to support the Transit Center Program and other public infrastructure and amenities in the area, through the implementation of one or more new fees, taxes, or assessments that applied to new development.

The Planning Commission held public hearings to consider the various aspects of the TCDP and related Planning Code and Zoning Map amendments. On May 24, 2012, the Planning Commission certified the TCDP PEIR by Motion 18628.8 The Board of Supervisors affirmed the certification on July 5, 2012, by Motion M12-0078. The TCDP was adopted and became effective in September 2012, including a comprehensive program of zoning changes, including elimination of the floor area ratio (FAR) maximums and increased height limits on certain parcels, including the project site.

The TCDP PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the TCDP, as well as the potential impacts under several proposed alternative scenarios. The TCDP plan area is centered on the new Transbay Transit Center site. The TCDP is a comprehensive plan for a portion of the southern downtown financial district and contains the overarching premise that to accommodate projected office-related job growth in the City, additional office development capacity must be provided in proximity to the City's greatest concentration of public transit service. The project site is within the C-3-O (SD) Downtown Office Special Development use district, and is also within the Transit Center Commercial Special Use District (SUD), identified in the Plan, in which the limits on non-commercial space apply (*Planning Code* section 248). The Plan establishes new development impact fees to be collected from almost all development projects within the C-3-O (SD) District. These include the Transit Center District Open Space Impact Fee and Fund, Transit Center District Transportation and Street Improvement Impact Fee and Fund, and the Transit Center District Mello Roos Community Facilities District Program. The 524-550 Howard Street project site was analyzed in the TCDP EIR as a site with a high-rise tower with mixed-uses.

Individual projects that could occur in the future under the TCDP will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the

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<sup>6</sup> San Francisco Planning Department, Planning Department Case Nos. 2007.0558E and 2008.0789E and State Clearinghouse No. 2008072073

<sup>&</sup>lt;sup>7</sup> San Francisco Planning Department, Transit Center District Plan and Transit Tower Final Environmental Impact Report (FEIR), Planning Department Case No. 2008.0877E and 2007.1035E, certified May 24, 2012. Available online at: <a href="http://www.sf-planning.org/index.aspx?page=1893">http://www.sf-planning.org/index.aspx?page=1893</a>, accessed September 10, 2018.

<sup>8</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 18628, May 24, 2012. Available online at: http://commissions.sfplanning.org/cpcmotions/2012/18628.pdf, accessed September 10, 2018.

development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 524-550 Howard Street is consistent with and was encompassed within the analysis in the TCDP PEIR. This determination also finds that the TCDP PEIR adequately anticipated and described the impacts of the proposed 524-550 Howard Street project, and identified the mitigation measures applicable to the 524-550 Howard Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site. 9.10 Therefore, no further CEQA evaluation for the 524-550 Howard Street project is required. In sum, the TCDP PEIR and this Certificate of Determination and accompanying project-specific initial study comprise the full and complete CEQA evaluation necessary for the proposed project.

#### **PROJECT SETTING**

As noted above, the project site is within the TCDP area, which is centered on the new TTC site. The TCDP is a comprehensive plan for a portion of the southern downtown financial district and contains the overarching premise that to accommodate projected office-related job growth in the city, additional office development capacity must be provided in proximity to the city's greatest concentration of public transit service. The TCDP, which was adopted and became effective in September 2012, includes a comprehensive program of zoning changes, including elimination of the floor area ratio (FAR) maximums and increased height limits on certain parcels, including the project site. The TCDP's policies and land use controls allow for increased development and improved public amenities in the project area, with the intention of creating a dense transit-oriented district.

The project site is also within Zone 2 of the adopted Transbay Redevelopment Area. At the time of redevelopment plan adoption, the San Francisco Redevelopment Agency implemented a Delegation Agreement with the planning department to generally assign responsibility and jurisdiction for planning, zoning, and project entitlements in Zone 2 of the redevelopment area to the planning department and planning commission. As such, the planning department retains land use authority within Zone 2 and this zone is governed by the planning code, as administered by the planning department and planning commission. Although California dissolved all California Redevelopment Agencies, effective February 1, 2012, this act did not result in changes to land use controls or project approval processes for projects proposed within Zone 2. The Office of Community Investment and Infrastructure (OCII) is serving as the successor agency to the former San Francisco Redevelopment Agency.

As noted above, the project site is within the C-3-O (SD) Downtown Office Special Development Use District, and is also within the Transit Center Commercial Special Use District (SD), identified in the TCDP, in which the limits on non-commercial space apply (Planning Code section 248). The project site is also located within the Transbay C-3 SUD, as well as Zone 2 of the Redevelopment Area, which contains additional land use controls to implement the Transbay Redevelopment Plan and its companion documents (Planning Code section 249.28). In general, these controls require proposed development within the SUD to undertake streetscape improvements, deposit fees into the Downtown Open Space Fund, pay other fees into the Citywide Affordable Housing Fund, construct affordable housing on-site, and, for any parcels adjacent or facing the new Transit Center and its ramp structures, provide active

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<sup>9</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning Analysis, 524-550 Howard Street, March 7, 2018. This document, and other cited documents, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2015-008058ENV.

<sup>10</sup> San Francisco Planning Department, Community Plan Exemption Evaluation Determination, Current Planning Analysis, 524-550 Howard Street, October 26, 2017.

ground floor uses and direct pedestrian access from these areas to the ramps around the future Transit Center. Of note and as described in the Transbay Redevelopment Plan section 4.9.3, the city's standard Inclusionary Housing Ordinance (Planning Code section 415) does apply to the project site. The proposed project would comply with section 415 requirements by including affordable housing either on-site or offsite. As noted above, if the affordable housing component is provided off-site, approximately 55 affordable housing units would have to be accommodated on a site within the Transbay Redevelopment Area, potentially within a proposed building on Transbay Block 4 or on another site. Block 4 was previously analyzed to include residential units per the Transbay Redevelopment Plan and Transbay Terminal EIS/EIR.<sup>11</sup> The development on Block 4 is analyzed as part of the cumulative scenario.

In addition, the TCDP establishes new development impact fees to be collected from almost all development projects within the C-3-O (SD) District. These include the Transit Center District Open Space Impact Fee and Fund, Transit Center District Transportation and Street Improvement Impact Fee and Fund, and the Transit Center District Mello-Roos Community Facilities District Program. The TTC building site is located north of the project site and extends from Beale Street westward almost to Second Street. Completed in 2018, the five-story (three above ground) TTC provides a one-million-square-foot regional bus and rail station with a five-acre public park atop the building (the bus terminal and Salesforce Park are currently open).

Development in the project vicinity consists primarily of high-density residential and office uses with ground floor retail and restaurant uses. The block on which the project site is located contains several low to mid-rise office buildings and construction staging for planned developments. The aforementioned 5-story TTC and the Salesforce Park are located to the north of the project site, 2- to 3- story buildings at 547, 555, and 557 Howard streets are located to the south of the project site, and a 3-story building at 540 Howard Street, a 4-story building at 530 Howard Street, and a parking lot at 524 Howard Street are located east of the project site. The 2- to 3-story buildings at 547, 555, and 557 Howard streets are planned to be replaced with an approximately 385 foot-tall, 36-story mixed use residential and hotel development project. The parking lot at 524 Howard Street is planned to be replaced with an approximately 495-foot-tall, 48-story mixed use residential and hotel development. Several other high-rise buildings are planned, under construction, or have recently completed construction in the surrounding area, including a newly completed office-residential tower at 181 Fremont Street.

The nearest open spaces to the project site include Embarcadero Plaza (Justin Herman Plaza) on the Embarcadero to the north and south of Market Streets located 0.48 miles northeast of the project site, Guy Place at First Street located 0.17 miles southeast of the project site, Sue Bierman Park located 0.55 miles northeast of the project site, Union Square Plaza located 0.47 miles west of the project site, Rincon Park along the Embarcadero located 0.48 miles northeast of the project site, and Salesforce Park (referenced as City Park in the TCDP PEIR) on the rooftop of the Transbay Transit Center accessible from the proposed pedestrian bridge; the former four open spaces are Recreation and Park Department properties, while the latter two are under the jurisdiction of the Port of San Francisco and the Transbay Joint Powers Authority respectively. In addition, there are numerous privately owned, publicly accessible plazas, gardens and open spaces nearby.

U.S. Department of Transportation Federal Transit Administration, City and County of San Francisco, Peninsula Corridor Joint Powers Board, and San Francisco Redevelopment Agency, Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project Final Environmental Impact Statement / Environmental Impact Report and section 4(f) Evaluation, March 2004.

<sup>&</sup>lt;sup>12</sup> San Francisco Planning Department, Planning Department Case No. 2015-008058ENV 555 Howard Street, February 16, 2017.

<sup>&</sup>lt;sup>13</sup> San Francisco Planning Department, Planning Department Case No. 2013.0882ENV 524 Howard Street, October 14, 2016.

<sup>&</sup>lt;sup>14</sup> San Francisco Planning Department, Planning Department Case No. 2007.0456E, 181 Fremont Street, November 16, 2012.

#### POTENTIAL ENVIRONMENTAL EFFECTS

The TCDP PEIR included analyses of environmental issues including: land use; plans and policies; aesthetics; population, housing, business activity, and employment (growth inducement); cultural resources; transportation; noise; air quality; greenhouse gas emissions; wind and shadow; recreation and public space; utilities and service systems; public services; biological resources; geology, soils, and seismicity; hydrology and water quality; hazards and hazardous materials; mineral and energy resources; and agricultural and forestry resources. The 524-550 Howard Street project is in substantial conformance with the height, use and density for uses within the TCDP as described in the TCDP PEIR and would represent a small part of the growth that was forecast for the TCDP area. Thus, the plan analyzed in the TCDP PEIR considered the incremental impacts of development of the 524-550 Howard Street project. The project would not result in any new or substantially more severe impacts than were identified in the TCDP PEIR.

Significant and unavoidable impacts were identified in the TCDP PEIR for the following topics: historic architectural resources, transportation and circulation, noise, air quality, and shadow. The project would not demolish a historic resource, and the project site is not located within a known or eligible historic district. The proposed project is located in close proximity to historic resources (543, 531, 527, and 580 Howard streets) to the southeast and southwest of the project site. Since construction activity can generate vibration that can cause structural damage to nearby buildings, PEIR Mitigation Measures M-CP-5a: Construction Best Practices for Historical Resources (Project Mitigation Measure 1) and M-CP-5b: Construction Monitoring Program for Historical Resources (Project Mitigation Measure 2) would apply to the proposed project. Additionally, PEIR Mitigation Measure M-CP-1: Subsequent Archeological Testing Program (Project Mitigation Measure 3) would apply to the proposed project and would require the preparation and implementation of an Archeological Testing Program (AMP) and Archeological Data Recovery Plan (ADRP) may also be required.

Regarding transportation impacts, PEIR Mitigation Measure Measures M-TR-5: Garage/Loading Dock Attendant (Project Mitigation Measure 4) and M-TR-7a: Loading Dock Management (Project Mitigation Measure 5) would apply to the proposed project to ensure that the operation of the building's parking garage and passenger and freight loading areas would not introduce hazards for or substantially interfere with pedestrians, vehicles, and bicyclists traveling along Howard and Natoma streets. These mitigation measures would also reduce potential for conflicts generated by tour buses entering and exiting the loading zone. Additionally, PEIR Mitigation Measure M-TR-9: Construction Coordination (Project Mitigation Measure 6) would apply to the proposed project and would require the development of a Construction Management Plan.

Regarding noise impacts, the proposed project does not involve pile driving but since the proposed project could generate excessive construction noise, PEIR Mitigation Measure M-NO-2b: General Construction Control Measures (Project Mitigation Measure 9) is applicable and would ensure that project noise from construction activities is minimized to the maximum extent feasible. PEIR Mitigation Measure M-NO-1e: Interior Mechanical Equipment (Project Mitigation Measures 7 and 8) would apply to the proposed project to reduce mechanical equipment noise and amplified music noise.

Regarding air quality impacts, the project would be subject to PEIR Mitigation Measures M-AQ-4a: Construction Vehicle Emissions Minimization (Project Mitigation Measure 10) and M-AQ-5: Construction Vehicle Emissions Evaluation and Minimization (Project Mitigation Measure 11) to address construction air quality impacts. The project site is located within the Air Pollutant Exposure Zone and the project's residential uses would be subject to the enhanced ventilation requirements under Health Code Article 38.

Since the project proposes two emergency generators, PEIR Mitigation Measure M-AQ-3: Siting of Uses that Emit DPM and Other TACs (Project Mitigation Measure 12) would also apply.

Regarding shadow impacts, a project-specific shadow study determined that the proposed project would cast new shadows on Union Square Plaza and Willie "Woo Woo" Wong Playground, both of which are under the jurisdiction of the Recreation and Park Department, as well as Rincon Park (under the jurisdiction of Port of San Francisco)<sup>15</sup> and Salesforce Park (under the jurisdiction of the TJPA). The shadow study found that the project would cast an incremental increase in the shadow duration, location, and amount cast on Union Square Plaza, Willie "Woo Woo" Wong Playground, Rincon Park, and Salesforce Park. The proposed project's new shadow would contribute considerably to the significant and unavoidable shadow impacts, however would not result in shadow impacts beyond those analyzed in the PEIR, nor would it result in substantially severe impacts than identified in the PEIR. Additionally, shadow on nearby privately owned, publicly accessible open spaces (POPOS) and future parks were determined to be less than significant.

**Table 1,** below, lists the mitigation measures identified in the TCDP PEIR and states whether each measure would apply to the proposed project.

Mitigation Measure	Applicability	Compliance
D. Cultural and Paleontological Resources		
M-CP-1: Subsequent Archeological Testing Program	Applicable: There is a potential for discovering intact prehistoric archaeological deposits in the project site.	The project sponsor has agreed to implement the Planning Department's Standard Mitigation Measure #3 (Archeological Testing), as Project Mitigation Measure 3.
M-CP-3a: HABS/HAER Documentation	Not Applicable: This measure applies to historic resources, of which there are none on the project site.	Not Applicable
M-CP-3b: Public Interpretative Displays	Not Applicable: This measure applies to historic resources, of which there are none on the project site.	Not Applicable
M-CP-3c: Relocation of Historic Resources	Not Applicable: This measure applies to historic resources, of which there are none on the project site.	Not Applicable
M-CP-3d: Salvage of Historical Resources	Not Applicable: This measure applies to historic resources, of which there are none on the project site.	Not Applicable
M-CP-5a: Construction Best Practices for Historical Resources	Applicable: Construction would be undertaken in proximity to potential historic buildings.	The project sponsor has agreed to incorporate best practices for historical resources into the construction specifications (see

Table 1 – TCDP PEIR Mitigation Measures

<sup>15</sup> Port of San Francisco, Parks and Open Space, Available online at: <a href="https://sfport.com/parks-and-open-spaces">https://sfport.com/parks-and-open-spaces</a>, accessed October 24, 2018.

Mitigation Measure	Applicability	Compliance
		Project Mitigation Measure 1).
M-CP-5b: Construction Monitoring Program for Historical Resources		
E. Transportation		
M-TR-1a: Signal Timing Optimization (Stockton/Geary Streets, Kearny/Sutter Streets, Battery/California Streets, Embarcadero/Washington Street, Third/Folsom Streets, Beale/Folsom Streets, Embarcadero/Folsom Street)	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1b: Taxi Left-Turn Prohibition (Third/Mission Streets)	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1c: Beale / Mission Streets Bulbs and Optimization.	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1d: Stewart/Howard Streets Restriping.	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1e: Beale / Folsom Streets Left- Turn Prohibition and Signal Optimization.	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1f: Third / Harrison Streets Restriping.	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1g: Hawthorne / Harrison Streets Restriping.	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1h: Second / Harrison Streets Turn Prohibition and Optimization.	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1i: Third / Bryant Streets Bulbs and Optimization.	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1j: Second / Bryant Streets Bulbs and Optimization.	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1k: Second / Tehama Streets Restriping and Optimization.	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-1m: Downtown Traffic Signal Study	Not applicable; automobile delay removed from CEQA analysis.	Not Applicable
M-TR-3a: Installation and Operation of Transit-Only and Transit Queue-Jump Lanes	Not applicable: Plan-level mitigation by SFMTA.	Not Applicable

Mitigation Measure	Applicability	Compliance	
M-TR-3b: Exclusive Muni Use of Mission Street Boarding Islands	Not applicable: Plan-level mitigation by SFMTA.	Not Applicable	
M-TR-3c: Transit Improvements on Plan Area Streets	Not applicable: Plan-level mitigation by SFMTA.	Not Applicable	
M-TR-3d: Increased Funding to Offset Transit Delays	Not applicable: Plan-level mitigation that would require fee legislation.	Not Applicable	
M-TR-3e: Increased Funding of Regional Transit	Not applicable: Plan-level mitigation that would require fee legislation.	Not Applicable	
M-TR-4a: Widen Crosswalks	Not applicable: Plan-level mitigation by SFMTA.	Not Applicable	
M-TR-5: Garage/Loading Dock Attendant	Applicable: Vehicles entering and exiting the project site could increase the potential for pedestrian and bicyclist conflicts.	The project sponsor has agreed to provide a parking garage/loading attendant at the project site (see Project Mitigation Measure 4).	
M-TR-7a: Loading Dock Management	Applicable: Loading dock activities entering and exiting the project site could increase the potential for pedestrian and bicyclist conflicts.	The project sponsor has agreed to prepare and implement a loading management plan at the project site (see Project Mitigation Measure 5).	
M-TR-7b: Augmentation of On-Street	Not applicable: Plan-level mitigation by SFMTA.	Not Applicable	
Loading Space Supply M-TR-9: Construction Coordination	Applicable: Project construction would contribute to cumulative impacts to transit, traffic, pedestrian, and bicycle circulation.	The project sponsor has agreed to develop and implement a construction management plan (see Project Mitigation Measure 6).	
F. Noise and Vibration		,	
M-NO-1a: Noise Survey and Measurements for Residential Uses	Not Applicable: The regulations and procedures set forth by Title 24 would ensure that existing ambient noise levels would not adversely affect the proposed residential uses on the project site.	Not Applicable	
M-NO-1b: Noise Minimization for Residential Open Space	Not Applicable: impacts of the environment on the project is no longer a CEQA topic.	Not Applicable	
M-NO-1c: Noise Minimization for Non-Residential Uses	Not Applicable: This measure applies to new non-residential sensitive receptors such as child care centers, schools, libraries, and the like, of which there are none in the project.	Not Applicable	
M-NO-1d: Mechanical Equipment Noise Standard	Not Applicable: The regulations and procedures set forth by Title 24 would ensure that existing ambient noise levels	Not Applicable	

Mitigation Measure	Applicability	Compliance
	would not adversely affect the proposed residential uses on the project site.	
M-NO-1e: Interior Mechanical Equipment	Applicable: The project would include mechanical equipment.	The project sponsor has prepared a noise study that demonstrates compliance with San Francisco Noise Ordinance requirements (see Project Mitigation Measures 7 and 8). After installation of mechanical equipment, the project sponsor has agreed to conduct noise measurements and if applicable, implement noise control measures to ensure stationary equipment meet the Noise Ordinance requirements.
M-NO-2a: Noise Control Measures During Pile Driving	Not Applicable: Impact pile driving is not anticipated as part of the project.	Not Applicable
M-NO-2b: General Construction Noise Control Measures	Applicable: The project would include construction activities.	The project sponsor has agreed to implement general construction noise measures (see Project Mitigation Measure 9).
M-C-NO: Cumulative Construction Noise Control Measures	Not Applicable: There is no existing City-sponsored construction noise control program for the TCDP area or other area-wide program developed to reduce the potential effects of construction noise in the project site vicinity.	Not Applicable
G. Air Quality M-AQ-2: Implementation of Risk and	Not Applicable M AO 2 has	Not Applicable
Hazard Overlay Zone and Identification of Health Risk Reduction Policies	Not Applicable: M-AQ-2 has been implemented by the City through establishment of an Air Pollutant Exposure Zone and enhanced ventilation requirements under Article 38.	Not Applicable
M-AQ-3: Siting of Uses that Emit DPM and Other TACs	Applicable: The project would include two backup emergency generators.	Consistent with current planning department practice, the project sponsor has agreed to ensure that the backup diesel generators meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board

Mitigation Measure	Applicability	Compliance
		Level 3 Verified Diesel Emissions Control Strategy (see Project Mitigation Measure 12).
M-AQ-4a: Construction Vehicle Emissions Minimization	Applicable: The project would involve the use of construction equipment that would emit criteria air pollutants.	The project sponsor has agreed to include in the construction specifications a requirement that all equipment be maintained in accordance with manufacturer's specifications and checked by a certified mechanic (see Project Mitigation Measure 10).
M-AQ-4b: Dust Control Plan	Not Applicable: The regulations set forth in the City's Construction Dust Ordinance supersede the dust control provisions of this mitigation measure.	The project sponsor will implement the requirements of the City's Dust Ordinance.
M-AQ-5: Construction Vehicle Emissions Evaluation and Minimization	Applicable: The project site is located in an identified Air Pollutant Exposure Zone and project construction would require heavy duty off-road diesel vehicles and equipment during construction.	Consistent with current planning department practices, the project sponsor has agreed to comply with the construction exhaust emissions reduction requirements (see Project Mitigation Measure 11).
I. Wind		,
M-WI-2: Tower Design to Minimize Pedestrian Wind Speeds	Applicable: Development of the project site would affect ground-level wind speeds.	The project sponsor has undertaken a wind study that includes analysis of wind speeds at the pedestrian level and atop Salesforce Park.
N. Biological Resources		
M-BI-1a: Pre-Construction Bird Surveys	Not Applicable: The project does not involve removal of large trees and the project site is vacant except for an air vent and temporary construction staging.	Not Applicable
M-BI-1b: Pre-Construction Bat Surveys	Not Applicable: The project does not involve removal of large trees and the project site is vacant except for an air vent and temporary construction staging.	Not Applicable
L. Hazardous Materials		
M-HZ-2a: Site Assessment and Corrective Action for Sites Located Bayward of Historic Tide Line	Not Applicable: The project site is located landward of the historic high tide line.	Not Applicable
M-HZ-2b: Site Assessment and	Not Applicable: Although the	The project sponsor has

Mitigation Measure	Applicability	Compliance
Corrective Action for Sites Located Landward of Historic Tide Line	project site is located landward of the historic high tide line, Article 22A of the Health Code, also known as the Maher Ordinance, supersedes this requirement.	submitted a Maher Application and Phase I Environmental Site Assessment to the San Francisco Department of Public Health.
M-HZ-2c: Site Assessment and Corrective Action for All Sites	Not Applicable: Article 22A of the Health Code, also known as the Maher Ordinance, supersedes this requirement.	The project sponsor has submitted a Maher Application and Phase I Environmental Site Assessment to the San Francisco Department of Public Health.
M-HZ-3: Hazardous Building Materials Abatement	Not Applicable: The project site is vacant except for an air vent and temporary construction staging and would not involve demolition of a building.	Not Applicable

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

#### PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on August 16, 2017 to adjacent occupants, owners of properties within 300 feet of the project site and other interested parties. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. Two members of the public submitted comments. One individual was interested in the project's transportation and circulation impacts from the building's car elevators and class 2 bicycle spaces along Natoma Street and one was interested in the status of the environmental review. The issues raised by the public are addressed in the CPE Initial Study Checklist under topic 4 (Transportation and Circulation). No other comments were received. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the TCDP PEIR.

#### CONCLUSION

As summarized above and further discussed in the project-specific initial study<sup>16</sup>:

- 1. The proposed project is consistent with the development density established for the project site in the TCDP;
- 2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the TCDP PEIR;
- 3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the TCDP PEIR;

The initial study is available for review on the San Francisco Property Information Map, which can be accessed at <a href="https://sfplanninggis.org/PIM/">https://sfplanninggis.org/PIM/</a>. It can be viewed by clicking on the Planning Applications link, clicking on the "More Details" link under the project's environmental case number (2016-013312ENV), and clicking on the "Related Documents" link.

- 4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the TCDP PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
- 5. The project sponsor will undertake feasible mitigation measures specified in the TCDP PEIR to mitigate project-related significant impacts.

Therefore, no further environmental review shall be required for the proposed project pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

# **Initial Study – Community Plan Evaluation**

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

Reception: **415.558.6378** 

Fax:

415.558.6409

Planning Information: 415.558.6377

Case No.: 2016-013312ENV
Project Address: 542-550 Howard Street

Zoning: C-3-O(SD) – Downtown Office (Special Development)

P - Public

Transit Center C-3-O(SD) Commercial Special Use District

Transbay C-3 Special Use District Transbay Redevelopment Area Zone 2 750-S-2 Height and Bulk District 450-S Height and Bulk District

Block/Lot: 3721/016, 135, 136, 138

Lot Size: 31,980 square feet (0.73 acre)

Plan Area: Transit Center District Plan (TCDP)

Project Sponsor: Cameron Falconer, Hines, (415) 982-6200, cameron.falconer@hines.com

Staff Contact: Alesia Hsiao, (415) 575-9044, alesia.hsiao@sfgov.org

#### PROJECT DESCRIPTION

The proposed project involves the construction of a 750-foot-tall (800 feet including rooftop mechanical features), 61-story, mixed-use tower approximately 1,089,650 gross square feet (gsf) in size. The proposed building would include approximately 165 dwelling units, 189 hotel rooms, 274,000 gsf of office uses, 59,800 gsf of hotel amenities, 9,900 square feet (sf) of retail space, 22,400 sf of open space, and four belowgrade levels that would accommodate up to 183 vehicle parking spaces (a total of approximately 74,600 square feet). The project would also provide 177 *class* 1 bicycle parking spaces and 20 *class* 2 bicycle parking spaces.<sup>1</sup>

# **Project Location and Site Characteristics**

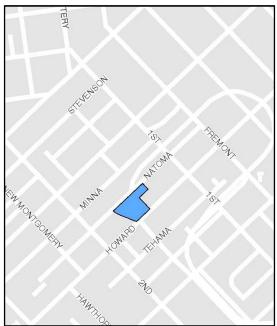
The project site encompasses four lots on the block bounded by Natoma Street<sup>2</sup> to the north, Howard Street to the south, First Street to the east, and Second Street to the west within the city's Financial District (see Project Location). It is also within the Transit Center District Plan (TCDP) subarea of the San Francisco General Plan's Downtown Plan. Natoma and Howard streets front the project site. The site is currently vacant except for one air vent and a below grade train box associated with the Transbay Transit Center (TTC) located beneath a portion of the site, and has been recently utilized as a staging area for the

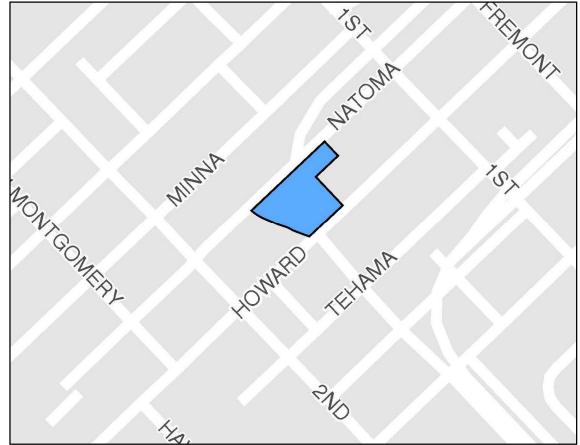
Class 1 bicycle parking includes secured bicycle lockers, bicycle rooms or cages where each bicycle can be individually locked. The most common form of class 2 bicycle parking are outdoor bicycle racks. (Zoning Administrator Bulletin No. 9, Bicycle Parking Requirements: Design and Layout, August 2013.)

Natoma Street is an east-west alleyway running discontinuously between First and Lafayette streets. The western portion of Natoma Street between First and Second streets is currently closed due to construction of the Transbay Transit Center and will soon be converted to a primarily pedestrian-only street. The eastern third of this segment of Natoma Street has been converted to two-way operations and will continue to operate as a two-way street after construction of the Transbay Transit Center.

# **Project Location**







construction of the TTC. A bus bridge over Howard Street connecting the Bay Bridge bus-only on- and off-ramp and the TTC is directly west of the site. There are two existing curb cuts along Howard Street.

## **Project Characteristics**

Proposed Land Uses

As noted above, the project sponsor proposes to construct a new 61-story, mixed-use tower. See p. 1 for project description details and Table 1, below, for a summary of project uses and features.

**Table 1: Project Characteristics** 

Proposed Use	Approximate Area (gsf or sf)	Location (Building Level or Street)	Description <sup>1</sup>
	0	Ground Level and Level 5	Residential lobbies
Residential	419,100 gsf	Levels 34 - 61	165 units (20 studios/one-bedroom units, 145 two-ormore bedroom units)
	15,000 gsf	Level 33	Residential amenities: chef's kitchen and bar, private dining and media areas, café, and resident library
	178,950 gsf	Ground Level, Levels 2 - 3	Hotel lobbies
Hotel		Levels 8 – 16, B1 mezzanine	189 guest rooms, back of house
	59,800 gsf	Levels 2, 3, 6, and 7	Hotel Amenities: meeting/conference/pre-function space, catering kitchen spaces, gym/pool/spa serving hotel guests and residences, and hotel back-of house spaces
0.00	271.000 6	Ground Level and Level 5	Office lobbies
Office	274,000 gsf	Levels 17 - 31	Office space
Retail	9,900 sf	Ground Level and Level 5	Retail space
Public Spaces	5,800 sf	Ground Level	Public passageway from Howard Street to Natoma Street
		Ground Level - Level 5	Public elevator areas
		Level 5	Public circulation area, terrace, and bridge connection
Common Open Spaces	16,600 sf	Levels 2, 6, 7, 33, and roof	Levels 2, 6, and 7: common outdoor terraces for hotel guests.  Level 33: common outdoor terraces for office tenant Level 33 and roof: common open space for residents
Walifed a Deal Co.		Levels B1 – B4	183 vehicle parking spaces including 3 car share spaces arranged in mechanical stackers
Vehicle Parking and Loading	47,700	Along Howard Street	1 passenger loading zone
and Louising		Ground Level off Howard Street	1 freight loading dock with 4 off-street freight loading spaces and a truck turntable
		Level 4	177 class 1 bicycle spaces, 4 showers, and 24 lockers
Bicycle Parking and Facilities	2,700 sf	Along Howard and Natoma streets to the west of the public passage way and to the north, adjacent to the car lifts.	20 class 2 bicycle spaces
Mechanical Equipment Space	60,100 sf 1,089,650	Levels B1 – B4, 2, 4, 6, 7, 32, roof, and mechanical mezzanine <sup>2</sup>	Mechanical, electrical and plumbing (MEP) equipment (B1, B2, and 2), water treatment equipment (B2, B3, and B4), fire tanks (B2, B3, and B4), fire pump room, stormwater holding tank (B4), air-handling units (4, 6, 32, mechanical mezzanine), exhaust fans (4, 32, mechanical mezzanine), cooling tower (roof), and emergency diesel generators (B1 and 7)

Source: Hines, 2018.

Notes: 1. Most levels with residential, hotel, and office uses contain small lobbies; only main lobbies are included in this summary table.

<sup>2.</sup> The mechanical mezzanine is referred to as level 62 in the noise study (Charles M. Salter Associates, Inc., Transbay Parcel F (542-550 Howard Street) Environmental Noise Impact Assessment, October 19, 2018).

The proposed project would be 750 feet in height to the roofline, and 800 feet to the top of the rooftop mechanical features, which would include elevator overruns, mechanical equipment, and cooling towers. As noted above, the project site is located within the C-3-O (SD) Downtown Office Special Development, Public (P), and Transbay C-3 Special Use districts, Zone 2 of the Redevelopment Area, and 750-S-2 and 450-S height and bulk districts. The project sponsor would request a zoning map amendment to amend San Francisco Zoning Maps ZN-01 and HT-01 to swap height and bulk classifications of the two parcels within the project site and to rezone a portion of the site from P to C-3-O(SD). The sponsor would also seek uncodified legislative amendments to permit residential floor plates over 15,000 sf and to permit the project's inclusionary affordable dwelling units to be provided off-site within the Transbay Redevelopment Area.<sup>3</sup> The existing air vent associated with the TTC would be removed and the venting system would be converted to a dry cooling system with the new vent constructed on the Transbay Joint Powers Authority (TJPA) property adjacent to the western edge of the vehicle ramp into the subterranean portion of the TTC (see Exhibit 1, Figures 1 and 2).

The ground level of the proposed project would include the residential, hotel, and office lobbies, and approximately 2,300 sf of retail spaces. Levels 2, 3, 6 and 7 would contain hotel amenities. The hotel amenities would include meeting/conference/pre-function space, catering kitchen spaces, a gym/pool/spa serving hotel guests and residents, exclusively, and hotel back-of-house spaces. Level 4 would contain a class 1 bicycle storage facility with 177 secured bicycle spaces. Level 5 would contain additional retail spaces (approximately 7,600 sf) and would be connected to the TTC rooftop terrace and park by a 22-foot-wide, 65-foot-long pedestrian bridge over Natoma Street. Levels 8 through 16 would contain hotel rooms and servicing areas. Typical event types that could be held in the proposed hotel meeting and conference spaces and level 2 outdoor terrace include the following: large events could take place approximately 10 times per year with a maximum attendance of approximately 400 persons; medium events such as small conferences or galas, could take place approximately 50 times per year with a maximum attendance of approximately 250 persons; and smaller meetings could take place approximately 90 times per year with a maximum of 200 attendees. The maximum occupancy of the level 2 outdoor terrace is 100 persons. These events are summarized in Table 2, below.

Table 2
Typical Event Types

		Spaces Utilized					
	Maximum	Large Event	·		Frequency		
Type <sup>1</sup>	Attendance	Space	function <sup>2</sup>	Rooms	Terrace	(per year)	Typical Time
Large conference event	400	X	Х	Х	X	10	8:00 a.m. to 4:00 p.m.
Small conference / gala event	250	X	X	Χ	Χ	50	8:00 a.m. to 4:00 p.m.: 60% <sup>3</sup> 6:00 p.m. to 10:00 p.m.: 40% <sup>3</sup>
Meeting	200	N/A <sup>4</sup>	X	Χ	Χ	90	8:00 a.m. to 4:00 p.m.

Source: Hines, 2018.

Notes

4. N/A: Not Applicable

<sup>1.</sup> Large conference events and small conference / gala events would typically consist of a plenary session in one of the larger spaces, followed by break-out sessions in individual meeting rooms.

<sup>2.</sup> The pre-function areas would typically function as a single space, and neither would be occupied or in use independent of the other.

<sup>3. % (</sup>percentage) of time used during the typical times per frequency per year.

San Francisco Planning Department, Legislative Amendment Application, January 23, 2018. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File Nos. 2016-013312MAP, 2016-013312PCA, and 2016-013312ENV.

Levels 17 through 31 would contain office space, which is intended to be leased to traditional office tenants in the market.

Levels 33 through 61 would contain the residential uses, with 165 residential units. The proposed unit mix includes 20 studio/one-bedroom and 145 two-or-more bedroom units. Level 33 would include residential amenities, including a chef's kitchen and bar, private dining and media space, café, resident library and an approximately 2,500 sf outdoor terrace along the western and eastern portions of the level that would provide common open space to residents. The proposed project would provide affordable housing either on-site or off-site. If provided off-site, approximately 55 affordable housing units would be accommodated on another site within the Transbay Redevelopment Plan Area, potentially located in a future building on Transbay Block 4 on Howard Street between Beale and Main Streets, approximately three blocks east of the project site.

Mechanical equipment, such as air handlers, exhaust fans, water treatment equipment, fire tanks, fire pumps, and a stormwater holding tank would be located on levels B1 through B4, 2, 4, 6, 7, 32, and mechanical mezzanine. Two diesel emergency generators (a base building emergency generator and a potential tenant emergency generator) would be installed on levels B1 and 7. A detailed description of project features is provided in the subsections below. In addition, see Exhibit 1 for a complete set of project plans (site plan, floor plans, sections, and elevations).

#### Streetscape Improvements

Pedestrian access into the building would be provided at multiple locations along the perimeter of the building. The hotel and residential shared lobby would be accessible from a pedestrian entrance on the Natoma Street frontage, whereas the office and residential lobbies would be accessible from separate pedestrian entrances along the Howard Street frontage. A nine-foot-wide public passageway on the far western side of the site adjacent to the TTC bus bridge would provide through access between Natoma and Howard streets for pedestrians and bicyclists. A glass-enclosed public elevator fronting Natoma Street would provide access to the proposed retail space and 22-foot-wide pedestrian bridge to Salesforce Park located on level 5. The pedestrian bridge, which would have 6-foot-tall solid glass parapet railings and would be constructed 65 feet over Natoma Street, would provide public access and a direct connection to the recently constructed TTC Salesforce Park. Approximately 108 linear feet of public right of way on Howard Street would be converted to a passenger loading zone.

The project proposes to eliminate the existing approximately 38-foot-wide curb cut located generally in the center of the project site's Howard Street frontage and the existing approximately 12-foot-wide curb cut adjacent to 540 Howard Street at the eastern edge of the project site's Howard Street frontage, and would add a new approximately 38-foot-wide curb cut adjacent to the bus bridge at the western edge of the project's Howard Street frontage. Approximately 108 linear feet on Howard Street would be converted to a passenger loading zone (see Exhibit 1, Figure 3). The proposed project would add approximately two street trees along the project's Howard Street frontage and four street trees to the project's Natoma Street frontage, subject to coordination with and approval by San Francisco Public Works.

#### Circulation, Parking and Loading

The proposed project would construct a new vehicular roadway and cul-de-sac (see Exhibit 1, Figure 4). The new roadway would provide vehicular access into the western two-thirds of Natoma Street between First and Second streets by constructing an additional 85.5 feet within the Natoma Street right-of-way. The project would also construct a new cul-de-sac, which would extend an additional 64.5 feet for a combined 150-foot vehicular roadway extension. The 64.5-foot-wide cul-de-sac would have a curb cut providing vehicular access to three car elevators and the below-grade garage. The garage would be valet operated with vehicular drop-off and pick-up from the cul-de-sac. The westernmost edge of the cul-de-sac would contain security bollards to prevent vehicles from traveling west on Natoma Street beyond the cul-de-sac to create a pedestrian only zone.<sup>4</sup> Some of the bollards would be removable to allow for emergency vehicle access into the pedestrian zone, as needed (see Exhibit 1, Figure 4).

The proposed four below-grade subterranean garage levels would accommodate 183 vehicle parking spaces (12 hotel, 83 residential, 88 office, and three car share spaces) arranged in mechanical stackers (see Exhibit 1, Figure 5).

Electric vehicle charging stations and preferred parking spaces for clean air/van pool/electric vehicles would be provided within the proposed garage. As noted above, the garage would be valet operated and accessible from Natoma Street via three car elevators at grade within the cul-de-sac drop-off area along the northeastern portion of the project site (see Exhibit 1, Figure 4). The drop-off area would allow for vehicle queuing and passenger loading for hotel guests, office employees and guests, and residents arriving and departing by motor vehicles. The project would include a *class* 1 bicycle storage facility with 177 secured bicycle spaces on level 4 and would be accessed using the public elevator located near the hotel lobby on Natoma Street. *Class* 2 bicycle spaces for 20 bicycles would be provided in racks on sidewalks along Howard and Natoma streets (see Figure 6). Four showers and 24 lockers for use by tenants and employees of the proposed project would also be located on level 4 of the building.

As noted above, all off-street vehicle parking within the building would be operated by valet. Hotel guests, office employees and visitors, retail patrons, and residents would drop-off and pick-up their vehicles at the valet station along Natoma Street, from where attendants would take the vehicles to the car elevator and into the parking garage. At vehicle pick-up time, garage attendants would call for the car elevator and retrieve the vehicle from the garage. Three spaces in the garage would be designated to accommodate the car share vehicles. Car share program members wishing to access the vehicles would notify the valet attendant, who would retrieve the car share vehicle from the garage.

The project sponsor would seek approval from SFMTA for a 108-foot-long white curb passenger loading zone along Howard Street that could also accommodate tour bus loading for the hotel on an as-needed basis (see Exhibit 1, Figure 3). The white curb passenger loading zone would help to accommodate general passenger loading/unloading activity (i.e., proposed project-related loading activity, as well as other activity in the surrounding area).

For freight loading, the building would feature an off-street loading dock along the western portion of the project site with four off-street freight loading spaces (measuring 10 feet wide by 30 feet long in total with

<sup>&</sup>lt;sup>4</sup> At the time of this environmental analysis, Natoma Street west of the proposed cul-de-sac to Second Street is planned to be a pedestrian only zone.

at least 14 feet vertical clearance) and a truck turntable to allow trucks to head in and out of the loading area from Howard Street without needing to back up. The loading dock would be accessible from an approximately 38-foot-wide curb cut proposed along Howard Street to accommodate truck turns into/out of the driveway (see Exhibit 1, Figure 3). The current approximately 38-foot-wide and approximately 12-feet-wide curb cuts along Howard Street would be removed.

In addition, the proposed project would include transportation demand management measures such as providing tailored transportation marketing services,<sup>5</sup> bicycle repair station, and bicycle repair services. These are intended to target a reduction in single occupancy vehicle trips by encouraging users to select alternative modes of transportation, such as walking, bicycling, public or private transit, car share, carpooling and/or other alternative modes.

#### Public Open Spaces

The proposed project would include a total of 5,800 sf of publicly accessible open space including 1,950 sf of open space for the public passageway from Howard Street through the project site to Natoma Street, 670 sf of open space adjacent to the public elevator, 830 sf for the public elevator at level 5, and 2,350 sf of publicly accessible open space at the pedestrian bridge and terrace at level 5.6

#### Private Common Open Spaces

The proposed project would include a total of 16,600 of residential, hotel, and office common open spaces. The proposed project would include 9,500 sf of residential common open space with 7,500 sf on the roof top and 2,000 sf on level 33. In addition, the project would include 7,200 square feet of common outdoor terraces available for the hotel and office tenants. The project would include 3,800 square feet of common outdoor spaces on level 2 (the northeast portion above the ground floor retail on Natoma Street), 900 square feet of common open space on level 6 (along the Howard Street frontage), and 1,600 square feet of common open space on level 7 (along the eastern side of the building) for hotel guests. The project would include 900 square feet of common outdoor open space on level 31 (along both the eastern and western perimeters of the building) for the office tenant.

## Construction

Construction of the proposed project would occur in a single phase lasting approximately 45 months. Excavation is expected to be conducted to a maximum depth of approximately 70 feet below the ground surface for construction of the four below-grade parking levels, which would result in the removal of approximately 51,180 cubic yards of soil.

The proposed podium would use vertical ground anchors such as tiedowns or micro piles to provide uplift resistance. The proposed tower structure would be supported on a mat with deep foundations to bedrock, ranging from 130 to 185 feet below existing grades. The mat may be up to 13 feet thick beneath the tower core, and 5 feet thick beneath the podium. Deep foundation types such as large diameter drilled cast-in-place piers (also known as drilled shafts) or rectangular-section load bearing elements (also

<sup>&</sup>lt;sup>5</sup> The proposed project would develop and deploy promotions to encourage new homeowners and residents to use sustainable transportation modes through email communications, physical mail, and/or building applications/technology. Promotions could include contests, incentive programs with prizes, and discount offers on public transit. The proposed project would also provide new residents with welcome packets and one-on-one consultation opportunities to learn more about local sustainable transportation options, public transit, bike share, and carpooling programs.

<sup>6</sup> The proposed project provides public open space elements that meet the criteria per Planning Code section 138, Privately-owned public open space requirements in C-3 districts.

known as barrettes) would extend to bedrock. The bottom of the tower core mat may extend eight feet below the bottom of the adjacent Transit Center train box<sup>7</sup> foundation, but the podium foundation would not extend below the bottom of the adjacent Transit Center train box foundation. The portion of the tower and podium mat over the Transit Center train box would be designed to cantilever over the train box. Impact pile driving is not proposed or required.

Construction staging would occur primarily within the confines of the project site, but would occasionally occur on portions of the public right-of-way along both Howard and Natoma streets. Parking lane and sidewalk closures would be required throughout the approximately 45-month construction period on Howard and Natoma streets and the sidewalk would be rerouted to the perimeter of the parking lane. On Natoma Street, the southern portion of the promenade and street adjacent to the site would be closed; instead, pedestrian access would be provided on Natoma Street on the northern half of the street. Signage and pedestrian protection would be erected, as appropriate, for all sidewalk and travel lane closures.

#### **PROJECT SETTING**

As noted above, the project site is within the TCDP area, which is centered on the new TTC site. The TCDP is a comprehensive plan for a portion of the southern downtown financial district and contains the overarching premise that to accommodate projected office-related job growth in the city, additional office development capacity must be provided in proximity to the city's greatest concentration of public transit service. The TCDP, which was adopted and became effective in September 2012, includes a comprehensive program of zoning changes, including elimination of the floor area ratio (FAR) maximums and increased height limits on certain parcels, including the project site. The TCDP's policies and land use controls allow for increased development and improved public amenities in the project area, with the intention of creating a dense transit-oriented district.

The project site is within Zone 2 of the adopted Transbay Redevelopment Area. At the time of redevelopment plan adoption, the San Francisco Redevelopment Agency implemented a Delegation Agreement with the planning department to generally assign responsibility and jurisdiction for planning, zoning, and project entitlements in Zone 2 of the redevelopment area to the planning department and planning commission. As such, the planning department retains land use authority within Zone 2 and this zone is governed by the planning code, as administered by the planning department and planning commission. Although California dissolved all California Redevelopment Agencies, effective February 1, 2012, this act did not result in changes to land use controls or project approval processes for projects proposed within Zone 2. The Office of Community Investment and Infrastructure (OCII) is serving as the successor agency to the former San Francisco Redevelopment Agency.

As noted above, the project site is within the C-3-O (SD) Downtown Office Special Development District, and is also within the Transit Center Commercial Special Use District (SUD), identified in the TCDP, in which limits on non-commercial space apply (Planning Code section 248). The project site is also located within the Transbay C-3 SUD as well as Zone 2 of the Redevelopment Area, which contains additional

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<sup>&</sup>lt;sup>7</sup> The train box is the subterranean portion of the Transit Center that will house the Caltrain and high-speed rail (HSR) tracks leading into the station. (U.S. Department of Transportation Federal Transit Administration and the Transbay Joint Power Authority, *Draft Supplemental Environmental Impact Statement/Environmental Impact Report for the Transbay Transit Center Program*, December 2015).

land use controls to implement the Transbay Redevelopment Plan and its companion documents (Planning Code section 249.28). In general, these controls require proposed development within the SUD to undertake streetscape improvements, deposit fees into the Downtown Open Space Fund, pay other fees into the Citywide Affordable Housing Fund, construct affordable housing on-site, and, for any parcels adjacent or facing the new Transit Center and its ramp structures, provide active ground floor uses and direct pedestrian access from these areas to the ramps around the future Transit Center. Of note and as described in the Transbay Redevelopment Plan section 4.9.3, the city's standard Inclusionary Housing Ordinance (Planning Code section 415) does apply to the project site. The proposed project would comply with section 415 requirements by including affordable housing either on-site or off-site. As noted above, if the affordable housing component is provided off-site, approximately 55 affordable housing units would have to be accommodated on a site within the Transbay Redevelopment Area, potentially within a proposed building on Transbay Block 4 or on another site. Block 4 was previously analyzed to include residential units per the Transbay Redevelopment Plan and Transbay Terminal EIS/EIR.8 The development on Block 4 is analyzed as part of the cumulative scenario.

In addition, the TCDP establishes new development impact fees to be collected from almost all development projects within the C-3-O (SD) District. These include the Transit Center District Open Space Impact Fee and Fund, Transit Center District Transportation and Street Improvement Impact Fee and Fund, and the Transit Center District Mello-Roos Community Facilities District Program. The TTC building site is located north of the project site and extends from Beale Street westward almost to Second Street. Completed in 2018, the five-story (three above ground) TTC provides a one-million-square-foot regional bus and rail station with a five-acre public park atop the building (the bus terminal and Salesforce Park are currently open).

Development in the project vicinity consists primarily of high-density residential and office uses with ground floor retail and restaurant uses. The block on which the project site is located contains several low to mid-rise office buildings and construction staging for planned developments. The aforementioned 5-story TTC and the Salesforce Park are located to the north of the project site, 2- to 3-story buildings at 547, 555, and 557 Howard streets are located to the south of the project site, and a 3-story building at 540 Howard Street, a 4 story building at 530 Howard Street, and a parking lot at 524 Howard Street are located east of the project site. The 2- to 3-story buildings at 547, 555, and 557 Howard streets are planned to be replaced with an approximately 385 foot-tall, 36-story mixed use residential and hotel development project (555 Howard Street project). The parking lot at 524 Howard Street is planned to be replaced with an approximately 495-foot-tall, 48-story mixed use residential and hotel development (524 Howard Street project). Several high-rise buildings are planned, under construction, or have recently completed construction in the surrounding area, including a newly completed office-residential tower at 181 Fremont Street.

The nearest open spaces to the project site include Embarcadero Plaza (Justin Herman Plaza) on the Embarcadero to the north and south of Market Streets located 0.48 miles northeast of the project site, Guy

U.S. Department of Transportation Federal Transit Administration, City and County of San Francisco, Peninsula Corridor Joint Powers Board, and San Francisco Redevelopment Agency, Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project Final Environmental Impact Statement / Environmental Impact Report and section 4(f) Evaluation, March 2004.

<sup>9</sup> San Francisco Planning Department, Planning Department Case No. 2015-008058ENV 555 Howard Street, February 16, 2017.

<sup>&</sup>lt;sup>10</sup> San Francisco Planning Department, Planning Department Case No. 2013.0882ENV 524 Howard Street, October 14, 2016.

 $<sup>^{11} \</sup>quad San\ Francisco\ Planning\ Department, \textit{Planning}\ Department\ Case\ No.\ 2007.0456E,\ 181\ Fremont\ Street,\ November\ 16,\ 2012.$ 

Place at First Street located 0.17 miles southeast of the project site, Sue Bierman Park located 0.55 miles northeast of the project site, Union Square Plaza located 0.47 miles west of the project site, Rincon Park along the Embarcadero located 0.48 miles northeast of the project site, and Salesforce Park (referenced as City Park in the TCDP PEIR) on the rooftop of the Transbay Transit Center, which would be accessible from the proposed project via a pedestrian bridge. The former four open spaces are Recreation and Park Department properties, while the latter two are under the jurisdiction of the Port of San Francisco and the Transbay Joint Powers Authority respectively. In addition, there are numerous privately owned, publicly accessible plazas, gardens and open spaces nearby.

## **PROJECT APPROVALS**

The proposed project would require the following approvals:

#### San Francisco Planning Commission

- Downtown Project Authorization, pursuant to Planning Code section 309, with exceptions to the requirements for "Streetwall Base" and "Tower Separation" pursuant to section 132.1; "Rear Yard" pursuant to section 134; "Reduction of Ground-Level Wind Currents" in C-3 Districts pursuant to section 148; "Off-Street Freight Loading" per sections 152.1 and 161; "Loading Driveway Access from Bicycle Route Street" per section 155 (r)(4); "Off-street Tour Bus Loading" per section 162; "Upper Tower Extensions" per section 263.7; "Bulk Controls" per section 270 and 272; and "Dwelling Unit Exposure" per section 140.
- Conditional Use Authorization to establish Hotel Use per sections 210.2 and 303.
- Zoning Administrator consideration of Variance for Parking and Loading Entrance Width per section 145, Active Street Frontages per section 145.1, and Vehicular Ingress and Egress on Natoma Street per section 155.
- Office Allocation per section 321.
- General Plan Amendment to amend Maps 1 and 5 of the Downtown Plan and Figure 1 of the Transit Center District Plan.
- Legislative Amendment to amend San Francisco Zoning Maps ZN-01 and HT-01 for height and bulk classification and zoning designation; Uncodified Legislative Amendments for: the residential floor plate requirement per section 248; and authorization of off-site inclusionary affordable dwelling units per section 249.28 (recommendation to Board of Supervisors).
- Findings, upon the recommendation of the Recreation and Park Director and/or Commission, that shadow would not adversely affect public open spaces under Recreation and Park Commission jurisdiction (section 295).

#### Office of Community Investment and Infrastructure

 Variation from Transbay Redevelopment Plan for off-site inclusionary affordable housing (section 4.9.3 of Redevelopment Plan; Planning Code section 249.28).

## San Francisco Board of Supervisors

- General Plan Amendment to amend Maps 1 and 5 of the Downtown Plan and Figure 1 of the Transit Center District Plan.
- Legislative Amendment to amend San Francisco Zoning Maps ZN-01 and HT-01 for height and bulk classification and zoning designation; Uncodified Legislative Amendments for the residential floor plate requirement per section 248 and authorization of off-site inclusionary affordable dwelling units per section 249.28.
- Consent to Variation from Transbay Redevelopment Plan for off-site inclusionary affordable

housing (section 4.9.3 of Redevelopment Plan).

# San Francisco Municipal Transportation Agency

- Approval of a white curb passenger loading zone along Howard Street to accommodate passenger and tour bus loading.
- Approval of any necessary construction permits for work within roadways, if required.

#### San Francisco Department of Building Inspection

Review and approval of building and demolition permits.

#### San Francisco Public Utilities Commission

- Review and approval of the stormwater management system to meet the Stormwater Design Guidelines.
- Review and approval of an Erosion and Sediment Control Plan in accordance with Article 4.1 of the San Francisco Public Works Code for construction activities.

## San Francisco Department of Public Works

 Approval of any changes in the public right-of-way and any necessary construction permits for work within roadways.

#### Bay Area Air Quality Management District

• Approval of a permit to operate the proposed backup emergency generators.

The proposed project is subject to Downtown Project Authorization from the Planning Commission, which is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

#### SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental topic.

	Land Use and Planning	Greenhouse Gas Emissions	Geology and Soils
	Population and Housing	Wind	Hydrology and Water Quality
$\boxtimes$	Cultural Resources	Shadow	Hazards & Hazardous Materials
	Tribal Cultural Resources	Recreation	Mineral Resources
	Transportation and Circulation	Utilities and Service Systems	Energy
	Noise	Public Services	Agriculture and Forestry Resources
$\boxtimes$	Air Quality	Biological Resources	Wildfire

#### **EVALUATION OF ENVIRONMENTAL EFFECTS**

This initial study evaluates whether the environmental impacts of the proposed project are addressed in the programmatic environmental impact report for the Transit Center District Plan (TCDP PEIR).<sup>12</sup> The initial study considers whether the proposed project would result in significant impacts that: (1) are peculiar to the proposed project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the TCDP PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR.<sup>13</sup> Such impacts, if any, will be evaluated in a project-specific, focused mitigated negative declaration or environmental impact report. If no such impacts are identified, no additional environmental review shall be required for the project beyond that provided in the TCDP PEIR and this project-specific initial study in accordance with CEQA section 21083.3 and CEQA Guidelines section 15183.

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

The TCDP PEIR identified significant impacts related to aesthetics, cultural resources, transportation, noise and vibration, air quality, shadow, wind, biological resources, and hazardous materials. Additionally, the PEIR identified significant cumulative impacts related to aesthetics, cultural resources, noise, air quality, shadow, and wind. Mitigation measures were identified for the above impacts and reduced all impacts; however, certain impacts related to aesthetics, cultural resources, transportation, noise, air quality, and shadow remained significant and unavoidable.

The proposed project would involve the construction of a mixed-use tower with approximately 165 dwelling units, 189 hotel guest rooms, 59,800 gsf of hotel amenities, 274,000 gsf of office uses, , 9,900 sf of retail space, and 22,400 sf of open space. As discussed below in this initial study, the proposed project would not result in any new, significant environmental effects or effects of greater severity, otherwise acknowledged as "peculiar effects," than were not already analyzed and disclosed in the TCDP PEIR.

#### **CHANGES IN THE REGULATORY ENVIRONMENT**

Since the certification of the TCDP PEIR in 2012, several new policies, regulations, statutes, and funding measures have been adopted, passed, or are underway that affect the physical environment and/or environmental review methodology for projects in the TCDP plan area. As discussed in each topic area referenced below, these policies, regulations, statutes, and funding measures have or will implement mitigation measures or further reduce less-than-significant impacts identified in the PEIR. These include:

- State legislation amending CEQA to eliminate consideration of aesthetics and parking impacts for infill projects in transit priority areas, effective January 2014.

San Francisco Planning Department, Transit Center District Plan and Transit Tower Final Environmental Impact Report, Planning Department Case Nos. 2007.0558E and 2008.0789E, State Clearinghouse No. 2008072073, certified May 24, 2012. Available online at: http://sf-planning.org/area-plan-eirs, accessed September 6, 2018.

Significant refers to "significant effect on the environment," defined as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance," by the California Environmental Quality Act section 15382.

- State legislation amending CEQA and San Francisco Planning Commission resolution replacing level of service (LOS) analysis of automobile delay with vehicle miles traveled (VMT) analysis, effective March 2016 (see "CEQA section 21099" heading below).
- Transit Effectiveness Project (aka "Muni Forward") adoption in March 2014, Vision Zero adoption by various City agencies in 2014, Proposition A and B passage in November 2014, and the Transportation Sustainability Program process, and state statute and Planning Commission resolution regarding automobile delay, and VMT effective March 2016 (see initial study Transportation section).
- San Francisco ordinance establishing Noise Regulations Related to Residential Uses near Places of Entertainment effective June 2015 (see initial study Noise section).
- San Francisco ordinance establishing Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, effective December 2014 (see initial study Air Quality section).
- San Francisco Clean and Safe Parks Bond passage in November 2012 and San Francisco Recreation and Open Space Element of the General Plan adoption in April 2014 (see initial study Recreation section).
- Urban Water Management Plan adoption in 2016 and Sewer System Improvement Program process (see Utilities and Service System section below).
- Article 22A of the Health Code amendments effective August 2013 (see initial study Hazardous Materials section).

#### **Aesthetics and Parking**

In accordance with CEQA section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria:

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

The proposed project meets each of the above three criteria and thus, this initial study does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>14</sup> Project elevations are included in the project description.

## **Automobile Delay and Vehicle Miles Traveled**

In addition, CEQA section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that "promote the reduction of greenhouse gas emissions, the

San Francisco Planning Department. Eligibility Checklist: CEQA section 21099 – Modernization of Transportation Analysis for 542-550 Howard Street, August 14, 2018. This document (and all documents cited in this Community Plan Evaluation unless otherwise noted) is available for review on the San Francisco Property Information Map, which can be accessed at <a href="https://sfplanninggis.org/PIM/2">https://sfplanninggis.org/PIM/2</a>. Individual files can be viewed by clicking on the Planning Applications link, clicking on the "More Details" link under the project's environmental case number (2016-013312ENV), and clicking on the "Related Documents" link.

development of multimodal transportation networks, and a diversity of land uses." CEQA section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a <u>Revised Proposal on Updates to the CEQA</u> <u>Guidelines on Evaluating Transportation Impacts in CEQA</u> recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR's recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as transit, walking, and bicycling.) Therefore, impacts and mitigation measures from the TCDP PEIR associated with automobile delay are not discussed in this initial study, including PEIR Mitigation Measures M-TR-1a through M-TR-1m. Instead, a VMT and induced automobile travel impact analysis is provided in the Transportation and Circulation section of this initial study.

This document is available online at: https://www.opr.ca.gov/s sb743.php.

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
1.	LAND USE AND LAND USE PLANNING—Would the project:				
a)	Physically divide an established community?				$\boxtimes$
b)	Cause a significant physical environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				$\boxtimes$

The TCDP PEIR analyzed the land use changes anticipated under the TCDP and determined that significant adverse impacts related to the division of an established community would not occur; the TCDP would not conflict with an applicable land use plan (including the General Plan); and the TCDP would not have a substantial impact on the existing character of the vicinity.

The project would add residential, hotel, office, and retail uses to the project site, all of which are uses that are anticipated under the TCDP for the project site and surrounding area. Because the potential future land uses at the project site would be the same as those evaluated for the area in the PEIR, there would be no new or previously unconsidered significant land use impacts related to the proposed project.

The Citywide Planning and Current Planning divisions of the planning department have determined that the proposed project is permitted in the C-3-O (SD), Downtown-Office (Special Development) Zoning Districts, and the 750-S-2 and 450-S Height and Bulk Districts. A small portion of the western edge of the site is currently zoned P (Public) because at the time the TCDP was enacted, the final location of the TTC bus bridge was not determined. With completion of the bus bridge slightly to the west, the small portion of the project site zoned P is no longer necessary for the bus bridge and is proposed to be rezoned to the C-3-O (SD) district as an element of the proposed project approvals. The C-3-O (SD) Zoning District permits a base nonresidential development at a floor area ratio of 6.0:1, and permits a nonresidential development up to 9.0:1 with the purchase of transfer of development rights (TDR). The use of TDR to exceed a floor area ratio of 9.0:1 shall not be allowed in the C-3-O (SD) District. In order to exceed a floor area ratio of 9.0:1, all projects must participate in the Transit Center District Mello-Roos Community Facilities District as described in section 424.8. The proposed office use is permitted within the C-3-O (SD) Zoning District through the approval of an Office Development Authorization by the Planning Commission. Since the project proposes 274,000 gsf of new office space, (large cap) office allocation is required. The proposed 1,089,650 gsf of total floor area for the project is over the base floor area ratio of 6.0:1; however, with the purchase of TDR and participation in the Transit Center District Mello-Roos Community Facilities District, the project could be permitted. The proposed project is consistent with the development density, bulk, and land uses as envisioned in the Transit Center District Plan and established by the planning code and therefore, qualifies for a CPE pursuant to section 15183 of the CEQA Guidelines. 16,17

San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Citywide Planning and Policy Analysis, 542-550 Howard Street, October 26, 2017.

Thus, the project would not physically divide an established community, as it is consistent with the city's long-range development plans for the site. The project would be compatible with existing surrounding uses, which includes residential, hotel, office, and retail uses.

### **Cumulative Analysis**

The proposed project would have no impact with respect to physically dividing a community or conflicting with an applicable land use plan adopted for the purpose of avoiding or mitigating an environmental effect and therefore would not have the potential to contribute to a significant cumulative impact related to land use and planning.

#### Conclusion

Because the proposed project is consistent with the development density and land uses established in the TCDP, implementation of the proposed project would not result in significant impacts that were not identified in the TCDP PEIR related to land use and land use planning, and no mitigation measures are necessary.

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

The key goal of the TCDP was to concentrate future employment growth where it is best served by public transit, through rezoning to allow increased density in the plan area. The TCDP PEIR found that with implementation of the TCDP there would be more than 9,470 new residents (in about 6,100 households) and more than 29,300 new employees in the TCDP plan area by 2030. As stated in the PEIR, the planning department forecasts that San Francisco's total household population<sup>18</sup> would reach approximately 912,000 by 2030, an increase of some 132,500 residents from the 2005 total of 779,500.<sup>19,20</sup> Employment in

<sup>&</sup>lt;sup>17</sup> San Francisco Planning Department, Community Plan Evaluation Eligibility Determination, Current Planning Analysis, 542-550 Howard Street, March 2, 2018.

<sup>&</sup>lt;sup>18</sup> Household population excludes about 2.5 percent of the city's total population that lives in what the U.S. Census calls "group quarters," including institutions (jails, nursing homes, etc.), college dormitories, group homes, religious quarters, and the like.

<sup>&</sup>lt;sup>19</sup> Consistent with recent trends, this incremental growth is anticipated to occur in relatively smaller households; that is, growth would occur in households that would be smaller than the average household size in 2010 of 2.3 persons per household.

<sup>&</sup>lt;sup>20</sup> Because of the economic effects of the Great Recession, the Transit Center District Plan's employment growth forecast is conservative, when compared to more recent projections. The projections for household growth remain generally accurate.

2005 totaled approximately 552,000. The Department forecasts employment growth of 241,300 additional jobs by 2030, for a total of 793,300. The TCDP PEIR found that the increased employment and household population generated by the TCDP would be in line with regionally forecasted growth for the city, and that the TCDP would not create substantial new demand for housing or reduce the existing supply to the extent that would result in a significant impact.

The PEIR stated that the population and employment growth attributable to the plan would result in secondary physical changes related to transportation, air quality, greenhouse gases, noise, and public services and utilities; in addition, physical changes related to aesthetics, cultural resources, wind, and shadow. These physical impacts of the Transit Center District Plan are analyzed throughout the PEIR, and discussed within this CPE. The PEIR determined that implementation of the Transit Center District Plan would not lead to substantial growth in population or employment, displacement of a large number of people, a significant increase in demand for additional housing, or a reduction in housing supply; therefore, impacts to population and housing, business activity, and employment were considered less than significant and no mitigation measures were necessary. In addition, the PEIR determined that the Plan would not contribute considerably to substantial growth in population or employment, displacement of a large number of people, an increase in demand for additional housing, or a reduction in housing supply; therefore, implementation of the Plan would not have any significant cumulative impacts.

The proposed project would involve the development of approximately 165 market-rate housing units. Assuming 2.33 persons per household, the proposed project would accommodate approximately 385 people. By 2030, this population increase would amount to approximately 0.3 percent of the anticipated citywide population growth and 4.1 percent of the growth anticipated under the TCDP. The proposed project would also develop approximately 189 hotel rooms and hotel amenities (238,750 gross square feet [gsf] of hotel uses), 274,000 gsf of office uses, and 9,900 square feet of retail space, which would generate approximately 1,187 total employees at full occupancy.<sup>21</sup> In 2017, approximately 48.1 percent of people worked in the city also lived in the city.<sup>22,23,24</sup> The remaining working population commuted from other cities in the region or worked from home. As such, project related employment (571 employees) would be equivalent to 0.24 percent of the anticipated citywide growth by the year 2030. Project-related employment growth would amount to approximately 1.95 percent of the employment growth anticipated in the TCDP. This employment increase would result in a demand for 461 new housing units in the city.<sup>25</sup> These direct effects of the project on population and housing are within the scope of the population growth anticipated under the TCDP and evaluated in the TCDP PEIR.

<sup>&</sup>lt;sup>21</sup> Employment calculations in this section are based on the 2002 City of San Francisco Transportation Impact Analysis Guidelines, which estimate an average density of 276 square feet per employee assigned to office uses (274,000 gross square feet), 350 square feet per employee assigned to retail space (9,900 square feet), and 0.9 employees per hotel room (189 rooms).

The 405,031 employees who both live and work in the city minus the 37,465 employees who work from home = 367,566 city residents who both live and work in the city. The 367,566 residents who both live and work in the city/764,331 employees in the city = 48.1 percent of city residents who also work in the city.

U.S. Census Bureau. 2017. American Fact Finder, American Community Survey. One-year Estimates. Sex of Workers by Means of Transportation to Work for Workplace Geography. San Francisco city, California. ID B08406. Available: <a href="https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml">https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml</a>. Accessed October 22, 2018.

<sup>&</sup>lt;sup>24</sup> U.S. Census Bureau. 2017. American Fact Finder, American Community Survey. One-year Estimates. Sex of Workers by Place of Work—Place Level. San Francisco city, California. ID B08008. Available: <a href="https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml">https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml</a>. Accessed October 22, 2018.

<sup>25</sup> Based on 48.1 percent of city residents who also work in the city and an assumed 7.3 percent vacancy factor, from 2017 Census data, and 1.33 workers per household from 2016 Census.

As discussed above, the project would include approximately 165 residential units. In addition, the proposed project would provide affordable housing either on-site, as defined and required by the Transbay Redevelopment Plan, or off-site. If provided off-site, approximately 55 affordable housing units site would be accommodated within the Transbay Redevelopment Plan Area, potentially located in a new building on Transbay Block 4 on Howard Street between Beale and Main Streets, approximately three blocks east of the project site or on another site. This would satisfy the city's regulatory requirements to mitigate the impact of market-rate housing on the demand for affordable housing in San Francisco. Based on this above, impacts related to population growth would be less than significant.

The project site is currently vacant except for one air vent and a below grade train box associated with TTC located beneath a portion of the site. There are no housing units on the project site; therefore, the proposed project would not displace any existing housing units, and thus would not necessitate the construction of replacement housing elsewhere. Therefore, no new impact would occur related to the displacement of people.

## **Cumulative Analysis**

The cumulative context for the population and housing topic is the City and County of San Francisco. The proposed project would provide housing units and hotel, office, and commercial spaces that would result in increases in population (households and jobs). San Francisco is anticipated to grow by 137,800 households and 295,700 jobs between 2010 and 2040. Between 2010<sup>26</sup> and 2018,<sup>27</sup> San Francisco's population grew by 51,739 households and 183,287 jobs, leaving approximately 86,061 households and 112,413 jobs projected for San Francisco through 2040. As of the first quarter of 2019, approximately 72,865 net new housing units are in the pipeline, i.e., are either under construction, have building permits approved or filed, or applications filed, including remaining phases of major multi-phased projects.28 Conservatively assuming that every housing unit in the pipeline is developed and at 100 percent occupancy (no vacancies), the pipeline would accommodate an additional 72,865 households. The pipeline also includes projects with land uses that would result in an estimated 94,179 new employees and includes the proposed project.<sup>29,30</sup> As such, cumulative household and employment growth is below the ABAG projections for planned growth in San Francisco. Therefore, the proposed project in combination with citywide development would not result in significant cumulative environmental effects associated with inducing unplanned population growth or displacing substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere.

#### Conclusion

The proposed project would also increase the amount of housing available, thereby reducing the demand for housing elsewhere. The proposed project would not result in significant impacts on population and housing that were not identified in the PEIR, nor would the proposed project have more severe impacts

<sup>&</sup>lt;sup>26</sup> Bay Area Census. Available: http://www.bayareacensus.ca.gov/counties/SanFranciscoCounty.htm. Accessed July 31, 2019.

United States Census Bureau. QuickFacts San Francisco County, California. Available: <a href="https://www.census.gov/quickfacts/fact/table/sanfranciscocountycalifornia#">https://www.census.gov/quickfacts/fact/table/sanfranciscocountycalifornia#</a>. Accessed July 31, 2019.

<sup>28</sup> San Francisco Planning Department, 2019 Q1. Housing Development Pipeline. Available online at: <a href="https://sfplanning.org/project/pipeline-report">https://sfplanning.org/project/pipeline-report</a>. Accessed August 22, 2019.

<sup>29</sup> Ibid.

<sup>&</sup>lt;sup>30</sup> San Francisco Planning Department, Citywide Division, Information and Analysis Group, Scott Edmundson, March 19, 2019.

than those identified in the PEIR. The proposed project would have a less than significant impact, and no other mitigation measures would be required.

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
3.	CULTURAL RESOURCES—Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5, including those resources listed in article 10 or article 11 of the San Francisco <i>Planning Code</i> ?				
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				

#### **Historic Architectural Resources**

#### Direct Impacts

Pursuant to CEQA Guidelines sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings, structures, or sites that are listed, or are eligible for listing, in the California Register of Historical Resources, are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code, or are otherwise determined by a lead agency to be "historically significant." The TCDP PEIR determined that future development facilitated through the changes in use districts and height limits under the TCDP could have substantial adverse changes on the significance of historic architectural resources and on historical districts within the TCDP plan area. Although the precise nature of this impact could not be determined at the time, the PEIR determined that such an impact would be significant and unavoidable. To partially mitigate the impact, the PEIR identified PEIR Mitigation Measures M-CP-3a: Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) Documentation, M-CP-3b: Public Interpretative Displays, M-CP-3c: Relocation of Historical Resources, and M-CP-3d: Salvage of Historical Resources. These measures would reduce impacts to historic resources, but not to a level of less than significant.

The proposed project is currently vacant except for one air vent and a below grade train box associated with TTC located beneath a portion of the site. The project would not entail demolition of existing structures. However, the air vent would be removed and converted into a dry cooling system relocated onto the western edge of the vehicle ramp into the subterranean portion of the TTC (see Exhibit 1, Figure 2). The air vent is not considered a historic structure and as such, does not necessitate a historic resources evaluation prior to its removal. Thus, the proposed project would not result in significant direct impacts on cultural resources that were not identified in the TCDP PEIR, nor substantially more severe impacts than previously identified in the PEIR. Furthermore, the mitigation measures identified above with

respect to direct impacts to historic structures would not apply to the proposed project. The project site is not within a historic district.

## **Indirect Impacts**

The PEIR found that changes in height and bulk controls in the TCDP plan area could result in indirect impacts to historic architectural resources. Larger buildings of such a different scale compared to existing historic buildings in the project area could result in an adverse effect on the setting of those resources, particularly in or adjacent to historic districts. However, the PEIR determined that the impacts would be less than significant when considered in conjunction with other policies, including recognition and protection of historic resources, retention, and rehabilitation of significant resources, and the design review program and other processes implemented through Article 11 of the planning code.

As noted above, the proposed project would not include the demolition of historic structures at the project site. The existing building at 580 Howard Street (block 3721/lots 092-106),<sup>31</sup> which is located to the west of the bus bridge that abuts the project site to the southwest and was constructed in 1906, is within the boundaries of the Second and Howard Streets Historic District and is considered to be an individual historic resource and a contributing building to the district.<sup>32,33</sup> The existing building at 540 Howard Street, which abuts the project site to the east, is not a historical resource. Moreover, the project site and 540 Howard Street are not located within the adjacent Second and Howard Streets Historic District or the nearby New Montgomery Mission Second Street Conservation District (which has an eastern boundary that terminates at 191 Second Street [block 3721/lot 022], just west of 580 Howard Street). The project would not materially alter the physical characteristics of 580 Howard Street or other nearby historic resources such that their historical significance and/or potential consideration for inclusion in the California Register of Historic Resources would be affected. Moreover, the proposed project would not affect the integrity of the Second and Howard Streets Historic District and the New Montgomery Mission Second Street Conservation District as it is not located within these districts. Therefore, the project would result in less-than-significant indirect impacts.

## Construction Impacts

Construction activity can generate vibration that can cause structural damage to nearby buildings. As described in the TCDP PEIR, construction activity would result in a potentially significant impact on historic and potentially historic buildings, such as the 580 Howard Street building. PEIR Mitigation Measures M-CP-5a: Construction Best Practices for Historical Resources and M-CP-5b: Construction Monitoring Program for Historical Resources were identified to reduce impacts to a less-than-significant level by requiring contractors to implement best-management practices during construction, as well as perform pre-construction surveys of historical resources within 125 feet of a project site.

The proposed project would require on-site excavation up to approximately 70 feet below grade. The use of heavy construction equipment would result in a temporary increase in localized vibration, which could result in structural damage to nearby potentially historic buildings, such as 580 Howard Street. If

<sup>31</sup> The TCDP PEIR states that 580 Howard is proposed to be demolished when construction of the Downtown Extension train tunnel commences.

