

**File No.** 150171

Committee Item No. \_\_\_\_\_  
Board Item No. 18

## **COMMITTEE/BOARD OF SUPERVISORS**

## AGENDA PACKET CONTENTS LIST

**Committee: \_\_\_\_\_**  
**Board of Supervisors Meeting**

Date \_\_\_\_\_

## Cmte Board

<input type="checkbox"/>	<b>Motion</b>
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<input type="checkbox"/>	<b>Budget and Legislative Analyst Report</b>
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<input type="checkbox"/>	<b>Subcontract Budget</b>
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**OTHER** (Use back side if additional space is needed)

- Appeal Letter - 02/09/2015
- Emails agreeing to a continuance to 3/31/2015 - 3/24/2015
- Appellant Brief - 3/24/2015
- Public Comment Letters - 03/16/15-3/24/2015
- Planning Response Memo - 03/16/15
- Project Sponsor Letter - 03/13/15
- Clerical Documents and Hearing Notice

Completed by: John Carroll Date March 26, 2015  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

February 9, 2015

President London Breed  
Board of Supervisors  
City Hall  
San Francisco CA 94102

Appeal of CEQA Exemption Determination - 340 Bryant Street  
SF Admin Code 31.16  
Planning Commission Motion 19311 - January 8, 2015 - 2013.160B  
Pending Board of Appeals - #15-015 - March 25, 2015

San Franciscans for Reasonable Growth appeals the environmental exemption determination for the office allocation to convert over 47,000 sq ft of 340 Bryant Street from industrial (PDR - production, distribution, repair) to tech offices. The site is located in the Eastern SOMA Area of the Eastern Neighborhoods Area Plan. The exemption is based on that Eastern Neighborhoods plan.

The Planning Commission approved the project January 8, 2015 based on CPE Certificate and Checklist for 340 Bryant Street that was issued at 4:44pm on December 23, 2014.

The basis for the appeal include the following:

#### **UNIQUE SITE SURROUNDED BY HOV BRIDGE TRAFFIC LANES**

The extraordinary uniqueness of the site was disregarded in both the Exemption and in the Eastern Neighborhoods Area Plan EIR. The site is on a steep hill (Rincon Hill and the Bay Bridge) and is surrounded by TWO HOV lanes that lead directly onto the Bay Bridge and the Bridge itself. Traffic accelerates as the lanes enter directly onto the far right eastbound lane of the Bridge. AT THIS SITE.

Once a car heading EAST on Bryant Street passes 2nd Street there is NO intersection. A car proceeding WEST on Bryant and up the incline past Beale also expects no cross traffic and no crosswalk. The roadway is separated into east and west bound lanes at different grades for most of these blocks.

There is NO pedestrian access - no crosswalk. There is no visible "edge" or curb for the site.

The HOV lanes have been reconfigured since the publication of the Eastern Neighborhoods Plan EIR which has not been adjusted to account for the new configuration.

HOW OFFICE WORKERS WILL WALK OR BIKE TO THIS SITE - and leave during afternoon rush hour when cars line up at both "2nd Street" and "Beale Street" ends to get directly onto the Bridge - is not analyzed in the Exemption or underlying EIR.

## 340 Bryant Street appeal - page 2

### NUMBER OF WORKERS AFFECTED

The amount of space to be converted to offices has been listed as various numbers -

- 45,545 sq ft - Exemption page 1
- 47,536 sq ft - Office allocation in Motion 19311

Approximately 165 office jobs are to be created. Space per worker using numbers in this environmental document is around 276 - 288 sq ft.

This space allocation is even higher than that which was used for "traditional" office space for the Downtown Plan. Which calculated that square footage per worker would GO DOWN as space became more expensive and uses shifted. In the 35 years since the DTP EIR - with more expensive office space and a trend to more open plan offices for the tech industry - the amount of space per worker has come down dramatically.

A more accurate projection of the work force needs to be done. The number of PEDESTRIANS coming to the site, and the contributing to the increased demand for housing, is understated. The total number of tech office workers is probably TWICE the 165 jobs assumed.

The difference between an industrial workforce on site (at the time of the Eastern Neighborhoods EIR) and their travel patterns (heavily in trucks) and an office work force walking or biking to this site was not discussed. The more pedestrians and bicyclists there are at this site, the more opportunities exist for vehicular conflicts. Westbound autos will be accelerating up a hill. Will there be sun in their eyes? Will they expect pedestrians to be crossing their HOV lane? This is not discussed or evaluated.

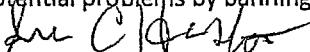
### BAD MAPPING OF SITE IN ENVIRONMENTAL CHECKLIST

The site map provided to the Planning Commission in the environmental checklist is very misleading. Page 3 does not accurately show the site. It fails to call out and label the HOV lanes AND THEIR DIRECTION, the divided Bryant Street with the STEEP WALL between the area from Rincon St to Beale. No one who gets site information from THIS map would understand the complexity of this isolated site.

### ADDITIONAL ISSUES

There is a rooftop deck which will be visible to cars/trucks on the lower deck of the Bridge. What effects on air quality and dirt on the deck? How much distraction potential from people on the deck?

When the site was listed, the signage opportunity - to get the attention of Bridge traffic (the only place it will be visible) was emphasized. A branding opportunity for building tenants only works if it catches eyes of bridge drivers or passengers. Consideration should be given to the effects of mitigating potential problems by banning distractions from a roof deck and advertising.

  
Sue C. Hestor

cc: Members of Board of Supervisors  
Sarah Jones, Environmental Review Officer



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

Affordable Housing (Sec. 415)       First Source Hiring (Admin. Code)  
 Jobs Housing Linkage Program (Sec. 413)       Child Care Requirement (Sec. 414)  
 Downtown Park Fee (Sec. 412)       Other (Eastern Neighborhoods – Sec. 423 & 426)  
 Transit Impact Development Fee (Sec. 411)

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Information:  
**415.558.6377**

## Planning Commission Motion No. 19311

HEARING DATE: JANUARY 8, 2015

*Date:* December 31, 2014  
*Case No.:* 2013.1600B  
*Project Address:* 340 Bryant Street  
*Zoning:* MUO (Mixed Use Office) District  
65-X Height and Bulk District  
*Block/Lot:* 3764/061  
*Project Sponsor:* John Kevlin  
Reuben, Junius and Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Erika S. Jackson – (415) 558-6363  
[erika.jackson@sfgov.org](mailto:erika.jackson@sfgov.org)

ADOPTING FINDINGS RELATING TO AN ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2014-2015 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM FOR THE PROPOSED PROJECT LOCATED AT 340 BRYANT STREET THAT WOULD AUTHORIZE THE CONVERSION OF 47,536 GROSS SQUARE FEET OF THE EXISTING 62,050 SQUARE FOOT BUILDING TO OFFICE USE PURSUANT TO PLANNING CODE SECTIONS 321 AND 842.66, ON ASSESSOR'S BLOCK 3764, LOT 061, IN THE MUO (MIXED USE OFFICE) ZONING DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On December 19, 2013, John Kevlin, on behalf of 140 Partners, LP (hereinafter "Project Sponsor") filed Application No. 2013.1600B (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Development Authorization to convert 47,536 gross square feet of the existing 62,050 square foot building at 340 Bryant Street to an office use.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report

(hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commissions review as well as public review. The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

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

On December 22, 2014, 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 Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

On January 8, 2015, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2013.1600B.

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

**MOVED**, that the Commission hereby authorizes the Office Development Authorization requested in Application No. 2013.1600B, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project site, located at 340 Bryant Street, is bounded by Rincon Alley and Sterling Street. The site is located in the East South of Market Neighborhood within an MUO Zoning District and a 65-X Height and Bulk District. The subject lot is approximately 17,117 square feet in area. The existing building is approximately 62,050 square feet, 43-feet tall, and four-stories, and was constructed in 1932 as an industrial building. The building was purchased by a new owner in January 2012. The building has been vacant since January 2013; however, the last legal use of the building was industrial.
3. **Surrounding Properties and Neighborhood.** The Project site is located in the East South of Market Neighborhood within an MUO Zoning District and a 65-X Height and Bulk District. Accordingly, the surrounding properties are characterized by dense, two and four-story industrial buildings, with some office and residential uses. The building is surrounded by the I-80 freeway to the north and off-ramps to the south. To the southeast of the project across Bryant Street are three- and four-story buildings and to the southwest of the project site are three- and five-story buildings with mixed uses including office and live/work condominiums.
4. **Project Description.** The proposal is to convert the entire second, third, and fourth floors, totaling 47,536 gross square feet, to a legal office use. The entire 16,505 square foot (minus 1,991 square feet of common area) ground floor will remain industrial PDR space. A tenant has already been found for the space. The proposal also includes the installation of 4 Class 2 and 12 Class 1 bicycle parking spaces. Exterior alterations are proposed for the Project, including new ground floor window treatment and an improved building entrance.
5. **Public Comment.** The Department has received public comment from one person with concerns regarding displacement of PDR uses in the building.
6. **Planning Code Compliance.** The Commission finds and determines that the Project is consistent with the relevant provisions of the Code in the following manner:

A. **Office Use in the MUO Zoning District.** Planning Code Section 842.66 principally permits office space in the MUO Zoning District.

*The proposal includes converting the entire second, third, and fourth floors, totaling 47,536 gross square feet, to a legal office use.*

B. **Open Space.** Planning Code Section 135.3 requires conversions to new office space in Eastern Neighborhoods Mixed Use Districts to provide and maintain usable open space for that new office space at a ratio of one square foot per 50 square feet of new office space, and/or pay an in-lieu fee. The project proposes 47,536 square feet of new office space and requires at least 951 square feet of open space to be provided.

*Approximately 1,684 square feet of open space will be located on the west side of the roof of the building, which will provide ample open space to meet this requirement.*

C. **Parking.** Section 151.1 does not require any off-street parking.

*The existing building contains no off-street parking. The proposed project will not provide any new off-street parking spaces.*

D. **Loading.** Section 152.1 requires certain amounts of off-street freight loading spaces based on the type and size of uses in a project. The proposed project does not require a loading space.

*The existing building contains no loading spaces.*

E. **Bicycle Parking and Showers.** Section 155.2 requires that the project provide at least two Class 1 and two Class 2 bicycle parking spaces to accommodate the new office use. Section 155.4 requires that a building that exceeds 50,000 square feet provide 4 showers and 24 lockers.

*The project proposes 4 Class 2 and 12 Class 1 bicycle parking spaces, as well as 4 showers and 24 lockers.*

F. **Transportation Management Agreement.** Section 163 requires that the project sponsor provides on-site transportation brokerage services for the actual lifetime of the project.

*Prior to the issuance of a temporary permit of occupancy, the project sponsor will execute an agreement with the Planning Department for the provision of on-site transportation brokerage services and preparation of a transportation management program to be approved by the Director of Planning and implemented by the provider of transportation brokerage services. The Planning Commission encourages Planning Department staff to continue to work with applicable other*

*agencies regarding issues surrounding pedestrian streetscape improvements, fire access, pedestrian safety and traffic calming measures.*

G. **Development Fees.** The Project is subject to the Transit Impact Development Fee per Planning Code Section 411, the Jobs-Housing Linkage Fee per Planning Code Section 413, and the Eastern Neighborhoods Community Impact Fee per Planning Code Section 423.

*The Project Sponsor shall pay the appropriate Transit Impact Development, Jobs-Housing Linkage Child Care Requirement, and Eastern Neighborhoods Community Impact fees, pursuant to Planning Code Sections 411, 413, and 423, at the appropriate stage of the building permit application process.*

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

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

*The proposed project would create 47,536 square feet of office space within the South of Market area, an area with high demand for office space. There is currently more than 1.27 million gross square feet of available "Small Cap" office space in the City. Additionally, the Project is subject to various development fees that will benefit the surrounding community. Therefore, the Project will help maintain the balance between economic growth, housing, transportation and public services.*

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

*The proposed project is consistent with the General Plan, as outlined in Section 9 below.*

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

*The proposed office space is within an existing building. The proposed project includes some exterior alterations, including new ground floor window treatment and an improved building entrance. These alterations will improve the building's compatibility with the neighborhood.*

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

a) **Use.** *The Project is within the MUO (Mixed Use Office) Zoning District, a Zoning District which principally permits office use. Planning Code Section 842 states that the MUO Zoning District is*

"designed to encourage office uses and housing, as well as small-scale light industrial and arts activities." This project provides an appropriate balance of PDR and office uses. The Planning Commission recognizes the retention of PDR on the ground floor.

- b) Transit Accessibility. The area is served by a variety of transit options. The project site is adjacent to the 10 and 12 MUNI bus lines, and is in close proximity to approximately 12 other MUNI bus lines. It is also approximately 0.5 miles from the temporary Transbay Terminal and the future Transbay Terminal, both of which connect to numerous transit lines around the Bay. Additionally, the Project site is located approximately 5 blocks from Market Street, with BART and MUNI Metro subway lines, and is a short walk from the King Street Caltrain station, ferries connecting to the East and South Bay, and the future Central Subway that will run along 4<sup>th</sup> Street.
- c) Open Space Accessibility. The proposed project is required to provide 951 square feet of open space. The proposed project will provide a 1,684 square foot roof deck.
- d) Urban Design. The proposed office space is in an existing building. The building was constructed in 1932 and has been minimally altered since that time. The proposed project includes some exterior alterations; however, the mass and design of the building will not change.
- e) Seismic Safety. The Project includes limited tenant improvements within the interior of the existing buildings. All tenant improvement work will meet current seismic safety standards, as they apply.

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

- a) Anticipated Employment Opportunities. The Project includes a total of 47,536 gross square feet of office space, which will allow for several office tenants in the building. Since office space on average supports more employees per square foot than industrial space, the project will create a significant amount of new employment opportunities.
- b) Needs of Existing Businesses. The Project includes a total of 47,536 gross square feet of office space, which will allow for several office tenants in the building. The proximity to light industrial uses can also help foster entrepreneurship among local residents and employers.
- c) Availability of Space Suitable for Anticipated Uses. The Project will provide quality office space that is suitable for a variety of office uses and sizes in an area where the demand for new office space has increased rapidly. The project will provide high-quality office space within close proximity to public transit, while maintaining the ground floor industrial use.

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

*The building will not be owner-occupied. The anticipated office tenants have not yet been determined, however, two industrial tenants that will occupy the ground floor PDR space have been identified.*

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

*The Project does not include any Transfer of Development Rights.*

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

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

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

*The existing building contains no neighborhood-serving retail uses, nor does the proposal include any retail. However, the conversion of this building to office space will increase the demand for neighborhood-serving retail use in the surrounding neighborhood.*

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

*No housing currently exists on the site and no housing will be removed as part of the proposed project. The project consists of the conversion of industrial to office use. The building will be mixed use with industrial and office uses, resulting in a project that is compatible with the surrounding neighborhood.*

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

*There is no existing affordable or market-rate housing on the Project Site. The development will contribute fees to the Jobs-Housing Linkage Program. Therefore, the Project is in compliance with this priority policy.*

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

*The area is served by a variety of transit options. The project site is adjacent to the 10 and 12 MUNI bus lines, and is in close proximity to approximately 12 other MUNI bus lines. It is also approximately 0.5 miles from the temporary Transbay Terminal and the future Transbay Terminal, both of which connect to numerous transit lines around the Bay. Additionally, the Project site is located approximately 5 blocks from Market Street, with BART and MUNI Metro subway lines, and is a short walk from the King Street Caltrain station and ferries connecting to the East and South Bay.*

- 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.

*Converting a portion of the existing building to office space on the upper stories will help support and maintain the PDR activities on the ground floor. The conversion to office space will help increase local resident employment and demand for new neighborhood-serving businesses in the area, which can also lead to new opportunities for local resident employment.*

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

*The Project will not create any new space that does not meet current seismic safety standards.*

- G. That landmarks and historic buildings be preserved.

*The existing building is not a Landmark or otherwise historic building. The proposal will not impact Landmarks or historic buildings in the vicinity.*

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

*The proposed project would not affect nearby parks or open space.*

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

## **COMMERCE AND INDUSTRY ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

##### **Policy 1.1:**

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

##### **Policy 1.3:**

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

*The proposed office development will provide net benefits to the City and the community by allowing for one or more small to medium sized office tenants to sign a long-term lease, which will increase economic vibrancy in the area. Authorization of the office space will also result in the collection of significant development fees that will benefit the community and that would otherwise not be required.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The proposed office development will help retain existing commercial tenants and generate stable employment opportunities and demand for neighborhood serving businesses.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.1:**

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

**Policy 28.3:**

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

*The project includes 12 existing Class 1 and 4 Class 2 bicycle parking spaces in a secure, convenient location.*

**EAST SOMA AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1.1:**

STRENGTHEN ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

**Policy 1.1.2:**

Encourage small, flexible office space throughout East Soma and encourage larger office in the 2<sup>nd</sup> Street Corridor.

**OBJECTIVE 1.4:**

**SUPPORT A ROLE FOR "KNOWLEDGE SECTOR" BUSINESSES IN EAST SOMA.**

**Policy 1.4.3:**

Continue to allow larger research and development office-type uses that support the Knowledge Sector in the 2<sup>nd</sup> Street Corridor.

*The Project is located in the East South of Market Neighborhood and in a MUO Zoning District that encourages office uses. The mix of office and industrial activities within the proposal is an appropriate balance of uses given the location of the site. Further, the authorization of office space at this site will support any PDR activities on the ground floor level. The Project will add to the diverse array of office space available in the area by providing smaller spaces than those provided along 2<sup>nd</sup> Street.*

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. 2013.1600B subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated June 4, 2014, on file in Case Docket No. 2013.1600B.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 8, 2015.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonini, Fong, Johnson, Richards, Moore, and Hillis

NAYS:

ABSENT: Commissioner Wu

ADOPTED: January 8, 2015

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for an Office Development Authorization to authorize 47,536 gross square feet of office use located at 340 Bryant Street, Lot 061 in Assessor's Block 3764 pursuant to Planning Code Section(s) 321 and 843.66 within the MUO (Mixed Use Office) Zoning District and a 65-X Height and Bulk District; in general conformance with plans, dated June 4, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1600B and subject to conditions of approval reviewed and approved by the Commission on January 8, 2015 under Motion No. 19311. 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 8, 2015 under Motion No. 19311.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19311 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

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

### **CHANGES AND MODIFICATIONS**

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

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

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

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

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

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

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

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

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

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

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

## PARKING AND TRAFFIC

7. **Bicycle Parking.** Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than 12 Class 2 and 4 Class 2 bicycle parking spaces for the 47,536 gross square feet of office use.

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

8. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.4, 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,  
[www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

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

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

10. **Jobs Housing Linkage.** Pursuant to Planning Code Sections 413 (formerly 313), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

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

11. **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. The Planning Department will continue to work with applicable other agencies regarding issues surrounding pedestrian streetscape improvements, fire access, pedestrian safety and traffic calming measures.

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

11. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4 of the Planning Code.

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

12. **Ground Floor PDR Use.** The Planning Commission recognizes the retention of PDR on the ground floor.