<sup>32</sup> San Francisco Property Information Map, 580 Howard Street. Available at <a href="http://propertymap.sfplanning.org/">http://propertymap.sfplanning.org/</a>, accessed September 6, 2018.

<sup>33</sup> San Francisco Planning Department, Transit Center District Plan and Transit Tower Final Environmental Impact Report Figure 7 Historic Resources pg. 33, May 24, 2012.

structural damage were to occur, these activities would result in a potentially significant impact on historic buildings near the project site, including the 580 Howard Street building, which is located immediately to the west of the project site.<sup>34</sup> Therefore, the proposed project would apply PEIR Mitigation Measure M-CP-5a as Project Mitigation Measure 1: Construction Best Practices for Historic Resources, which would require the project sponsor to use all feasible means to avoid damage to adjacent and nearby historic buildings including staging of equipment and materials away from historic buildings, using techniques in demolition and construction activities that create minimum vibration, maintaining a buffer zone between heavy construction equipment and historical resource(s), and other construction best practices. The proposed project would also apply PEIR Mitigation Measures M-CP-5b as Project Mitigation Measure 2: Construction Monitoring Program for Historic Resources, which would require the project sponsor, working with a historic architect or qualified historic preservation professional, to develop a construction monitoring program, including preconstruction surveys of historic resource(s), monitoring of on-site vibration levels, conducting regular periodic inspections, and other measures to limit effects of construction vibration, and restoration of any changes to historic structures as a result of project construction. In combination, Project Mitigation Measures 1 and 2, which are provided in full starting on page 99, would reduce the potential for adverse impacts to nearby historic structures.

In conclusion, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the TCDP PEIR, nor would it result in substantially more severe impacts than previously identified in the PEIR. Moreover, the proposed project would not contribute to any cumulative impacts on historic architectural resources.

#### **Archeological Resources**

The TCDP PEIR found that development under the TCDP could cause a substantial adverse change to the significance of archeological resources because the entire plan area could be considered generally sensitive for both prehistoric and historic-era archeological resources. The TCDP Archeological Resource Design and Treatment Plan (resource design and treatment plan) presented sensitivity assessments of five sites in the TCDP plan area, including the project site.<sup>35</sup> No prehistoric archaeological sites have been documented within the 524-550 Howard Street site, although two prehistoric sites (SFR-112 and SFR-135) and one historic-era site (SFR-119H) are located within the general vicinity of the project site. Due to development that has occurred at the project site, historic archeological potential is considered to be low.

PEIR Mitigation Measure M-CP-1: Subsequent Archaeological Testing Program was identified to ensure that projects developed within the TCDP area are subject to preliminary archaeological review by planning department archaeologists. Based on the resource design and treatment plan, the in-house review would identify any data gaps and require additional investigations to make an archeological sensitivity assessment. Planning department archeologists completed an in-house review of the proposed project on June 15, 2017, and determined that it would be subject to requirements for an Archeological Testing Program (testing program). Consistent with PEIR Mitigation Measure M-CP-1, projects found to have

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There are three additional historical resources southeast of the project site across Howard Street, located at 543 Howard Street, 531 Howard Street and 527 Howard Street. These buildings are located within 125 feet of the project site. The New Montgomery, Mission & Second Historic District survey evaluation that considers these buildings are located at: http://sf-planning.org/sites/default/files/FileCenter/Documents/3861-DISTRICT\_DPR\_Transit\_Center.pdf. Accessed September 6, 2018.

San Francisco Planning Department, Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California, prepared by Far Western Anthropological Research Group, Inc.; Past Forward, Inc.; and JRP Historical Consulting, LLC; February 2010.

archeological sensitivity are required to prepare and implement a testing program, and projects found to require data recovery necessitate preparation of an Archeological Data Recovery Plan (data recovery plan). An Archeological Monitoring Plan may also be required based on the outcome of the testing program and/or data recovery plan. The mitigation measure also states that any accidental discovery of human remains or potential associated funerary objects during soils-disturbing activity shall comply with all applicable laws.

As noted above, no prehistoric archeological sites have been documented within the project site. Given the project site's close proximity to two prehistoric sites and one historic-era site, PEIR Mitigation Measure M-CP-1 would apply to the proposed project as **Project Mitigation Measure 3: Subsequent Archeological Testing Program** (full text provided in the Mitigation Measures section below on page 100) which would require the project sponsor to retain the services of an archeological consultant from the Department Qualified Archeological Consultants List to develop and implement an archeological testing program and if required, be available to conduct an archeological monitoring and/or data recovery program. With its implementation, the impact associated with archeological resources would be reduced to a less-than-significant level. Thus, the proposed project would not result in significant impacts on archeological resources that were not identified in the TCDP PEIR, nor would it result in more severe impacts than previously identified in the PEIR.

## **Cumulative Analysis**

As discussed above, the proposed project is not an individual historic resource and is not within a historic district. With respect to construction, the project-related construction activities have the potential to damage a nearby historic resource at 580 Howard Street. As discussed above, Project Mitigation Measure 1, Construction Best Practices for Historic Resources (implementing TCDP PEIR Mitigation Measure M-CP-5a) and Project Mitigation Measure 2, Construction Monitoring Program for Historic Resources (implementing TCDP PEIR Mitigation Measure M-CP-5b) would be implemented to reduce significant impacts on historic architectural resources to less than significant with mitigation. There are no other construction projects in proximity to these historic resources such that there would be a significant cumulative construction impact in combination with the project's construction. Therefore, the project would not contribute considerably to any cumulative historic resources impact.

The cumulative context for archeological resources and human remains is site specific and generally limited to the immediate construction area. For these reasons, the proposed project, in combination with cumulative projects, would not result in a cumulative impact on archeological resources or human remains.

#### Conclusion

Impacts to historic and archeological resources would be mitigated to less than significant levels with implementation of mitigation measures identified in the TCDP PEIR. The project sponsor has agreed to implement Project Mitigation Measures 1, 2, and 3. Therefore, the proposed project would not result in significant impacts on cultural resources that were not identified in the TCDP PEIR.

Topics:		Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
4.	TRIBAL CULTURAL RESOURCES— Would the project:				
a)	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	<ul> <li>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</li> </ul>				
	ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				

For projects in San Francisco, based on the results of consultation between the City and County of San Francisco and Ohlone tribal groups, all archaeological resources of Native American origin are assumed to be potential tribal cultural resources. The preferred mitigation of impacts to such resources developed in consultation with Ohlone tribal groups is preservation in place or, where preservation is not feasible, development and implementation of archaeological and public interpretation plans for the resource, in consultation with local Native American tribes. As discussed in the Cultural Resources topic, the project is in close proximity to two prehistoric sites and one historic-era site, which may contain tribal cultural resources. Therefore, the project's proposed excavation to 70 feet below ground surface would result in a significant impact, should tribal cultural resources be encountered.

Identification of potential tribal cultural resources that would be affected by a project, followed by preservation and/or archaeological treatment and public interpretation, are within the scope of TCDP PEIR Mitigation Measure M-CP-1. Consistent with this measure, when a potential tribal cultural resource is found or suspected to be present on a project site, and where preservation is not feasible, archaeological treatment and interpretive plans would be developed and implemented in consultation with an Ohlone representative. With implementation of Project Mitigation Measure 3, Subsequent Archeological Testing Program, the proposed project would have a less-than-significant impact on tribal cultural resources.

## **Cumulative Analysis**

The cumulative context for tribal cultural resources is site-specific and generally limited to the immediate construction area. For this reason, the proposed project, in combination with other cumulative projects, would not result in cumulative impacts to tribal cultural resources.

#### Conclusion

The proposed project's impact to tribal cultural resources would be mitigated to less-than-significant levels with the implementation Project Mitigation Measure 3, Archaeological Testing Program (implementing TCDP PEIR Mitigation Measure M-CP-1). Therefore, the proposed project would not result in significant impacts to tribal cultural resources that were not identified in the TCDP PEIR.

Topics:		Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
5.	TRANSPORTATION AND CIRCULATION—Would the project:				
a)	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?				
b)	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?				$\boxtimes$
d)	Result in inadequate emergency access?				$\boxtimes$

The TCDP PEIR anticipated that growth associated with the zoning changes could result in significant impacts on transportation and circulation. The PEIR identified 23 transportation mitigation measures, including implementation of traffic management strategies, and traffic and transit improvements. Even with mitigation, however, the PEIR concluded that the significant adverse impacts on certain local intersections and transit, pedestrian, loading, and construction impacts would not be fully mitigated, and these impacts were identified as significant and unavoidable. Effects on emergency access were determined to be less than significant. A transportation impact study (TIS) was prepared for the proposed project to evaluate potential project-specific effects, and is summarized herein.<sup>36</sup>

It is noted that the PEIR, and transportation study prepared in support of the PEIR, presented traffic impact analysis based on intersection level of service (LOS) as defined by automobile delay, which at the time was San Francisco's approach for analysis of traffic impacts. However, on March 3, 2016, the Planning Commission adopted a new metric for evaluation of traffic impacts, vehicle miles traveled (VMT). The analysis of traffic impacts based on VMT, rather than LOS, is consistent with the direction in Senate Bill (SB) 743, approved in 2013. SB 743 requires the Governor's Office of Planning and Research to amend the CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts for

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Kittleson & Associates, Inc., 542-550 Howard Street (Transbay Parcel F) Transportation Impact Study, September 6, 2018.

projects within transit priority areas.<sup>37</sup> The alternative criteria to be promulgated must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses" (CEQA section 21099(b)(1)); added by SB 743). OPR is in the process of revising the CEQA Guidelines to accommodate SB 743 (a draft for adoption by the California Natural Resources Agency was released in November 2017), and the city has elected to adopt the state's proposed approach.

Because the PEIR analysis was based on LOS, and given that LOS has subsequently been replaced by VMT as the city's traffic impact metric, this document presents an analysis of CEQA impacts based upon the new VMT standard, but also presents a LOS analysis for informational purposes. Mitigation measures in the PEIR that identified improvements intended to improve LOS are no longer considered applicable.

## PEIR Findings

The PEIR found that traffic growth resulting from Plan implementation, including proposed changes to the street system, would adversely affect local intersection operation and have a significant and unavoidable impact on the circulation system. The PEIR identified 13 mitigation measures (M-TR-1a through M-TR-1m involving network management by SFMTA) that would reduce specific impacts to the circulation system; however, the impact remained significant and unavoidable. The mitigation measures that would otherwise be applicable to the proposed project are described below; however, as noted above, these measures are no longer applicable under the new VMT standard.

The PEIR determined that implementation of the Plan would also result in a considerable contribution to the congested operations of the Fourth/Harrison Streets and First/Harrison Streets freeway on-ramps, resulting in a significant and unavoidable impact on freeway ramp operations. No feasible mitigation measures were identified that could reduce this impact.

The TCDP PEIR found that growth associated with implementation of the TCDP would generate a substantial increase in transit demand that would result in significant and unavoidable impacts to the transit system due to lack of capacity to accommodate the increased demand, resulting in unacceptable levels of transit service and a substantial increase in delays or operating costs. The TCDP PEIR identified five mitigation measures (M-TR-3a through M-TR-3e) to reduce these impacts, including installation and operation of transit-only and queue-jump lanes, exclusive San Francisco Municipal Railway (Muni) use of Mission Street boarding islands, transit improvements on streets within the plan area, and two measures to provide increased transit funding. However, PEIR Mitigation Measures M-TR-3a through M-TR-3e were identified as being of uncertain feasibility and/or effectiveness or would not fully mitigate impacts; accordingly, effects on transit were determined to be significant and unavoidable. These measures are not applicable to the proposed project, as they are Plan-level mitigations to be implemented by city and County agencies. The San Francisco Municipal Transportation Authority (SFMTA) is implementing the Transit Effectiveness Project (TEP), which was approved by the SFMTA Board of Directors in March 2014. The TEP (now called Muni Forward) includes system-wide review, evaluation, and recommendations to improve service and increase transportation efficiency.

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<sup>37</sup> Transit priority areas are defined in CEQA section 21064.3 as areas within one-half mile of a major transit stop, which is a rail transit station, a ferry terminal served by bus or rail transit, or the intersection of two or more bus routes with a peak-period service frequencies 15 minutes or less. Virtually the entire City of San Francisco is within a transit priority area, save Twin Peaks, Diamond Heights and its southwest slope, most of the Presidio, and small areas of the Sunset, Parkside, Excelsior, and Hunters Point.

The PEIR concluded that the increased pedestrian activity that would result from TCDP implementation would degrade the level of service at sidewalks, street corners, and crosswalks within the TCDP plan area and would result in a significant and unavoidable impact. PEIR Mitigation Measure M-TR-4: Widen Crosswalks was identified, whereby San Francisco Municipal Transportation Agency (SFMTA) would widen crosswalks in the plan area; however, the impact remained significant and unavoidable. In addition, the TCDP PEIR concluded that the development of the large projects proposed in the plan area, as well as lack of capacity to accommodate loading demands, would create potentially hazardous conditions for pedestrians, bicycles, traffic, and transit, resulting in significant and unavoidable impacts. PEIR Mitigation Measures M-TR-5 Garage/Loading Dock Attendant, M-TR-7a Garage/Loading Dock Attendant, and M-TR-7b Augmentation of On-Street Loading Space Supply were identified to reduce impacts by requiring some projects to employ a parking garage and/or loading dock attendant, requiring some projects to develop a loading dock management plan, and encouraging SFMTA to increase the supply of on-street loading spaces; however, these impacts remained significant and unavoidable.<sup>38</sup>

Finally, the PEIR determined that construction of individual projects within the TCDP plan area, with ongoing construction of the Transit Center, could disrupt nearby streets, transit services, and pedestrian and bicycle circulation. Mitigation Measure M-TR-9 was identified to reduce impacts by requiring individual development projects within the plan area to develop a construction management plan that would: restrict construction truck movements to times outside of weekday a.m. and p.m. peak periods; optimize truck routes; encourage construction employees to take transit; and require the project sponsor to coordinate construction activities with surrounding projects through creation of a construction phasing and operations plan. Even with implementation of PEIR Mitigation Measure M-TR-9, the impact was considered significant and unavoidable.

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

## Vehicle Miles Traveled (VMT) Analysis

Many factors affect travel behavior. These factors include density, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses, located in areas with poor access to non-private vehicular modes of travel, generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the city have lower VMT ratios than other areas of the city. These areas of the city can be expressed geographically through transportation analysis zones. Transportation analysis zones are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

<sup>&</sup>lt;sup>38</sup> PEIR Mitigation Measures M-TR-4 and TR-7b are not applicable to the proposed project since they are Plan-level mitigation that could be implemented by SFMTA.

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010-2012, Census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area's actual population, who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT. <sup>39,40</sup>

A project would have a significant effect on the environment if it would cause substantial additional VMT. The State Office of Planning and Research's (OPR) Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA ("Proposed Transportation Impact Guidelines") recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets screening criteria, then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required.

The proposed project includes residential, hotel, office, and retail uses, and special events would be held in the hotel facilities.<sup>41</sup> For residential development, the existing regional average daily VMT per capita is 17.2.<sup>42</sup> For office development, regional average daily work-related VMT per employee is 19.1. For retail development, regional average daily retail VMT per employee is 14.9.<sup>43</sup> As trips for tourist hotels typically function similarly to residential, tourist hotels are generally treated as a "residential" use for the purpose of this VMT analysis. Average daily VMT for all three land uses is projected to decrease in future 2040 cumulative conditions. Refer to Table 3: Daily Vehicle Miles Traveled, below, which includes the transportation analysis zone (TAZ) in which the project site is located, TAZ 741.

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<sup>&</sup>lt;sup>39</sup> To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, then both retail locations would be allotted the total tour VMT. A trip-based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

<sup>&</sup>lt;sup>40</sup> San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A, March 3, 2016.

<sup>&</sup>lt;sup>41</sup> The proposed project could include 10 large conference events, 50 small conference / gala events, and 90 meetings (Kittleson & Associates, Inc., 542-550 Howard Street (Transbay Parcel F) Transportation Impact Study, September 6, 2018).

<sup>42</sup> Includes the VMT generated by the households in the development and averaged across the household population to determine VMT per capita.

Retail travel is not explicitly captured in SF-CHAMP, rather, there is a generic "Other" purpose which includes retail shopping, medical appointments, visiting friends or family, and all other non-work, non-school tours. The retail efficiency metric captures all of the "Other" purpose travel generated by Bay Area households. The denominator of employment (including retail; cultural, institutional, and educational; and medical employment; school enrollment, and number of households) represents the size, or attraction, of the zone for this type of "Other" purpose travel.

Cumulative 2040 **Existing** Bay Area Bay Area Regional Regional Bay Area Bay Area Land Use Regional TAZ 741 **TAZ 741** <u>Average</u> Regional **Average** <u>Average</u> minus <u>Average</u> <u>minus</u> 15% <u>15%</u> Households 17.2 14.6 2.8 16.1 13.7 2.1 (Residential) **Employment** 19.1 16.2 7.9 17.0 14.5 6.2 (Office) **Employment** 14.9 12.6 9.2 14.6 12.4 8.3 (Retail)

**Table 3: Daily Vehicle Miles Traveled** 

The projected 2040 residential and job growth estimates are prepared by Association and Bay Area Governments and adjusted by the San Francisco Planning Department. The land use scenario uses projections from the Sustainable Communities Strategy: Jobs-Housing Connections from Plan Bay Area.<sup>44</sup>

A project would have a significant effect on the environment if it would cause substantial additional VMT. The State Office of Planning and Research's (OPR) *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* ("proposed transportation impact guidelines") recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (Map-Based Screening, Small Projects, and Proximity to Transit Stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-Based Screening is used to determine if a project site is located within a transportation analysis zone that exhibits low levels of VMT; Small Projects are projects that would generate fewer than 100 vehicle trips per day; and the Proximity to Transit Stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio of greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the planning code without conditional use authorization, and are consistent with the applicable Sustainable Communities Strategy.

As mentioned above, existing average daily VMT per capita for residential uses is 2.8 for the transportation analysis zone the project site is located in, 741. This is 84 percent below the existing regional average daily VMT per capita of 17.2. Also, as shown in Table 3 above, existing average daily VMT per employee for office uses in TAZ 741 is 7.9 and, for retail uses, is 9.2. These employee-based VMT numbers are 59 percent and 38 percent, respectively, below the existing regional averages of 19.1 and 14.9. Given the project site is located in an area where existing VMT is more than 15 percent below the existing regional average, the proposed project's residential, hotel, office, and retail uses would not

<sup>44</sup> Manoj Madhavan and Chris Espiritu, San Francisco Planning Department, Memo to Transportation Team, "CEQA – 2040 SF-CHAMP Modeling Methodology Assumptions", April 25, 2016.

result in substantial additional VMT and impacts would be less-than-significant.<sup>45</sup> Furthermore, the project site meets the Proximity to Transit Stations screening criterion, which also indicates the proposed project's residential uses would not cause substantial additional VMT.<sup>46</sup>

San Francisco 2040 cumulative conditions were projected using a SF-CHAMP model run, using the same methodology as outlined for existing conditions, but includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040. Projected 2040 average daily VMT per capita for residential uses in TAZ 741 is 2.1. This is 87 percent below the projected 2040 regional average daily VMT per capita of 16.1. Projected 2040 average daily VMT numbers per employee for office and retail uses in TAZ 741 are 6.2 and 8.3, respectively. These figures are 64 percent and 43 percent, respectively, below the projected 2040 regional average daily VMT per employee of 17.0 and 14.6, respectively. Given the project site is located in an area where VMT would be greater than 15 percent below the projected 2040 regional average, the proposed project's residential, hotel, office, and retail uses would not result in substantial additional VMT. Therefore, the proposed project's residential, hotel, office, and retail uses would not contribute considerably to any substantial cumulative increase in VMT.

### **Trip Generation**

The proposed project involves the construction of a new mixed use tower with approximately 165 residential units, 189 hotel rooms, 274,000 gsf of office uses, and 8,200 sf of retail space. Localized trip generation of the proposed project was calculated using a trip-based analysis and information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>47</sup> The proposed project would generate an estimated 14,596 person trips (inbound and outbound) on a weekday daily basis, consisting of 4,590 person trips by auto, 4,445 transit trips, 4,450 walk trips and 1,111 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 1,733 person trips, consisting of 537 person trips by auto, 548 transit trips, 521 walk trips and 127 trips by other modes. The project would generate an estimated 2,699 daily vehicle trips and 341 p.m. peak hour vehicle trips.

## **Transit**

The project site is located within a quarter mile of many local transit lines including Muni lines 2, 3, 5, 5R, 6, 7, 76X, 7R, 7X, 8, 8AX, 8BX, 9, 9R, 10, 12, 14, 14R, 14X, 21, 25, 30, 30X, 31, 38, 38R, 41, 45, 81X, 82X, F, J, KT, L, M, N, and NX. The proposed project would generate 548 daily transit trips, including 135 inbound and 413 outbound during the p.m. peak hour. Transit trips to and from the site would use the nearby Muni bus and light rail lines for local trips, and the regional lines (potentially with transfers to/from Muni) for trips outside San Francisco. Based on the transit trip distribution, it was estimated that of the 413 outbound trips (outbound from the project site and downtown) during the weekday p.m. peak hour, approximately 235 trips would be local trips, 178 would be regional trips, and about 55 of the regional trips would transfer from Muni local service to a regional provider. Transit trips to and from the project site would likely use the nearby Muni bus and light rail lines for local trips, and BART, AC Transit, Golden Gate Transit, Caltrain, and SamTrans for trips outside San Francisco. The project would increase

<sup>45</sup> Hotel uses are evaluated as residential uses in the VMT screening analysis, since hotel trips typically function similarly to residential trips.

<sup>46</sup> San Francisco Planning Department. Eligibility Checklist: CEQA section 21099 – Modernization of Transportation Analysis for 542-550 Howard Street, August 14, 2018.

<sup>&</sup>lt;sup>47</sup> Kittleson & Associates, Inc., 542-550 Howard Street (Transbay Parcel F) Transportation Impact Study, September 6, 2018.

ridership on the Muni screenlines and would directly cause the Sutter/Clement corridor and Fulton/Hayes (Northwest screenline) to exceed the 85 percent capacity utilization threshold. All other screenlines and corridors would continue to operate under the threshold. The project would add 14 riders and 41 riders, respectively, of overall ridership on the Sutter/Clement and Fulton/Hayes corridors. The increase in transit ridership generated by the project represents less than five percent of the overall ridership on corridors that currently operate over the 85 percent capacity utilization threshold under existing conditions and would continue to do so under existing plus project conditions. As a result, the project would result in less-than-significant impacts to capacity utilization on Muni's Downtown screenlines during the weekday p.m. peak hour. With respect to regional transit, all screenlines and operators would continue to operate under the 100 percent capacity utilization threshold during the weekday PM peak hour, except the BART East Bay service and the East Bay screenline. However, the increase in project ridership would represent less than 1 percent of the overall ridership on the screenline and would result in less-than-significant impacts to ridership and capacity utilization for regional transit operators during the weekday p.m. peak hour.

### **Bicycles**

The project site is served by multiple bikeway facilities, including the bike lane on Howard Street.<sup>48</sup> The project would result in approximately 127 "other" person-trips during the weekday p.m. peak hour, which all would be assumed to be bicycle trips. The project would provide a total of 177 Class 1 bicycle parking spaces in a bicycle storage facility on level 4 of the building, 16 Class 2 bicycle parking spaces would be located near the Natoma Street pedestrian entrances to the building, and 4 Class 2 bicycle parking spaces in front of the Howard Street office lobby. While the project would increase the amount of bicycle traffic along streets in the vicinity of the project site, the addition of 127 p.m. peak hour bicycle trips would not be substantial enough to affect overall bicycle circulation or the operations of bikeway facilities. There would be sufficient capacity on existing bikeways to handle the incremental increase in bicyclists generated by the proposed development. As a result, the project would result in less-than-significant impacts to general bicycle conditions as a result of increased bicycle traffic.

Motorists accessing the proposed garage would enter and exit from First Street/Natoma Street, both of which do not have bicycle facilities. However, the project proposes a passenger loading zone and driveway to the freight loading dock on Howard Street, which does have dedicated bicycle lanes on the north side of the street, along the project's frontage. Given that there is a dedicated bicycle lane on Howard Street, the presence of a passenger loading zone and loading dock driveway would increase potential for conflicts as a result of project-related vehicles crossing the bike lane. Although the proposed project would increase the number of vehicles crossing the bike lane, it would not create hazardous conditions for bicyclists (e.g., trucks blocking the bike lane) or interfere with accessibility to the site and adjoining areas because of low approaching driver speed,<sup>49</sup> and adequate sight distance and turning movements. While there would be less-than-significant effects with respect to project-related vehicle-bicycle conflicts, **Project Improvement Measure 1: Install Conflict Striping** has been developed for the proposed project to increase visibility of the driveway crossing and passenger loading zone. Implementation of Project Improvement Measure 1 would help raise awareness for both bicyclists and motorists to potential conflict areas and further minimize any less than significant effects as a result of

<sup>&</sup>lt;sup>48</sup> The bike lane is located on the lane farthest away from the project site.

<sup>&</sup>lt;sup>49</sup> The speed limit on Howard Street is 25 mile per hour.

vehicles accessing the passenger loading zone and loading dock driveway on Howard Street. The full text of Project Improvement Measure 1 is provided beginning on page 109.

### **Pedestrians**

The project would generate approximately 1,069 daily pedestrian trips, which includes 521 walk-only person-trips and 548 transit person-trips. The proposed project would include a 9 foot wide pedestrian and bicycle path on the western side of the project side and includes an elevated 22-foot-wide pedestrian bridge to the Transbay Transit Center on level 5. The pedestrian bridge would be located on level 5 of the building and would be accessible from a public elevator located within the shared public lobby on the Natoma Street frontage. The project does not propose any sidewalk widening, which would continue to feature sidewalk widths measuring approximately 5 feet on Natoma Street and 12 feet on Howard Street. The project would generate pedestrian activity along both Howard and Natoma streets and First and Second streets to access the project site. Pedestrians may also travel through the TTC and utilize the Shaw Alley pedestrian-only connection to/from destinations in the north. Pedestrian trips would be distributed across multiple ground-floor entrances/exits to the building as well as the pedestrian path and proposed pedestrian bridge to the TTC located on level 5. Despite the overall reduction in pedestrian space related to the proposed project's roadway extension and cul-de-sac on Natoma Street, given the distribution of project-generated pedestrian trips across the network, and ADA compliance, the incremental increase in pedestrians generated by the proposed project would not result in overcrowding on individual routes of travel for people walking.

Motorists accessing the proposed garage would enter and exit from First Street and would need to cross the west crosswalk at the intersection of First Street/Natoma Street, which has high pedestrian volumes during the peak periods. For both inbound and outbound movements, vehicles would need to wait for a gap in pedestrian traffic. If few or only short gaps were available, there would be a potential issue with drivers forcing their way through the pedestrian traffic in order to make the right-turn movements. Given the currently low volume of vehicles making this right-turn movement (25 right turns during the weekday PM peak hour), the addition of project-related vehicle trips (212 right turns) would not create substantial hazardous conditions or reductions in pedestrian accessibility.

As discussed in more detail in the project description, the proposed project's parking garage and valet drop-off and pick-up zone would be located at the porte cochère and cul-de-sac on Natoma Street. There would be capacity for up to five cars to queue in the porte cochère and cul-de-sac and the use of valet service would help manage vehicle parking and passenger loading activities on Natoma Street. Natoma Street has a curb-to-curb width of 36 feet and would have sufficient width to allow vehicle traffic to bypass any temporary queuing in the curbside lane. However, the frequent flow of vehicles between Natoma Street and the car elevator would disrupt the flow of people walking and biking along the Natoma Street south sidewalk. As such, valet operations on Natoma Street would create safety hazards and accessibility issues for people walking and biking. The proposed project would result in a significant pedestrian impact related to hazards and accessibility from vehicles accessing the garage on Natoma Street. Implementation of Project Mitigation Measure 4: Garage/Loading Dock Attendant, which implements PEIR Mitigation Measure M-TR-5, would reduce this impact related to valet operations and passenger loading on Natoma Street to less-than-significant levels by minimizing or eliminating conflicts between vehicles entering and exiting the porte cochère and car elevator and pedestrians traveling along Natoma Street. To further minimize effects on pedestrian conditions, Project Improvement Measure 2: Queue Abatement would be implemented to lessen the effects on pedestrians by reducing the potential

for queues to develop and block path of travel for people walking along Natoma Street. This improvement measure is provided in full beginning on page 109.

### Loading

### **Freight Loading**

The proposed project would provide four off-street freight loading spaces (approximately 30 feet long, 10 feet wide, with at least 14 feet vertical clearance) off Howard Street. The proposed project would generate about 125 daily service/delivery vehicle trips, resulting in demand for six loading spaces during the average hour and eight loading spaces during the peak hour of loading activities. The supply of loading spaces proposed by the project would fall short of the Planning Code section 152 requirement and the estimated average and peak hour loading demand.

Given the nature of freight loading activities typically associated with these types of uses proposed onsite, it is expected that most demand would consist of smaller vehicles. These activities would take place on a regular basis and would likely not require extended occupancy of the dock, allowing for relatively easy scheduling and coordination. Given these activities would be conducted using smaller delivery vehicles, they would also be flexible and capable of utilizing nearby on-street loading spaces along Howard Street<sup>50</sup> in the event that the loading dock is occupied.

Only one truck can utilize the turn table at one time. While there is sufficient space for up to one truck to queue in the loading dock driveway, if multiple trucks arrived simultaneously there is potential for queues to spill back across the Howard Street sidewalk and bicycle lane. Additionally, if the truck turntable malfunctions, trucks would not be able to access the loading dock. Without access to the four freight spaces in the loading dock, there is potential for loading demand to exceed supply and truck drivers may choose to double park in the travel lane, on-street passenger loading zone, bicycle facility or queue onto the sidewalk along the Howard Street frontage. Loading dock operations along Howard Street under these conditions would not be met resulting in potential hazards for pedestrians who would cross the sidewalk and for bicyclists traveling in the bike lane. Therefore, the proposed project would result in a significant loading impact due to the creation of hazardous conditions to pedestrians and bicyclists. Implementation of Project Mitigation Measure 4: Garage/Loading Dock Attendant, which implements PEIR Mitigation Measure M-TR-5 that ensures building management employs attendant(s) for the project building's garage to direct vehicles entering and exiting the building and avoid any safetyrelated conflicts with pedestrians on the sidewalk, and Project Mitigation Measure 5: Loading Dock Management, which implements PEIR Mitigation Measure M-TR-7a, which ensures there is a plan for active management and maintenance of the project building's loading dock and truck turntable, would reduce this impact related to freight loading to less-than-significant levels by minimizing or eliminating any conflicts between trucks entering and exiting the loading dock and pedestrians and bicyclists traveling along Howard Street.

## **Tour Bus Loading**

The proposed project would provide 108 feet of white curb space along the project's Howard Street frontage. This white curb space could be used to accommodate up to two 40- or 45-foot tour bus loading

There are currently six commercial loading spaces provided on Howard Street between First Street and Second Street including two metered spaces at 580 Howard Street, 1 metered space at 540 Howard Street, 1 metered space at 591 Howard Street, and 2 metered spaces at 527 Howard Street.

for the hotel on an as-needed basis. Given the size and nature of the proposed hotel, the demand for tour bus loading spaces is not expected to exceed more than one space on a regular basis.

As noted earlier in this section, in recognition of the fact that site constraints in C-3 Districts may make provision of required off-street freight and tour bus loading spaces impractical or undesirable, a reduction in or waiver of the provision of freight loading and service vehicle spaces for uses in C-3-0(SD) district may be permitted in accordance with the provisions of San Francisco Planning Code section 309. The proposed project would need to seek a reduction in or waiver from planning code requirements. Tour bus loading activities could be accommodated within proposed on-street loading facilities. However, there is no designated tour bus loading space near the project site. Therefore, the proposed project would result in a significant impact related to tour bus loading. As such, Project Mitigation Measure 4: Garage/Loading Dock Attendant, which implements PEIR Mitigation Measure M-TR-5 that ensures building management employs attendant(s) for the project building's garage to direct tour buses entering and exiting the loading zone and avoid any safety-related conflicts with pedestrians and bicyclists along Howard Street and Project Mitigation Measure 5: Loading Dock Management, which implements PEIR Mitigation Measure TR-7a, that ensures there is a plan for active management and maintenance of the project building's loading dock and truck turntable, would be applicable to the proposed project (full text provided in the "Mitigation Measures" section below, beginning on page 103). Implementation of Project Mitigation Measures 4 and 5 would reduce this impact related to tour bus loading to less-than-significant levels by managing tour bus activity and minimizing or eliminating any conflicts between tour buses entering and exiting the loading zone and passenger and freight vehicles and people walking and bicycling along Howard Street. With implementation of these mitigation measures, the impact related to tour bus loading would be reduced to a less-than-significant impact level.

## Passenger Loading

The project proposes to convert 108 linear feet of curb on the Howard Street frontage to provide a new white curb passenger loading zone associated with all uses. Residential move-in/move-out activities could occur on on-street parking spaces as permitted by SFMTA. The passenger loading zone would be created through the reduction and reconstruction of the existing curb cut and restriping of existing curb. The project would also allow passenger drop-off and pick-up along Natoma Street. The elimination of existing curb cuts, construction of new curb cuts, and conversion of curb space to color curb, would be subject to the review and approval of SFMTA.

There would be capacity for up to five cars to queue in the proposed porte cochère on Natoma Street and the use of valet service would help manage vehicle parking and passenger loading activities and reduce potential for vehicle conflicts. Vehicles can maneuver around the cul-de-sac and into/out of the car elevator within the right-of-way and without encroaching onto sidewalks or opposing travel lanes. The proposed project would generate a peak hour passenger loading demand of about five vehicles. The proposed on-street loading zones on Howard Street and the proposed porte cochère on Natoma Street could accommodate the passenger loading demand generated by the project. However, given that the proposed project's supply of off-street freight loading spaces would fall short of demand, smaller delivery vehicles may utilize the on-street white loading zone if the loading dock is occupied and tour bus loading may also utilize the on-street passenger loading zone on Howard Street. Therefore, the on-street loading zone may be fully occupied and people attempting to access the loading zone could double-park, temporarily blocking the bicycle lane or travel lane creating hazardous loading conditions for bicyclists and vehicles. As described in the Project Description, the proposed project would host a

number of events of varying attendance levels throughout the year. Passenger loading demand is expected to increase on event days as some attendees would be anticipated to stay off-site and travel to and from the hotel on event days.

While the proposed loading zones would generally accommodate project-generated passenger loading activity, there is potential for the combination of spillover of freight loading demand and tour bus demand to exceed supply, which would result in a significant impact related to passenger loading. Therefore, TCDP PEIR Mitigation Measure TR-5: Garage/Loading Dock Attendant that ensures building management employs attendant(s) for the project building's garage to direct vehicles entering and exiting the project building's garage and actively manage vehicle traffic in the passenger loading zone, and avoid any safety-related conflicts with pedestrians and bicyclists along Howard Street and TCDP PEIR Mitigation Measure TR-7a: Loading Dock Management that ensures there is a plan for active management and maintenance of the project building's loading dock and truck turntable would be applicable. These mitigation measures would be applied as Project Mitigation Measure 4 and Project Mitigation Measure 5 and would reduce this impact to less-than-significant levels by managing passenger loading supply and minimizing or eliminating the number of loading vehicles interfering with pedestrian accessibility on Natoma Street or blocking or double-parking the Howard Street bike lane.

## **Emergency Vehicles**

Emergency vehicle access to the project site would be provided from Natoma and Howard streets. Emergency vehicles would also be allowed to pass through the pedestrian plaza on Natoma Street to access the project site from Second Street, which includes removable bollards.<sup>51</sup> The nearest SFFD fire station, Station 1, is located at 935 Folsom Street between Fifth and Sixth streets, approximately 0.9 miles west of the project site. The next nearest SFFD fire station, Station 8 is located at 36 Bluxome Street, on the east corner of Folsom Street/Falmouth Street, approximately 1.1 miles southwest of the project site. All streets that comprise the route from the fire stations to the project site are sufficiently wide enough to provide adequate emergency vehicle access to the site. Some emergency vehicles such as ladder trucks may experience some challenges negotiating the cul-de-sac on Natoma Street. A ladder truck could complete the turnaround maneuver with a three-point turn. Alternatively, with the removal of three bollards, SFFD ladder trucks could continue through on Natoma Street to and from Second Street. As such, these larger vehicles would be provided adequate emergency access. Therefore, the proposed project would have a less-than-significant impact to emergency vehicle access.

## Construction

Detailed plans for construction of the proposed project have not been finalized. However, it is anticipated that construction would take about 45 months to complete and would occur Monday through Friday from 7:00 a.m. to 8:00 p.m. Saturday work would occur from 8:00 a.m. to 4:00 p.m. on an as-needed basis, in compliance with the San Francisco Noise Ordinance and permit conditions. (Any nighttime work, such as for a multi-hour continuous concrete foundation pour, would require advance approval from the Department of Public Works.)

Construction staging would occur primarily within the confines of the project site and using portions of the frontage along both Howard and Natoma streets. Parking lane and sidewalk closure would be needed

<sup>&</sup>lt;sup>51</sup> The pneumatic automatic retractable bollards would be integrated with an access control option, such as a key system, guard operated, proximity card, or other system/software.

on Howard Street for the duration of construction. The sidewalk and bicycle lane would be rerouted to the perimeter of the parking lane. On Natoma Street, the southern portion of the promenade and street adjacent to the site would be closed with pedestrian access through Natoma Street to remain open on the northern half of the street. For sidewalks along these closed frontage portions, signage and pedestrian protection would be erected, as appropriate. Closures would be coordinated with the city in order to minimize the impacts on local traffic. The construction logistics plan, to be prepared by the contractor, would be reviewed by the SFMTA and would address issues of circulation (traffic, pedestrians, and bicycle), safety, parking and other project construction in the area. Based on review of the construction logistics plan, the project may be required to consult with SFMTA Muni Operations prior to construction to review potential effects to nearby transit operations.

Based on information available from projects of a similar size, it is anticipated that 30 to 40 daily round-trip truck trips and 30 to 40 daily round-trip construction worker vehicle trips would be generated during any single phase of the construction period. Throughout the construction period, there would be a flow of construction-related traffic into and out of the site. Construction trucks would be required to use designated freight traffic routes to access the construction site. The *San Francisco General Plan* identifies several freight traffic routes in the vicinity of the construction site, including I-80 and major arterials (Howard Street, Folsom Street, Fremont Street, First Street, and Third Street).

The impact of construction truck traffic would be a temporary lessening of the capacities on surrounding roadways and truck routes, as well as connecting local streets, due to the slower movement and larger turning radii of trucks. Construction truck traffic could result in minor congestion and conflicts with vehicles, transit, pedestrians and bicyclists. While construction duration could last approximately 45 months, potential impacts would be considered less than significant due to their temporary and intermittent nature and due to the fact that the majority of construction activity would occur during off-peak hours when traffic volumes are minimal and potential for conflicts is low.

Parking demand generated by construction workers' personal vehicles could be accommodated by existing on-street and off-street public parking facilities in the area. Additionally, given the project's location in close proximity to high-quality local and regional transit services, a portion of construction workers would be expected to arrive via public transit. Construction workers would be encouraged to commute via sustainable means of transportation, including public transit, ridesharing, bicycling, and walking.

## **Cumulative Analysis**

#### **Transit**

Under cumulative conditions, a number of Muni corridors and screenlines would have ridership in excess of Muni's standard and, as was identified in the PEIR, this would be a significant impact. Under cumulative conditions, the California, Sutter/Clement, Fulton/Hayes, Mission, and San Bruno/Bayshore corridors would operate over the 85 percent capacity threshold. The proposed project would add zero riders to the California corridor, 14 riders to the Sutter/Clement corridor, 41 riders to the Fulton/Hayes corridor, 15 riders to the Mission corridor, and 10 riders to the San Bruno/Bayshore corridor. Transit riders generated by the proposed project would represent less than three percent of overall ridership on these corridors. Because the proposed project would not cause any of the screenlines to exceed the 85 percent capacity threshold or cause more than a 5 percent capacity utilization increase on a screenline that would exceed the 85 percent capacity utilization under cumulative conditions, project contribution to cumulative local transit impacts would be less than significant. With respect to regional transit, the transit

riders generated by the project would account for a relatively small portion of the overall cumulative ridership totals including less than one percent of the overall ridership on BART's East Bay service. Thus, the project would not be cumulatively considerable with respect to cumulative impacts on regional transit ridership and capacity utilization during the weekday p.m. peak hour.

The project would not result in relocation or removal of any existing bus stops or other changes that would alter transit service. Additionally, while the project would add traffic to the surrounding roadways, project-generated vehicle, bicycle, and pedestrian trips would not substantially affect transit operations on nearby routes. The proposed project would also not contribute considerably to cumulative transit conditions and thus, would not result in any significant cumulative transit impacts.

# **Bicycles**

The proposed project would not contribute considerably to cumulative bicycle conditions and therefore, would not result in any significant cumulative bicycle impacts.

#### **Pedestrians**

As discussed above, Project Mitigation Measure 4, Garage/Loading Dock Attendant (implementing TCDP PEIR Mitigation Measure M-TR-5) would reduce a significant pedestrian impact related to hazards and accessibility from vehicles accessing the garage on Natoma Street to less than significant with mitigation. Additionally, Project Improvement Measure 2, Queue Abatement, would be implemented to lessen the effects on pedestrians along Natoma Street. The proposed project would not contribute considerably to cumulative pedestrian conditions and therefore, would not result in any significant cumulative pedestrian impacts.

## Loading

There would be a general increase in vehicle traffic and freight loading demand associated with planned and reasonably foreseeable development in the project area. As discussed in the TCDP EIR, failure to provide an adequate supply of off-street freight loading spaces, combined with the net loss of on-street commercial loading spaces in the plan area, could result in illegal parking by delivery/service vehicles and potential hazards for pedestrians traveling along the sidewalk, bicyclists traveling in the bike lane, and transit. Under cumulative conditions, the proposed project's supply of off-street freight loading spaces would fall short of demand and as a result, the proposed project, in combination with planned and reasonably foreseeable development, would result in significant impacts to commercial loading activities. Implementation of Project Mitigation Measure 5, Loading Dock Management, would reduce cumulative impact related to freight loading to a less-than-significant level by minimizing or eliminating any conflicts between trucks entering and exiting the loading dock and pedestrians and bicyclists traveling along Howard Street.

There would be a general increase in tour bus loading demand associated with planned and reasonably foreseeable developments in the area. Given the size and nature of the proposed project and other buildings in the area, the demand for tour bus loading spaces would exceed supply. The proposed project would provide 108 feet of white curb space along the project's Howard Street frontage, which would be used for both tour bus loading and passenger loading. This white curb space could be used to accommodate up to two 40- or 45-foot tour buses loading for the hotel on an as-needed basis. The proposed project's supply of tour bus loading spaces would fall short of supply and as a result, the proposed project, in combination with demand from planned and reasonably foreseeable development would result in significant impacts to tour bus loading activities under cumulative conditions. With

implementation of Project Mitigation Measures 4, Garage/Loading Attendant, and 5, Loading Dock Management, discussed above, the impact related to tour bus loading would be reduced to a less-than-significant impact level.

There would be a general increase in passenger loading demand associated with planned and reasonably foreseeable developments in the area. As discussed in the TCDP EIR, failure to provide an adequate supply of off-street loading spaces, combined with the net loss of on-street loading spaces under the Public Realm Plan, (e.g., Folsom/Howard Streetscape changes), could result in illegal parking by delivery/service vehicles and potential hazards. As demand increases, there would also be an increased potential for double-parking or stopping in travel lanes, bike lanes, or sidewalks. Therefore, while the passenger loading zones proposed by the project would accommodate project-generated passenger loading activity, there is potential for the combination of spillover freight loading demand and tour bus loading demand to exceed supply, the proposed project, in combination with planned and reasonably foreseeable development would result in significant impacts related to passenger loading activities under cumulative conditions. Implementation of Project Mitigation Measures 4 and 5, discussed above, would reduce cumulative passenger loading impacts to less-than-significant levels.

## **Emergency Vehicles**

There would be a general increase in vehicle traffic on the surrounding roadways associated with planned and reasonably foreseeable development in the project vicinity. As stated previously, all streets that comprise the route from the fire stations to the project site are sufficiently able to provide adequate emergency vehicle access to the site. Furthermore, there are transit-only lanes on Mission and Third streets in the vicinity of the proposed project, which emergency vehicle providers may use to respond to incidents. The proposed project, in combination with planned and reasonably foreseeable development, would not create potentially hazardous conditions for emergency vehicles, or otherwise interfere with emergency vehicle accessibility to the project site and adjoining areas. Cumulative impacts to emergency access are less than significant.

### Construction

The construction of the proposed project may overlap with the construction of other projects in the plan area. As a result, construction activities associated with these projects would affect traffic, transit, pedestrians, and bicycles on streets used as access routes to and from the project site (e.g., Howard Street, First Street). Overall, localized cumulative construction-related transportation impacts could occur as a result of cumulative projects that generate increased traffic at the same time and on the same roads as the project. The construction manager for each individual project would work with the city to develop a detailed and coordinated plan that would address construction vehicle routing, traffic control, and pedestrian and bicycle accommodation in the work zone for the duration of any overlap in construction activity. Construction activities associated with the proposed project, along with planned and reasonably foreseeable development, could result in a significant impact to traffic, transit, pedestrian, and bicycle circulation, especially if they take place concurrently with the construction of other developments in the vicinity of the project site. Therefore, Project Mitigation Measure 6: Construction Coordination, which would implement PEIR Mitigation Measure M-TR-9, is applicable to the proposed project (full text provided in the "Mitigation Measures" section below on page 104). Implementation of Mitigation Measure TR-9 would reduce the potential transportation impact from construction activities to a lessthan-significant level by developing construction phasing and operations plans that would result in the

least amount of disruption that is feasible to transit operations, pedestrian and bicycle activity, and vehicular traffic.

#### Conclusion

Implementation of the proposed project would not result in significant project-level or cumulative impacts related to transportation and circulation. The project sponsor has agreed to implement Project Mitigation Measures 4, 5, and 6 and Project Improvement Measures 1 and 2. Therefore, the proposed project would not result in significant transportation and circulation impacts that were not identified in the TCDP PEIR.

Тор	oics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
6.	NOISE—Would the project:				
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b)	Generation of excessive groundborne vibration or groundborne noise levels?				
c)	For a project located within the vicinity of a private airstrip or 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?				

The PEIR determined that implementation of the Plan would not result in a substantial permanent increase in ambient noise or vibration levels. However, as discussed in the PEIR, implementation of the Plan could result in significant and unavoidable impacts due to the potential for exposure of persons to noise levels in excess of standards in the San Francisco General Plan, and the introduction of new sensitive uses to the plan area that would be affected by existing noise levels (PEIR p. 353). The PEIR identified several mitigation measures to reduce these impacts at the project-level, by requiring: noise surveys for residential uses (PEIR Mitigation Measure M-NO-1a), the inclusion of certain noise minimization measures to meet residential and nonresidential noise standards (PEIR Mitigation Measure M-NO-1b and M-NO-1c), and noise minimization measures to meet mechanical equipment noise standards (PEIR Mitigation Measure M-NO-1d and M-NO-1e). Mitigation Measure M-NO-1c is specific to sensitive nonresidential uses such as child care centers, schools, libraries, and the like; as none of these uses is proposed as part of the project, Mitigation Measure M-NO-1c is not applicable to the proposed project. The PEIR concluded that impacts from exposure of persons and sensitive uses to excessive noise levels would remain significant and unavoidable at the program-level; however, the PEIR acknowledged

that projects that are able to meet the applicable thresholds of significance, and implement the above mentioned mitigation measures, may have less than significant impacts from exposure to persons and sensitive uses in the area.

With respect to construction noise, the PEIR determined that construction activities in the Plan area could expose persons to temporary increases in noise levels substantially in excess of ambient levels, but that these impacts could be mitigated to less than significant levels with implementation of certain noise control measures during pile driving (PEIR Mitigation Measure M-NO-2a) and other general construction noise control measures (PEIR Mitigation Measure M-NO-2b). The PEIR determined that construction activities could expose people to temporary increases in vibration levels that would be substantially in excess of ambient levels, which would result in significant and unavoidable vibration impacts. The PEIR acknowledged that specific projects may reduce vibration impacts to less than significant through adoption of PEIR Mitigation Measures M-NO-2a, M-CP-5a, and M-CP-5b (the latter two measures are discussed above, in Cultural Resources section); however, the PEIR determined that program-level impacts related to vibration would remain significant and unavoidable.

Finally, the PEIR determined that implementation of the Plan would result in significant and unavoidable cumulative impacts from construction noise, at the program level, but those project-specific impacts may potentially be reduced to less-than-significant levels with mitigation for individual projects.

As discussed above, the PEIR determined that significant impacts would occur due to the introduction of new sensitive uses (i.e., hospitals, skilled nursing/convalescent care facilities, schools, churches, libraries, and residences) into the plan area that would be affected by existing noise levels, as well as the exposure of persons to noise levels in excess of the *General Plan* noise compatibility guidelines. The PEIR noted that because noise levels adjacent to all major streets in the plan area, from Main Street to the west, exceeded 70 decibels (dBA) Ldn, project-specific noise studies should be completed for any new residential construction, consistent with the *General Plan* noise compatibility guidelines. Such studies should include a detailed analysis of the noise environment and incorporate certain noise reduction requirements to reduce interior noise levels to acceptable conditions. <sup>43,44</sup>

As required by PEIR Mitigation Measure M-NO-1a (Noise Survey and Measurements for Residential Uses) and PEIR Mitigation Measure M-NO-1d (Mechanical Equipment Noise Standard), an environmental noise study was completed for the proposed project.<sup>52</sup> The study measured the existing ambient noise environment and expected future project noise sources, and made recommendations regarding how the project could comply with the Noise Ordinance (Article 29 of the San Francisco Police Code).

To quantify the existing noise environment, one continuous long-term noise measurement and three short-term measurements were conducted. The long-term measurement was conducted on the roof of the nearby 33 Tehama Street building, located approximately 290 feet south of the project site.<sup>53</sup> The short-term measurements were conducted at the following three locations: on the southeastern corner of the project site, approximately 110 feet west of the project site, and approximately 230 feet north of the project site. See Exhibit 2, Figure 1 for the noise measurement locations and associated noise measurement

<sup>52</sup> Charles M. Salter Associates, Inc., Transbay Parcel F (542-550 Howard Street) Environmental Noise Impact Assessment, October 19, 2018

<sup>53</sup> The long-term measurement was conducted on the roof of the nearby 33 Tehama Street building since it is representative of the ambient noise levels that would be expected at higher elevations.

results. The minimum  $L_{eq}$  (15-min) on the roof ranged from 53 dBA to 61 dBA. Primary noise sources in the project area included automobile traffic on nearby roadways (Essex Street, Tehama Street, Howard Street, First Street, Minna Street, etc.) and secondary noise sources included pedestrians, airplane flyovers, and construction activity. The closest noise-sensitive use to the project site would be the future residential tower at 524 Howard Street, approximately 130 feet northeast of the site.

## **Building Operation**

## Mechanical Equipment

The proposed project would include several types of fixed noise-generating mechanical equipment. Mechanical equipment would include two emergency diesel generators on Levels B1 and 7, three large air-handling units (AHU) and three small AHUs on Level 4, one exhaust fan on Level 6, one large AHU and three exhaust fans on Level 32, one large AHU and five exhaust fans on the mechanical mezzanine, 55 and three cooling towers on the roof.

The project's emergency generators are expected to run for one hour per month for testing during daytime hours. Routine testing would be limited to the hours of 7:00 a.m. to 8:00 p.m. (unless granted a variance by the Director of the Department of Public Health or his/her designee), and the noise level when testing must be no greater than 75 dBA at all property lines upon which the equipment is located. According to the noise study, the anticipated noise levels of the project's emergency generators on Levels B1 and 7 would be 92 dBA and 89 dBA respectively, and would exceed the 75 dBA threshold. Implementation of **Project Mitigation Measure 7: Reduce Mechanical Equipment Noise**, which implements TCDP PEIR Mitigation Measure M-NO-1e: Interior Mechanical Equipment, would reduce this noise impact by requiring sound attenuators within the emergency generators sufficient to not exceed 75 dBA at the project's property plane (full text is provided in the Mitigation Measures section below, beginning on p. 104). Project Mitigation Measure 7 would be implemented to ensure that the proposed emergency generators meets the noise ordinance requirements.

The project's other mechanical equipment (i.e., AHUs and exhaust fans) would be subject to section 2909(b) of the City's Noise Control Ordinance, which limits noise levels from stationary-source equipment at the respective property line to no more than 8 dBA above ambient noise levels. According to the noise study, ambient noise level in the project vicinity is 53 dBA, and therefore the applicable threshold is 61 dBA (8 dBA above 53 dBA). Table 4, below, shows the modeled noise levels of the mechanical equipment at the nearest project property planes without generators running. All the noise levels from individual pieces of equipment, with the exception of the roof's cooling towers, would exceed the criterion of 61 dBA (and are shown in bold text in Table 4). As such, the combined noise level<sup>57</sup> with all pieces of equipment operating at the same time would be 75 dBA, also in exceedance of the criterion. Therefore, **Project Mitigation Measure 7: Reduce Mechanical Equipment Noise**, which would require the project sponsor to provide sound attenuation of up to 13 dBA for these pieces of equipment, would

<sup>54</sup> San Francisco Planning Department, Planning Department Case No. 2013.0882ENV 524 Howard Street, October 14, 2016. No building permit application has been submitted for this project. If the approved project is ultimately constructed, it would be the closest noise-sensitive use to the project site.

 $<sup>^{55}\,\,</sup>$  The mechanical mezzanine is referred to as level 62 in the noise study.

<sup>&</sup>lt;sup>56</sup> Jonathan Piakis, Noise Control Officer, San Francisco Department of Public Health, e-mail to Alesia Hsiao, Senior Planner, San Francisco Planning Department, August 15, 2018.

<sup>&</sup>lt;sup>57</sup> The All Equipment Combined noise levels are for the worst-case condition (i.e., at the level with the loudest equipment, but accounting for the additional distance from equipment on other levels).

reduce the combined mechanical equipment noise to meet the Police Code 2909(b) outdoor noise requirement.

Table 4: Noise Levels at Project Property Plane (Without Generators)

Equipment Location and Equipment Type	Noise Level without Noise Attenuation	Criterion	Noise Level With Noise Attenuation
Level 4: three large AHUs and three small AHUs)	65 dBA	61 dBA	57 dBA
Level 6: one exhaust fan	74 dBA	61 dBA	58 dBA
Level 32: one large AHU and three exhaust fans	64 dBA	61 dBA	61 dBA
Mechanical mezzanine: one large AHU and five exhaust fans	<b>64</b> dBA	61 dBA	56 dBA
Roof: cooling towers	59 dBA	61 dBA	59 dBA
All Equipment Combined	<b>75</b> dBA	61 dBA	61 dBA

Source: Charles M. Salter Associates, Inc., Transbay Parcel F (542-550 Howard Street) Environmental Noise Impact Assessment October 19, 2018.

#### **Amplified Noise**

The project's common outdoor use space would include amplified music in the Level 2 terrace. Events at the Level 2 terrace would include conferences, galas, meetings, and weddings. All events would typically occur between 8:00 a.m. and 4:00 p.m. In addition to these daytime hours, gala events and weddings could occur between 6:00 p.m. and 10:00 p.m. in the evening. Maximum event attendance is expected to be 200 for meetings, 250 for small conferences and galas, and 400 for large conferences, although the maximum capacity of the outdoor terrace is 100 persons. Noise from amplified music could vary widely and therefore could result in a significant noise impact.

Music and other amplified noise at common outdoor uses would be subject to section 2909(b) of the City's Noise Control Ordinance, which limits noise levels from amplified noise at the property plane to no more than 8 dBA above ambient noise levels. **Project Mitigation Measure 8: Control Exterior Amplified Noise**, which implements TCDP PEIR Mitigation Measure M-NO-1e: Interior Mechanical Equipment, would reduce this noise impact to less than significant levels by controlling amplified music onsite and away from sensitive receivers and monitoring on-site noise levels (full text provided in the Mitigation Measures section below, beginning on p. 105). With implementation of Project Mitigation Measure 8, the impact related to amplified music noise would be reduced to a less-than-significant level.

As reported in the noise study, based on the ambient noise level in the project vicinity being 61 dBA, the exterior noise level at 524 Howard Street is anticipated to be 44 dBA. This 17 dBA noise reduction is due to the distance from the project's property plane to 524 Howard Street (approximately 130 feet). This would be within the noise ordinance interior limit as defined in Police Code section 2909(d), which is 45 dBA between 10:00 p.m. and 7:00 a.m. Moreover, the 524 Howard Street building facade would provide an additional (at least) 15 dBA of noise attenuation (with open windows), resulting in interior noise levels within the 524 Howard Street building of well below 44 dBA. Thus, the project would be in compliance with section 2909(d).

## Traffic Noise

The proposed project would generate new daily vehicle trips within the TCDP plan area. As such, the proposed project would contribute to the significant noise impact, identified in the TCDP PEIR, related to the exposure of persons to noise levels in excess of standards in the *General Plan*. Project-related traffic was calculated to increase the existing traffic noise environment by 1 dBA along nearby segments of Howard Street (First Street to Second Street) and First Street (Mission Street to Howard Street).<sup>58</sup> Other streets would have an increase in traffic noise levels of less than 1 dBA, which is typically not perceptible.<sup>59</sup> As traffic noise increase of 1 dBA would not substantially contribute to ambient noise levels near the project site,<sup>60</sup> the proposed project's contribution to this noise impact would not be significant.

### Construction

Construction activities under the proposed project would last for approximately 45 months and would include several noise and vibration-creating phases, including excavation and building construction. While the proposed project would utilize drilled piers, no pile-driving is proposed, therefore TCDP PEIR Mitigation Measure M-NO-2a, which is related to pile-driving, is not applicable. Since heavy equipment would be used during excavation and construction of the proposed project, TCDP PEIR Mitigation Measure M-NO-2b: General Construction Noise Control Measures (Project Mitigation Measure 9) is applicable to the proposed project (full text provided in the Mitigation Measures section below, beginning on p. 105). Project Mitigation Measure 9 would require general construction noise control measures. The PEIR concluded that cumulative construction noise impacts could occur if multiple projects, located adjacent to the Transbay Transit Center, were under construction at the same time. To address these impacts, TCDP PEIR identified Mitigation Measure M-C-NO: Cumulative Construction Noise Control Measures, which would require a project sponsor of a development project in the plan area to cooperate with and participate in any city-sponsored construction noise control program for the TCDP or other city-sponsored area-wide program. At this time there is no existing City-sponsored construction noise control program for the TCDP area or other area-wide program developed to reduce the potential effects of construction noise in the project vicinity. Therefore, the Mitigation Measure M-C-NO is not applicable to the proposed project.

With implementation of Project Mitigation Measure 9, cumulative construction noise impacts would be reduced, but depending on the timing and location of the construction of various projects, the impact could still be significant. Therefore, the proposed project, even with Project Mitigation Measure 9 incorporated, may still contribute substantially to a significant and unavoidable cumulative impact given the amount of construction occurring in the surrounding area. As noted above, this impact was identified as significant and unavoidable in the TCDP PEIR and thus, the proposed project would not result in new or more severe impacts than the significant and unavoidable cumulative impact identified in the PEIR.

The operation of heavy equipment during construction could result in excessive levels of vibration that could contribute to structural damage of potentially historic structures nearby, including the 580 Howard Street building, which is located to the southwest of the project site. As stated in the TCDP PEIR, this impact would be temporary but could be considered substantial should nearby structures be damaged.

<sup>58</sup> Kittleson & Associates, Inc., 542-550 Howard Street (Transbay Parcel F) Transportation Impact Study, September 6, 2018.

<sup>59</sup> Ibid

<sup>60</sup> Charles M. Salter Associates, Inc., Transbay Parcel F (542-550 Howard Street) Environmental Noise Impact Assessment, October 19, 2018.

However, TCDP PEIR Mitigation Measures M-CP-5a: Construction Best Practices for Historical Resources (**Project Mitigation Measure 1**) and M-CP-5b: Construction Monitoring Program for Historical Resources (**Project Mitigation Measure 2**) would be implemented to reduce the potential for damage and ensure that any damage that may occur is repaired. Implementation of these measures would reduce the impacts of construction-related groundborne vibration on historic structures to a less-than-significant level. All construction activities for the proposed project would be subject to the San Francisco Noise Ordinance. Construction noise is regulated by the Noise Ordinance. The Noise Ordinance requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of Public Works or the Director of the Department of Building Inspection (building department) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of Public Works authorizes a special permit for conducting the work during that period.

The building department is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The police department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the approximately 45-month construction period for the proposed project, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance and TCDP PEIR M-NO-2b (Project Mitigation Measure 9), which would reduce construction noise impacts to a less-than-significant level.

#### **New Sensitive Uses**

The proposed project would be subject to the following interior noise standards, which are described for informational purposes. The California Building Standards Code (Title 24) establishes uniform noise insulation standards. The Title 24 acoustical requirement for residential structures (including hotels) is incorporated into section 1207 of the San Francisco Building Code and requires these structures be designed to prevent the intrusion of exterior noise so that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 dBA in any habitable room. The acoustical requirements of Title 24 are incorporated into the San Francisco Green Building Code. Title 24 allows the project sponsor to choose between a prescriptive or performance-based acoustical requirement for non-residential uses. Both compliance methods require wall, floor/ceiling, and window assemblies to meet certain sound transmission class or outdoor-indoor sound transmission class ratings to ensure that adequate interior noise standards are achieved. In compliance with Title 24, the building department would review the final building plans to ensure that the building wall, floor/ceiling, and window assemblies meet Title 24 acoustical requirements. If determined necessary by the building department, a detailed acoustical analysis of the exterior wall and window assemblies may be required.

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

#### **Cumulative Analysis**

The cumulative context for traffic noise analyses are typically confined to the local roadways nearest the project site. As project-generated vehicle trips disperse along the local roadway network, the contribution of traffic noise along any given roadway segment would similarly be reduced. As discussed in initial study checklist question 6a, the proposed project would not result in a perceptible increase in traffic noise. Should background traffic levels increase under 2040 cumulative conditions, the project's contribution to traffic noise would be even lower than under existing plus project conditions. Therefore, the proposed project would not result in a considerable contribution to ambient noise levels from project traffic.

The cumulative context for point sources of noise, such as building mechanical equipment systems and amplified noise at common outdoor uses are typically confined to the immediate vicinity in an urban environment because noise attenuates with distance and sight lines are interrupted by nearby buildings. The proposed project's mechanical equipment noise and amplified music would be reduced through implementation of Project Mitigation Measure 7, Reduce Mechanical Equipment Noise, and Project Mitigation Measure 8, Control Exterior Amplified Noise. Therefore, it is not likely that the proposed project's mechanical equipment noise and amplified noise at common outdoor uses would combine with that of cumulative projects to result in a significant increase in ambient noise levels.

The cumulative context for construction noise is usually not further than about 900 feet from the project site. 61 There are multiple reasonably foreseeable projects within 900 feet of the project site that could combine with the project's noise impacts to generate significant cumulative construction noise. These projects include 524 Howard Street, 555 Howard Street, 525 Harrison Street, and 95 Hawthorne Street, which could combine with the project's noise impacts to generate significant cumulative construction noise. The proposed project's construction noise, in combination with the reasonably foreseeable projects listed above, would result in a significant cumulative noise impact, consistent with the conclusions in the TCDP PEIR. The proposed project's construction noise impact would be reduced through compliance with Project Mitigation Measure 9; however, it cannot be stated with certainty, given the amount of construction anticipated in the immediate area, that the project's contribution to cumulative construction noise would be reduced to less-than-significant levels. Given that this impact was disclosed as significant unavoidable in the PEIR, the proposed project would not result in any significant noise impacts that were not identified in the PEIR, nor would it result it in more severe impacts than identified in the PEIR.

### Conclusion

With implementation of Project Mitigation Measures 7, 8, and 9, the proposed project would not result in any significant noise impacts, with the exception of the cumulative noise impact discussed above. Even taking into account this significant cumulative noise impact, the proposed project would not result in any significant noise impacts that were not identified in the PEIR, nor would it result it in more severe impacts than identified in the PEIR.

<sup>61</sup> This distance was selected because typical construction noise levels can affect a sensitive receptor at a distance of 900 feet if there is a direct line-of-sight between a noise source and a noise receptor (i.e., a piece of equipment generating 85 dBA would attenuate to 60 dBA over a distance of 900 feet). An exterior noise level of 60 dBA will typically attenuate to an interior noise level of 35 dBA with the windows closed and 45 dBA with the windows open.

Topics:		Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
7.	AIR QUALITY—Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?				$\boxtimes$
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard?				
c)	Expose sensitive receptors to substantial pollutant concentrations?				$\boxtimes$
d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				$\boxtimes$

The PEIR determined that the Plan would not conflict with or obstruct the implementation of the 2010 *Clean Air Plan*, or result in a cumulatively considerable net increase of any criteria pollutant, and impacts related to these thresholds were found to be less than significant.

The TCDP PEIR identified significant and unavoidable air quality impacts related to exposure of existing and future sensitive receptors, such as residences and child care centers, to emissions of fine particulate matter (PM25) and toxic air contaminants (TACs) as a result of existing and future mobile (vehicular travel) and stationary (generators, boilers, and cogeneration facilities) sources within and adjacent to the TCDP. PEIR Mitigation Measure M-AQ-2: Implementation of Risk and Hazard Overlay Zone and Identification of Health Risk Reduction Policies was identified to reduce impacts to sensitive receptors through the implementation of a risk and hazard overlay zone, within which certain health risk reduction policies would apply; however, the PEIR determined that impacts at the program level would remain significant and unavoidable. The PEIR found that project-specific impacts may be reduced to less than significant with mitigation incorporated.

The PEIR also identified significant and unavoidable air quality impacts related to generation of criteria air pollutants and to exposure of sensitive receptors to TACs from future construction activity, which could involve the use of diesel-powered off-road equipment. PEIR Mitigation Measure M-AQ-3: Siting of Uses that Emit DPM and Other TACs was identified to require site-specific analyses of on-site stationary sources and implement measures to reduce health risks where necessary; however, the PEIR determined that impacts at the program level would remain significant and unavoidable.

The TCDP PEIR also determined that future construction activity would result in significant and unavoidable impacts related to the generation of criteria air pollutants and exposure of sensitive receptors to TACs. PEIR Mitigation Measures M-AQ-4a: Construction Vehicle Emissions Minimization was identified to reduce project-specific impacts from construction vehicle emissions. However, the PEIR determined that program-level impacts would remain significant and unavoidable. The PEIR determined that the Plan would result in significant and unavoidable impacts from the exposure of sensitive receptors to TACs generated by construction equipment. PEIR Mitigation Measure M-AQ-5: Construction Vehicle Emissions Evaluation and Minimization was identified to reduce project-specific impacts

associated with the operation of construction vehicles. The PEIR determined that impacts at the program level would remain significant and unavoidable. In general, with respect to air quality, the PEIR found that project-specific impacts may be reduced to less than significant with mitigation incorporated.

Finally, the PEIR determined that implementation of the Transit Center District Plan would contribute considerably to cumulative air quality impacts, and the Plan would have significant and unavoidable cumulative impacts with mitigation implemented.

The discussion below is informed by the Air Quality Technical Memorandum prepared for the proposed project.<sup>62</sup>

# **Construction Dust Control**

The TCDP PEIR determined that emissions from fugitive dust would be less than significant with implementation of the San Francisco Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) and PEIR Mitigation Measure M-AQ-4b: Dust Control Plan. PEIR Mitigation Measure M-AQ-4b applies to sites that are too small (one-half acres or less) to be subject to the Dust Control Ordinance and requires such projects to develop and implement a dust control plan as set forth in Article 22B of the San Francisco Health Code. At 0.73 acres, the proposed project would be subject to the Construction Dust Control Ordinance, rather than PEIR Mitigation Measure M-AQ-4b. Inasmuch as PEIR Mitigation Measure M-AQ-4b was intended to apply the dust control features of the ordinance to sites not subject to the Dust Control Ordinance due to size, compliance with the Dust Control Ordinance would result in the same reduction in construction dust as would PEIR Mitigation Measure M-AQ-4b. Therefore, the project would not result in any dust impacts peculiar to the project or its site.

The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the building department. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities.

For projects over one-half acre, such as the proposed project, the Dust Control Ordinance requires that the project sponsor submit a Dust Control Plan for approval by the San Francisco Department of Public Health. The building department 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. The site-specific Dust Control Plan would require the project sponsor to implement additional dust control measures such as installation of dust curtains and windbreaks and to provide independent third-party inspections and monitoring, provide a public complaint hotline, and suspend construction during high wind conditions.

The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. As noted above, PEIR Mitigation Measure M-AQ-4b is not applicable to the proposed project. Furthermore, the proposed project would not contribute to any cumulative impacts on construction dust.

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<sup>62</sup> Ramboll Environ, Construction and Operational Air Quality Emissions Evaluation for Parcel F, July 25, 2018.

#### Criteria Air Pollutants

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>x</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 San Francisco Bay Area Air Basin (SFBAAB) experiences low concentrations of most pollutants when compared to federal or state standards. The SFBAAB is designated as either in attainment or unclassified for most criteria pollutants with the exception of ozone, PM2.5, and PM10, for which these pollutants are designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.

The PEIR determined that at a program level the TCDP would result in significant and unavoidable regional air quality impacts for criteria air pollutants; however, the PEIR acknowledges that "in the case of individual development projects in the plan area, site- and project-specific equipment and other considerations may lead to a conclusion that the project-specific effect can be mitigated to a less-than-significant."

## **Construction Criteria Air Pollutants**

Construction activities from the proposed project would result in the emission of criteria air pollutants from equipment exhaust, construction-related vehicular activity, and construction worker automobile trips. Construction of the proposed project would occur over approximately 45 months. Construction-related criteria air pollutants generated by the proposed project were quantified using the California Emissions Estimator Model (CalEEMod) and provided within an air quality technical memo.<sup>63</sup> The model was developed, including default data (e.g., emission factors, meteorology, etc.), in collaboration with California air districts' staff. Default assumptions were used where project-specific information was unknown. Emissions were converted from tons/year to lbs/day using the estimated construction duration of 980 working days. As shown in Table 5, below, unmitigated project construction emissions would be below the threshold of significance for ROG, NOx, exhaust PM<sub>10</sub>, and exhaust PM<sub>25</sub>.

**Table 5: Daily Project Construction Emissions** 

	Pollutant Emissions (Average Pounds per Day)				
	ROG	NOx	Exhaust PM <sub>10</sub>	Exhaust PM <sub>2.5</sub>	
Unmitigated Project Emissions	9.6	24	0.49	0.46	
Significance Threshold	54.0	54.0	82.0	54.0	

 $Source: Bay\ Area\ Air\ Quality\ Management\ District,\ CEQA\ Air\ Quality\ Guidelines,\ May\ 2017.$ 

<sup>63</sup> Ramboll Environ, Construction and Operational Air Quality Emissions Evaluation for Parcel F, July 25, 2018.

### **Operational Criteria Air Pollutants**

The PEIR evaluated the operational criteria air pollutant impacts from vehicle trips under PEIR Impact AQ-1. The PEIR determined that the Transit Center District Plan's growth in vehicle miles travelled would be consistent with the anticipated growth in population and that the Plan would be consistent with the 2010 Clean Air Plan. Therefore, the Transit Center District Plan would not result in a cumulatively considerable net increase of any criteria air pollutant for which the region is in nonattainment for state or federal air quality standards.

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 two backup diesel generators. The emergency diesel generators would be located on levels B1 and 7. The generators were assumed to be 2,750 kilowatts (kW) and 500 kW of electricity in case of emergency. Bay Area Air Quality Management District (air district) Rule 9-8-330.3 restricts non-emergency use of emergency standby diesel-fueled CI engines to a maximum of 50 hours per year.64 Therefore, this analysis assumed that the emergency diesel generators would each operate 50 hours per year.

Operational criteria air pollutant impacts of the proposed project were evaluated in the Air Quality Technical Memorandum using CalEEMod, with the exception of the emergency generators, emissions of which were quantified using equipment specific data.65 Default assumptions were used where projectspecific information was unknown. The daily and annual emissions associated with operation of the proposed project are shown in Table 6, below. Table 6 also includes the thresholds of significance the city uses.

Table 6: Summary of Operational Criteria Air Pollutant Emissions

	ROG	NOx	PM <sub>10</sub>	PM <sub>2.5</sub>
Project Average Daily Emissions (lbs/day)	26	39	0.80	0.78
Significance Threshold (lbs/day)	54	54	82	54
Project Maximum Annual Emissions (tpy)	4.8	7.0	0.15	0.14
Significance Threshold (tpy)	10.0	10.0	15.0	10.0

lbs/day = pounds per day

tpy = tons per year

Source: Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May 2017.

As shown in Table 5, the proposed project would not exceed daily or annual significance thresholds for ROG, NOx, PM<sub>10</sub> or PM<sub>2.5</sub>; therefore, the proposed project would have a less-than-significant impact related to operational air pollutant emissions. The proposed project would not contribute considerably to cumulative operational air pollutant emissions and would not result in any significant cumulative operational air pollutant emissions.

<sup>64</sup> Ibid

For the emergency generators, the air quality technical report used equipment-specific data where available and emissions factors for the 2,750 kW emergency generator were based on Tier 2 emission standards and emission factors for the 500 kW emergency generator were based on CalEEMod default generator set emission factors for operational year 2022 based on horsepower rating.

#### **Health Risk**

The PEIR evaluated the health risk impacts of the Plan upon new sensitive receptors under Impact AQ-2 and from new sources of fine particulate matter and toxic air contaminants under Impact AQ-3. The PEIR identified a significant and unavoidable impact in regards to health risks from locating sensitive receptors in areas with high levels of fine particulate matter and toxic air contaminants and exposing existing and future sensitive receptors to significant levels of fine particulate matter and toxic air contaminants from vehicle and equipment emissions. The proposed project includes sensitive land uses (e.g., residential) and would include two emergency back-up generators, which would emit diesel particulate matter, a known toxic air contaminant.