#### MONITORING - AFTER ENTITLEMENT

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

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

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

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

#### OPERATION

15. **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>*

16. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.:	2013.1600E	1650 Mission St. Suite 400 San Francisco, CA 94103-2479
Project Address:	340 Bryant Street	Reception: <b>415.558.6378</b>
Zoning:	MUO (Mixed Use Office) Use District 65-X Height and Bulk District	Fax: <b>415.558.6409</b>
Block/Lot:	3764/061	Planning Information: <b>415.558.6377</b>
Lot Size:	16,505 square feet	
Plan Area:	Eastern Neighborhoods Area Plan	
Project Sponsor:	John Kevlin – Reuben, Junius, and Rose LLP – (415) 567-9000	
Staff Contact:	Kansai Uchida – (415) 575-9048 – <a href="mailto:kansai.uchida@sfgov.org">kansai.uchida@sfgov.org</a>	

### PROJECT DESCRIPTION

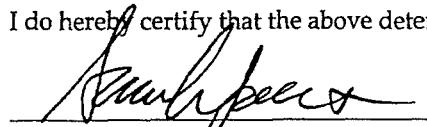
The project site is located in San Francisco's South of Market (SoMa) neighborhood on the block bounded by Rincon Street to the east, Sterling Street to the west, Interstate 80 to the north, and Bryant Street to the south. The project site is occupied by a four-story, 44-foot-tall, 62,050 square foot (sf) building. The existing building was constructed in 1932 and includes no off-street vehicular parking. The existing building is currently vacant, although it recently (2012) was occupied by industrial tenants. To ensure that the maximum potential environmental impacts are analyzed, the building is assumed to be currently vacant for the purposes of transportation, air quality, and other CEQA impact topics that rely on square footage calculations. The proposed project includes conversion of 46,804 sf of industrial use to office use and common areas, primarily on the upper three floors of the existing building. A total of 45,545 sf of office space would be created. In addition, the proposed project would include the addition of a deck and mechanical equipment on the roof, removal of exterior roll-up doors at street level, removal of the 732-sf ground-floor retail space (for use as industrial space), installation of new windows and signs along the building's exterior, and addition of 16 bicycle parking spaces. Aside from 1,991 sf of common space, the remaining 14,514 sf of ground-floor space would remain as industrial use.

### EXEMPT STATUS

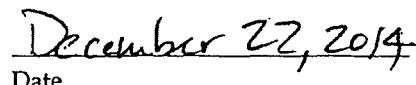
Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

### DETERMINATION

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

  
SARAH B. JONES

Environmental Review Officer

  
Date

cc: John Kevlin, Project Sponsor; Supervisor Jane Kim, District 6; Erika Jackson, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT APPROVAL

The proposed project is subject to review by the Planning Commission pursuant to Section 321 of the Planning Code (Office Allocation). Approval of the Office Allocation Application by the Planning Commission would constitute the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## COMMUNITY PLAN EXEMPTION OVERVIEW

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

This determination evaluates the potential project-specific environmental effects of the 340 Bryant Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>1</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 Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 340 Bryant Street.

The Planning Commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>2,3</sup>

<sup>1</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>2</sup> San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

<sup>3</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at <http://www.sf-planning.org/Modules>ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods Rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR.

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to MUO (Mixed Use Office) District. The MUO District is intended to encourage office uses and housing, as well as small-scale light industrial and arts activities. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Exemption (CPE) Checklist, under Land Use. The 340 Bryant Street site, which is located in the South of Market (SoMa) District of the Eastern Neighborhoods, was designated as a site with building up to 65 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 340 Bryant Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 340 Bryant Street project, and identified the mitigation measures applicable to the 340 Bryant Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>45</sup> Therefore, no further CEQA evaluation for the 340 Bryant Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

<sup>4</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 340 Bryant Street, March 25, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

<sup>5</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 340 Bryant Street, October 31, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

## PROJECT SETTING

The project site is within the MUO (Mixed Use Office) Use District and an 65-X Height and Bulk District. Much of the subject block is occupied by Interstate 80, ramps providing access to Interstate 80 and the San Francisco-Oakland Bay Bridge, and other ancillary parcels owned by the State of California Department of Transportation (Caltrans). Bryant Street serves as a primary access route to the Bay Bridge, and on- and off-ramps adjoin the project site on all sides. Interstate 80 forms a barrier between the subject block and areas to the north, with no available pedestrian or auto access across the freeway between 2nd Street (one block west of the project site) and Beale Street (two blocks east of the project site). Buildings on adjacent blocks are primarily low- to mid- rise in scale, ranging from two to eight stories. High-rise residential buildings exist on the opposite side of Interstate 80 to the north and two blocks to the east and south of the project site. Most of the properties to the west and south of the project site are within MUO and P (Public) zoning districts, while land to the east and north is within former redevelopment plan areas. Height districts within a one-block radius range from 40 to 400 feet.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 340 Bryant Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 340 Bryant Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would contribute to the significant unavoidable land use impact identified in the Eastern Neighborhoods PEIR because it would convert 46,804 sf of PDR space to office use and common areas. The PEIR identified cumulative loss of PDR employment and businesses in the Eastern Neighborhoods plan area as a significant unavoidable impact.

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

Table 1 – Eastern Neighborhoods PEIR Mitigation Measures

Mitigation Measure	Applicability
<b>F. Noise</b>	
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed
F-2: Construction Noise	Not Applicable: heavy construction equipment would not be needed
F-3: Interior Noise Levels	Not Applicable: no noise-sensitive uses proposed (office use only)
F-4: Siting of Noise-Sensitive Uses	Not Applicable: no noise-sensitive uses proposed (office use only)
F-5: Siting of Noise-Generating Uses	Not Applicable: no noise-generating uses proposed (office use only)
F-6: Open Space in Noisy Environments	Not Applicable: no noise-sensitive uses proposed (office use only)
<b>G. Air Quality</b>	
G-1: Construction Air Quality	Applicable: only the construction exhaust emissions portion of this mitigation measure is applicable because construction would occur within an Air Pollutant Exposure Zone
G-2: Air Quality for Sensitive Land Uses	Not Applicable: no sensitive uses proposed
G-3: Siting of Uses that Emit DPM	Not Applicable: proposed office use would not emit substantial levels of DPM
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed office use would not emit substantial levels of other TACs
<b>J. Archeological Resources</b>	
J-1: Properties with Previous Studies	Not Applicable: project site is within this mitigation zone; however, the proposed project is not proposing any excavation or soil disturbance
J-2: Properties with no Previous Studies	Not Applicable: project site is not within this mitigation zone
J-3: Mission Dolores Archeological District	Not Applicable: project site is not located in the Mission Dolores Archeological District
<b>K. Historical Resources</b>	
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area	Not Applicable: plan-level mitigation completed by Planning Department

Mitigation Measure	Applicability
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission
<b>L. Hazardous Materials</b>	
L-1: Hazardous Building Materials	Applicable: project would involve renovation of an existing building constructed in 1932, and could require disposal of hazardous building materials
<b>E. Transportation</b>	
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA

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 Eastern Neighborhoods PEIR. The MMRP also contains improvement measures that would further reduce the project's less-than-significant impacts.

## PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on April 24, 2014 to adjacent occupants and owners of properties within 300 feet of the project site. 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. Responses to the notice included requests to view public records and to be included in the distribution of environmental documents related to the project. Responses also included the concerns shown in the bulleted list below, along with text in italics to indicating how the identified concerns have been addressed in this environmental document.

- One commenter expressed concern that the project may be incorrectly processed by the Planning Department as an office-to-office conversion project, and that the Planning Department's analysis would not capture the land use effects of PDR space removal. The commenter also expressed concern that the Planning Department would not collect applicable fees supporting transit, area plan preparation, and other municipal services. *The Planning Department is reviewing the proposed project as an industrial-to-office conversion, and this environmental document addresses the land use impacts associated with loss of PDR space in the "Land Use" section of the attached CPE Checklist. All Planning Department fees applicable to the proposed industrial-to-office conversion project would be collected as required by the Planning Code and the Planning Department's Fee Schedule.*
- The same commenter asserted that prior building permits for work at the project site were issued without proper Planning Department review, and that applicable development fees were not collected. *All prior work performed under prior permits is considered an existing condition for the purposes of environmental review. Prior permit review and fee collection concerns would not affect environmental analysis conclusions for the proposed project currently under review.*
- The same commenter requested that appropriate public notice be given prior to a public hearing to discuss the proposed project. *All required public notices and hearings for the proposed project will be performed in accordance with the Planning Code.*
- The same commenter expressed concern about the cumulative impacts of the proposed project with others in the vicinity. *The potential cumulative impacts of the proposed project are discussed in the attached CPE Checklist under the relevant CEQA topic headings.*
- The same commenter expressed concern about the potential air quality impacts on the proposed offices and roof deck that could result from their location adjacent to a freeway, requiring referral to the Bay Area Air Quality Management District (BAAQMD). *The potential air quality impacts of the proposed project are discussed in the "Air Quality" section of the attached CPE Checklist. Offices are not considered sensitive receptors for air quality analysis purposes.<sup>6</sup>*

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<sup>6</sup> BAAQMD considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, and condominiums; 2) schools, colleges, and universities; 3) daycares; 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

- The same commenter asserted that prior construction work on the project site has been performed without full Planning Department review. *Prior projects are not the subject of this environmental document. All prior work performed on the building is considered an existing condition for the purposes of environmental review. Planning Department approvals are subject to a formal appeals process, and any work performed without proper approvals may be reported to the department through the complaint process.*
- The same commenter asserted that the proposed project requires referral to Caltrans, citing traffic hazard concerns associated with locating a roof deck adjacent to a freeway. *The transportation impacts of the proposed project, including the potential for traffic hazards, are discussed in the Transportation and Circulation section of the attached CPE Checklist. Caltrans reviewed the proposed project and requested modifications as part of a transfer of air rights above the existing building to the project sponsor<sup>7</sup>.*
- The same commenter asserted that the project description in the Notification of Project Receiving Environmental Review incorrectly stated that the existing building on the project site is currently vacant, citing prior evictions that had occurred in the building. *The project sponsor verified that the building is currently vacant<sup>8</sup>, and the building was observed to be vacant by Planning Department staff during a site visit on March 28, 2014. The building's eviction history does not affect the environmental analysis conclusions for the proposed project currently under review.*
- Two additional commenters expressed concern about prior evictions and vandalism at the existing building on the project site. *The building's eviction history and prior vandalism would not affect the environmental analysis conclusions. This environmental document addresses the land use impacts associated with loss of PDR space in the "Land Use" section of the attached CPE Checklist.*
- One of the two commenters also asserted that the project description in the Notification of Project Receiving Environmental Review incorrectly stated that no off-street parking currently exists on the project site. *Plans submitted by the project sponsor<sup>9</sup> and a site visit performed by Planning Department staff on March 28, 2014 confirm that no off-street parking currently exists on the project site. The Caltrans-owned parcel adjoining the project site to the west contains surface parking, which is not part of the project site.*

The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

## CONCLUSION

As summarized above and further discussed in the CPE Checklist<sup>10</sup>:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;

<sup>7</sup> Phone conversation with Renata Frey, Caltrans District 4 Real Estate Division – Excess Land Sales, May 23, 2014. Staff notes from this phone conversation are available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

<sup>8</sup> John Kevlin, "340 Bryant Neighborhood Notice Project Description" e-mail dated April 14, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

<sup>9</sup> 340 Bryant Street, plans dated June 4, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

<sup>10</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

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 Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods 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 Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

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

**EXHIBIT 1:**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)**

1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p><b>Project Mitigation Measure 1 - Construction Air Quality (Eastern Neighborhoods Mitigation Measure G-1)</b></p> <p>A. Construction Emissions Minimization Plan. Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:</p> <ul style="list-style-type: none"> <li>a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;</li> <li>b) All off-road equipment shall have:           <ul style="list-style-type: none"> <li>i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and</li> <li>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).</li> </ul> </li> <li>c) Exceptions:           <ul style="list-style-type: none"> <li>i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.</li> <li>ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with</li> </ul> </li> </ul>	<p>Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.</p>	<p>During construction</p>	<p>Each Project Sponsor to provide Planning Department with monthly reports during construction period.</p>	<p>Considered complete upon receipt of final monitoring report at completion of construction.</p>

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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).</p> <p>iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 2.</p>																
<p><i>Table 2 – Off-Road Equipment Compliance Step-down Schedule</i></p> <table border="1"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table> <p>How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.</p> <p>* Alternative fuels are not a VDECS.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p> <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p> <p>B. Reporting. Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>				

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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p><b>Project Mitigation Measure 2 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)</b></p> <p>The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	Project Sponsor/project archeologist of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Prior to approval of each subsequent project, through Mitigation Plan.	Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction.	Considered complete upon approval of each subsequent project.
<p><b>Project Improvement Measure 1 – Transportation Demand Management (TDM) Coordinator</b></p> <p>The project sponsor shall identify a TDM coordinator for the project site. The TDM Coordinator shall be responsible for the implementation and ongoing operation of all other TDM measures (Project Improvement Measures 2 and 3) included in the proposed project. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMASF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator shall be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator shall provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.</p>	Project Sponsor	Continuous	Planning Department, in consultation with the TDM Coordinator	Continuous
<p><b>Project Improvement Measure 2 – Transportation and Trip Planning Information/New-Hire Packet</b></p> <p>The project sponsor shall provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be</p>	Project Sponsor	Continuous	Planning Department, in consultation with the TDM Coordinator	Continuous

**EXHIBIT 1:**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet shall be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The project sponsor shall provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.				
<p><b><i>Project Improvement Measure 3 – Bicycle Parking</i></b></p> <p>The project sponsor shall provide at least 12 on-site secured bicycle parking spaces and 4 on-site publicly-accessible (visitor) bicycle parking spaces. Within one year after Final Certification of Completion for the subject project, the project sponsor shall contact in writing the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) to fund the installation of up to 20 new bicycle racks on public right-of-way locations adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).</p>	Project Sponsor	Continuous	Planning Department; In consultation with the TDM Coordinator	Continuous

Application to Request a  
Board of Supervisors Appeal Fee Waiver

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

CASE NUMBER:  
For Staff Use only

APPLICATION FOR  
Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME:	SUE HESTON ATTORNEY for SAN FRANCISCANS FOR REASONABLE GROWTH	
APPLICANT ADDRESS:	870 MARKET ST #1128 SF 94102	TELEPHONE: (415) 846-1021
		EMAIL: heston@earthlink.net

NEIGHBORHOOD/ORGANIZATION NAME:	SAN FRANCISCANS FOR REASONABLE GROWTH	
NEIGHBORHOOD/ORGANIZATION ADDRESS:	870 MARKET #1128 SF 94102	TELEPHONE: (415) 846-1021 (cell)
		EMAIL: heston@earthlink.net

PROJECT ADDRESS:	310 BOLYANT ST	
PLANNING CASE NO.:	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY):
2013-160 B		1/8/15

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.

The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.

The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.

The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

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Application received by Planning Department

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Submission Checklist:**

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION
  
- WAIVER APPROVED
- WAIVER DENIED

**FOR MORE INFORMATION:**  
Call or visit the San Francisco Planning Department



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479  
  
TEL: 415.558.6378  
FAX: 415.558.6409  
WEB: <http://www.sffplanning.org>

**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
San Francisco CA 94103-2479  
  
TEL: 415.558.6377

Planning staff are available by phone and at the PIC Counter.  
No appointment is necessary.

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SUE C. HESTOR  
329 HIGHLAND AVE. (415) 824-1167  
SAN FRANCISCO, CA 94110

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Sue C. Hestor

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**Carroll, John (BOS)**

---

**om:** Caldeira, Rick (BOS)  
**Sent:** Tuesday, March 24, 2015 1:41 PM  
**To:** BOS Legislation (BOS)  
**Subject:** FW: Confirm agree to continuance: Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015  
  
**Categories:** 150171

For file.

---

**From:** [hestor@earthlink.net](mailto:hestor@earthlink.net) [mailto:[hestor@earthlink.net](mailto:hestor@earthlink.net)]  
**Sent:** Tuesday, March 24, 2015 1:30 PM  
**To:** Caldeira, Rick (BOS)  
**Subject:** Confirm agree to continuance: Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015

Sent from my BlackBerry® smartphone, powered by CREDO Mobile.

---

**From:** [hestor@earthlink.net](mailto:hestor@earthlink.net)  
**Date:** Tue, 24 Mar 2015 20:26:19 +0000  
**To:** April Veneracion<[april.veneracion@sfgov.org](mailto:april.veneracion@sfgov.org)>; Rick Caldeira<[rick@caldeirasfgov.org](mailto:rick@caldeirasfgov.org)>  
**ReplyTo:** [hestor@earthlink.net](mailto:hestor@earthlink.net)  
**Cc:** Sue Hestor<[hestor@earthlink.net](mailto:hestor@earthlink.net)>  
**Subject:** Confirm agree to continuance: Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015

This confirms agreement by appellant SFRG to continuance request by Sup Kim.

Thank you.

Sue Hestor  
Sent from my BlackBerry® smartphone, powered by CREDO Mobile.

---

**From:** "Veneracion, April (BOS)" <[april.veneracion@sfgov.org](mailto:april.veneracion@sfgov.org)>  
**Date:** Tue, 24 Mar 2015 19:38:15 +0000  
**To:** 'hestor@earthlink.net'<[hestor@earthlink.net](mailto:hestor@earthlink.net)>  
**Subject:** RE: Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015 - Appellant's Brief

Sue,  
Can you please email Rick Caldeira of the Clerk's office confirming that you have agreed to the continuance?  
Thank you,  
April

---

**From:** Veneracion, April (BOS)  
**nt:** Tuesday, March 24, 2015 12:27 PM  
**o:** BOS Legislation (BOS); BOS-Supervisors; BOS-Legislative Aides; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Jackson, Erika; Ionin, Jonas (CPC); 'jkevlin@reubenlaw.com'; 'hestor@earthlink.net'; Uchida, Kansai (CPC)

**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS)  
**Subject:** RE: Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015 - Appellant's Brief

Hello all,

The appellant and project sponsor, have agreed to continue this hearing for one week to March 31, 2015.

Thank you,

April

---

**From:** BOS Legislation (BOS)  
**Sent:** Tuesday, March 24, 2015 10:40 AM  
**To:** BOS-Supervisors; BOS-Legislative Aides; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Jackson, Erika; Ionin, Jonas (CPC); 'jkevlin@reubenlaw.com'; 'hestor@earthlink.net'; Uchida, Kansai (CPC)  
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**Subject:** Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015 - Appellant's Brief

Good morning,

Please find linked below, the Appellant submission for the Appeal of Community Plan Exemption from Environmental Review for 340 Bryant Street which was not submitted in accordance with the timeframes pursuant to Administrative Code, Section 31.16(b)(5).

**This appeal is scheduled to be heard by the Board of Supervisors today, March 24, 2015, at 3:00 p.m.**

Please be further advised, that in accordance with Government Code, Section 65009(1)(b), this information was received and will therefore be included in the official file for this matter.

Appellant Memo – 03/24/2015

You are invited to review the entire matter on our Legislative Research Center by following the link below.

Board of Supervisors File No. 150171

Thank you,

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)  
Web: [www.sfbos.org](http://www.sfbos.org)

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*selosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

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**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS)  
**Subject:** RE: Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015 - Appellant's Brief

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**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS); BOS Legislation (BOS)  
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Appellant Memo – 03/24/2015

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Board of Supervisors File No. 150171

Thank you,

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)  
Web: [www.sfbos.org](http://www.sfbos.org)

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## **Carroll, John (BOS)**

---

**From:** Caldeira, Rick (BOS)  
**Sent:** Tuesday, March 24, 2015 1:01 PM  
**To:** BOS Legislation (BOS)  
**Subject:** FW: Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015 - Appellant's Brief

**Categories:** 150171

For file.

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**From:** John Kevlin [mailto:[jkevlin@reubenlaw.com](mailto:jkevlin@reubenlaw.com)]  
**Sent:** Tuesday, March 24, 2015 12:41 PM  
**To:** Caldeira, Rick (BOS)  
**Cc:** Veneracion, April (BOS)  
**Subject:** FW: Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015 - Appellant's Brief

Hi Rick,

On behalf of the project sponsor, we agree to continue the CEQA appeal hearing for 340 Bryant Street from today to next Tuesday, March 31. Can you guys confirm whether this continuance can be granted without appellant and project sponsor speaking at public hearing, or if we need to be at the hearing in person to request that the BOS vote on a continuance? Thanks.

John

---

**From:** Veneracion, April (BOS) [mailto:[april.veneracion@sfgov.org](mailto:april.veneracion@sfgov.org)]  
**Sent:** Tuesday, March 24, 2015 12:27 PM  
**To:** BOS Legislation (BOS); BOS-Supervisors; BOS-Legislative Aides; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Jackson, Erika; Ionin, Jonas (CPC); John Kevlin; 'hestor@earthlink.net'; Uchida, Kansai (CPC)  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS)  
**Subject:** RE: Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015 - Appellant's Brief

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**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS); BOS Legislation (BOS)  
**Subject:** Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street - Hrg. March 24, 2015 - Appellant's Brief

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Appellant Memo – 03/24/2015

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Board of Supervisors File No. 150171

Thank you,

**Joy Lamug**

**Legislative Clerk**

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102

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Lamug, Joy

**From:** Sue Hestor [hestor@earthlink.net]  
**Sent:** Tuesday, March 24, 2015 9:56 AM  
**To:** BOS Legislation (BOS)  
**Subject:** Fwd: 340 Bryant Street - Appellant Brief - BOS hrg 3/24 3pm  
**Attachments:** 201503240846.pdf

another attempt to get thru

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65009(b)(2), information received at, or prior to, the public  
hearing will be included as part of the official file.)

----- Forwarded Message -----

**Subject:** 340 Bryant Street - Appellant Brief - BOS hrg 3/24 3pm

**Date:** Tue, 24 Mar 2015 08:56:52 -0700

**From:** Sue Hestor <hestor@earthlink.net>

**To:** joy.lamug@sfgov.org, BOSLegislation@sfgov.org, sarah b jones <sarahbjones.sfgov@gmail.com>, jkevlin@reubenlaw.com, jon.givner@sfgov.org

**CC:** Kansai Uchida <kansai.uchida@sfgov.org>

Here is the brief of Appellant San Franciscans for Reasonable Growth  
plus accompanying exhibits 1-13

Sue Hestor

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hearing will be included as part of the official file.)

Electronic Transmittal

**Appellant Submission to Board of Supervisors**

**150171 - Appeal of CEQA Exemption Determination - 340 Bryant Street**

Hearing: March 24, 2015

SF Admin Code 31.16  
Planning Commission Motion 19311 - January 8, 2015 - 2013.160B  
Pending Board of Appeals - #15-015 - March 25, 2015

**340 BRYANT STREET vs. VISION ZERO FOR PEDESTRIAN ACCIDENTS/FATALITIES**

San Franciscans for Reasonable Growth appeals the environmental exemption determination for the office allocation to convert over 47,000 sq ft of 340 Bryant Street from industrial (PDR - production, distribution, repair) to tech offices. The site is located in the Eastern SOMA Area of the Eastern Neighborhoods Area Plan. The exemption is based on that Eastern Neighborhoods plan. The environmental analysis fails to address the unique problems of this site, set out necessary corrective measures AND require incorporation of those measures in approval of the conversion.

Hard copy being transmitted to Clerk of the Board, the Environmental Review Office, Deputy City Attorney Jon Givner, and project sponsor's law firm Reuben and Junius.

## 340 BRYANT STREET vs. VISION ZERO FOR PEDESTRIAN ACCIDENTS/FATALITIES

### OFFICE BUILDING CONVERSION APPROVED WITHOUT SAFE ACCESS FOR PEDESTRIANS OR BICYCLISTS

The Planning Commission approved converting 340 Bryant Street IMMEDIATELY NEXT TO THE ON-RAMP BAY BRIDGE WITHOUT ANY SAFE CROSSWALKS with virtually no environmental analysis of the site specific pedestrian and traffic hazards being created. This is *not* a cumulative issue. The currently unoccupied, former industrial, building at 340 Bryant is SURROUNDED BY FREEWAY LANES DIRECTLY ONTO THE BRIDGE.<sup>1</sup> Several hundred new office workers at this site will have NO safe cross-walk for pedestrians or bicyclists across those Bridge access lanes.

There was ZERO analysis of this problem in the staff report leading up to the January 8 vote.

ZERO discussion of *this site* with problems CLEARLY set out in environmental exemption

ZERO discussion of pedestrian hazards in the staff report

ZERO discussion of the problem and explicit SITE SPECIFIC CONDITIONS SETTING OUT

HOW CIRCULATION WAS TO BE RESOLVED in draft approval Motion

### Photos showing the context of this site

Four photos from 340 Bryant environmental files show how the project site was represented in 2013. They do not totally reflect current building because there has been some construction since the photos. The photos were not part of the presentation to the Planning Commission. They are provided here as Exhibit 2 to help the Board understand this complicated site.

Exh 2A looks northeast at the site from the south side of Bryant. The curved 340 Bryant building on the left mimics the curve of the access lanes directly onto the lower deck of the Bay Bridge. The elevated freeway at the top is the first ramp exiting into San Francisco from the upper deck SOUTH side of the Bay Bridge. It loops around north to Fremont and Harrison. The squared off building to the left is also part of 340 Fremont and abuts dead-end Rincon Alley. North/rear is the Bay Bridge. At the far right in the rear is the hill embankment that is adjacent to the south side of the Bay Bridge. The Bay Bridge to the rear is almost obscured in this photo. The entire "parking" area to the left/west of the curved 340 building is Caltrans property. It is *not* part of the 340 Bryant site.

Exh 2B looks directly north from the south side of Bryant at the squared off portion of 340 Bryant. Industrial loading docks are visible. The main entrance to 340 Bryant is at the east end (left) of the curved portion of 340 building. Entrance was added after photo taken. The aqua building in far right rear is 1 Rincon Hill to the north of the Bridge.

Exhibit 2C shows the squared off portion of 340 Bryant with Rincon Alley heading north and dead-ending just south of the Bay Bridge structure visible in the rear.

<sup>1</sup> Exh 1 at ERO 48 is the aerial map of 340 Bryant site. It was provided for the first time in brief of the Environmental Review Officer (ERO). *Page numbers are those when ERO submission is displayed.*

**Exhibit 2D** photo looks west out Bryant Street with vehicles EASTbound on Bryant in rear. The buildings on *left* (south side of Bryant) towards 2nd Street are heavily residential with lower floor commercial. Building on *right* under Bay Bridge upper deck off ramp is 340 Bryant (only squared off portion of 340 Bryant visible from this perspective). North side (WESTbound) of Bryant is ONLY Bay Bridge access "ramp" to lower deck once 340 Bryant building begins at Rincon Alley. Vehicles can turn right or left at Rincon. They dead-end to right/north and do not go thru to Brannan on left/south.

EASTbound Bryant Street east of 2nd Street, barely visible to the right of yellow lines in rear, is the 2-lane SURFACE STREET WITH DIRECT ACCESS ONTO THE LOWER DECK OF THE BAY BRIDGE. The ON-RAMP turns LEFT at Sterling Street. WESTbound Bryant Street traffic is Bay Bridge access only once it gets to 340 Bryant. Vehicles must turn right on Sterling for direct access onto the Bridge. EASTbound and WESTbound Bryant Street traffic both turn onto Sterling, where they merge into the access ramp directly onto the Bridge. Traffic loops north around Clocktower Lofts between 2nd and Sterling, seen in rear, then go straight onto the Bridge lower deck.

*What is missing from these undated, un-time stamped photos used by Planning?* There is absolutely no traffic using these lanes to get onto the Bay Bridge lower deck. No crosswalk over Bryant to 340 Bryant. No pedestrian visible. No construction rigging and very little visible fencing. The steep incline in the WESTbound lanes of Bryant Street (heading onto the Bridge lower deck) is missing from these photos. They do not depict the traffic coming up the hill before Bryant Street flattens out at *Rincon Alley - the west boundary of 340 Bryant building.*

The first time Planning confronted the complexities of traffic and pedestrians at this site was at the January 8 Planning Commission hearing.<sup>2</sup> The public raised the issue:

Hestor - Those are HOV lanes to get onto the bridge. How do you get up to this building? Site literally surrounded by freeways. Plus people riding bicycles. Exh 3 p. 3

Commissioners Johnson, Richards, Moore raised the issue of dangerous access to the site:

Johnson - 340 Bryant was (probably a fantastic selection) before the I-80 entrance... whether plan improvements or other traffic measures.. this is special circumstance, design as part of conditions of approval, *office space conversion changes type of people coming in and out.* Exh 3 pp 6-7

NOTE Eastern Neighborhoods Area Plan rezoned 340 Bryant in 2008 based on 2004-2007 traffic studies. HOV lanes *later changed to present configuration.*

Richards - most unusually located building in the world. *Something has to be done about pedestrians. Comm Moore and I nearly got flattened crossing the street.* Exh 3 p 7

Moore - discussion of the building and site. Exh 3 p8

Three Commissioners, *but no staff*, showed by comments they had visited the site and saw first-hand the problem of pedestrian access through cars driving to get onto the Bay Bridge.

Pedestrians walking to or from 340 Bryant will face unique challenges - having to walk through fast traffic on Bryant heading directly onto the Bay Bridge.

<sup>2</sup> Exh 3 is the SFGTV "transcription" of the Planning Commission January 8, 2015 hearing on 340 Bryant. Names of the people speaking have been inserted, but language is what is on the SFGTV site.

The tools to address the 340 Bryant conditions they faced and identified were provided, or not provided, to the Planning Commissioners in the environmental review for 340 Bryant.

### **Environmental Review Officer submission to BOS**

The ERO submission to this Board attempts to rehabilitate the Environmental Exemption for 340 Bryant provided to the Planning Commission on December 31, 2014. The document challenged in *this* appeal.

The ERO submission includes several photos not provided to the Planning Commission. The overhead view of the site in Exh 1/ERO 48, is a good orientation to the site, but *it flattens out slopes*. There is a steep hill (Rincon Hill) on both sides of the Bay Bridge. One hill includes the WESTbound lanes on Bryant that *climb* uphill to Rincon Alley and 340 Bryant. The elevated off-ramp to the SOUTH of the Bridge is at the fourth story level above the ground-story Bryant Street lanes leading to the Sterling Street on-ramp directly up and onto the Bay Bridge. The substantial difference in elevation can be seen in Exh 2D.

The incline of the hill up Bryant from Beale is faintly visible in the upper right corner where a line east of Delancey Street shows what is a solid wall several stories tall separating the lower portion of Bryant Street from the upper portion of Bryant Street. The buildings on right are much lower in elevation than the buildings on left. (Rincon Hill)

#### **Environmental Review for 340 Bryant failed to pull out and analyze THIS PARTICULAR SITE**

Once an Area Plan is adopted, the Program EIR (PEIR) for that Area is the basis for future environmental review. The Eastern Neighborhoods Rezoning and Area Plans Final EIR (2004.0160E) was certified on August 7, 2008.

*The EIR pages cited by the ERO DO NOT discuss or analyze the immediate area of 340 Bryant.* They discuss the FREEWAY ON RAMPS at 4th, 5th, Harrison, Bryant - not Sterling and Bryant,<sup>3</sup> pedestrian crosswalks near those ramps,<sup>4</sup> and pedestrian/vehicle collisions in a very different locations.<sup>5</sup>

Over six years after certification of the PEIR (which was prepared in a severe economic downturn very different from San Francisco conditions in 2015) the Environmental Review Officer has the power AND THE RESPONSIBILITY to examine *this project at this unique site*. She failed to require that examination.

#### **Certificate of Determination - Exemption from Environmental Review.<sup>6</sup>**

##### **Community Plan Exemption Overview - the starting point**

"Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plan will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of

<sup>3</sup> Exh 4 Eastern Neighborhoods PEIR pp. 130-131

<sup>4</sup> Ibid p. 260-261

<sup>5</sup> Ibid p. 289-291

<sup>6</sup> Certificate of Determination, Exemption from Environmental Review, 340 Bryant Street, 12/22/14 ERO 55

development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 340 Bryant Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR....the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project." Ibid, p. 3 (ERO 57).

The necessary next step is looking at the project setting for 340 Bryant.

#### Project Setting

"Much of the subject block is occupied by Interstate 80, ramps providing access to Interstate 80 and the San Francisco-Oakland Bay Bridge.... Bryant Street serves as a primary access route to the Bay Bridge, and on and off-ramps adjoin the project site on all side." Page 4 (ERO 58)

Absolutely true. The Bay Bridge goes straight through the block from 2nd Street east to Beale, from Harrison Street south to Bryant. Bryant Street is a primary access route to the Bridge. On and off-ramps adjoin the 340 Bryant site on all sides. The next sentence - *there is NO pedestrian access ACROSS THE FREEWAY for the three blocks between 2nd Street and Beale Street* - is also true.

But the description of the aspects "specific to ... the site" (see Overview paragraph above) stops with the single paragraph set out above. On page 4 (ERO 58) there is

- NO mention of the lack of any (SAFE) crosswalk to the site.
- NO mention of the 340 Bryant Street site being totally surrounded by fast-moving access lanes directly onto the Bay Bridge.
- NO mention of the existing merger of high volume HOV lanes adjacent to the site.
- NO mention that the contemplated change of use will bring a tech office work force that will be surrounded by heavy traffic in HOV lanes heading east to exit San Francisco during the hours of 4-7 every day. Lanes providing non-HOV access at other hours.

After briefly looking at CUMULATIVE issues and determining that this site had been rezoned, pages 5 and 6 (ERO 59,60) the Certificate analysis goes straight to Eastern Neighborhoods Mitigation Measures. Only Construction Air Quality, Hazardous Building Materials are required. Nothing regarding transportation.

*The Certificate of Exemption concludes that 340 Bryant project would not result in effects on the environment peculiar to the project site that were not identified in the Eastern Neighborhoods PEIR. Page 9 (ERO 63)*

The ERO also provided with the Community Plan Exemption Checklist (ERO 64) which went to the Planning Commission 12/31/14. There is minimal discussion of the impacts that "are peculiar to the project or project site." Page 10 (ERO 75)

The Transportation and Circulation analysis is at pp. 14-19. (ERO 79-84) Again environmental staff looks at cumulative impacts from changes in the EN Area Plan. The ONLY site specific analysis of project Traffic is the p.16 (ERO 81) discussion of modifying exterior building walls in a manner acceptable to Caltrans! Therefore there are **NO TRAFFIC HAZARDS**.

The Discussion of Transportation Demand Management (which later looms large in the Motion on this project) is at pp. 16-17 (ERO 81,82). It *solely and explicitly* deals with "encouraging the use of alternative modes of transportation" by employing a Transit Demand Coordinator, providing a New-Hire Packet on transit service, transit passes, rideshare, bikeshare, carshare, finding transit information AND bicycle parking. Although there are difficulties riding bicycles in this area of Bryant, there is **NOTHING** about improving access for bicycles to the 340 Bryant building.<sup>7</sup> The three Project Improvement Measures deal **SOLELY** with the Project Sponsor's obligation to deal with these functions in 340 Bryant.

The Discussion of Transit lists transit lines in the general area of this building and cumulative issues on funding at pp. 17-18 (ERO 82, 83). They do not address site-specific issues.

Parking is addressed by stating none will be provided on-site, it might be provided elsewhere or people can use transit or bike. Nothing about the conditions for pedestrians or bicycles in the immediate area at pp. 18-19 (ERO 83,84)

The Checklist concludes with *Required Mitigation Measures to be imposed on all Eastern Neighborhoods projects* because of CUMULATIVE IMPACTS - including requirements on 340 Bryant. Construction Air Quality, Hazardous Building Materials, a TDM Coordinator (see above). Those conditions were included in the Draft Motion and included in Motion 19311 approving 340 Bryant.

## VISION ZERO AND 340 BRYANT STREET PROJECT

Because of enormous concern Citywide regarding accidents and fatalities in conflicts between vehicles, pedestrians and bicycles a year before 340 Bryant was considered by the Planning Commission, one by one City agencies started adopting Vision Zero to eliminate those conflicts and deaths. Then came the January 8, 2015 Planning Commission hearing.

The starting point is the assumption by appellant San Franciscans for Reasonable Growth that -

Environmental Review is mandated to conduct a thorough evaluation of the site which enables the Planning Department and Planning Commission to develop a well-thought out plan to enable over 100 tech workers to safely walk to and from this site.

Applying the Vision Zero goal to the 340 Bryant Street project, appellant makes a further assumption -

Creating a new pedestrian traffic hazard is contrary to San Francisco's Vision Zero goal which has a specific focus is on marking EXISTING intersections so that pedestrians, bicyclists and drivers pass through without accident and set a ten year goal to achieve through better engineering, education and enforcement.

---

<sup>7</sup> The Checklist was issued 12/22/14. There was a fatal bicycle accident at Bryant and Rincon - THIS SITE - on October 22, 2014 while the Checklist and Exemption were being prepared.

### Last minute Planning Commission amendment to address circulation hazards

As set out on page 3 above, three Planning Commissioners raised questions about safe access to the site - a subject not discussed in the environmental exemption, the staff report or the proposed Motion. At the last minute on January 8, a fourth Commissioner verbally amended the approval motion. When put into writing, the amendment to the motion read:

*"The Planning Department will continue to work with applicable other agencies regarding issues surrounding pedestrian streetscape improvements, fire access, pedestrian safety and traffic calming measures."*

THIS LANGUAGE WAS INSERTED INTO A CONDITION REQUIRING THE PROJECT SPONSOR TO PROVIDE ON-SITE TRANSPORTATION BROKERAGE SERVICES (i.e. sell transit passes, have transit maps, encourage occupants to not drive to work). **THIS IS INAPPROPRIATE AND MAKES NO SENSE.** It is not a CONDITION imposed on the project itself. If expensive construction is required, who pays for it?

EXH 5 sets out the CONDITIONS imposed on 340 Bryant Street project in Motion 19311.

Conditions 7 - 16 set out conditions on the project sponsor in addition to the timeline deadlines in 1-6.

- Conditions 7 and 8 require project sponsor to build on-site bicycle parking, showers and lockers.
- Conditions 9, 10 and THE SECOND 11<sup>8</sup> require project sponsor to pay transit, housing and area plan fees.
- Condition 12 requires project sponsor to retain PDR use on the ground floor.
- Conditions 15 and 16 require project sponsor to maintain clean sidewalks and a community liaison.

But THE FIRST CONDITION 11 inappropriately mixes up a mandate that the project sponsor provide Transportation Brokerage Services - on site sale of transit passes, maps - with an exhortation to the *Planning Department* to work with other agencies.

Planning Code 163 lists components of Transportation Brokerage Services to be provided by the project sponsor (EXH 6):

- provision of transit information and sale of transit passes on site
- ridesharing activities
- reduction of parking demand
- car-sharing
- flex-time or staggered work hours<sup>9</sup>
- participation in a network of transportation brokerage services

The Transportation Brokerage Services List DOES NOT INCLUDE CONSTRUCTION OF ANY SORT.

<sup>8</sup> Motion 19311 has two different "Condition 11"s. Referred to here as the FIRST Condition 11 and SECOND Condition 11.

<sup>9</sup> Ironically this may include a warning alerting workers of hazardous conditions walking to 340 Bryant site.

In contrast Conditions 7 and 8 IS a physical mandate that project sponsor build certain on-site bicycle facilities.

**The addition of language urging the *PLANNING DEPARTMENT* is NOT a Condition on Project Sponsor.**

They are totally different "mandates." The issues such as construction of crosswalks, warning lights to drivers accelerating up the Bryant Street hill that they may encounter pedestrians in a cross-walk they will not see until they bear down upon it, traffic signals are mandates to PUBLIC AGENCIES. Yet environmental review has done NO ANALYSIS OF THE SITUATION TO GIVE THEM GUIDANCE.

Planning can help - but failed to - identify the nature of the problem, the location and possible solutions. CalTrans owns the western edge of this block and its on-site and adjacent parking operations contribute to the problem. *Does the Planning Commission intend to mandate CalTrans?*

THESE ARE NOT ISSUES TO BE RESOLVED BY AN ON-SITE TRANSPORTATION BROKER SELLING FAST PASSES AND ARRANGING RIDE-SHARES.

The ERO cites the addition of this condition - a MANAGEMENT OF OCCUPANTS - as solving the problem. A reading of Sec 163 shows that it is NOT designed to be a mandate for city agencies or Caltrans to construct crosswalks across freeway access lanes.