### Siting of Sensitive Land Uses

Subsequent to publication of the PEIR, the San Francisco Board of Supervisors approved amendments to the San Francisco Building and Health Codes, generally referred to as Enhanced Ventilation Required for Urban Infill Sensitive Use Developments, or Health Code article 38 (Ordinance 224-14, effective December 8, 2014). 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. The air pollutant exposure zone as defined in article 38 includes areas that, based on modeling of all known air pollutant sources undertaken by the city in partnership with the air district, exceed health protective standards for cumulative PM2.5 concentration and/or cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. Projects within the air pollutant exposure zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality. The ordinance requires that the project sponsor submit an enhanced ventilation proposal for approval by the Department of Public Health (the health department) that achieves protection from PM2.5 (fine particulate matter) equivalent to that associated with a minimum efficiency reporting value 13 filtration. The building department will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved enhanced ventilation proposal.

Thus, PEIR Mitigation Measure M-AQ-2: Implementation of Risk and Hazard Overlay Zone and Identification of Health Risk Reduction Policies has been implemented by the city through establishment of an air pollutant exposure zone and enhanced ventilation requirements under article 38. The project site is located within the air pollutant exposure zone and the proposed project's residential uses would be subject to the enhanced ventilation requirements under Health Code article 38. Compliance with Health Code article 38 would satisfy PEIR Mitigation Measure M-AQ-2.

In compliance with article 38, the project sponsor submitted an initial application to the health department on May 10, 2017. These requirements supersede the provisions of PEIR Mitigation Measure M-AQ-2. Therefore, PEIR Mitigation Measure M-AQ-2 is no longer applicable to the proposed project.

#### Construction

The PEIR determined that implementation of PEIR Mitigation Measure M-AQ-5: Construction Vehicle Emission Evaluation and Minimization would not reduce significant health risk impacts from the construction of subsequent projects to below a significant level, and the impact would be significant and unavoidable. As discussed above, the project site is located within an identified air pollutant exposure zone; therefore, the ambient health risk to sensitive receptors from air pollutants is considered

substantial. The proposed project would require heavy-duty off-road diesel vehicles and equipment during most of the anticipated 45-month construction period. Thus, the proposed project's construction emissions would contribute to this significant impact. Therefore, the project sponsor would be required to implement project Mitigation Measures 10 and 11. **Project Mitigation Measure 10: Construction Vehicle Emission Minimization**, which would implement PEIR Mitigation Measure M-AQ-4a, would require the project sponsor maintain and properly tune all construction equipment according to manufacturer's specifications and checked to be running in proper condition to reduce construction vehicle emissions. **Project Mitigation Measure 11: Construction Vehicle Emission Evaluation and Minimization**, which would implement PEIR Mitigation Measure M-AQ-5 demonstrating compliance with engine requirements, alternative source of power requirements, construction emissions minimization plan requirements and monitoring to reduce construction emissions (full text provided in the "Mitigation Measures" section below beginning on p. 107). As noted, this impact was identified as significant and unavoidable in the TCDP PEIR, and thus, the proposed project would not result in new or more severe impacts than the significant and unavoidable cumulative impact identified in the PEIR.

## **Siting New Sources**

In regards to siting new sources of air pollutant emissions, particularly the project's proposed two emergency back-up generators, PEIR Mitigation Measure M-AQ-3: Siting of Uses that Emit DPM and Other TACs was identified to reduce the health risk impact from new sources of diesel particulate matter. As noted above, subsequent to publication of the PEIR, the city partnered with the air district to model all stationary and mobile emissions sources in San Francisco, resulting in identification of the air pollutant exposure zone. This modeling obviates the need for project-specific modeling previously required by TCDP PEIR Mitigation Measure M-AQ-3. In addition, with **Project Mitigation Measure 12: Best Available Control Technology for Diesel Generators**, which would implement PEIR Mitigation Measure M-AQ-3 to ensure the project sponsor follows emission standards for particulate matter and compliance with the air district New Source Review permitting process, the proposed project's potential health risk effects from the proposed emergency generators would be reduced to a less than significant level.

### **Cumulative Analysis**

As discussed above, regional air pollution is by its nature a cumulative impact. Emissions from past, present, and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative adverse air quality impacts. 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 would not result in significant criteria air pollutant impacts, the project would not result in a considerable contribution to cumulative 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 temporary construction equipment, new vehicle trips, and stationary sources of emissions from a backup generator within an area already adversely affected by poor air quality, resulting in a considerable contribution to cumulative health risk impacts on nearby sensitive receptors.

<sup>66</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May 2017, page 2-1.

This would be a significant cumulative impact. The proposed project would be required to implement Project Mitigation Measures 10, Construction Vehicle Emissions Minimization, and Mitigation Measure 11, Construction Vehicle Emissions Evaluation and Minimization, which could reduce construction period emissions, and Project Mitigation Measure 12, Best Available Control Technology for Diesel Generators, which requires best available control technology to limit emissions from the project's emergency back-up generators. Implementation of these mitigation measures would reduce the project's contribution to cumulative localized health risk impacts.

#### Conclusion

For the above reasons, with implementation of Project Mitigation Measures 10, 11, and 12, (implementing TCDP PEIR Mitigation Measures M-AQ-4a, M-AQ-5, and M-AQ-3) along with the Dust Control Ordinance, the proposed project would not result in any new or more severe air quality impact than what was previously disclosed in the TCDP PEIR.

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

The PEIR concluded that adoption of the Transit Center District Plan would not directly result in greenhouse gas (GHG) emissions; however, implementation of development projects in the plan area, including the proposed project, would result in GHG emissions. The Plan includes goals and policies that would apply to the proposed project, and these policies are generally consistent with the city's *Strategies to Address Greenhouse Gas Emissions*. The PEIR concluded that emissions resulting from development under the Plan, including the proposed project, would be less than significant and no mitigation measures were required.

The air district has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project's GHG emissions and allow for projects that are consistent with an adopted GHG reduction strategy to conclude that the project's GHG impact is less than significant. San Francisco's *Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's GHG reduction strategy in compliance with the air district and CEQA guidelines. These GHG reduction actions

<sup>67</sup> San Francisco Planning Department, Strategies to Address Greenhouse Gas Emissions in San Francisco, July 2017. Available at http://sfmea.sfplanning.org/GHG/GHG\_Strategy\_October2017.pdf, accessed October 2, 2018.

have resulted in a 30 percent reduction in GHG emissions in 2016 compared to 1990 levels,<sup>68</sup> exceeding the year 2020 reduction goals outlined in the air district's 2017 Clean Air Plan,<sup>69</sup> Executive Order S-3-05<sup>70</sup>, and Assembly Bill 32 (also known as the Global Warming Solutions Act).<sup>71,72</sup> In addition, San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under Executive Orders S-3-05,<sup>73</sup> B-30-15,<sup>74,75</sup> and Senate Bill (SB) 32.<sup>76,77,78</sup> Therefore, projects that are consistent with San Francisco's GHG Reduction Strategy would not result in GHG emissions that would have a significant effect on the environment and would not conflict with state, regional, and local GHG reduction plans and regulations.

The Transit Center District Plan determined that the goals and policies of the area plan were consistent with the San Francisco's GHG reduction strategy and that implementation of the area plan policies would ensure that subsequent development would be consistent with GHG plans and would result in less-than-significant impacts with respect to GHG emissions.

The proposed project would increase the intensity of use with construction of a mixed-use tower with approximately 165 residential units, 189 hotel rooms, 274,000 gsf of office uses, 59,800 gsf of hotel amenities, 9,900 sf of retail uses, 14,900 sf of open space, and 181 vehicle parking spaces. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle

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<sup>68</sup> San Francisco Department of the Environment, San Francisco's Carbon Footprint (2016), September 2018. Available at <a href="https://sfenvironment.org/carbon-footprint">https://sfenvironment.org/carbon-footprint</a>, accessed September 25, 2018.

<sup>69</sup> Bay Area Air Quality Management District, Clean Air Plan, September 2017. Available at <a href="http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans">http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans</a>, accessed July 13, 2018.

<sup>&</sup>lt;sup>70</sup> Office of the Governor, *Executive Order S-3-05*, June 1, 2005. Available at <a href="https://www.gov.ca.gov/news.php?id=1861">https://www.gov.ca.gov/news.php?id=1861</a>, accessed October 25, 2018.

California Legislative Information, Assembly Bill 32, September 27, 2006. Available at <a href="http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab-0001-0050/ab-32-bill-20060927">https://www.leginfo.ca.gov/pub/05-06/bill/asm/ab-0001-0050/ab-32-bill-20060927</a> chaptered.pdf, accessed October 25, 2018.

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

<sup>&</sup>lt;sup>73</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 equivalents (MTCO<sub>2</sub>E)); by 2020, reduce emissions to 1990 levels (approximately 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). Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

Office of the Governor, Executive Order B-30-15, April 29, 2015. Available at <a href="https://www.gov.ca.gov/news.php?id=18938">https://www.gov.ca.gov/news.php?id=18938</a>, accessed October 25, 2018. Executive Order B-30-15 sets a state GHG emissions reduction goal of 40 percent below 1990 levels by the year 2030.

San Francisco's GHG reduction goals are codified in section 902 of the Environment Code and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

Senate Bill 32 amends California Health and Safety Code Division 25.5 (also known as the California Global Warming Solutions Act of 2006) by adding section 38566, which directs that statewide greenhouse gas emissions to be reduced by 40 percent below 1990 levels by 2030.

<sup>&</sup>lt;sup>77</sup> Senate Bill 32 was paired with Assembly Bill 197, which would modify the structure of the State Air Resources Board; institute requirements for the disclosure of greenhouse gas emissions criteria pollutants, and toxic air contaminants; and establish requirements for the review and adoption of rules, regulations, and measures for the reduction of greenhouse gas emissions.

<sup>&</sup>lt;sup>78</sup> Executive Order B-55-18, which was signed in September 2018, establishes a statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions after. Available at <a href="https://www.gov.ca.gov/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf">https://www.gov.ca.gov/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf</a>, accessed September 25, 2018. The statewide executive order is slightly more aggressive than the commitment made by Mayor Mark Farrell in April 2018 for the City to reach net-zero greenhouse gas emissions by 2050. The San Francisco Department of the Environment is currently developing a plan to meet the goal of carbon neutrality.

trips (mobile sources) and residential, hotel, office and commercial operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed below, compliance with the applicable regulations would reduce the project's GHG emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants.

Compliance with the city's Commuter Benefits Program, transportation management programs, Transportation Sustainability Fee, Jobs-Housing Linkage Program, bicycle parking requirements, low-emission car parking requirements, and car sharing requirements would reduce the proposed project's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project would be required to comply with the energy efficiency requirements of the city's Green Building Code, Stormwater Management Ordinance, Water Conservation and Irrigation ordinances, Existing Commercial Buildings Energy Performance Ordinance, alternate water sources for non-potable applications, and light pollution reduction requirements, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions. Additionally, the project would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project's energy-related GHG emissions.

The proposed project's waste-related emissions would be reduced through compliance with the city's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>80</sup> and reducing the energy required to produce new materials.

Compliance with the city's street tree planting requirements would serve to increase carbon sequestration by adding six new trees. Other regulations, including those limiting refrigerant emissions and the Wood Burning Fireplace Ordinance would reduce emissions of GHGs and black carbon, respectively. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).<sup>81</sup> Compliance with the city's Construction Site Runoff Control Program would reduce the discharge of sediment or other pollutants from construction. Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>82</sup>

Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations. Furthermore, the proposed project is within the scope of the

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<sup>79</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

<sup>80</sup> Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

<sup>81</sup> While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.

<sup>82</sup> San Francisco Planning Department, Greenhouse Gas Analysis: Compliance Checklist for 542-550 Howard Street, September 18, 2018.

development evaluated in the PEIR and would not result in impacts associated with GHG emissions beyond those disclosed in the PEIR. No mitigation measures are necessary.

#### Conclusion

For the above reasons, the proposed project would not result in a significant individual or cumulative GHG impact. Therefore, the proposed project would not result in significant GHG impacts that were not identified in the TCDP PEIR.

Topics:		Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
9.	WIND—Would the project:				
a)	Create wind hazards in publicly accessible				$\boxtimes$

Planning Code section 148, Reduction of Ground-Level Wind Currents in C-3 Districts, requires buildings to be shaped so as not to cause ground-level wind currents to exceed, more than 10 percent of the time, 11 mph in substantial pedestrian use areas, and 7 mph in public seating areas. <sup>83</sup> When a project would result in exceedances of a comfort criterion, an exception may be granted, pursuant to section 309, if the building or addition cannot be designed to meet the criteria. Section 148 also establishes a hazard criterion, which is an equivalent wind speed of 26 mph as averaged for a single full hour of the year. <sup>84</sup> Under section 148, new buildings and additions may not cause wind speeds that meet or exceed this hazard criterion and no exception may be granted for buildings that result in winds that exceed the hazard criterion.

For the purposes of CEQA review, a project would have a significant effect with respect to the pedestrian wind environment if it would create wind hazards in publicly accessible areas of substantial pedestrian use. In this context, the planning department has determined that an exceedance of the wind hazard criterion of section 148 is the standard for determining whether pedestrian winds would "substantially affect public areas." The section 148 comfort criteria are also discussed here, for information.

The PEIR identified significant but mitigable impacts related to the substantial increases wind speeds in publicly accessible open spaces and new exceedances of the Planning Code section 148 wind hazard criterion. The TCDP PEIR identified PEIR Mitigation Measure M-WI-2: Tower Design to Minimize

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The wind ordinance comfort criteria are defined in terms of *equivalent wind speed*, which is an average wind speed (mean velocity), adjusted to include the level of gustiness and turbulence. *Equivalent wind speed* is defined as the mean wind velocity, multiplied by the quantity (one plus three times the turbulence intensity) divided by 1.45. This calculation magnifies the reported wind speed when turbulence intensity is greater than 15 percent. Throughout this memorandum, unless otherwise stated, use of the term "wind speeds" in connection with the wind-tunnel tests refers to *equivalent wind speeds* that are exceeded 10 percent of the time.

The wind hazard criterion is derived from the 26 mph hourly average wind speed that would generate a 3-second gust of wind at 20 meters per second, a commonly used guideline for wind safety. Because the original Federal Building wind data was collected at one-minute averages, the 26 mph hourly average is converted to a one-minute average of 36 mph, which is used to determine compliance with the 26 mph one-hour hazard criterion in the *Planning Code*. (Arens, E. *et al.*, "Developing the San Francisco Wind Ordinance and its Guidelines for Compliance," Building and Environment, Vol. 24, No. 4, p. 297-303, 1989.)

Pedestrian Wind Speeds to mitigate impacts to a less-than-significant level. Pursuant to PEIR Mitigation Measure M-WI-2, and based on the height and location of the proposed project, a pedestrian wind assessment ("Wind Assessment") was prepared by a qualified wind consultant to evaluate pedestrian-level wind effects of the proposed project.<sup>85</sup> As part of this wind assessment, a wind tunnel test was conducted. The test included massing models of other potential future development in the vicinity of the proposed project, which were modeled as boxy, rectangular massings, extrapolated up to the maximum height limit.

The objective of the Wind Assessment was to provide a quantitative evaluation of the potential wind impacts of the proposed development, by providing a screening-level estimation of potential wind impacts that would occur if the project were constructed as proposed. The wind-tunnel test measured wind speeds for the existing, existing plus project, and cumulative scenarios. As with the PEIR wind assessment, the cumulative scenario included a model for the Salesforce Tower and massing models of other potential future development in the vicinity of the project site. The project-specific wind-tunnel test included a project-specific model based on drawings for the proposed project's tower (800 feet tall to the top of the parapet). Wind speed measurements were taken at 38 locations for the project and cumulative scenarios including one location (location 33) on the proposed pedestrian bridge that would connect the proposed building to Salesforce Park, which was not measured in the existing scenario as it does not yet exist.

#### Hazard Criterion

The wind assessment found that, under the existing scenario, two locations exceeded the 26-mile-perhour wind hazard criterion for 1 hour per year: one on the rooftop at the south end of the Transit Center (location 31) at a total of 1.1 hours per year and one on the rooftop of the Transit Center, north of the project site (location 38) at a total of 3.9 hours per year (see Exhibit 2, Figure 2 for the existing scenario test results). The wind assessment found that, under the existing plus project scenario, the same two locations would exceed the 26-mile-per-hour wind hazard criterion. In addition, under the existing plus project scenario, an additional hazard exceedance would occur at location 33, on the elevated pedestrian bridge connecting the proposed project's building to the Salesforce Park across Natoma Street. This test location, which does not exist under the existing conditions scenario, is unprotected and susceptible to winds aligned with Natoma Street and also receives winds redirected from the north-northeast and southeast (see Exhibit 2, Figure 3 for the existing plus project scenario). Multiple bridge designs were tested to ensure that wind speeds at this location (33) would be reduced to below hazard criterion exceedance levels. The design that achieved the goal of eliminating this hazard exceedance would require 6-foot-tall parapet wall heights on the north and south sides of the pedestrian bridge. This design has been incorporate into the proposed project design and would not require a mitigation measure to implement (see Exhibit 2, Figure 4 for a figure of bridge design that would eliminate hazard criterion exceedance). As such, the proposed project would not result in any net new exceedances as compared to the existing conditions.

# Comfort Criterion

Effects related to pedestrian comfort are provided for informational purposes; there are no applicable thresholds of significance under CEQA that have been adopted by the city with respect to pedestrian

<sup>85</sup> CPP, Pedestrian-Level Winds Report and Wind Tunnel Tests for Parcel F, September 5, 2018.

comfort relative to wind. Based on the wind testing, existing wind conditions near the project site average 11 mph for the 38 test locations tested. Under the existing scenario, wind speeds at 16 of the 38 locations exceed the planning code's 11 mph pedestrian-comfort criterion an average of 12 percent of the year. These areas are along Natoma Street at New Montgomery Street, along Second Street at Natoma and Howard streets, along Howard Street east of the project site, along First Street at Tehama Street, at Minna Street west of the project site, atop the Salesforce Park, and at localized areas to the north and east of the project site. Under the existing plus project scenario, the average comfort wind speed would increase by 0.9 mph at all locations. This increase in comfort criteria exceedances are generally in the same locations as under the existing scenario, but would result in 7 additional comfort criterion exceedances for a total of 23 of the 38 locations. These additional exceedances would be along Natoma Street toward the northeast end of the Transit Center, on the eastern side of the project site, and along Howard Street to the east of the project site. The addition of new pedestrian comfort exceedances would require the project sponsor to seek an exception under Planning Code section 309. When compared to the existing plus project scenario, the cumulative scenario would result in two additional comfort criterion exceedances for a total of 25 of the 38 locations, including locations along Howard Street to the east of the project site and under the elevated roadway near Tehama Street. Therefore, wind conditions under the cumulative scenario are expected to be similar to the existing plus project scenario. Wind conditions around the project site are not expected to be affected substantially by construction of reasonably foreseeable development under the cumulative scenario. As a result, the proposed project would not result in new or peculiar impacts, or adverse effects of greater severity than were already analyzed and disclosed in the TCDP PEIR with respect to the wind comfort criteria.

## **Cumulative Analysis**

Cumulative conditions for the wind analysis included the following reasonably foreseeable projects: 390 First Street, 325 Fremont Street, 95 Hawthorne Street, 655 Folsom Street, 524 Howard Street, 555 Howard Street, 633 Folsom Street, 667 Folsom Street, 120 Hawthorne Street and 126 Hawthorne Street, 525 Harrison Street, Transbay Redevelopment Plan Block 2 and 4.86

Under the cumulative scenario evaluated in the wind assessment, an additional hazard exceedance location not present under the existing and existing plus project scenarios would occur at the ground level on Howard Street, northeast of the project site and southeast of the future tower at 524 Howard Street (location 21) for a total of 1.4 hours per year, while the hazard criterion exceedance at location 38 for a total of 2.2 hours per year that would occur under the existing and existing plus project scenarios would be eliminated. These changes would likely be due to the addition of future development that would shelter location 38 from southerly winds while slightly increasing the wind sensitivity at location 21. Overall, no net new hazard exceedances would occur under the cumulative scenario compared to the existing and existing plus project scenarios. As a result, under the cumulative scenario, the proposed project is not anticipated to cause adverse wind impacts or result in new hazardous wind conditions in or around the project site.

Since the wind analysis was prepared, the following projects have been completed or are currently under construction, and, as such, are considered to be part of the existing conditions: 390 First Street, 325 Fremont Street, 524 Howard Street, 667 Folsom Street, 120 Hawthorne Street and 126 Hawthorne Street.

#### Conclusion

For the reasons stated above, the proposed project would not result in significant wind impacts, either individually or cumulatively. Therefore, the proposed project would not result in significant wind impacts that were not identified in the TCDP PEIR.

Topics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
10. SHADOW—Would the project:				
a) Create new shadow that substantially and adversely affects the use and enjoyment o publicly accessible open spaces?	1 1			

Planning Code section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. A project that adds new shadow to sidewalks or a public open space, or exceeds the Absolute Cumulative Limit<sup>87</sup> on a section 295 park does not necessarily result in a significant impact under CEQA. The City's significance criteria used in CEQA review asks whether a project would "create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open space."

The TCDP PEIR considered reasonable foreseeable future projects on 13 specific sites in the TCDP, based on generalized massing models of buildings at the heights that would be allowed under the TCDP. The PEIR found that new shadows from development within the plan area would affect nine parks, eight of which have established Absolute Cumulative Limits for net new shadow under section 295. Considered together, development under the TCDP would require that the Absolute Cumulative Limit be increased on seven downtown parks. No mitigation is available for shadow impacts on existing parks, because it not possible to lessen the intensity or otherwise reduce the shadow cast by a building at a given height and bulk. Therefore, the TCDP PEIR found the plan would have a significant and unavoidable impact with respect to shadow.

To evaluate the actual design of the proposed project, a project-specific shadow study was performed using a detailed 3-D model of the proposed project.<sup>88</sup> The results of this project specific shadow study, including a

The Absolute Cumulative Limit represents the maximum percentage of new shadow, expressed as a percentage of theoretical annual available sunlight (TAAS). The theoretical annual available sunlight is the amount of sunlight, measured in square-foothours that would fall on a given park during the hours covered by section 295. It is computed by multiplying the area of the park by 3,721.4, which is the number of hours in the year subject to section 295. Thus, this quantity is not affected by shadow cast by existing buildings, but instead represents the amount of sunlight that would be available with no buildings in place. Theoretical annual available sunlight calculations for each downtown park were used by the Planning and Recreation and Park Commissions in establishing the allowable Absolute Cumulative Limit for downtown parks in 1989.

<sup>88</sup> Fastcast, Shadow Analysis Report Transbay Parcel F Project San Francisco, CA, September 2018.

quantitative analysis of potential shadow impacts on section 295 parks and potential significant shadow impacts under CEQA were discussed in the project specific shadow technical memorandum and are summarized here.

Union Square Plaza

Union Square Plaza is an approximately 2.42-acre (105,516-square feet) public plaza, located approximately 0.50 mile west of the project site. Union Square Plaza contains landscaped areas, walkways, and areas for active and passive uses. The proposed project would add new shadow to Union Square Plaza in the early morning between 7:44 a.m. until no later than 8:15 a.m. from August 30 through September 13 and from March 29 through April 12 for a total of six weeks. New project shadow would be cast on the northwest portion of Union Square Plaza, which includes primarily open space, stairs, and portable seating with tables, chairs, and umbrellas.

The existing annual shadow coverage on Union Square Plaza is 44.99 percent shaded relative to the theoretical annual available sunlight (TAAS) (approximately 392,667,242 square foot hours of shadow). The quantitative analysis found that the proposed project would add approximately 0.029 percent new shadow, relative to TAAS (approximately 115,526 sfh of shadow) for a total of 45.02 percent shaded under existing plus project conditions. As discussed in the TCDP PEIR and the shadow study for the 50 First Street project,89 the remaining shadow budget for Union Square Plaza is 0.143 percent. Therefore, the remaining shadow budget for Union Square Plaza with the proposed project would be 0.114 percent. The average duration of new shadow from the proposed project on Union Square Plaza would be 18 minutes. The maximum extent of net new shadow cast by the proposed project would occur on September 6 and April 5 at 7:44 a.m., when approximately 14,956 square feet of project shadow would fall on the northwest portion of Union Square, covering approximately 14.17 percent of the park and increasing shadow coverage from 82.33 percent of the park to 96.5 percent coverage of the park, with only a small sliver of sunlight remaining. The greatest amount of net new daily shadow from the proposed project would also occur on September 6 and April 5, when the project would add approximately 4,687 square foot hours of new shadow (see Exhibit 2, Figure 5). The Absolute Cumulative Limit for Union Square is currently 0.143 percent of TAAS. Because the proposed project would add about 0.029 percent of new shadow, the project shadow would fit within this "shadow budget."

The Salesforce Tower (referred to as Transit Tower in the TCDP PEIR), the newly completed office-residential tower at 181 Fremont Street and under-construction project at 50 First Street would also shade Union Square. Other than the proposed project, remaining development sites identified in the PEIR as casting shadow on Union Square include a proposed tower adjacent to the Palace Hotel (with a height limit of 600 feet, although a proposal on file at the planning department seeks approval for an approximately 700-foot-tall building) and a potential 700-foot tower on the Golden Gate University site. If a tower were to proceed on the Palace Hotel site or a tower be proposed on the Golden Gate University site, such project(s) would be subject to project-specific shadow analysis.

Willie "Woo Woo" Wong Playground

Willie "Woo Woo" Wong Playground is an approximately 0.61-acre (26,563 square feet) inner-city park, located approximately 0.62 mile northwest of the project site. The park contains two sand-floor playgrounds, and basketball, tennis and volleyball courts. It also includes a recreational center that hosts

<sup>89</sup> ESA, Oceanwide Center (50 First Street) Project Specific CEQA and sections 146, 147, and 295 Shadow Analysis, March 19, 2016.

afterschool programs and indoor gym and ping-pong tables. The proposed project would add new shadow to Willie "Woo Woo" Wong Playground in the early morning starting after 8:00 a.m. and ending before 8:30 a.m. for a total of 11 weeks of the year between November 15 and November 22 and between January 18 and January 25. The new project shadow would cover 2,628 square feet (or 9.89 percent) of the playground and would be cast on a portion of the northwest side of the tennis courts.

The TCDP PEIR found that the proposed project and a potential 700-foot tower on the Golden Gate University site would cast shadows on Willie "Woo Woo" Wong Playground, which would occur from early November to early December and during January (approximately two months in all), from approximately 8:00 a.m. to 8:20 a.m. The TCDP PEIR found that the proposed project would cast the greatest area of new shadow at any one time of approximately 4,000 square feet (about 15 percent of the total area of Willie Wong Playground), at 8:15 a.m. in late November and mid-January with shadow on the playground increasing from 80 percent to 97 percent shadow coverage.

The existing annual shadow coverage on Willie "Woo Woo" Wong Playground is 58.44 percent shaded relative to TAAS (approximately 98,852,508 sfh of shadow). The quantitative analysis found that the proposed project would add approximately 0.00996 percent new shadow, relative to TAAS (approximately 9,845 sfh of shadow) for a total of 58.45 percent shaded under existing plus project conditions. The Absolute Cumulative Limit for Willie "Woo Woo" Wong Playground is currently 0.03 percent of TAAS; therefore, the remaining shadow budget for the playground with the proposed project would be 0.02 percent. The average duration of new shadow resulting from the proposed project on Willie "Woo Woo" Wong Playground would be 10 minutes, 48 seconds. The greatest amount of net new daily shadow from the proposed project would occur on November 29 and January 11 at 8:15 a.m., when the project would add approximately 2,628 sfh of new shadow (see Exhibit 2, Figure 6). The duration of net new project shadow reaching Willie "Woo Woo" Wong Playground during the year would be 11 weeks, slightly larger than the eight weeks analyzed in the TCDP PEIR. However, the greatest area of new shadow would be less than what was analyzed in the TCDP PEIR, with the project casting new shadow of approximately 2,628 square feet, compared to the 4,000 square feet analyzed in the TCDP PEIR.

Other than the proposed project, the only remaining development site that was identified in the TCDP PEIR as casting shadow on Willie "Woo Woo" Wong Playground was a potential 700-foot tower on the Golden Gate University site. If a tower were proposed on the Golden Gate University site, it would be subject to project-specific shadow analysis.

### Other Public and Publicly Accessible Open Spaces

# Salesforce Park

Salesforce Park is a 5.4-acre rooftop park located atop the Transbay Transit Center, less than 100 feet north from the project site across Natoma Street. Salesforce Park is under the jurisdiction of the Transbay Joint Powers Authority. The rooftop park is 1,400-foot long and includes an amphitheater, a children play space, a café, a restaurant, and open grass areas. Salesforce Park would be shaded by the proposed project throughout the year, beginning at 7:52 a.m. and lasting no later than 7:00 p.m.

The existing annual shadow coverage on Salesforce Park is 41.83 percent shaded. The quantitative analysis found that the proposed project would add approximately 8.25 percent new shadow, relative to TAAS (approximately 63,887,258 sfh) for a total of 50.07 percent shaded under existing plus project conditions. The average duration of new shadow resulting from the proposed project on Salesforce Park

would be 8 hours, 53 minutes, and 17 seconds. The maximum extent of net new shadow cast by the proposed project would occur on November 15 and January 25 at 2:00 p.m., lasting 15 minutes, during which time the shadow would cover approximately 94,025 sf or 45.16 percent of the park. Due to the close proximity of Salesforce Park to the project site, the proposed project would add net new shadow on the park every day throughout the year. During the summer months, net new shadow from the proposed project would occur during the morning hours through the early afternoon, until shortly after 2:00 p.m., with new shadow covering the southwestern portion of the park containing an amphitheater and a restaurant. During the fall and spring months, net new shadow from the proposed project would occur in the early morning hours and would last until shortly after 3:00 p.m. with new shadow covering the southwestern and middle portions of the park containing an amphitheater, a restaurant, children play space, and open grass spaces. During the winter months, net new shadow from the proposed project would cover at least a portion of the park throughout the majority of the day, starting at 8:19 a.m., and lasting until shortly after 3:00 p.m. moving from the southwestern to the northeastern end of the park over the course of the day.

The TCDP PEIR stated that the TCDP plan area buildings, including the proposed project, would add new shadow to Salesforce Park (referred to as City Park in the TCDP PEIR). Existing buildings located near the Salesforce Park, including the Salesforce Tower, would cast shadow throughout the year on most of the park area. The TCDP PEIR acknowledged that this park would be surrounded by high-rise development; thus, it was expected that buildings that were existing at the time of the preparation of the TCDP PEIR, as well as future buildings anticipated as a result of upzoning proposed in that PEIR, would cast shadows onto the park during the day. As noted above, the TCDP PEIR found the plan would have a significant and unavoidable impact with respect to shadow on parks. The proposed project's new shadow would not result in any significant shadow impacts that were not identified in the PEIR, nor would it result in more severe impacts than identified in the PEIR.

### Rincon Park

Rincon Park is a 2-acre waterfront park, located along the Embarcadero, approximately 0.5 mile northeast of the project site. Rincon Park is leased from the Port of San Francisco and developed by Gap Inc. in conjunction with the construction of its headquarters office building. Rincon Park is adjacent to the Bay Trail and includes groomed patches of grass and landscaped areas along a paved promenade area.

The TCDP PEIR found that the non-section 295 public open space that would be most greatly affected by the plan area development is Rincon Park. This open space would be newly shaded in the late afternoon throughout much of the year, except from mid-fall through mid-winter, by the Salesforce Tower, 181 Fremont, the 50 First Street project, and potential 700-foot buildings at the Golden Gate University site and at 350 Mission Street. New buildings in the plan area would add additional shadow between the shadow cast by existing buildings, obscuring some of the existing sunlight.

The existing annual shadow coverage on Rincon Park is 30.52 percent shaded. The quantitative analysis found that the proposed project would add 0.00024 percent (1,136 sfh) increase in annual shadow on the furthermost northwestern edge of Rincon Park, which consists mostly of a small portion of dirt. The average duration of new shadow resulting from the proposed project on Rincon Park would be 14 minutes, 52 seconds. The maximum extent of net new shadow by the proposed shadow would occur on November 8 and February 1 at 3:15 p.m., lasting 15 minutes, and would cover approximately 111 sf of the park, consisting of trees and planters in the midday hours, from late winter through spring. As the proposed project would add minor net new shadow to Rincon Park, the proposed project's new shadow

would not result in an adverse physical change to this park.

For remaining development sites identified in the TCDP PEIR and individual development projects that would be subject to Planning Code sections 295, 146, and 147 and could cast shadows on Salesforce Park and Rincon Park, such project(s) would be subject to project-specific shadow analysis.

### Future Parks

There are four proposed parks in the vicinity of the proposed project, including Transbay Park (to be located 0.2 miles east of the project site), Under Ramp Park (referred to as Oscar Park in the TCDP PEIR) (to be located 100 feet southeast of the project site, under Fremont Street offramp), Second & Howard Plaza (to be located 250 feet southwest of the project site) and Mission Square (to be located 950 feet northeast of the project site). As discussed in the shadow study, the proposed project has the potential to cast new shadow on the future Transbay Park during the evening hours of the fall and spring months covering the eastern portion of the park consisting of open grass areas. With respect to the future Under Ramp Park, the proposed project has the potential to add minor new shadow to this park; however, all net new shadow would be subsumed by the existing overhead freeway structures. The proposed project has the potential to cast new shadow on the future Second & Howard Plaza during the early morning hours of summer on the northwestern and northern portions of the plaza consisting of open space, a fountain, and trees. The proposed project has the potential to cast new shadow on the future Mission Square during the early afternoon hours of fall, spring, and winter months. During this time, the southern portion of the park with outdoor tables would be shaded by the proposed project.

### **Cumulative Analysis**

Cumulative conditions for the shadow analysis included the following reasonably foreseeable projects: 390 First Street, 325 Fremont Street, 95 Hawthorne Street, 655 Folsom Street, 524 Howard Street, 555 Howard Street, 633 Folsom Street, 667 Folsom Street, 120 Hawthorne Street and 126 Hawthorne Street, 525 Harrison Street, Transbay Redevelopment Plan Block 2 and 4.90

Based on the shadow analysis, these cumulative projects would not add any new shadow on Union Square Plaza and Willie "Woo Woo" Wong Playground. However, these cumulative projects would cast new shadow on Salesforce Park and Rincon Park, contributing to the significant and unavoidable shadow impact identified in the TCPD PEIR. Under cumulative conditions, the proposed project would add a smaller amount of shadow to Salesforce Park than under the existing plus project conditions, approximately 6.06 percent new shadow, relative to TAAS (approximately 46,967,034 sfh) for a total of 54.99 percent shaded under cumulative conditions. Under cumulative conditions, the average duration of new shadow resulting from the proposed project on Salesforce Park would be 8 hours, 43 minutes, and 3 seconds. The maximum extent of net new shadow cast by the proposed project would occur on October 25 and February 15 at 1:45 p.m., lasting 15 minutes, during which time the shadow would cover approximately 52,308 sf or 25.12 percent of the park. Under cumulative conditions, the proposed project would add a slightly smaller amount of shadow to the same northwestern edge of Rincon Park, approximately 658 sfh of net new shadow resulting in a 0.00014 percent increase in annual shadow, relative to TAAS (approximately 144,257,085 sfh) and combined with shadow cast by cumulative projects,

<sup>90</sup> Since the shadow analysis was prepared, the following projects have been completed or are currently under construction, and, as such, are considered to be part of the existing conditions: 390 First Street, 325 Fremont Street, 524 Howard Street, 667 Folsom Street, 120 Hawthorne Street and 126 Hawthorne Street.

would shade the entire park throughout different days/times of the year. Under cumulative conditions, the average duration of new shadow resulting from the proposed project on Rincon Park would be 15 minutes. The maximum extent of net new shadow cast by the proposed project would be similar to that under existing plus project conditions and would occur on November 8 and February 1 at 3:15 p.m., lasting 15 minutes, during which time the shadow would cover approximately 111 sf of the park.

The proposed project would similarly contribute to the previously identified significant and unavoidable shadow impact. Therefore, the proposed project would not result in additional or more severe cumulative shadow impacts than were analyzed in the TCDP PEIR.

#### Conclusion

Based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, the proposed project would not substantially affect, in an adverse manner, the use or enjoyment of these open spaces beyond what was analyzed and disclosed in the TCDP FEIR. With respect to section 295 parks, the proposed project's new shadow on Union Square and Willie "Woo Woo" Wong Playground would contribute considerably to the significant and unavoidable impact identified in the TCDP FEIR with respect to the need to increase the Absolute Cumulative Limit of downtown parks. With respect to other parks (not subject to section 295), the proposed project would either contribute very minor amount of shadow to those spaces (i.e., Rincon Park) or its shadow impacts were already anticipated with the implementation of the TCDP plan (i.e., Salesforce Park). Thus, the proposed project would not result in new or more severe shadow impacts than those identified in the PEIR. This conclusion is consistent with the findings of the PEIR, and the proposed project would not result in individual or cumulative shadow impacts beyond those analyzed in the PEIR, nor would it result it in substantially more severe impacts than identified in the PEIR.

	. RECREATION—Would the project:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?				
b)	Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				$\boxtimes$

The PEIR found that implementation of the Transit Center District Plan would result in an increase in the use of existing neighborhood parks and recreational facilities, but not to a degree that would lead to or accelerate their physical deterioration or require the construction of new facilities. Although the Plan

would increase the population of the area, the PEIR acknowledged that the Plan would primarily increase the population of office workers, who would not be anticipated to use the parks and open spaces to an extent that would cause substantial deterioration of existing facilities. The PEIR concluded that the new five-acre park above the Transit Center (now known as Salesforce Park), in combination with the public and private open space that would accompany new development within the TCDP plan area, would help to alleviate the demand that would be generated by the increase in population. In addition, the PEIR determined that city planning efforts would ensure new open spaces are provided in areas with high demand. Therefore, implementation of the Plan would have a less-than-significant impact on recreation and public space and no mitigation measures were required.

In November 2012, the voters of San Francisco passed the 2012 San Francisco Clean and Safe Neighborhood Parks Bond, providing the Recreation and Park Department an additional \$195 million to continue capital projects for the renovation and repair of parks, recreation, and open space assets. An update of the Recreation and Open Space Element (ROSE) of the General Plan was adopted in April 2014. The amended ROSE provides a 20-year vision for open spaces in the city. The amended ROSE includes information and policies about accessing, acquiring, funding, and managing open spaces in San Francisco. The amended ROSE identifies locations where proposed open space connections should be built, specifically streets appropriate for potential "living alleys." In addition, the amended ROSE identifies the role of both the Better Streets Plan and the Green Connections Network in open space and recreation. Green Connections are streets and paths that connect people to parks, open spaces, and the waterfront while enhancing the ecology of the street environment. Two routes identified within the Green Connections Network cross the TCDP area: Downtown to Mission Bay (Route 19) and Folsom, Mission Creek to McLaren (Route 20).91

The project site is located in the TCDP area, which is served primarily by the recently constructed Salesforce Park, as well as a number of privately-owned, publicly-accessible open spaces (POPOS) associated with nearby developments. In the project vicinity, there are seven existing POPOS: 100 First Street located 0.07 mile north of the project site; 101 Second Street located 0.05 mile northwest of the project site; 222 Second Street located 0.06 mile southwest of the project site; 535 Mission Street located 0.06 mile north of the project site; 555 Mission Street located 0.04 mile northwest of the project site; 505-525 Howard Square located 0.09 mile east of the project site; and Foundry Square, located 0.08 mile northeast of the project site. In addition, two future parks have been proposed: Under Ramp Park [referred to as Oscar Park in the TCDP PEIR] and 2nd & Howard Plaza.

The proposed project would include a total of approximately 22,400 square feet (sf) of open space, consisting of a combination of public open space and common open spaces accessible only to building residents, guests and employees. This would include approximately 5,800 sf of publicly accessible commercial open space, including 1,950 sf of open space for the public passageway from Howard Street through the project site to Natoma Street, 666 sf of open space adjacent to the public elevator, and 830 sf for the public elevator from levels 1 through 5, and 2,530 sf of publicly accessible open space at the terrace and pedestrian bridge to Salesforce Park on level 5.

Although new residents, hotel employees and guests, and office employees and guests at the project site would increase the use of nearby public and private open spaces, the provision of new open space at the

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<sup>91</sup> San Francisco Planning, Green Connections Network, March 2014. Available at http://sfplanning.org/Citywide/green connections/GC Final Network Map 03-2014.pdf, accessed September 6, 2018.

project site would provide adequate open space for on-site residents and guests. In addition, the use of the recently constructed Salesforce Park and other planned POPOS by local residents, including residents, hotel guests, and employees that would be generated by the proposed project, was anticipated during the project's design and evaluation as part of the TCDP PEIR. Therefore, the proposed project would not create a substantial increase in the use of open space and recreation facilities such that physical deterioration or degradation of existing facilities would occur, and there would be no additional impacts on recreation beyond those analyzed in the TCDP PEIR.

# **Cumulative Analysis**

Cumulative development in the project vicinity would result in an intensification of land uses and an increase in the use of nearby recreational resources and facilities. The Recreation and Open Space Element of the General Plan provides a framework for providing a high-quality open space system for its residents, while accounting for expected population growth through year 2040. In addition, San Francisco voters passed two bond measures, in 2008 and 2012, to fund the acquisition, planning, and renovation of the city's network of recreational resources. As discussed above, there are several parks, open spaces, or other recreational facilities in the vicinity of the project site, and one large new park has recently been constructed within the plan area. These existing recreational facilities would be able to accommodate the increase in demand for recreational resources generated by nearby cumulative development projects without resulting in physical degradation of those resources. For these reasons, the proposed project would not combine with reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on recreational resources or facilities.

### Conclusion

As discussed above, the proposed project would not result in significant individual or cumulative impacts related to recreational resources. Therefore, the proposed project would not result in a significant recreational impact that was not disclosed in the TCDP PEIR.

Topi	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
12.	UTILITIES AND SERVICE SYSTEMS—Would the project:				
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?				

Тор	oics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
c)	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?				
d)	Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				$\boxtimes$

The TCDP PEIR describes the general environmental conditions in the plan area with respect to utilities and service systems and found that implementation of the TCDP would result in less-than-significant impacts to utilities and service systems, including wastewater, water supply, and solid waste. No mitigation measures were identified.

The project site is in an urban area and would connect to existing utilities including water and wastewater connections, electricity, natural gas, and telecommunications systems. The construction impacts associated with connecting to these systems are accounted for in the project's construction equipment and operating assumptions that provide the basis for determining the environmental effects on various environmental resources, including construction noise and air quality. Therefore, this initial study accounts for any environmental effects associated with providing connections to these utilities.

The following analysis evaluates whether: (1) sufficient water supplies are available to serve the proposed project and reasonably foreseeable future development in normal, dry, and multiple dry years, and (2) the proposed project would require or result in the relocation or construction of new or expanded water supply facilities the construction or relocation of which would have significant environmental impacts that were not identified in the TCDP PEIR. To support this analysis, a project-specific water supply assessment based on updated water supply and demand projections was prepared. Background on the city's water system and the updated projections are described in the sections below.

### **Background on Hetch Hetchy Regional Water System**

San Francisco's Hetch Hetchy regional water system, operated by the SFPUC, supplies water to approximately 2.7 million people. The system supplies both retail customers—primarily in San Francisco—and 27 wholesale customers in Alameda, Santa Clara, and San Mateo counties. The system provides an average of 85 percent of its supply from the Tuolumne River watershed, stored in Hetch Hetchy Reservoir in Yosemite National Park, and the remaining 15 percent from local surface waters in the Alameda and Peninsula watersheds. The split between these resources varies from year to year depending on hydrological conditions and operational circumstances. Separate from the regional water system, the SFPUC owns and operates an in-city distribution system that serves retail customers in San

<sup>92</sup> SFPUC, Revised Water Supply Assessment for the 542-550 Howard Street Project, May 17, 2019.

Francisco. Approximately 97 percent of the San Francisco retail water supply is from the regional system; the remainder is comprised of local groundwater and recycled water.

# Water Supply Reliability and Drought Planning

In 2008, the SFPUC adopted the Phased Water System Improvement Program (WSIP) to ensure the ability of the regional water system to meet certain level of service goals for water quality, seismic reliability, delivery reliability, and water supply through 2018.93 The SFPUC's level of service goals for regional water supply are to meet customer water needs in non-drought and drought periods and to meet dryyear delivery needs while limiting rationing to a maximum of 20 percent system-wide. In approving the WSIP, the SFPUC established a supply limitation of up to 265 million gallons per day (mgd) to be delivered from its water supply resources in the Tuolumne, Alameda and Peninsula watersheds in years with normal (average) precipitation.94 The SFPUC's water supply agreement with its wholesale customers provides that approximately two-thirds of this total (up to 184 mgd) is available to wholesale purchasers and the remaining one-third (up to 81 mgd) is available to retail customers. The total amount of water the SFPUC can deliver to retail and wholesale customers in any one year depends on several factors, including the amount of water that is available from natural runoff, the amount of water in reservoir storage, and the amount of that water that must be released from the system for purposes other than customer deliveries (e.g., required instream flow releases below reservoirs). A "normal year" is based on historical hydrological conditions that allow the reservoirs to be filled by rainfall and snowmelt, allowing full deliveries to customers; similarly, a "wet year" and a "dry year" is based on historical hydrological conditions with above and below "normal" rainfall and snowmelt, respectively.

For planning purposes, the SFPUC uses a hypothetical drought that is more severe than what has historically been experienced. This drought sequence is referred to as the "design drought" and serves as the basis for planning and modeling of future scenarios. The design drought sequence used by the SFPUC for water supply reliability planning is an 8.5-year period that combines the following elements to represent a drought sequence more severe than historical conditions:

- **Historical Hydrology**—a six-year sequence of hydrology from the historical drought that occurred from July 1986 to June 1992
- Prospective Drought—a 2.5-year period which includes the hydrology from the 1976-77 drought
- System Recovery Period—The last six months of the design drought are the beginning of the
  system recovery period. The precipitation begins in the fall, and by approximately the month of
  December, inflow to reservoirs exceeds customer demands and SFPUC system storage begins to
  recover.

While the most recent drought (2012 through 2016) included some of the driest years on record for the SFPUC's watersheds, the design drought still represents a more severe drought in duration and overall water supply deficit.

Based on historical records of hydrology and reservoir inflow from 1920 to 2017, current delivery and flow obligations, and fully-implemented infrastructure under the WSIP, normal or wet years occurred 85 out of 97 years. This translates into roughly nine normal or wet years out of every 10 years. Conversely,

<sup>93</sup> On December 11, 2018, the SFPUC Commission extended the timing of the WSIP water supply decision through 2028 in its Resolution No. 18-0212.

<sup>94</sup> SFPUC Resolution No. 08-200, Adoption of the Water System Improvement Program Phased WSIP Variant, October 30, 2008.

system-wide rationing is required roughly one out of every 10 years. The frequency of dry years is expected to increase as climate change intensifies.

# 2015 Urban Water Management Plan

The California Urban Water Management Planning Act<sup>95</sup> requires urban water supply agencies to prepare *urban water management plans* to plan for the long-term reliability, conservation, and efficient use of California's water supplies to meet existing and future demands. The act requires water suppliers to update their plans every five years based on projected growth for at least the next 20 years.

Accordingly, the current urban water management plan for the City and County of San Francisco is the 2015 Urban Water Management Plan update. The 2015 plan is an update to the 2010 Urban Water Management Plan. It presents information on the SFPUC's retail and wholesale service areas, the regional water supply system and other water supply systems operated by the SFPUC, system supplies and demands, water supply reliability, Water Conservation Act of 2009 compliance, water shortage contingency planning, and water demand management.

The water demand projections in the 2015 plan reflect anticipated population and employment growth, socioeconomic factors, and the latest conservation forecasts. For San Francisco, housing and employment growth projections are based on the San Francisco Planning Department's Land Use Allocation 2012 (see 2015 Urban Water Management Plan, Appendix E, Table 5, p. 21), which in turn is based on the Association of Bay Area Governments (ABAG) growth projections through 2040.<sup>97</sup> The 2015 plan presents water demand projections in five-year increments over a 25-year planning horizon through 2040.

The 2015 plan compares anticipated water supplies to projected demand through 2040 for normal, single-dry, and multiple-dry water years. Retail water supplies are comprised of regional water system supply, groundwater, recycled water, and non-potable water. Under normal hydrologic conditions, the total retail supply is projected to increase from 70.1 mgd in 2015 to 89.9 mgd in 2040. According to the plan, available and anticipated future water supplies would fully meet projected demand in San Francisco through 2040 during normal years.

On December 11, 2018, by Resolution No. 18-0212, the SFPUC amended its 2009 Water Supply Agreement between the SFPUC and its wholesale customers. That amendment revised the Tier 1 allocation in the Water Supply Allocation Plan to require a minimum reduction of 5 percent of the regional water system supply for San Francisco retail customers whenever system-wide reductions are required due to dry-year supply shortages. When accounting for the requirements of this recently amended agreement, existing and planned supplies would meet projected retail water system demands in all years except for an approximately 3.6 to 6.1 mgd or 5 to 6.8 percent shortfall during dry years through the year 2040. This relatively small shortfall is primarily due to implementation of the amended 2009 water supply agreement. In such an event, the SFPUC would implement the SFPUC's Retail Water Shortage Allocation

<sup>&</sup>lt;sup>95</sup> California Water Code, division 6, part 2.6, sections 10610 through 10656, as last amended in 2015.

<sup>96</sup> San Francisco Public Utilities Commission, 2015 Urban Water Management Plan for the City and County of San Francisco, June 2016. This document is available at <a href="https://sfwater.org/index.aspx?page=75">https://sfwater.org/index.aspx?page=75</a>

Association of Bay Area Governments, Jobs-Housing Connection Strategy, May 2012.

<sup>98</sup> SFPUC, Resolution No. 18-0212, December 11, 2018.

Plan and could manage this relatively small shortfall by prohibiting certain discretionary outdoor water uses and/or calling for voluntary rationing among all retail customers. Based on experience in past droughts, retail customers could reduce water use to meet this projected level of shortfall. The required level of rationing is well below the SFPUC's regional water supply level of service goal of limiting rationing to no more than 20 percent on a system-wide basis.

Based on the 2015 Urban Water Management Plan, as modified by the 2018 amendment to the 2009 Water Supply Agreement, sufficient retail water supplies would be available to serve projected growth in San Francisco through 2040. While concluding supply is sufficient, the 2015 Urban Water Management Plan also identifies projects that are underway or planned to augment local supply. Projects that are underway or recently completed include the San Francisco Groundwater Supply Project and the Westside Recycled Water Project. A more current list of potential regional and local water supply projects that the SFPUC is considering is provided below under Additional Water Supplies.

In addition, the plan describes the SFPUC's ongoing efforts to improve dry-year water supplies, including participation in Bay Area regional efforts to improve water supply reliability through projects such as interagency interties, <sup>99</sup> groundwater management and recharge, potable reuse, desalination, and water transfers. While no specific capacity or supply has been identified, this program may result in future supplies that would benefit SFPUC customers.

## 2018 Bay-Delta Plan Amendment

In December 2018, the State Water Resources Control Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, which establishes water quality objectives to maintain the health of the rivers and the Bay-Delta ecosystem. <sup>100</sup> Among the goals of the adopted Bay-Delta Plan Amendment is to increase salmonid populations in the San Joaquin River, its tributaries (including the Tuolumne River), and the Bay-Delta. Specifically, the plan amendment requires increasing flows in the Stanislaus, Tuolumne, and Merced rivers to 40 percent of unimpaired flow<sup>101</sup> from February through June every year, whether it is wet or dry. During dry years, this would result in a substantial reduction in the SFPUC's water supplies from the Tuolumne River watershed.

If this plan amendment is implemented, the SFPUC would be able to meet the projected retail water demands presented in the 2015 Urban Water Management Plan in normal years but would experience supply shortages in single dry years and multiple dry years. Implementation of the Bay-Delta Plan Amendment would result in substantial dry-year water supply shortfalls throughout the SFPUC's regional water system service area, including San Francisco. The 2015 Urban Water Management Plan assumes limited rationing for retail customers may be needed in multiple dry years to address an

<sup>&</sup>lt;sup>99</sup> Interties is an interconnection permitting passage of utility service (e.g., water or electricity) between two or more systems, such as electric and water utility systems. (California Department of Water Resource, Glossary, <a href="https://water.ca.gov/Water-Basics/Glossary">https://water.ca.gov/Water-Basics/Glossary</a>, accessed August 22, 2019).

State Water Resources Control Board Resolution No. 2018-0059, Adoption of Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document, December 12, 2018, available at https://www.waterboards.ca.gov/plans\_policies/docs/2018wqcp.pdf.

<sup>&</sup>quot;Unimpaired flow" represents the water production of a river basin, unaltered by upstream diversions, storage, or by export or import of water to or from other watersheds.

anticipated supply shortage by 2040; the 2018 amendment to the 2009 Water Supply Agreement with wholesale customers would slightly increase rationing levels indicated in the 2015 plan. By comparison, implementation of the Bay-Delta Plan Amendment would result in supply shortfalls in all single dry years and multiple dry years and rationing to a greater degree than previously anticipated to address supply shortages not accounted for in the 2015 Urban Water Management Plan or as a result of the 2018 amendment to the Water Supply Agreement.

The state water board has stated that it intends to implement the plan amendment by the year 2022, assuming all required approvals are obtained by that time. However, at this time, the implementation of the Bay-Delta Plan Amendment is uncertain for several reasons, as the SFPUC explained in the Water Supply Assessment prepared for this project. First, under the federal Clean Water Act, the United States Environmental Protection Agency (U.S. EPA) must approve the water quality standards identified in the plan amendment within 90 days from the date the approval request is received. It is uncertain what determination the U.S. EPA will make and its decision could result in litigation.

Second, since adoption of the Bay-Delta Plan Amendment, over a dozen lawsuits have been filed in state and federal court, challenging the water board's adoption of the plan amendment, including legal challenges filed by the federal government at the request of the U.S. Bureau of Reclamation. That litigation is in the early stages, and there have been no dispositive court rulings as of this date.

Third, the Bay-Delta Plan Amendment is not self-executing and does not allocate responsibility for meeting its new flow requirements to the SFPUC or any other water rights holders. Rather, the plan amendment merely provides a regulatory framework for flow allocation, which must be accomplished by other regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, the Clean Water Act, section 401 certification process in the Federal Energy Regulatory Commission's relicensing proceeding for Don Pedro Dam. The license amendment process is currently expected to be completed in the 2022-2023 timeframe. This process and other regulatory and/or adjudicatory proceeding would likely face legal challenges and have lengthy timelines, and quite possibly could result in a different assignment of flow responsibility for the Tuolumne River than currently exists (and therefore a different water supply effect on the SFPUC).

Fourth, in recognition of the obstacles to implementation of the Bay-Delta Plan Amendment, the state water board directed its staff to help complete a "Delta watershed-wide agreement, including potential flow measures for the Tuolumne River" by March 1, 2019, and to incorporate such agreements as an "alternative" for a future amendment to the Bay-Delta Plan to be presented to the [water board] as early as possible after December 1, 2019." In accordance with the water board's instruction, on March 1, 2019, the SFPUC, in partnership with other key stakeholders, submitted a proposed project description for the Tuolumne River that could be the basis for a voluntary agreement with the state water board that would serve as an alternative path to implementing the Bay-Delta Plan's objectives. On March 26, 2019, the SFPUC adopted Resolution No. 19-0057 to support its participation in the voluntary agreement negotiation process. In a written progress report to the Voluntary Agreement Plenary Participants dated July 1, 2019, the California secretaries for Environmental Protection and for Natural Resources stated that the collective state agencies should be able "to determine the adequacy" of the various proposed voluntary agreements, including the proposed Tuolumne Voluntary Agreement, by October 15, 2019, and

that if the state team recommends the voluntary agreements to the state water board, then (1) scientific peer review of the voluntary agreements would be completed by the spring of 2020, and (2) a draft CEQA document would be released for public comment in the summer of 2020, with a finalized CEQA document completed the following year.

For these reasons, whether, when, and the form in which the Bay-Delta Plan Amendment will be implemented, and how those amendments will affect the SFPUC's water supply, is currently unknown.

# **Additional Water Supplies**

In light of the adoption of the Bay-Delta Plan Amendment and the resulting potential limitation to the SFPUC's regional water system supply during dry years, the SFPUC is expanding and accelerating its efforts to develop additional water supplies and explore other projects that would improve overall water supply resilience. Developing these supplies would reduce water supply shortfalls and reduce rationing associated with such shortfalls. The SFPUC has taken action to fund the study of additional water supply projects, which are described in the water supply assessment for the proposed project and listed below:

- Daly City Recycled Water Expansion
- Alameda County Water District Transfer Partnership
- Brackish Water Desalination in Contra Costa County
- Alameda County Water District-Union Sanitary District Purified Water Partnership
- Crystal Springs Purified Water
- Eastside Purified Water
- San Francisco Eastside Satellite Recycled Water Facility
- Additional Storage Capacity in Los Vaqueros Reservoir from Expansion
- Calaveras Reservoir Expansion

The capital projects that are under consideration would be costly and are still in the early feasibility or conceptual planning stages. These projects would take 10 to 30 or more years to implement and would require environmental permitting negotiations, which may reduce the amount of water that can be developed. The yield from these projects unknown and is not currently incorporated into SFPUC's supply projections.

In addition to capital projects, the SFPUC is also considering developing related water demand management policies and ordinances, such as funding for innovative water supply and efficiency technologies and requiring potable water offsets for new developments.

# **Water Supply Assessment**

Under sections 10910 through 10915 of the California Water Code, urban water suppliers like the SFPUC must prepare water supply assessments for certain large projects, as defined in CEQA Guidelines section 15155. Water supply assessments rely on information contained in the water supplier's urban water

 $<sup>^{102}\,\,</sup>$  Pursuant to CEQA Guidelines section 15155(1), "a water-demand project" means:

<sup>(</sup>A) A residential development of more than 500 dwelling units.

<sup>(</sup>B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.

 $<sup>(</sup>C)\ A\ commercial\ of fice\ building\ employing\ more\ than\ 1,000\ persons\ or\ having\ more\ than\ 250,000\ square\ feet\ of\ floor\ area.$ 

management plan and on the estimated water demand of both the proposed project and projected growth within the relevant portion of the water supplier's service area. Because the proposed project is a mixed use development of approximately 165 dwelling units, 189 hotel rooms, 274,000 gsf of office uses, 59,800 gsf of hotel amenities, 9,900 sf of retail space, and 22,400 sf, it meets the definition of a water demand project under CEQA. Accordingly, the SFPUC adopted a water supply assessment for the proposed project on June 11, 2019.<sup>103</sup>

The water supply assessment for the proposed project identifies the project's total water demand, including a breakdown of potable and non-potable water demands. The proposed project is subject to San Francisco's Non-potable Water Ordinance (San Francisco Health Code article 12C). The Non-potable Water Ordinance requires new commercial, mixed-use, and multi-family residential development projects with 250,000 square feet or more of gross floor area to install and operate an onsite non-potable water system. Such projects must meet their toilet and urinal flushing and irrigation demands through the collection, treatment, and use of available graywater, rainwater, and foundation drainage. While not required, projects may use treated blackwater or stormwater if desired. Furthermore, projects may choose to apply non-potable water to other non-potable water uses, such as cooling tower blowdown and industrial processes, but are not required to do so under the ordinance. The proposed project would meet the requirements of the Non-potable Water Ordinance by using graywater and rainwater for toilet and urinal flushing and irrigation.

Both potable and non-potable demands for the project were estimated using the SFPUC's Non-potable Water Calculator and supplemented with additional calculations for cooling tower and hotel demands. According to the demand estimates, the project's total water demand would be approximately 0.048 mgd, which would be comprised of 0.042 mgd of potable water and 0.006 mgd of non-potable water. According to the water supply assessment, approximately 13.3 percent of the project's total water demand would be met by non-potable water. 104

The water supply assessment estimates future retail (citywide) water demand through 2040 based on the population and employment growth projections contained in the planning department's Land Use Allocation 2012. The department has determined that the proposed project represents a portion of the planned growth accounted for in Land Use Allocation 2012. Therefore, the project's demand is incorporated in the 2015 Urban Water Management Plan.

The water supply assessment determined that the project's potable water demand of 0.042 mgd would contribute 0.05 percent to the projected total retail demand of 89.9 mgd in 2040. The project's total water demand of 0.048 mgd, which does not account for the 0.042 mgd savings anticipated through compliance with the non-potable water ordinance, would represent 0.05 percent of 2040 total retail demand. Thus, the

<sup>(</sup>D) A hotel or motel, or both, having more than 500 rooms, (e) an industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

<sup>(</sup>F) a mixed-use project that includes one or more of the projects specified in subdivisions (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(G) of this section.

<sup>(</sup>G) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

 $<sup>^{103}\,</sup>$  SFPUC, Revised Water Supply Assessment for the 542-550 Howard Street Project, May 17, 2019.

<sup>104</sup> Although 0.006 is 12.5% of 0.048, the SFPUC's Non-Potable Water Calculator shows that 13.3% of the project's total water demand would be met by non-potable sources. The difference is due to rounding.

proposed project represents a small fraction of the total projected water demand in San Francisco through 2040.

Due to the recent 2018 Bay Delta Plan Amendments, the water supply assessment considers these demand estimates under three water supply scenarios. To evaluate the ability of the water supply system to meet the demand of the proposed project in combination with both existing development and projected growth in San Francisco, the water supply assessment describes each of the following water supply scenarios:

• Scenario 1: Current Water Supply

Scenario 2: Bay-Delta Plan Voluntary Agreement

• Scenario 3: 2018 Bay-Delta Plan Amendment

As discussed below, the water supply assessment concludes that water supplies would be available to meet the demand of the proposed project in combination with both existing development and projected growth in San Francisco through 2040 under each of these water supply scenarios with varying levels of rationing during dry years. The following is a summary of the analysis and conclusions presented in the SFPUC's water supply assessment for the project under each of the three water supply scenarios considered.

## Scenario 1 - Current Water Supply

Scenario 1 assumes no change to the way in which water is supplied, and that neither the Bay-Delta Plan Amendment nor a Bay-Delta Plan Voluntary Agreement would be implemented. Thus, the water supply and demand assumptions contained in the 2015 Urban Water Management Plan and the 2009 Water Supply Agreement as amended would remain applicable for the project's water supply assessment. As stated above, the project is accounted for in the demand projections in the 2015 Urban Water Management Plan.

Under Scenario 1, the water supply assessment determined that water supplies would be available to meet the demand of the project in combination with existing development and projected growth in all years, except for an approximately 3.6 to 6.1 mgd or 5- to 6.8-percent shortfall during dry years through the year 2040. This relatively small shortfall is primarily due to implementation of the amended 2009 Water Supply Agreement. To manage a small shortfall such as this, the SFPUC may prohibit certain discretionary outdoor water uses and/or call for voluntary rationing by its retail customers. During a prolonged drought at the end of the 20-year planning horizon, the project could be subject to voluntary rationing in response to a 6.8-percent supply shortfall, when the 2018 amendments to the 2009 Water Supply Agreement are taken into account. This level of rationing is well within the SFPUC's regional water system supply level of service goal of limiting rationing to no more than 20 percent on a system-wide basis (i.e., an average throughout the regional water system).

### Scenario 2 - Bay-Delta Plan Voluntary Agreement

Under Scenario 2, a voluntary agreement would be implemented as an alternative to the adopted Bay-Delta Plan Amendment. The March 1, 2019, proposed voluntary agreement submitted to the state water board has yet to be accepted, and the shortages that would occur with its implementation are not known. The voluntary agreement proposal contains a combination of flow and non-flow measures that are designed to benefit fisheries at a lower water cost, particularly during multiple dry years, than would occur under the Bay-Delta Plan Amendment. The resulting regional water system supply shortfalls during dry years would be less than those under the Bay-Delta Plan Amendment and would require rationing of a lesser degree and closer in alignment to the SFPUC's adopted level of service goal for the

regional water system of rationing of no more than 20 percent system-wide during dry years. The SFPUC Resolution No. 19-0057, which authorized the SFPUC staff to participate in voluntary agreement negotiations, stated its intention that any final voluntary agreement allow the SFPUC to maintain both the water supply and sustainability level of service goals and objectives adopted by the SFPUC when it approved the WSIP. Accordingly, it is reasonable to conclude that if the SFPUC enters into a voluntary agreement, the supply shortfall under such an agreement would be of a similar magnitude to those that would occur under Scenario 1. In any event, the rationing that would be required under Scenario 2 would be of a lesser degree than under the Bay-Delta Plan Amendment as adopted.

### Scenario 3 - Bay-Delta Plan Amendment

Under Scenario 3, the 2018 Bay-Delta Plan Amendment would be implemented as it was adopted by the state water board without modification. As discussed above, there is considerable uncertainty whether, when, and in what form the plan amendment will be implemented. However, because implementation of the plan amendment cannot be ruled out at this time, an analysis of the cumulative impact of projected growth on water supply resources under this scenario is included in this document to provide a worst-case impact analysis.

Under this scenario, which is assumed to be implemented after 2022, water supplies would be available to meet projected demands through 2040 in wet and normal years with no shortfalls. However, under Scenario 3 the entire regional water system—including both the wholesale and retail service areas—would experience significant shortfalls in single dry and multiple dry years, which over the past 97 years occur on average just over once every 10 years. Significant dry-year shortfalls would occur in San Francisco, regardless of whether the proposed project is constructed. Except for the currently anticipated shortfall to retail customers of about 6.1 mgd (6.8 percent) that is expected to occur under Scenario 1 during years seven and eight of the 8.5-year design drought based on 2040 demand levels, these shortfalls to retail customers would exclusively result from supply reductions resulting from implementation of the Bay-Delta Plan Amendment. The retail supply shortfalls under Scenario 3 would not be attributed to the incremental demand associated with the proposed project, because the project's demand is incorporated already in the growth and water demand/supply projections contained in the 2015 Urban Water Management Plan.

Under the Bay-Delta Plan Amendment, existing and planned dry-year supplies would be insufficient for the SFPUC to satisfy its regional water system supply level of service goal of no more than 20 percent rationing system-wide. The Water Shortage Allocation Plan does not specify allocations to retail supply during system-wide shortages above 20 percent. However, the plan indicates that if a system-wide shortage greater than 20 percent were to occur, regional water system supply would be allocated between retail and wholesale customers per the rules corresponding to a 16- to 20-percent system-wide reduction, subject to consultation and negotiation between the SFPUC and its wholesale customers to modify the allocation rules. The allocation rules corresponding to the 16- to 20-percent system-wide reduction are reflected in the project's water supply assessment. These allocation rules result in shortfalls of 15.6 to 49.8 percent across the retail service area as a whole under Scenario 3. As shown in Table 5 of the water supply assessment, total shortfalls under Scenario 3 would range from 12.3 mgd (15.6 percent) in a single dry year to 36.1 mgd (45.7 percent) in years seven and eight of the 8.5-year design drought based on 2025 demand levels and from 21 mgd (23.4 percent) in a single dry year to 44.8 mgd (49.8 percent) in years seven and eight of the 8.5-year design drought based on 2040 demand.

## **Impact Analysis**

As described above, the supply capacity of the Hetch Hetchy regional water system that provides the majority of the city's drinking water far exceeds the potential demand of any single development project in San Francisco. No single development project alone in San Francisco would require the development of new or expanded water supply facilities or require the SFPUC to take other actions, such as imposing a higher level of rationing across the city in the event of a supply shortage in dry years. Therefore, a separate project-only analysis is not provided for this topic. The following analysis instead considers whether the proposed project in combination with both existing development and projected growth through 2040 would require new or expanded water supply facilities, the construction or relocation of which could have significant cumulative impacts on the environment that were not identified in the TCDP PEIR. It also considers whether a high level of rationing would be required that could have significant cumulative impacts. It is only under this cumulative context that development in San Francisco could have the potential to require new or expanded water supply facilities or require the SFPUC to take other actions, which in turn could result in significant physical environmental impacts related to water supply. If significant cumulative impacts could result, then the analysis considers whether the project would make a considerable contribution to the cumulative impact.

## Impact related to New or Expanded Water Supply Facilities

The SFPUC's adopted water supply level of service goal for the regional water system is to meet customer water needs in non-drought and drought periods. The system performance objective for drought periods is to meet dry-year delivery needs while limiting rationing to a maximum of 20 percent system-wide reduction in regional water service during extended droughts. As the SFPUC has designed its system to meet this goal, it is reasonable to assume that to the extent the SFPUC can achieve its service goals, sufficient supplies would be available to serve existing development and planned growth accounted for in the 2015 Urban Water Management Plan (which includes the proposed project) and that new or expanded water supply facilities are not needed to meet system-wide demand. While the focus of this analysis is on the SFPUC's retail service area and not the regional water system as a whole, this cumulative analysis considers the SFPUC's regional water supply level of service goal of rationing of no more than 20 percent in evaluating whether new or expanded water supply facilities would be required to meet the demands of existing development and projected growth in the retail area through 2040. If a shortfall would require rationing of more than 20 percent to meet system-wide dry-year demand, the analysis evaluates whether as a result, the SFPUC would develop new or expanded water supply facilities that result in significant physical environmental impacts. It also considers whether such a shortfall would result in a level of rationing that could cause significant physical environmental impacts. If the analysis determines that there would be a significant cumulative impact, then per CEQA Guidelines section 15130, the analysis considers whether the project's incremental contribution to any such effect is "cumulatively considerable".

As discussed above, existing and planned dry-year supplies would meet projected retail demands through 2040 under Scenario 1 within the SFPUC's regional water system adopted water supply reliability level of service goal. Therefore, the SFPUC could meet the water supply needs for the proposed project in combination with existing development and projected growth in San Francisco through 2040 from the SFPUC's existing system. The SFPUC would not be expected to develop new or expanded water supply facilities for retail customers under Scenario 1 and there would be no significant cumulative environmental impact.

The effect of Scenario 2 cannot be quantified at this time but as explained previously, if it can be designed to achieve the SFPUC's level of service goals and is adopted, it would be expected to have effects similar

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to Scenario 1. Given the SFPUC's stated goal of maintaining its level of service goals under Scenario 2, it is expected that Scenario 2 effects would be more similar to Scenario 1 than to Scenario 3. In any event, any shortfall effects under Scenario 2 that exceed the SFPUC's service goals would be expected to be less than those under Scenario 3. Therefore, the analysis of Scenario 3 would encompass any effects that would occur under Scenario 2 if it were to trigger the need for increased water supply or rationing in excess of the SFPUC's regional water system level of service goals.

Under Scenario 3, the SFPUC's existing and anticipated water supplies would be sufficient to meet the demands of existing development and projected growth in San Francisco, including the proposed project, through 2040 in wet and normal years, which have historically occurred in approximately nine out of 10 years on average. During dry and multiple dry years, retail supply shortfalls of 15.6 to 49.8 percent could occur.

The SFPUC has indicated in its water supply assessment that as a result of the adoption of the Bay-Delta Plan Amendment and the resulting potential limitations on supply to the regional water system during dry years, the SFPUC is increasing and accelerating its efforts to develop additional water supplies and explore other projects that would increase overall water supply resilience. It lists possible projects that it will study. The SFPUC is beginning to study water supply options, but it has not determined the feasibility of the possible projects, has not made any decision to pursue any particular supply projects, and has determined that the identified potential projects would take anywhere from 10 to 30 years or more to implement.

There is also a substantial degree of uncertainty associated with the implementation of the Bay-Delta Plan Amendment and its ultimate outcome, and therefore, there is substantial uncertainty in the amount of additional water supply that may be needed, if any. Moreover, there is uncertainty and lack of knowledge as to the feasibility and parameters of the possible water supply projects the SFPUC is beginning to explore. Consequently, the physical environmental impacts that could result from future supply projects is quite speculative at this time and would not be expected to be reasonably determined for a period of time ranging from 10 to 30 years. Although it is not possible at this time to identify the specific environmental impacts that could result, this analysis assumes that if new or expanded water supply facilities, such as those listed above under "Additional Water Supplies," were developed, the construction and/or operation of such facilities could result in significant adverse environmental impacts, and this would be a significant cumulative impact.

As discussed above, the proposed project would represent 0.11 percent of total demand and 0.09 percent of potable water demand in San Francisco in 2040, whereas implementation of the Bay Delta Plan Amendment would result in a retail supply shortfall of up to 49.8 percent. Thus, new or expanded dry-year water supplies would be needed under Scenario 3 regardless of whether the proposed project is constructed. As such, any physical environmental impacts related to the construction and/or operation of new or expanded water supplies would occur with or without the proposed project. Therefore, the proposed project would not have a considerable contribution to any significant cumulative impacts that could result from the construction or operation of new or expanded water supply facilities developed in response to the Bay-Delta Plan Amendment.

# Impact related to Rationing

Given the long lead times associated with developing additional water supplies, in the event the Bay-Delta Plan Amendment were to take effect sometime after 2022 and result in a dry-year shortfall, the expected action of the SFPUC for the next 10 to 30 years (or more) would be limited to requiring increased rationing. The remaining analysis therefore focuses on whether rationing at the levels that

might be required under the Bay-Delta Plan Amendment could result in any cumulative impacts, and if so, whether the project would make a considerable contribution to these impacts.

The SFPUC has established a process through its Retail Water Shortage Allocation Plan for actions it would take under circumstances requiring rationing. Rationing at the level that might be required under the Bay-Delta Plan Amendment would require changes to how businesses operate, changes to water use behaviors (e.g., shorter and/or less-frequent showers), and restrictions on irrigation and other outdoor water uses (e.g., car washing), all of which could lead to undesirable socioeconomic effects. Any such effects would not constitute physical environmental impacts under CEQA.

High levels of rationing could however lead to adverse physical environmental effects, such as the loss of vegetation cover resulting from prolonged restrictions on irrigation. Prolonged high levels of rationing within the city could also make San Francisco a less desirable location for residential and commercial development compared to other areas of the state not subject to such substantial levels of rationing, which, depending on location, could lead in turn to increased urban sprawl. Sprawl development is associated with numerous environmental impacts, including, for example, increased greenhouse gas emissions and air pollution from longer commutes and lower density development, higher energy use, loss of farmland, and increased water use from less water-efficient suburban development.<sup>105</sup> In contrast, as discussed in the transportation section, the proposed project is located in an area where VMT per capita is well below the regional average; projects in San Francisco are required to comply with numerous regulations that would reduce greenhouse gas emissions, as discussed in the greenhouse gas section of this initial study, and San Francisco's per capita water use is among the lowest in the state. Thus, the higher levels of rationing on a citywide basis that could be required under the Bay-Delta Plan Amendment could lead directly or indirectly to significant cumulative impacts. The question, then, is whether the project would make a considerable contribution to impacts that may be expected to occur in the event of high levels of rationing.