*There are serious circulation problems in the area. They should be identified by REAL environmental analysis, discussed, made conditions of 340 Bryant project and/or funded by government agencies. Residents and workers of this area deserve a safe environment.*<sup>10</sup>

#### **RESIDENTS WHO LIVE OR WORK ACROSS BRYANT EXPERIENCE ACUTE PROBLEMS WALKING IN AREA**

Henry Rogers and Jim Lauer, who live in residential condos at 355 Bryant directly across from 340 Bryant, separately sent letters to this Board on traffic problems on their block. Exh 8 and Exh 9. Therea Schreiber works at 355 Bryant. Exh 10 On a daily basis they each confront traffic and pedestrian conditions on this final on-ramp to the Bay Bridge. Each letter states their own experiences.

This is supplemented by personal observations of traffic conditions on TWO separate Wednesday afternoon rush hours - the period when SF performs traffic studies. 3/4/15 was at STANDARD (PST) time. 3/18/15 is DAYLIGHT (PDT) time. Exh 11 and Exh 12.

The ERO asserts there are "unmarked crosswalks" at Bryant and Rincon Alley and at the Sterling Street on-ramp to the Bay Bridge.

It would be more appropriate to classify these as "imaginary crosswalks for Planning Department compliance." They offer none of the safeguards for pedestrians that stop signs or

---

<sup>10</sup> On January 9, 2015, the day after the Commission voted, the Chronicle reported on 2014 traffic fatalities, including a bicyclist at THIS site. Exh 7 SF Traffic Fatalities dip, but not bad behavior

marked crosswalks may provide, but allow the Planning Department to avoid taking action that would be responsive to removing hazards to residents of the neighborhood. Rogers Exh 8

No painted crosswalks crossing Bryant to 340 Bryant. Lauer Exh 9

At times 5 vehicles are trying to merge into 2 lanes at the Sterling and Bryant "unmarked crosswalk." Schreiber pp. 1-2 Exh 10

The ERO argues that cars recognize (and defer to) unmarked crosswalks at intersections.

Cars driving north on Rincon Alley frequently ignore the "Right Turn Only" sign at Bryant. Attempts to turn left creates dangerous situation as cars speed east on Bryant. Rogers Exh 8

I have seen near misses of pedestrians with a second driver not realizing someone is trying to cross. I personally have been honked and yelled at when trying to cross. Schreiber p. 2 Exh 10

Planning cites disabled crosswalks on north of Bryant as evidence of safety

ADA ramps on the north side of Bryant at Rincon are very old and do not seem to comply with designs for pedestrian ramps for disabled people currently in use. Lauer Exh 9

A lot of illegal "create 3rd lane" EASTbound Bryant swinging into and confronting cars in SOLE WESTbound lane Exh 11, p. 1

Planning ignores visibility problem from WESTbound traffic on Bryant from cars coming up a hill.

340 Bryant is at the crest of the hill, visibility is reduced from both directions putting pedestrians at a higher level of risk. Rogers Exh 8

Sun coming down Bryant in eyes of westbound drivers in front of 340. 3/18 PDT at 5:05 Exh 11  
3/4 PST at 4:20 Exh 12

(Bryant Street WESTbound) a BLIND HILL where few stop because they cannot see anyone who is at the top. Pedestrians cannot see cars coming up the hill until it is too late. Schreiber p.2 Exh 10

Currently vacant 340 building may have artificially reduced accidents

There are frequent accidents and near-accidents on this block as well as fatalities involving pedestrians at Rincon and Bryant. The reduced rate of significant accidents over the last two years may be attributable to the lack of occupancy in the building since the lease for artists' lofts was terminated to make way for office conversion. Rogers Exh 8

Even though 340 Bryant currently vacant at the dangerous status of site was reflected in 1/9/15 Chronicle article on 2014 traffic fatalities. There was a fatal bicycle accident 10/22/14 at the "unmarked crosswalk" Rincon and Bryant. Exh 7

At least 3 cars do U turns in area across from 340 bldg - most go EAST down Bryant. Exh 11

Planning's assumed pedestrian route to Rincon Alley and Bryant crosswalk not based in real world

Because 10-Muni is slower than walking, most office workers walk south on 2nd Street. Will turn left on north side of and cross the "Unmarked" crosswalk across the Bay Bridge access where they will risk being hit (or at best honked at) by cars who fail to recognize the unmarked crosswalk at Sterling. **Rogers Exh 8**

People will not try to cross at Rincon because they will cross on the side closest to 2nd St. **Schreiber p.2 Exh 10**

Planning incorrectly relies on traffic study for 2008 Eastern Neighborhoods EIR

There has been dramatic increase in vehicular traffic on Bryant in past two years - making it unsafe for pedestrian to cross Bryant. **Lauer Exh 9**

Evening rush hour has increased to cover 2 to nearly 7 M-F. **Lauer Exh 9**

When the building was zoned industrial in its previous guise, there were very few employees who worked there and vehicular traffic on Bryant was docile compared to the road rage which prevails today. Situation has changed dramatically. **Lauer Exh 9**

Traffic is already backs up on Bryant by people trying to get on LAST Bay bridge on-ramp. From 2:30 or 3:30 on Bryant traffic blockage extends from 2nd St down to 3rd St. City has spent a lot of time and money trying to figure out what to do with that intersection. This is before hundreds of people leaving work at 340 Bryant try to cross the on-ramp. **Schreiber p.1 Exh 10**

And the San Francisco Chronicle: City Streets ARE Dangerous. People - even those speeding to get onto the Bridge - have to slow down and watch where they are going.<sup>11</sup>

**Conclusion**

The ERO's reliance on a 2008 EIR with no real updated transportation study of this immediate area has led to non-analysis of both the problem AND the solution to Bay Bridge on-ramps from Bryant Street.

People who live and work in this area deserve better treatment. They are already, and will increasingly be trapped in their buildings, since it so dangerous to cross any of the streets, either south or north of Bryant. **Lauer. Exh 9** New workers at 340 Bryant will be "trapped" in their offices, without going out for lunch, breaks or meetings. Or their "traffic" will exacerbate current conditions. **The 340 Bryant Exemption is adding to, not reducing, the problem of reaching the Vision Zero goal of eliminating dangerous streets**

The Environmental Exemption should be pulled back and THOUGHT THROUGH. If additional measures to improve circulation are needed - *and they are* - they must involve the City, and probably Caltrans.

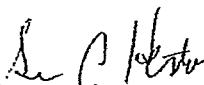
<sup>11</sup> Exh 13 SF Chronicle editorial 3/14/15 - The City's dangerous streets

The office and PDR use at 340 Bryant can possibly go forward. But the City, residents and people who in this area are being shortchanged by reliance on the ERO's Certificate of Exemption based pretty much exclusively on transportation studies for a 2008 EIR.

- Are traffic signals to be installed? Where?
- Crosswalks painted at Bryant and Rincon?
- Flashing warning signs alerting cars driving up the Bryant Street hill of pedestrians ahead?
- What controls for merging east and west bound traffic at Sterling?
- How is THAT traffic to be "calmed" and slowed down?
- Are trucks making wide turns onto the Bridge - trucks which already effectively create a THIRD EASTbound lane merging in the ONE WESTbound lane - to be advised that they have to stop for a pedestrian crosswalk across Sterling? How? By a flashing signal?
- What increase in the level of lighting in the area and street under the upper deck overpass exiting the Bay Bridge (in front of 340 Bryant)?
- What is CALTRANS responsibility for the on-ramp areas on Bryant and Sterling Streets?
- How is CALTRANS going to resolve the parking problems and traffic coming from THEIR use of the parcel west of 340 Bryant?

Environmental Review has ALREADY (erroneously) determined that NO amendment to Conditions ON THE PROJECT SPONSOR were warranted and did not provide ANY guidance to Planning or this Board.

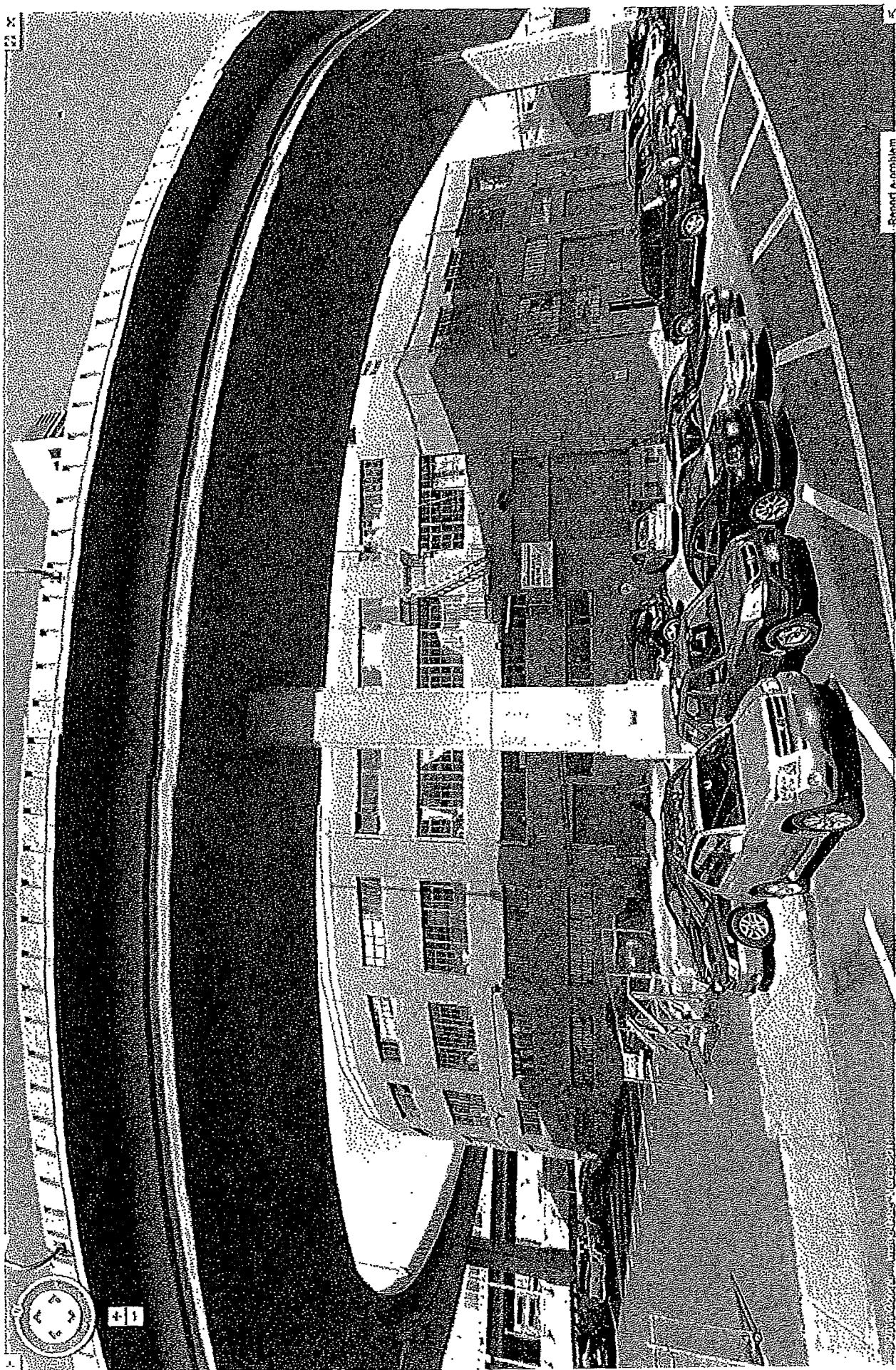
This Board has the opportunity to straighten things out. Advise the ERO to go back and think things through. The City needs some tools. They should start with a definition of the problem by Environmental Review.

  
Submitted by  
Sue Hestor  
Attorney for San Franciscans for Reasonable Growth  
870 Market St #1128  
San Francisco CA 94102

1104

EXH 1



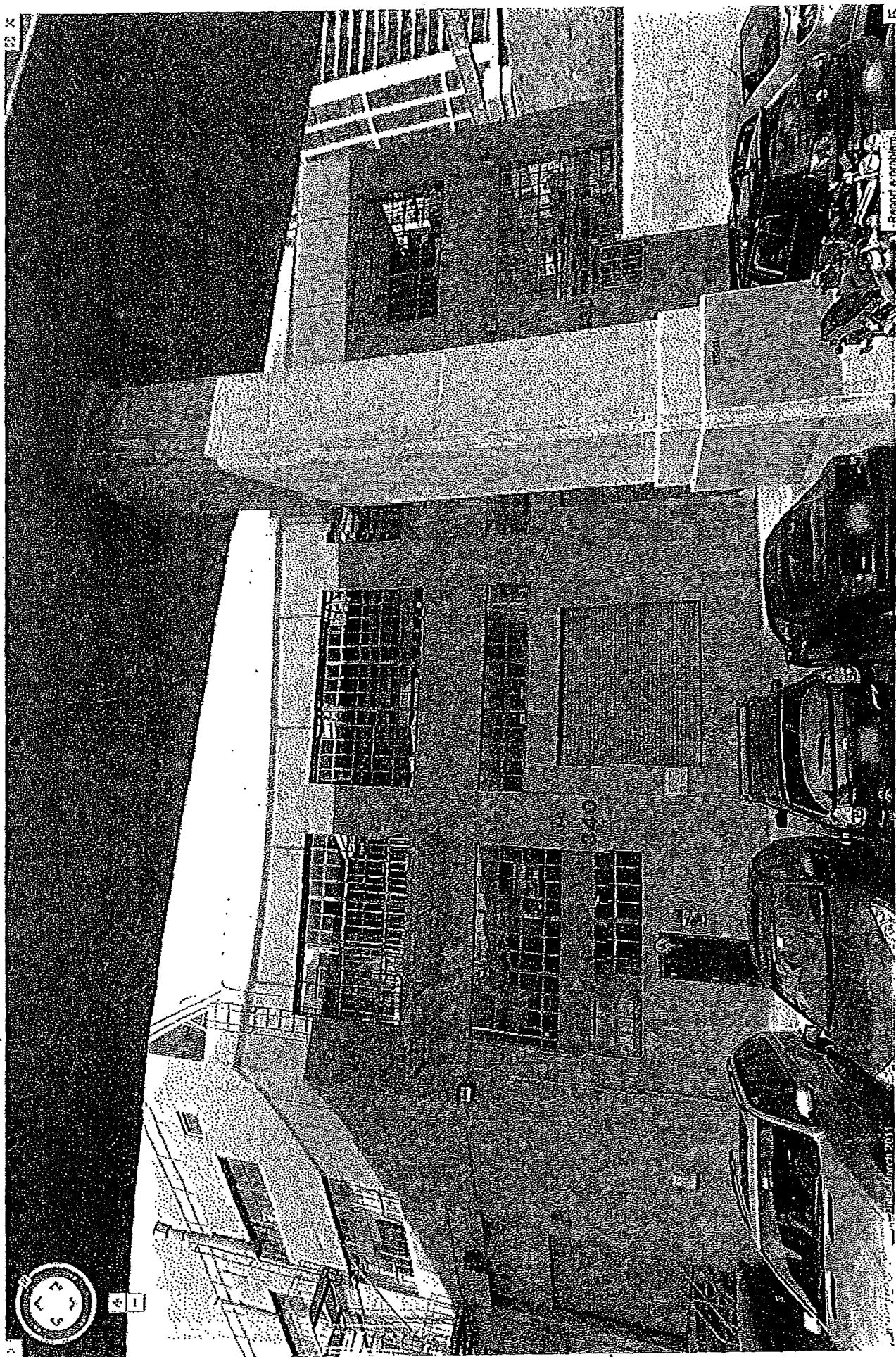


1105

EXH 2A

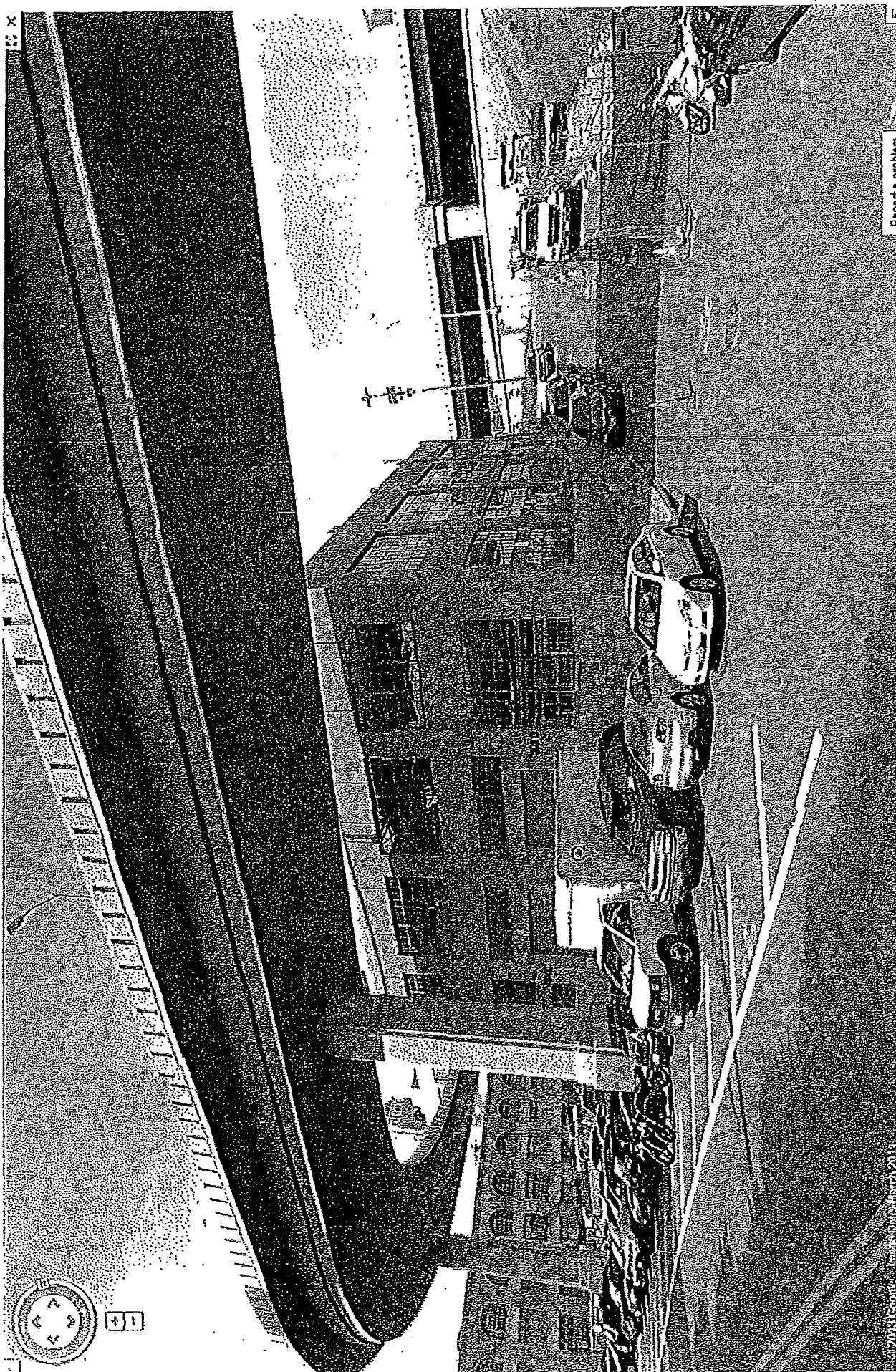
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EXH 28

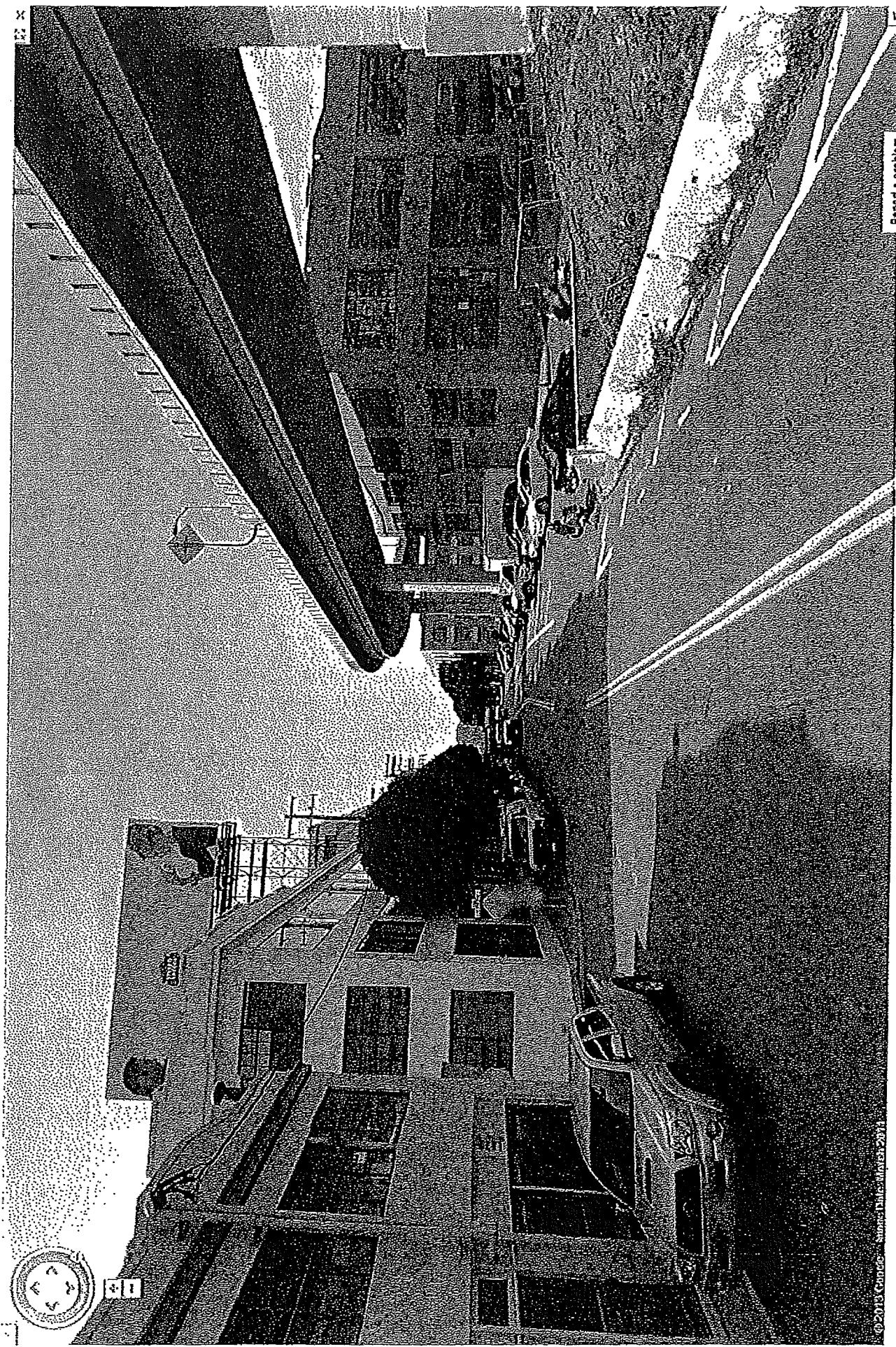


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EXH 2C



1108

EXH 2D

13.9-265000

**January 8, 2015 - Planning Commission Hearing  
SFGTV "transcript" - at 3:38**

**ERIKA JACKSON.**

you have a request to allocate 5 hundred thousand jooet secret plus through an authorization at bryant street

the project is located south of market neighborhood within a mixed use office zoning district bound by rimcon alley and other locations the square feet lot has approximately, six 2 thousand 50 feet it was industrial, however, the building was vacate since 2013,

the total request secret represents four percentage of the small cap office space since the publication the department received conditions that the project is consistent with the zoning district it's a designed to courage the office unit as well as the small-scale art facilities and permits office use the project is located out of the selma plan and not subject to the pdr xhesggs the project represents the allocation of approximately 4 percent of the small cap office space for allocation

it retains the pdr space on the ground floor of the building approximately 16 thousand 5 hundred square feet that project will appraise fees that will benefit the city and is in compliance that concludes my presentation.

>> project sponsor please.

**JOHN KEVLIN**

good afternoon John with rubens and rose on behalf of the project sponsor this proposes the conversion at bryant street with the ground floor as pdr use there's obviously been a significant incision.

>> I'm sorry that's distracting agency heck thank you.

>> sorry. >> go ahead.

there's a lot of decision regarding the pdr conversion in the eastern neighborhoods I want to make clear about what zoning restrictions apply the city-state site a mixed use it is principally permits to the prop m allocation and the eastern silver sub plan also courageous the office use in the district the property is not subject to pdr restrictions

there's a number out there isle you've got the s l l to protect against housing and office development and the pdrs are allowed you've got 63 reading street another office conversion they were coming before you seeking an exception and this is not 63 reading no restriction or expectations there's pdr zoning sdriksz districts that are expressly to prevent the pdr only some are permitted and again, an accepted that's the pen trees building I think that most are well aware we're not seeking an expectation we were an office principally permitted district and san francisco historic preservation commission has infected or the sponsor of the moratorium of the central plan area this project is no the in the central selma area the second zone highly produced area is no subject to pdr measures

we've benefit lvns to the commission very careful and the developing censures skefrnz of the commission as a result we're maintaining a ground floor of pdr as part of the project that's 14 thousand 5 hundred square feet of pdr square space

swore been working to identify the pdr tenants it is not easy but we did identify two, that will occupy the balance of the space the first one is an electronic car charging company they work with retailers and malls and local governments to small electric cars stations for free getting paid by the advertising on the car and they'll be conducting those on site and have a school showroom to represent tare products and the rest of the space will be right now, we're working with a wine wholesaler that will be connecting the wine industry and the commercial storage of wine for over flow and possible educational opportunity for folks in winemaking

I also want to mention that keeping the ground floor on pdr this brings up it outside of the large allocation for prop m so this project will not be taking office that's it space that's obviously visa expensive and as major projects come your way

I do want to speak to the previous tenants in the building that's been brought up by folks the project sponsor is sensitive to their needs and generous all tenants received 8 months of the project sponsors intentions to renovate the building most were allowed to stay throughout the period of this notice period the project sponsor loud other tenants to leave their leases early without punishment or keeping on the hook for rent and also there's an a significant amount of unpaid back rent the sponsors forgave and illustrating that you've got a in front of you sdais their concerns this is a legal change of use all impact fees are going to be paid n this includes all the eastern neighborhood fees over \$800,000 will be paid no new contradiction the fees will apply and this brings the building in consistent with the planning code so one of the other things and that's been brought up the issue of permitting in this building so I wish Mr. Sanchez we are here this is stripping not that uncommon south of market and the eastern neighborhoods before the eastern neighborhoods plan was adapted in 2009 much of that was m zion p that allowed everything so the old sty industrial district so what happened, you have a lot of old industrial buildings where back when there was innovate as much pressure it was not on the radar the tenants would move in if it says projecting office they allowed for the tenant improvements to take place this is a greater concern we're looking at the permits a legal change of use hadn't necessarily happened even if it is an office notice all over it I've gotten calls from people saying oh, it's an office building no, it's at complex analysis that the zoning administrator does to see if there's an existing legal use this has to show proposed office use and it's designed by planning and most of the time has plans that show where the office space is in the building it's a technical analysis there are buildings owners that are not sophisticated or savvy to the process this is not the exception 24 is how it came up we're looking at the building others were looking at the building and they've looked you know they've talked to someone that's been there before and there are office permits so what we did was filled the environmental operation getting this in line with the code and maintaining the ground floor as.pdr

I wanted to speak briefing to the continuance issue this project has now been subject to 3 notices over the 13 months which is quite a long time for a conversion preapplication meeting frmentd out to united states neighborhood and groups and now the planning commission notice went out to the group I'm not aware of the issues that have not been assessable or available to the public for several months we feel if there's not strong digestion for continuing this hearing today, we'll obviously defer to the planning commission we're looking at the upper 3 floors of the building it is say is being maintained to the ground floor pdr they've identified two tenant floor the project sponsor has been sensitivity to previous tenant and we'll pay all the office fees with respect to that we ask you approve that.

>> we have one speaker card

**JIM HERON**

put on my glasses thank you, thank you commissioner President Wu and commissioners I'm Jim an architect and former tenants of 340 brilliant street when I opened my own practice in 991 I was fortunate to find a location I was the second longest it is not necessary e tenant in the building having been there for 21 years I hope this contributes to the conversation I think the letter I've sent to the planning staff was referred to as a letter of support but first of all, I must clarify one point at the beginning of last year, I was briefing involved in an e-mail challenge I made the inaccurate characterization I've been evicted from my space only in the general sense of being required to leave not have my choose the truth is my leases and all the leases in the building as far as I know had been terminated at the end of 2012 we were all given more accurate notice I'll characterize this as fair secondly, speaking as an architecture architect with a strong connection to the building I'm interested in that building I'm hopeful it preserves the natural qualities

I was pleased to see for example, the steel small pain windows being ma kickly reglazed and the costs antiquated technology that defines the character of the building it shows generous rooms and the space previously divided into small cubicles I was pleased to see the roof terrace the roof which we bstantiates were not allowed access to but saw the sites I'm optimistic the design is appropriate to the building and neighborhood I'll urge you to approve the project.

**SUE HESTOR**

a photo on these sue hester I have a shirt on from one of the evict tests

I'm asking for this to the continued

I don't think there ever was a preapplication meeting it's not in the files I've gone through all the files and talked to the attendance right across the street is a whole lot of residents back in second street

those are h o v lanes to get onto the bridge down on main street up to second street  
how do you walk up to this building it is literally surround by freeway I have to walk across the freeway they're to having have people riding bicycles

how is there not two week report that enables the public to submit the documents in a timely manner all the notes come out over christmas and new year's break they were mailed on the 17th pardon me on that building you can't get to swms a newspaper notice the mailing was the following minimum wage week it came to me on December 27th and the environmental issue was on the 23rd of December this screams christmas break it's innovate a break the document for your consideration was issued on the 31st of December

we have and then eastern neighborhood it didn't have a process for community meeting e meeting if there was no one that was effected knew about 2 I meet with the residents I've been dealing with the proposal for the last couple of years those people were involved in it I met about what is happening in their neighborhood I

May be about 3 months ago they've been trying to meet with the owner were not getting phone calls returned those people would have been there at the meeting believe me they were frustrated the tenant that were evicted that t-shirt company used to be at this location and sold t-shirts on columbus

I'm asking you to do know and continue this case two weeks and let people submit documents and due say you, cheat.

**JOHN ELBERLING**

good afternoon john taco group we certainly support the staff recommendation and the commission willingness to use attire ability to limit the prop m allocation to chief a policy goal in this case to preserve pdr south of market

I know that the central selma plan is more addressing the issues but this tool is what we feed to use now I'm grateful to see the commission really do that I'm going to turn it over to our general proposal is in south of market the service sally district should be one hundred percent replacement of any pdr converted or not no conversion at you will and what remains of the s l r l like 63 reading to maintain 60 percent but not only east selma and the district to otherwise maintain 25 percent of a converted building as pdr

I know over the long term and for assembly approach the flower mart will maintain one half p a million square feet that's an outstanding accomplishment for the long-term now there are some issues to figure out in the central selma plan the relocation xofts for the businesses that can't return needs to be addressed I know that staff is aware of that and especially the loss of space for arts organizations is a critical problem that the south of market arts community is being decimated the people can't afford the mandating for pdr we need to clearly fourth a system of direct or indirect subsidize of art spaces in the context of the pdr preservation in selma this is a good step there's a long way to go from here but this is a good step thank you.

**ALICE ROGERS**

good afternoon. I'm alice rogers I'm here as a member of the south beach.mission bay retail task force we talked to you a couple of weeks ago

I'm basically here to commend the change in office use to pdr on the bottom of this project I royals it's outside of the selma plausibleness but an important john said first step to recognize we can't can't have mono0 culture in the central selma area there's too much diversity and we that need to preserve that on the ground floor the second floor and up that's fine but the mous zoning does nothing to incentive intents the utility of the ground floor and especially the offices are adapting the customs of o pack walls and turning their backs on the sidewalk in their not good additions to the community so I think this is a really great first step that we're having a developer willfully change a ground floor to a more active use and being here over the next many, many months to work with you to improve the ground floor throughout the selma plan thank you.

**JIM MEKO**

good afternoon commissioners and happy new year jim from south of market I was never visited to my preopening meeting neither my south park neighborhoods here's an interesting timely in the heaters commission April 4th, 2013, it reads I'm responding on behalf of tom he's the culture affairs director I building the studio in question is 340 bryant street which was a large are industrial building that provides studio space for over one hundred and 50 artists many for over 20 years a developer made an offer on the space after inviting the studios in 2012 and evicted everyone from the, as of January 1st, 2013, to turn it into market rate tech offices

please let us know if you have any further questions it's from kate patterson for the san francisco arts

commission so speaking of collaborating with other parts the city family somehow that didn't make it into the staff report one hundred and 50 artists were evicted to create more is a space for high tech offices and they're not mentioned this is all perfectly legal but is it right your preceding over the heart and soul of the city thanks.

opening to you supervisors commissioner antonini.

**MICHAEL ANTONINI**

I don't see any need for a continuance this is a simple issue and been spoken of if I could ask staff a question there was some talk about the so-called evicts is, in fact, with our research the leases did expire and the tenants were informed with adequate amounts of time they'll not been able to be tenant there and

**ERIKA JACKSON**

perhaps john can speak but my understanding they were given notice something in the project sponsor in our packet.

**MICHAEL ANTONINI**

that's what it looked like to me.

**ERIKA JACKSON**

I don't have any copies of the leases so in terms of what the leases actually ended.

**MICHAEL ANTONINI**

okay. Thank you I mean this is mou means memorandum of understanding it means mixed use office in the eastern slam was approved it is in eastern selma I know there's discussions about the discussions of central selma and the pdr use this is in a district where office is principally permitted and encouraged if we're you know not approving that we're going against what we said we spent years on eastern neighborhoods trying to set rules and finally after many years we passed the rules and that conforms with the rules exactly, in fact, it actually gives some help to pdr by having a first floor or pdrs that doesn't currently have and will have in the future and it brings it below the cap of the large office space which helps the whole situation with prop m allocations it does a lot of good things their finding pdr tenant for that lower space bring in \$1.5 million in development fees f this is a good project I mean, I think that even though we got the paperwork on the 31st of December it didn't making take too long to figure out what's going on here and it so you would it is a good project I'm very much in favor of that and hope we can get it done.

**RICH HILLIS**

a question for staff could this be converted could the ground floor could the project sponsor come back and convert the ground floor to office space or request that conversion.

**ERIKA JACKSON**

they'll have to go through another application.

**JOHN RAHAIM**

we couldn't approve that.

**RICH HILLIS**

I was looking through the conditions of approval I mean, I appreciate the ground floor being kept as pdr I think that's important but I like to make that part of the condition I don't see it in the conditions in granting the top two floors E.R. The conversion that we're part of the recognizing of the conversion the recontamination of the pdr as a use.

**JONAS IONIN**

Is that a motion.

**RICH HILLIS**

I want to see if that's possible.

**JULIAN BANALES**

May I have you can put the condition it's similar to the case before you it will not necessarily for preventing someone from coming back in the future.

**RICH HILLIS**

we want to recognize what the project sponsor is saying and the staff is saying that's an important you know it's important precedent as we look forward to other conversions or the central selma plan this is part of the-it was important to us in granting the conversion of the ground floor kept as pdr so I don't know if you made a motion we'll see what the other folks talk about I'll make a motion to approve the project one way or the other without a condition of recognizing the first floor as pdr.  
second

**CHRISTINE JOHNSON**

thank you very much some of-commissioner hillis that was what I was going to say the second thing this is my main issue with the project the issue with the straight improvements I live in that area I ride up second street and 340 bryant was probably a fantastic section before the I 80 entrance maybe the project sponsor or staff could come up and talk about whether or not there's plan improvements to the straight in area or other traffic measures or otherwise-

**ERIKA JACKSON**

one thing that's unique about the site the property line is right around the building I don't know if there's a place to do the improvement but it will have to be approved by the director ample it was not hopefully, I was hopefully hoping this it seems like there's needs to be additional changes in addition to the internal tenant improvements to the this making it useful for office.

**ERIKA JACKSON**

the timing of the t m a we'll look at.

**JOHN RAHAIM**

that plan the transportation management plan has to include the pedestrian improvements around the building that presumably includes the sidewalks typically they're not public property but right-of-way we can work on that that dpw in the transportation plan phase.

**CHRISTINE JOHNSON**

I'd like to add that as a finding as well and the reason I mean because it probably won't come back to us I said we've spoken that the sidewalk are part of the public realm and the property line is around the

building 24 is a special circumstance we've having had many, many projects where the design is part of the conditions of approval in some ways I know this is space particularly needs this this conversion of office space changes the type of people that are coming in and out of that place I have friends that work in the area or work at the building across the street I want to see that.

**JONAS IONIN**

is that amenable to the maker of the motion.

**DENNIS RICHARDS**

just a couple of things, sir a question for you how do the 25 percent number come about as you support versus 50 or the 50 in the 1 r 1 and

**JOHN ELBERLING**

we in our community planning process we took a good look at the existing buildings that had pdr and few if any are above 4 stories and so it was simply, you know, there were a good number of 4 stories with pdr content anticipate it is to simplify the genius to find the department staff told us it was so marred or hard to monitor they need to deal with whole floors frankly the 50 percent system works well with the four story buildings and those are practical.

**DENNIS RICHARDS**

another thing as I read the san francisco chronicle the space the craft breweries and the chocolate makers are leaving the city do you think that one half a million says that a good.

**JOHN ELBERLING**

it will, of course, still existing today it is very substantial amount our data should have the number it is half million.

**JOHN RAHAIM**

we have that.

**JOHN ELBERLING**

there are still some that remain wisp talking to the staff there's further nicole's techniques to insensitive vices this it is not this approach alone.

**DENNIS RICHARDS**

I guess one last point commissioner moore and I went to take into account it and it is the most unusually located building in the world and commissioner richards point something has to be done about pedestrians we nearly got flattened crossing the street.

**JOHN KEVLIN**

the benefit of the planning code that requires straight improvements it's written broadly and done so on a case by case basis we've work with the staff the project sponsor is obviously in favor of making 24 building safe for its tenants I think we understand that and we're supportive of that.

**DENNIS RICHARDS**

It's included in the motion as a finding thank you commissioner moore.

**KATHRIN MOORE**

there's always an upside and down side the strong concern of the diminishing pdr of all costs is of great concern some say contradictory and it is quite objective with you go on the web it can happen to anybody someone can buy a building people have legally been existed termed or whatever where the rubber meets the road the approval here should be only the point of the construction and many of the things that happen quite a while back the huge alternatives on a train moving forward with a readaptation of a building the adaptation is done it's fabulous, sir answer the question we're talking about an industrial building sitting in asphalt with no. You curve delineating the properties from the surrounding public transportation network so the question I'm asking you how will be you u be using the additional space around the building currently there's porta pots there are homeless people that are uss it for their residence and in addition a number of cars parked there are you attending of intending to park there.

**JOHN KEVLIN**

thank you for the question commissioner if we can get the overhead here's the site plan this black line is the property line everything else is state property caltrain so there is not the project sponsor did not have control over that so it makes it for an awkward site to make less awkward.

**KATHRIN MOORE**

that side is currently being used to the extent of the curb with cars parking and the porta pots and people residing there I think the planning department needs to totally stay on top in order to integrate this awkward geotry is the best word I can find into a safe building the first thing I would do is working on the project so talk with the fire department and emergency access by a this with this occupancy not to talk about the dual use of industrial pdr and office there are other rules that come into play the architects with older colleagues of mine I think the department needs to track that we're encouraging wanting pdrs to be on the ground floor we need to understand the interplay between the uses in order to create a new building type surrounded by retail, etc. In order to that to function the straight xhochlsz everybody talked about we indeed had a hard time getting across there's a whole other slew of this no man's land how we're integrating it into a more reasonable network of local and caltrain access rams.