While the levels of rationing described above apply to the retail service area as a whole (i.e., 5 to 6.8 percent under Scenario 1, 15.6 to 49.8 percent under Scenario 3), the SFPUC may allocate different levels of rationing to individual retail customers based on customer type (e.g., dedicated irrigation, singlefamily residential, multi-family residential, commercial, etc.) to achieve the required level of retail (citywide) rationing. Allocation methods and processes that have been considered in the past and may be used in future droughts are described in the SFPUC's current Retail Water Shortage Allocation Plan 106. However, additional allocation methods that reflect existing drought-related rules and regulations adopted by the SFPUC during the recent drought are more pertinent to current and foreseeable development and water use in San Francisco and may be included in the SFPUC's update to its Retail Water Shortage Allocation Plan. 107 The Retail Water Shortage Allocation Plan will be updated as part of the 2020 Urban Water Management Plan update in 2021. The SFPUC anticipates that the updated Retail Water Shortage Allocation Plan would include a tiered allocation approach that imposes lower levels of rationing on customers who use less water than other customers in the same customer class and would require higher levels of rationing by customers who use more water. This approach aligns with the state water board's statewide emergency conservation mandate imposed during the recent drought, in which urban water suppliers who used less water were subject to lower reductions than those who used more

<sup>105</sup> Pursuant to the SFPUC 2015 Urban Water Management Plan, San Francisco's per capita water use is among the lowest in the state.

San Francisco Public Utilities Commission, 2015 Urban Water Management Plan for the City and County of San Francisco, Appendix L - Retail Water Shortage Allocation Plan, June 2016. This document is available at <a href="https://sfwater.org/index.aspx?page=75">https://sfwater.org/index.aspx?page=75</a>

 $<sup>^{107}\,</sup>$  SFPUC, 2015-2016 Drought Program, adopted by Resolution 15-0119, May 26, 2015.

water. Imposing lower rationing requirements on customers who already conserve more water is also consistent with the implementation of prior rationing programs based on past water use in which more efficient customers were allocated more water.

The SFPUC anticipates that, as a worst-case scenario under Scenario 3, a mixed-used customer such as the proposed project would be subject to a range of 16 to 50 percent rationing during a severe drought. <sup>108</sup> In accordance with the Retail Water Shortage Allocation Plan, the level of rationing that would be imposed on the proposed project would be determined at the time of a drought or other water shortage and cannot be established with certainty prior to the shortage event. However, newly-constructed buildings, such as the proposed project, have water-efficient fixtures and non-potable water systems that comply with the latest regulations. Thus, if these buildings can demonstrate below-average water use, they would likely be subject to a lower level of rationing than other retail customers that meet or exceed the average water use for the same customer class.

While any substantial reduction in water use in a new, water efficient building likely would require behavioral changes by building occupants that are inconvenient, temporary rationing during a drought is expected to be achievable through actions that would not cause or contribute to significant environmental effects. The effect of such temporary rationing would likely cause occupants to change behaviors but would not cause the substantial loss of vegetation because vegetation on this urban infill site would be limited to ornamental landscaping, and non-potable water supplies would remain available for landscape irrigation in dry years. The project would not include uses that would be forced to relocate because of temporary water restrictions, such as a business that relies on significant volumes of water for its operations. While high levels of rationing that would occur under Scenario 3 could result in future development locating elsewhere, existing residents, hotel employees and guests, and office employees and guests occupying the proposed project would be expected to tolerate rationing for the temporary duration of a drought.

As discussed above, implementation of the Bay-Delta Plan Amendment would result in substantial system-wide water supply shortfalls in dry years. These shortfalls would occur with or without the proposed project, and the project's incremental increase in potable water demand (0.05 percent of total retail demand) would have a negligible effect on the levels of rationing that would be required throughout San Francisco under Scenario 3 in dry years.

As such, temporary rationing that could be imposed on the project would not cause or contribute to significant environmental effects associated with the high levels of rationing that may be required on a city-wide basis under Scenario 3. Thus, the project would not make a considerable contribution to any significant cumulative impacts that may result from increased rationing that may be required with implementation of the Bay-Delta Plan Amendment, were it to occur.

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This worst-case rationing level for San Francisco multi-family residential was estimated for the purpose of preparing comments on the Draft Substitute Environmental Document in Support of Potential Changes to the Bay-Delta Plan (SED), dated March 16, 2017. See comment letter Attachment 1, Appendix 3, Page 5, Table 3. The comment letter and attachments are available at: <a href="https://www.waterboards.ca.gov/public notices/comments/2016">https://www.waterboards.ca.gov/public notices/comments/2016</a> baydelta plan amendment/docs/dennis herrera.pdf. The state water board's SED assumes that the City will develop additional water supplies through large scale water transfers and/or construction of a large-scale desalination plant or new in-Delta diversion. The city's comments on the SED explain why increased rationing is in fact the SFPUC's most reasonably foreseeable response to the water supply reductions that may result from Bay-Delta Plan Amendment.

# **Water Supply Conclusion**

As stated above, there is considerable uncertainty as to whether the Bay-Delta Plan Amendment will be implemented. If the plan amendment is implemented, the SFPUC will need to impose higher levels of rationing than its regional water system level of service goal of no more than 20 percent rationing during drought years by 2025 and for the next several decades. Implementation of the plan amendment would result in a shortfall beginning in years two and three of multiple dry-years in 2025 of 33.2 percent, and dry year shortfalls by 2040 ranging from 23.4 percent in a single dry year and year one of multiple dry years to up to 49.8 percent in years seven and eight of the 8.5-year design drought. While the SFPUC may seek new or expanded water supply facilities, it has not made any definitive decision to pursue particular actions and there is too much uncertainty associated with this potential future decision to identify environmental effects that would result. Such effects are therefore speculative at this time. In any case, the need to develop new or expanded water supplies in response to the Bay Delta Plan Amendment and any related environmental impacts would occur irrespective of the water demand associated with the proposed project. Given the long lead times associated with developing additional supplies, the SFPUC's expected response to implementation of the Bay-Delta Plan Amendment would be to ration in accordance with procedures in its Retail Water Shortage Allocation Plan.

Both direct and indirect environmental impacts could result from high levels of rationing. However, the project is a mixed-use urban infill development that would be expected to tolerate the level of rationing imposed on it for the duration of the drought, and thus would not contribute to sprawl development caused by rationing under the Bay-Delta Plan Amendment. The project itself would not be expected to contribute to a loss of vegetation because project-generated non-potable supplies would remain available for irrigation in dry years. Nor would the small increase in potable water demand attributable to the project compared to citywide demand substantially affect the levels of dry-year rationing that would otherwise be required throughout the city. Thus, the proposed project would not make a considerable contribution to a cumulative environmental impact caused by implementation of the Bay-Delta Plan Amendment. Therefore, for the reasons described above, under all three scenarios, this impact would be considered less than significant.

### **Wastewater Treatment**

The project site is served by San Francisco's combined sewer system, which handles both sewage and stormwater runoff. The Southeast Water Pollution Control Plant provides wastewater and stormwater treatment and management for the east side of the city, including the project site. The project site is covered by impervious surfaces and would be required to comply with the city's Stormwater Management Ordinance. This ordinance requires the proposed project to decrease the amount of impervious area onsite and reduce peak stormwater runoff compared to existing conditions. Therefore, with implementation of the proposed project, stormwater from the project site to the Southeast Water Treatment Plant would be reduced, compared to existing conditions. Further, wastewater volumes generated by the project would be minimal in comparison to stormwater flows. Thus, the proposed project would not require new or expanded stormwater or wastewater facilities.

## **Solid Waste Disposal**

The city disposes of its municipal solid waste at the Recology Hay Road Landfill, and that practice is anticipated to continue until 2025, with an option to renew the agreement thereafter for an additional six years. San Francisco Ordinance No. 27-06 requires mixed construction and demolition debris to be transported to a facility that must recover for reuse or recycling and divert from landfill at least 65 percent of all received construction and demolition debris. San Francisco's Mandatory Recycling and

Composting Ordinance No. 100-09 requires all properties and persons in the city to separate their recyclables, compostables, and landfill trash.

The proposed project would incrementally increase total city waste generation; however, the proposed project would be required to comply with San Francisco ordinance numbers 27-06 and 100-09. Due to the existing and anticipated increase of solid waste recycling in the city and the requirements to divert construction debris from the landfill, any increase in solid waste resulting from the proposed project would be accommodated by the existing Hay Road landfill. Thus, the proposed project would have less-than-significant impacts related to solid waste.

# **Cumulative Analysis**

As stated above, the small increase in potable water demand attributable to the project compared to citywide demand would not substantially affect the levels of dry-year rationing that would otherwise be required throughout the city. Thus, the proposed project would not make a considerable contribution to a cumulative environmental impact caused by implementation of the Bay-Delta plan amendment.

All projects in San Francisco would be required to comply with the same regulations described above which reduce stormwater, potable water use, and waste generation. Therefore, the proposed project, in combination with other reasonably foreseeable future projects would not result in a cumulative utilities and service systems impact.

#### Conclusion

The proposed project would represent a small fraction of the overall demand for utilities and service systems analyzed in the TCDP PEIR and, consistent with the findings in the TCDP PEIR, utilities and service providers have accounted for the growth in demand, including that of the proposed project, individually and cumulatively.

As discussed above, the proposed project would not result in a significant individual or cumulative impact than was analyzed in the PEIR, and there would be no additional impacts on utilities and service systems beyond those analyzed in the TCDP PEIR.

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

The PEIR found that implementation of the Plan would result in less-than-significant impacts to police, fire, and park services. The increased residential and worker population in the area would result in

increased demand for police and fire protection services, as well as park use, but this demand could be accommodated within existing infrastructure and planned improvements in the TCDP area, such as new parks and open spaces, or through re-deployment of resources from other areas of the city, if needed. Development of the proposed project would increase overall demand for public services. However, this growth would not exceed growth projections for the plan area, as discussed in topic 2, Population and Housing. Public service providers have accounted and planned for such growth in order to continue to provide services to San Francisco residents. Therefore, the proposed project would not result in a substantial increase in the demand for police or fire protection services. As described above, the proposed project would also not result in new or more severe impacts to parks or recreational facilities.

With the construction of 165 housing units, and assuming a 0.05 student yield rate for market-rate units, <sup>109</sup> the proposed project would generate about 9 elementary or high school students. These additional students would not exceed the capacity of schools such that new facilities would be required and thus the proposed project would not result in new or more severe impacts on school facilities than what was already analyzed and disclosed in the PEIR. In addition, and as discussed in the PEIR, the Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), restricts the ability of local agencies such as the City and County of San Francisco to deny land use approvals on the basis that public school facilities are inadequate. SB 50 establishes the base amount of allowable developer fees per square foot of commercial and residential construction. These fees are intended to address local school facility needs resulting from new development. The proposed project would contribute the necessary fees to ensure that local schools can support the proposed project's incremental increase in demand.

# **Cumulative Analysis**

The proposed project, combined with projected citywide growth through 2040, would increase demand for public services, including police and fire protection and public schooling. The fire department, the police department, the school district, and other city agencies have accounted for such growth in providing public services to the residents of San Francisco. For these reasons, the proposed project would not combine with reasonably foreseeable future projects to increase the demand for public services requiring new or expanded facilities, the construction of which could result in significant physical environmental impacts.

### Conclusion

Overall, and consistent with the findings in the PEIR, public services would not be adversely affected by the proposed project, individually or cumulatively, and the proposed project would not result in a new or more severe significant impact than was identified in the PEIR.

San Francisco Planning Department, Transit Center District Plan and Transit Tower Final Environmental Impact Report, Planning Department Case Nos. 2007.0558E and 2008.0789E, State Clearinghouse No. 2008072073, certified May 24, 2012. Available online at: http://sf-planning.org/area-plan-eirs, accessed October 25, 2018.

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
14.	BIOLOGICAL RESOURCES—Would the project:				
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				
c)	Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				$\boxtimes$
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?				

The TCDP area is a dense, developed urban area that does not contain any natural vegetation communities; therefore, development under the TCDP, as addressed as part of the TCDP PEIR, would not affect any special-status plants. There are no riparian corridors, estuaries, marshes, or wetlands in the plan area that could be affected by the development anticipated under the TCDP. In addition, development envisioned under the TCDP would not substantially interfere with the movement of any resident or migratory wildlife species through compliance with Planning Code section 139, Standards for Bird-Safe Building, which requires specific window and façade treatments for structures over 300 feet in height to reduce bird mortality due to building features. However, the PEIR determined that construction in the plan area could have a significant effect on special-status birds and bats through tree removal or building demolition. The PEIR concluded that implementation of the TCDP would not result in significant impacts on biological resources with implementation of PEIR Mitigation Measures M-BI-1a: Pre-Construction Bird Surveys and M-BI-1b: Pre-Construction Bat Surveys. PEIR Improvement Measure I-BI-2: Night Lighting Minimization was identified to reduce potential effects on birds from night lighting at project sites.

The project site is currently vacant except for one air vent and a below grade train box associated with TTC located beneath a portion of the site. As such, the proposed project would not involve the demolition of existing structures or removal of any trees that could disturb nesting birds including special-status birds and those protected by the federal Migratory Bird Treaty Act and the California Fish and Game Code, nor affect special-status bat species. Therefore, Mitigation Measures M-BI-1a and M-BI-1b would not be applicable to the proposed project. Even absent these mitigation measures, for the reasons stated above, the proposed project would not result in any new or more severe significant impacts to biological resources not identified in the PEIR.

# **Cumulative Analysis**

As the proposed project would have no impact on special-status species or sensitive habitats, the project would not have the potential to contribute to cumulative impacts to special-status species or sensitive habitats. All projects are required to comply with federal and state regulations related to the protection of migratory birds, including the Migratory Bird Treaty Act and the California Fish and Game Code section 3500. Therefore, cumulative impacts to migratory birds would be less than significant. Similarly, all projects within San Francisco are required to comply with *Public Works Code* section 801 *et.seq.*, which would ensure that any cumulative impact resulting from tree removal would be less than significant.

### Conclusion

As discussed above, the proposed project would not result in a significant individual or cumulative impact with respect to biological resources. Therefore, the proposed project would not result in a significant biological resources impact that was not disclosed in the TCDP PEIR.

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
15.	. GEOLOGY AND SOILS—Would the project:				
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)				
	ii) Strong seismic ground shaking?				$\boxtimes$
	iii) Seismic-related ground failure, including liquefaction?				$\boxtimes$
	iv) Landslides?				$\boxtimes$
b)	Result in substantial soil erosion or the loss of topsoil?				$\boxtimes$

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
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 onor off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?				
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				
f)	Change substantially the topography or any unique geologic or physical features of the site?				$\boxtimes$

The TCDP PEIR found that all impacts related to geology and soils would be less than significant, including impacts related to earthquake fault, seismic groundshaking, seismically induced ground failure, or landslides. Much of the TCDP area, including the project site, is located within a potential liquefaction hazard zone as identified by the California Geological Survey (CGS). Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, but would reduce them to an acceptable level, given the seismically active characteristics of the Bay Area. Thus, the PEIR concluded that implementation of the plan would not result in significant impacts with regard to geology, and no mitigation measures were identified in the PEIR.

Under the direction and management of the seven-member citizen Building Inspection Commission, the mission of the building department is to oversee the effective, efficient, fair and safe enforcement of San Francisco's Building, Housing, Plumbing, Electrical, and Mechanical Codes, along with the Disability Access Regulations. To ensure that the potential for adverse geologic, soils, and seismic hazards is adequately addressed, San Francisco relies on the state and local regulatory process for review and approval of building permits pursuant to the California Building Code (state building code, California Code of Regulations, Title 24); the San Francisco Building Code (local building code), which is the state building code plus local amendments that supplement the state code including Administrative Bulletins (AB); the building department's implementing procedures including Information Sheets (IS), and the State Seismic Hazards Mapping Act of 1990 (seismic hazards act, located in Public Resources Code section 2690 et seq.).

Pursuant to the seismic hazards act, the California State Geologist has identified seismic hazard zones for landslide and liquefaction hazards. These mapped areas enable cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards in order to protect public health and safety. The seismic hazard act

also includes criteria for project approval, and guidelines for evaluating seismic hazards and recommending mitigation measures.<sup>110</sup>

Projects located within a seismic hazard zone for liquefaction hazard are subject to the seismic hazards act requirements, which include the preparation of a geotechnical investigation by qualified engineer and/or geologist to delineate the area of hazard and to propose mitigation measures to address any identified hazards. The local building official must incorporate the recommended mitigation measures from the geotechnical investigation to address such hazards into the conditions of the building permit. The project site is within a seismic hazard zone for liquefaction hazard; thus, site design and construction must comply with the requirements of the seismic hazard act.

The proposed project involves construction of a new 61-story, 750-foot-tall (800 feet including rooftop mechanical features) mixed-use tower in a seismic hazard zone for liquefaction hazard and is therefore also subject to a mandatory interdepartmental project review prior to a public hearing before the planning commission or the issuance of the new construction building permit. The interdepartmental review meeting must include representatives from the planning, building, public works, and fire departments to provide input on code compliance for applicable state and local codes.<sup>111</sup>

With respect to grading, foundation design, and superstructure design for buildings 240 feet or taller (such as that proposed by the project), the building department permit review procedures are subject to interim building department guidance. The interim guidelines specify requirements for Geotechnical Engineering peer reviews including the scope of geotechnical and structural review conducted by qualified geotechnical reviewers as part of a Geotechnical Engineering Design Review Team (review team).<sup>112</sup> On December 27, 2017, the building department issued information sheet S-18, Interim Guidelines and Procedures for Structural, Geotechnical, and Seismic Hazard Engineering Design Review for New Tall Buildings (interim guidelines), which has since been updated on March 27, 2019.<sup>113</sup> The interim guidelines supplement and clarify the information in AB 082 (Guidelines and Procedures for Structural Design Review)<sup>114</sup> as well as AB 083 (Requirements and Guidelines for the Seismic Design of New Tall Buildings using Non-Prescriptive Seismic-Design Procedures).<sup>115,116</sup> Tall buildings are defined as those 240 feet or taller, which includes the proposed building. The interim guidelines specify

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<sup>110</sup> In the context of the seismic hazards act, "mitigation" refers to measures that are consistent with established practice and that will reduce seismic risk to acceptable levels, rather than the mitigation measures that are identified under the California Environmental Quality Act (CEQA) to reduce or avoid environmental impacts of a proposed project.

San Francisco Planning Department. Interdepartmental Project Review. Available at: <a href="http://forms.sfplanning.org/ProjectReview">http://forms.sfplanning.org/ProjectReview</a> ApplicationInterdepartmental.pdf, accessed October 25, 2018.

<sup>&</sup>lt;sup>112</sup> A qualified geotechnical reviewer for Engineering Design Review Teams shall be a geotechnical engineer (G.E.) registered in California or a Civil Engineer (C.E.) registered in California with substantially demonstrated geotechnical experience.

San Francisco Department of Building Inspection, Information Sheet No. S-18, Interim Guidelines and Procedures for Structural, Geotechnical, and Seismic Hazard Engineering Design Review for New Tall Buildings, March 27, 2019, http://sfdbi.org/sites/default/files/IS%20S-18.pdf, accessed August 23, 2019.

San Francisco Department of Building Inspection, November 21, 2018, Administrative Bulletin 082, Guidelines and Procedures for Structural Design Review, http://sfdbi.org/sites/default/files/AB-082.pdf, accessed August 23, 2019.

San Francisco Department of Building Inspection, March 25, 2008 (Updated January 1, 2014 for code references), Administrative Bulletin 083, Requirements and Guidelines for the Seismic Design of New Tall Buildings using Non-Prescriptive Seismic-Design Procedures, http://sfdbi.org//sites/default/files/Documents/Administrative\_Bulletins/2013\_AB/AB\_083\_updated\_010114.pdf, accessed March 27, 2018.

As stated in IS-18, SEAONC experts are reviewing the information and procedures in Administrative Bulletin 082 and Administrative Bulletin 083 and may recommend to the director of the building department and to the building inspection commission the adoption of modified guidelines for future tall building safety in San Francisco.

requirements for the scope of geotechnical and structural review conducted by qualified geotechnical reviewers as part of a Geotechnical Engineering Design Review Team (review team).<sup>117</sup> This process and specified requirements would be applicable to the proposed project.

The project sponsor's engineer of record for the project would work with the two-member geotechnical review team to resolve all comments related to the foundation design in order to achieve consensus on the adequacy of the building's foundation and structural design. A report of the findings from the geotechnical review team shall be provided to the building department director. The report will provide findings and address following issues: the foundation type (shallow or deep), foundation design, interpretation of geotechnical and geological investigations, soil-foundation-structure interaction under static and seismic loading conditions, effects of dewatering and construction-related activities on the site and in the vicinity, and foundation or building settlement. The interim guidance also requires that prior to the completion of the proposed project, the project sponsor would contract with qualified monitoring surveyors and instrumentation engineers to monitor the effects of settlement on the building and foundations of the project for a period of ten years after the issuance of the certificate of final completion and occupancy. The findings from the post-occupancy surveys shall be provided to the building department annually within this 10-year period.

Under the proposed project, incorporation of the appropriate engineering and design features in accordance with geotechnical recommendations prepared by a qualified professional and the building codes would: ensure that the new structures would not suffer substantial damage; that substantial debris such as building exterior finishes or windows would not separate from the building; that building occupants would be able to safely vacate the building following an earthquake; and that pedestrians and other bystanders would not be injured. Since the proposed project would be required to comply with this geotechnical engineering coordination, impacts related to groundshaking would be less than significant.

A geotechnical investigation was prepared for the proposed project.<sup>118</sup> The investigation will be subject to building department structural information sheet S-20, Preliminary Guidelines for Review of Geotechnical Reports prepared for Design and Construction of Tall Buildings.<sup>119</sup> The investigation found that the project site is underlain by 5 to 15 feet of fill material comprising sand, silt, gravel, brick fragments, asphalt, and wood. The fill was likely placed at the site during the post-1906-earthquake leveling process. The fill was removed from the northwest portion of the site during the excavation for the Transbay Transit Center (TTC) train box and associated improvements, which are located on the project site. Fill is likely present in the remainder of the site. Below that fill at 20 to 35 feet below ground surface (bgs) is dune sand. Below the dune sand is a 5- to 30-foot-thick medium stiff to stiff sandy clay (marsh deposit). The marsh deposit is generally weak and compressible. Below the weak marsh deposit is the dense Colma formation consisting of clayey sand, silty sand, and clean sand and extends to depths of 80 to 90 feet bgs. Beneath the Colma formation is Old Bay Clay and alluvium/colluvium. Bedrock is located between 160 to 185 feet below grade at the western portion of the site and 130 to 160 feet at the easternmost portion of the site.

<sup>&</sup>lt;sup>117</sup> A qualified geotechnical reviewer for Engineering Design Review Teams shall be a geotechnical engineer (G.E.) registered in California or a Civil Engineer (C.E.) registered in California with substantially demonstrated geotechnical experience.

Langan Treadwall Rollo, Preliminary Geotechnical Evaluation Parcel F – Transbay Redevelopment Area, San Francisco, California, May 25, 2016.

San Francisco Department of Building Inspection, Information Sheet No. S-20, Preliminary Guidelines for Review of Geotechnical Reports prepared for Design and Construction of Tall Buildings, June 5, 2019, online at http://sfdbi.org/sites/default/files/IS%20S-20.pdf, accessed August 23, 2019.

According to the geotechnical investigation, the groundwater level at the project site had been lowered by ongoing construction dewatering at the TTC. The proposed project's geotechnical investigation estimated that the high groundwater level at the project site may rise to 12 feet bgs.

During a major earthquake on a segment of one of the nearby faults, strong to violent groundshaking is expected to occur at the project site. Strong shaking during an earthquake could result in ground failure such as that associated with soil liquefaction, lateral spreading, and seismic densification. Available subsurface information was utilized to perform a preliminary evaluation of the potential of these phenomena occurring at the project site, as further discussed below.

#### Seismic Hazards

Published data indicate neither known active faults nor extensions of active faults exist beneath the site. Therefore, the geotechnical investigation concluded the potential of surface rupture at the site is low. The site is relatively level and the potential for earthquake-induced landsliding is very low.

Liquefaction, Lateral Spreading, Seismic Densification, and Associated Hazards

The geotechnical investigation concluded that loose to medium dense sandy fill below the high groundwater level, and medium dense dune sand and sandy layers within the marsh deposit, could liquefy in a major earthquake on a nearby active fault. The results of the investigation indicate the ground surface could settle between ½ to 2 inches during a major earthquake on a nearby active fault. The fill, dune sand, and marsh deposits would be removed during excavation for the proposed project's basement and mat. Therefore, significant differential settlement between the building and adjacent improvements could occur. However, as discussed above, the proposed project's site design and construction must comply with the requirements of the seismic hazard act that would include adequate measures to address the potential effects of liquefaction hazard and these must be made conditions of the building permit approval. In addition, local building code requirements for structural design review for tall buildings would require peer review of the project's site conditions and its engineering design by a two-member engineering design review team, along with monitoring for any settlement during a 10-year period after the certificate of final completion and occupancy is issued for the proposed project.

The geotechnical investigation concluded that existing subsurface information at the site and its vicinity indicate the liquefiable soil is not susceptible to lateral spreading. This is consistent with no historical evidence of lateral spreading of the surficial materials in the area of the project site during either the 1906 or the 1989 earthquake. On the basis of the existing subsurface information, the investigation concluded the potential for lateral spreading at the project site is low. However, this would be confirmed during the detailed design level investigation.

Seismic densification could occur during strong groundshaking in loose, clean granular deposits above the water table, resulting in ground surface settlement. During a major earthquake on a nearby active fault, the geotechnical investigation anticipated the loose to medium dense sandy fill above the groundwater level could settle on the order of ½ to 3 inches. Within the building footprint, the soil susceptible to seismic densification would be removed; ground settlement associated with seismic densification would be limited to areas outside the proposed basement.

The building department permit review process would ensure that the project's structural and foundation plans comply with applicable building code provisions and are in conformance with the measures recommended in the project-specific geotechnical reports and recommendations made by peer reviewers or the engineering design review team as required by IS S-18, AB-082, and AB-083. Overall, this

process would ensure that the proposed project would not exacerbate the potential for liquefaction, lateral spreading, and seismic densification.

### **Building Foundations**

The geotechnical investigation concluded that the proposed project could be constructed on the project site, provided that recommendations included in the proposed project's geotechnical investigation are implemented.

### Podium Foundation

The geotechnical investigation stated that mat bearing on the Colma Formation may be feasible for the support of the podium. The feasibility of the mat would be confirmed during the design level geotechnical investigation and the structural design peer review for the proposed project. The geotechnical investigation also recommended vertical anchors such as tiedowns or micro piles could be used to provide uplift resistance for the mat foundation from friction between the perimeter of the shaft and the surrounding soil. Vertical anchors consist of small-diameter (6- to 14-inch diameter) drilled, concrete- or grout-filled shafts with steel bars, pipes, or tendons embedded into the concrete or grout.

### Tower Foundation

Based on easements for the on-site Transbay Subsurface Facilities and Transbay Venting Facilities (train box easement) document,<sup>120</sup> the project would be supported on a mat with deep foundations that gain support primarily from friction in the soil and bedrock below the basement. The geotechnical investigation recommended that large-diameter, drilled cast-in-place piers (also known as drilled shafts), or rectangular-section load bearing elements (also known as barrettes) extend up to the bedrock. The depth to bedrock varies beneath the project site and ranges from approximately 130 to 185 feet below existing grades (160 to 185 feet at the western portion of the site and 130 to 160 feet at the easternmost portion of the site). The investigation concluded that out of the two options of drilled shafts and barrettes, drilled shafts would be a better foundation system for the proposed structure than barrettes. Drilled piers would need to extend into bedrock and the penetration into bedrock would be based on the anticipated building loads. The final design capacity for the drilled piers would need to be based on the results of full-scale load testing of the foundation elements.

### Basement Walls

To protect against moisture migration, the geotechnical investigation recommended that basement walls should be waterproofed and water stops should be placed at all construction joints. Walls should also be drained above the groundwater table. Basement walls would be partially submerged and should be designed to withstand the earth pressures, hydrostatic pressure increment (where undrained and/or below groundwater), a traffic surcharge where applicable, seismic earth pressure increment, and any surcharge pressures from adjacent foundations from the buildings at 530 and 540 Howard Street (and possibly Pylon 9). The wall pressures would be similar to other buildings with deep basements within the San Francisco Bay Area and would be able to be accommodated in the permanent wall design.

<sup>120</sup> TJPA, Easements for Transbay Subsurface Facilities and Transbay Venting Facilities (Train Box Easement) Parcel F, August 5, 2015.

#### TTC Train Box Easement

The train box easement document included project design requirements related to the TTC train box easement such as the use of a shoring wall constructed by TJPA for the TTC train box can be used as part of the shoring for the proposed structure, and the provision for a seismic separation joint and soil-structure interaction between the Transbay venting facilities and the proposed structure. Additionally, the train box easement document concluded that excavation for the proposed project structure cannot extend below the slab of the TTC box easement and no gravity loads should be imposed by the proposed project structure to the Transbay venting facilities.

#### Construction

# **Dewatering Systems**

Dewatering of the site during excavation would be required and should be performed using an active system, consisting of a series of dewatering wells near the proposed structure's perimeter. The wells would be continually pumped using float switches to maintain the groundwater level below the base of the excavation. As a cutoff wall would be installed to shore the excavation, only internal dewatering would be required and the use of active pumps should adequately dewater the site with no significant lowering of the groundwater level outside of the excavation. Piezometers should be installed outside of the shoring to monitor the groundwater level. No significant settlement of surrounding structures or improvements associated with the required dewatering for the project is anticipated. As stated above, the building department permit review process would ensure that the proposed project would address effects of the proposed dewatering and construction-related activities on the site and in the vicinity for conformance with measures recommended in the project-specific geotechnical reports and recommendations made by the engineering design review team as required by IS S-18.

### Temporary Shoring

Internally braced shoring and/or top down construction may be required adjacent to the on-site train box. The shoring wall constructed by the TJPA for the Transit Center Train Box can be used as part of the shoring for the proposed excavation. Construction of the proposed basement and mat foundation requires excavation to 65 feet bgs. Excavation for the proposed project should be shored to protect the surrounding structures. The investigation deemed that a cutoff wall, consisting of deep soil-cement mixed columns or panels or a concrete diaphragm wall are feasible methods of excavation support for the proposed project. The bottom of the basement walls should extend into the Old Bay Clay to create an effective groundwater cutoff. In addition, temporary support of the TTC train box, the existing buildings east of the project site (530 and 540 Howard Street), streets and utilities during project construction would be required. Excavation would not extend below the TTC train box foundation and lateral support of the existing shoring wall constructed by TJPA would be required.

Construction activities including the drilling of the large diameter drilled piers would require the use of large excavation rigs and other heavy construction equipment such as cranes. The geotechnical investigation recommended that a working pad consisting of a layer of geotextile fabric or geogrid overlain by at least three feet of crushed rock would likely be required to be constructed to support the heavy construction equipment. In addition, prior to and during construction, a monitoring program should be established to evaluate project conditions during construction and effects of the construction on adjacent structures. Types of construction monitoring would likely include establishment and periodic reading of survey points on the surrounding buildings and improvements within 200 feet of the proposed

excavation, installation and reading of inclinometers behind the temporary shoring walls to evaluate the magnitude and depth of shoring movement, and establishment and reading of survey points at the tops of the temporary shoring wall (every 25 feet) to determine horizontal shoring movements installation during excavation activities, and reading of groundwater piezometers inside and outside excavation limits to monitor the elevation of the groundwater during project construction. As required by IS S-18, the building department permit review process would ensure that the proposed project would address effects of construction-related activities on foundation performance of neighboring buildings and structures.

The project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the city. As part of the permit review process, the building department would review the project-specific geotechnical report and would require the geotechnical investigation to comply with requirements in the building code as well as review requirements in information sheet S-20. In addition, the building department may require additional site-specific soils report(s) through the building permit application process, as needed. The project is also required to comply with measures recommended by the engineering design review team required by IS S-18, AB-082, and AB-083, if applicable. The building department's requirement for a geotechnical report and review of the building permit application pursuant to the building department's implementation of the building code would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

During the building department's review of the proposed project's building permit application, the building department would review the construction plans for conformance with recommendations in the project-specific geotechnical report. The building permit application would be reviewed pursuant to the building department's implementation of the building code, local implementing procedures, and state laws, regulations, and guidelines would ensure that the proposed project would have no significant impacts related to soils, seismic, or other geological hazards.

In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards. Therefore, the proposed project would not result in significant impacts related to geology and soils that were not identified in the TCDP PEIR, and no mitigation measures are necessary. Furthermore, the proposed project would not contribute to any cumulative impacts related to geology and soils.

# **Paleontological Resources**

The TCDP PEIR found there are no known paleontological resources in the plan area. As explained above, the project site is underlain by 5 to 15 feet of fill material comprising sand, silt, gravel, brick fragments, asphalt, and wood. The fill was removed from the northwest portion of the site during the excavation for the Transbay Transit Center (TTC) train box and associated improvements. Fill is likely present over the remainder of the site. Below that fill at 20 to 35 feet below ground surface (bgs) is dune sand. Below the dune sand is a 5- to 30-foot-thick medium stiff to stiff sandy clay (marsh deposit). Below the weak marsh deposit is the dense Colma formation consisting of clayey sand, silty sand, and clean sand and this layer extends to depths of 80 to 90 feet bgs. Beneath the Colma formation is Old Bay Clay and alluvium/colluvium. The proposed project would entail excavation to a maximum depth of approximately 70 feet below the ground surface for construction of the four below-grade parking levels.

<sup>121</sup> Langan Treadwall Rollo, Preliminary Geotechnical Evaluation Parcel F – Transbay Redevelopment Area, San Francisco, California, May 25, 2016.

Sand does not typically contain paleontological resources, and the marine deposits are considered relatively young in age and therefore unlikely to contain rare or important fossils. The proposed project would not result in significant impacts on paleontological resources that were not identified in the PEIR, nor would it result it in new or greater impacts than identified in the PEIR. The project would have a less than significant impact, and no mitigation is required.

# **Cumulative Analysis**

The project would have no impact with regards to environmental effects of septic systems or alternative waste disposal systems or unique geologic features. Therefore, the proposed project would not have the potential to combine with effects of reasonably foreseeable projects to result in cumulative impacts to those resource topics.

Environmental impacts related to geology and soils are generally site-specific. All development within San Francisco would be subject to the same seismic safety standards and design review procedures of the California and local building codes and be subject to the requirements of the Construction Site Runoff Ordinance. These regulations would ensure that cumulative effects of development on seismic safety, geologic hazards, and erosion are less than significant. Impacts to paleontological resources are generally site-specific. Therefore, the proposed project in combination with reasonably foreseeable projects would not result in cumulative impacts to paleontological resources. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to geology and soils.

### Conclusion

As discussed above, the proposed project would not result in a significant individual or cumulative impact with respect to geology and soils. Therefore, the proposed project would not result in a significant geology and soils impact that was not disclosed in the TCDP PEIR.

Topics:		Significant Impact Peculiar to Project or Project Site Id	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
16.	HYDROLOGY AND WATER QUALITY—Would the project:				
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?				
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:				
	i) Result in substantial erosion or situation on- or off-site;				$\boxtimes$

Тор	oics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
	<ul> <li>Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</li> </ul>				$\boxtimes$
	iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				
	iv) Impede or redirect flood flows?				
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due a project inundation?				
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				

The TCDP PEIR determined that implementation of the plan could affect water quality due to grading and earthmoving operations, the use of fuels and other chemicals, and groundwater dewatering activities during construction and demolition of various projects. In addition, operation of projects in the plan area would result in changes to sanitary sewer flows and stormwater runoff patterns that could have an impact on water quality. The PEIR determined that compliance with all applicable regulations, including the federal Clean Water Act, the National Pollutant Discharge Elimination System (NPDES), Article 4.1 of the San Francisco Public Works Code, the San Francisco Green Building Ordinance, and San Francisco's Stormwater Design Guidelines would ensure impacts to water quality are less than significant. The PEIR determined that impacts due to the depletion of groundwater would be less than significant, as projects in the Plan area would rely on surface water and recycled water to meet their demand, and while groundwater dewatering would occur, groundwater from the Downtown San Francisco Groundwater Basin is not used for drinking water. In addition, because the plan area is almost entirely paved or covered by existing buildings, implementation of the plan would not alter groundwater infiltration rates. Impacts from erosion and flooding, as well as impacts to the existing stormwater drainage system, were considered less than significant, as projects in the plan area would comply with San Francisco's Stormwater Design Guidelines, which would minimize stormwater runoff. The PEIR determined that projects in the plan area would not expose people, housing or structures to a substantial risk of flooding or death involving inundation by seiche, tsunami, or mudflow.

The proposed project would involve excavation to a maximum 70 feet below grade for construction of the building foundation and below-ground parking levels. The geotechnical investigation anticipated that the high groundwater level at the project site may rise to 12 feet bgs. Construction stormwater discharges to the city's combined sewer system would be subject to the requirements of Article 4.1 of the San Francisco Public Works Code (supplemented by Department of Public Works Order No. 158170), which incorporates and implements the city's NPDES permit, and the federal Combined Sewer Overflow Control Policy. Stormwater drainage during construction would flow to the city's combined sewer system, where it would receive treatment at the Southeast plant or other wet weather facilities and would be discharged through an existing outfall or overflow structure in compliance with the existing NPDES permit. Therefore, compliance with applicable permits would reduce water quality impacts, and the

proposed project would not result in new or more severe impacts related to violation of water quality standards or degradation of water quality due to discharge of construction related stormwater runoff.

Regarding groundwater supplies, the proposed project would use potable water from the San Francisco Public Utilities Commission (SFPUC). Groundwater from the Downtown San Francisco Groundwater Basin is not used as drinking water, and the proposed project would not result in additional impervious surfaces to the extent that it would affect groundwater recharge because the site is currently vacant except for one air vent and a below grade train box associated with TTC. The proposed project would not affect the course of a stream or river. Given the project site already comprises impervious surfaces, the proposed project would not result in an increase in impervious surfaces, and it would not contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems. Stormwater flows and drainage would be controlled consistent with San Francisco's Stormwater Design Guidelines. The project sponsor would be required to submit a Stormwater Control Plan (SCP) for approval by the SFPUC that complies with the Stormwater Design Guidelines using Best Management Practices, thereby ensuring that the proposed project meets performance measures set by the SFPUC related to stormwater runoff rate and volume. Compliance with San Francisco's Stormwater Design Guidelines would reduce the quantity and rate of stormwater runoff to the city's combined sewer system and improve the water quality of those discharges.

The project site is not in an area subject to reservoir inundation hazards and is not located in a volcanic area that could be subject to mudflow. The project site is not located within a 100-year flood hazard area or in an area subject to reservoir inundation hazards, mudflow, or seiches. <sup>122</sup> The project site is not shown on SFPUC maps as being subject to flooding from sea level rise by 2100, assuming 36 inches of sea level rise and a 100-year storm surge. <sup>123</sup> Similarly, the project site also is not located within a tsunami hazard zone and would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche or tsunami. <sup>124</sup> Therefore, the proposed project would have no impact related to these hazards. Impacts from sea level rise are expected to be less than significant, given the existing National Warning System and San Francisco outdoor warning system.

### **Cumulative Analysis**

The proposed project would have no impact with respect to the following topics and therefore would not have the potential to contribute to any cumulative impacts for those resource areas: redirect or impede flood flows, release of pollutants due to inundation, alterations to a stream or river or changes to existing drainage patterns. The proposed project and other development within San Francisco would be required to comply with the Stormwater Management and Construction Site Runoff Ordinances that would reduce the amount of stormwater entering the combined sewer system and prevent discharge of construction-related pollutants into the sewer system. As the project site is not located in a groundwater basin that is used for water supply, the project would not combine with reasonably foreseeable projects to result in

Federal Emergency Management Agency and San Francisco Floodplain Management Program, San Francisco Interim Floodplain Maps, November 12, 2015. Available at: <a href="http://www.sfgsa.org/san-francisco-floodplain-management-program">http://www.sfgsa.org/san-francisco-floodplain-management-program</a>; and City and County of San Francisco Hazard Mitigation Plan, November 2014; Available at: <a href="http://sfdem.org/2014-hazard-mitigation-plan">http://sfdem.org/2014-hazard-mitigation-plan</a>, accessed September 4, 2018.

<sup>123</sup> San Francisco Public Utilities Commission (SFPUC), Climate Stressors and Impact: Bayside Sea Level Rise Mapping, Final Technical Memorandum. June 2014.

<sup>&</sup>lt;sup>124</sup> San Francisco Planning Department. San Francisco General Plan, Community Safety Element Map 5. October 2012. Available online at: http://www.sf-planning.org/ftp/General\_Plan/Community\_Safety\_Element\_2012.pdf, accessed September 4, 2018.

significant cumulative impacts to groundwater. Therefore, the proposed project in combination with other projects would not result in significant cumulative impacts to hydrology and water quality.

### Conclusion

As discussed above, the proposed project would result in less-than-significant individual and cumulative impacts related to hydrology and water quality. Therefore, the proposed project would not result in any new or more severe impacts than those identified in the TCDP PEIR.

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

The TCDP PEIR described the general environmental conditions in the plan area with respect to the presence of hazardous materials and wastes, a description of hazardous building materials likely to be present, and an overview of the relevant hazardous materials regulations that are applicable. The project site is not within two miles of an airport or private air strip, and there are no schools within 0.25-mile of the TCDP plan area. Therefore, topics c, e, and f are not applicable. The TCDP PEIR identified significant

impacts related to potentially exposing workers and the public to hazardous materials as a result of contaminated soils and groundwater or demolition or renovation of buildings.

The TCDP PEIR included several mitigation measures (some of which are site dependent and some that are applicable to all projects within the plan area). These mitigation measures include requirements for preparing site assessments and corrective actions for sites located bayward of the historic tide line (PEIR Mitigation Measure M-HZ-2a), preparing site assessments and corrective actions for sites located landward of the historic tide line (PEIR Mitigation Measure M-HZ-2b), preparing site assessments and corrective actions for all sites (PEIR Mitigation Measure M-HZ-2c), and hazardous building materials abatement (PEIR Mitigation Measure M-HZ-3). With implementation of these mitigation measures, potential impacts related to hazards and hazardous materials as a result of development within the TCDP area would be reduced to a less-than-significant level. The proposed project would not be located bayward of the historic tide line, and therefore, PEIR Mitigation Measures M-HZ-2a is not applicable to the proposed project.

## Routine Transport, Use, and Disposal of Hazardous Materials

The TCDP PEIR noted that for all development under the TCDP, including development of the project site, compliance with the San Francisco Health Code, which incorporates state and federal requirements, as well as California Highway Patrol and California Department of Transportation regulations, would minimize potential exposure of site personnel and the public to any accidental releases of hazardous materials or waste and would also protect against potential environmental contamination. Therefore, consistent with the TCDP, the potential impacts related to the routine use, transport, and disposal of hazardous materials associated with development of the project site would not be new or of greater severity than what was already analyzed and disclosed in the TCDP PEIR.

### Hazardous Building Materials

The TCDP PEIR determined that future development in the plan area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PIER include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead-based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The TCDP PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury, and determined that that PER Mitigation Measure M-HZ-3: Hazardous Building Materials Abatement would reduce these effects to a less-than-significant level. As discussed above, the project site is currently a vacant site except for one air vent and a below grade train box associated with TTC and development of the site would not include demolition of any existing buildings; therefore, PEIR Mitigation Measure M-HZ-3 would not apply to development of the project site.

<sup>125</sup> In general, the actions identified in these mitigation measures are now required by the Maher Ordinance, except for M-HZ-3.

#### Soil and Groundwater Contamination

Since certification of the TCDP PEIR, Article 22A of the Health Code, also known as the Maher Ordinance, was expanded to include properties throughout the city where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, and sites in proximity to freeways or underground storage tanks. The over-arching goal of the Maher Ordinance is to protect public health and safety by requiring appropriate handling, treatment, disposal and when necessary, mitigation of contaminated soils that are encountered in the building construction process. Projects that disturb 50 cubic yards or more of soil (such as the proposed project) that are located on sites with potentially hazardous soil or groundwater within TCDP area are subject to this ordinance.

The project site is located in a Maher area, and development of the proposed project would require excavation to a maximum depth approximately 70 feet below the ground surface (bgs) for construction of four underground levels with building foundation, which would result in the removal of approximately 51,180 cubic yards of soil. Therefore, the project is subject to the Maher Ordinance, which is administered and overseen by the health department. The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code section 22.A.6.

The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to the health department or other appropriate state or federal agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor has submitted a Maher Application to the health department and a Phase I ESA has been prepared to assess the potential for site contamination. <sup>126</sup> Based on the Phase I ESA, the project site was used for industrial purposes in at least 1910s, when it was occupied by a rubber manufacturing plant and later by an oil refinery and paper and printing company. Earthquake debris and coal tar waste from a nearby gas plant were reportedly used as fill material at the site and surrounding areas during the late 1800s and early 1900s. As a result of the aforementioned activities, the project site and some of the surrounding areas are known to contain soil and groundwater contamination. Subsurface investigations conducted at the site in 1999, 2008, and 2010 confirmed that the site is underlain by approximately 0.5 to 8.0 feet of fill material composed of silts and sands with gravel, and fragments of brick and other debris. Soil samples collected within the project area as part of these investigations contained concentrations of lead in excess of California and federal hazardous waste thresholds as well as regulatory screening criterion for commercial and industrial land use. Arsenic, zinc, and SVOCs were also detected above screening levels in on site areas.

The project site has undergone recent redevelopment and the northern portion has been excavated to approximately 65 feet bgs in connection with the construction of the train box associated with construction of the Transbay Transit Center. However, the southern portion of the site has not been

<sup>&</sup>lt;sup>126</sup> Cameron Falconer, Hines, Maher Ordinance Application: 524-550 Howard Street, San Francisco, May 10, 2017.

Ramboll Environ US Corporation, Phase I Environmental Site Assessment Parcel F, May 5, 2016.

excavated and it is likely that fill material known to be associated with elevated contaminant concentrations (i.e. lead, arsenic, zinc, and SVOCs) remains onsite. As such, the Phase I ESA considered the presence of such fill material remaining in the subsurface at the site to constitute a Recognized Environmental Condition (REC). Planned future redevelopment activities would presumably include the removal of remaining fill material during further (deeper) excavation during new construction.

The proposed project would be required to remediate potential soil and groundwater contamination described above in accordance with Article 22A of the Health Code. Therefore, the proposed project would not result in any new significant impacts or more severe impacts related to hazards or hazardous materials that were not identified in the TCDP PEIR.

### **Cumulative Analysis**

Environmental impacts related to hazards and hazardous materials are generally site-specific. Nearby cumulative development projects would be subject to the same regulations addressing use of hazardous waste (article 22 of the health code), hazardous soil and groundwater (article 22B of the health code) and building and fire codes addressing emergency response and fire safety. For these reasons, the proposed project would not combine with past, present, or reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact related to hazards and hazardous materials.

### Conclusion

Based on the above, the proposed project would not result in individual or cumulative significant impacts related to hazards or hazardous materials that were not identified in the TCDP PEIR.

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
18.	MINERAL RESOURCES—Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				$\boxtimes$

As noted in the TCDP PEIR, all land in San Francisco, including the 524-550 Howard Street project site, is designated as Mineral Resource Zone 4 (MRZ-4) indicating that there is not adequate information available for assignment to any other MRZ.<sup>128</sup> Thus, the project site is not a designated area of significant mineral deposits. The project site is not a mineral resource recovery site, and it would not require quarrying, mining, dredging, or extraction of locally important mineral resources on the project site, and it would not deplete non-renewable natural resources. In addition, no significant mineral resources exist

<sup>128</sup> California Division of Mines and Geology, Open File Report 96 03 and Special Report 146, Parts I and II, 1986.

in San Francisco.<sup>129</sup> Therefore, the proposed project would have no impact on mineral resources either individually or cumulatively.

### Conclusion

Consistent with the findings in the TCDP PEIR, the proposed project would have no impact related to mineral resources, and, therefore, it would not result in any new or more severe significant project or cumulative impacts than were identified in the TCDP PEIR.

Topics:  19. ENERGY—Would the project:		Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				$\boxtimes$

With respect to energy resources, the TCDP PEIR determined that the implementation of the TCDP would facilitate the construction of new residential units, hotel, office, and commercial buildings. Development of the proposed project would not result in unusually large amounts of fuel, water, or energy in the context of energy use throughout the city and region. Demand from the proposed project would be typical for a building of the size and nature proposed and would meet, or exceed, the current state and local codes and standards concerning energy consumption, including Title 24 of the *California Code of Regulations* and the San Francisco Green Building Ordinance. Documentation showing compliance with these standards has been submitted to the city in the form of the "Compliance Checklist Table for Greenhouse Gas Analysis: Private Development Projects" described above. Title 24 and the Green Building Ordinance are enforced by the building department.

## **Cumulative Analysis**

All cumulative projects in the city are required to comply with the transportation demand management ordinance and the same energy efficiency standards set forth in the California Code of Regulations Title 24 and the San Francisco Green Building Ordinance. Therefore, cumulative impacts on energy resources would be less than significant.

## Conclusion

Consistent with the findings in the PEIR, the proposed project would have a less-than-significant impact related to energy resources, and, therefore, it would not result in any new or more severe significant project or cumulative impacts than were identified in the TCDP PEIR.

<sup>129</sup> San Francisco Planning Department, San Francisco General Plan Environmental Protection Element, amended December 2, 2004.

Тор	ics:	Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
20	AGRICULTURE AND FORESTRY RESOURCES—Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				$\boxtimes$
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?				
d)	Result in the loss of forest land or conversion of forest land to non-forest use?				$\boxtimes$
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or forest land to non-forest use?				

The PEIR determined that the Transit Center District Plan area, and the surrounding areas, do not contain agricultural or forest uses and are not zoned for such uses; therefore, implementation of the Plan would not convert any prime farmland, unique farmland or Farmland of Statewide Importance to non-agricultural use. In addition, the Plan would not conflict with existing zoning for agricultural land use or a Williamson contract, nor would it involve any changes to the environment that could result in the conversion of farmland. The Plan would not result in the loss of forest land or conversion of forest land to non-forest uses.

Consistent with the PEIR, the project site and surrounding areas do not contain agricultural or forest uses and are not zoned for such uses. Therefore, construction of the proposed project would not convert any prime farmland, unique farmland or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with existing zoning for agricultural land use or a Williamson contract, nor would it involve any changes to the environment that could result in the conversion of farmland. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest uses. Accordingly, and consistent with the PEIR these criteria are not applicable to the proposed project.

### Conclusion

For the above reasons, the proposed project would not result in any new or more severe impacts to agricultural or forest resources not identified in the TCDP PEIR..

Topics:		Significant Impact Peculiar to Project or Project Site	Significant Impact not Identified in PEIR	Significant Impact due to Substantial New Information	No Significant Impact not Previously Identified in PEIR
21	. WILDFIRE—If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a)	Substantially impair an adopted emergency response plan or emergency evacuation plans?				$\boxtimes$
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				
d)	Expose people or structure to significant risks including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				

The project site is not located in or near state responsibility lands for fire management or lands classified as very high fire hazard severity zones. Therefore, this topic is not applicable to the project.

### **MITIGATION MEASURES**

Project Mitigation Measure 1: Construction Best Practices for Historic Resources (Implements TCDP PEIR Mitigation Measure M-CP-5a). The project sponsor of a development project in the plan area shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings, including, but not necessarily limited to, staging of equipment and materials as far as possible from historic buildings to avoid direct impact damage; using techniques in demolition (of the parking lot), excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historical resource(s) within 125 feet, as identified by the planning department; appropriately shoring excavation sidewalls to prevent movement of adjacent structures; design and installation of the new foundation to minimize uplift of adjacent soils; ensuring adequate drainage from adjacent sites; covering the roof of adjacent structures to avoid damage from falling objects; and ensuring appropriate security to minimize risks of vandalism and fire.

Project Mitigation Measure 2: Construction Monitoring Program for Historic Resources (Implements TCDP PEIR Mitigation Measure M-CP-5b). The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program would include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic

preservation professional to undertake a preconstruction survey of historical resource(s) identified by the planning department within 125 feet of planned construction to document and photograph the buildings' existing conditions. Based on the construction and condition of the resource(s), the consultant shall also establish a maximum vibration level that shall not be exceeded at each building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 inches per second, peak particle velocity). To ensure that vibration levels do not exceed the established standard, the project sponsor shall monitor vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard.

Should vibration levels be observed in excess of the standard, construction shall be halted and alternative techniques put in practice, to the extent feasible. The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its preconstruction condition at the conclusion of ground-disturbing activity on the site.

Project Mitigation Measure 3: Subsequent Archeological Testing Program (Implements TCDP PEIR Mitigation Measure M-CP-1). Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the planning department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

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

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the

archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

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

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological consultant shall prepare an archeological monitoring plan (AMP):

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

reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

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

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

The scope of the ADRP shall include the following elements:

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

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Office of the Chief Medical Examiner of the City and County of San Francisco and in the event of the Medical Examiner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement

should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept 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. If no agreement is reached State regulations shall be followed including the reburial of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).

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

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

Project Mitigation Measure 4: Garage/Loading Attendant (Implements TCDP PEIR Mitigation Measure M-TR-5). The project sponsor shall ensure that building management employs attendant(s) for the project's garage. The attendant shall be stationed at the project's valet station to direct vehicles entering and exiting the building and avoid any safety-related conflicts with pedestrians on the sidewalk during the peak periods of traffic and pedestrian activity, with extended hours as dictated by traffic and pedestrian conditions and by activity in the project garage. The project shall also install audible and/or visible warning devices, or comparably effective warning devices as approved by the planning department and/or the Sustainable Streets Division of the Municipal Transportation Agency, to alert pedestrians of the outbound vehicles from the car elevators, as applicable. The project sponsor shall ensure that valet attendants actively manage vehicle traffic in the porte cochère area, passenger loading zone, and loading dock.

Project Mitigation Measure 5: Loading Dock Management (Implements TCDP PEIR Mitigation Measure M-TR-7a). The project sponsor shall develop a loading dock management plan to ensure that off-street loading facilities are efficiently used and maintained and that trucks longer than can be safely accommodated are not permitted to use the building's loading dock. In order to do so, the project sponsor shall develop a plan for management and maintenance of the building's loading dock and truck turntable and shall ensure that tenants in the building are informed of limitations and conditions on loading schedule and truck size. Such a management plan shall include strategies such as the use of an attendant to direct and guide trucks, installing a "Full" sign at the loading dock driveway, limiting activity during

peak hours, installation of audible and/or visual warning devices, and other features. The maintenance plan will include a schedule for routine maintenance of the truck turntable.

**Project Mitigation Measure 6: Construction Coordination (Implements TCDP PEIR Mitigation Measure M-TR-9).** To minimize potential disruptions to transit, traffic, and pedestrian and bicyclists, the project sponsor and/or construction contractor shall develop a Construction Management Plan that could include, but not necessarily be limited to, the following:

- Limit construction truck movements to the hours between 9:00 a.m. and 4:00 p.m. (or other times, if approved by the Municipal Transportation Agency) to minimize disruption of traffic, transit, and pedestrian flow on adjacent streets and sidewalks during the weekday a.m. and p.m. peak periods.
- Identify optimal truck routes to and from the site to minimize impacts to traffic, transit, pedestrians, and bicyclists; and,
- Encourage construction workers to use transit when commuting to and from the site, reducing the need for parking.

The project sponsor shall also coordinate with the Municipal Transportation Agency/Sustainable Streets Division, the Transbay Joint Powers Authority, and construction manager(s)/ contractor(s) for the Transit Center project, and with Muni, AC Transit, Golden Gate Transit, and SamTrans, as applicable, to develop construction phasing and operations plans that would result in the least amount of disruption that is feasible to transit operations, pedestrian and bicycle activity, and vehicular traffic.

The Construction Management Plan would disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruptions and ensure that overall circulation in the project area is maintained to the extent possible, with particular focus on ensuring transit, pedestrian, and bicycle connectivity. The program would supplement and expand, rather than modify or supersede, any manual, regulations, or provisions set forth by SFMTA, the Department of Public Works, or other city departments and agencies, and Caltrans.

**Project Mitigation Measure 7: Reduce Mechanical Equipment Noise (Implements TCDP PEIR Mitigation Measure M-NO-1e):** After completing installation of the mechanical equipment but before receipt of any Certificate of Occupancy, the project sponsor shall conduct noise measurements to ensure that the noise generated by stationary equipment complies with section 2909 (b) and (d) of the San Francisco Noise Ordinance. The noise measurements shall be conducted by persons qualified in acoustical analysis and/or engineering. To ensure that the project noise from mechanical equipment is minimized to meet the Noise Ordinance requirements, the project sponsor shall incorporate the following measures:

- The generators shall include sound attenuators sufficient to not exceed 75 dBA at the project property plane.
- The Level 4 air-handler unit air intake systems shall include 10 feet of internally lined duct or a sound attenuator sufficient to not exceed 61 dBA at the project property plane.
- The Level 6 exhaust fan air discharge system shall include 40 feet of internally lined duct or a sound attenuator sufficient to not exceed 61 dBA at the project property plane.

- The Level 32 air-handler unit air intake systems shall include 5 feet of internally lined duct or a sound attenuator sufficient to not exceed 61 dBA at the project property plane.
- The Level 32 exhaust fan air discharge systems shall include 5 feet of internally lined duct or a sound attenuator sufficient to not exceed 61 dBA at the project property plane.
- The Level 62 (also referenced as mechanical mezzanine) exhaust fan air discharge systems shall include 10 feet of internally lined duct or a sound attenuator sufficient to not exceed 61 dBA at the project property plane.

On completion of such testing, the acoustical consultant/acoustical engineer shall submit a memorandum summarizing test results to the San Francisco Planning Department. If measured noise levels are found to exceed these standards (no more than 8 dBA above ambient noise levels at the respective property line), the project sponsor shall be responsible for implementing stationary equipment noise control measures or other acoustical upgrades such as additional noise insulation in mechanical rooms to achieve the standard. No Certificate of Occupancy shall be issued for any part of the structure until the standards in the Noise Ordinance are shown to be met.

**Project Mitigation Measure 8: Control Exterior Amplified Noise (Implements TCDP PEIR Mitigation Measure M-NO-1e):** To ensure that the project noise from exterior amplified noise is minimized to meet the Noise Ordinance requirements (article 29 of the Police Code), the project sponsor shall incorporate the following measures:

- During events on the Level 2 Terrace, the project sponsor shall ensure that amplified music be controlled to a noise level no greater than 57 dBA at 25 feet from the center of a given noise source (e.g., two loudspeakers, guitar amplifier, etc.). Permanent equipment (e.g., speakers) onsite and provided by the sponsor shall have electronic limiters and shall be set to maintain the 57 dBA at 25 feet limit.
- The sponsor shall ensure that speakers on the Level 2 Terrace do not face sensitive receivers, including the mixed-use residential tower at 524 Howard Street. For temporary equipment brought for special events, the sponsor shall have a staff person with a sound level meter who would monitor the noise levels to ensure that the 57 dBA at 25 feet limit is maintained.

Project Mitigation Measure 9: General Construction Noise Control Measures (Implements TCDP PEIR Mitigation Measure M-NO-2b): To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor of a development project in the plan area shall undertake the following:

- The project sponsor shall conduct noise monitoring at the beginning of major construction phases (e.g., demolition, excavation) to determine the need and the effectiveness of noise-attenuation measures.
- The project sponsor shall require the general contractor to ensure that equipment and trucks used
  for project construction utilize the best available noise control techniques (e.g., improved
  mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acousticallyattenuating shields or shrouds, wherever feasible).
- The project sponsor shall require the general contractor to avoid placing stationary noise sources (such as generators and compressors) within noise-sensitive buffer areas (measured at linear 20

- feet) between immediately adjacent neighbors to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.
- The project sponsor shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.
- The project sponsor shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the noisiest activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.
- Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the planning department and Department of Building Inspection (the building department) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying the building department, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing permitted construction days and hours, noise complaint procedures and who to notify in the event of a problem, with telephone numbers listed, and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance for each major phase of construction and expected loud activities (extreme noise generating activities defined as activities generating noise levels of 90 dBA or greater) including estimated duration of activity, construction hours, and contact information.
- The project sponsor shall limit construction to the hours of 7:00 a.m. to 8:00 p.m. per San Francisco Police Code Article 29.
- The project sponsor shall require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. Avoid unnecessary idling of equipment and engines.

Project Mitigation Measure 10: Construction Vehicle Emissions Minimization (Implements TCDP PEIR Mitigation Measure M-AQ-4a). To reduce construction vehicle emissions, the project sponsor shall incorporate the following into construction specifications:

 All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

# Project Mitigation Measure 11: Construction Vehicle Emissions Evaluation and Minimization (Implements TCDP PEIR Mitigation Measure M-AQ-5).

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

#### 1. Engine Requirements.

- a. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (U.S. EPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emissions standards automatically meet this requirement.
- b. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
- c. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
- d. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

#### 2. Waivers

a. The planning department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of section (1)(b) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of section (1)(a).

The ERO may waive the equipment requirements of section (1)(a) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to the table below.

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

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-

road equipment meeting Compliance Alternative 2, then the contractor must meet Compliance Alternative 3. \*Alternative Fuels are not a VDECS.

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

Project Mitigation Measure 12: Best Available Control Technology for Diesel Generators (Implements TCDP PEIR Mitigation Measure M-AQ-3). The project sponsor shall ensure that the backup diesel generators meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality Management District (air district) approves of its use. The project sponsor shall submit documentation of compliance with the air district New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the planning department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.

#### **IMPROVEMENT MEASURES**

**Project Improvement Measure 1: Install Conflict Striping.** To increase visibility of the driveway crossing and passenger loading zone, the project should construct a highly visible treatment on the street across the loading dock driveway and passenger loading zone. For example, skip stop conflict striping or solid green markings could be used in the bike lane to demarcate the conflict zones. Implementation of this improvement measure would require the review and approval of SFMTA.

**Project Improvement Measure 2: Queue Abatement.** It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces to ensure that vehicle queues do not occur regularly on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of Natoma Street or sidewalk for a consecutive period of 3 minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility should employ abatement methods as needed to abate the queue. Suggested proactive methods may include:

- Employment or deployment of additional valet staff to direct passenger loading activities
- Installation of LOT FULL signs with active management by attendants
- Use of off-site parking facilities
- Implementation of additional transportation demand management strategies, including parking time limits, paid parking, time of day parking surcharge

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the planning department should 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 to 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.

Exhibit 1

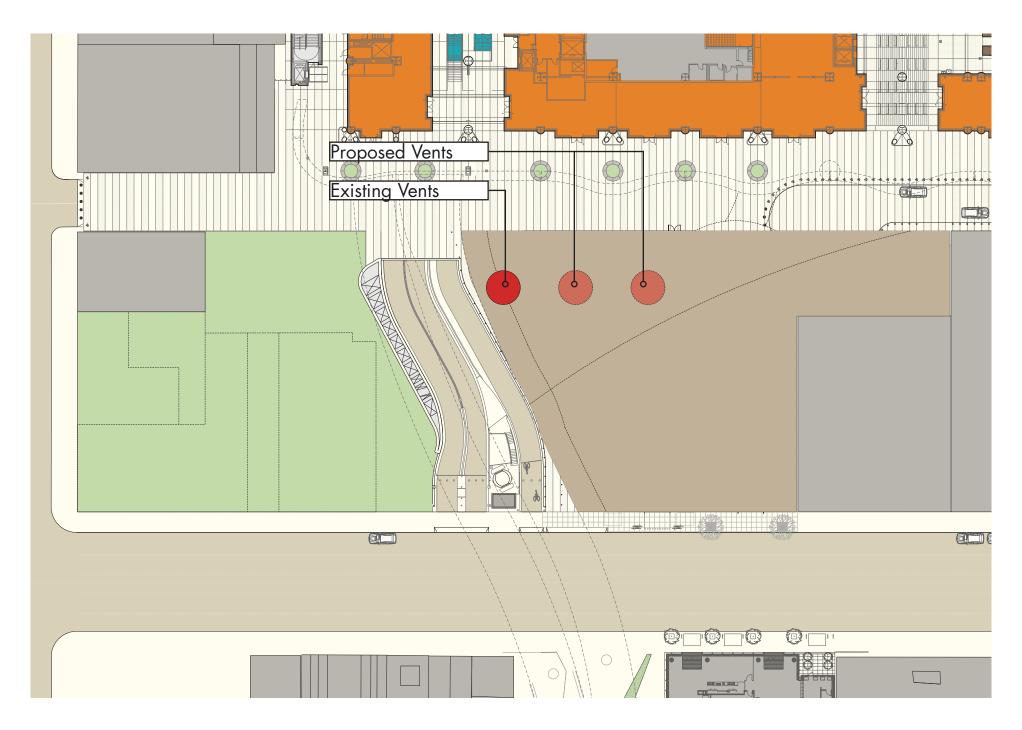


FIGURE 1 - PREVIOUS VENTING SYSTEM CONFIGURATION

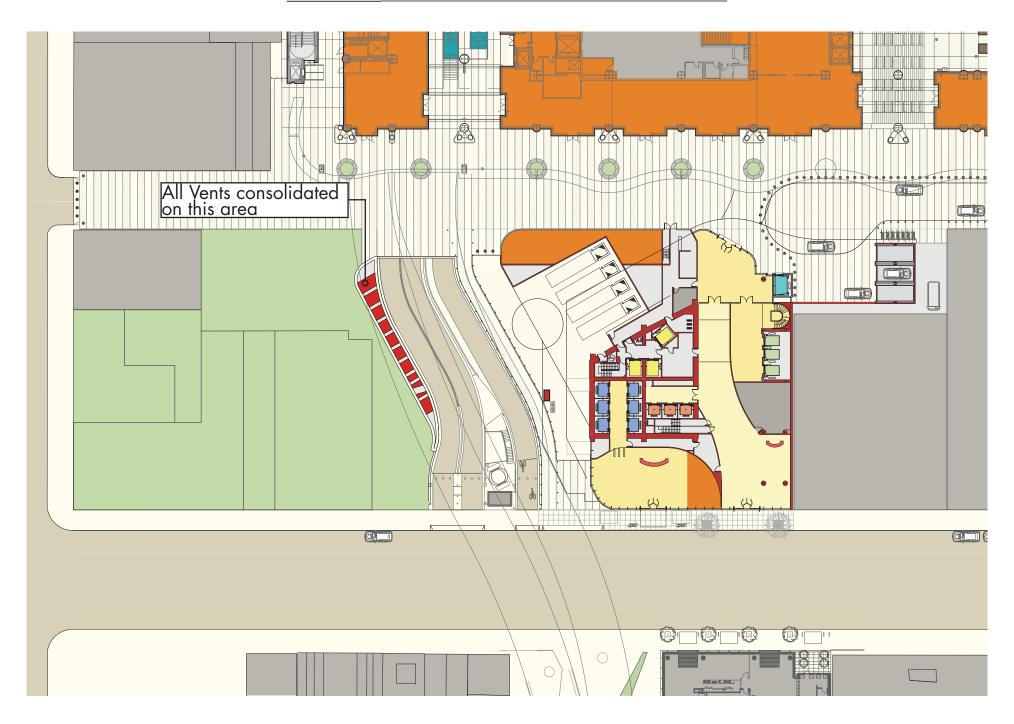


FIGURE 2 - UPDATED VENTING SYSTEM CONFIGURATION

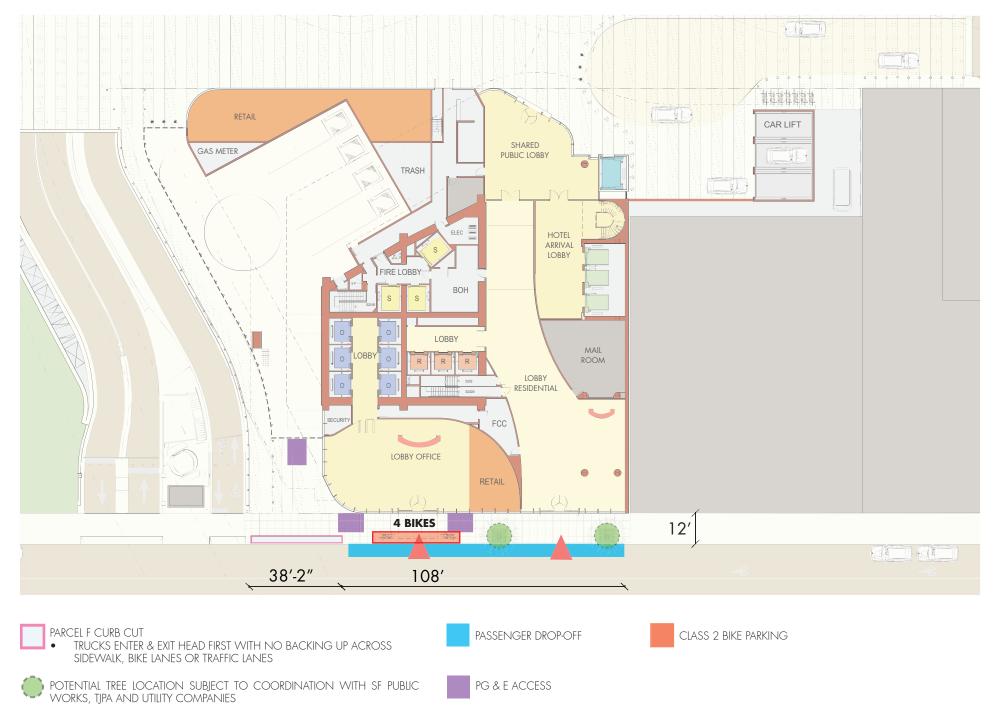


FIGURE 3 - CURB CUT AND WHITE CURB

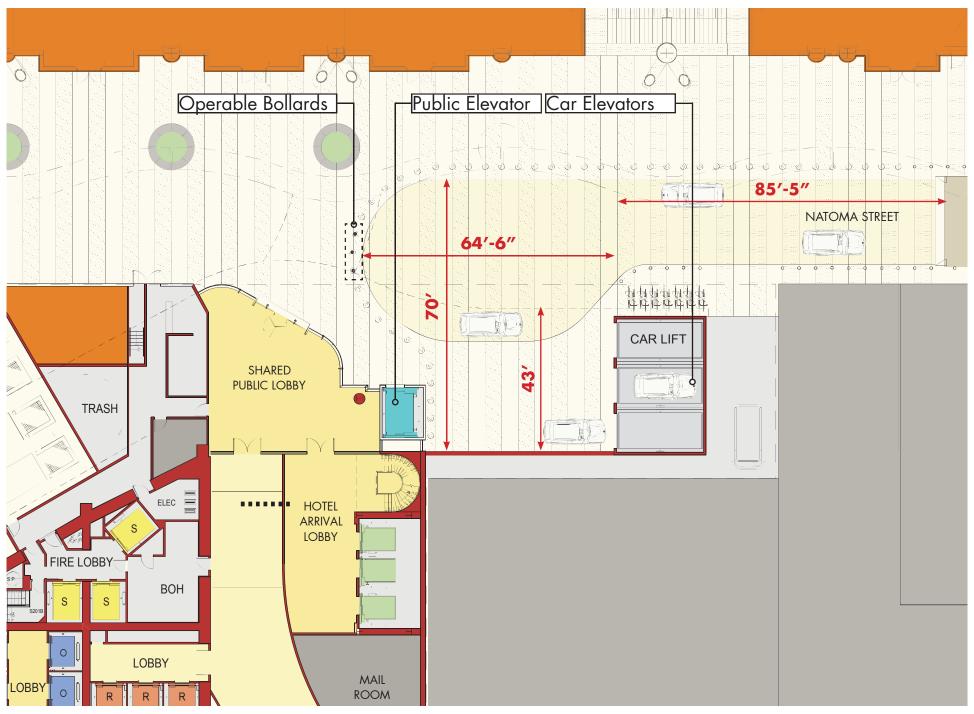
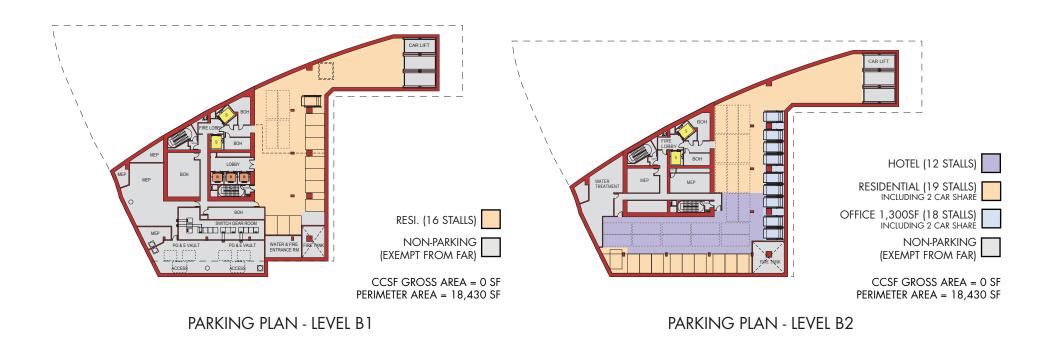


FIGURE 4 - NATOMA CUL-DE-SAC



RESIDENTIAL (21 STALLS)

OFFICE 2,800 SF (38 STALLS)

NON-PARKING

(EXEMPT FROM FAR)