**JOHN KEVLIN**

if I could add commissioner just to give you some comfort we've been in contact with caltrain, in fact, a lot of this they need to be aware of what we are doing we've been in touch with them in fact, our contract person has been in contact and that's absolutely we can insure that all groups are coordinating together.

**KATHRIN MOORE**

the other thing I'll ask ultimately the department be engaged in when we hear selma and other people speak about streetscape and kind of a people friendly environment as we're making it a multi use part of the city I would like to know who's more suitable to be in what pdr space which-the building itself participate in different ways in the streetscape because which it's curved geotry the curve is less visible from the south eastern part I want to see that the most attractive people oriented part of the pdr is indeed in that portion where the public is participant to see what's going on in the building that's making it more as pa gentle listed statement we have those questions the industrial building are 4 sided building for industrial use as we're converting them to a new kind of pdr I want to have pdr perimeter in the pedestrian side of the building.

**JOHN RAHAIM**

just want to make sure from the straight up of the scion of approval you're adding with respect to the first floor the reason for doing that is it character and location lends itself to the pdr of the first floor it will be helpful to put that on the record as for another motion of approval.

**MICHAEL ANTONINI**

yeah. I'm fine we need finding and those findings reflect about the pdr continue to be pdr, of course, in terms of the other access issue that is a finding not a condition did you have something to add Mr. Calvin an a on a solution possible solution across the crosswalk.

**JOHN KEVLIN**

you can't I don't want to speak to the streetscape aspect we need to work on counterfeiting it one thing I want to add to respond to commissioner moore's last comment those pdr tenants we've identified fortunately have a dual heavier industrial wine storage wine and then in the front around the street the intent to the showroom for the car charging will be there and the wine tenant having a wine tariff room a small delhi something to activate it street we've fortunately identified tenants.

**KATHRIN MOORE**

sir I'm not saying that I believe in looking at manufacturing is part of the enhanced vibrant city people do what they do I'm not necessarily looking at the both tick of the space relate to the space of what's happening and leaving it visible to the street I want people in the city to know in general pdr as pdr is preserving.

**DENNIS RICHARDS**

one other things to the gentleman's point this residential building I'll treat this as an eviction it's legal and that's where I industrial I want to acknowledge there are probably people that would be there if not asked to leave thank you.

**VOTE**

commissioners there's a we have a motion and a second to approve as amended to include the ground floor be retained with pdr with with support of the condition as well as the management commissioner antonini commissioner hillis commissioner johnson commissioner moore commissioner richards

commissioner President Wu commissioner fong so moved, commissioners, that motion passes national anthem 6 to zero

TEXT IS DIRECTLY OFF SFGTV SITE (caption). With additions of name of speaker inserted.

The type and distribution of land uses in the Eastern Neighborhoods also contribute to their visual character. The project area includes many production, distribution, and repair (PDR; generally, light industry) uses in portions of East SoMa, the Northeast Mission Industrial Zone (NEMIZ), Showplace Square, and throughout most of the Central Waterfront. These areas exhibit an industrial aesthetic, generally characterized by bulky single- and multi-story buildings with large floor plates, industrial sash windows, roll-up garage doors and delivery bays, saw-toothed roofs, and smooth plaster finishes.

The Eastern Neighborhoods also include visually distinctive neighborhood commercial corridors—frequently with residential units above ground-floor commercial space—such as along Mission, Valencia, 16th, and 24th streets in the Mission District; 18th and 20th Streets on Potrero Hill; 22nd Street in the Central Waterfront; and in the mixed-use district surrounding South Park in East SoMa.

While exclusive residential neighborhoods exist throughout much of the Mission District and on Potrero Hill, and residential enclaves exist in other locations, there are many areas in the Eastern Neighborhoods where residential uses are adjacent or very close to commercial and PDR uses. A mixed-use development pattern with varied building styles is one of the defining characteristics of the Eastern Neighborhoods.

Other elements that contribute to the baseline visual setting of the project area include street patterns and street widths, right-of-way elements (such as street furniture, signage, and vegetation), parks and open spaces, building heights and setbacks, building age and architectural styles, and visual resources unique to the specific subareas in the project area. The following section describes these elements in each neighborhood.

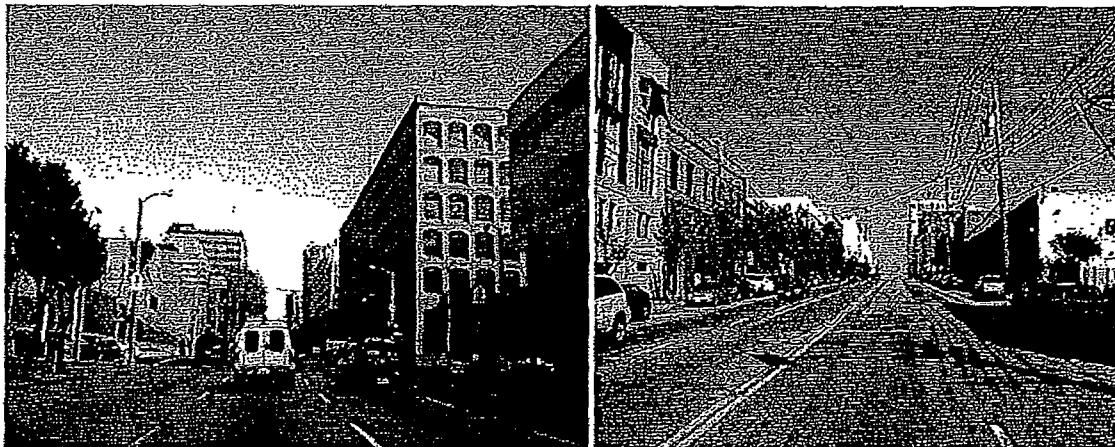
## ***East SoMa***

### **Streets and Street Pattern**

The large scale of streets and blocks contributes to the visual character of East SoMa. A grid of very long blocks—ranging from 550 feet to as long as 825 feet—is intersected by mid-block alleys.<sup>64</sup> The primary streets are wide (e.g., about 80 feet) and accommodate up to five lanes of traffic. East-west oriented streets, such as Howard, Folsom, Harrison, Bryant, Brannan, and Townsend Streets, carry one-way traffic for much of their length through the project area, as do major north-south couplets such as Third and Fourth Streets. These streets are flanked by sidewalks, overhead utility wires, and often lack street trees and other pedestrian amenities. The pedestrian corridor is narrow in relation to the overall right-of-way, resulting in a relative lack of visual boundary between the street and the pedestrian realm, which tends to lack landscaping.

<sup>64</sup> The term “alley” is used to denote minor streets between the multi-lane major streets in East SoMa. Although most are not technically alleys as defined in the Planning Code (by which an alley is a right-of-way less than 30 feet), these minor mid-block streets are commonly referred to as such, and are distinguished from the major streets by their relatively narrow widths.

**EXH 4**



*Wide streets and long blocks establish the urban pattern and contribute to a sense of large scale in East SoMa.*



*Alleys are part of the urban fabric in East SoMa.*

street furniture, or other definition. A set of freeway on- and off-ramps is located immediately adjacent to the district (at Fourth, Fifth, Harrison, and Bryant Streets, and additional ramps are located nearby). These factors contribute to a vehicular rather than pedestrian orientation along the primary streets in East SoMa. The long blocks and wide rights-of-way also contribute to the impression of a large development scale and greater domination of the streetscape by the automobile, relative to other parts of San Francisco. The prevailing visual experience is one of vast expanses of asphalt, sparse landscaping, street parking, bulky buildings at the street edge. By contrast, the narrow alleys that intersect the primary street grid, and the development around South Park, and in the other residential enclaves in the eastern portion of East SoMa display a finer pattern. South Park's unique street pattern, focused on the oval park, is a vestige of an early-day fashionable neighborhood in 19th-century San Francisco.

The I-80 freeway runs in an east-west direction through East SoMa. With its structure reaching up to 50 feet above street grade, the elevated freeway creates a visual edge along Harrison and Bryant Streets, obscuring north-south views.

cause of death and injury in the United States, and that pedestrians represented 12 percent of all fatalities in motor vehicle accidents in 2005. Beyond direct injuries and deaths, as matter of public health, DPH states that increased pedestrian safety can encourage walking, which in turn can have direct health benefits such as reducing obesity and indirect benefits such as improved air quality resulting from lesser traffic volumes.

According to data prepared by DPH, the four Eastern Neighborhoods have a substantially greater rate of pedestrian injury collisions, on a population-weighted basis, than does the City as a whole: whereas the number of accidents involving pedestrian injury citywide is approximately 100 per 100,000 population, the comparable rates in the Eastern Neighborhoods range from approximately 150 per 100,000 population in the Mission to 700 per 100,000 population in the Central Waterfront.<sup>109</sup> The rate in the Eastern SoMa is approximately 415 per 100,000 population, while in Showplace Square/Potrero Hill, it is about 265 per 100,000 population. San Francisco as a whole has a substantially greater number of pedestrian injury accidents on a population-weighted basis than the national average, largely because there is much more pedestrian activity than most comparably sized cities.

Among the five intersections in San Francisco where 10 or more vehicle-pedestrian collisions occurred during the period from 2001-2005, four are in the study area: 16th Street and Potrero Avenue (14 accidents), 16th and Mission Streets (13), 18th and Mission Streets (10), and Sixth and Mission Streets (10).<sup>110</sup>

In general, the number of pedestrian injury collisions citywide (including fatalities) has declined over the last 10 years, from 1,035 in 1996 to 718 in 2005.<sup>111</sup>

Pedestrian risk factors particular to each of the four Eastern Neighborhood are discussed below.

### **East SoMa**

East SoMa generally contains adequate pedestrian facilities. Almost all signalized intersections include crosswalks and pedestrian signal heads, and most crossings include countdown timers. Sidewalks are present on almost all the major streets and most side streets, and are typically 10 feet in width. Only a few alleyways have sidewalks on one side of the street only. Townsend Street is the only major street that lacks sidewalks, with no north-side sidewalk between Fourth

<sup>109</sup> The Mission had the greatest total number of accidents of the four neighborhoods, 93 per year over a five-year period analyzed, but because this neighborhood has by far the greatest population of the four Eastern Neighborhoods, its rate of accidents per population is lower. The very high rate in the Central Waterfront is reflective, in part, of the very low resident population: much of the daily activity in this neighborhood is commercial activity by workers and employers, whose numbers are not counted in the "population" that is the basis of the accident rate. This neighborhood had by far the lowest total number of accidents, about nine per year. In East SoMa, the number of accidents is 82 per year, while for Showplace Square/Potrero Hill, it was about 57 per year. All accident rates are based on census tract population, which does not correlate precisely with the boundaries of the four Eastern Neighborhoods, and thus should be considered order-of-magnitude figures.

<sup>110</sup> Department of Parking and Traffic, *San Francisco 2005 Collision Report*, July 19, 2006; Table 6.

<sup>111</sup> Department of Parking and Traffic, *San Francisco 2005 Collision Report*, July 19, 2006; Figures 3 and 4.

and Seventh Streets. Barriers to pedestrian access include Rincon Hill (between Second and Beale Streets) and three intersections with freeway on- and off-ramps (Bryant/Fourth Streets, Harrison/Fourth Streets, and Harrison/Fifth Streets) that do not allow pedestrian crossing on one or more legs of the intersection. Pedestrian volumes are generally low to moderate, except near the Caltrain station where volumes are higher when trains arrive and depart. Sidewalks are generally adequately in width to accommodate existing pedestrian circulation. The one major pedestrian generator in East SoMa is AT&T Park, which attracts high pedestrian volumes before and after ballgames and other events.

Pedestrian conditions in East SoMa are largely dictated by the particular street grid of the neighborhood. As noted above, blocks within the South of Market neighborhood in general are typically twice the length of those north of Market Street. The result of this larger-than-normal street grid is that pedestrians typically have to walk farther to reach a crosswalk than do pedestrians in other parts of the City. Moreover, because most of the major streets in East SoMa (and in the South of Market generally) are wider than the typical San Francisco street, because many of these same streets carry one-way traffic only, and because many East SoMa streets (and those in the South of Market generally) serve as access routes to and from the elevated I-80 freeway, the street grid in East SoMa is generally not conducive to pedestrians. An additional factor contributing to adverse pedestrian conditions in Eastern SoMa is the fact that many vehicle travel at relative higher speeds, both because of the prevalence of multi-lane one-way streets (e.g., Howard, Folsom, Harrison, Bryant, Third, and Fourth Streets) and because many of these same streets, and others, such as Fifth and Sixth Streets, serve as connections to and from freeway on- and off-ramps. Finally, Eastern SoMa has a relatively large transient population, including homeless persons and those temporarily resident in various shelter facilities; some of these individuals may be suffering and/or recovering from substance abuse or other conditions that may make them particularly vulnerable to pedestrian accidents.

Bicycle routes with separate bike lanes (Class II route) are on The Embarcadero and King, Seventh, Eighth, Folsom, and Howard (west of Fremont) Streets. Class III routes, where bicycles share the roadway with vehicle traffic, exist on Second, Third, Fifth, Harrison, Division, Townsend, and Howard (east of Fremont) Streets. Also, Market Street, just north of East SoMa, is a major Class III bicycle route. Bicycle volumes in the East SoMa subarea in general were observed to be low to moderate. During field surveys, a substantial number of bicyclists were observed on Folsom Street (Route #30) and on Division Street (Route #36).

### ***Mission District***

Most of Mission District streets have sidewalks and crosswalks and pedestrian volumes are generally low to moderate in residential and industrial areas and moderate to high in the core of the commercial areas. Many signalized intersections in the residential areas have separate pedestrian signals on only some legs of the intersection or not at all, while many other

fatalities in California as a whole is 40 per 100,000 based on 2005 data from the California Highway Patrol. In part, the city's pedestrian injury rate of 104 per 100,000 residents reflects a higher level of pedestrian activity than most comparably sized cities; however, DPH and other researchs indicate that this explains only a part of the difference. Based on analysis of data from 68 California cities, the effect of pedestrian activity in San Francisco on the relative pedestrian injury rate can be estimated by the relationship that the number of pedestrian collisions increases at approximately 0.4 power of the number of people walking to work.<sup>118</sup> Using this empirically derived relationship and publicly-available data from the U.S. Census on the proportion of

- workers walking to work in California (2.9 percent) and in San Francisco (9.4 percent), one would expect San Francisco to have about 1.6 times more pedestrian collisions than comparable cities (i.e.,  $((9.4/2.9)^{0.4}=160$  percent). This adjustment also shows that while 60 percent more collisions per resident (a rate of 64 per 100,000) may be expected based on greater pedestrian activity, the degree of pedestrian activity does not fully account for the high rate of collisions in parts of the City, particularly in the Eastern Neighborhoods. San Francisco's relatively high rate of collisions may also be influenced by the increased exposure associated with a 50 percent increase in its daytime population relative to its resident population due to an influx
- of commuters into its job centers, although the injury model identified no statistically significant correlation between injuries and the number of workers per census tract.

Among the five intersections in San Francisco where 10 or more vehicle-pedestrian collisions occurred during the period from 2001-2005, four are in the study area: 16th/Potrero (14 collisions), 16th/Mission (13 collisions), 18th/Mission (10 collisions), and Sixth/Mission (10 collisions).<sup>119</sup> In general, the number of pedestrian injury collisions citywide (including fatalities) has declined over the last 10 years, from 1,035 in 1996 to 718 in 2005.<sup>120</sup> Based on previous San Francisco research,<sup>121</sup> the influence of alcohol or substance abuse may be contributing factors to high numbers of pedestrian collisions at the 16th/Mission, 18th/Mission and Sixth/Mission locations.

There are a number of factors that contribute to increased pedestrian-vehicle collisions, and the number of collisions at an intersection is a function of the traffic volume, travel speeds, intersection configuration, traffic control, surrounding land uses, location, and number of pedestrians. DPH has developed a "pedestrian injury model" that attempts to predict the change in accidents involving pedestrian injury on the basis of a number of different factors, including vehicular traffic volume, resident population, proportion of occupied housing units without auto access,<sup>122</sup> proportion of the population that uses transit to travel to and from work, proportion of arterial streets without Muni access in the neighborhood, and land area of the neighborhood.

<sup>118</sup> Jacobsen PL. Safety in numbers: more walkers and bicyclists, safer walking and bicycling. *Injury Prevention* Sep;9(3):205-9. This relationship between injuries and the proportion walking to work can be summarized with the following equation: % change in injury = (% change in walking)<sup>0.4</sup>.

<sup>119</sup> Department of Parking and Traffic, *San Francisco 2005 Collision Report*, July 19, 2006; Table 6.

<sup>120</sup> Department of Parking and Traffic, *San Francisco 2005 Collision Report*, July 19, 2006; Figures 3 and 4.

<sup>121</sup> LaScala, EA, Gerber D, and Gruenewald PJ, Demographic and environmental correlates of pedestrian injury collisions: a spatial analysis. *Accident Analysis & Prevention* 2000 (32): 651-658.

<sup>122</sup> Units that do not have access to at least one automobile tend to be more reliant on pedestrian travel.

Based on this model, DPH projects that the number of pedestrian injury collisions in the project area could increase, from 2000 conditions, by between 14 and 24 percent by 2025 with implementation of the proposed rezoning and community plans (under Option B). The greatest percentage increase would be in the Central Waterfront (24 percent), largely because of the relatively few existing accidents, while the smallest percentage increase would be in the Mission (14 percent), which would also see the smallest relative increase in population because this neighborhood has the largest existing population. The rate of increase in Showplace Square/Potrero Hill would be 21 percent, and in East SoMa it would be 20 percent. For the Eastern Neighborhoods as a whole, the predicted increase in pedestrian injury accidents under Option B, according to the DPH model, would be 17 percent, or essentially the same as the 16 percent increase in residential population under Option B.

Under current conditions, all neighborhoods affected by neighborhood plans currently have high annual population-based rates of pedestrian injury collisions (ranging from 170 per 100,000 residents in the Central Waterfront, to 410 per 100,000 in East SoMa – compared to a much lower citywide average rate of 100 per 100,000 residents. Based on the DPH model, the number of accidents involving pedestrian injury would increase throughout the project area. This result is consistent with what would be anticipated with an increase in both vehicle traffic and population (and thus residents) throughout the study area. The outcome predicted by the DPH model may, however, be tempered by the influence of “safety in numbers” in a number of the Eastern Neighborhoods, presently characterized by low volumes of pedestrians in industrial settings, as increases in the numbers of both residents and pedestrians have the effect that drivers exercise more care when they expect to and see many pedestrians than when they see few pedestrians.

As indicated above, the number of pedestrian collisions at an intersection is a function of the traffic volume, travel speed, intersection configuration, traffic control, surrounding land uses, location, and number of pedestrians. The DPH pedestrian injury model is one approach to evaluating pedestrian hazards, and is intended to compliment more traditional methods of pedestrian hazards analysis. The DPH employs a health risk assessment analytic approach to the presentation of existing areawide conditions and the forecasting of areawide trends that focuses on area-level factors such as traffic volumes and population. It differs from the traditional traffic engineering approach to accident analysis, which is focused more closely on specific locations; that is, traffic engineers tend to examine specific locations (generally, intersections) where a relatively large number of accidents are noted and to examine potential operational solutions (e.g., installation of new traffic signals, signal re-timing, sidewalk widening (bulbouts), and the like) in an effort to alleviate site-specific traffic hazards. The traditional approach also goes beyond a simple compilation of accident volumes to include a detailed examination of the causes of accidents at specific locations.

Because the City of San Francisco has not established criterion of significance and has not thoroughly evaluated various analysis tools for pedestrian injury collisions, it cannot be

concluded that the proposed project would result in a significant effect with regard to pedestrian conditions.

### **East SoMa**

#### *Pedestrians*

The increase in pedestrian trips is projected to be similar between the rezoning options, with the greatest increase projected to occur under Option C. Including cumulative (2025 No-Project) growth, East SoMa would experience the greatest overall increase in pedestrian trips, from baseline conditions, among the four neighborhoods. Trips to and from transit stops, and to and from parking facilities would result in an increase in pedestrian volumes on the study area sidewalks. Increases in pedestrian volumes would be most noticeable in the immediate vicinity of subsequent individual development projects. Because all three rezoning options would result in an increase in housing units in East SoMa, pedestrian activities during the night-time and overnight hours would be expected to increase, as well.

Since baseline pedestrian volumes within East SoMa are relatively low, the character of interactions between pedestrians and vehicles may change substantially. Currently, there are high volumes of vehicles and relatively high number of collisions between vehicles and pedestrians even though the number of pedestrians is relatively low. With increased residential development, increases in the number of pedestrian would likely outpace the substantial increases in the number of vehicles in the area. For future conditions, the amount of conflicts between pedestrians and vehicles would likely increase, but the presence of increased number of pedestrians may also affect driver behavior. New residential settings coupled with substantial increases in foot traffic may partially offset risks associated with increased pedestrian-vehicle conflicts, as “safety in numbers” causes drivers to expect and adapt to increased interactions with pedestrians. The addition of pedestrian trips associated with the rezoning options would likely change the character of the area’s pedestrian environment, but would not be expected to significantly affect baseline pedestrian conditions. While the addition of vehicle trips associated with the rezoning options would increase the potential for pedestrian-vehicle conflicts, traffic engineering, pedestrian safety, and traffic calming strategies to enhance pedestrian travel are included in improvement measures in Chapter V. The Draft East SoMa Plan contains objectives and policies that would serve to encourage travel by public transit and other non-auto modes, and enhance pedestrian travel and safety within East SoMa.

#### *Bicycles*

Because the baseline bicycle volumes on these routes are relatively low, it is not expected that the added bicycle trips would cause significant bicycle impacts. However, depending on the design of the new development projects, there may be added conflicts with garage access along these bicycle routes.



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

Affordable Housing (Sec. 415)  
 Jobs Housing Linkage Program (Sec. 413)  
 Downtown Park Fee (Sec. 412)  
 Transit Impact Development Fee (Sec. 411)

First Source Hiring (Admin. Code)  
 Child Care Requirement (Sec. 414)  
 Other (Eastern Neighborhoods – Sec. 423 & 426)

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## Planning Commission Motion No. 19311

HEARING DATE: JANUARY 8, 2015

*Date:* December 31, 2014  
*Case No.:* 2013.1600B  
*Project Address:* 340 Bryant Street  
*Zoning:* MUO (Mixed Use Office) District  
65-X Height and Bulk District  
*Block/Lot:* 3764/061  
*Project Sponsor:* John Kevlin  
Reuben, Junius and Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Erika S. Jackson – (415) 558-6363  
[erika.jackson@sfgov.org](mailto:erika.jackson@sfgov.org)

ADOPTING FINDINGS RELATING TO AN ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2014-2015 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM FOR THE PROPOSED PROJECT LOCATED AT 340 BRYANT STREET THAT WOULD AUTHORIZE THE CONVERSION OF 47,536 GROSS SQUARE FEET OF THE EXISTING 62,050 SQUARE FOOT BUILDING TO OFFICE USE PURSUANT TO PLANNING CODE SECTIONS 321 AND 842.66, ON ASSESSOR'S BLOCK 3764, LOT 061, IN THE MUO (MIXED USE OFFICE) ZONING DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On December 19, 2013, John Kevlin, on behalf of 140 Partners, LP (hereinafter "Project Sponsor") filed Application No. 2013.1600B (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Development Authorization to convert 47,536 gross square feet of the existing 62,050 square foot building at 340 Bryant Street to an office use.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report

SELECTED PAGES

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

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

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

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

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

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

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

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

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

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

## PARKING AND TRAFFIC

7. **Bicycle Parking.** Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than 12 Class 2 and 4 Class 2 bicycle parking spaces for the 47,536 gross square feet of office use.

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

8. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.4, 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, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

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

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

10. **Jobs Housing Linkage.** Pursuant to Planning Code Sections 413 (formerly 313), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

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

11. **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. The Planning Department will continue to work with applicable other agencies regarding issues surrounding pedestrian streetscape improvements, fire access, pedestrian safety and traffic calming measures.

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

11. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4 of the Planning Code.

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

12. **Ground Floor PDR Use.** The Planning Commission recognizes the retention of PDR on the ground floor.

#### MONITORING - AFTER ENTITLEMENT

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

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

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

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

#### OPERATION

15. **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>*

16. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

## PLANNING CODE SECTION 163 - TRANSPORTATION MANAGEMENT

### SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION BROKERAGE SERVICES IN COMMERCIAL AND MIXED USE DISTRICTS.

(a) **Purpose.** This Section is intended to assure that adequate measures are undertaken and maintained to minimize the transportation impacts of added office employment in the downtown and South of Market area, in a manner consistent with the objectives and policies of the General Plan, by facilitating the effective use of transit, encouraging ridesharing, and employing other practical means to reduce commute travel by single-occupant vehicles.

(b) **Applicability.** The requirements of this Section apply to any project meeting one of the following conditions:

- (1) In Commercial and Mixed Use Districts, projects where the gross square feet of new construction, conversion, or added floor area for office use equals at least 100,000 square feet;
- (2) In the C-3-O(SD) District, where new construction, conversion, or added floor area for residential use equals at least 100,000 square feet or 100 dwelling units;
- (3) In the C-3-O(SD) District, projects where the gross square feet of new construction or added floor area for any non-residential use equals at least 100,000 square feet; or
- (4) In the case of the SSO, WMUO, or MUO District, where the gross square feet of new, converted or added floor area for office use equals at least 25,000 square feet.

(c) **Requirement.** For all applicable projects, the project sponsor shall be required to provide on-site transportation brokerage services for the actual lifetime of the project, as provided in this Subsection. Prior to the issuance of a temporary permit of occupancy (for this purpose Section 149(d) shall apply), the project sponsor shall execute an agreement with the Planning Department for the provision of on-site transportation brokerage services and preparation of a transportation management program to be approved by the Director of Planning and implemented by the provider of transportation brokerage services. The transportation management program and transportation brokerage services shall be designed:

- (1) To promote and coordinate effective and efficient use of transit by tenants and their employees, including the provision of transit information and sale of transit passes on-site;
- (2) To promote and coordinate ridesharing activities for all tenants and their employees within the structure or use;
- (3) To reduce parking demand and assure the proper and most efficient use of on-site or off-site parking, where applicable, such that all provided parking conforms with the requirements of Article 1.5 of this Code and project approval requirements;
- (4) To promote and encourage the provision and proliferation of car-sharing services convenient to tenants and employees of the subject buildings in addition to those required by Section 166, and to promote and encourage those tenants and their employees to prioritize the use of car-share services for activities that necessitate automobile travel, including the promotion and sale of individual and business memberships in certified car-sharing organizations, as defined by Section 166(b)(2).
- (5) To promote and encourage project occupants to adopt a coordinated flex-time or staggered work hours program designed to more evenly distribute the arrival and departure times of employees within normal peak commute periods;
- (6) To participate with other project sponsors in a network of transportation brokerage services for the respective downtown, South of Market area, or other area of employment concentration in Mixed Use Districts;
- (7) To carry out other activities determined by the Planning Department to be appropriate to meeting the purpose of this requirement.

Subject: Bicycle fatality - Bryant and Rincon - 10/22/14  
From: Sue Hestor <hestor@earthlink.net>  
Date: 3/23/2015 8:30 AM  
To: hestor <hestor@earthlink.net>

## S.F. traffic fatalities dip, but not bad behavior

By Heather Knight  
January 9, 2015 Updated: January 10, 2015 5:56pm

MAP OF SF - shows Bicycle fatality - Bryant and Rincon Streets - 10/22/14 - 12:28 pm

Last January, this column proposed a rather modest, practical citywide New Year's resolution: "However you traverse the city's streets — be it in a car, on a bicycle or using your own two feet — calm down. Look around. Pay attention. Be considerate."

After all, 21 pedestrians and four bicyclists were killed on the city's streets in 2013, the highest total since 2001.

So how'd we do? Like probably most resolution makers, the city did a little bit better — but not a whole lot.

In 2014, 17 pedestrians and three bicyclists died, according to the San Francisco Police Department. Nine people on motorcycles or in cars also died.

Last year, we griped about the inconsiderate behavior of all users of our streets where speeding, honking, blowing through red lights and stop signs, swearing, showing off a certain finger, using a cell phone and just being completely oblivious seem increasingly to be the norm.

Police Commander Mikail Ali keeps records of all the traffic collisions and deaths and said the majority of them share something in common.

"A lot of it is just really, really bad behavior," he said.

He said he's been accused of blaming the victim in the cases of those pedestrians and bicyclists who caused their own deaths, but said showing the truth behind these collisions rather than lumping them together as statistics is important.

"If we play this kind of sterile, numbers-only game, people surmise that it's fairly innocuous behavior that's causing these fatalities when in fact it's very clear what the behaviors are," he said. "The hope is that the public will change their behavior voluntarily."

He shared a Police Department list of the circumstances behind each traffic death in San Francisco in 2014, and it's true. The behavior — by drivers, bicyclists and pedestrians alike — is often downright shocking.

The list also makes clear that while many city drivers are awful, the collisions are not only their fault. The Police Department found that in the 17 pedestrian deaths, drivers were responsible for eight and pedestrians were responsible for nine. Bicyclists were responsible in all three instances when they died.

On Jan. 7, 2014, a pedestrian ran "through heavy traffic, zigzagging across six lanes before being struck in the seventh lane," according to the Police Department's description. This was on busy Van Ness Avenue near Grove Street.

On Feb. 20, a pedestrian died on Fillmore Street near California Street when she stepped in front of a motor vehicle momentarily stopped in traffic. "In this case the motor vehicle was a cement truck with a hood that measured 72 inches from the ground. The pedestrian stood 65 inches."

Another pedestrian died on Nov. 3 on Mission Street near 16th Street after the pedestrian "sprinted into the roadway from between two parked curbside vehicles."

EXH 7

Bicyclists, too, took major risks. One was eating as he rode his bike into oncoming traffic. Another was "going fast and lost control of his bicycle" — there was no car involved. A third was speeding downhill, failed to stop at a stop sign and was carrying a water bottle containing alcohol.

None of the three who died were wearing helmets.

Drivers were also at fault, failing to stop for pedestrians in crosswalks, speeding and, on several occasions, fleeing the scene.

Surely the worst behavior of the year in San Francisco traffic was that of 25-year-old Anthony Wisner who, while on a meth-fueled rampage on July 28, police said, committed multiple traffic violations in a stolen Dodge minivan. He then crashed into a taxi, injuring two of its occupants, at Post and Jones streets. The impact sent the vehicles onto a sidewalk where bystanders were struck.

Wisner tried to flee on a Muni bus but was apprehended by police. Zach Watson, a 29-year-old exhibit developer at the Exploratorium who had been walking his bike on the sidewalk, was critically injured and taken off life support a few weeks later. Wisner has been charged with murder and several other felonies.

While it's unlikely that city officials could do anything to prevent some of these terrible events, they have spent 2014 finally coming to grips with all of the deaths happening on city streets after mostly ignoring the problem for years.

In early 2014, the mayor and supervisors adopted a Vision Zero plan that calls for eliminating traffic fatalities by 2024, and Mayor Ed Lee in the fall hired a staff member to focus specifically on reaching that goal.

The San Francisco Municipal Transportation Agency is slowly but steadily making improvements to the city's streets — including installing new stop lights and removing parking spaces at corners to improve visibility. The passage of Proposition A in November to fund street improvements is expected to hasten that process.

The Police Department is issuing more citations for traffic violations, and the Department of Public Health has hired an epidemiologist to aggregate and study all data related to traffic injuries and deaths.

Christine Falvey, spokeswoman for Lee, said that the huge numbers of new jobs and new residents in the city make for more crowded streets — and that the boom in construction projects and people's obsessions with cell phones only exacerbate the problem.

She said better engineering, more enforcement and public education are all key.

"The mayor's not into blaming people, but he wants people to have more of a consciousness on the city streets," she said.

Nicole Schneider, director of Walk San Francisco, which advocates for pedestrians, said she thinks the city is moving in the right direction — but a lot more needs to be done.

"It's more of a priority than it was a year ago," she said, adding that other cities that have adopted Vision Zero are moving much more quickly and making bigger changes, such as New York City's recent change from a 30 mph speed limit to 25 mph.

"When we compare ourselves to New York City, I feel like we haven't done enough," Schneider said.

Ali said all the pieces of Vision Zero are important and that the city is "on the right path." But in the end, he said, people must be a lot more responsible when it comes to protecting their own lives and well-being.

"This is not 'Star Trek,' where some invisible force field is going to be created around people by the likes of city government," he said. "The public has to do its part, and that means adhering to the rules of the road."

He said he hears constantly from people who say that they cross streets against the light or commit otherwise seemingly minor infractions.

"It's kind of like playing Russian roulette," he said. "Eventually something bad does happen."

Heather Knight is a San Francisco Chronicle staff writer who covers City Hall politics. E-mail: [hknight@sfchronicle.com](mailto:hknight@sfchronicle.com)  
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**Subject:** Re: California Environmental Quality Act - Exemption Determination Appeal - 340 Bryant Street - Planning Department Appeal Response

**From:** Henry P Rogers <henryprogers@gmail.com>

**Date:** 3/16/2015 5:40 PM

**CC:** "hestor@earthlink.net" <hestor@earthlink.net>, "Givner, Jon (CAT)" <jon.givner@sfgov.org>, "Stacy, Kate (CAT)" <kate.stacy@sfgov.org>, "Byrne, Marlena (CAT)" <marlena.byrne@sfgov.org>, "Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>, "Jones, Sarah (CPC)" <sarah.b.jones@sfgov.org>, "Rodgers, AnMarie (CPC)" <anmarie.rodgers@sfgov.org>, "Starr, Aaron (CPC)" <aaron.starr@sfgov.org>, "Tam, Tina (CPC)" <tina.tam@sfgov.org>, "Jackson, Erika" <erika.jackson@sfgov.org>, "Uchida, Kansai (CPC)" <kansai.uchida@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "jkevlin@reubenlaw.com" <jkevlin@reubenlaw.com>, BOS-Supervisors <bos-supervisors@sfgov.org>, BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>, "Goldstein, Cynthia (PAB)" <cynthia.goldstein@sfgov.org>, "Pacheco, Victor (PAB)" <victor.pacheco@sfgov.org>, "Calvillo, Angela (BOS)" <angela.calvillo@sfgov.org>, "Caldeira, Rick (BOS)" <rick.caldeira@sfgov.org>, "Somera, Alisa (BOS)" <alisa.somera@sfgov.org>, "Carroll, John (BOS)" <john.carroll@sfgov.org>, Sunny Angulo <sunny.angulo@sfgov.org>, Jane Kim <Jane.Kim@sfgov.org>

**To:** "BOS Legislation (BOS)" <bos.legislation@sfgov.org>

Dear Ms. Lamug,

Thank you for the information relative to 340 Bryant Street. If a copy of my email can be included for consideration by the Board of Supervisors during the appeal, I would greatly appreciate it.

I live at 355 Bryant Street, directly across the street from subject property. I would like to respond specifically to the Planning Department's assertions that there are "unmarked crosswalks" at Bryant and Rincon Alley and at the Bay Bridge onramp that mitigate the risks Sue Hestor identified to workers going to and from 340 Bryant Street.

It would be more appropriate to classify these as "imaginary crosswalks for Planning Department Compliance", as they offer none of the safeguards for pedestrians that stop signs or marked crosswalks may provide, but allow the Planning Department to avoid taking action that would be responsive to removing hazards to residents of the neighborhood.

I walk my dogs past this intersection a number of times per day. The onramp to the Bridge and intersection at Rincon Alley are very dangerous to pedestrians. The notion that cars recognize or respect any unmarked crosswalks in this area is absurd. Cars entering Bryant from Rincon Alley frequently ignore the "Right Turn Only" sign attempting to go to the bridge creating a dangerous situation as cars speed east on Bryant Street. Because this part of Bryant Street is at the crest of the hill, visibility is reduced from both directions putting pedestrians at a higher level of risk. The traffic situation at rush hour is so dire that teams of SFPD Officers are present to reduce congestion and calm drivers. There are frequent accidents and near-accidents on this block as well as fatalities involving pedestrians at Rincon and Bryant. The reduced rate of significant accidents over the last two years may be attributable to the lack of occupancy in the building since the lease for artists' lofts was terminated to make way for office conversion.

I also disagree that the preferred route to the new offices would be at the Bryant/Rincon "unmarked" crosswalk. As a resident of the neighborhood, I view most office workers walk South on 2nd Street. Very few take the 10 Muni which is slower than walking and unreliable. It will be quicker for them to turn the corner on the North side of Bryant Street and cross the "Unmarked" crosswalk across the Bay Bridge access where they will risk being hit (or at best honked at) by cars who fail to recognize the unmarked crosswalks.

For the safety of the neighborhood and the new workers in this building, there need to be marked crosswalks, better signage and stop signs at Bryant Street and Rincon Alley.

Sincerely,

Henry P. Rogers  
355 Bryant Street  
San Francisco, CA 94107

EXH 8

**Subject:** Re: California Environmental Quality Act - Exemption Determination Appeal - 340 Bryant Street - Planning Department Appeal Response

**From:** Jim Lauer <jim@lauerjohnson.com>

**Date:** 3/16/2015 6:54 PM

**CC:** "BOS Legislation (BOS)" <bos.legislation@sfgov.org>, "hestor@earthlink.net" <hestor@earthlink.net>, "Givner, Jon (CAT)" <jon.givner@sfgov.org>, "Stacy, Kate (CAT)" <kate.stacy@sfgov.org>, "Byrne, Marlena (CAT)" <marlena.byrne@sfgov.org>, "Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>, "Jones, Sarah (CPC)" <sarah.b.jones@sfgov.org>, "Rodgers, AnMarie (CPC)" <anmarie.rodgers@sfgov.org>, "Starr, Aaron (CPC)" <aaron.starr@sfgov.org>, "Tam, Tina (CPC)" <tina.tam@sfgov.org>, "Jackson, Erika" <erika.jackson@sfgov.org>, "Uchida, Kansai (CPC)" <kansai.uchida@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "jkevlin@reubenlaw.com" <jkevlin@reubenlaw.com>, BOS-Supervisors <bos-supervisors@sfgov.org>, BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>, "Goldstein, Cynthia (PAB)" <cynthia.goldstein@sfgov.org>, "Pacheco, Victor (PAB)" <victor.pacheco@sfgov.org>, "Calvillo, Angela (BOS)" <angela.calvillo@sfgov.org>, "Caldeira, Rick (BOS)" <rick.caldeira@sfgov.org>, "Somera, Alisa (BOS)" <alisa.somera@sfgov.org>, "Carroll, John (BOS)" <john.carroll@sfgov.org>, Sunny Angulo <sunny.angulo@sfgov.org>, Jane Kim <Jane.Kim@sfgov.org>

**To:** Henry P Rogers <henryprogers@gmail.com>

Dear Ms. Lamug,

I am also a resident of 355 Bryant Street immediately across the street from 340 Bryant. I want to echo and expand upon the issues raised by Henry Rogers in his memo to you today.

1. As Henry states, there are no painted crosswalks or apparent pedestrian paths from either the south side or the north side of Bryant Street to this building.
2. The ADA ramps on the north side of Bryant at Rincon are very old and do not seem to comply with designs for pedestrian ramps for disabled people currently in use.
3. The vehicular traffic increases over the past two years on Bryant have been so dramatic that it is totally unsafe to cross Bryant Street as a pedestrian during rush hours. Rush hour now commences at around 2 to 2:30 pm and can last as long as 7 pm during the work week. During that time period, employees who are resident in 340 Bryant will literally be trapped in the building, since it so dangerous to cross any of the streets, either to the south side of Bryant or to the north sidewalk running parallel to the Clocktower Building from the 340 building.