CCSF GROSS AREA = 0 SF
PERIMETER AREA = 18,430 SF

PARKING PLAN - LEVEL B3

PARKING PLAN - LEVEL B4

#### FIGURE 5 - PARKING SUMMARY

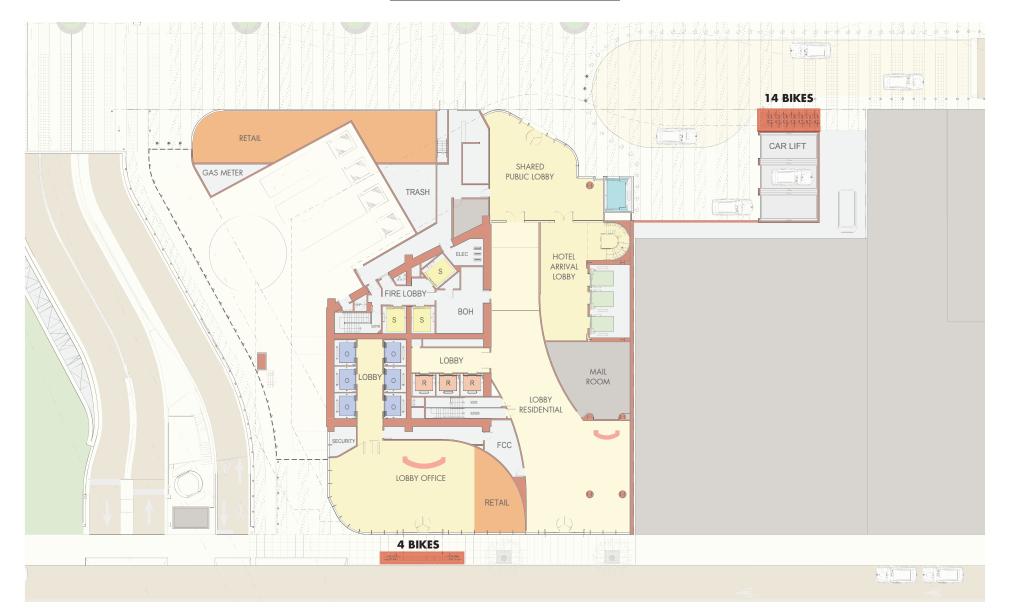
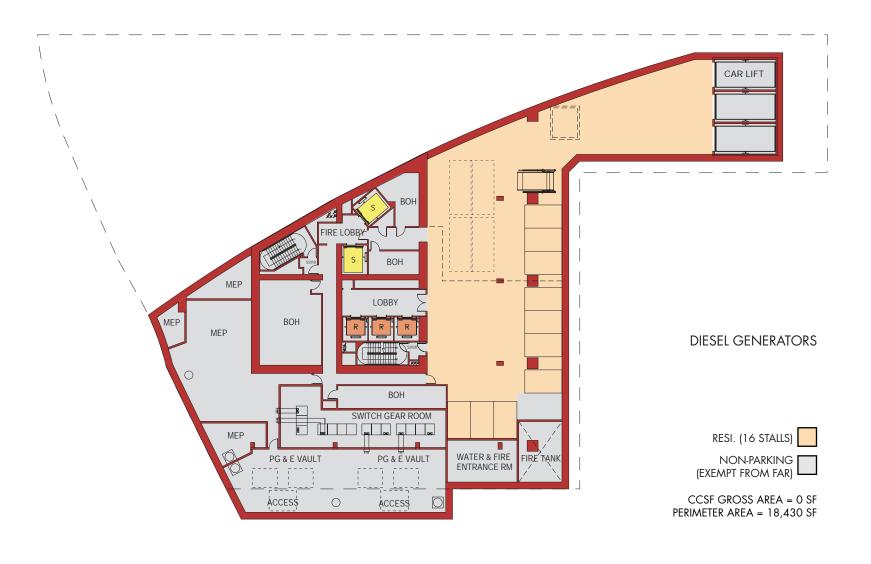


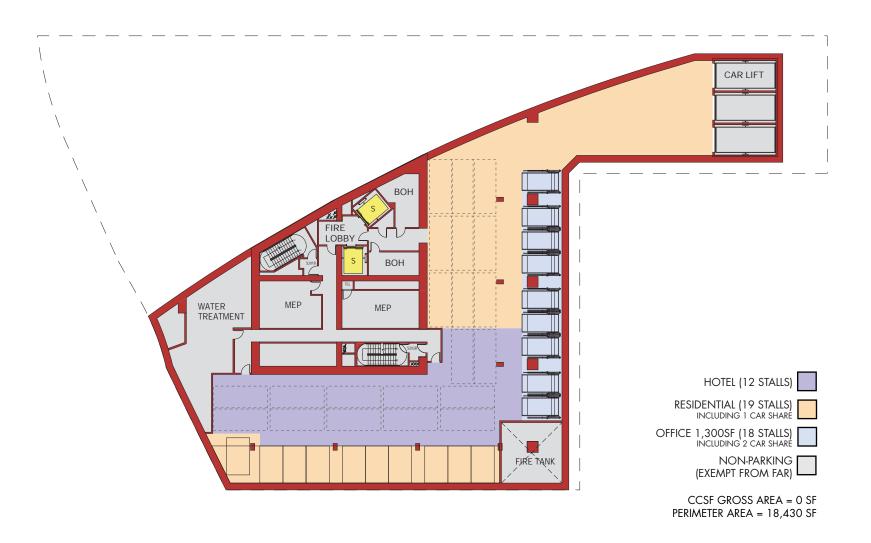
FIGURE 6 - CLASS 2 BIKE PARKING



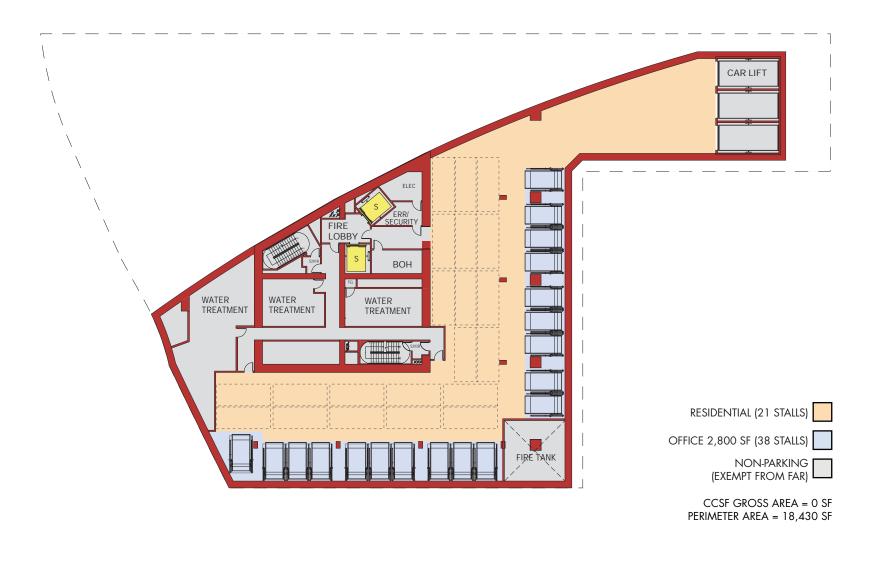
LEVEL B1 MEZZ



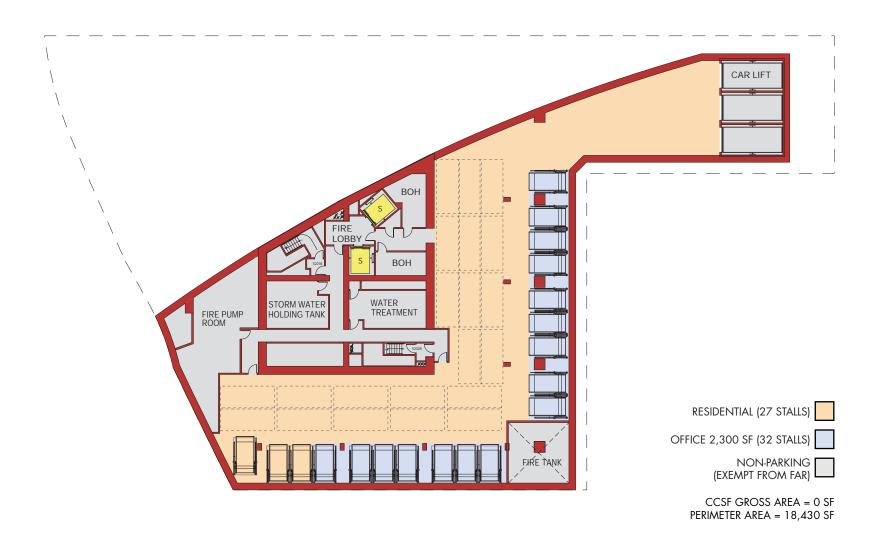
LEVEL B1



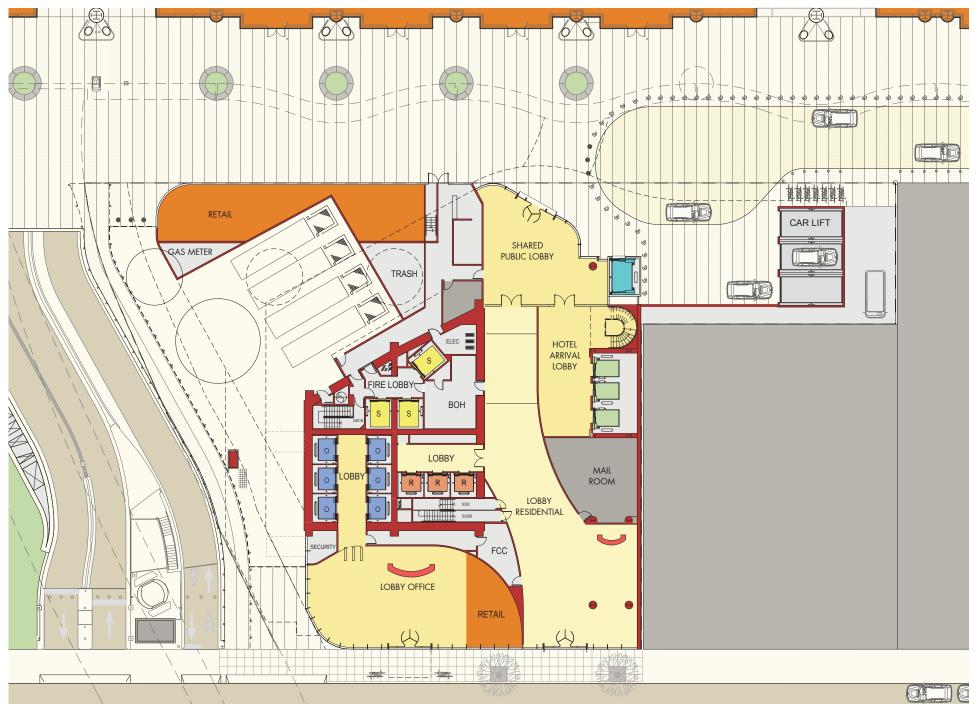
LEVEL B2



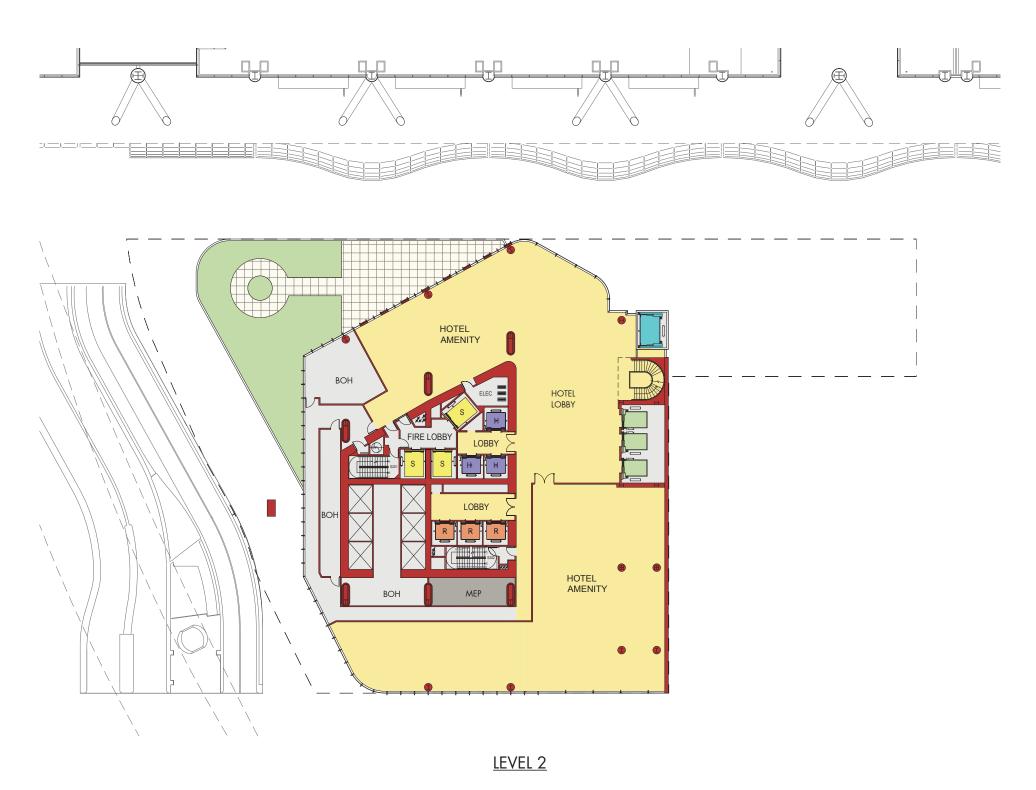
LEVEL B3



### LEVEL B4

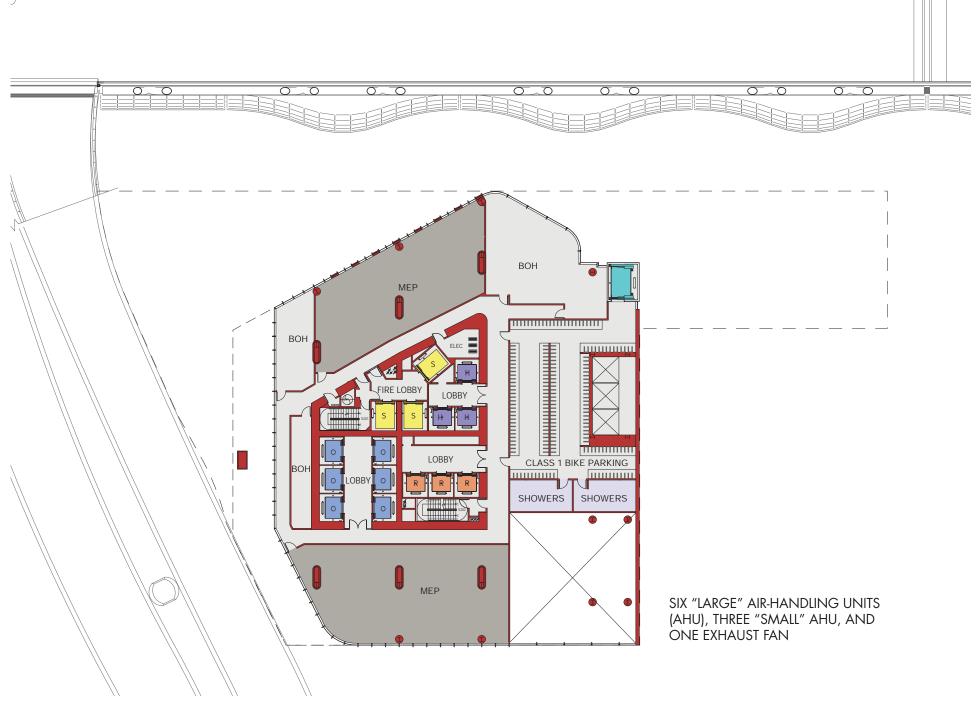


<u>LEVEL 1</u>

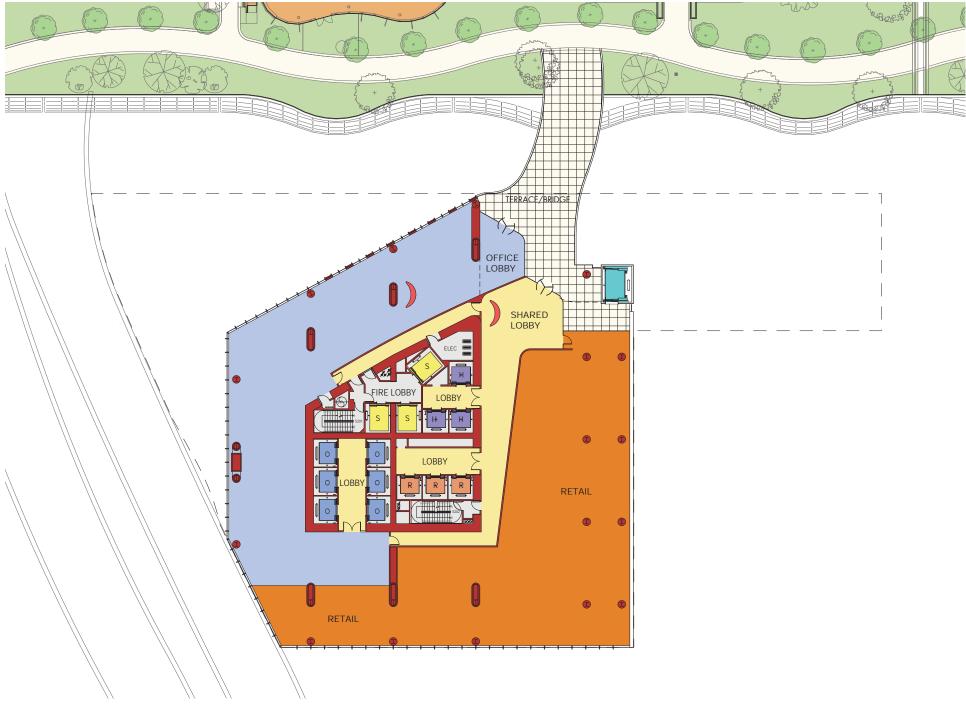




LEVEL 3



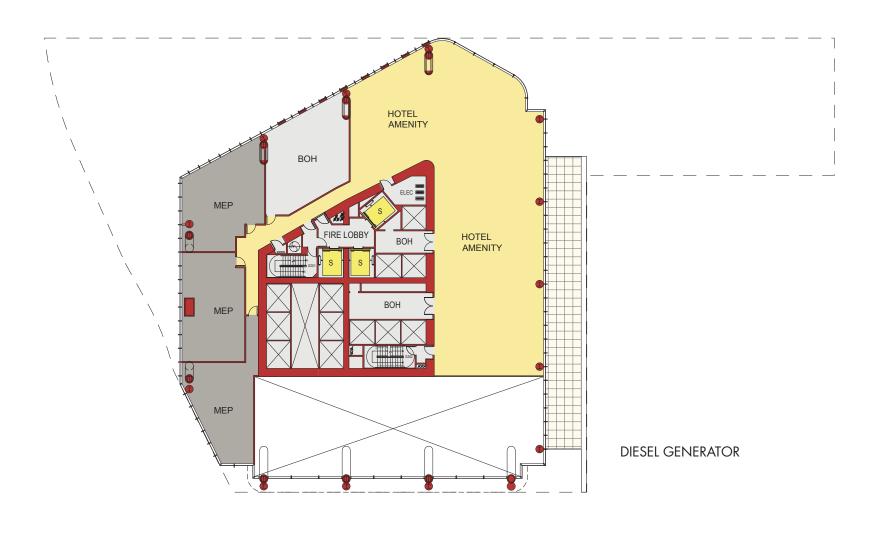
LEVEL 4



<u>LEVEL 5</u>



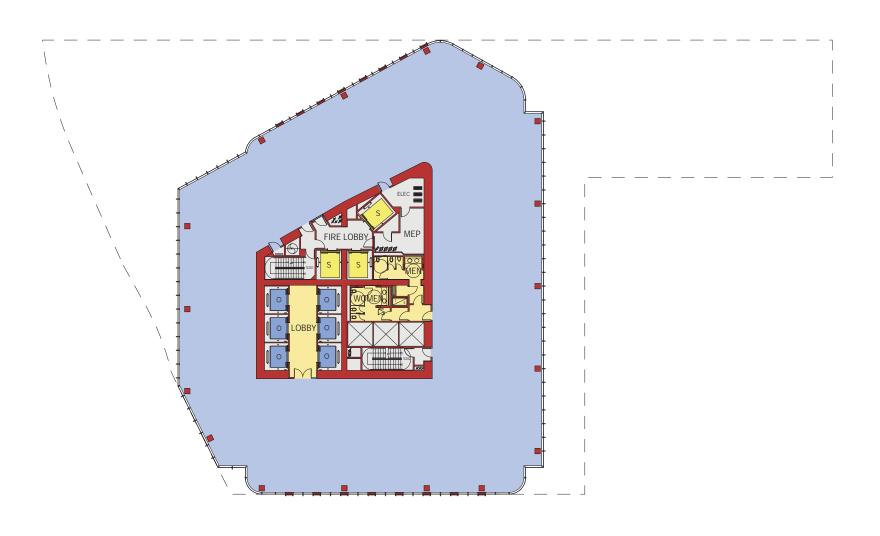
LEVEL 6



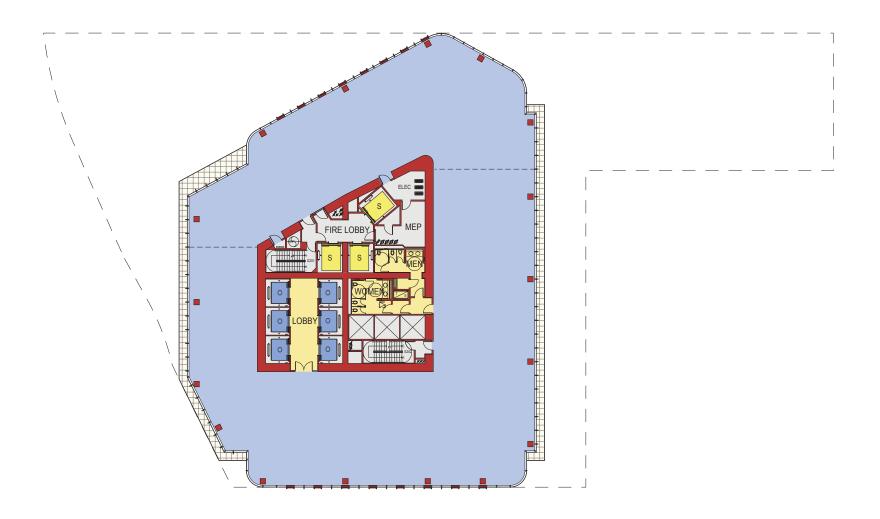
<u>LEVEL 7</u>



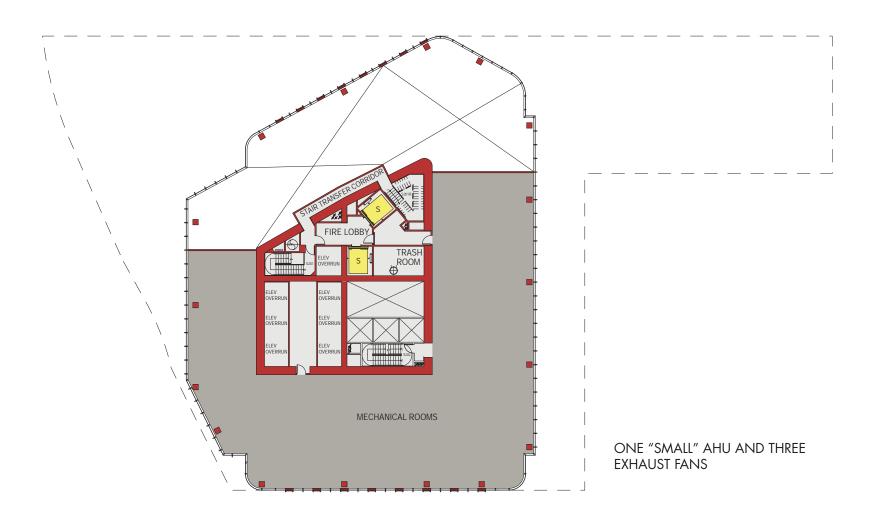
LEVEL 8 TO 16 - TYPICAL HOTEL ROOM FLOOR



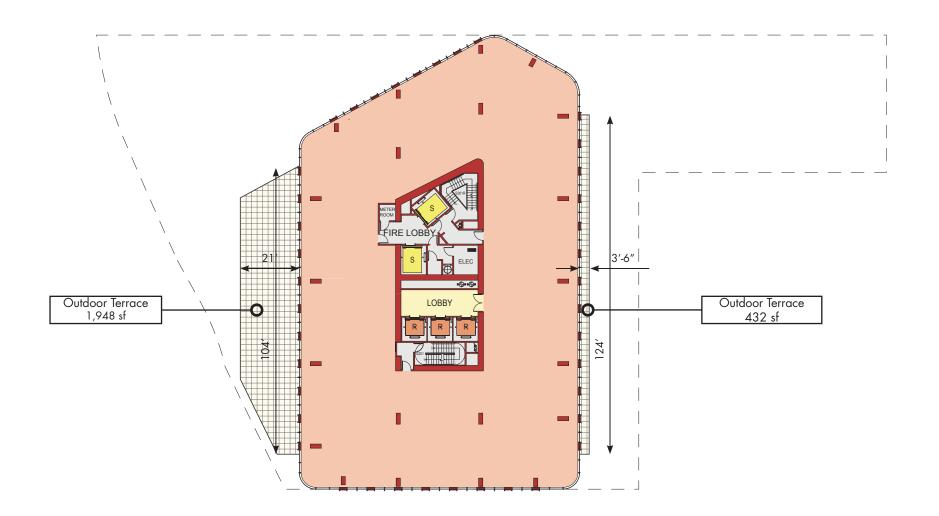
LEVEL 17 TO 30 - TYPICAL OFFICE FLOOR



LEVEL 31 OFFICE FLOOR



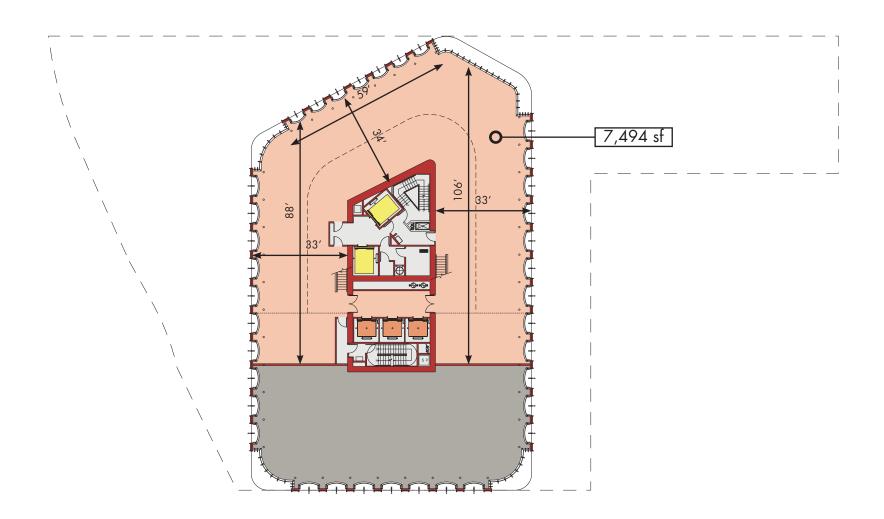
LEVEL 32 MECHANICAL



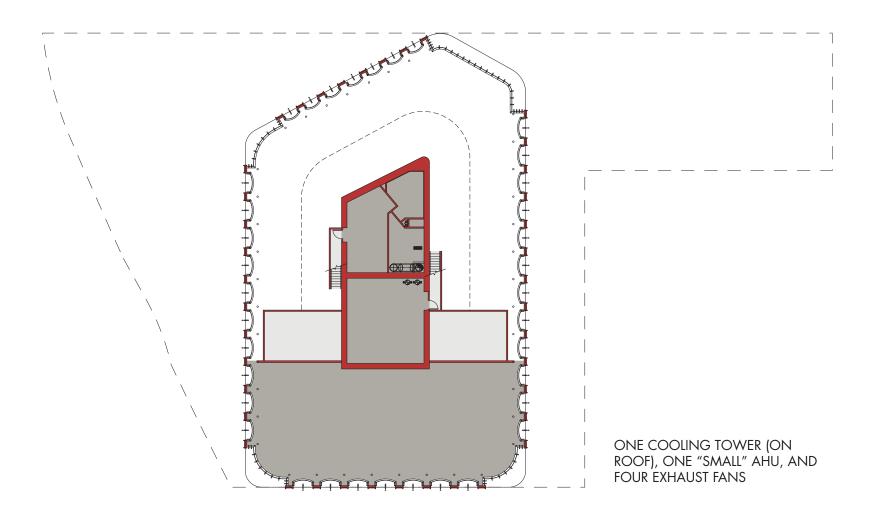
LEVEL 33 RESIDENTIAL AMENITY FLOOR



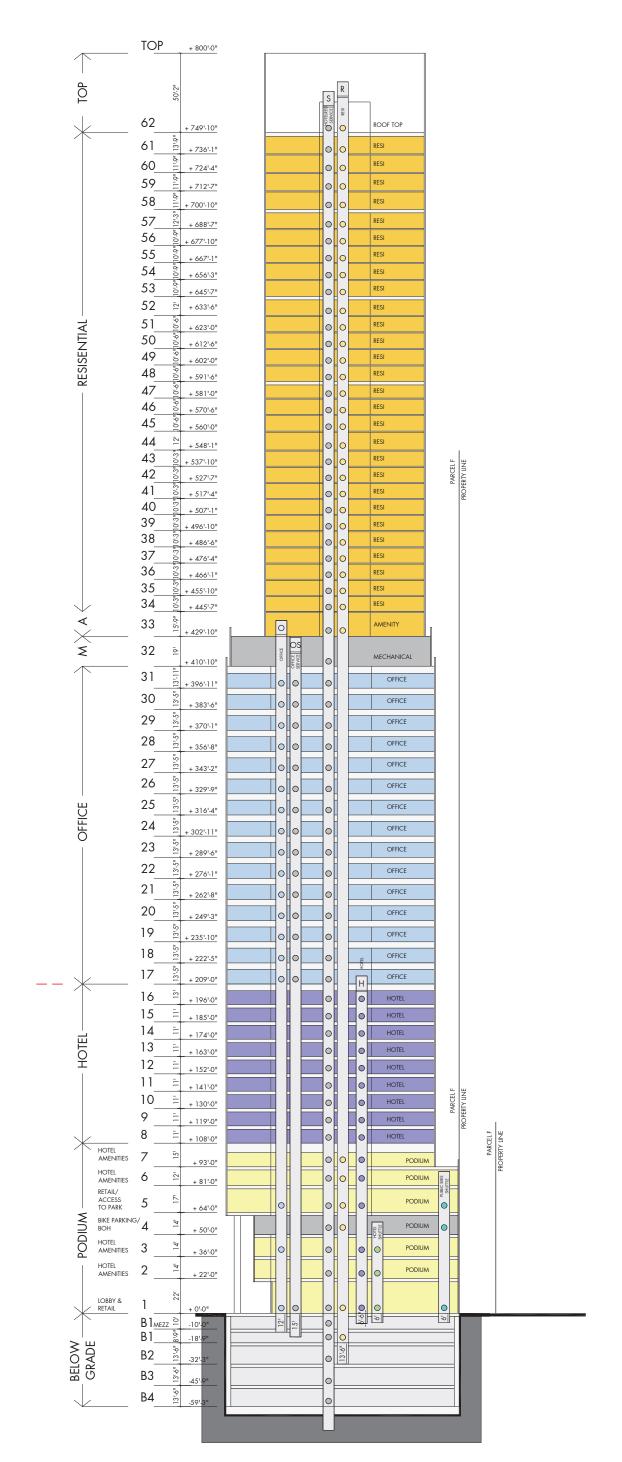
LEVEL 34 TO 61 – TYPICAL RESIDENTIAL

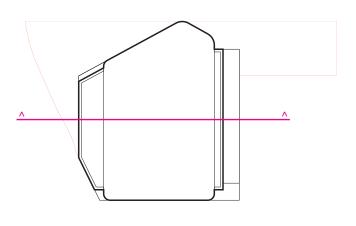


LEVEL 62 - ROOF



LEVEL 62 - MECHANICAL MEZZANINE





**TOWER SECTION - EAST/WEST** 

542-550 Howard Street, San Francisco, CA.



**TOWER ELEVATION - SOUTH** 



**TOWER ELEVATION - NORTH (FACING NATOMA STREET)** 

Exhibit 2

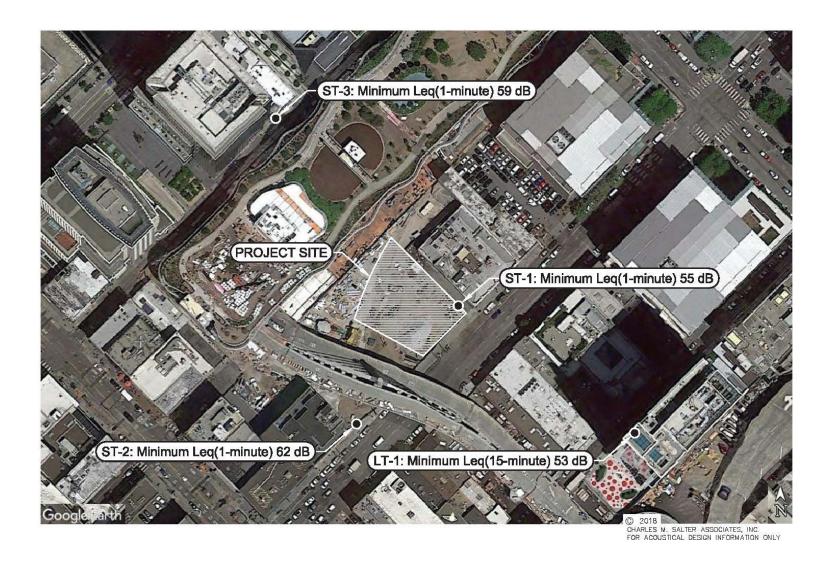


Figure 1: Noise measurement locations and existing noise levels

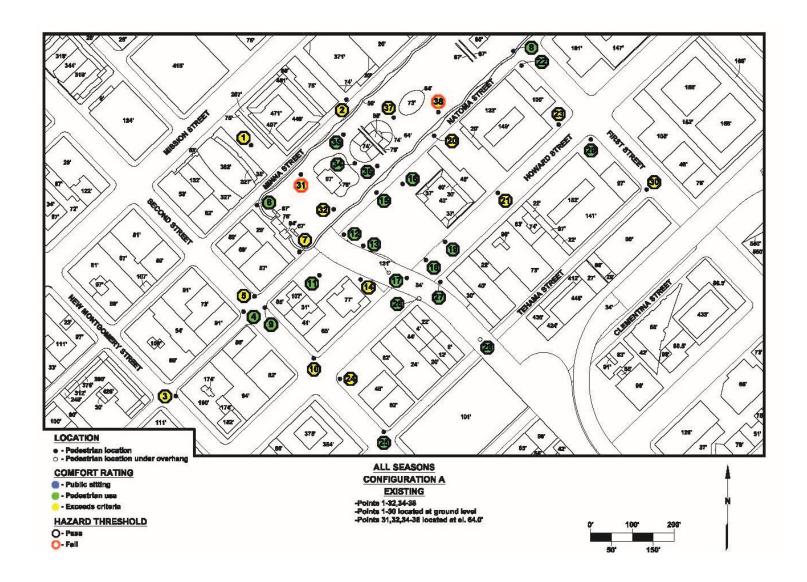


Figure 2: Existing pedestrian wind speed measurement points with comfort/hazard ratings

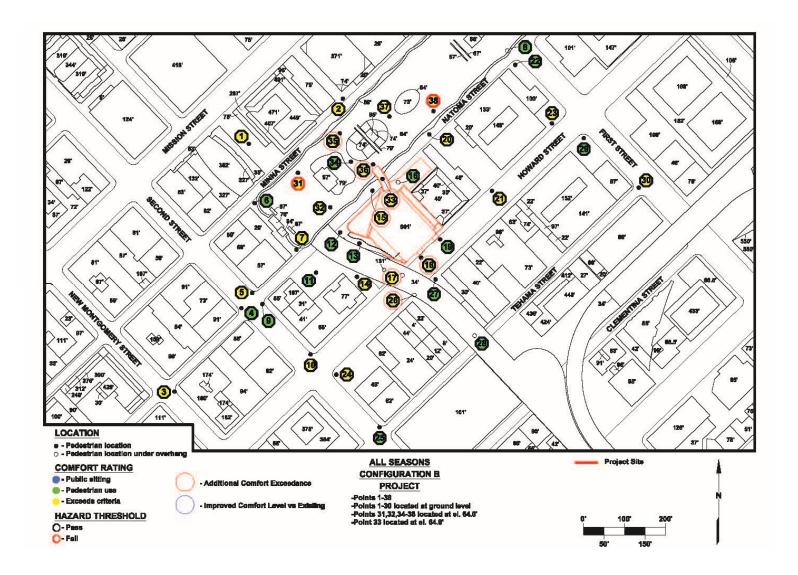


Figure 3: Existing plus project pedestrian wind speed measurement points with comfort/hazard ratings

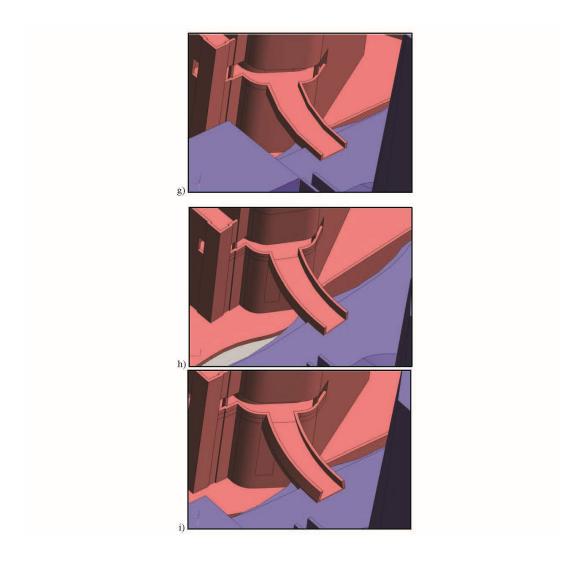


Figure 4: Pedestrian bridge designs

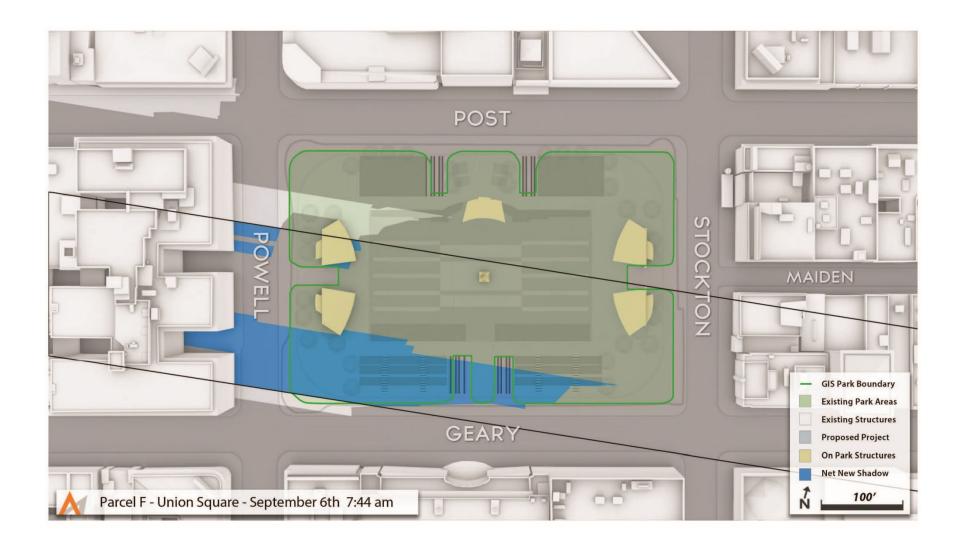


Figure 5: Greatest amount of net new project shadow on Union Square



Figure 6: Greatest amount of net new project shadow on Willie "Woo Woo" Wong Playground

# Exhibit E – General Plan Referral for Natoma Street Pedestrian Bridge

## **General Plan Referral**

Date:

June 20, 2017

Case No.

Case No. 2017-005411GPR

Natoma Street Pedestrian Bridge

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

Reception:

Fax:

Planning Information: 415.558.6377

415.558.6378

415.558.6409

Project Location:

542-550 Howard Street

Block/Lot No.:

3721/136

Project Sponsor:

San Francisco Public Works

1 Dr. Carlton B. Goodlett Place

City Hall, Room 348 San Francisco, CA 94102

Applicant:

Mark Zabaneh,

Executive Director, TJPA 201 Mission Street, Suite 2100 San Francisco, CA 94105

Staff Contact:

Nicholas Perry - (415) 575-9066

nicholas.perry@sfgov.org

Recommendation:

Finding the project, on balance, is **in conformity** with the General Plan; contingent upon approval of a design for Transbay Parcel F development that provides public access to the bridge as described in the Transit Center District

Plan and San Francisco Planning Code.

Recommended

By:

ohn Rahaim, Director of Planning

#### PROJECT DESCRIPTION

As part of the development of Transbay Parcel F at 542-550 Howard Street, a pedestrian bridge is proposed over the Natoma Street right-of-way. The bridge would connect the fifth floor of the Transbay Parcel F development to the Transbay Transit Center's rooftop park. The Transbay Parcel F development will provide public elevators that connect the bridge to the Natoma Street sidewalk and an ungated pedestrian passage connecting Natoma and Howard streets.

As of writing, the development at Parcel F has not been finalized nor approved. Although the general concept of providing access to the bridge via an elevator accessed from Natoma Street is described in the General Plan Referral application, specifics related to the design of public access to the proposed bridge were not included. The final design of public access to the bridge will be integral to its function and success, and as such, the recommendation of this General Plan Referral is to find the project in conformity with the General Plan, but making this recommendation contingent upon approval of a design for the Transbay Parcel F development that provides public access to the bridge as described in the Transit Center District Plan and San Francisco Planning Code.

#### SITE DESCRIPTION AND PRESENT USE

The Project Site ("Site") is the air space above Natoma Street which would be occupied by a pedestrian bridge associated with the development of Transbay Parcel F (542-550 Howard Street).

The Project Site is located within the Downtown Core, and more specifically, within the Transit Center District Plan (TCDP) area. Development in the vicinity consists primarily of high-rise office buildings, interspersed with low-rise buildings. The Transbay Transit Center building site is located immediately north of the project site and extends from Beale Street westward almost to Second Street. Anticipated for completion in 2019, the five-story (three above ground) Transbay Transit Center will provide an one-million-square-foot regional bus and rail station with a five-acre public park atop the building. Numerous other high-rise residential and office buildings are planned or under construction in the surrounding area.

#### **ENVIRONMENTAL REVIEW**

The project was fully evaluated in the Transit Center District Plan and Transit Tower EIR, certified by the Planning Commission on 5/24/12, Motion No. 18628, Case Nos. 2007.0558E and 2008.0789E.

#### GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The proposed encroachment permit for a pedestrian bridge over the Natoma Street right-of-way is found, **on balance**, in conformity with the General Plan, as described in the body of this Report.

Note: General Plan Objectives are shown in **BOLD UPPER CASE** font; Policies are in **Bold** font; staff comments are in *italic* font.

**URBAN DESIGN ELEMENT** 

**OBJECTIVE 2** 

## CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.8—Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

POLICY 2.9–Review proposals for the giving up of street areas in terms of all the public values that streets afford.

POLICY 2.10-Permit release of street areas, where such release is warranted, only in the least expensive and least permanent manner appropriate to each case.

The proposed street vacation will only vacate air space above Natoma Street, preserving the right-of-way below for public use and circulation.

Although the General Plan maintains a strong presumption against giving up street areas (including air rights), the General Plan also outlines criteria for when such proposals may be considered favorably. The proposed Natoma Street pedestrian bridge does not violate and of the public values listed in Policy 2.9; specifically, it does not result in any detriment to vehicle or pedestrian circulation, eliminate street space or open space that could otherwise be used differently, have an adverse effect upon the General Plan or related area plans, or obstruct/diminish any significant view.

The proposed pedestrian bridge meets the criteria for approval listed under Policy 2.9; specifically the three criteria quoted below:

Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:

- Necessary for a significant public or semi-public use, or public assembly use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site;
- For the purpose of permitting a small-scale pedestrian crossing consistent with the principles and policies of The Urban Design Element; or
- In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the General Plan.

The proposed pedestrian bridge over Natoma Street meets each of these criteria by providing public access between the street and a significant new open space amenity (The Transit Center Park) and is in keeping with the concepts developed in the Transit Center District Plan.

POLICY 4.11-Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

The proposed pedestrian bridge would make use of street space for recreation by transforming a small portion of Natoma Street's airspace into a public open space amenity that provides an important access point to the new Transit Center Park.

RECREATION & OPEN SPACE ELEMENT

#### **OBJECTIVE 3-IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE**

POLICY 3.1–Creatively develop existing publicly-owned right-of-ways and streets into open space.

The proposed pedestrian bridge would use the Natoma Street right-of-way to create a public access point to the rooftop Transit Center Park.

POLICY 3.5–Ensure that, where feasible, recreational facilities and open spaces are physically accessible, especially for those with limited mobility.

The proposed pedestrian bridge would improve physical access to the new Transit Center Park for those with limited mobility via a new public elevator providing access to the bridge from Natoma Street sidewalk.

#### TRANSPORTATION ELEMENT

POLICY 2.4—Organize the transportation system to reinforce community identity, improve linkages among interrelated activities and provide focus for community activities.

The proposed pedestrian bridge would improve linkages between the Transit Center Park and adjacent uses at the new development at 542-550 Howard Street and—via the proposed public elevator—to all the uses accessed via the street below.

## OBJECTIVE 23-IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

The proposed pedestrian bridge would enhance the pedestrian circulation system by providing an efficient, pleasant, and safe connection between the at-grade public realm and the roof-top public realm provided by the Transit Center Park.

TRANSIT CENTER DISTRICT PLAN

OBJECTIVE 3.1-MAKE WALKING A SAFE, PLEASANT, AND CONVENIENT MEANS OF MOVING ABOUT THROUGHOUT THE DISTRICT.

OBJECTIVE 3.2–CREATE A HIGH-QUALITY PEDESTRIAN ENVIRONMENT IN THE DISTRICT CONSISTENT WITH THE VISION FOR THE CENTRAL DISTRICT OF A WORLD-CLASS CITY.

OBJECTIVE 3.3–GRACIOUSLY ACCOMMODATE INCREASES IN PEDESTRIAN VOLUMES IN THE DISTRICT.

The proposed pedestrian bridge would enhance the pedestrian environment in the Transit Center District by providing a convenient and direct link between the Transit Center District's at-grade public realm and the roof-top public realm provided by the Transit Center Park.

OBJECTIVE 3.11-ENHANCE ACCESS AND MAXIMIZE THE VISIBILITY OF THE TRANSIT CENTER'S FUTURE ROOFTOP PARK FROM THE SURROUNDING NEIGHBORHOODS, ESPECIALLY NEIGHBORHOODS TO THE SOUTH.

Policy 3.17–Ensure that highly-visible, welcoming, and grand means of public access to the Transit Center Park are provided directly from key public spaces and buildings adjacent to the Transit Center.

Policy 3.19-Permit buildings to satisfy open space requirements through direct connections to the Transit Center Park.

OBJECTIVE 3.12-ENSURE THAT PRIVATE OPEN SPACE BOTH ENHANCES THE PUBLIC OPEN SPACE NETWORK AND ACHIEVES THE PLAN'S OPEN SPACE GOALS.

OBJECTIVE 3.13–PROVIDE FLEXIBILITY AND ALTERNATIVES TO MEETING OPEN SPACE REQUIREMENTS THAT ACHIEVE THE DISTRICT'S OPEN SPACE VISION, AND THAT ENHANCE AND IMPROVE ACCESS TO PLANNED PUBLIC SPACE, PARTICULARLY THE TRANSIT CENTER PARK.

Policy 3.22—Permit and encourage buildings to satisfy open space requirements through direct connections across Minna and Natoma Streets to the Transit Center Park.

The proposed pedestrian bridge directly meets Objectives 3.11 through 3.13 of the Transit Center District Sub-Area Plan. As envisioned by the plan, the proposed bridge would provide a highly-visible and easily accessible access point for the Transit Center Park.

#### PROPOSITION M FINDINGS - PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

#### **Eight Priority Policies Findings**

The proposed project is found to be consistent with the eight priority policies of Planning Code Section 101.1 in that:

- 1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.
  - The proposed pedestrian bridge would not displace any neighborhood-serving retail uses and would not otherwise adversely affect existing neighborhood-serving retail. The pedestrian bridge would increase the number of pedestrian connections between the rooftop Transit Center Park and the street (via a public elevator accessed on Natoma Street) and thus create better access to existing neighborhood-serving retail uses from the Transit Center.
- 2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.
  - The proposed pedestrian bridge would not negatively affect housing or existing neighborhood character.
- 3. That the City's supply of affordable housing be preserved and enhanced.
  - The proposed pedestrian bridge would not displace any housing or affect the City's supply of affordable housing.
- 4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.
  - The proposed pedestrian bridge would not impede Muni service or overburden local streets or parking. The bridge would increase access points to the Transit Center and would therefor promote the use of the Transit Center and the Muni transit services provided therein.
- 5. 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 residential employment and ownership in these sectors be enhanced.

The proposed pedestrian bridge would not adversely affect the industrial and service sectors; it would not displace any industrial uses or occupy land designated for such uses.

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

The proposed pedestrian bridge will be constructed in compliance with all relevant building and safety standards, including those related to earthquakes.

7. That landmarks and historic buildings be preserved.

The proposed pedestrian bridge would not affect any landmarks or historic buildings, and would connect two entirely new buildings.

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

The pedestrian bridge would not cast any shadows on parks and would only shade a small portion of the Natoma Street right-of-way. The pedestrian bridge is anticipated as part of the Transit Center District Sub-Area Plan as an integral element of the neighborhood's public open space network.

#### **RECOMMENDATION:**

Finding the Project, on balance, in-conformity with the General Plan; contingent upon approval of a design for Transbay Parcel F development that provides public access to the bridge as described in the Transit Center District Plan and San Francisco Planning Code.

## Exhibit F – Land Use Data

### **Land Use Information**

PROJECT ADDRESS: 542-550 HOWARD STREET ("PARCEL F")
RECORD NO.: 2016-013312DNX

	EXISTING	PROPOSED	NET NEW
	GROSS SQUARE FO		INET INEVV
Parking GSF	0	37,438	37,438
Residential GSF	0	433,556	433,556
Retail/Commercial GSF	0	8,900	8,900
Office GSF	0	275,674	275,674
Hotel GSF	0	247,765	247,765
Usable Open Space	0	9,442	9,442
Public Open Space	0	10,796	10,796
Other ( )	0	0	0
TOTAL GSF (excluding Open Space)	0	956,995	956,995
	EXISTING	NET NEW	TOTALS
	PROJECT FEATURES (	(Units or Amounts)	
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	165	165
Dwelling Units - Total	0	165	165
Hotel Rooms	0	189	189
Number of Buildings	1	1	2
Number of Stories	0	61	61
Parking Spaces	0	183	183
Loading Spaces	0	4	4
Bicycle Spaces	0	212	212
Car Share Spaces	0	3	3
Other ( )			

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

Reception: **415.558.6378** 

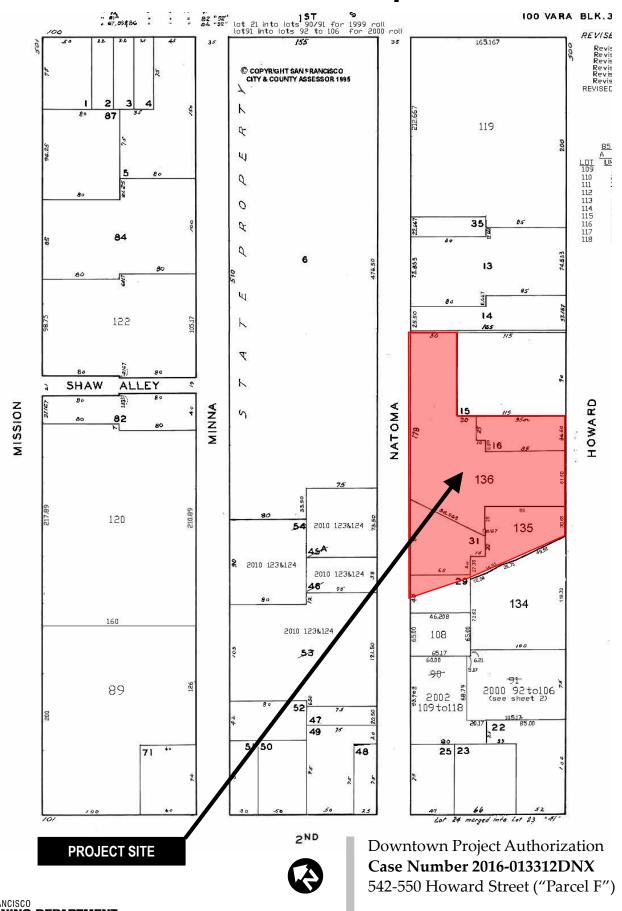
Fax: **415.558.6409** 

Planning Information: **415.558.6377** 

	EXISTING	PROPOSED	NET NEW
	LAND USE - RE	SIDENTIAL	
Studio Units	0	0	0
One Bedroom Units	0	21	21
Two Bedroom Units	0	92	92
Three Bedroom (or +) Units	0	52	52
Group Housing - Rooms	0	0	0
Group Housing - Beds	0	0	0
SRO Units	0	0	0
Micro Units	0	0	0
Accessory Dwelling Units	0	0	0

## Exhibit G – Maps and Context Photos

## **Parcel Map**



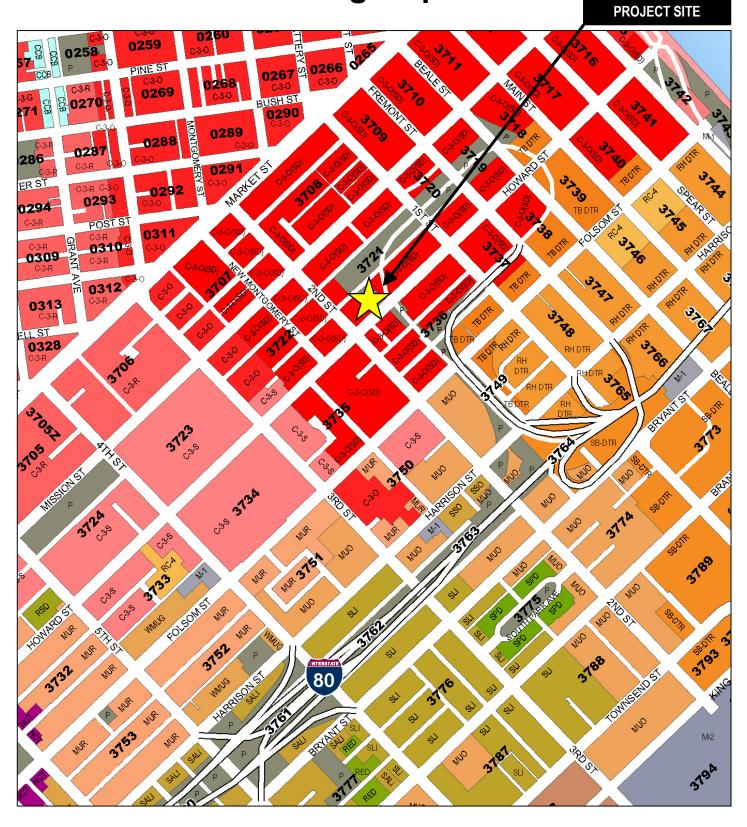
## Sanborn Map\*



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

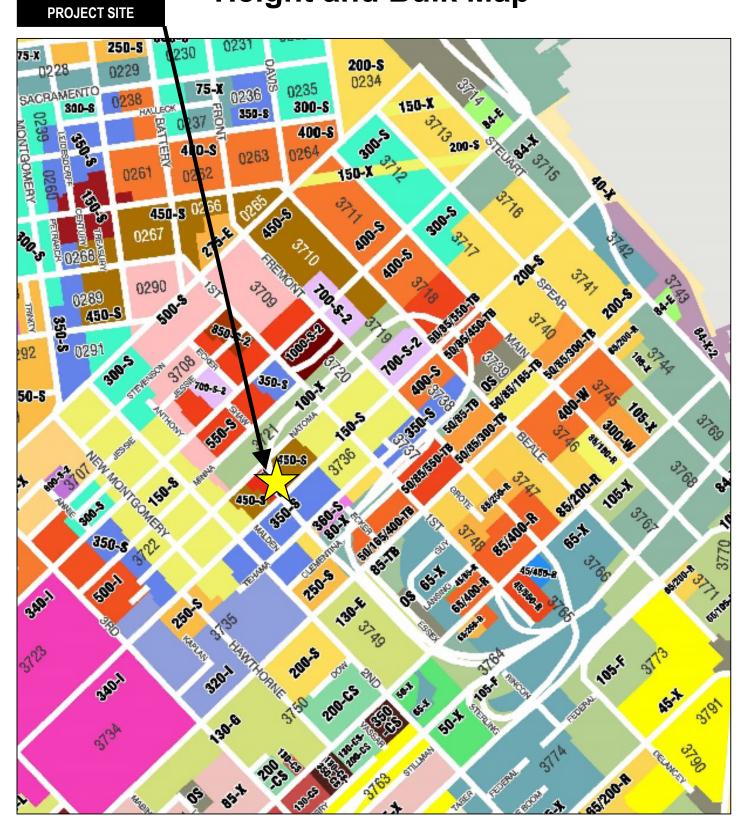


### **Zoning Map**



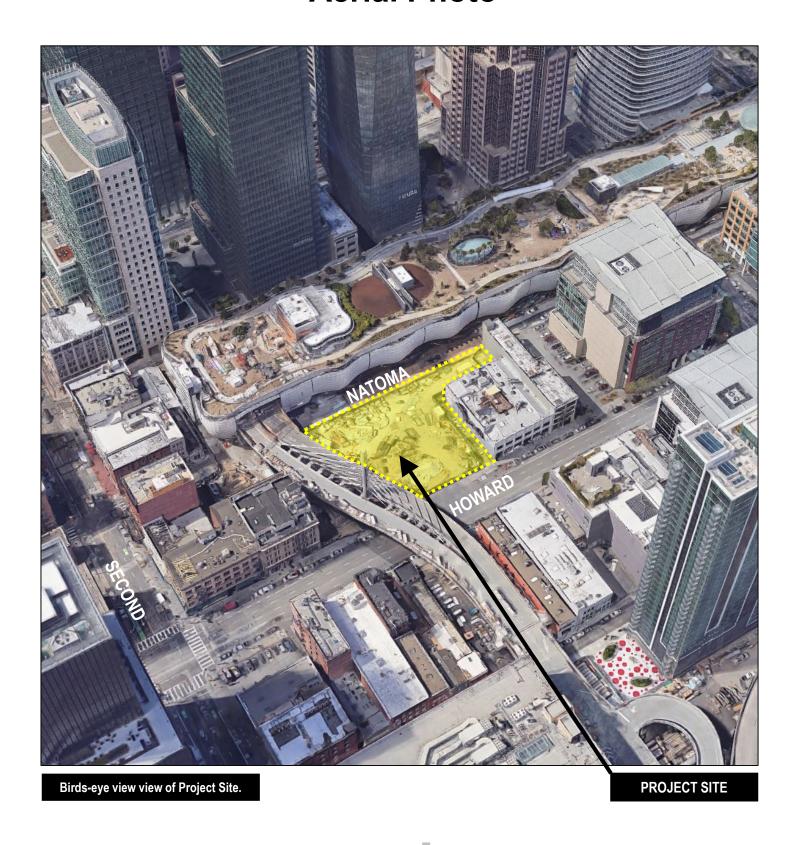


### **Height and Bulk Map**





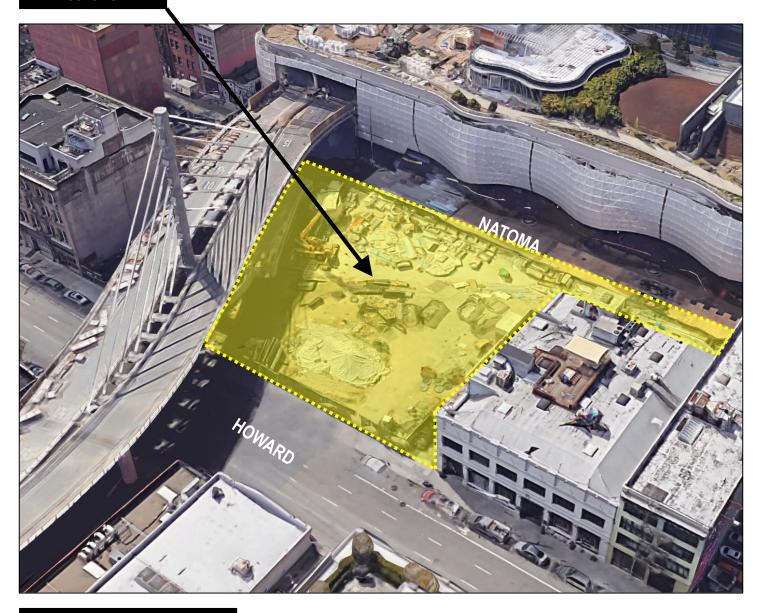
### **Aerial Photo**





### **Aerial Photo**

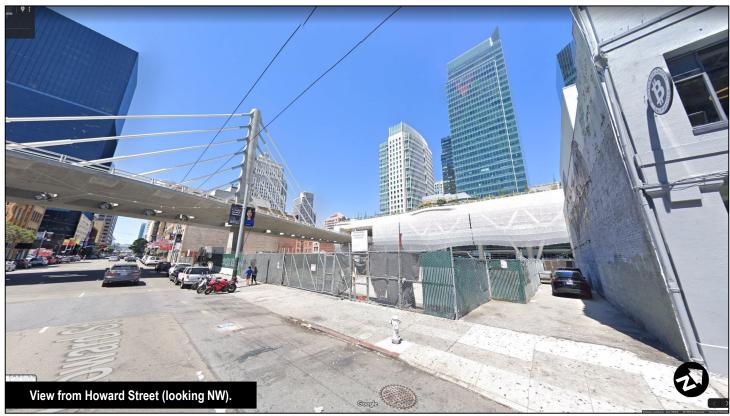
#### **PROJECT SITE**

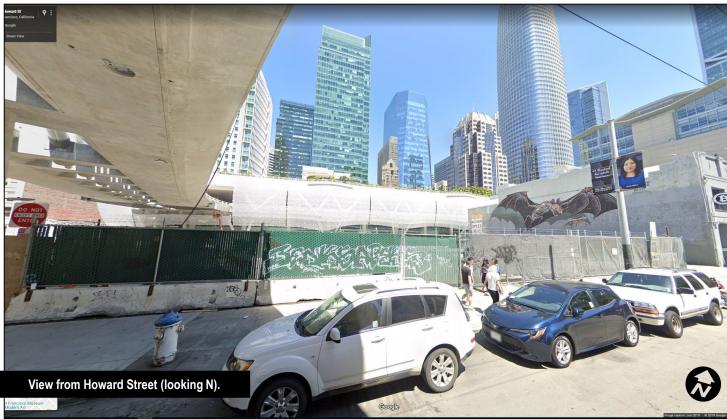


Birds-eye view view of Project Site.

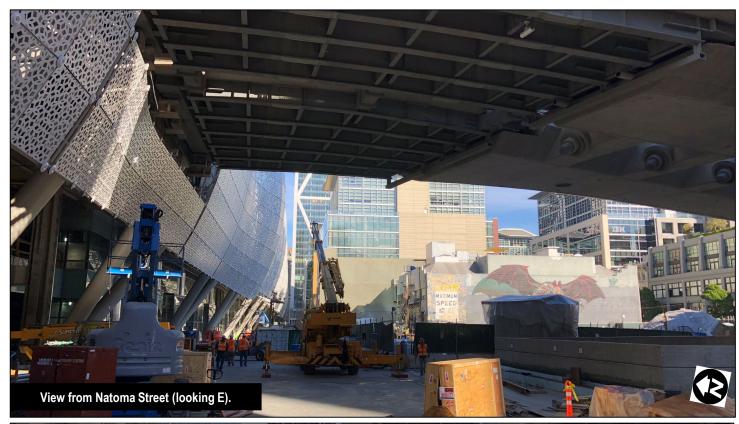


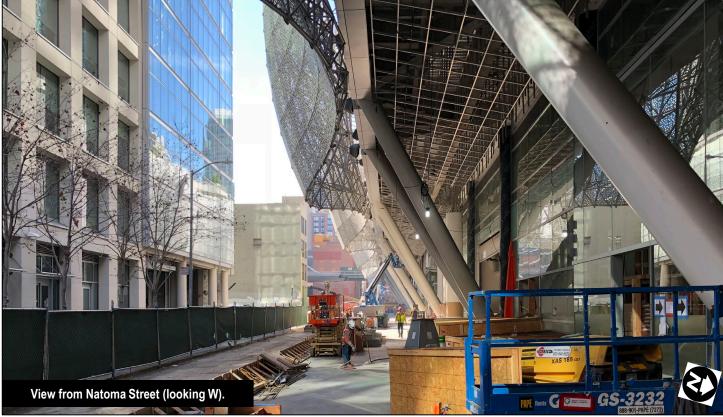
## **Site Photos**





## **Site Photos**





## Exhibit H – Public Correspondence



#### wark zabanen • Executive Directo

### TJPA Board of Directors

Mohammed Nuru, Chair San Francisco Mayor Representative

Jeff Gee, Vice Chair Peninsula Corridor Joint Powers Board Representative

Cheryl Brinkman SF Municipal Transportation Agency Representative

Matt Haney SF Board of Supervisors Representative

Michael Hursh AC Transit Representative

Boris Lipkin California High Speed Rail Authority Representative

Nadia Sesay SF Board of Supervisors Representative

Tony Tavares, ex officio State Department of Transportation (Caltrans) Representative October 23, 2019

Mr. Nick Foster San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

Dear Nick:

The Transbay Joint Powers Authority (TJPA) has reviewed the proposal for a pedestrian bridge connection between the project at 542-550 Howard Street (commonly known as Parcel F) and Salesforce Park. The TJPA tentatively approves the proposed bridge, as currently designed. The TJPA will continue to review the design of the proposed bridge as it further develops before providing final approval.

Sincerely,

Mark Zabaneh, PE Executive Director

## 華埠公園康樂會

#### Committee for Better Parks and Recreation in Chinatown

October 14, 2019

President Myrna Melgar San Francisco Planning Commission City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, California 94102

**Re:** Letter in Opposition to Parcel F

Dear President Melgar,

The Committee for Better Parks and Recreation in Chinatown (CBPRC) opposes the projects at Parcel F and Block 4. The developer for Parcel F proposes two projects: Parcel F will be the "fourth tallest Tower" in San Francisco, primarily consisting of luxury condominiums, a 5-star hotel, and Class A office space (the "Parcel F Project") and, as admitted by the developer, will cast a shadow on Willie Woo Woo Wong Playground, a zero shadow tolerance park; and, Block 4 will be a 713-unit residential project, including, 347 affordable housing units intended to serve residents earning 40% to 120% of the Average Median Income for San Francisco (the "Block 4 Project"). The Parcel F Project shadow will have a significant and adverse impact on the most important park for active recreation in Chinatown, and, while having to bear the burden of the Parcel F of the shadow impact, the Block 4 Project will not relieve the overcrowded housing conditions in Chinatown since the residents will not qualify as the Average Median Income for residents in Chinatown is less than 30% of the Average Median Income.

Founded in 1969, CBPRC has advocated for open space and recreation areas in Chinatown. Because of Chinatown's high density, open space and parks are an especially important and a limited resource to our neighborhood. Our committee members have a long history of being engaged and active in the community processes in Chinatown including the renovation of many San Francisco Recreation and Park facilities and open spaces. Our members include volunteer architects, district council staff, community youth organizations, community childcare providers, and community members, as well as staff from neighborhood service providers like Chinatown Community Development Center, Community Youth Center, and Self-Help for the Elderly. The inspiration for the formation of CBPRC was the fight to stop a project's shadow that would have been cast on Willie Woo Woo Wong (formerly Chinese Playground).

While Asian American Pacific Islanders comprise about 35% of the population of San Francisco,

Letter In Opposition to Parcel F October 14, 2019 Page 2

Asian American Pacific Islanders are 42% of low-income residents in San Francisco.<sup>1</sup> In Chinatown, the Chinatown household Average Median Income for Asian American Pacific Islander households is \$18,962, less than 30% of the Average Median Income for all of San Francisco.<sup>2</sup> The vast majority of Chinatown residents are monolingual immigrants with little access to public resources.

Chinatown is the most densely populated area in San Francisco. With over 52,000 residents, Chinatown has three times San Francisco's citywide density. Housing in Chinatown has been found to be unhealthy and overcrowded conditions. Many residents live in single room occupancy units or SROs, rooms barely 100 square feet with shared bathrooms and kitchens and no living rooms, family rooms or backyards or open space. The Recreation and Open Space Element of the General Plan identifies Chinatown as a high needs neighborhood The Recpark Department even determined that Chinatown as an "Equity Zone" and Willie Woo Woo Wong is an "Equity Zone Park." Public parks and open space are what we would otherwise take for granted as our family room, living room, garden, or yard and must be preserved.

No new shadow is permitted on Willie Woo Woo Wong Playground. Under the 1989 Memo, a shadow will have significant adverse impact if the shadow cast fails a quantitative test or a qualitative test. The Parcel F Project shadow fails both tests. Under the 1989 Memo, the Absolute Cumulative Limit for Willie Woo Woo Wong Playground is zero. The Parcel F Project shadow is not permitted on Willie Woo Woo Wong Playground.

The Parcel F Project shadow report conclusion is wrong. The developer's shadow report identifies the new shadow cast by the Parcel F Project as hitting the northwest portions of Willie Woo Woo Wong Playground. Despite the Absolute Cumulative Limit set forth in the 1989 Memo, the San Francisco Recreation and Park Commission Resolution Number 1210-001 (the "2012 Resolution") for the Transit Center District Plan did artificially raise the "shadow budget" for Willie Woo Woo Wong Playground. But, the new shadow approved was for "portions of the southern sport court and the children's play area along the Sacramento Street edge." The new Parcel F Project shadow is a different shadow than that approved by the 2012 Resolution and must be considered separate from the 2012 Resolution. The 2012 Resolution provides no cover for the new shadow cast by the Parcel F Project.

<sup>&</sup>lt;sup>1</sup> API Council, Asian and Pacific Islanders in San Francisco: Income Snapshot 2017

<sup>&</sup>lt;sup>2</sup> API Council, *Asian and Pacific Islanders in San Francisco: Income Snapshot 2017*; see also, San Francisco Planning Department, *San Francisco Socio-Economic Profiles* 

<sup>&</sup>lt;sup>3</sup> San Francisco Planning Department and San Francisco Recreation and Park Department, *Existing Conditions Report 2014, San Francisco Chinatown Portsmouth Square and Vicinity* 

<sup>&</sup>lt;sup>4</sup> API Council, *Asian Pacific Islander Health and Wellness: A San Francisco Neighborhood Analysis* <sup>5</sup> San Francisco Chronicle, "Families live jammed into Chinatown rooms, with no hope of leaving" (November 29, <sup>5</sup>)

<sup>&</sup>lt;sup>6</sup> San Francisco General Plan, Recreation and Open Space Element, Map 7

<sup>&</sup>lt;sup>7</sup> San Francisco Recreation and Parks Department, Equity Metrics

Letter In Opposition to Parcel F October 14, 2019 Page 3

The developer and the Parcel F Project shadow report completely ignores the planned active recreation uses and future active recreation uses for the new playground now under construction at Willie Woo Woo Playground. The Recpark staff report and the shadow report (October 2018) provide no analysis of how the new shadow cast by the Parcel F Project will impact the new active recreation areas, the senior exercise equipment area or the future uses of those areas. Neither the staff report nor the shadow report discusses how the elimination of sunlight in those areas will impact the quality of the use of those areas or the diminution in the investment made by the Recpark Department into the park improvements to Willie Woo Woo Playground.

As such, the new shadow cast by the Parcel F Project also fails the 1989 Memo qualitative test. We have an obligation to preserve the sliver of available sunlight during days of the month and times of day where there will be active recreation use. <sup>8</sup> As this Commission may know, the San Francisco Recreation and Park Department will spend well over \$10,000,000 build an exciting and innovative new Willie Woo Woo Wong Playground. After extensive community meetings, park users wanted a sports court for active recreation for senior exercise, badminton, tennis, pickleball, and tai chi. There is already extensive shadow on Willie Woo Woo Wong Playground, and the project architects created these active recreation areas in the places that still benefit from the limited available sunlight, intentionally in the spots that the project architects refer to as the "living room" or the "heart" of the playground. These active recreation areas were specifically designed to take advantage of the now remaining sunshine that Willie Woo Woo Wong enjoys. While the developer may think the impact is de minims, this will block the scarce, remaining sunlight for active recreation use, and will take away from Chinatown seniors, SRO families and other active users valuable sunlight hours during crucial days and time periods in the coldest four winter months from Thanksgiving to Chinese New Year. The Parcel F Project new shadow will have a significant and adverse qualitative impact on Chinatown's Willie Woo Woo Wong Playground.

We thank the developer of the Block 4 Project for its effort to provide affordable housing, but it will not provide housing for Chinatown residents. The Block 4 Project minimum income qualifications are 40% of the Average Median Income. As noted above, the Average Median Income for Chinatown residents is below 30%. The Block 4 Project income will exclude Chinatown residents from the project. Hence, while Chinatown will endure the burdens of the Parcel F Project, Chinatown residents will not gain any new affordable housing in the either the Parcel F Project or the Block 4 Project.

The scarce public parks and open space in Chinatown are the lungs of the community. Our Chinatown parks and open space are the only areas of respite from overcrowded conditions. The new shadow cast by the Parcel F Project chokes the active recreation of seniors and park users at Willie Woo Woo Playground. Once you cast a shadow, the shadow will stay forever and there is no going back. Protect the solar access at Willie Woo Woo Wong Playground,

-

<sup>&</sup>lt;sup>8</sup> San Francisco Recreation and Space Element, Policy 1.9

CBPRC requests that you find that the new shadow cast by the Parcel F Project is a significant and adverse impact.

Best,

Phil Chin

on behalf of Committee for Better Parks and Recreation in Chinatown

#### **Enclosures**

- 1. 1989 Memo
- 2. 2012 Shadow Resolution

cc: Vice President Joel Koppel

Commissioner Frank Fung

Commissioner Milicent A. Johnson

Commissioner Kathrin Moore

Commissioner Dennis Richard

(c/o Commission Secretary Jonas P. Ionin via email)

John Rahaim

Planning Director

San Francisco Recreation and Park Department

(via mail)

Supervisor Aaron Peskin

San Francisco Board of Supervisors

(via email)

Supervisor Matt Haney

San Francisco Board of Supervisors

(via email)

Boe Hayward

Lighthouse Public Affairs

Letter In Opposition to Parcel F October 14, 2019 Page 5

(via email)

Cameron Falconer Dan Esdorn Hines (via email)

Chris Collins Urban Pacific (via email)

CJ Higley Farella Braun + Martel LLP (via email)

## Dear dies:

The city of dan Francisco is very fortunite to have the opportunity to build in hansome looking designed highrise tower led dry the teams of Hines Developers, Virban Pacific and Holdman Jacks. If ichosen by the boards idecision, they will be able to finish the Transbay Neighborhood Plan Project at 546 Howard St. With the end cresult of having one of the most beautiful skylines in the world. But the most important aspect of this above, plus the noneprofit Mercy Housing is to include apportable housing which doesn't require public subsidies to build This would help out enormously because of the shortage of affordable housing in dan Firancisco. That is why I cam enthusiastically undorsing the 546 Howard St. (Parcell F) project, which I believe should not be idelayed but be built cat once for the much needed affordable housing it will provide for dan Francisco.

Ruben Santiago 4507 MacBeth Ave. Frement, Ca. 94555 Luben Santiago

## Exhibit I – Project Sponsor Brief



December 20, 2019

Hon. Myrna Melgar, President San Francisco, Planning Commission 1650 Mission Street, 4<sup>th</sup> Floor San Francisco, CA 94103

Re: 542-550 Howard Street, Transbay Parcel F Planning Case No. 2016-013312PRJ

Dear President Melgar:

Our firm represents Parcel F Owner LLC (a partnership that includes Hines and Urban Pacific), the Sponsor for the mixed use project located at 542 Howard Street, also known as Transbay Parcel F (the "*Project*"). The 61-story project would include a 189-room hotel, 275,000 square feet of office, and 165 residential units, as well as ground floor lobbies and retail space.

**Project Completes Vision of TCDP**. The Project is located within the Transit Center District Plan ("*TCDP*") area. When it was adopted in 2012, the TCDP envisioned a new mixed-use neighborhood built around a re-imagined multi-modal transit station that would host Transbay buses and, eventually, Cal Train and the California High Speed Rail. The TCDP identified several tower sites that would become some of the City's tallest buildings, including Salesforce Tower, Oceanwide Center, 181 Fremont Street, and Parcel F. The Sponsor purchased the Project site from the Transbay Joint Powers Authority in 2015. Approval of the Project -- the last of the original TCDP tower sites – will in allow the ambitious vision set out in the TCDP to become fully realized.

Sponsor Worked Collaboratively with City Design Staff. Pelli Clarke Pelli, the Project's Architect, worked closely with the Planning Department's design staff (UDAT and SDAT) through numerous iterations of the Project design. Approximately 1/3 of the Project sits above the underground train box that will allow CalTrain and High Speed Rail enter the Transit Center. Already a tight site, this constraint presented significant design challenges for the building. The Sponsor's collaboration with Planning's design staff resulted in elegant solutions to address the unique constraints on the site. The result is a Project that is not only architecturally iconic, but is also sensitive to the important position it occupies in the City's larger urban context.

**Project Enhances the Public Realm**. In addition to the prominent role it will play on the City's skyline, the Project will play an equally important role in the urban fabric around the Salesforce Transit Center. The pedestrian plaza on Natoma Street, with public serving retail directly facing the retail area at Salesforce Transit Center, is destined to become one of San Francisco's most



beloved gathering places. The Project's pedestrian passageway, connecting Howard Street to the Natoma plaza, contributes an important point of public access, stitching together Under-Ramp Park to the south and the Transit Center to the north. The glass elevator from Natoma to the Project's fifth level will provide direct, public access via a pedestrian skyway to the Transit Center's rooftop park. The interplay between the Project and the public realm will make a lasting positive impact on San Francisco.

**Project Generates Extraordinary Economic Benefits.** Aside from the programmatic public benefits described above, the Project will have enormous economic benefits for the City. The Project will create 3,000 construction jobs on Parcel F, and the office and hotel portions of the project will result in 1,550 permanent jobs on the Project Site. As mentioned above, the TJPA raised \$165 Million in the sale of the site to fund construction of the Transit Center. The Project will generate \$56 Million in impact fees, including TCDP-specific impact fees that will be used by the City to implement public improvements within the District. The Project will generate approximately \$100 Million in transient occupancy taxes and \$497 Million in Mello-Roos tax proceeds over the first 30 years of operation.

Sponsor Worked Closely with Stakeholder Groups. Throughout the years long process, the Sponsor has sought to find thoughtful ways for the Project to benefit the community. The Sponsor has worked pro-actively to conduct broad outreach to stakeholder groups. As a result, the Project has gained the support of a number of community groups, as well as organized labor. In addition, the Sponsor has worked very closely with members of the Chinatown community to come up with ways to support housing opportunities for some of the City's neediest families, and to support ongoing programming at Willie Woo Woo Wong Playground, in Chinatown. As you are aware, the Project creates a small new early morning shadow on the playground during winter months for up to 12 minutes between 8:00 and 8:30 a.m. (a 0.01% addition). Although that small new shadow was contemplated in the TCDP (in fact, 0.03% additional shadow was approved), we recognize the importance of open space in Chinatown and are pleased to be able to support the community in other ways to address that new shadow.

We look forward to the hearing on January 9. Please do not hesitate to contact me prior to the hearing if I or any of the other members of the Project team can provide additional information or answer questions.

Very truly yours,

Charles J. Higley

# Exhibit J – Inclusionary Affordable Housing Affidavit

AFFIDAVIT

## **COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE** HOUSING PROGRAM PLANNING CODE SECTION 415, 417 & 419





#### SAN FRANCISCO PLANNING DEPARTMENT

1650 MISSION STREET, SUITE 400 SAN FRANCISCO, CA 94103-2479 MAIN: (415) 558-6378 SFPLANNING.ORG

12/9/2019	This project requires the following approval:				
I, Charles J. Higley do hereby declare as follows:	Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)				
•	☒ Zoning Administrator approval (e.g. Variance)				
The subject property is located at (address and block/lot):	☐ This project is principally permitted.				
542 Howard Street	The Current Planner assigned to my project within the Planning Department is:				
3721/ 016, 135, 136, 138	Nicholas Foster				
Block / Lot	Planner Name				
The subject property is located within the following Zoning District:	A complete Environmental Evaluation Application or Project Application was accepted on:				
C - 3 - 0 (SD)	10/31/2016				
Zoning District	Date				
750-5-2, 450-5					
Height and Bulk District	The project contains $165$ total dwelling units and/or group housing rooms.				
Special Use District, if applicable	This project is exempt from the <i>Inclusionary</i> Affordable Housing Program because:				
Is the subject property located in the SOMA NCT, North of Market Residential SUD, or Mission Area Plan?	<ul><li>☐ This project is 100% affordable.</li><li>☐ This project is 100% student housing.</li></ul>				
☐ Yes 🛣 No	Is this project in an UMU Zoning District within the Eastern Neighborhoods Plan Area?				
The proposed project at the above address is subject to the <i>Inclusionary Affordable Housing Program</i> , Planning Code Section 415 and 419 et	☐ Yes No  (If yes, please indicate Affordable Housing Tier)				
seq.	Is this project a HOME-SF Project?				
The Planning Case Number and/or Building Permit Number is:	☐ Yes ☒ No  (If yes, please indicate HOME-SF Tier)				
2016 - 013312PRJ	Is this project an Analyzed or Individually				
Planning Case Number	Requested State Density Bonus Project?  ☐ Yes ☒ No				
201903215849	_ 100 N 140				

**Building Permit Number** 

- c Please indicate the tenure of the project. **Ownership.** If affordable housing units are provided on-site or off-site, all affordable units will be sold as ownership units and will remain as ownership units for the life of the project. The applicable fee rate is the ownership fee rate. ☐ **Rental.** If affordable housing units are provided affidavit: on-site or off-site, all affordable units will be rental units and will remain rental untis for the life of the project. The applicable fee fate is the and rental fee rate. This project will comply with the Inclusionary Affordable Housing Program by: Payment of the Affordable Housing Fee prior to the first construction document issuance (Planning Code Section 415.5) ☐ On-site Affordable Housing Alternative (Planning Code Sections 415.6) ▼ Off-site Affordable Housing Alternative (Planning) Code Sections 415.7) As modified by Project Approvals ☐ Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Planning Code Section 415.5 - required for Individually Requested State Density Bonus Projects) ☐ Eastern Neighborhoods Alternate Affordable Housing Fee (Planning Code Section 417) ☐ Land Dedication (Planning Code Section 419) The applicable inclusionary rate is: 33% On-site, off-site or fee rate as a percentage If the method of compliance is the payment of the Affordable Housing Fee pursuant to Planning Code Section 415.5, please indicate the total residential gross floor area in the project. Residential Gross Floor Area
- The Project Sponsor acknowledges that any change which results in the reduction of the number of on-site affordable units following the project approval shall require public notice for a hearing and approval by the Planning Commission.

- The Project Sponsor acknowledges that failure to sell or rent the affordable units or to eliminate the on-site or off-site affordable units at any time will require the Project Sponsor to:
  - Inform the Planning Department and the Mayor's Office of Housing and Community Development 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.
- The Project Sponsor acknowledges that in the event that one or more rental units in the principal project become ownership units, the Project Sponsor shall notifiy the Planning Department of the conversion, and shall either reimburse the City the proportional amount of the Inclusionary Affordable Housing Fee equivalent to the thencurrent requirement for ownership units, or provide additional on-site or off-site affordable units equivalent to the then-current requirements for ownership units.
- For projects with over 25 units and with EEA's accepted between January 1, 2013 and January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project before December 7, 2018, rental projects will be subject to the on-site rate in effect for the Zoning District in 2017, generally 18% or 20%.
- For projects with EEA's/PRJ's accepted on or after January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project within 30 months of the Project's approval, the Project shall comply with the Inclusionary Affordable Housing Requirements applicable thereafter at the time the Sponsor is issued a site or building permit.
- If a Project Sponsor elects to completely or partially satisfy their Inclusionary Housing requirement by paying the Affordable Housing Fee, the Sponsor must pay the 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.

#### UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
165			21	92	52

If you selected the On-site, Off-Site, or Combination Alternative, please fill out the applicable section below. The On-Site Affordable Housing Alternative is required for HOME-SF Projects pursuant to Planning Code Section 206.4. State Density Bonus Projects that have

the Combination Afford	rojects that have subn dable Housing Alterna cludes the demolition,	nitted an Enviro tive to record th	nmenta ne requ	al Evaluation Applicati uired fee on the densit	on on oi ty bonus	r after to Janua pursuant to F	ary 12, 2016 must select
On-site Affordab	le Housing Alternativ	ve (Planning Co	ode Se	ection 415.6, 419.3, or	206.4):	%	of the unit total.
Number of Affordable	Units to be Located ON	I-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:		One-Bedroom Units:	Two-Bed	droom Units:	Three (or more) Bedroom Units:
LOW-INCOME	Number of Affordable Unit	nits 9		% of Total Units		AMI Level	
MODERATE-INCOME	Number of Affordable Unit	's	% of Total Units			AMI Level	
MIDDLE-INCOME	Number of Affordable Unit	's	% of Total Units			AMI Level	
X Off-site Affordable Housing Alternative (Planning Code Section 415.7 or 419.3): 33 % of the unit total.							
Number of Affordable	Units to be Located OF	F-SITE:		 			
TOTAL UNITS: 54	SRO / Group Housing:	Studios: One-Bedroom Units: 7			Two-Bedroom Units:		Three (or more) Bedroom Units:
Area of Dwellings in Princip 433,556	al Project (in sq. feet):	Off-Site Project Address:					
Area of Dwellings in Off-Site Project (in sq. feet): TBD							
Off-Site Block/Lot(s):  TBD  Motion No. for Off		f-Site Project (if applicable): Number		er of Market-Rate Units in the Off-site Project:			
AMI LEVELS:	Number of Affordable Unit	ts % of Total Units		AMI Level			
	30			18% of Principal Project		80%	
	Number of Affordable Units		% of Total Units		AMI Level		
	10						
	12		8%	of Principal Proje	ect	105%	

#### UNIT MIX TABLES: CONTINUED

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 will 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. On-Site % of affordable housing requirement.								
If the project is a State Density Bonus Project, please enter "100%" for the on-site requirement field and complete the Density Bonus section below.								
Number of Affordable	Units to be Located ON	-SITE:						
TOTAL UNITS:	SRO / Group Housing:	Studios:		One-Bedroom Units:	Two-Bed	Iroom Units:	Three (or more) Bedroom Units:	
2. Off-Site	% of affordable I	nousing require	ment.					
Number of Affordable	Units to be Located OF	F-SITE:						
TOTAL UNITS:	SRO / Group Housing:	Studios:		One-Bedroom Units:	Two-Bedroom Units:		Three (or more) Bedroom Units:	
Area of Dwellings in Princip	al Project (in sq. feet):	Off-Site Project Ac	ldress:					
Area of Dwellings in Off-Site	e Project (in sq. feet):							
Off-Site Block/Lot(s):		Motion No. for Off	-Site Pro	oject (if applicable):	Number	Number of Market-Rate Units in the Off-site Project:		
Income Levels for On-	Site or Off-Site Units in	Combination Pr	ojects:			ı		
AMI LEVELS:	Number of Affordable Unit	% of Total Units			AMI Level			
AMI LEVELS:	Number of Affordable Unit	ts % of Total Units		otal Units		AMI Level		
AMI LEVELS:	Number of Affordable Unit	% of Total Units AMI Level						
3. Fee % of affordable housing requirement.								
Is this Project a State Density Bonus Project? ☐ Yes ☐ No If yes, please indicate the bonus percentage, up to 35%, and the number of bonus units and the bonus amount of residentail gross floor area (if applicable)								
I acknowledge that Planning Code Section 415.4 requires that the Inclusionary Fee be charged on the bonus units or the bonus residential floor area.								
Affordable Unit Replacement: Existing Number of Affordable Units to be Demolished, Converted, or Removed for the Project								
TOTAL UNITS:	SRO / Group Housing:	Studios: One-Bedroom Units:		Two-Bedroom Units: Three (		Three (or more) Bedroom Units:		
This project will replace the affordable units to be demolished, converted, or removed using the following method:								
□ On-site Affordable Housing Alternative								
□ Payment of the Affordable Housing Fee prior to the first construction document issuance								
☐ Off-site Afford	☐ Off-site Affordable Housing Alternative (Section 415.7)							
☐ Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Section 415.5)								

Contact Information and Declaration of Sponsor of PRINCIPAL PR	OJECT
Parcel F Owner LLC, c/o Farella Braun + Martel LLP	
Company Name	_
Charles J. Higley, Authorized Agent of Owner	
Name (Print) of Contact Person	
235 Montgomery Street	San Francisco, CA 94104
Address	City, State, Zip
415-954-4400	cjhigley@fbm.com
Phone   Fax	Email
I am a duly authorized agent or owner of the subject propert of the State of California that the foregoing is true and co accurate to the best of my knowledge and that I intend to 415 as indicated above.	orrect. I hereby declare that the information herein is a satisfy the requirements of Planning Code Section
Sign Here	cuat 728
Signature:	Name (Print), Title: Charles J. Higley
Executed on this day in:	
Location:	Date:
San Francisco, California	12/9/2019
Contact Information and Declaration of Sponsor of OFF-SITE PRO	JECT ( If Different )
Company Name	
Name (Print) of Contact Person	
Address	City, State, Zip
Phone   Fax	Email
I hereby declare that the information herein is accurate to the the requirements of Planning Code Section 415 as indicated	
Sign Here	
Signature:	Name (Print), Title:

## Exhibit K – Anti-Discriminatory Housing Affidavit

### SUPPLEMENTAL INFORMATION FOR

## Anti-Discriminatory Housing Policy

1. Owner/A	p	plicant	In	form	ati	or
------------	---	---------	----	------	-----	----

PROPERTY OWNER'S NAME:				
Parcel F Owner LLC				
PROPERTY OWNER'S ADDRESS: 101 California St., Suite 1	0.00	TELEPHONE:	22 (24	0
	000	(415) 98 EMAIL:	82-620	0
San Francisco, CA			falconer	e hinescom
APPLICANT'S NAME:				
Cameron Falconer				Same as Above
APPLICANT'S ADDRESS:		TELEPHONE:		
101 California St., Suite 100	00	(415)987 EMAIL:	2-6200	
San Francisco, CA		cameron.	falconer &	hines.com
CONTACT FOR PROJECT INFORMATION:				
Courtney Miller				Same as Above
		TELEPHONE:		
101 california St. Suik 1000		(415)98 EMAIL:	2-620	
San Francisco, CA		Courtney.	miller Ch	ines.com
COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE Z	ONING ADMINISTRATOR	3):		
Courtney Miller				Same as Above
101 California St. Suite 1000	)	(415) 9 8	82-620	D
San Francisco, CA		EMAIL:		
		Courtney	y.miller	@hines.com
2. Location and Project Description				
STREET ADDRESS OF PROJECT:				ZIP CODE:
542-550 Howard Street (T	ransbay f	Parcel F)		94105
1st and 2 no streets				
ASSESSORS BLOCK/LOT: ZONING DIST	RICT:		HEIGHT/BULK D	STRICT:
3721 /016, 135,136, 138	C-3-	-O(SD)	750.5	-2,450-S
PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING U	NITS: PROPOSED	DWELLING UNITS:	NET INCREASE:
Mew Construction				
Demolition	Ø	16	5	165
Alteration	N. *500	1 0		
Other:				

### Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California?		□ NO
1a. If yes, in which States? National Developer	_	
1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest?	☐ YES	⊠ NO
1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property?	☐ YES	⊠ NO
If the answer to 1b and/or 1c is yes, please provide a copy of that policy or policies as par of the supplemental information packet to the Planning Department.	t	
Human Rights Commission contact information hrc.info@sfgov.org or (415)252-2500		
Applicant's Affidavit		
Under penalty of perjury the following declarations are made: a: The undersigned is the owner or authorized agent of the owner of this property. b: The information presented is true and correct to the best of my knowledge. c: Other information or applications may be required.		
Signature: Date: 12/20/19		
Print name, and indicate whether owner, or authorized agent:		
Owner Authorized Agent (circle one)		

### PLANNING DEPARTMENT USE ONLY PLANNING DEPARTMENT VERIFICATION: ☐ Anti-Discriminatory Housing Policy Form is **Complete** ☐ Anti-Discriminatory Housing Policy Form is **Incomplete** Notification of Incomplete Information made: To: \_ \_ Date: \_ BUILDING PERMIT NUMBER(S): DATE FILED: RECORD NUMBER: DATE FILED: VERIFIED BY PLANNER: Date: \_\_\_\_\_ Signature: \_\_ Printed Name: \_\_\_\_\_ Phone: \_ ROUTED TO HRC: DATE: ☐ Emailed to: \_\_\_\_\_

# Exhibit L – First Source Hiring Affidavit



PROJECT ADDRESS

# Administrative Code Chapter 83

1850 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415,558,6378 • http://www.sfplanning.org

#### Section 1: Project Information

	IG PERMIT APPLICATION NO.	CASE NO. (IF APPLIC	CABLE) MOTION NO	D. (IF APPLICABLE)
20	1903215849			
CONTRACTOR OF COLUMN	CT SPONSOR	MAIN CONTACT	PHONE	
F4	Transbay Pa	insbay Partnersuc cameron falconer (		415)-982-6200
ADDRES	SS			
101	California	Street suite 100	00	
CITY, ST	ATE, ZIP		EMAIL	
Sai	n Francisco, C	CA 94111	cameron, falcon	er@hines.com
ESTIMAT	TED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE		ESTIMATED CONSTRUCTION COST
	165	524,000 GSF	750-S-2 /62	\$450,000,000.00
	ATED START DATE			
0	6/2020			
Section	on 2: First Source F	Hiring Program Verification		
	ALL BOXES APPLICABLE TO THI	9		
	Project is wholly Resi			
	Project is wholly Con	nmercial		
×	Project is Mixed Use			
×	A: The project consis	ets of ten (10) or more residenti	al units;	
×	B: The project consis	sts of 25,000 square feet or mo	re gross commercial floor a	rea.
	C: Neither 1A nor 1B	w.		

542-550 Howard Street (Transpay Parcel F) 3721/016, 135, 136, 138

#### NOTES:

- If you checked C, this project is NOT subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.
- If you checked **A or B**, your project <u>IS</u> subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.
- For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or (415) 701-4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentsf.org
- If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.

Continued...

### Section 3: First Source Hiring Program - Workforce Projection

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

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

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

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer	NA	NA	NA	Laborer	35	50	40
Boilermaker	NA	NA	NA	Operating Engineer	50	1	10
Bricklayer	NA	NA	NA	Painter	40	4	40
Carpenter	55	4	40	Pile Driver	60	NA	10
Cement Mason	55	3	30	Plasterer	55	NA	NA
Drywaller/ Latherer	55	5	50	Plumber and Pipefitter	70	5	50
Electrician	70	5	50	Roofer/Water proofer	55	2	15
Elevator Constructor	80	3	30	Sheet Metal Worker	30	5	50
Floor Coverer	55	4	40	Sprinkler Fitter	<del>\$0.70</del>	3	30
Glazier	55	3	30	Taper	50	3	30
Heat & Frost Insulator	55	2	20	Tile Layer/ Finisher	55	2	40
Ironworker	60	4	45	Other:		•	-
		TOTAL:	335		4	TOTAL:	315

1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage?

NO

2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations?

V	

3. Will hiring and retention goals for apprentices be established?

[	V		

4. What is the estimated number of local residents to be hired?

50	

### Section 4: Declaration of Sponsor of Principal Project

I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMIN	WLEDGE AND THAT I COORDINATED WITH DEWD'S
	12/20/19

FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG

Cc:

Office of Economic and Workforce Development, CityBuild

Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848

Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org

Public Notification	



Block / Lot Nos.:

### SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

### NOTICE OF PUBLIC HEARING

Hearing Date: Thursday, January 9, 2020

Time: Not before 1:00 PM

Location: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400
Case Types: Downtown Project Authorization, Conditional Use

Authorization, Office Allocation, Variance, Planning Code Text and Map Amendments, General Plan Amendment,

**Shadow Findings** 

Hearing Body: Planning Commission

### PROJECT INFORMATION

Project Name: 542-550 Howard Street ("Transbay

Parcel F"); generally bounded by Howard Street, Natoma Street,

1st Street, and 2nd Street. 3721 / 016, 135, 136, 138 C-3-O(SD), P / 750-S2, 450-S

Existing Zoning: C-3-O(SD), P / 750-S2, 450-S Proposed Zoning: C-3-O(SD) / 750-S2, 450-S Record Nos.: 2016-013312DNX/CUA/OFA/VAR/MAP/ PCA/GPA/SHD

Board File Nos.: 191259

Sponsors: Supervisor Matt Haney, (415) 554-7970

Telephone/ <u>matt.haney@sfgov.org</u>;

E-Mail F4 Transbay Partners LLC, c/o: CJ Higley,

Farella Braun + Martel LLP, (415) 954-4400

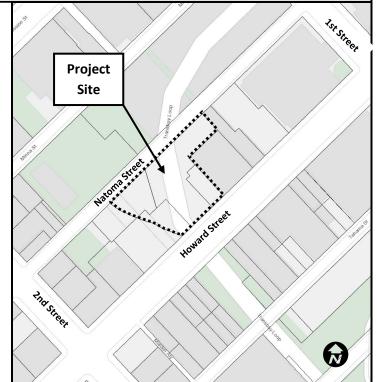
CJHigley@fbm.com

### PROJECT DESCRIPTION

The proposed project ("Project") would construct a 750-foot-tall (800 feet inclusive of rooftop mechanical features), 61-story, mixed-use tower with a total of approximately 957,000 gross square feet of floor area at the Project Site ("Site"). The Project would include 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 9,000 square feet of retail space, 183 vehicle parking spaces, and 177 Class 1 and 39 Class 2 bicycle parking spaces. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Salesforce Transit Center.

Proposed Ordinances: 1) General Plan Amendment to revise Figure 1 of the Transit Center District Subarea Plan and revise Maps 1 and 5 of the Downtown Area Plan; and 2) Planning Code Text and Map Amendments to amend existing San Francisco Zoning Maps ZN-01 and HT-01 for height and bulk classification and zoning designation; Uncodified Legislative Amendments for: the residential footprint requirement per Section 248(d)(2); and authorization to off-site inclusionary affordable dwelling units per Section 249.28(b)(6)(B)(C).

Project Authorizations: 1) Downtown Project Authorization with exceptions from Planning Code requirements pursuant to Section 309; 2) Conditional Use Authorization to permit a Hotel Use pursuant to Section 303; 3) Office Allocation pursuant to Section 321; 4) Variances for parking and loading entrance width pursuant Section 145,active street frontages pursuant Section 145.1, and vehicular ingress and egress on Natoma Street per Section 155; and location of bicycle parking per Section 155.1; and 6) Adoption of Shadow Findings pursuant to Section 295. The Planning Commission hearing will be advisory to the Board of Supervisors who has final approval authority for this mixed-use project.



### ADDITIONAL INFORMATION

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: Nicholas Foster Telephone: (415) 575-9167 E-Mail: nicholas.foster@sfgov.org

# Exhibit B: Plans and Renderings



### **Parcel F Tower**

542-550 Howard Street, San Francisco, CA



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### NARRATIVE AND PROJECT DESCRIPTION

Parcel F Tower, designed by internationally acclaimed Pelli Clarke Pelli Architects, will become a significant addition to the skyline of San Francisco. The tower will be highly visible from many primary approaches to the city. Its streamlined volume will present gently curved corners and a series of setbacks on its east and west sides, becoming increasingly slender as it reaches the sky. Incorporating high-performance building systems and sustainable materials, the tower is being designed to achieve a LEED Gold rating. The 62-story tower will accommodate a mixed-use program with a 9 floor hotel, 15 office floors, 29 residential floors and 7 floors of shared amenities, retail and lobby space.

Located close to the southwest corner of the Salesforce Transit Center (STC), Parcel F Tower is one of only three projects currently allowed to connect directly to the STC's 5.4-acre rooftop park. The site has two street frontages, Howard Street to the south and Natoma Street to the north. To the west, the site is bound by the bus ramp bridge connecting to STC. Approximately one third of the site's 32,000 square feet is occupied by a below grade STC train box that will connect to the lower levels of the STC. The train box, along with a bridge maintenance easement driveway on the west side, imposes significant restrictions on the area of the site that can be vertically developed. Due to these restrictions, the conceptual resolution of the structure became one of the major driving forces for the project.

The 800-foot high tower projects 42 feet over the train box and at level 7 all the weight of this sizable overhang is transferred to the core through diagonal struts, avoiding the train box, and down to the bedrock enhanced fundation. In addition, from the 7th to the 2nd level all floor slabs are suspended with tensors from the 7th level struts. Thus, the main lobbies are completely free of columns, which allows for uniquely transparent and inviting street façades.

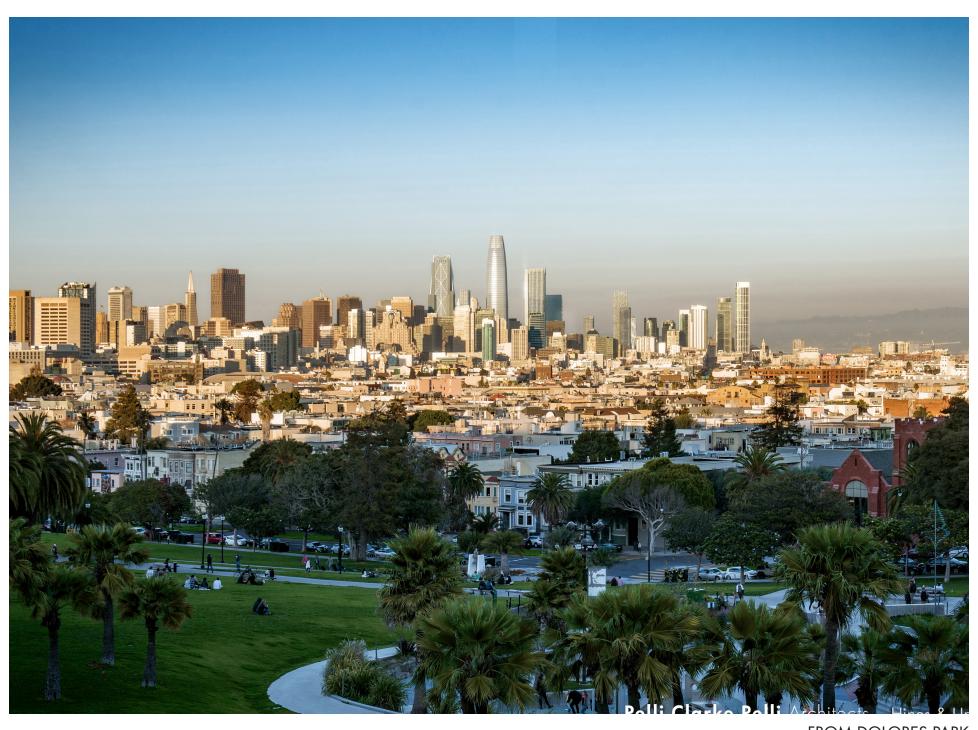
Overall, Parcel F boasts a 40/60 solid/vision-glass ratio which makes the exterior wall extremely energyefficient and architecturally expressive. In the south and north facades the slenderness of the tower is accentuated by vertical white piers that are reminiscent of some of San Francisco's most remarkable traditional buildings, such as the Pacific Bell tower. The west and east facades feature a horizontal expression while a series of setbacks and transparency gradients express the different components of the program. The curved corners of the tower offer a streamlined and transparent expression that softens the overall massing.

As the tower reaches its top, the vertical piers progressively transform themselves into an elegant latticework. In addition, the redefinition of the glass surfaces between piers into concave glass surfaces, and a series of subtle setbacks create an elegant and iconic crown. This crown will be softly lit at night, making it visible from afar and providing a beacon to the San Francisco skyline.

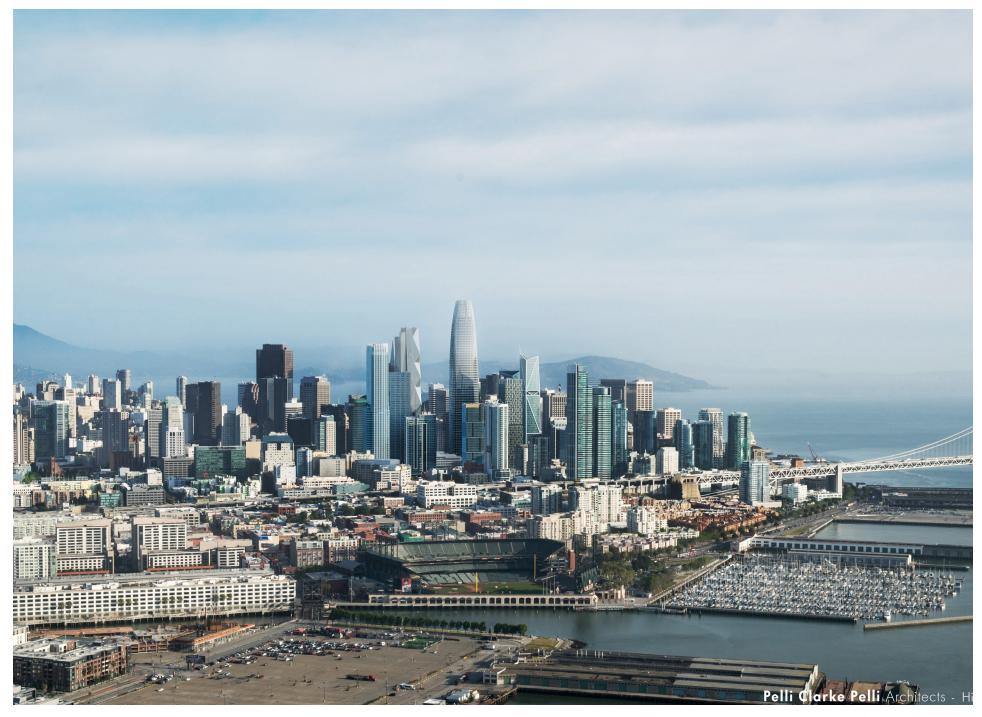
On Howard Street, a double height recess on the 6th level creates a distinct building base that smooths the transition between the scale of the neighboring buildings and the tower. On the west side of this elevation, a four-story setback acknowledges the Salesforce Transit Center Bridge and shelters a sculptural passageway that connects to Natoma Street. The west end of Parcel F site also provides access to the bridge maintenance driveway easement and to four loading docks tucked away from pedestrian view. On Natoma Street, a one-story high retail volume provides human scale and acts as a balanced counterpart to the undulating metal screens of the STC façade. The double loaded retail frontages on Natoma Street will offer a very lively pedestrian experience to visitors of the STC.

In addition, a glass elevator cab will provide public vertical connection to the STC rooftop park. Both the atrium and the public elevator will be highly visible to the pedestrians on Natoma Street and the STC Park. In addition, at Level 5, the base of the tower at Natoma Street features a setback terrace, additional retail spaces and a pedestrian bridge that connects to the urban oasis of the Salesforce Transit Center Park.



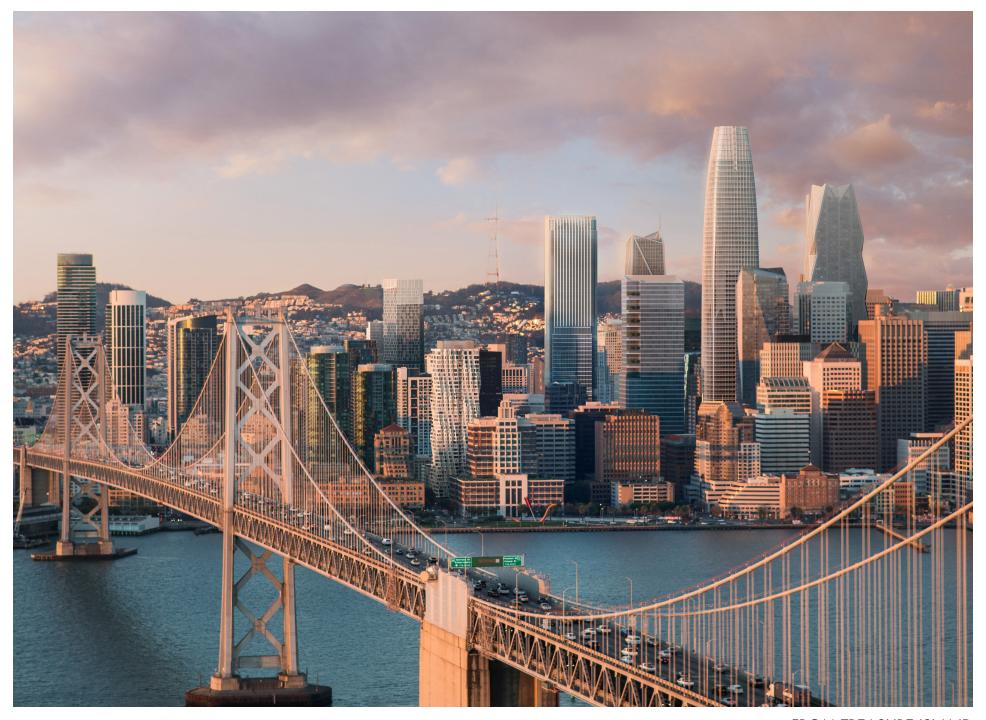


FROM DOLORES PARK



FROM MISSION BAY

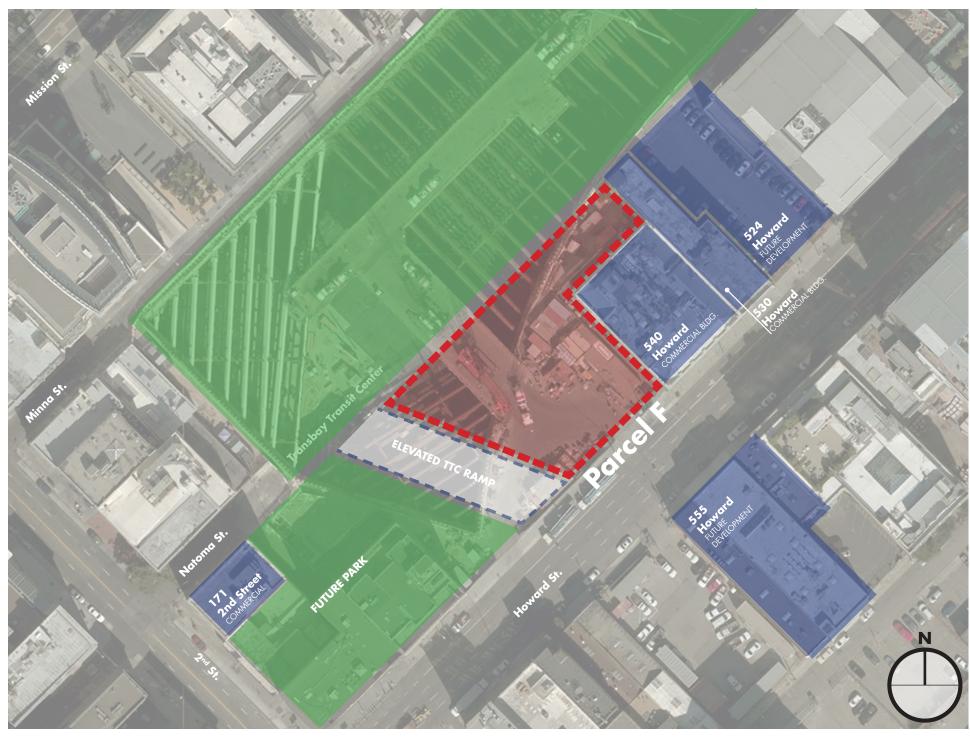




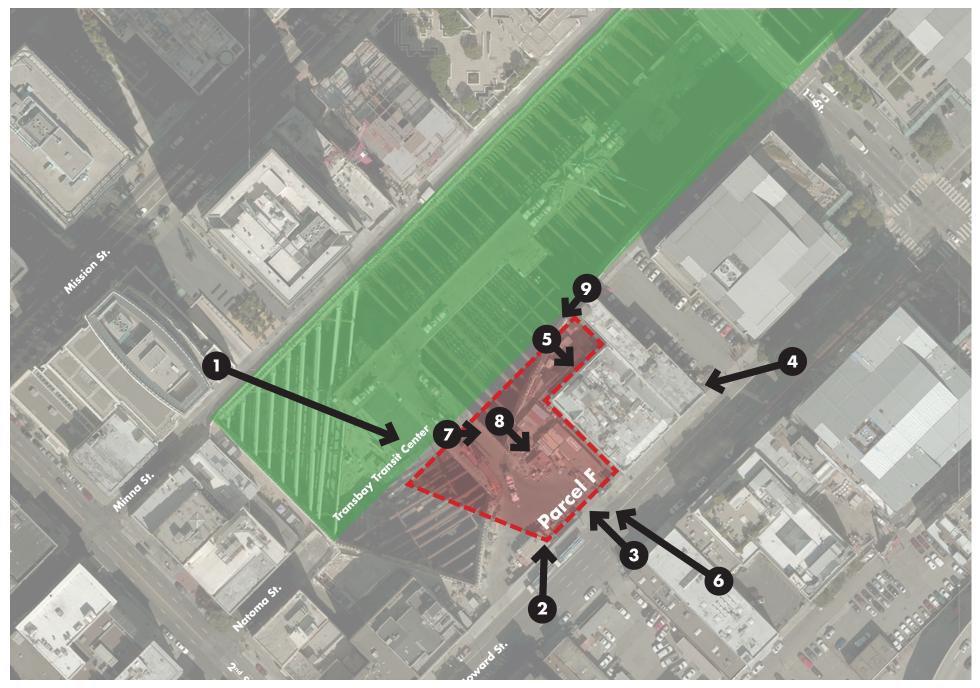
FROM TREASURE ISLAND



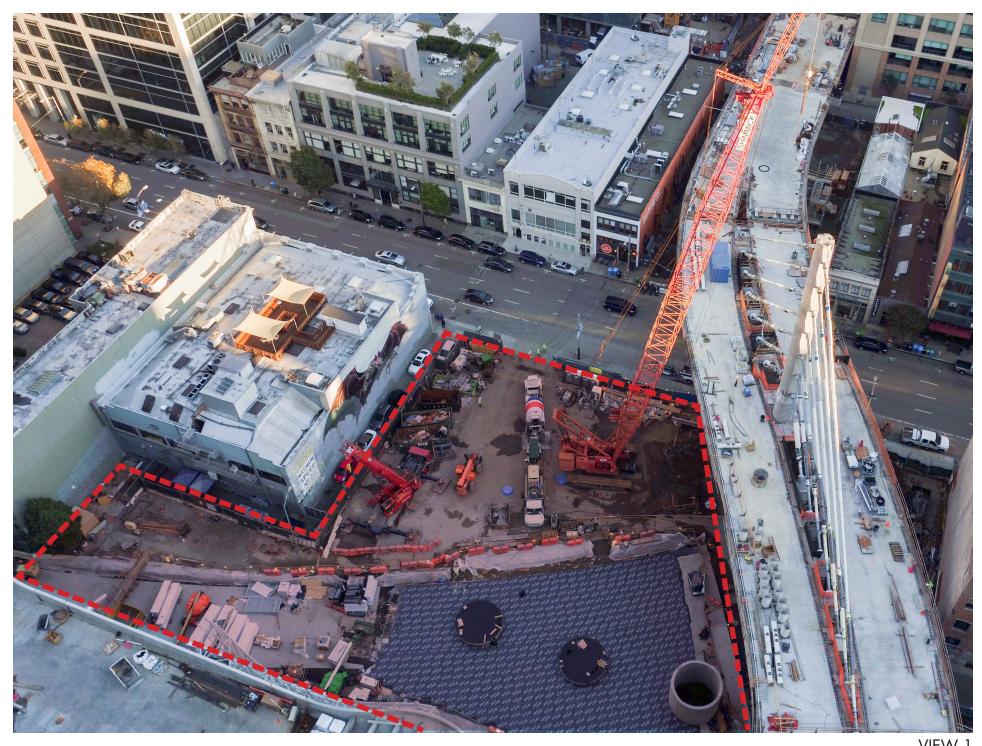
TRANSBAY OVERVIEW



SITE CONTEXT



SITE PLAN



VIEW 1 TAKEN: 2016.12.02



VIEW 2 TAKEN: 2017.12.12



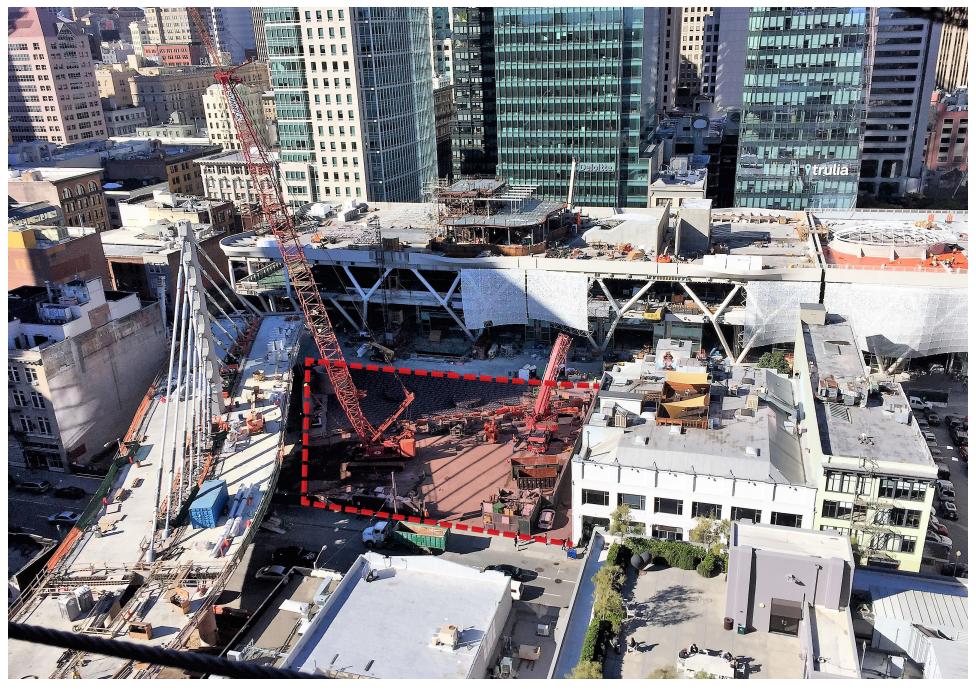
VIEW 3 TAKEN: 2016.12.12



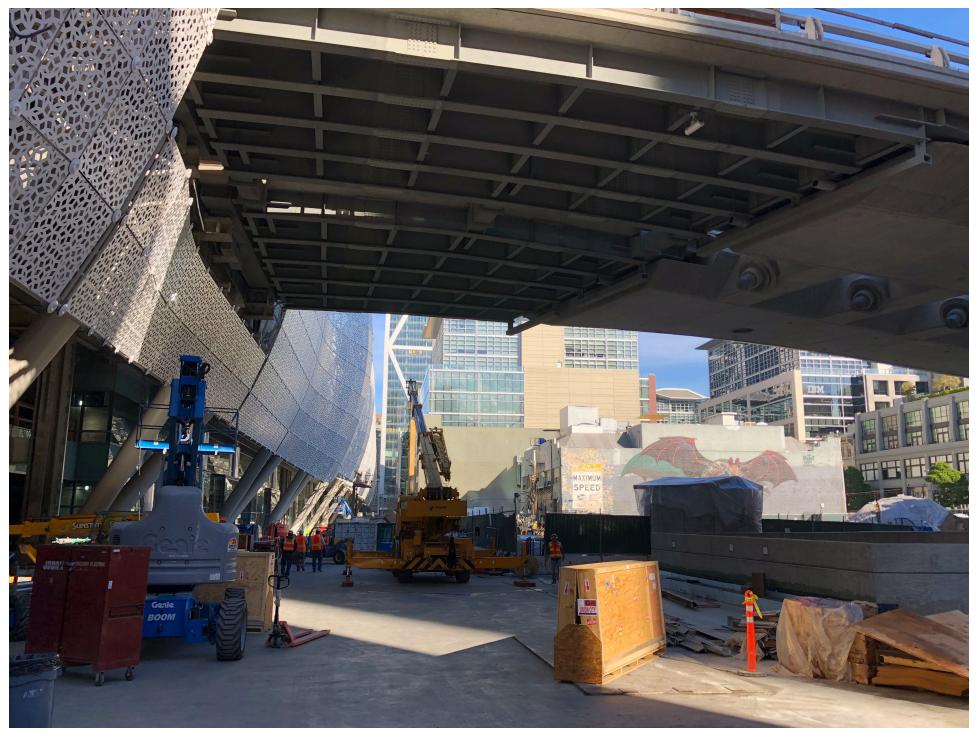
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VIEW 5 TAKEN: 2017.10.31



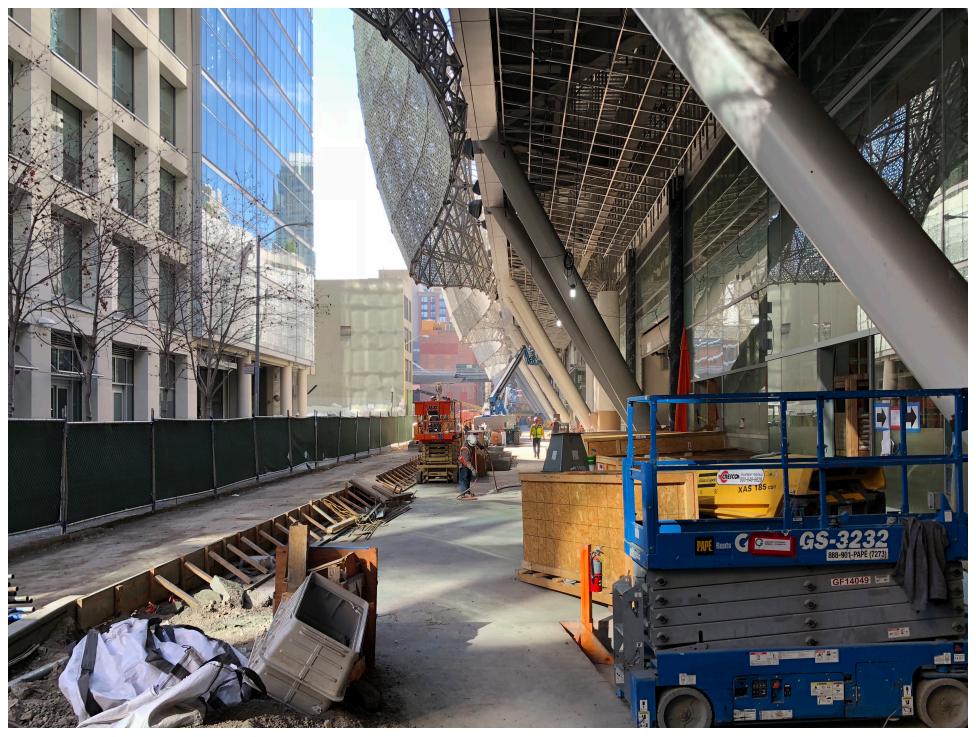
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VIEW 7 TAKEN: 2017.12.12

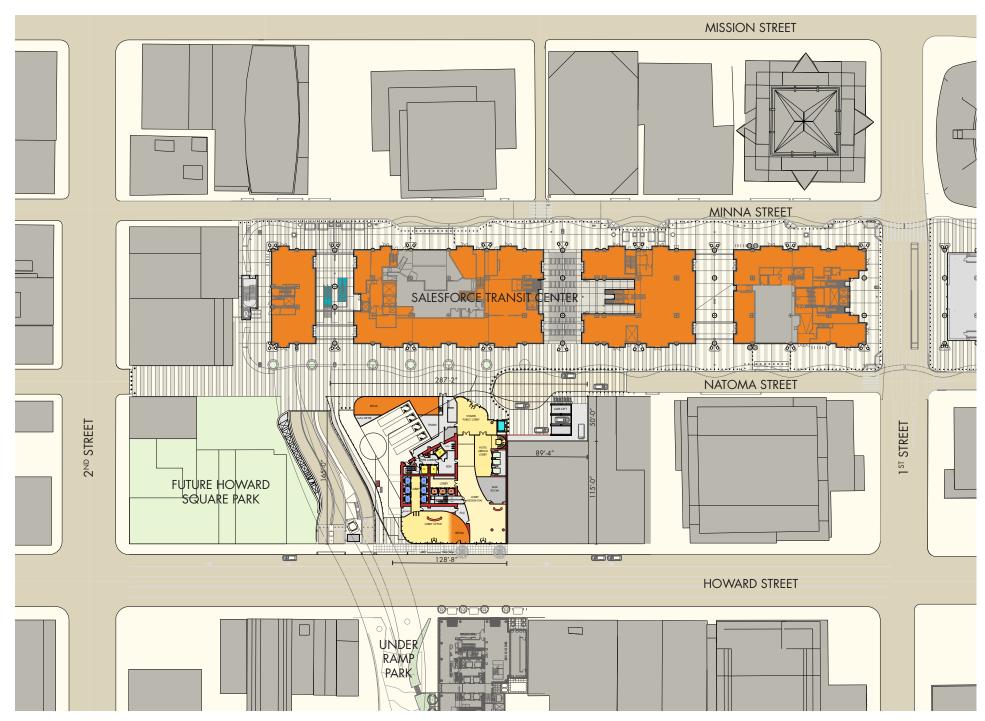


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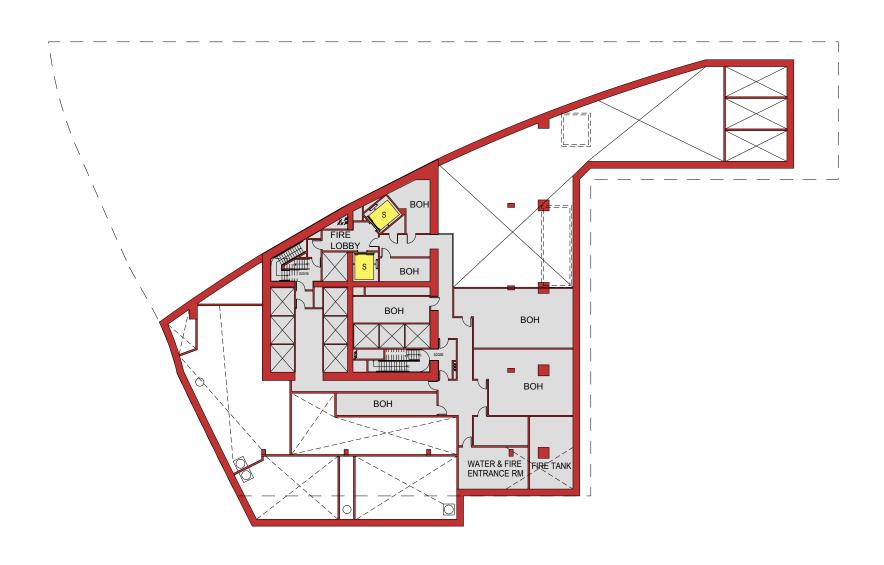


VIEW 9 TAKEN: 2016.12.12

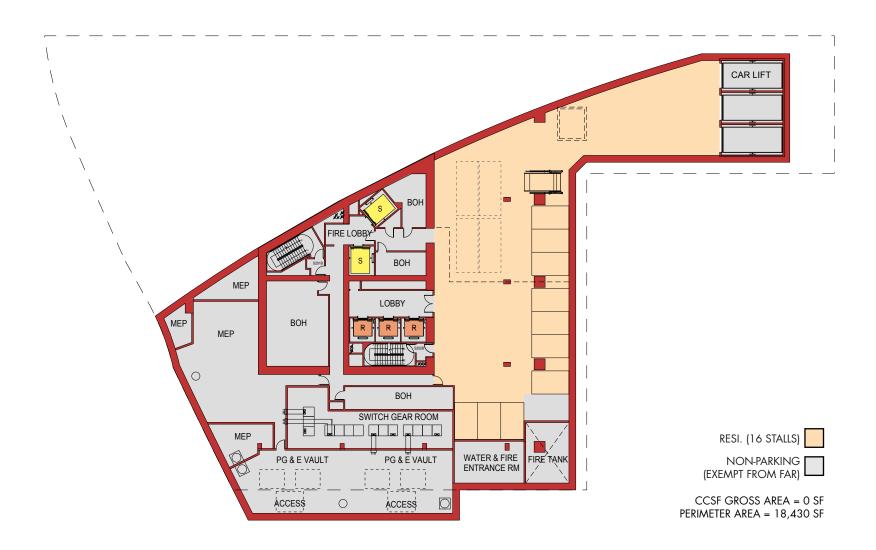




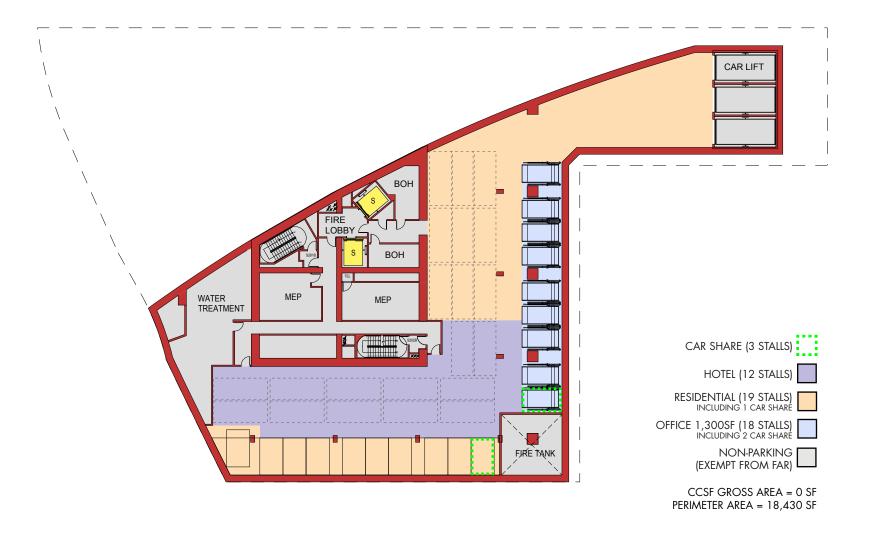
SITE PLAN



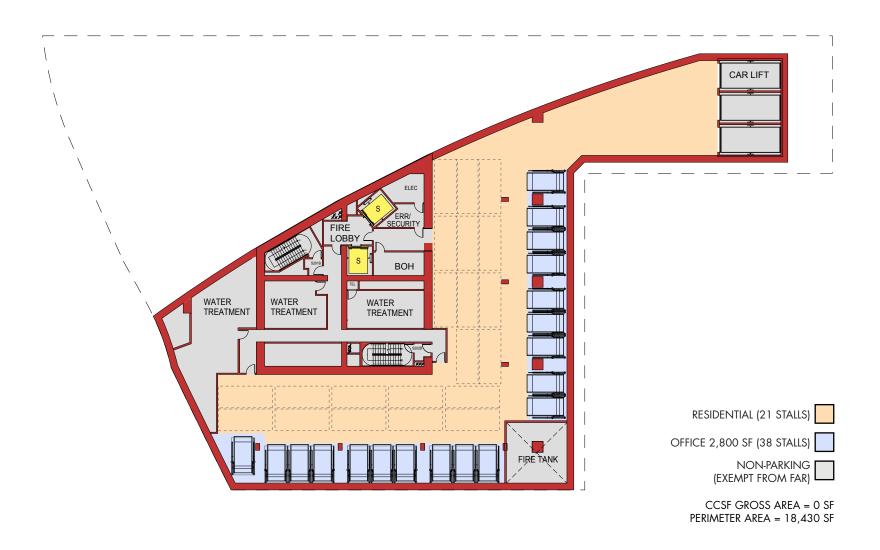
LEVEL B1MEZZANINNE



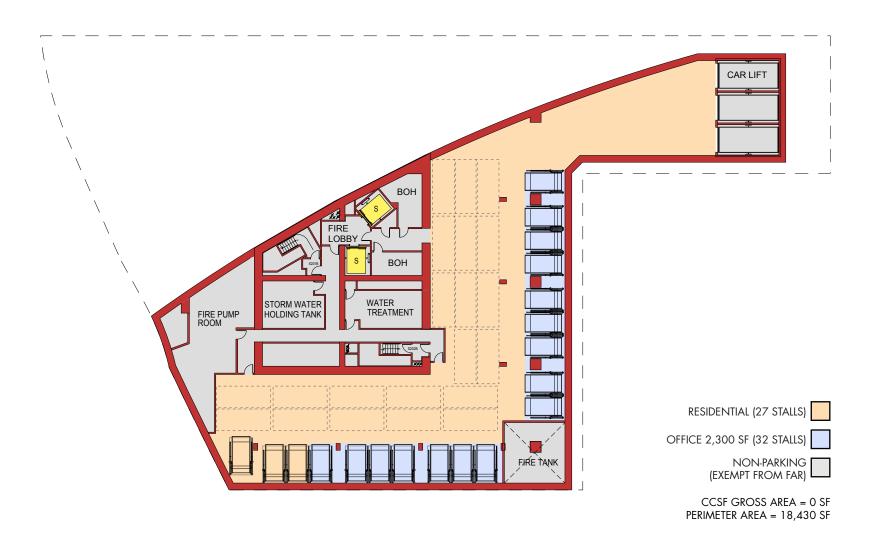
LEVEL B1



LEVEL B2



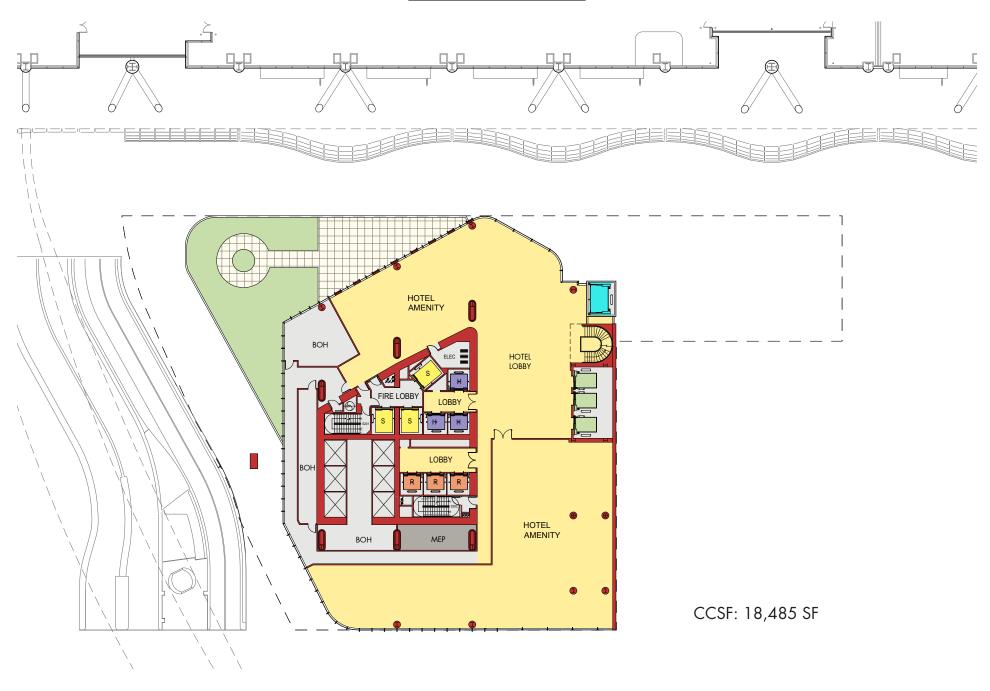
LEVEL B3



LEVEL B4

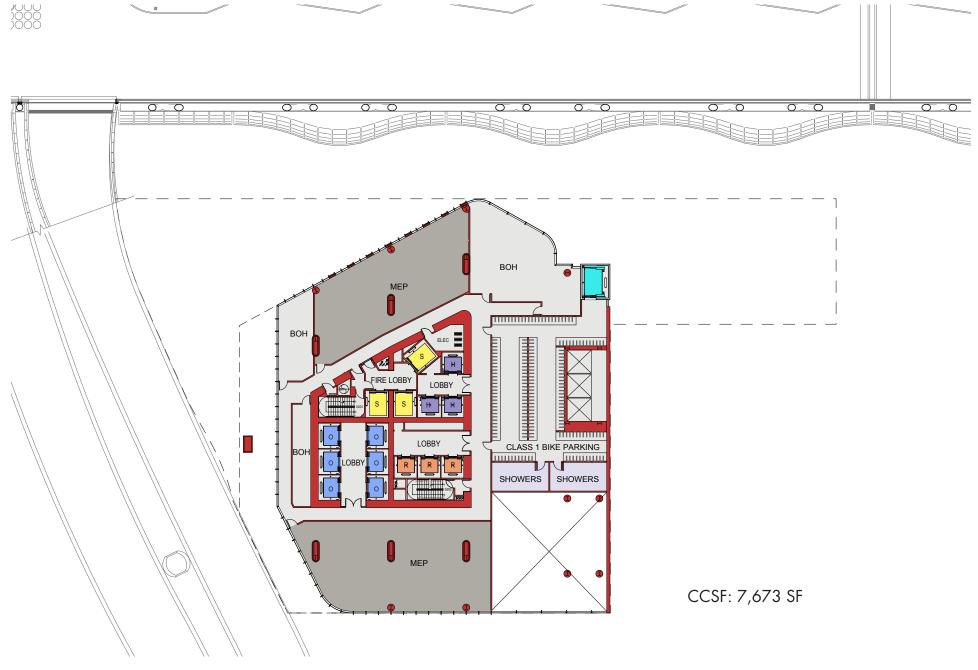


### PLAN - GROUND FLOOR

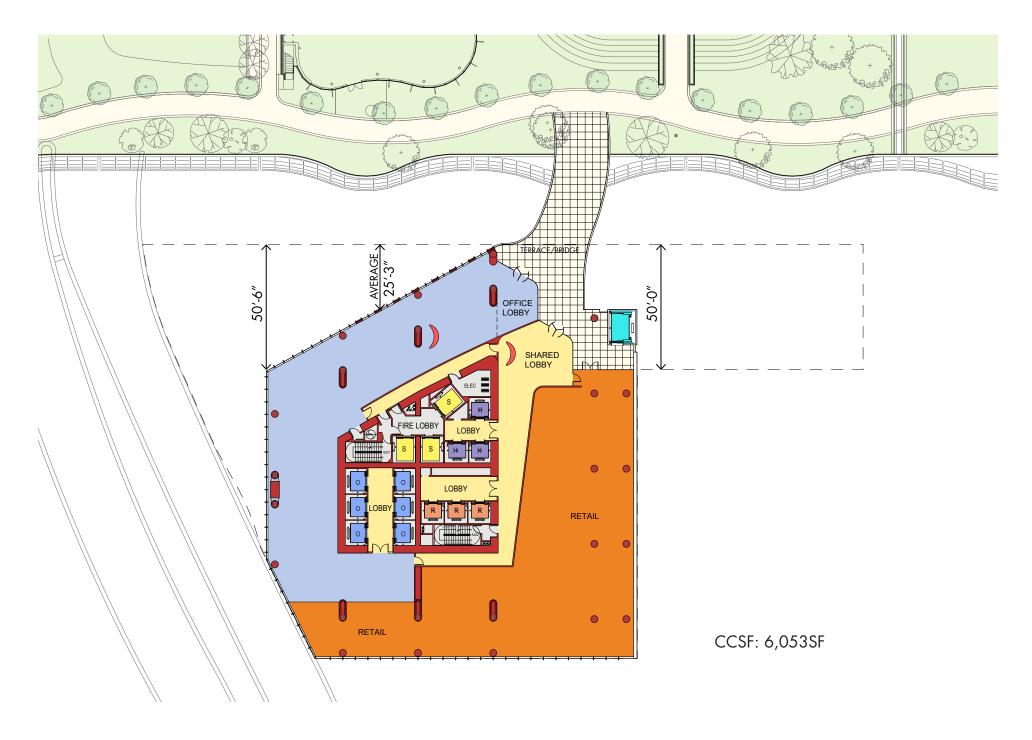


PLAN - LEVEL 2

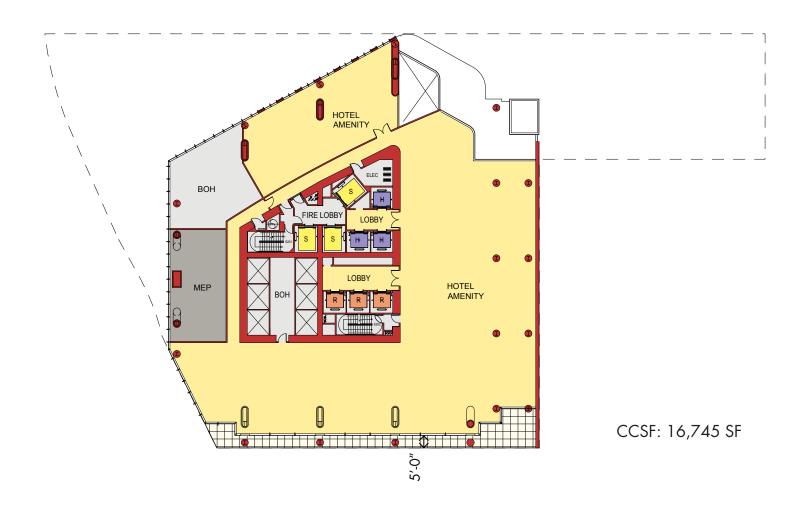




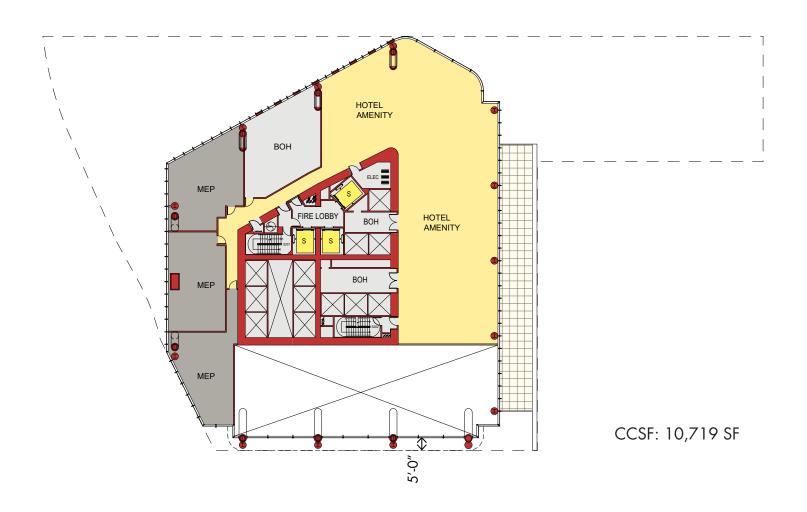
PLAN - LEVEL 4



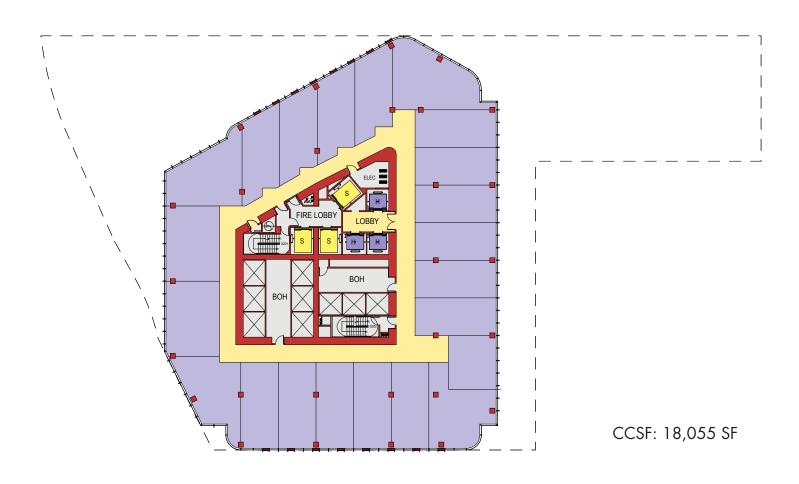
PLAN - LEVEL 5 - RETAIL/PARK ACCESS



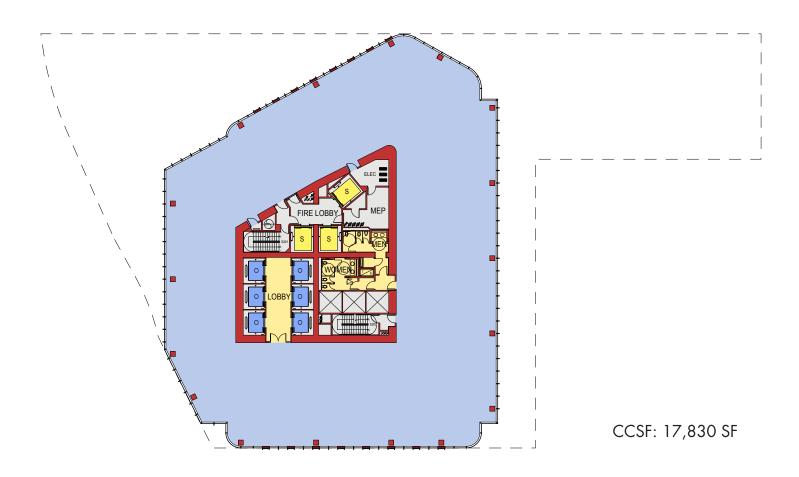
PLAN - LEVEL 6



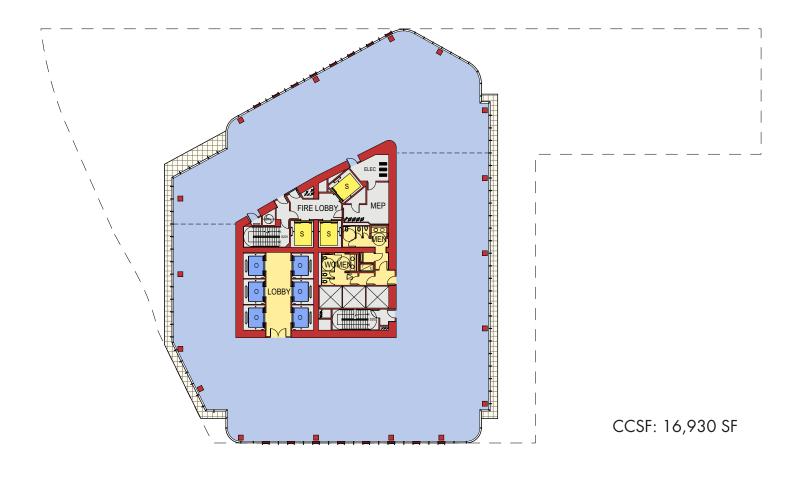
<u>PLAN - LEVEL 7</u>



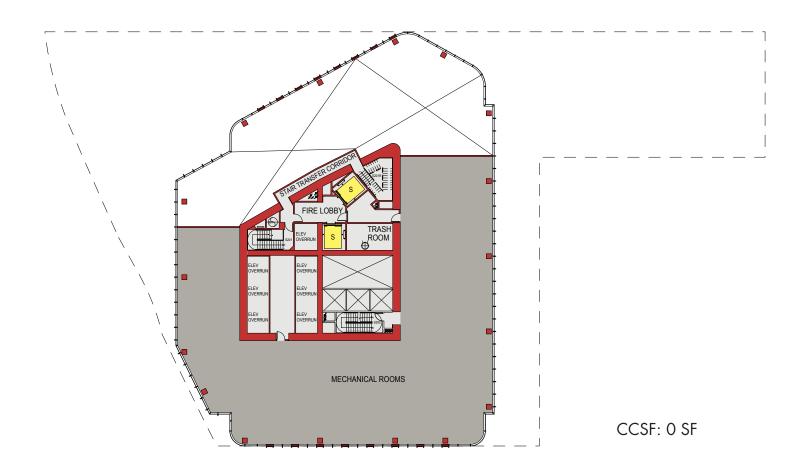
PLAN - LEVEL 8 TO 16 - TYPICAL HOTEL FLOOR



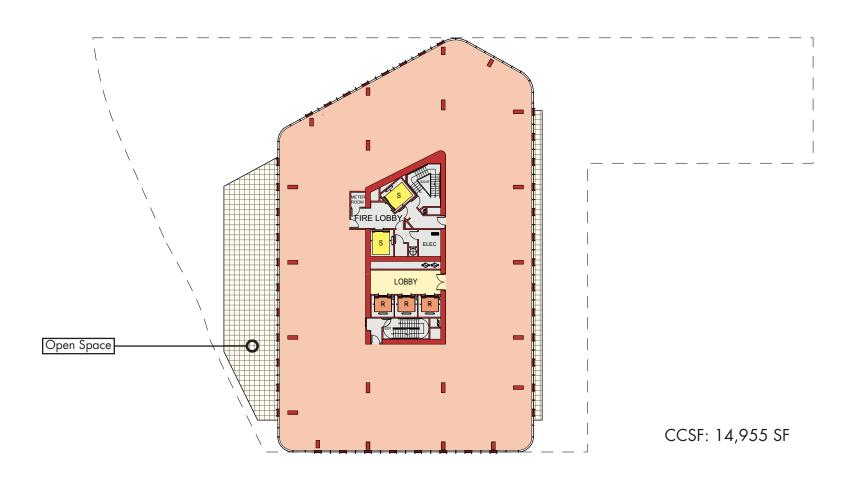
PLAN - LEVEL 17 TO 30 - TYPICAL OFFICE FLOOR



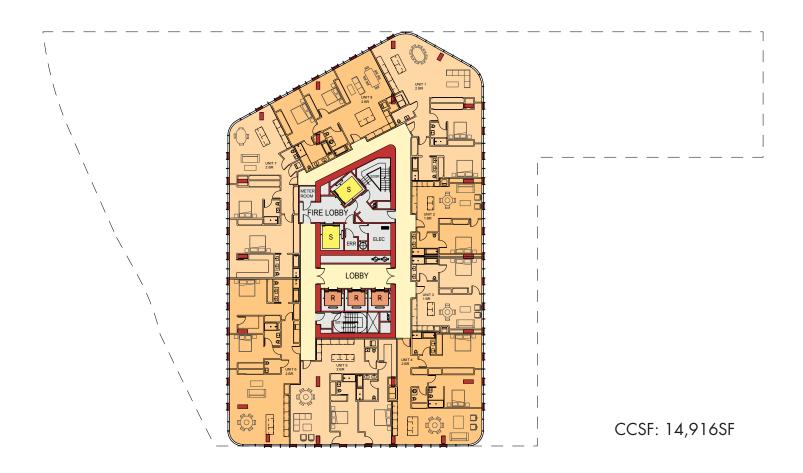
PLAN - LEVEL 31 - OFFICE FLOOR



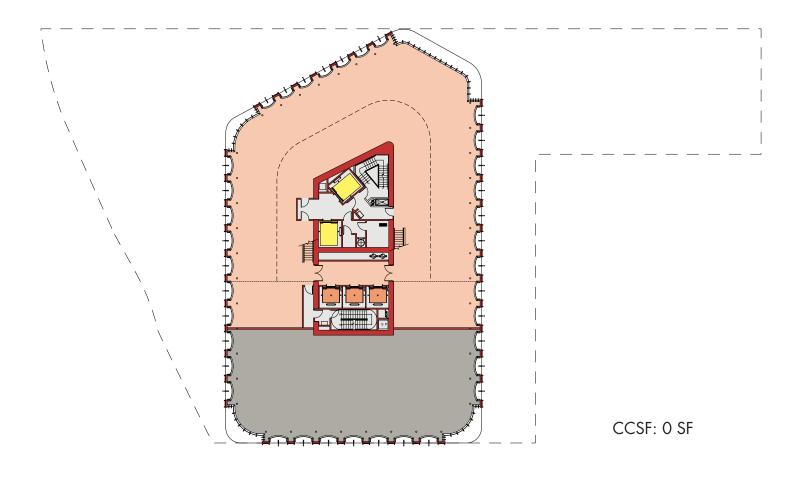
PLAN - LEVEL 32 (MECHANICAL)



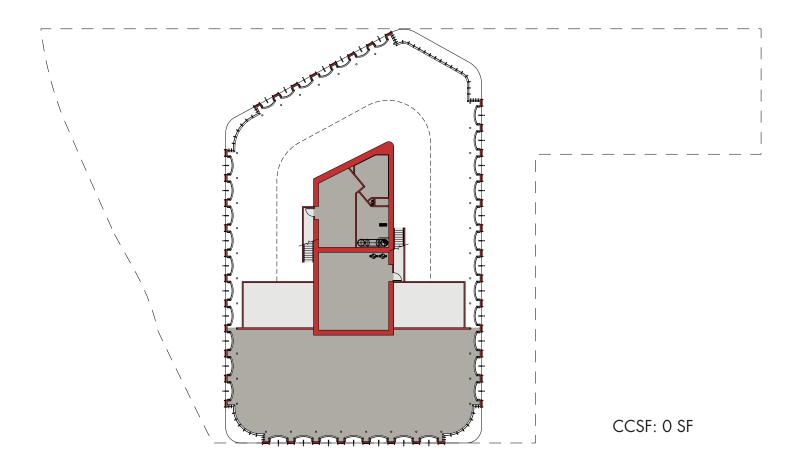
PLAN - LEVEL 33 - RESIDENTIAL AMENITY FLOOR



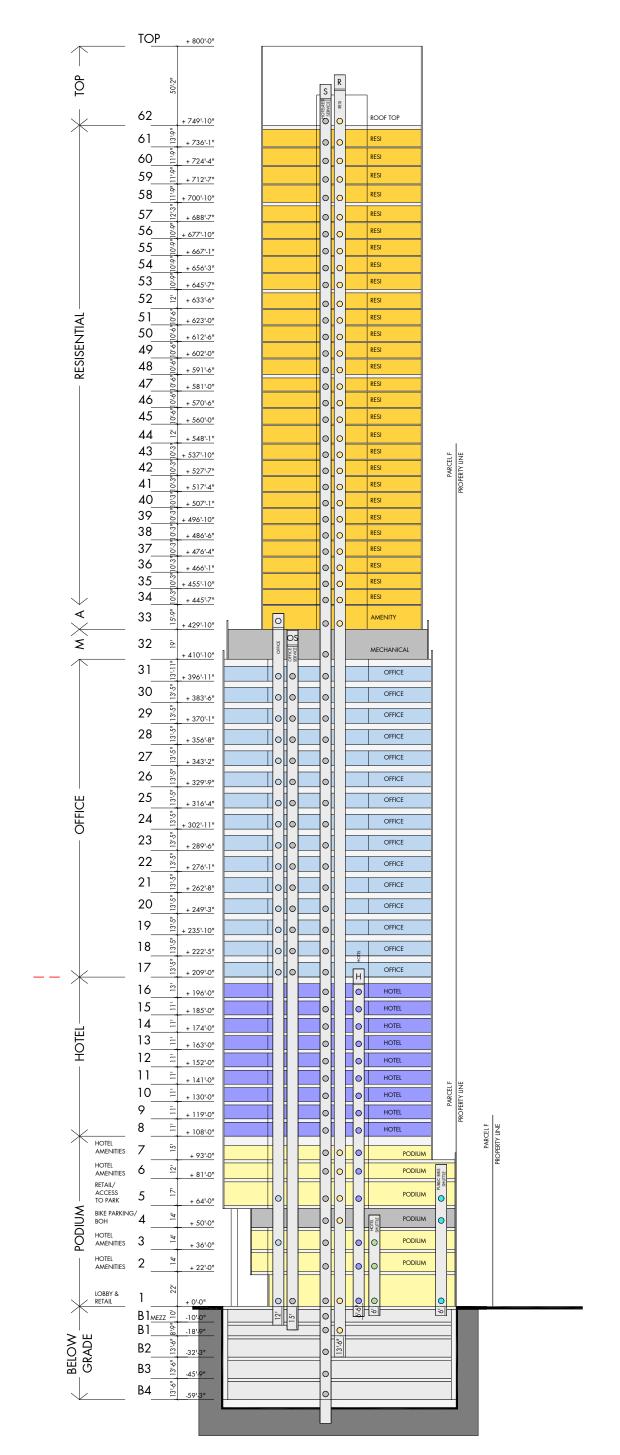
PLAN - LEVEL 34 TO 61 - TYPICAL RESIDENTIAL FLOOR

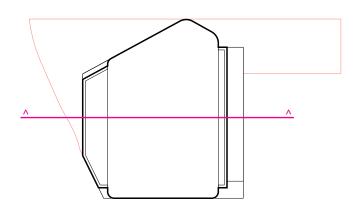


PLAN - LEVEL 62 - ROOF

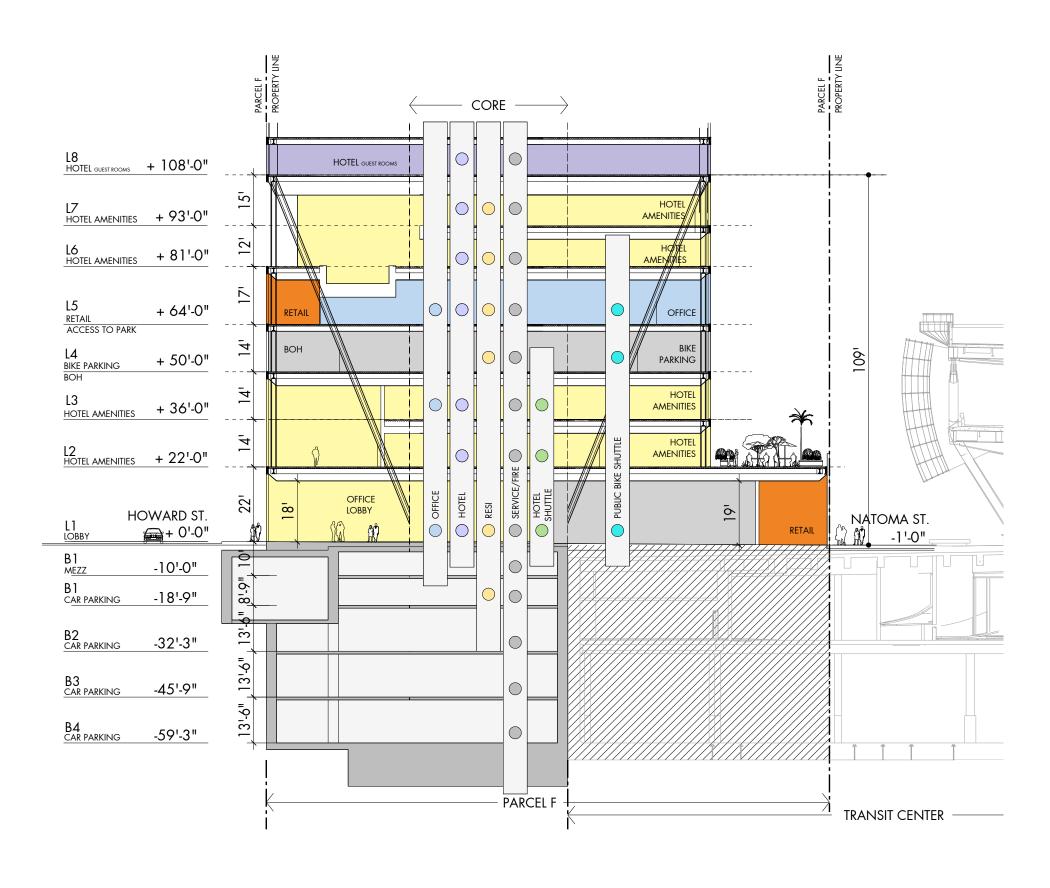


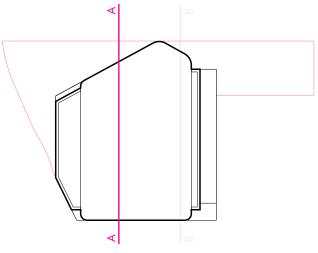
PLAN - LEVEL 62 MECHANICAL MEZZANINE



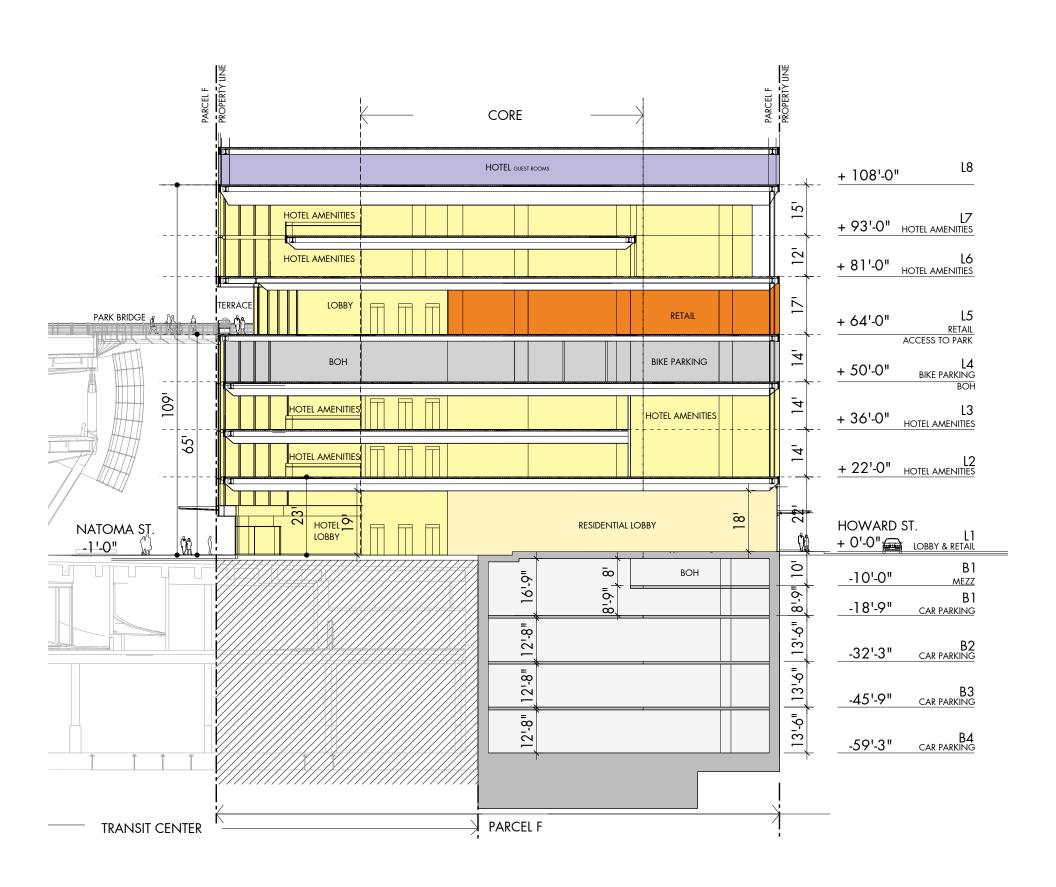


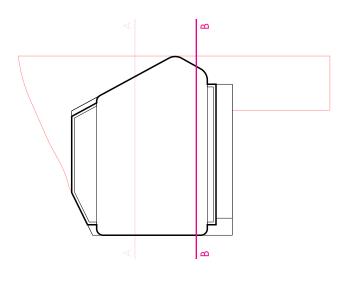
**TOWER SECTION - EAST/WEST** 





PODIUM SECTION A-A





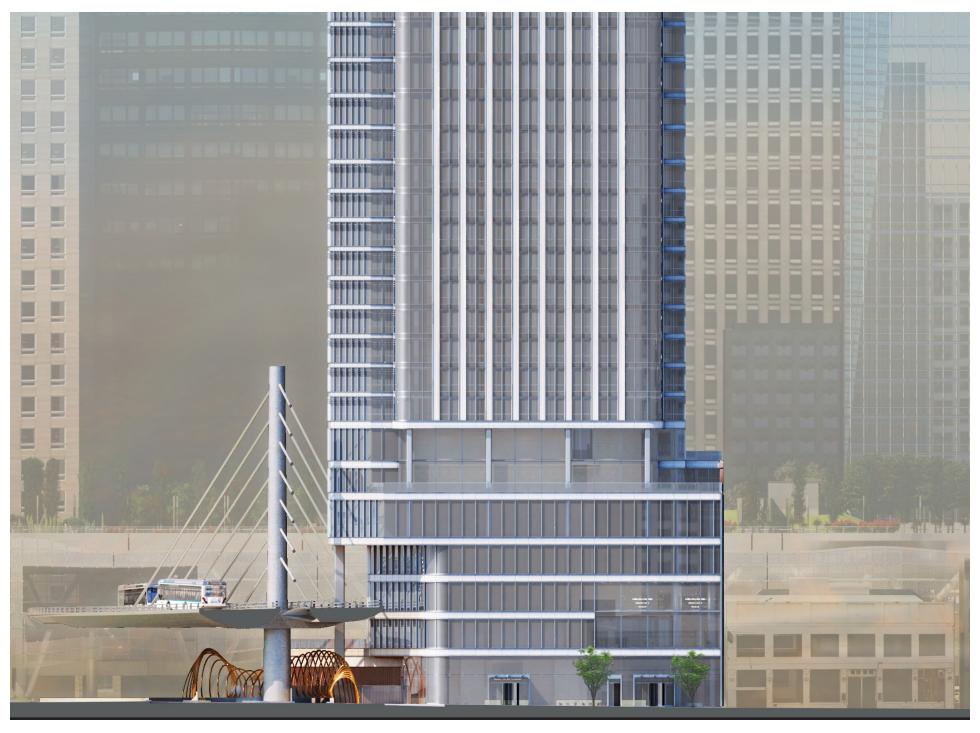
PODIUM SECTION B-B



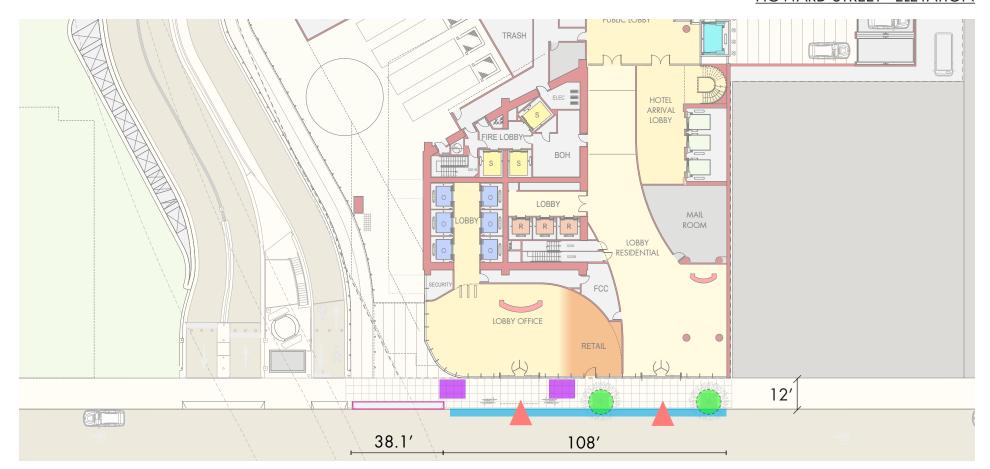
**TOWER ELEVATION - SOUTH** 



**TOWER ELEVATION - NORTH (FACING NATOMA STREET)** 



## **HOWARD STREET - ELEVATION**



PARCEL F CURB CUT

TRUCKS ENTER & EXIT HEAD FIRST WITH NO BACKING UP ACROSS SIDEWALK, BIKE LANES OR TRAFFIC LANES

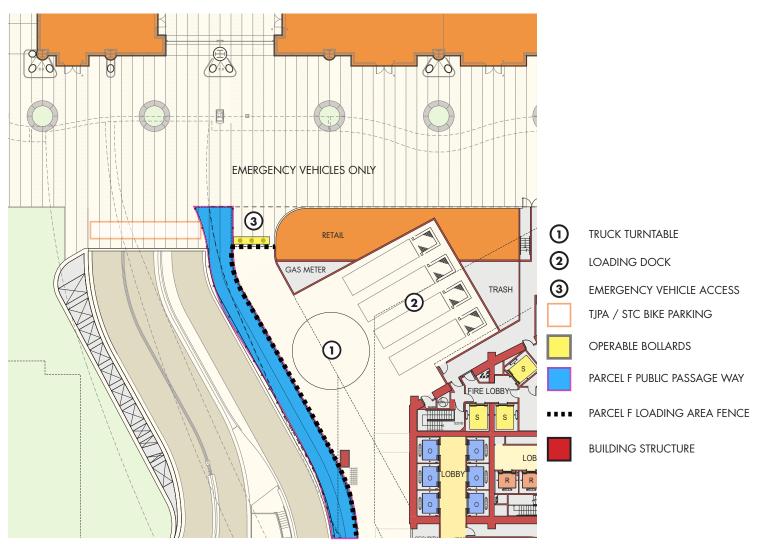
PG & E ACCESS

POTENTIAL TREE LOCATION SUBJECT TO COORDINATION WITH SF PUBLIC WORKS, TJPA AND UTILITY COMPANIES

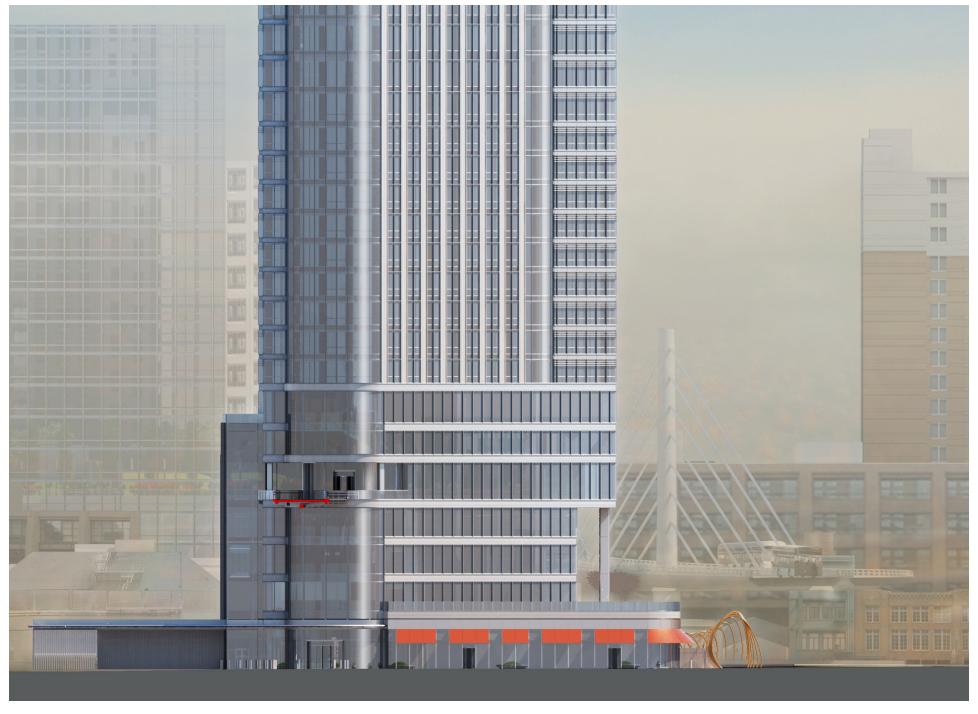
**HOWARD STREET - PLAN** 



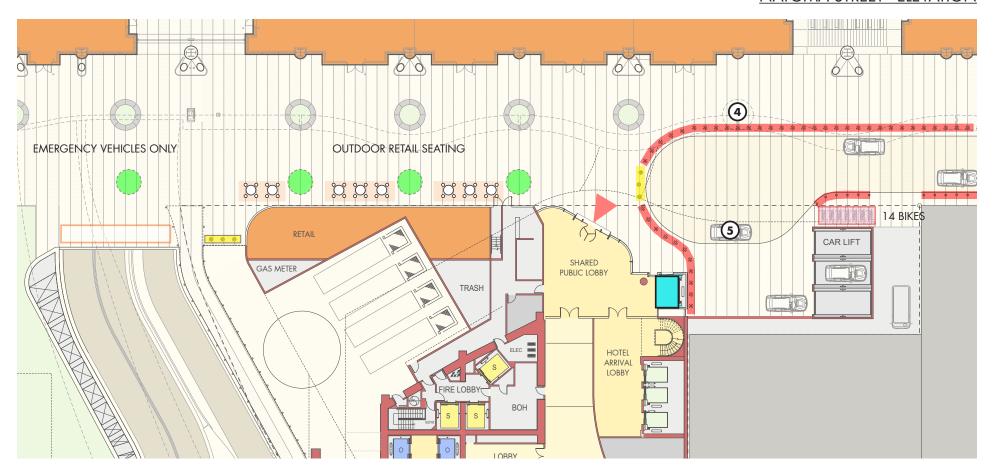
**LOADING DOCK - ELEVATION** 



LOADING DOCK - PLAN



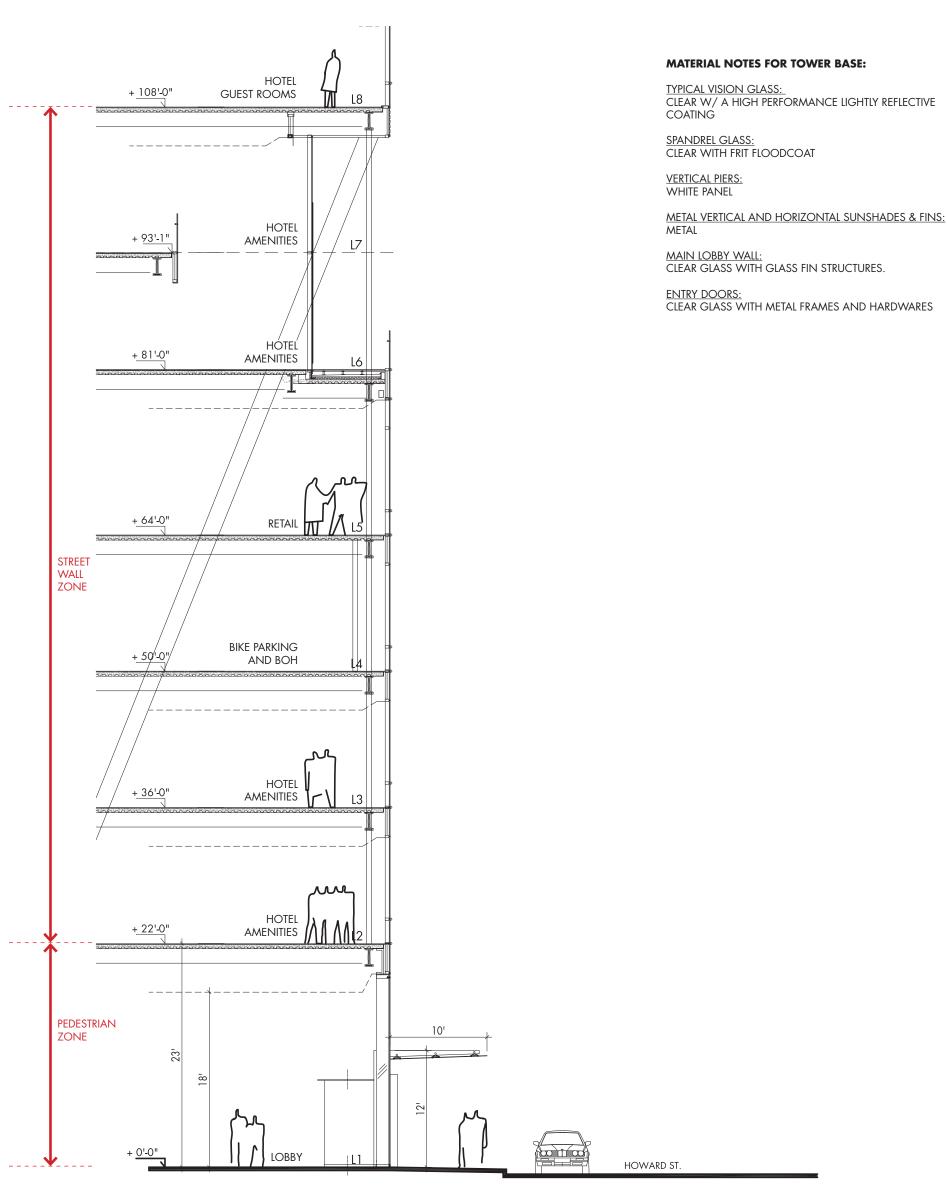
## NATOMA STREET - ELEVATION



- PLANTER PROPOSED TO BE REMOVED.
- PARCEL F IS PROPOSING TO ELIMINATE STC PLANTERS (NOT BLAST RATED) & REPLACE THEM WITH FIXED BOLLARDS.
- 3 DROP-OFF AREA WITH SIMILAR DESIGN TO STC STREETSCAPE BUT WITH DIFFERENT TEXTURE AND NO CURB CUT
- POTENTIAL TREE LOCATION SUBJECT TO COORDINATION WITH SF PUBLIC WORKS, TJPA
- PARCEL F PROPOSED BIKE PARKING
- TJPA / STC BIKE PARKING
- FIXED BOLLARDS

  OPERABLE BOLLARDS
- PUBLIC ELEVATOR

PARCEL F NATOMA ST. FRONTAGE TO MATCH STC STREETSCAPE DESIGN; LOCATION OF PLANTERS, TREES, BIKE PARKING AND BOLLARDS ALSO TO BE COORDINATED WITH TJPA.



#### PEDESTRIAN ZONE ON HOWARD ST.

The pedestrian zone is defined by several architectural strategies.

- First, two of the three lobbies were placed on Howard Street with a ceiling height of 18 feet; with an intent of creating a grand atmosphere from Howard Street.
- Second, glass fins were placed to support the lobbies' curtain wall system; in order to extend the narrow street of Howard and to maximize the transparency of the lobbies.
- Third, a retail space was provided to activate the facade.

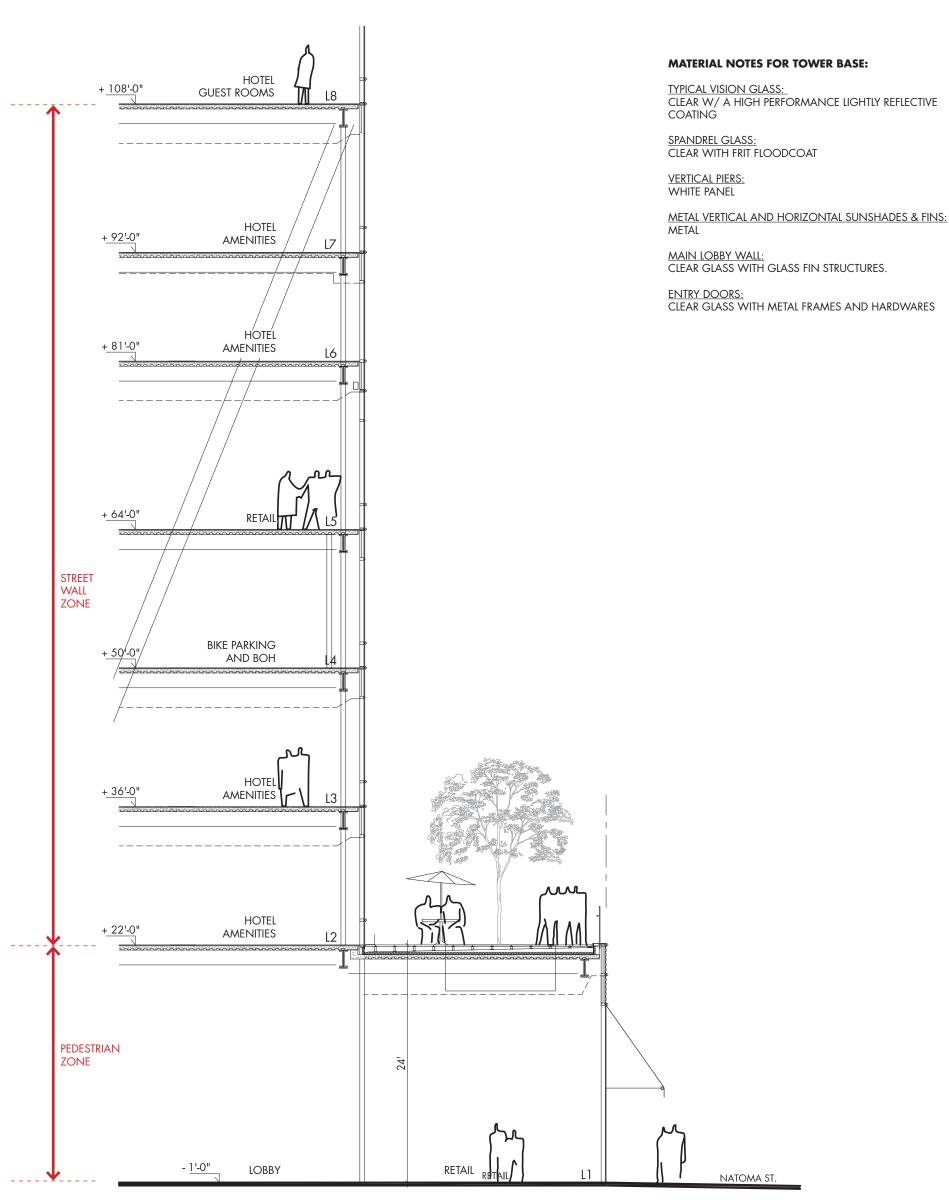
## STREETWALL ON HOWARD ST.

The streetwall is defined by several architectural strategies.

- First, A comfortable pedestrian experience at ground level.
- Second, a five-story high volume, with a very distinct wall articulation smooths the transition between the scale of the neighboring buildings and the tower. This volume also shelters the entrance to the public passageway that connects to Natoma Street.
- Last, a four-story cutback at the base welcomes the Salesforce Transit Center Bridge as part of the architectural
  composition of this unique urban condition, and shelters the sculptural passageway that connects to Natoma
  Street



HOWARD STREET - TYPICAL WALL SECTION



## PEDESTRIAN ZONE ON NATOMA ST.

The pedestrian zone is defined by several architectural strategies.

- First, retail spaces along with outdoor seating were designated at the perimeter of the property to encourage an active atmosphere in the lower levels of the tower.
- Second, an open terrace space was provided on the second level of the tower to ensure an active and green life among the street of Natoma.
- Third, a public elevator was provided to access Salesforce Transit Center roof park.

## STREETWALL ON NATOMA ST.

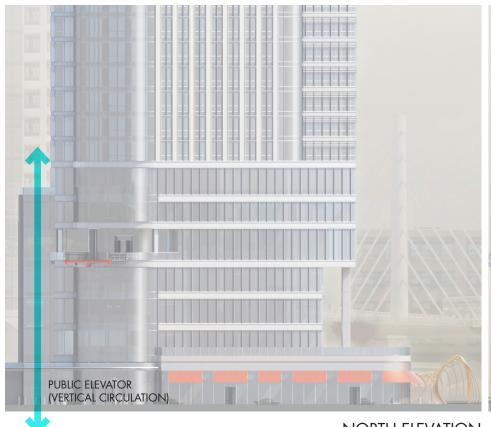
Architectural Submittal 309 Application

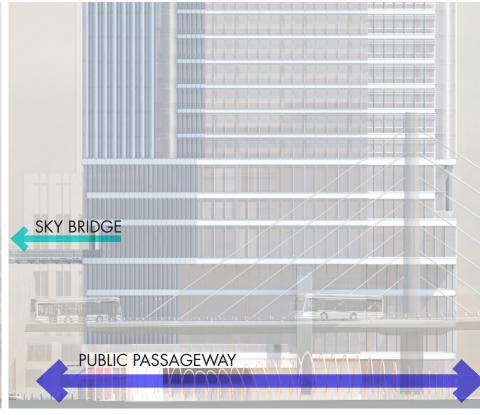
Several architectural articulations help define the Streetwall on Natoma Street.

- First, the one-story high retail volume provides human scale and acts as a balanced counterpart to the undulating metal screens of Transbay Transit Center façade.
- Second, the base on Natoma St. features a setback terrace and a bridge that connects to the Salesforce Transit Center Park.



NATOMA STREET - TYPICAL WALL SECTION

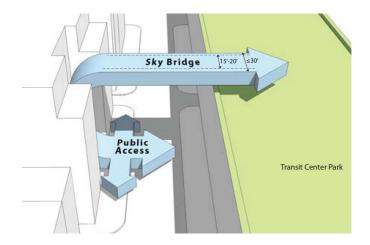




**NORTH ELEVATION** 

WEST ELEVATION





## CONNECTIVITY TO TRANSBAY TRANSIT CENTER PARK:

#### POLICY 3.17

Permit buildings to satisfy open space requirements through direct connections to the Transit Center Park.

To satisfy the intent of section 138, these connections must meet minimum standards for public accessibility and functionality in the following manner

- Be publicly accessible and connected appropriately to vertical circulation;
- Provide clear signage from a public way, indicating public access to the park.

-Transit Center District Plan-

## PUBLIC PASSAGE WAY / CONNECTIVITY



Level	Perimeter Area	MEP Deductions per SF Planning Code	Other Deductions per SF Planning Code	Residential GSF	Office GSF	Hotel GSF	CCSF Gross Area Above/Below Grade
62	2 15,305	5,000	10,305	0	0	0	0
61			258	14,916	0	0	
60			258	14,916	0	0	
59			258	14,916	0	0	
58 57			258 258	14,916 14,916	0	0	
56			258	14,916	0	0	
55			258	14,916	0	0	
54			258	14,916	0	0	
53			258	14,916	0	0	•
52			258	14,916	0	0	•
51			258	14,916	0	0	•
50			258 258	14,916	0	0	
49 48			258 258	14,916 14,916	0	0	
47			258	14,916	0	0	
46			258	14,916	0	0	
45			258	14,916	0	0	
44			258	14,916	0	0	
43			258	14,916	0	0	
42			258	14,916	0	0	
41			258	14,916	0	0	
40			258	14,916	0	0	
39 38			258 258	14,916 14,916	0	0	
37			258	14,916	0	0	
36			258	14,916	0	0	
35			258	14,916	0	0	
34	15,305	131	258	14,916	0	0	14,916
33			219	14,412	0	0	14,412
32			8,946	0	0	0	
31			386	0	16,930	0	
30 29			386 386	0	1 <i>7</i> ,830 1 <i>7</i> ,830	0	
28			386	0	17,830 17,830	0	
27			386	0	17,830	0	
26			386	0	1 <i>7</i> ,830	0	
25	18,590	374	386	0	1 <i>7</i> ,830	0	1 <i>7</i> ,830
24			386	0	1 <i>7</i> ,830	0	
23			386	0	17,830	0	
22			386	0	17,830	0	
21			386	0	17,830	0	
20 19			386 386	0	1 <i>7</i> ,830 1 <i>7</i> ,830	0	
18			386	0	17,830	0	17,830 17,830
17			369	0	17,578	0	1 <i>7,57</i> 8
16			370	0	0	18,220	
15	18,590	0	370	0	0	18,220	18,220
14			370	0	0	18,220	
13			370	0	0	18,220	
12			370	0	0	18,220	
11 10			370 370	0	0	18,220 18,220	
9			370	0	0	18,220	
8			370	0	0	18,220	
7			4,820	0	0	13,338	13,338
6			738	0	0	16,745	16,745
5			13,408	0	6,053	0	
4			6,260	0	0	12,597	
3			372	0	0	18,485	18,485
2			437	1 406	2 222	18,485	18,485
B1 Mezz.	22,300 7,900		15,986 5,260	1,496	3,323	1,496 2,640	
B1 Mezz. B1			19,300	0	0	2,640	2,640 0
B2			18,430	0	0	0	0
B3			18,430	0	0	0	0
B4			18,430	0	0	0	0
Tota	1,140,458	25,796	157,668	433,556	275,674	247,765	956,995

NOTES: CCSF gross area is per San Francisco Planning Code Article 1, Sec. 102.9 - Gross area: Perimeter area is measured at 4' above finished floor

The above calculations for deducted area assumes the following understanding of CCSF code: 1: Floor space used for off-street parking or loading.

(MEP, Elec, Tel rooms/shafts, Restroom shafts/risers)

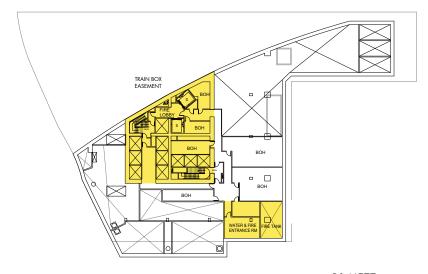
6: Ground floor lobby circulation space (3,480 SF)

AREA SCHEDULE {2019.12.18}

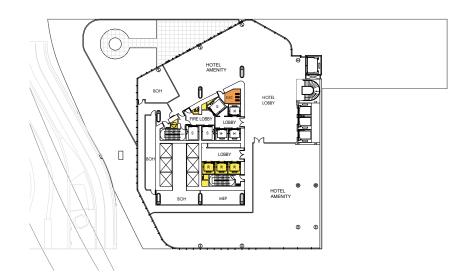
<sup>2:</sup> Basement space used for storage or services necessary to the operation or maintenance of the building3: Elevator or stair penthouses, etc at the top of the building used for operation or maintenance of the building

<sup>4:</sup> Mechanical equipment areas necessary to the operation of the building

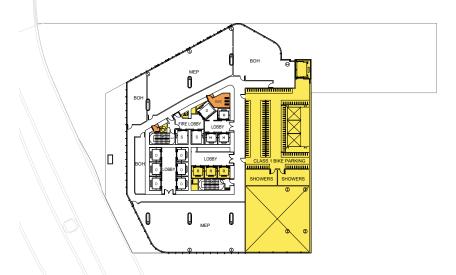
<sup>5:</sup> Retail area less than 5,000 SF per use on ground and park level
(L1 retail on Natoma St.= 1,605 SF, L1 retail on Howard St.= 714 SF, and retail at park level= 5,000 SF)



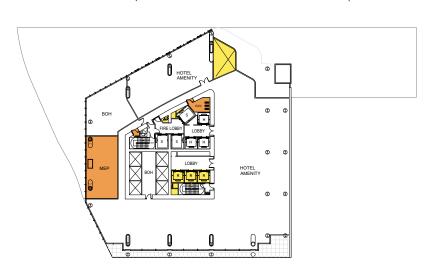
B1 MEZZ. 7,900 SF PERIMETER AREA: DEDUCTS PER SF PLANNING CODE: 5,260 SF CCSF GROSS AREA ABOVE / BELOW GRADE: 2,640 SF



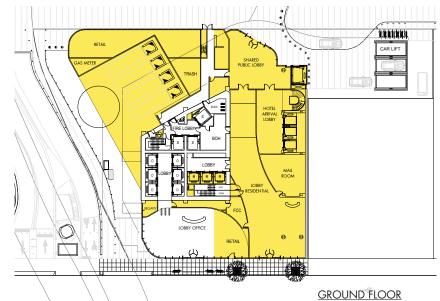
PODIUM - LEVEL 2 19,022 SF PERIMETER AREA: DEDUCTS PER SF PLANNING CODE: 437 SF MEP DEDUCTS PER SF PLANNING CODE: 100 SF CCSF GROSS AREA ABOVE / BELOW GRADE: 18,485 SF



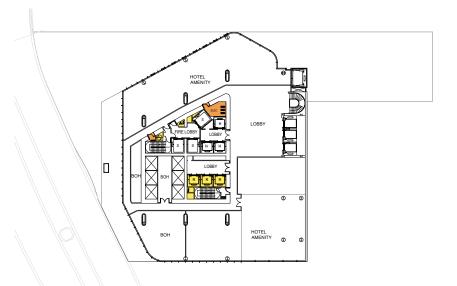
PODIUM - LEVEL 4 PERIMETER AREA: 19,022 SF DEDUCTS PER SF PLANNING CODE: 6,260 SF MEP DEDUCTS PER SF PLANNING CODE: 165 SF 12,507 SF CCSF GROSS AREA ABOVE / BELOW GRADE:



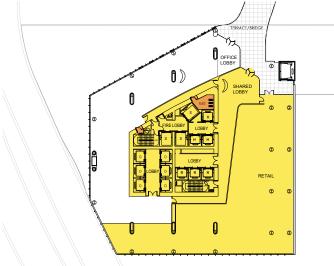
PODIUM - LEVEL 6 PERIMETER AREA: 18,719 SF DEDUCTS PER SF PLANNING CODE: 738 SF MEP DEDUCTS PER SF PLANNING CODE: 1,236 SF 16,745 SF CCSF GROSS AREA ABOVE / BELOW GRADE:



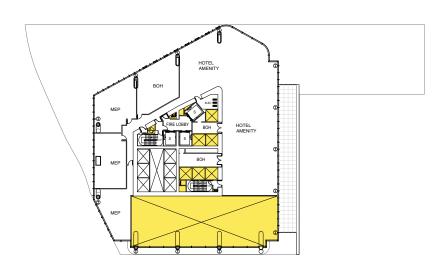
PERIMETER AREA: 23,300 SF 15,986 SF DEDUCTS PER SF PLANNING CODE: CCSF GROSS AREA ABOVE / BELOW GRADE: 6,314 SF



PODIUM - LEVEL 3 PERIMETER AREA: 19,022 SF DEDUCTS PER SF PLANNING CODE: 372 SF MEP DEDUCTS PER SF PLANNING CODE: 165 SF 18,485 SF CCSF GROSS AREA ABOVE / BELOW GRADE:



PODIUM - LEVEL 5 PERIMETER AREA: 19,626 SF DEDUCTS PER SF PLANNING CODE: 13,408 SF MEP DEDUCTS PER SF PLANNING CODE: 165 SF CCSF GROSS AREA ABOVE / BELOW GRADE: 6,053 SF



PODIUM - LEVEL 7 PERIMETER AREA: DEDUCTS PER SF PLANNING CODE: CCSF GROSS AREA ABOVE / BELOW GRADE:

**GROSS AREA SUMMARY** 

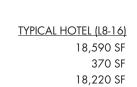
18,158 SF

13,338 SF

4,820 SF

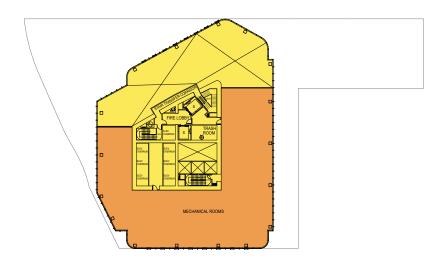


PERIMETER AREA:
DEDUCTS PER SF PLANNING CODE:
CCSF GROSS AREA ABOVE / BELOW GRADE:





PERIMETER AREA: 18,590 SF
DEDUCTS PER SF PLANNING CODE: 386 SF
MEP DEDUCTS PER SF PLANNING CODE: 374 SF
CCSF GROSS AREA ABOVE / BELOW GRADE: 17,830 SF

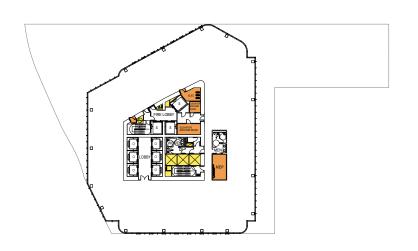


PERIMETER AREA: 17,690 SF
DEDUCTS PER SF PLANNING CODE: 8,946 SF
MEP DEDUCTS PER SF PLANNING CODE: 8,744 SF
CCSF GROSS AREA ABOVE / BELOW GRADE: 0 SF



PERIMETER AREA:
DEDUCTS PER SF PLANNING CODE:
MEP DEDUCTS PER SF PLANNING CODE:
CCSF GROSS AREA ABOVE / BELOW GRADE:

TYPICAL RESIDENTIAL (L34-61) 15,305 SF 258 SF 131 SF 14,916 SF



OFFICE (L17)

18,590 SF

17,578 SF

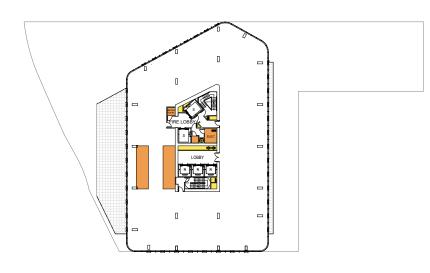
369 SF

643 SF

PERIMETER AREA:
DEDUCTS PER SF PLANNING CODE:
MEP DEDUCTS PER SF PLANNING CODE:
CCSF GROSS AREA ABOVE / BELOW GRADE:

THE LOBS IN THE LO
--

PERIMETER AREA: 07FICE (L31)
PERIMETER AREA: 17,690 SF
DEDUCTS PER SF PLANNING CODE: 386 SF
MEP DEDUCTS PER SF PLANNING CODE: 374 SF
CCSF GROSS AREA ABOVE / BELOW GRADE: 16,930 SF



PERIMETER AREA:

DEDUCTS PER SF PLANNING CODE:

MEP DEDUCTS PER SF PLANNING CODE:

CCSF GROSS AREA ABOVE / BELOW GRADE:

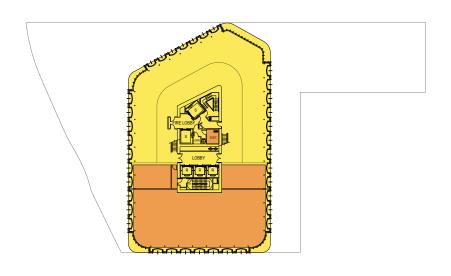
RESIDENTIAL (L33)

15,305 SF

219 SF

674 SF

14,412 SF



PERIMETER AREA:
DEDUCTS PER SF PLANNING CODE:
MEP DEDUCTS PER SF PLANNING CODE:
CCSF GROSS AREA ABOVE / BELOW GRADE:

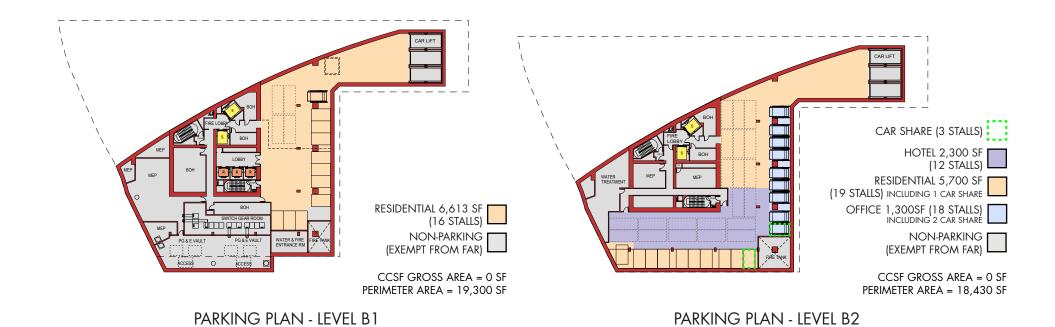
ROOF (L62) 15,305 SF 10,305 SF 5,000 SF 0 SF

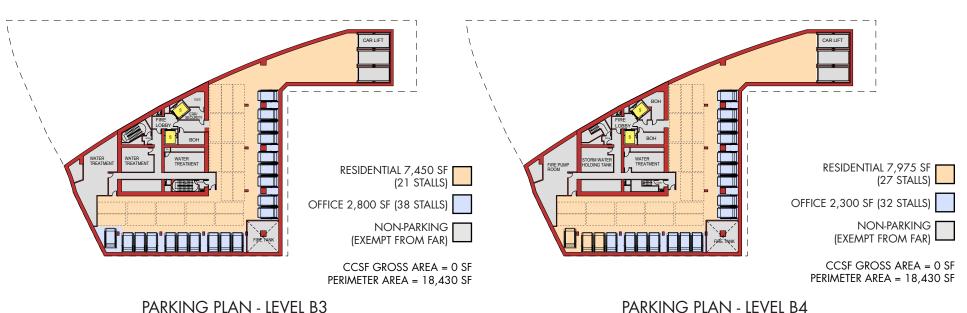
**GROSS AREA SUMMARY** 

PROGRAM	Allowable Parking	Provided Parking	Reference
non-residential	18,625 SF	100 STALLS / 9,700 SF	SF PLANNING CODE SEC 151.1 (c), (d), (f) 3.5% OF GROSS
residential (165 units)	83 STALLS	83 STALLS	SF PLANNING CODE SEC. 151.1 (f) 0.5 CAR PER 1 UNIT
TOTAL		183 STALLS	

NON-RESIDENTIAL ALLOWABLE PARKING CALCULATION	CCSF
OFFICE	275,674 SF
HOTEL	247,765 SF
RETAIL	8,700 SF
TOTAL NON-RESIDENTIAL CCSF	532,139 SF
NON-RESIDENTIAL ALLOWABLE PARKING: 3.5% OF GROSS	18,625 SF

NUMBER OF CAR SHARE PARKING STALLS		Reference
non-residential	2	SF PLANNING CODE SEC 166
DWELLING	1	SF PLANNING CODE SEC. 166
TOTAL CAR SHARE	3	



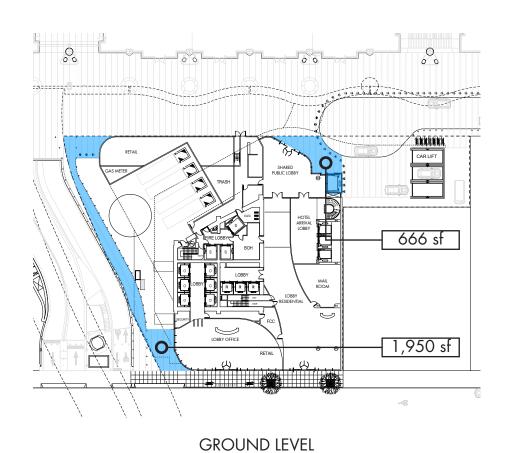


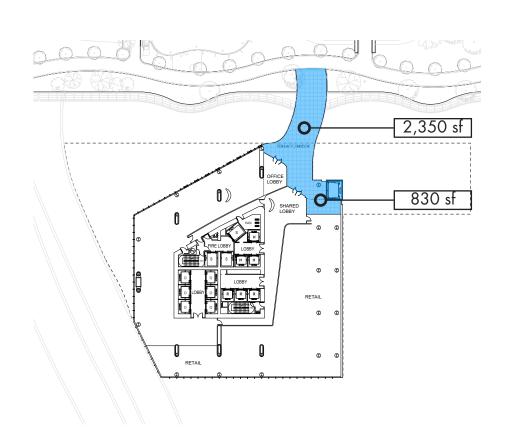
PARKING PLAN - LEVEL B3

PARKING SUMMARY

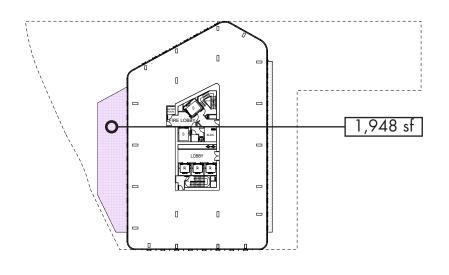
Residential:	165 units	Required Open Space	Proposed Open Space	Notes
48 SF Common Open Space x 165 units	_	7,920	7,494	Roof Top Terrace
			1,948	Terrace at 33L
TOTAL RESIDENTIAL OPEN SPACE		7,920	9,442	Planning Code 138(g)

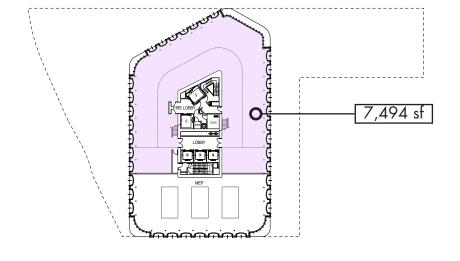
Commercial:	523,439 SF	Required Open Space	Proposed Open Space	Notes
1 SF of open space / 50 SF		10,469	5,000	Bonus (Section 138(j)(1)(F)(iv))
			1,950	Gr. Flr. Passage
			666	Access to Public elevator
			830	Public elevator to Park level (L1-L5)
			2,350	Bridge & Terrace at 5L
TOTAL COMMERCIAL OPEN SPACE		10,469	10,796	Planning Code 138(g)





PODIUM - LEVEL 5





**RESIDENTIAL AMENITY - L 33** 

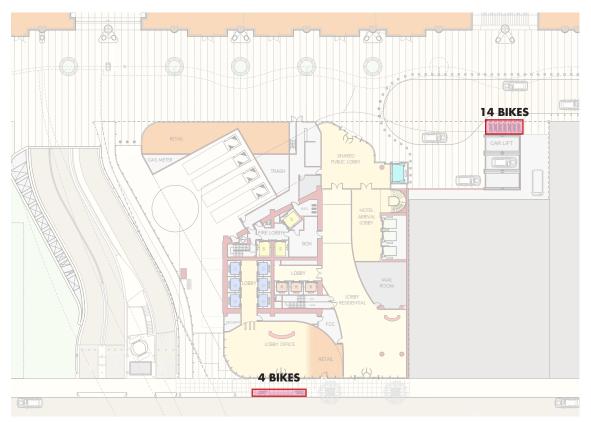
**ROOF** 



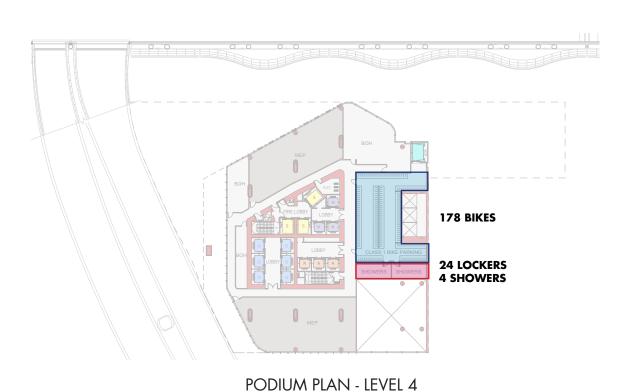
**OPEN SPACE SUMMARY** 

PLANNING CODE COMPLIANCE

	Residential	Hotel	Office	Total No. Required
GSF	-	-	275,674	
# of Units	165	189	-	
Class1 Code	100 Class1 spaces + 1 Class1 space/4units over 100 units	1 Class1 space/30 rooms	1 Class1 spaces/5,000sf	
CLASS1 TOTAL	116.3	6.3	55.1	178
Class2 Code	1 Class2 space/20units	1 Class2 space/30 rooms + 1 Class2 space/5,000 sf of Conf., Meeting Rooms	Min. 2 Spaces for office greater than 5,000SF + 1 Class2 space / add. 50,000 SF	
CLASS2 TOTAL	8.3	18.3	7.4	34



CLASS 2 BIKE PARKING - LEVEL 1
PAY IN LIEU FEE FOR 50% OF CLASS 2 REQUIREMENT (17 SPACES)



**BIKE PARKING SUMMARY** 

CLASS 1 BIKE PARKING

SHOWERS AND LOCKERS

CLASS 2 BIKE PARKING

CODE ITEM	Required/Permitted	Proposed	Action Requested
'P' ZONING CLEAN UP	LOTS 3721-135 AND 3721-138 ZONED C:3-0 (SD) AND 'P'	CHANGE TO C-3-0 (SD) ONLY	ZONING MAP AMENDMENT
RESIDENTIAL FLOOR PLATES [15K SF]	IN THE TCDP, RESITENTIAL FLOOR PLATES FOR SITES >15,000 SF IN AREA ARE	ALLOW RESIDENTIAL 'FOOTPRINT' OF 15,270 SF	LEGISLATIVE AMENDMENT-UNCODIFIED
	LIMITED TO A FOOTPRINT OF 15,000 SF	(Please refer to pp. 14-16 of the Supplemental Diagrams)	
HEIGHT LIMIT	[LOT 16 & 136 (portion) = 450-5	HEIGHT MAP AMENDMENT TO RECLASSIFY WESTERN PORTION OF LOT 16	ZONING MAP
AND BULK DISTRICT	LOT 135, 136 (portion) & 138 = 750-S 2  7.5% ADDITION MAY EXTEND ABOVE THE PERMITTED HEIGHT	THE 750-S-2 ZONE ON PORTION OF LOT 136 AT NORTHEASTEARN EDGE OF	AMENDMENT
		Tower (245 sf, as depicted in supplemental diagrams); reclassify Northwest portion of site to 450-s (4,576 sf, as depicted in	
		SUPPLEMENTAL DIAGRAMS). (Please refer to pg. 2 of the Supplemental Diagrams).	
GENERAL PLAN CONSISTENCY WITH ZONING	STATE LAW REQUIRES THE GENERAL PLAN (DOWNTOWN PLAN AND TRANSIT CENTER DISTRICT PLAN ("TCDP") TO BE CONSISTENT WITH ZONING.	REVISE DOWNTOWN PLAN LAND USE MAP (MAP 1) TO CONFORM TO TCDP AND CURRENT C:3-0(SD) ZONING; REVISE DOWNTOWN PLAN HEIGHT MAP	GENERAL PLAN AMENDMENT
		(MAP 5) AND TRANSIT CENTER DISTRICT PLAN HEIGHT MAP (FIGURE 1) TO CONFORM TO ZONING HEIGHT MAP AMENDMENT DESCRIBED BELOW	
SETBACKS	ESTABLISH A DISTINCTIVE STREETWALL AT A HEIGHT BETWEEN 50' TO 110' FOR NOT LESS THAN 40% OF THE UNEAR FRONTAGE AT ALL STREET FRONTAGE	FAÇADE PROVIDES GREATER DEGREE OF ARTICULATION UP TO 110' TO KEEP IN CHARACTER WITH THE STREETWALL CONCEPT BUT DOES NOT COMPLY WITH	
(§132.1)	INOT LESS THAIN 40% OF THE LINEAR PROMIAGE AT ALL STREET PROMIAGE	THE 10' SETBACK REQUIREMENT FOR 40% OF THE FRONTAGE ON HOWARD STREET	(§ 309(a)(1))
	SEPARATION OF TOWERS FROM AN INTERIOR PROPERTY LINE	15' SEPARATION OF TOWER FROM INTERIOR PROPERTY LINE UP TO A HEIGHT	309 EXCEPTION
		OF 411' AND 18' SEPARATION FROM 430' UPWARDS (Please refer to pg.17 of the Supplemental Diagrams)	(§ 309(a)(1))
	SEPARATION OF TOWERS AT PUBLIC STREETS		309 EXCEPTION (8 309(a)(1))
		predict to pg. 10 of the Supplemental Diagrams)	
REAR YARD (§134)	25% OF LOT DEPTH IS REQUIRED AT THE LOWEST STORY CONTAINING A DWELLING UNIT AND EACH SUCCEEDING STORY ABOVE	NONE PROVIDED (Please refer to pg.19 of the Supplemental Diagrams)	309 EXCEPTION (§ 309(a)(1))
UNIT EXPOSURE	AT LEAST ONE ROOM THAT MEETS THE 120-SQUARE-FOOT MINIMUM FLOOR AREA SHALL FACE DIRECTLY ON AN OPEN SPACE		309 EXCEPTION (§ 309(a)(14))
(34)	, met vivil a procession of the vivil of environment	(Please refer to pg.8 of the Supplemental Diagrams)	(3 507 (5)(1-4))
OFF STREET LOADING	6 LOADING SPACES REQUIRED	4 PROVIDED	309 EXCEPTION
(§152.1)		(Please refer to pg.9 of the Supplemental Diagrams)	(§ 161(e))
RATIO OF COMMERCIAL TO RESIDENTIAL USAGE	RATIO OF COMMERCIAL TO RESIDENTIAL FOR PARCELS	EXCEPTION TO 2:1 COMMERCIAL TO RESIDENTIAL REQUIREMENT	309 EXCEPTION
[§248(c))	LARGER THAN 15,000 SF GREATER OR EQUAL TO 2:1.		(§ 309(a)(8))
TOUR BUS LOADING	ONE OFF-STREET TOUR BUS LOADING SPACE REQUIRED FOR HOTELS WITH 201-	TEDO OFF CENTET TO US BUILD A DINING CRACES	309 EXCEPTION
(§162(b))	350 ROOMS		(§ 309(a)(7))
BULK AREA REDUCTION (§272)	AVERAGE SIZE OF UPPER 1/3 OF TOWER IS TO BE REDUCED TO 75% OF AVERAGE FLOOR AREA OF THE LOWER TOWER	AVERAGE FLOOR PLATE OF TOP 1/3 REDUCED TO 82% OF LOWER 2/3 AVERAGE FLOOR PLATE	309 EXCEPTION (§ 309(a)(13))
		(Please refer to pp. 4-7 of the Supplemental Diagrams)	
	AVERAGE DIAGONAL DIMENSION OF UPPER 1/3 OF TOWER IS TO BE REDUCED TO 87% OF DIAGONAL DIMENSION OF THE LOWER TOWER	Average upper diagonal reduced to 95 % of Lower 2/3 average diagonal	309 EXCEPTION (§ 309(a)(13))
		(Please refer to pp. 4-7 of the Supplemental Diagrams)	
GARAGE AND LOADING ACCESS (§ 155(r))	CURB CUTS ARE NOT ALLOWED ON HOWARD WHICH IS IDENTIFIED AS AN OFFICIAL CITY BICYCLE ROUTE	INTERRUPT BICYCLE LANE WITH CURB CUT FOR LOADING ACCESS (Please refer to pg. 9 of the Supplemental Diagrams)	VARIANCE
10		r total to pg. 7 of the supplemental Diagrams)	
	NEW ENTRIES ARE NOT ALLOWED ON NATOMA FROM 300 FEET WEST OF	PROVIDE VEHICULAR ACCESS THROUGH NATOMA	309 EXCEPTION
	FIRST STREET.	(Please refer to pg. 9 of the Supplemental Diagrams)	
PARKING & LOADING ENTRANCES		ON HOWARD ST., 35'-8" AND ON NATOMA ST. 64'-6"	VARIANCE
(§ 145(c))	ANY GIVEN STREET FRONTAGE SHALL BE DEVOTED TO PARKING AND LOADING INGRESS AND EGRESS	(Please refer to pg. 9 of the Supplemental Diagrams)	
STREET FRONTAGES	ACTIVE USES SHALL BE PROVIDED WITHIN 25 FEET OF THE BUILDING DEPTH ON	EXCEED LOBBY MAXIMUM FRONTAGE WIDTH ON HOWARD	VARIANCE
(§145.1)	THE GROUND FLOOR. BUILDING LOBBIES ARE CONSIDERED ACTIVE USES SO LONG AS THEY DON'T EXCEED 40 FEET OR 25% OF THE BUILDING FRONTAGE	(Please refer to pg. 10 of the Supplemental Diagrams)	·
Garage and loading access (§ 1.55(r))	ALL OFF-STREET FREIGHT LOADING AND SERVICE VEHICLE SPACES IN THE C-3 DISTRICTS SHALL BE COMPLETELY ENCLOSED	LOADING IS COVERED AND SCREENED FROM PUBLIC VIEW, BUT NOT ENCLOSED DUE TO ANGLE OF ENTRY AND TURNTABLE	VARIANCE

PLANNING CODE EXCEPTIONS



542-550 Howard Street, San Francisco, CA.

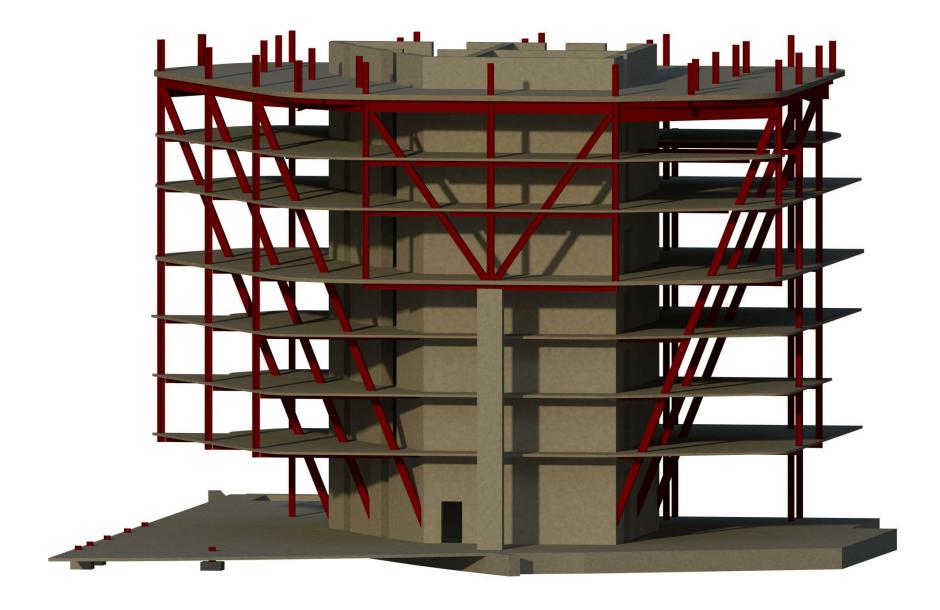
# STRUCTURAL SYSTEM MAGNUSSON KLEMENCIC ASSOCIATES

Transbay Parcel F will be approximately 800 feet tall, with a vertical mixed stack of public amenity, retail, hotel, office, and residential programs. The structural design will be performed in accordance with the 2013 San Francisco Building Code, including the San Francisco Department of Building Inspection Administrative Bulletin AB083, utilizing a non-prescriptive seismic design with a ductile shear wall core.

The tower columns and core walls will be founded on large diameter drilled shafts into the Franciscan Bedrock. Beneath the core, a thick mat foundation will distribute the wall loads to the drilled shafts and minimize differential settlement. Beyond the core, a thinner mat will resist hydrostatic uplift forces.

The below grade structure will consist of concrete flat plate slabs and concrete walls and columns. Through the podium, hotel and office levels, the structural floor framing system will consist of structural steel beams and columns with concrete on metal deck. In the residential levels, the structural system will consist of concrete post-tensioned flat slabs and concrete columns.

The most unique aspect of the structure is the column transfer condition at the base of the tower. With the northern and western portions of the tower being over the TJPA easements at and below grade, the structural columns will be sloped back to the core over 8 levels equally on opposing sides of the building. This equal and opposite column sloping with allow for balance of the structure minimizing the horizontal force on the core.



BUILDING INFORMATION MODEL OF BASE TRANSFER



#### **HKS ARCHITECTS**

#### TRANSIT ORIENTED DEVELOPMENT

The project is a Transit Oriented Development (TOD) in downtown San Francisco, adjacent to the Salesforce Transit Center, a multi-model transportation hub. The site is very walkable and bikable as well.

#### HIGH PERFORMANCE FACADE

The project will optimize energy performance through a high performance facade with integrated solar shading.

#### STORMWATER AND RAINWATER HARVESTING

The project will utilize alternate sources of water from stormwater and rainwater for flushing and landscape irrigation to reduce the water use in the building.

#### **CONSTRUCTION WASTE MANAGEMENT**

The project will divert more than 75% of the construction waste from landfills through recycling or reuse.

#### SUSTAINABLE MATERIALS

The project will utilize sustainable building materials such as responsibly sourced building materials, materials with recycled content and low (VOC) contents.

#### **DAYLIGHT AND VIEWS**

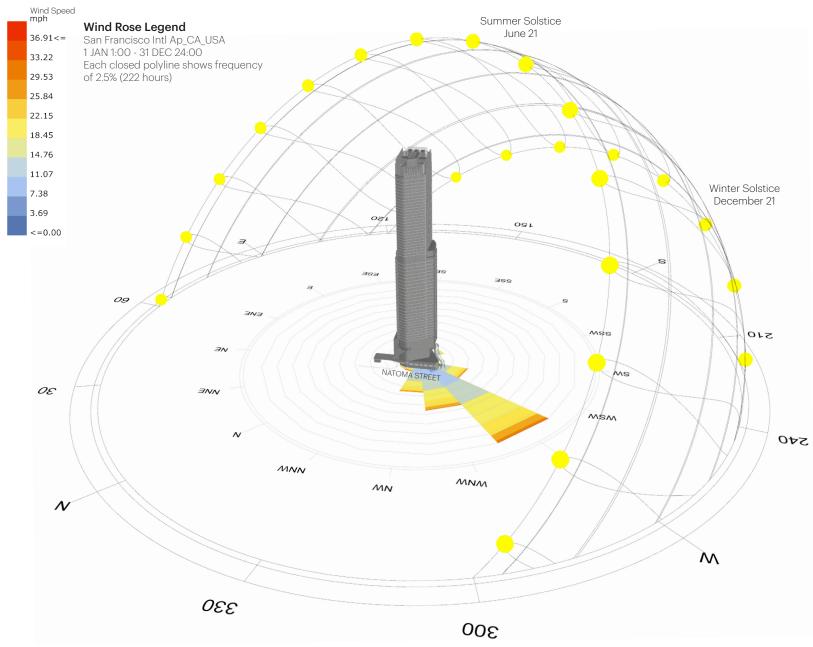
The building will provide natural daylight and quality views to its occupants.

#### ELECTRIC VEHICLE CHARGING AND PARKING

The project will be equipped with electric vehicle charging stations and preferred parking spaces for clean air/van pool/ electric vehicles.

#### **INNOVATION**

The project will include unique and innovative approaches to sustainability catered to respond to the local environment where it is located.





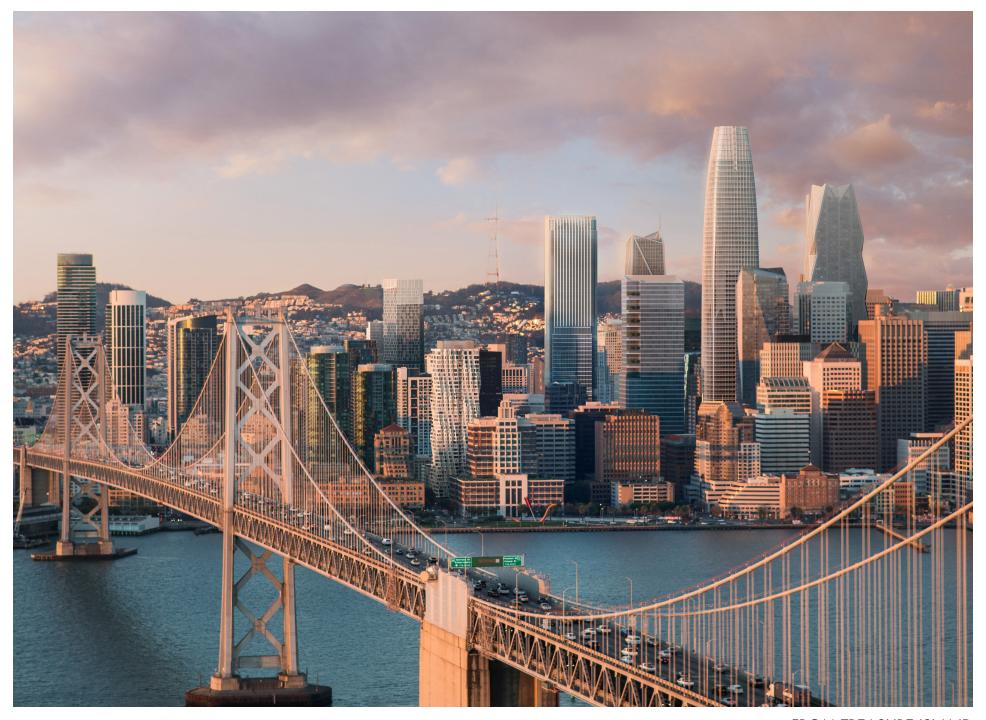
FROM DOLORES PARK



FROM MISSION BAY



AERIAL VIEW OF DOWNTOWN - FACING WEST



FROM TREASURE ISLAND









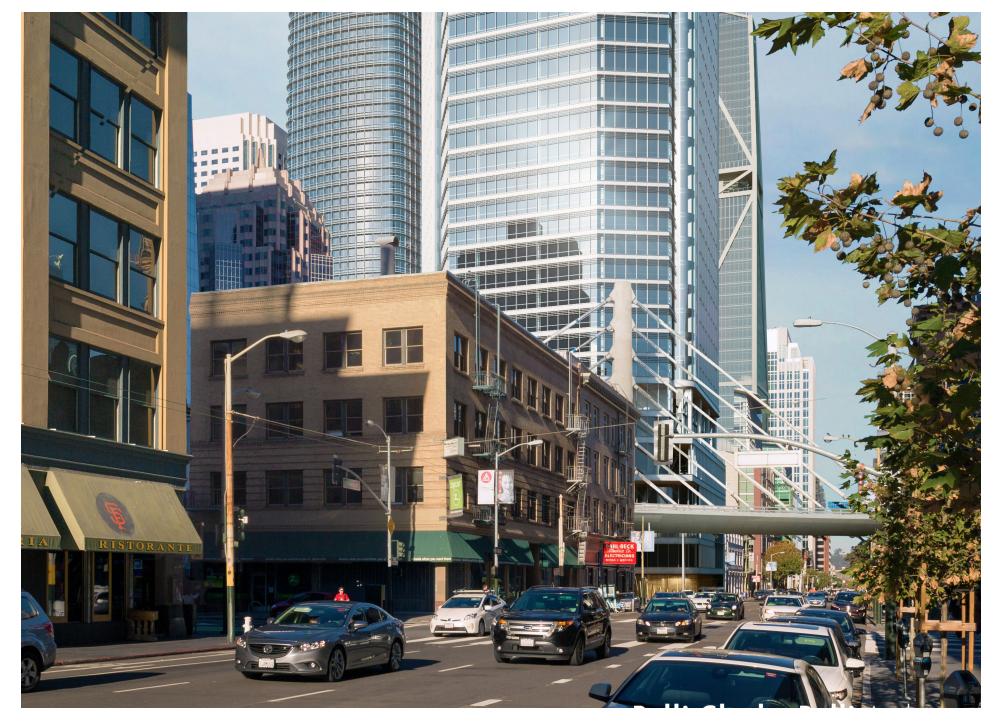


**HOWARD STREET LOOKING WEST** 



HOWARD STREET LOOKING EAST





**HOWARD STREET LOOKING EAST** 



NATOMA STREET LOOKING SOUTH/EAST



NATOMA STREET LOOKING SOUTH/EAST



NATOMA STREET LOOKING SOUTH/EAST



NATOMA STREET LOOKING SOUTH



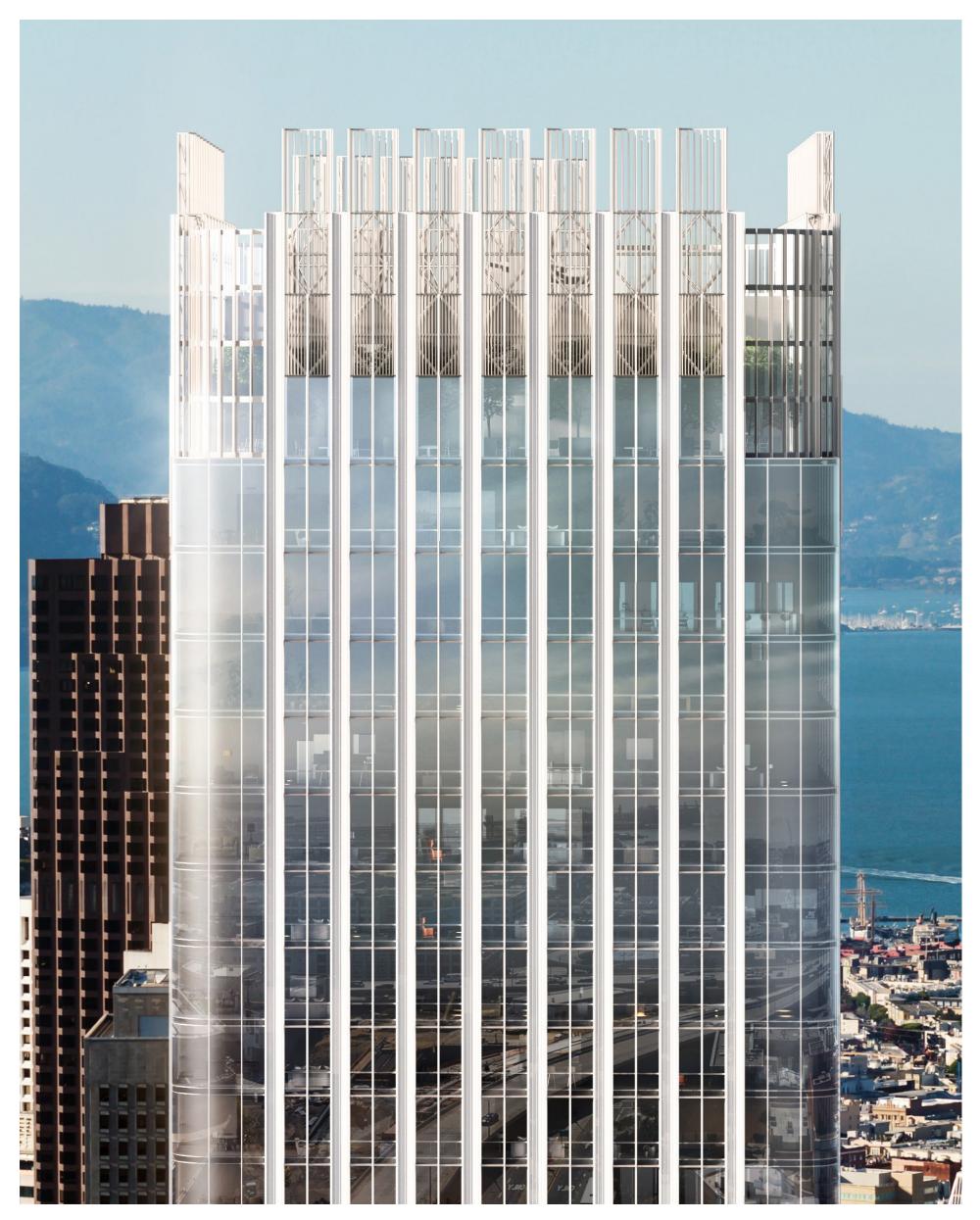
NATOMA STREET LOOKING WEST



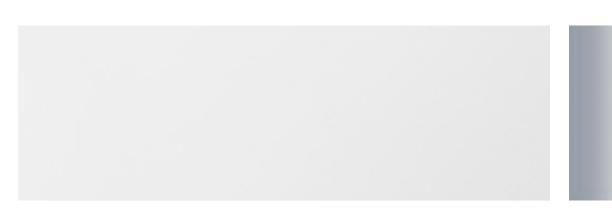
VIEW OF BRIDGE CONNECTION AT PARK LEVEL



Architectural Submittal 309 Application



**TOWER** 



THE BODY OF THE TOWER WILL BE CLADDED ON A HIGH PERFORMANCE CLEAR GLASS WITH SLIGHTLY REFLECTIVE COATING

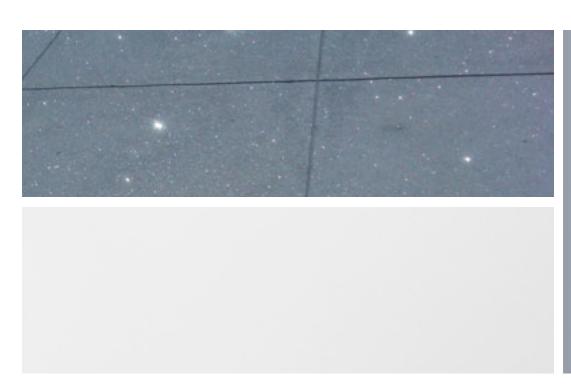
VERTICAL PIERS WITH WARM WHITE MAT FINISH PANELS

GRAY METAL TRIMS & SUNSHADES WITH A SATIN METALLIC FINISH.

 $\underline{\text{NOTE:}}$  The material selection may develop to reflect best practices and cost.



## **HOWARD STREET**



A COMFORTABLE PEDESTRIAN EXPERIENCE AT GROUND LEVEL IS PROVIDED BY A HIGH PERFORMANCE CLEAR GLASS.

VERTICAL PIERS AND HORIZONTAL BANDS WITH WARM WHITE MAT FINISH PANELS.

GRAY METAL TRIMS & SUNSHADES WITH A SATIN METALLIC FINISH.

SIDEWALK TO FOLLOW GUIDANCE ESTABLISHED BY CITY STANDARDS.

 $\begin{tabular}{ll} NOTE: \\ THE MATERIAL SELECTION MAY DEVELOP TO REFLECT BEST PRACTICES AND COST. \\ \end{tabular}$ 



NATOMA STREET



A COMFORTABLE PEDESTRIAN EXPERIENCE AT GROUND LEVEL IS PROVIDED BY A HIGH PERFORMANCE CLEAR GLASS.

VERTICAL PIERS AND HORIZONTAL BANDS WITH WARM WHITE MATTE FINISH PANELS.

METAL TRIMS & SUNSHADES ON GRAY SATIN FINISH METAL.

SIDEWALK TO FOLLOW GUIDANCE ESTABLISHED BY TJPA, WITH SANDBLASTED CONCRETE BANDING.

 $\begin{tabular}{ll} NOTE: \\ THE MATERIAL SELECTION MAY DEVELOP TO REFLECT BEST PRACTICES AND COST. \\ \end{tabular}$ 

542-550 Howard Street, San Francisco, CA.



## **Parcel F Tower**

542-550 Howard Street, San Francisco, CA.
Project Update (12/20/19
Hines & Urban Pacific

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NEW HAVEN NEW YORK SAN FRANCISCO SHANGHAI TOKYO



# **Parcel F Tower**

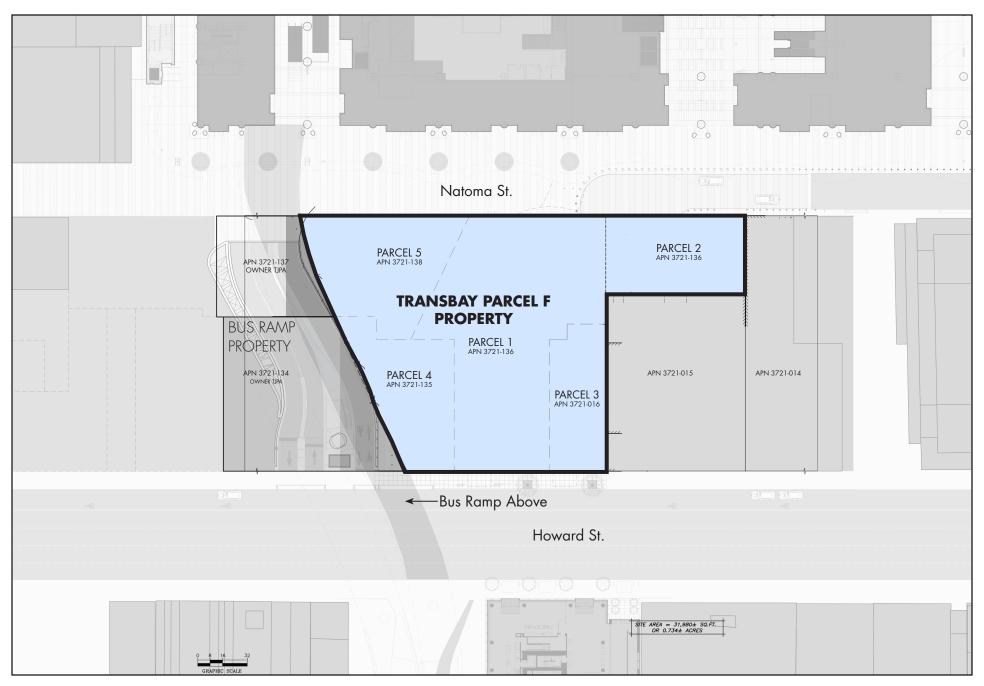
542-550 Howard Street, San Francisco, CA Supplemental Diagrams for 309 Application (12/20/19) Hines & Urban Pacific

Pelli Clarke Pelli Architects pcparch.com

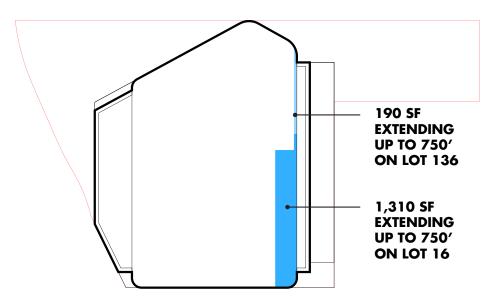
NEW HAVEN NEW YORK SAN FRANCISCO SHANGHAI TOKYO

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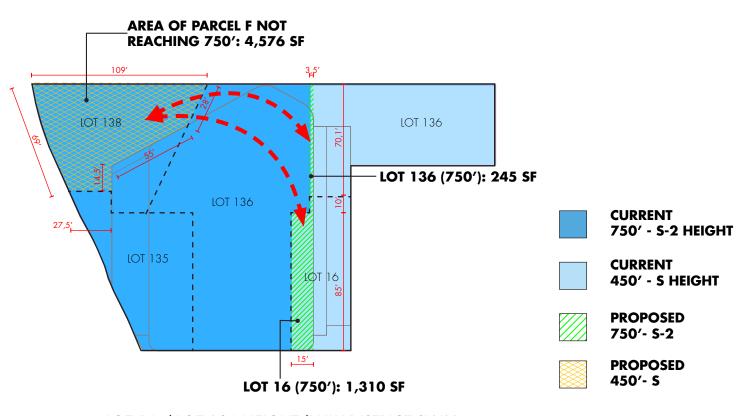
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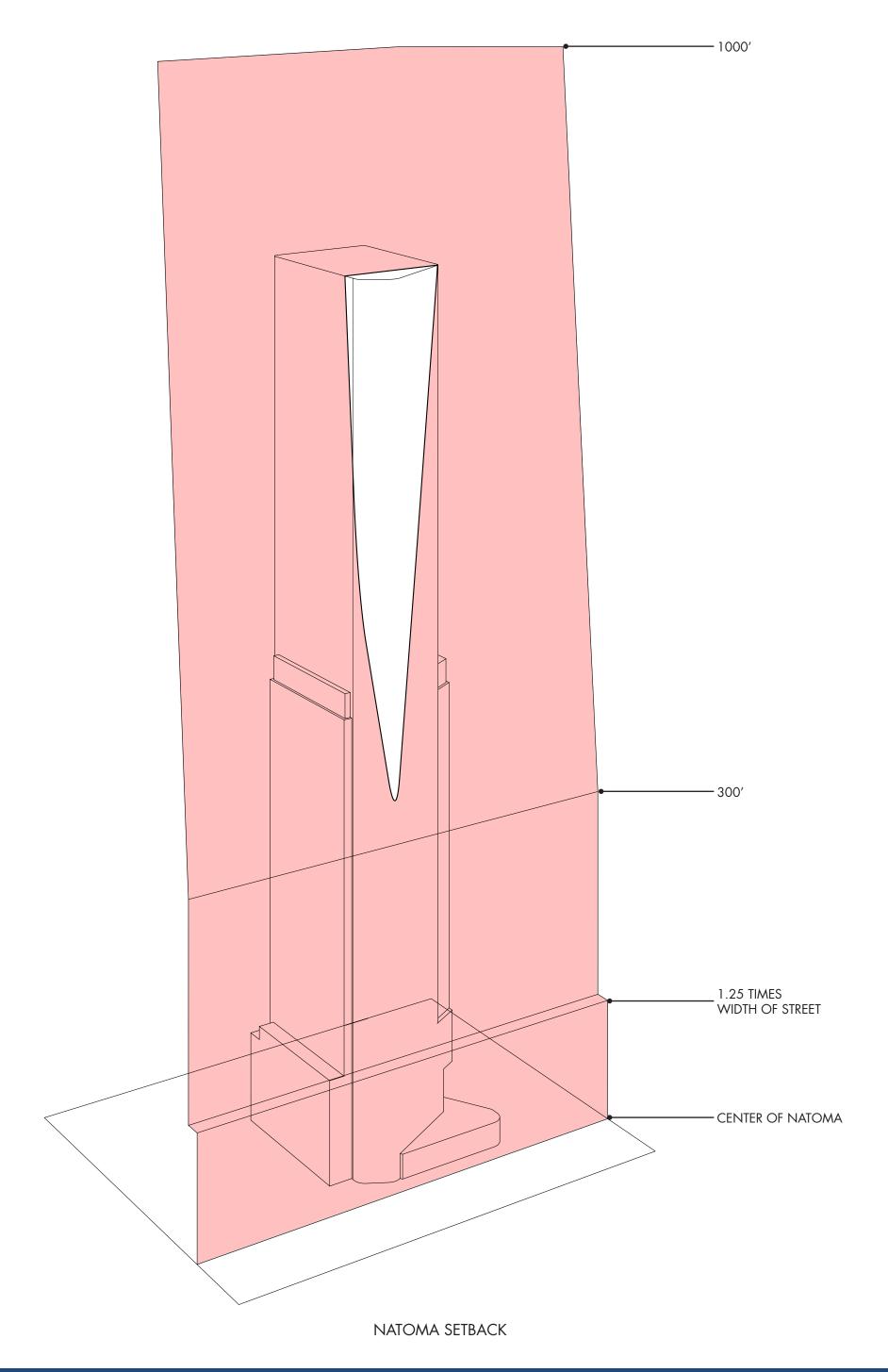
SITE PLAN/PARCELIZATION

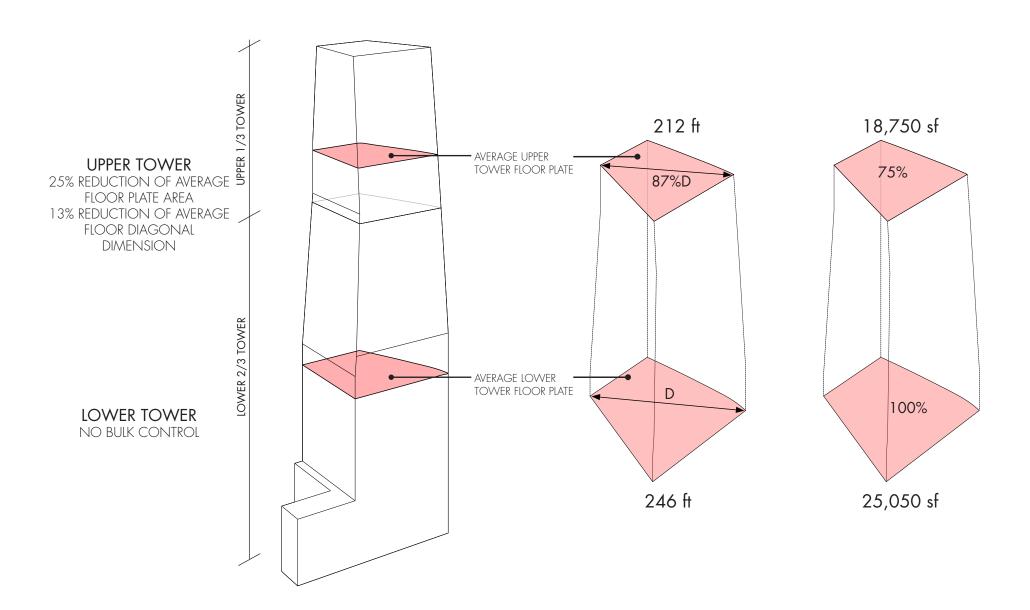


#### PORTION OF BUILDING AREA REQUIRING RE-CLASSIFICATION TO 750-S-2

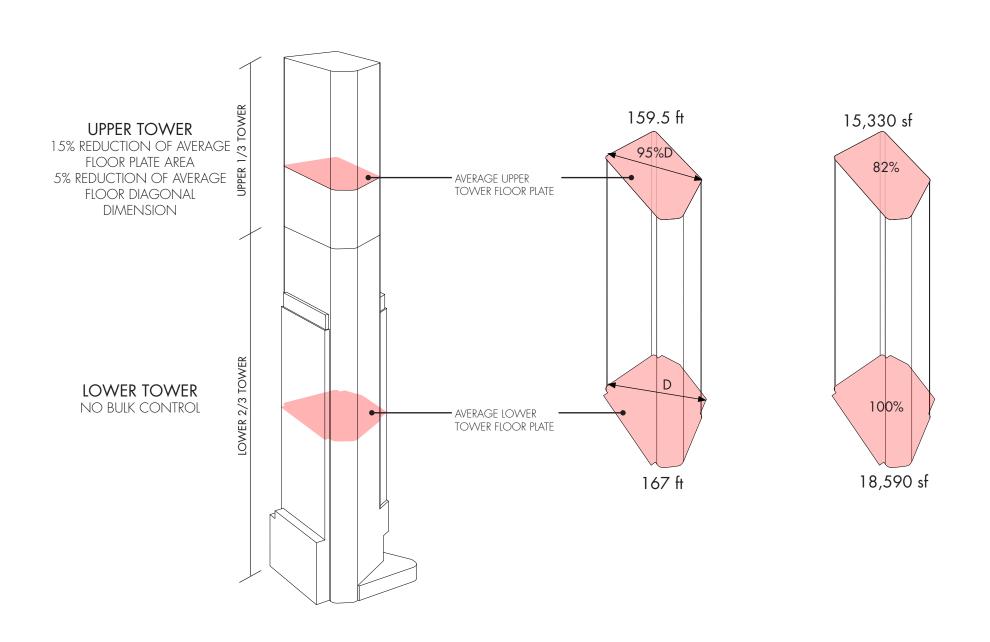


LOT 16 / LOT 136 HEIGHT/BULK DISTRICT SWAP

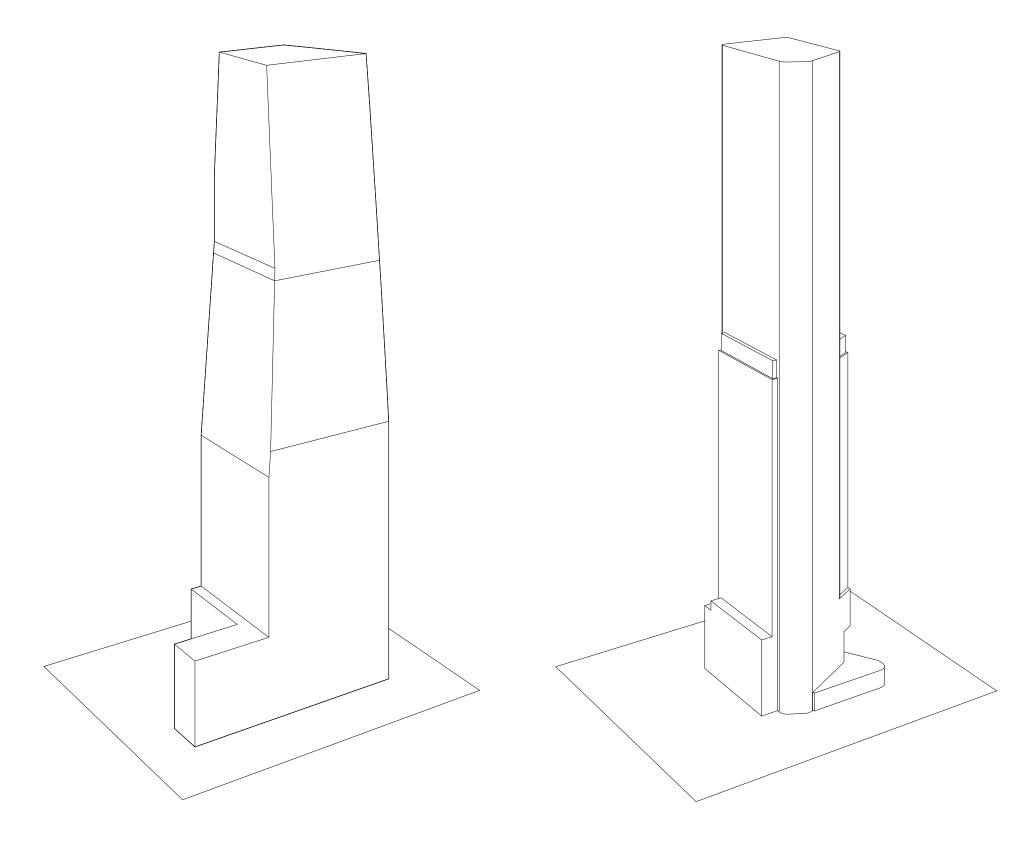




### **BULK REDUCTION**



### PROPOSED BULK REDUCTION



VOLUME WITH STRICT ADHERENCE TO SETBACKS AND BULK LIMITS

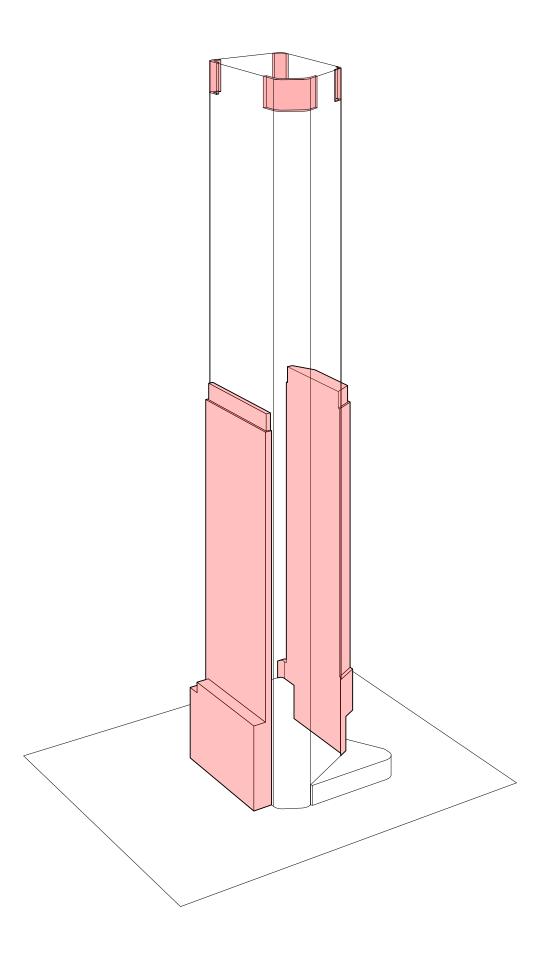
PROPOSED DESIGN

#### **COMPLIANCE WITH SECTION 272.1 CRITERIA**

ACHIEVEMENT OF A DISTINCTLY BETTER DESIGN, IN BOTH A PUBLIC AND A PRIVATE SENSE, THAN WOULD BE POSSIBLE WITH STRICT ADHERENCE TO THE BULK LIMITS, AVOIDING AN UNNECESSARY PRESCRIPTION OF BUILDING FORM WHILE CARRYING OUT THE INTENT OF THE BULK LIMITS AND THE PRINCIPLES AND POLICIES OF THE MASTER PLAN;

#### COMPLIANCE WITH SECTION 272.4D CRITERIA

COMPENSATION FOR THOSE PORTIONS OF BUILDING, STRUCTURE OR DEVELOPMENT THAT MAY EXCEED THE BULK LIMITS BY CORRESPONDING REDUCTION OF OTHER PORTIONS BELOW THE MAXIMUM BULK PERMITTED

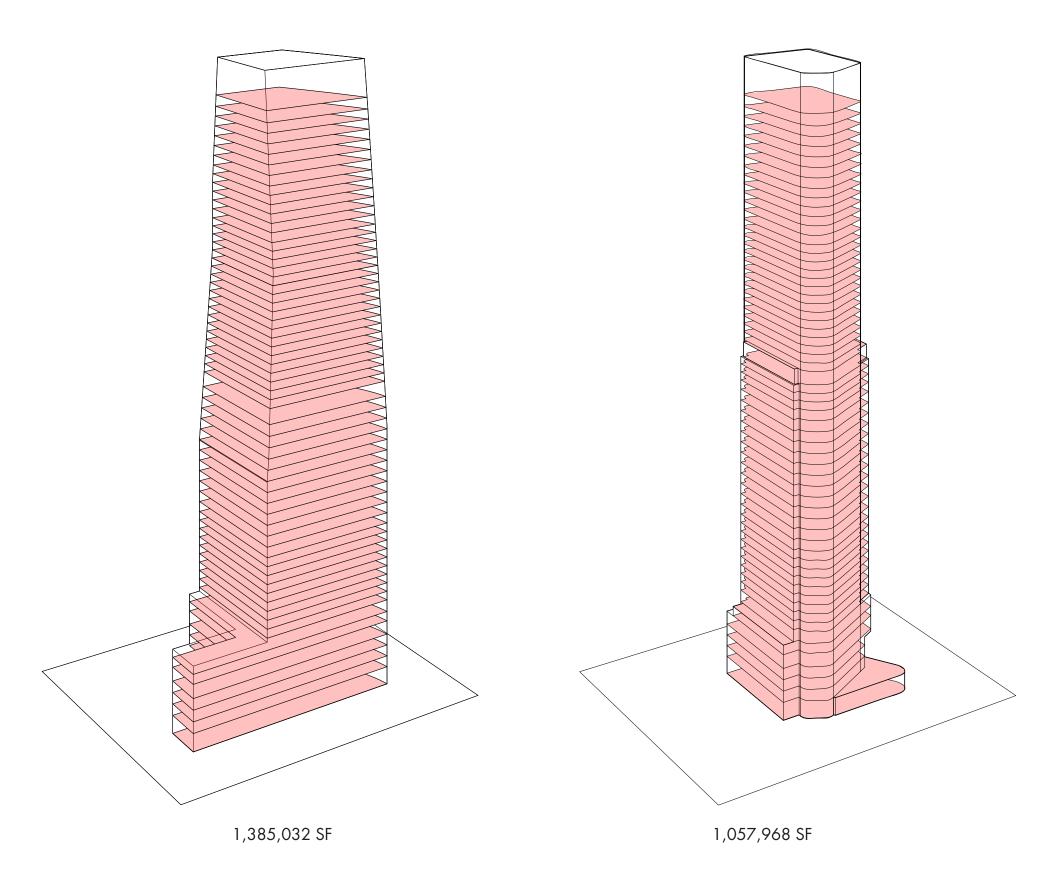


#### COMPLIANCE WITH SECTION 272.4A CRITERIA

MAJOR VARIATIONS IN THE PLANES OF WALL SURFACES, IN EITHER DEPTH OR DIRECTION, THAT SIGNIFICANTLY ALTER THE MASS.

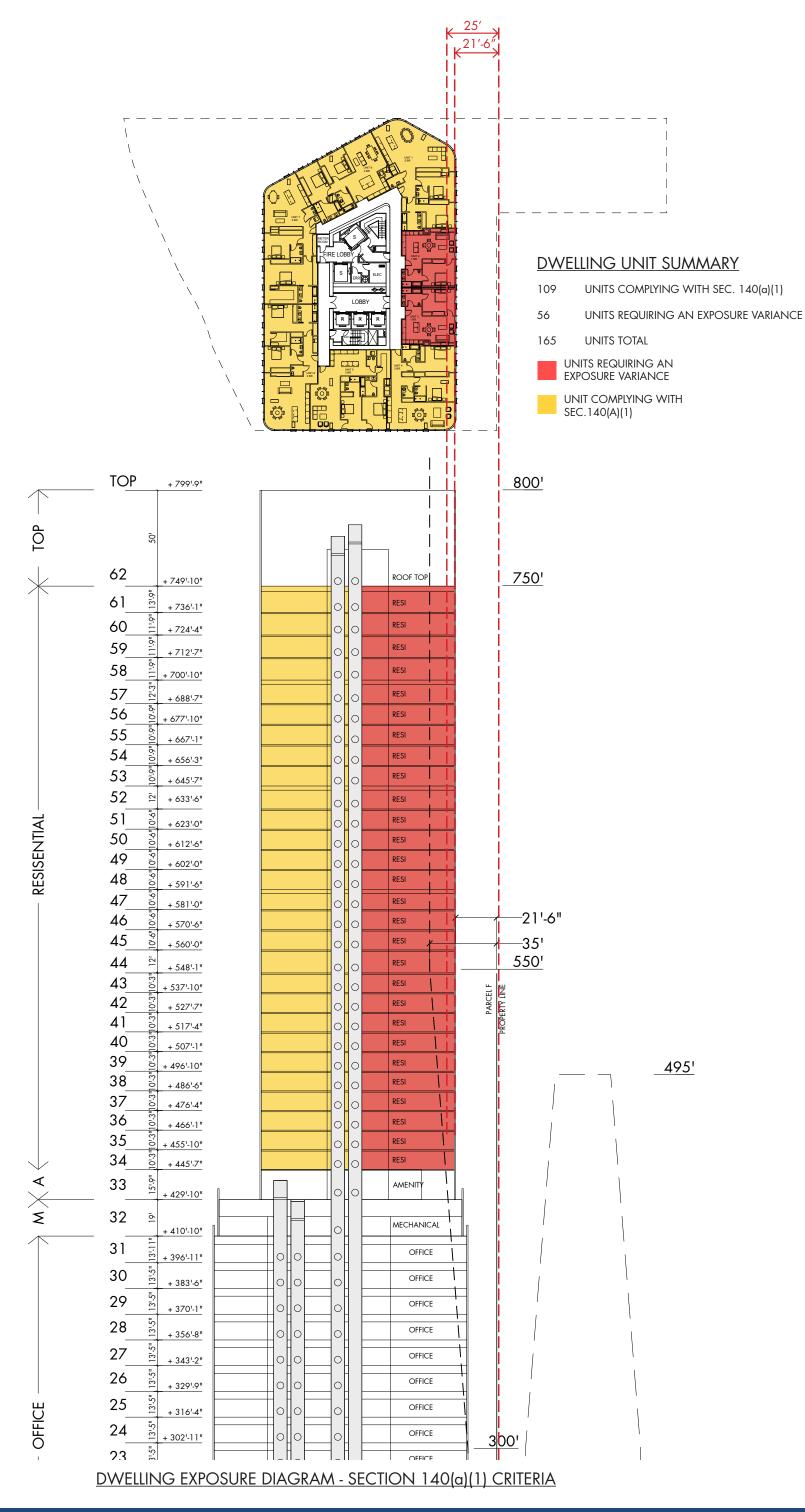
#### COMPLIANCE WITH SECTION 272.4B CRITERIA

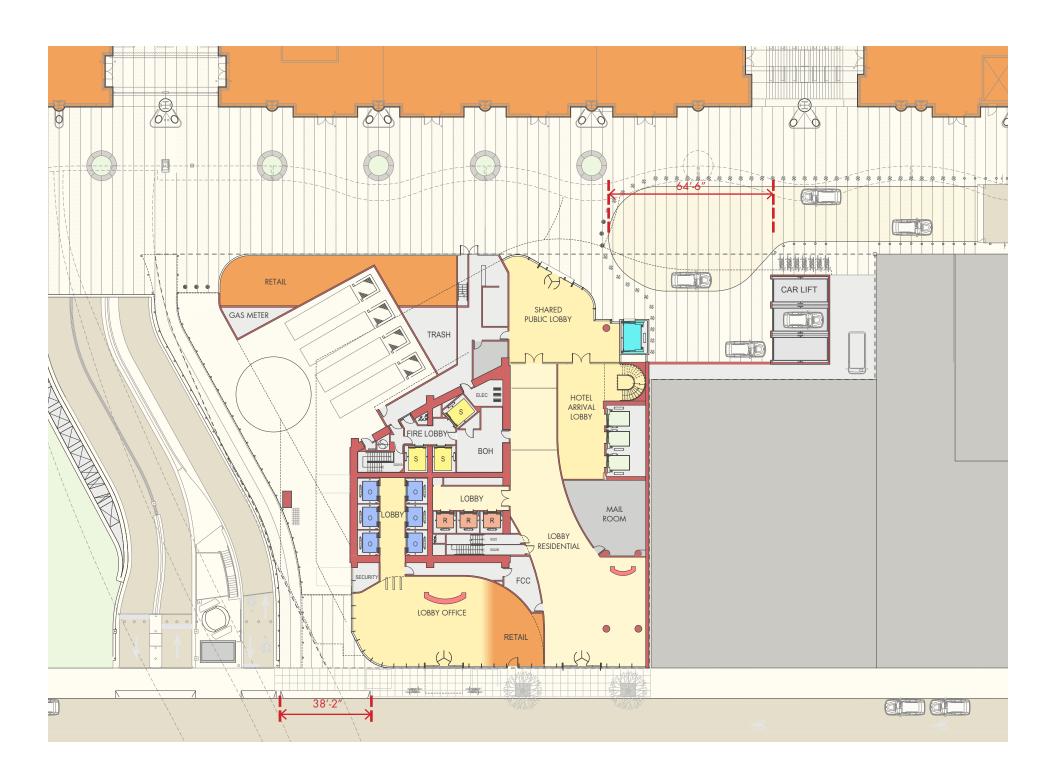
SIGNIFICANT DIFFERENCES IN THE HEIGHTS OF VARIOUS PORTIONS OF THE BUILDING, STRUCTURE OR DEVELOPMENT THAT DIVIDE THE MASS INTO DISTINCT ELEMENTS.



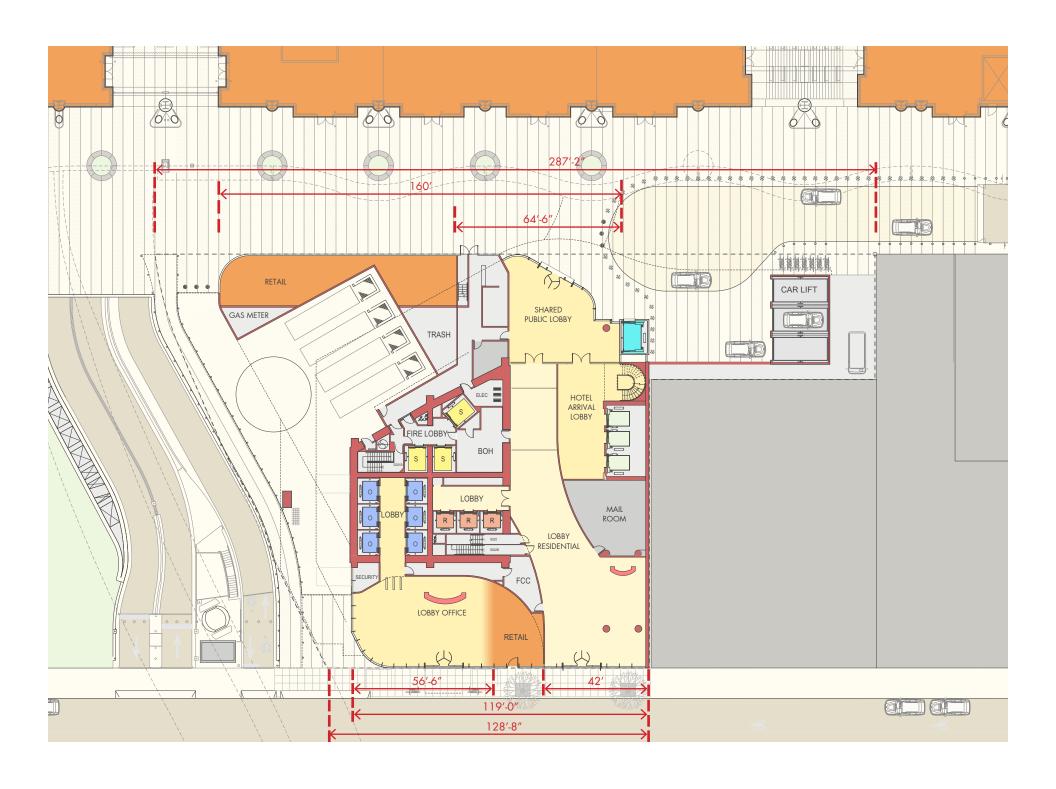
### COMPLIANCE WITH SECTION 272.6 CRITERIA

EXCEPTIONS TO BULK LIMITS SHALL NOT RESULT IN A BUILDING OF GREATER TOTAL GROSS FLOOR AREA THAN WOULD BE PERMITTED IF THE BULK LIMITS WERE MET.

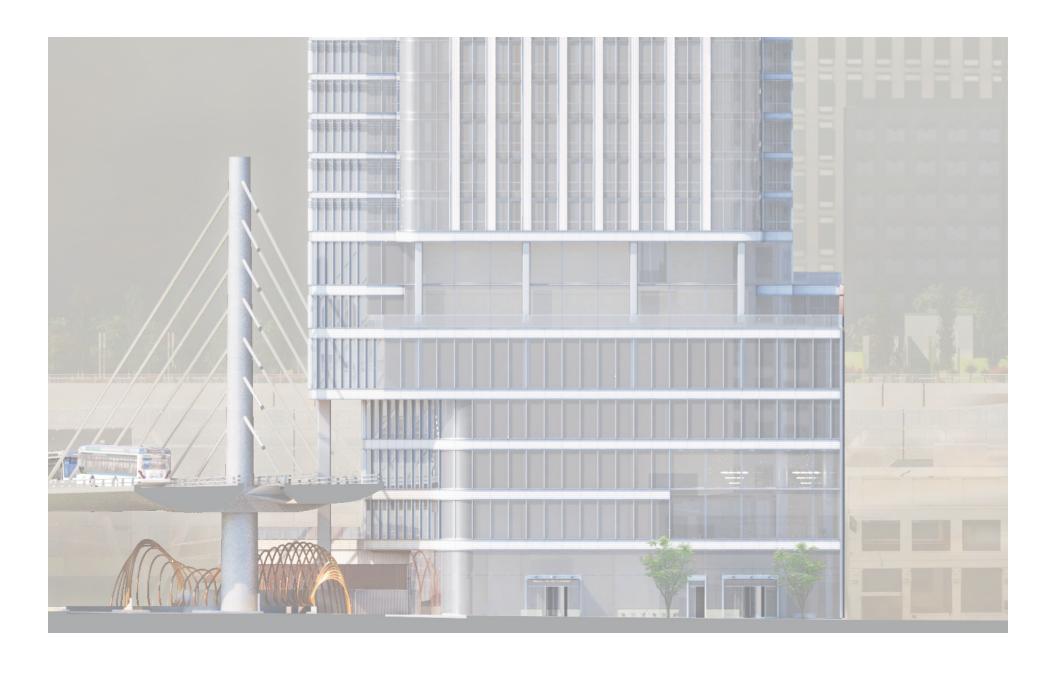


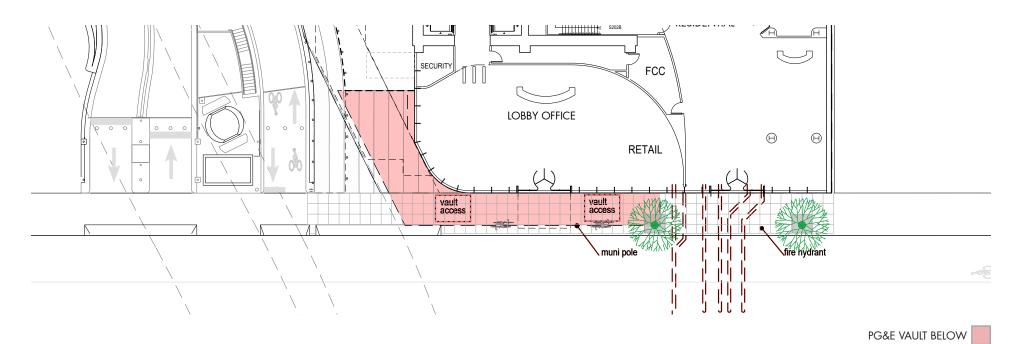


PARKING / LOADING ENTRANCES - SECTION 145 CRITERIA

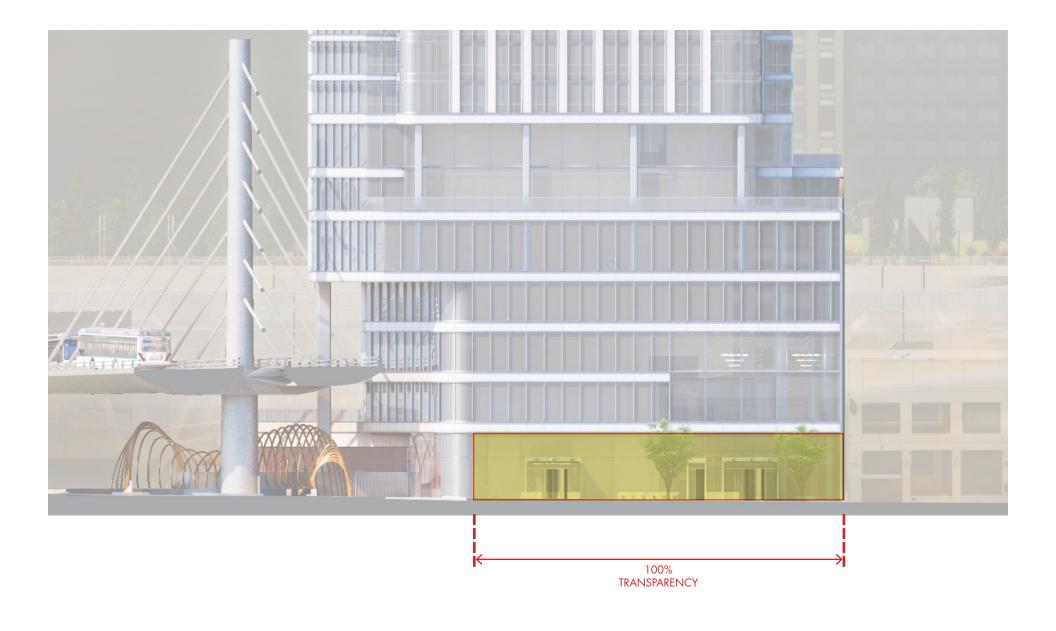


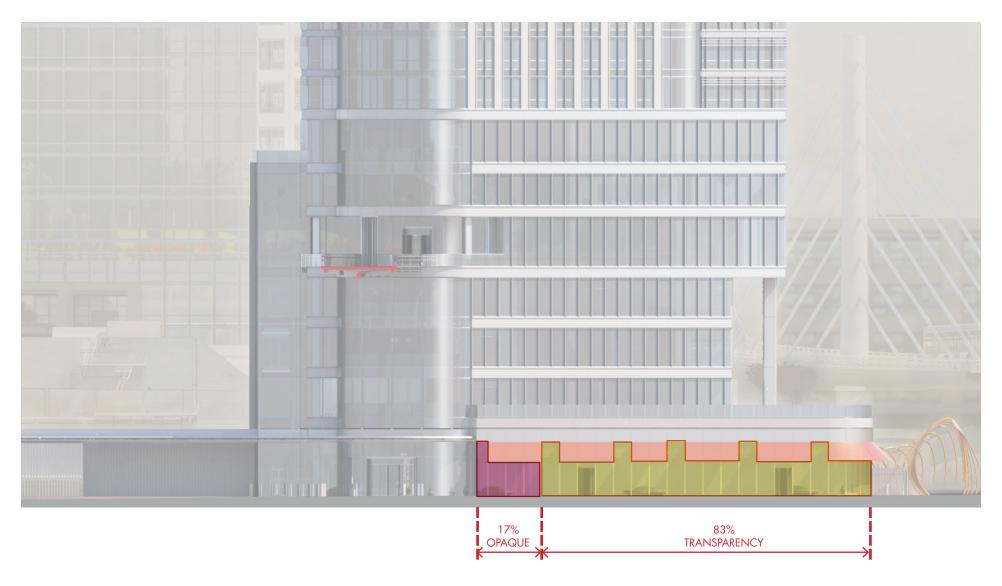
ACTIVE FRONTAGE DIAGRAM - SECTION 145.1 CRITERIA



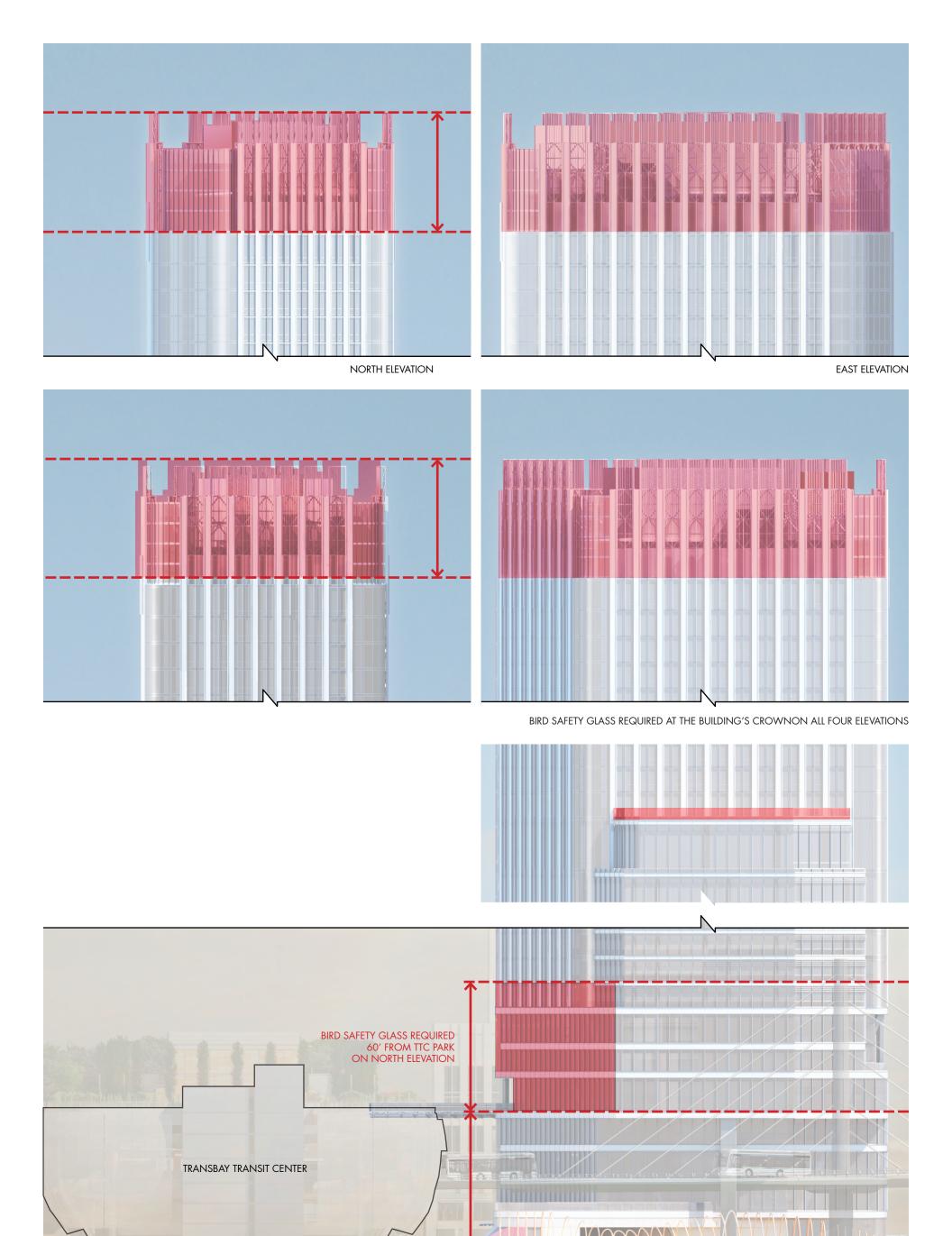


- $\hbox{-} STORM/SEWER, PG\&E VAULT \& INCOMING UTILITIES LIMIT THE POSSIBILITY OF PLANTING NEW TREES ALONG HOWARD ST.\\$
- PROPOSED TREE LOCATION SUBJECT TO COORDINATION WITH SF PUBLIC WORKS, TJPA AND UTILITY COMPANIES





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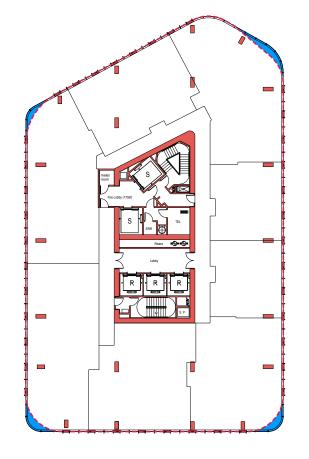


BIRD SAFETY GLAZING WILL BE PROVIDED ON ALL FEATURE RELATED HAZARDS NOT YET DETERMINED - PER SECTION 139 OF PLANNING CODE.

**COMPLIANCE WITH SECTION 139 CRITERIA** 

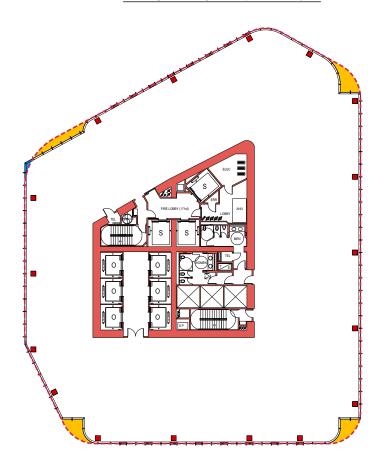
542-550 Howard Street, San Francisco, CA.

WEST ELEVATION



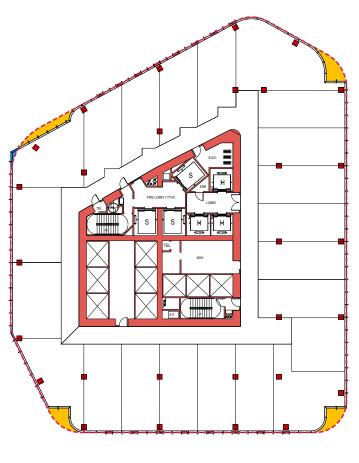
PREVIOUS FLOOR PLATE: 15,000 SF REVISED FLOOR PLATE: 15,305 SF 305 SF ADDITION PER FLOOR PLATE

TYPICAL RESIDENTIAL LEVEL



PREVIOUS FLOOR PLATE:18,750 SF REVISED FLOOR PLATE:18,590 SF 160 SF LOSS PER FLOOR PLATE

TYPICAL OFFICE LEVEL



PREVIOUS FLOOR PLATE:18,750 SF REVISED FLOOR PLATE:18,590 SF 160 SF LOSS PER FLOOR PLATE

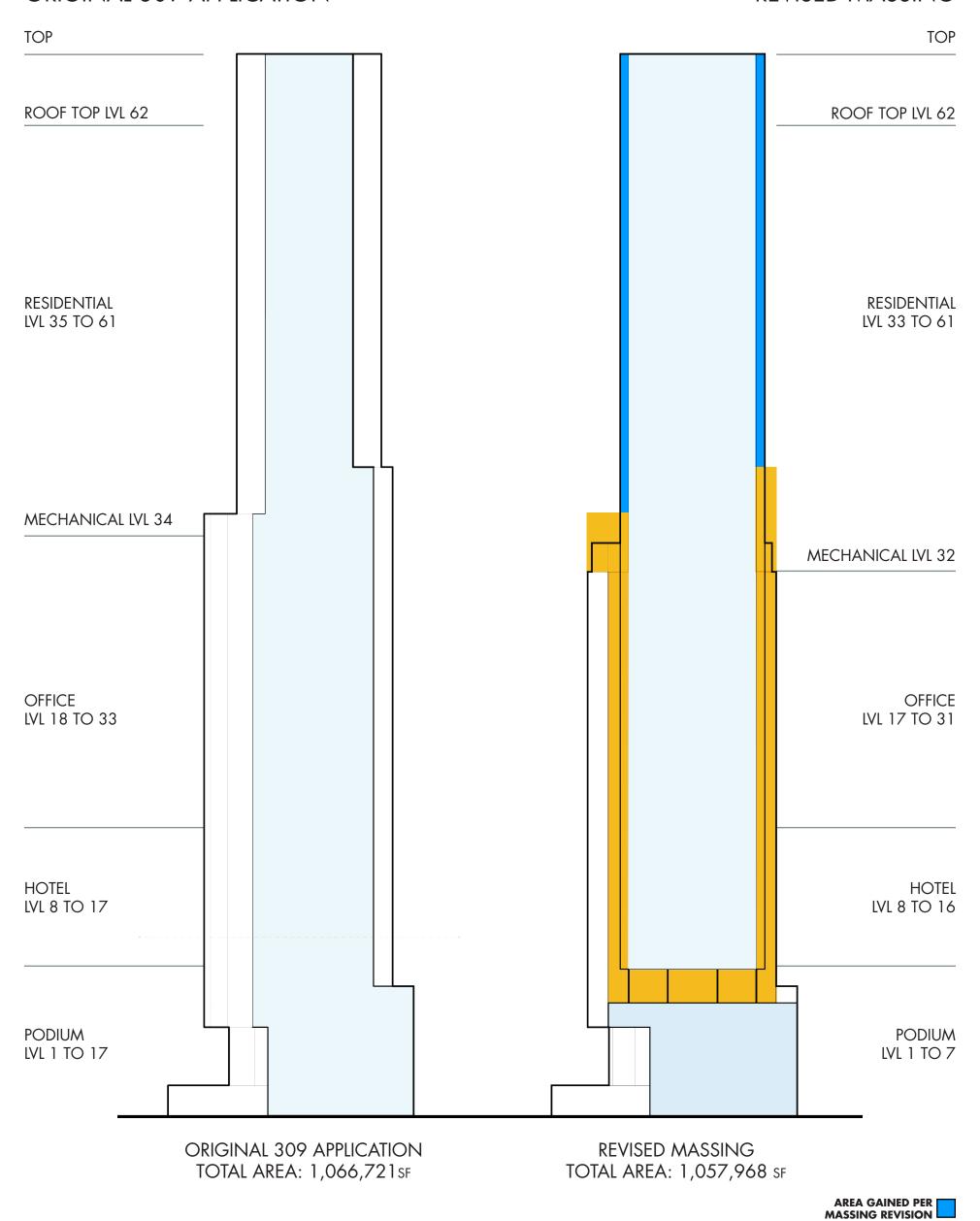
AREA GAINED PER MASSING REVISION

AREA LOSS PER MASSING REVISION

**Parcel F Tower** 

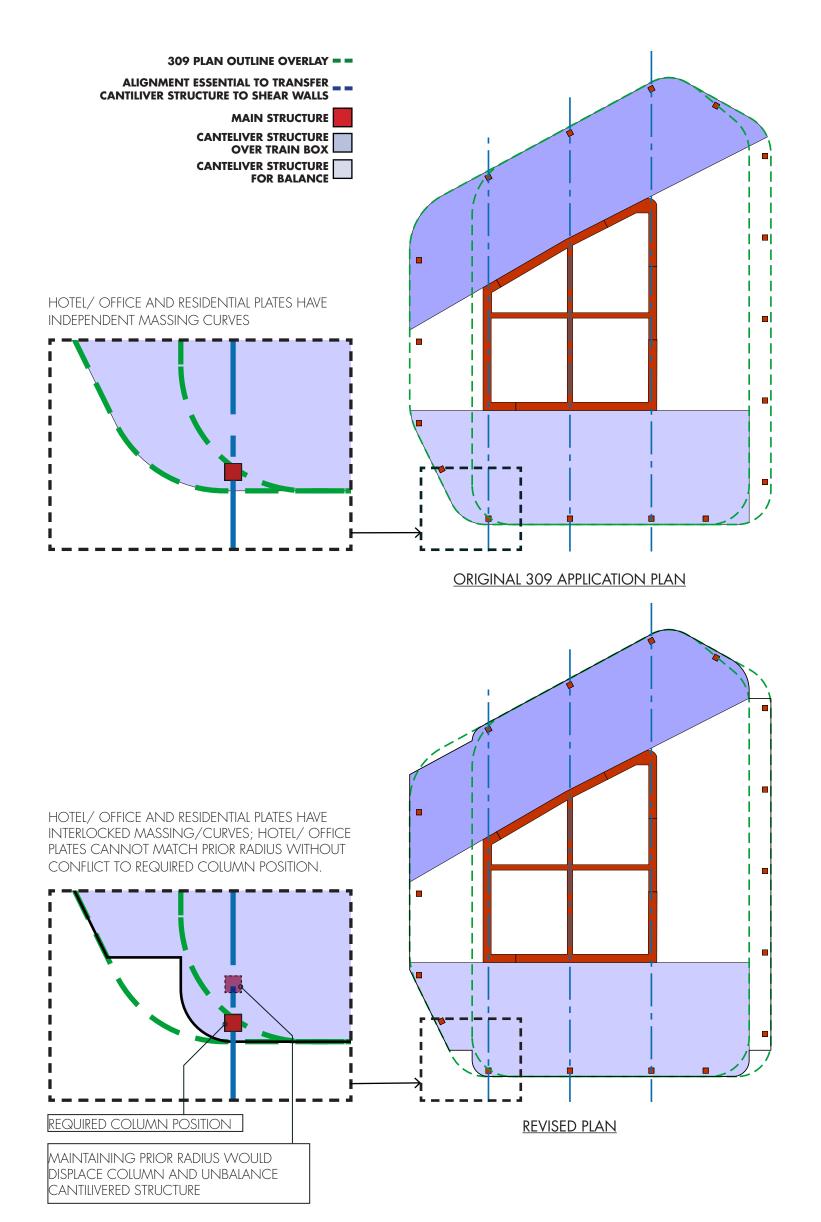
## ORIGINAL 309 APPLICATION

## **REVISED MASSING**



NET AREA LOSS: 8.753 SF

AREA LOSS PER

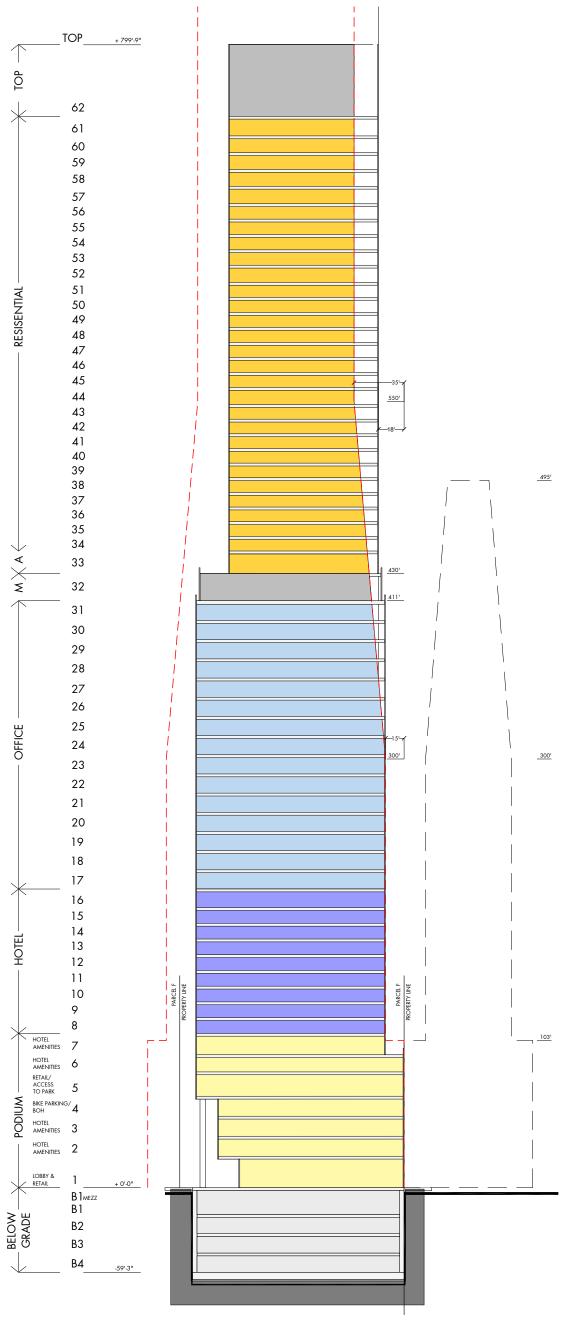


#### CONFLICT BETWEEN PREVIOUS CORNER RADIUS AND STRUCTURE

THE SPONSOR'S REQUEST FOR AN EXCEPTION TO THE 15,000 SF FLOOR PLATE AREA LIMITATION IS CENTERED AROUND 1) CRITICAL STRUCTURAL REQUIRE-MENTS AND 2) AREA-NEUTRAL/NEGATIVE DESIGN CONSIDERATIONS DEVELOPED IN CLOSE COLLABORATION WITH UDAT STAFF.

PARCEL F'S UNIQUELY CONSTRAINED SITE DRIVES A COMPLEX AND SOPHISTICATED STRUCTURAL SYSTEM. IN PARTICULAR, THE NEED TO 1) PRECISELY PLACE REQUIRED STRUCTURAL ELEMENTS, AS WELL AS 2) BALANCE FLOOR PLATE AREAS AROUND THE CORE TO SUPPORT THE DESIGN'S SIGNIFICANT CANTILE-VER, PROVIDE VERY LIMITED FLEXIBILITY TO ALTER THE STRUCTURAL SYSTEM IN RESPONSE TO DESIGN CRITERIA. FOR THE RESIDENTIAL FLOORS, THE ABILITY TO SHRINK THE PLATES BY MOVING EXTERIOR WALLS INDEPENDENTLY OR IN CONJUNCTION, OR BY ADJUSTING THE RADIUS OF THE CORNERS, CAUSES IMMEDIATE CONFLICTS WITH THE PROJECT'S OVERALL STRUCTURE. THE DIAGRAM ABOVE ILLUSTRATES THIS CONFLICT AS PERTAINS TO THE ABILITY OF STRUCTURAL ELEMENTS IN THE LOWER FLOORS TO SUPPORT THE RESIDENTIAL PLATE CORNERS ABOVE.

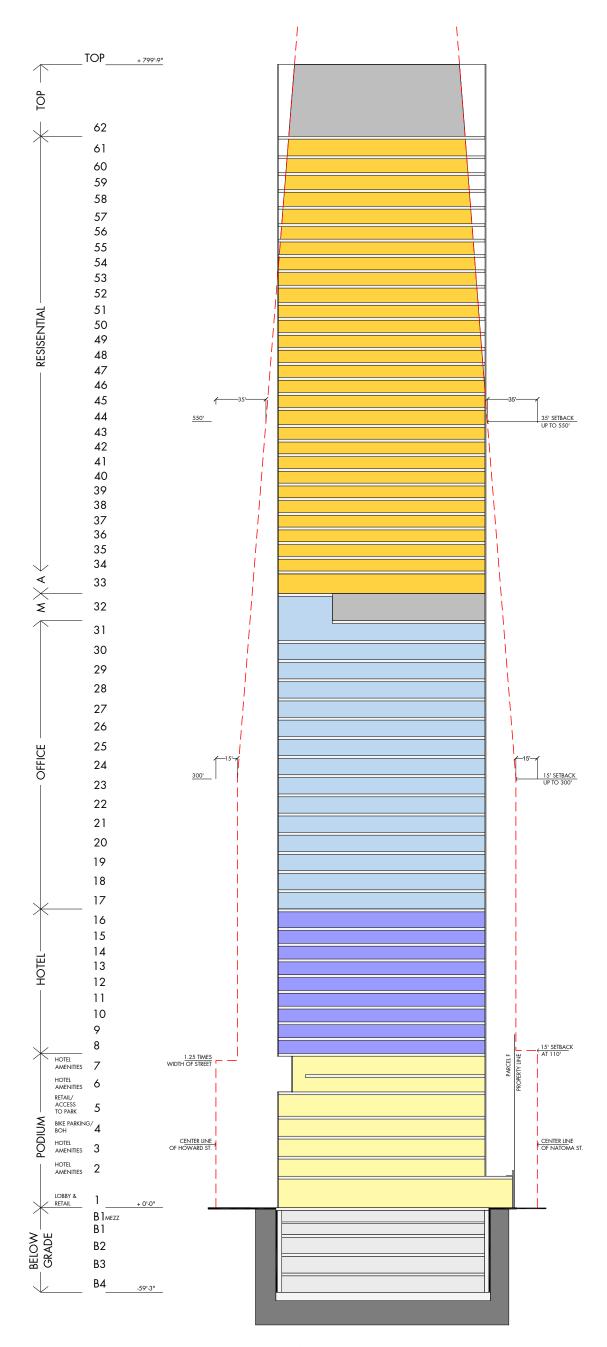
THE PROJECT'S MAJOR DESIGN FEATURES, DEVELOPED IN CONJUNCTION WITH UDAT STAFF, ALSO LIMIT THE ABILITY TO ADJUST FLOOR PLATE DIMENSIONS. SPECIFICALLY, THE DESIGN'S ICONIC VERTICALITY INTERLOCKS THE RESIDENTIAL PLATE (AND ITS MAJOR DIMENSIONS) WITH THE FLOOR PLATES BELOW, PRECLUDING INDEPENDENT ADJUSTMENT. THE TIGHT RADIUSING OF THE CORNERS FEATURED IN THE DESIGN (AND SHARED WITH THE COMMERCIAL PLATES BELOW) ALSO PRECLUDES FURTHER CONCESSIONS IN AREA DUE TO LIMITATIONS IN CURTAIN WALL FABRICATION/CONSTRUCTABILITY. COMPROMISING THESE ELEMENTS IS INCONSISTENT WITH THE COLLABORATIVE DESIGN VISION ESTABLISHED WITH STAFF, AND DISCOUNTS THE PRAGMATIC RATIONALE FOR THE PURSUIT OF THIS EXCEPTION.



INTERIOR SETBACK

PER PAGE 7/ SECTION 272.6, TOTAL AREA REDUCTION RELATIVE TO PRESCRIBED BULK ENVELOPE IS 327,064 SF

**SETBACKS** 



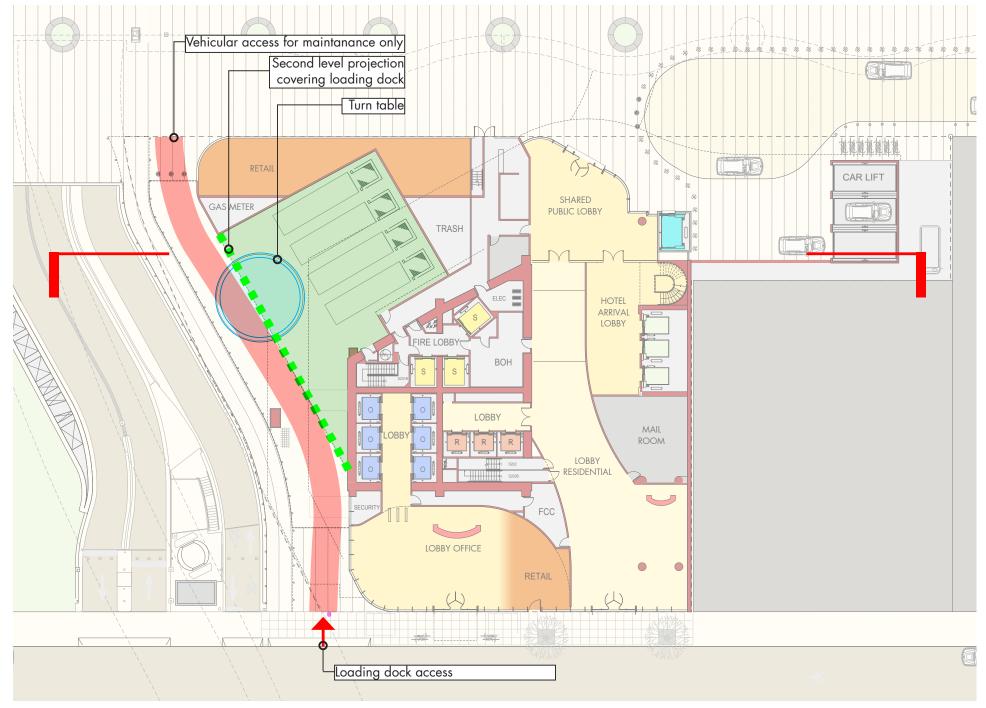
HOWARD ST. SETBACK

PER PAGE 7/ SECTION 272.6, TOTAL AREA REDUCTION RELATIVE TO PRESCRIBED BULK ENVELOPE IS 327,064 SF

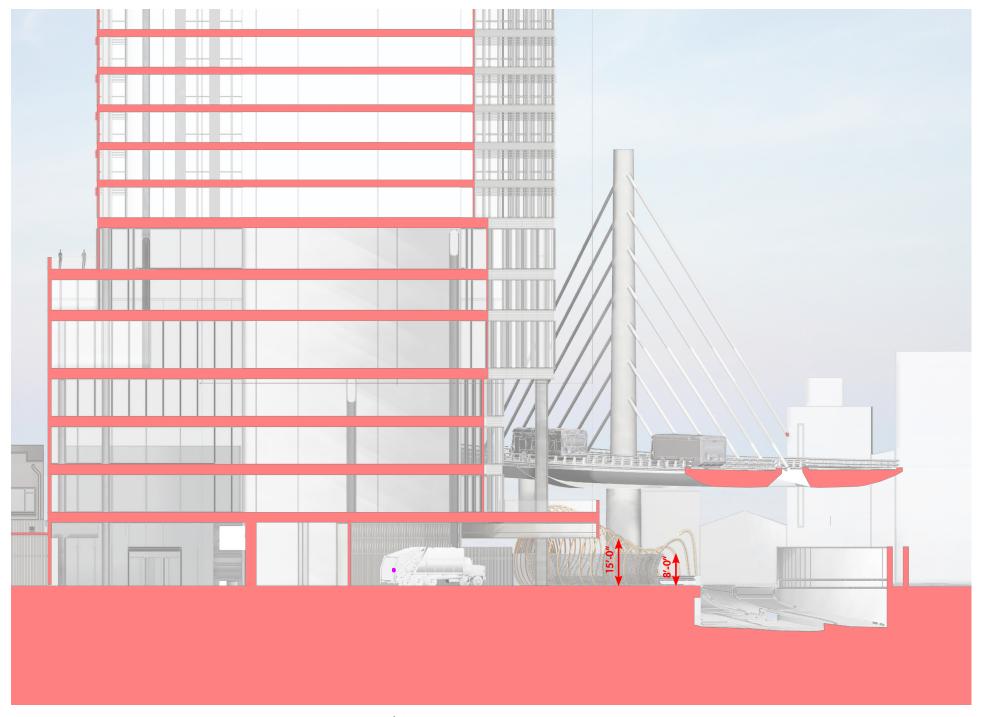
**SETBACKS** 



REAR YARD COMPLIANCE (SECTION 134)



LOADING AREA (SECTION 155)



**EAST/WEST SECTION FACING SOUTH** 



# **Parcel F Tower**

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