In closing, I fear the various city agencies and planners who have let this project proceed have made a grave mistake. When the building was zoned industrial in its previous guise, there were very few employees who worked there and vehicular traffic on Bryant was docile compared to the road rage which prevails today. In addition, from looking at the current construction in the building, I would suspect there will be literally hundreds of people working there if zoned office. This simply will not work since the situation has changed so dramatically. As Henry Rogers states in his memo, perhaps the only solution is to install traffic lights, painted walkways for pedestrians at Bryant and Rincon and crosswalks and perhaps traffic lights at the busy and complex mixing entrance to the Bay Bridge. You may wish to forward these thoughts to the city's Department of Transportation and ask them how they intend to integrate the mayhem further obstacles to vehicular traffic flow from Second to Rincon will fit in with their plans to keep the traffic moving in and out of Soma.

Thanks, Jim Lauer , Resident of 355 Bryant Street.

Exhibit 9

March 23, 2015

RE: 340 Bryant Street; Board of Supervisors File No. 150171

Dear Ms Lamug, The Board of Supervisors and San Francisco Planning Department,

I have been in a unique position to see the changes occurring at the Second and Bryant street area. I am not a resident, but I am a full-time employee at Management Practices Group which is in the 355 Bryant Building. I have watched 340 Bryant Street go from an industrial space which the tenants seemed to not have a lot of traffic going in and out of the building, to its current build out. When I saw action starting on the build out, my hope was it was being outfitted for some manufacturing because there is ABSOLUTELY NO WAY 165 plus people could get into and out of that building to not only go to work, but also for breaks, lunch, and running errands without it causing great problems. Those problems include traffic backing up for blocks all around the building, pedestrian/vehicle accidents, increase of noise pollution as more people honk at those crossing what I would call an ill-conceived cross walk and most air pollution as cars will need to be stopped at the onramp for a longer time period.

Let me first address the figure of workers in the building, because I think this is a huge issue. The report figured 276 - 288 sq ft. per worker to come up with approximately 165 workers being in the space. This number does not reflect what is industry standard nor the trends that are happening in SF and in the tech community. According to the CCIM Institute (a commercial real estate member organization) "in last year's CoreNet Global survey, corporate executives indicated they expect to reduce the amount of space they lease in the next five years to less than 100 sf of dedicated space per worker." - See more at: <http://www.ccim.com/cire-magazine/articles/310928/2013/05/how-much-space-do-we-need#sthash.DKr9wZuB.dpuf>. Although, this might seem a bit overinflated, it is common knowledge that Facebook has historically figured 125 sq.ft. per employee and other tech firms often look at 100-150 sq. ft. per. According to Felipe Gomez-Kraus, Vice President at CBRE - the world's largest commercial real estate services firm these lower figure are reasonable numbers. <http://www.hustlex.com/how-much-space-does-a-startup-need-for-an-office/> Even using 200 sq. ft. per person (which is more in keeping with Microsoft and Apple's figures) will lead to 238 employees. I do not think the companies that rent this space, will go against this trend, as they would not be able to compete with those companies that are following the numbers which are the norm today. It is fair considering the above, to figure closer to 250-300 people will be working in this building when it is fully leased out.

Now to get to the site itself: it is my understanding details such as the topography were left off of the planning map which would illustrate the true nature of the site. There is no way the planning department, unless they went and physically looked at the site, could see how flawed this project is in relation to traffic and pedestrian/vehicle traffic. This specific buildings inhabitants would back up traffic in SF for blocks upon blocks during time periods that traffic is already horrible. The impact will be felt all the way down to 4<sup>th</sup> street during commute time and I am uncertain how badly it will back up in the financial district if a cross walk and light must be put at Rincon. There is absolutely no question, after watching how people get onto the LAST bay bridge on ramp, and one that was impacted before all the new growth in the area, that 340 Bryant will impact the traffic for blocks. As it is now, from 2:30pm to 3:30pm the traffic gets blocked at 2<sup>nd</sup> street and extends down to 3<sup>rd</sup> street. It has been such a big issue, the City has spent a lot of time and money trying to figure out what to do with that intersection. Imagine what will happen when those who work (165-300 people) at the 340 Bryant office try to leave the building, crossing at the 3 lane on ramp. (Note: it is three lanes merging to two, however, often there are 5 vehicles that are trying to merge into those two lanes. Two lanes coming across 2<sup>nd</sup> street up to the on-ramp, one lane coming from the other direction; you must add the motorcycles that then zoom and weave in and out of traffic which often add another vehicle to the mix not including those cars and trucks that decide to, at the last minute, to cut in line by using the

triangle area that cars are not supposed to use. At times this creates 5 vehicles all trying for those two lanes at the "imaginary cross walk". I have seen near misses of pedestrians as one car driver waves a walker along, but does not realize someone is zooming, illegally, in a non-lane. I personally, have been honked and yelled at when trying to cross there.) As for people trying to cross at Rincon, they will cross on the side closest to 2<sup>nd</sup> street. This is at a BLIND HILL, where few stop because they cannot see anyone who is at the top. Pedestrians cannot see cars coming up the hill until it is too late. I use to park on Rincon and would try to cross there. It was a harrowing experience so I would walk down a bit and jaywalk so at least someone would have a chance at seeing me. It is worthy to also note, the speed limit approaching the bridge, from both directions, is often violated as people are picking up speed as they seem to think the approach is part of the onramp itself.

There is no parking at the building and parking in the area is pretty much at capacity. On Giants game days, the lack of parking sends people up Rincon, making uturns, going down Bryant and once realizing it is a one way, making an illegal u-turn in the above referenced triangle at the on-ramp. Add to this 165 people, and most likely up to double that amount of people, entering and leaving the building at least 3-4 times a day (coming/leaving work, lunch and breaks). You are creating a perfect storm which the City has been trying to avoid with all of its planning for bike lanes up 2<sup>nd</sup>, pedestrian plans for 2<sup>nd</sup>, and getting cars not to block intersections. All of those efforts, years of planning and money spent will be wasted if this building is allowed to go to office space. 340 Bryant was never intended for any other usage due to its placement in relation to the last bay bridge on-ramp.

Please do not allow the planners, who are paid for by the developers, get away with this deceptive plan. To ignore the access and egress for this building and how it will impact this entire region would be an error of the planning department. I can see it being costly for the City to add stop lights and more police to enforce vehicle code violations. Not to mention, it makes the research and plans for the above mentioned 2nd street projects no longer valid. But most importantly, the future legal ramifications for the City might be very costly as it will suffer the consequences defending civil suits from vehicle/pedestrian accidents, which the plaintiffs will claim San Francisco did not protect the public from the dangerous corner (actually, freeway onramp), and had previous knowledge on how dangerous that corner is, which the City is now fully aware of.

Thank you,

~Theresa Sawyer Schreiber  
Business Manager/Paralegal  
355 Bryant Street #207  
San Francisco, CA 94107  
925-788-6586 (cell)  
415-268-0130 (office)

**Subject:** 340 Bryant observe WED pm peak - day and time EIR traffic studies measure

**From:** hestor@earthlink.net

**Date:** 3/4/2015 8:18 PM

**To:** "Sue Hestor" <hestor@earthlink.net>

**Setting:**

One HOV lane WESTbound on Bryant.. Drivers coming up hill from Beale.

TWO HOV lanes EASTbound on Bryant from 2nd St/Bryant traffic light. WESTbound lanes loop around 340 Bryant bldg.

All 3 HOV lanes merge onto Sterling St - the west boundary of 340 Bryant St lot. The merged lane/s loop around west and northwest edge of lot heading up grade to single lane on Bay Bridge.

**OBSERVATION POINT:**

Parked on west side of Bryant directly opposite Sterling Street merger of 3 HOV lanes. Have view in both directions of Bryant. Start just before 4:30 PST.

4:20 - glare in WESTbound Bryant opposite east end of 340 bldg. Drivers squinting because of sun in eyes - couldn't see peds if they were there in crosswalk. Glare patch of sunlight on Bryant about 15-20 minutes around 4:30. One HOV lane Westbound. Drivers coming up hill.

Motorcycle parking at curve where westbound cars - drivers walk thru traffic, mount Motorcycle and go directly onto Bridge

Two HOV lanes EASTbound on to Bridge on Bryant. Used by cars and VERY large trucks and busses EASTBOUND onto Bridge - take WIDE turn creating 3 lanes merging into one WEST bound onto bridge.

NO lighting outside 340 Bryant bldg on actual Bryant street/r-o-w- Very dark - couldn't see peds if they were there.

Almost no one crosses Sterling on north side of Bryant at curve onto Bridge west to east - crazy skate-boarder exception. Twice.

One bicyclist leaves parking lot and crosses traffic on bike.

WESTbound traffic really picks up around 4:50 and is steady no spacing until ...

Hwy Patrol Emergency w/ flasher works way thru jam onto Bridge.

Lot of motorcycles EASTbound onto bridge.

Only saw cars on WEST bound lane - no bus, no trucks + Brinks

Solid heavy flow from EAST bound before 5:15, after steady and SLOW but not as heavy.

A lot of illegal "create 3rd lane" traffic swinging into and confronting cars in SOLE WESTbound lane

Quite a few peds on sidewalks on south side of Bryant - walking uphill (home f "Fin Dist").

Intermittent heavy EASTbound NON-HOV traffic.

At least 3 autos do U turns in area across f 340 bldg - most go EAST down Bryant.

Peds who cross near bldg RUN thru cars.

At 6:50 traffic heavy and crawling. Not as slow merging onto bridge as it was around 5.

Car parked in west area of 340 bldg - driver gets in car, drives thru gate in fence and heads EAST on Bryant

HOV lane ends at 7 pm - traffic still thick EASTbound onto Bridge. AND WESTbound. Regular Bryant St EASTbound traffic pretty fast.

Bicycle heading EAST down hill - very dark no real light to see him.

EASTbound traffic thinning out from west of 3rd St. Doesn't seem to be backed behind traffic light - unlike before. Still solid line heading WEST from Beale. 7pm

Just saw first BUS using WESTbound HOV lane onto bridge - 7:03

Just saw Emerg vehicle come up WESTbound Bryant onto Bridge - 7:09.

A THIRD Hwy Patrol car at 7:20 - into position facing EASTbound right next to (but not on) Bridge.

More busses going onto Bridge - EASTbound HOV lanes.

RAPID (speeding) truck heading in regular lane EASTbound on Bryant down hill towards Beale. 7:25

Still heavy, steady flow of traffic up hill from BEALE in HOV WESTbound lane onto Bridge. 7:30.

Increasing traffic on Bryant in non-HOV lane heading east. No break in EASTbound traffic onto Bridge. Even more traffic - it has really picked up at 7:39. No break in HOV lanes in either direction onto Bridge.

Traffic heading for Bridge backed up on far side of 2nd St intersection at 7:45. Three busses coming in WESTbound lane from Beale onto Bridge. Solid lanes EASTbound. Traffic in non-HOV lanes eastbound on Bryant both heavier AND faster. 7:47.

Car heading east on Bryant forces way through HOV lane to park in lot behind 340. Driver parks, walks thru HOV lanes and heads west. 7:55.

Traffic fast but kind of free-flowing in both EASTbound and WESTbound HOV lanes onto bridge. No backups. 8:15 - has been like this for past 10 minutes.

Sent from my BlackBerry® smartphone, powered by CREDO Mobile.

**Subject:** Traffic 340 bryant Wed 3/18 PDT  
**From:** hestor@earthlink.net  
**Date:** 3/18/2015 6:12 PM  
**To:** "Sue Hestor" <hestor@earthlink.net>

4:35 sunlight coming down to where 340 bldg bends. Glares starts there. Sun to west goes all way back past 2nd Street

Traffic rolling west bound - slower eastbound. No crosswalk across Bryant.

A lot of non-HOV cars.

Steady rolling cars. Light eastbound traffic on Bryant. Picking up at 4:45. Car coming f pkg lot into Westbound HOV onto Bridge.

Busses onto bridge from west on Bryant. Truck coming up hill to east heading for bridge. Sunlight flowing from west onto Bryant past 2nd Street to pylon opposite.

Hwy Patrol motorcycle pulling over car coming EAST from 2nd St.

Solid line of cars coming up hill WEST from Beale. Meeting solid lines of cars coming EAST to merge at Sterling.

No peds have crossed Bryant in past 15 minutes. Ped walking along Bryant on north side into Caltrans lot.

WESTbound traffic slow but steady creeping up hill.

Eastbound traffic on Bryant picks up. 4:55. Peds walking west up Bryant on south sidewalk.

Series of EASTbound busses coming onto Bridge. Traffic moving faster.

Motorcycle Hwy Patrol comes up hill to merge. WESTbound traffic moving faster. 5:05.

Still sunlight coming down Bryant Street . Hits eyes of WESTbound drivers just at 340. Traffic speed has increased a little - both directions.

Ped crossing Bryant south to north past Rincon - cars parked there.

More peds on southern sidewalk.

EASTbound car flow temp stopped. WESTbound still steady. Car speed EASTbound past HOV turn picking up - volume and speed. EASTbound bikes. 5:15

Only one EASTbound HOV - just disappeared, then moving a little faster. Steady pace of WESTbound cars up hill to get onto bridge.

Traffic heading east speeding on Bryant.

SFPD patrol car pulling over WESTbound truck w/only one in car. Motorcycles heading onto bridge from both directions.

2 cars in row w/only driver go from WESTbound HOV onto bridge. More sole drivers.

Another motorcycle Hwy Patrol into merge. 5:30. More sole drivers. Just noticed sticker on sole driver - HOV OK because Hybrid.

Another sole driver pulled over by SFPD. 5:35. Steady stream of WESTbound cars coming up the hill.

Sole drivers looking over at SFPD and pulled over driver.

More fast traffic eastbound on Bryant heading down the hill.

Sole drivers noticing SFPD car. Traffic heavier WESTbound than heading EAST.

SFPD on north side of Bryant scanning cars coming up hill. People waving at cops.

No EASTbound traffic until light change. WEST still steady. Fast traffic heading east past 2nd. SFPD heads down hill. 5:45.

Sole drivers w/o sticker sill at least 10%.

Another solo driver popped by SFPD. 5:50.

Heavy speeding traffic heading EAST + Hwy Patrol motorcycle, going around corner south on Rincon.

Solid line of WESTbound cars coming up hill.

Sun down Bryant disappeared about 10-15 min ago. 5:50. But streak of sunlight 15' wide from east end of 340 bldg across Bryant. Fast motorcycle heading east on Bryant.

Line of cars coming WEST up hill. Ticketed sole driver gets to go directly onto bridge.

SFPD squad car still here - appears to be getting into position again.

Another motorcycle cop heading EAST.

Line of WESTbound cars hasn't let up BUT going a little faster. 6:05

Fast traffic heading east down Bryant. Fast traffic WESTbound up the hill. Cars heading EASTbound onto Bridge fast. Ditto WESTbound. No slowups BUT fast traffic onto Bridge from both directions AND eastbound on Bryant. 6:10

Sent from my BlackBerry® smartphone, powered by CREDO Mobile.

# San Francisco Chronicle

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EDITORIAL *On Pedestrian Safety*

## The city's dangerous streets

Within one day this week, San Francisco got a sampling of the dangers and solutions to its traffic-clogged streets. An 87-year man crossing ever-busy Geary Boulevard in the Richmond District was struck and killed, a fatal mishap followed the next day by Mayor Ed Lee pushing a painting machine to put down safety stripes on another Geary crosswalk.

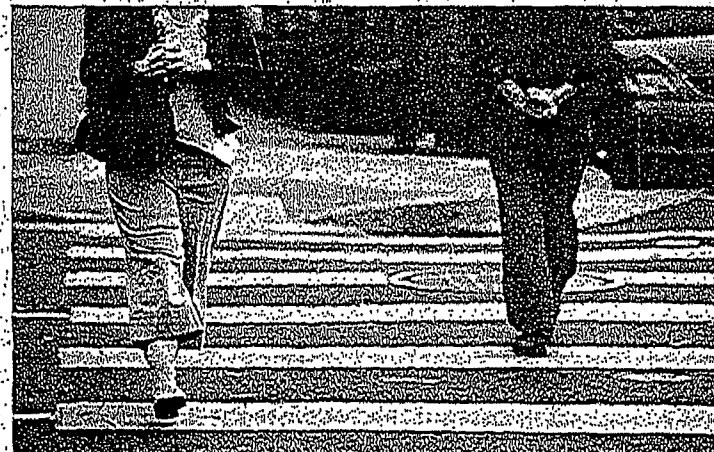
The death underlines the familiar results when drivers and pedestrians face off on the city's wide, bustling streets. The fatality, though, was only the first of the year, and comes at a turning-point moment for residents, traffic planners and lawmakers all wondering just how far to go to make streets safer.

Officially these groups are on the same page. In November, voters approved a \$500 million bond measure with a major slice going to street safety touches ranging from traffic lights

to curb extensions. On the same ballot, a plan to kill transit policies targeting private vehicles was shot down.

Already the first steps are there to see. There are red-painted Muni-only lanes on Market and other streets. Curb bulbs to highlight crosswalks are going in at dozens of corners. Speed limits are dropping near schools and along speedster allies including Sunset Boulevard, where past fatal accidents have occurred.

The goal couldn't be



Sophia Germer / The Chronicle

Pedestrians cross San Francisco's Polk Street.

clearer. Pedestrians, buses and walkers will benefit over drivers, who will have to slow down and watch where they're going. Already, the mayor's office says police are writing 50 percent more traffic tickets, and, yes, bike riders are

getting their share.

Backers of the street safety plan known as Vision Zero want even more. Nicole Schneider, executive director of Walk SF, says the plan's goal of no pedestrian deaths by 2024 needs serious enforcement. The

city may have the money to improve its streets, but it needs the right attitude, she notes. A go-slow warning sign should be upgraded to a blinking warning light, she suggested as an example of how to strengthen the message.

This push may not come easy. Polk Street merchants are upset over plans to chop off parking slots for a bike lane. Drivers still puzzle over the thicket of plastic stanchions protecting bike riders and leave tire marks on traffic islands that have sprouted recently. It's a learning journey behind the wheel.

But San Francisco is headed in a promising direction. Its crowded, dangerous streets are getting attention at last, and that should make everyone safer.

## Carroll, John (BOS)

**From:** Caldeira, Rick (BOS)  
**Sent:** Tuesday, March 24, 2015 9:16 AM  
**To:** BOS Legislation (BOS)  
**Cc:** Calvillo, Angela (BOS)  
**Subject:** FW: Special Order, Item 24, case 150171: 340 Bryant St

**Categories:** 150171

For inclusion in the official file. Rick.

---

**From:** Henry P Rogers [mailto:[henryprogers@gmail.com](mailto:henryprogers@gmail.com)]  
**Sent:** Tuesday, March 24, 2015 9:14 AM  
**To:** Kim, Jane (BOS)  
**Cc:** Breed, London (BOS); Avalos, John (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS); Christensen, Julie (BOS); Veneracion, April (BOS); John Kevlin; Sue Hestor; Jamie Whitaker; Katy Liddell; Calvillo, Angela (BOS); Alice Rogers  
**Subject:** Re: Special Order, Item 24, case 150171: 340 Bryant St

Dear Supervisor Kim,

I appreciate John Kevlin's time in reviewing his client's plans for improving the crosswalks at 340 Bryant Street Building ("the Building") last week, which is a good start to addressing the dangerous existing pedestrian access to the Building. I discussed their plans with a number of interested parties in our building (355 Bryant Street).

However, there continues to be concern related to pedestrian safety and a correlated question of congestion caused by the increased worker density in the proposed office space. The following issues are not addressed by the CEQA Review and remain a concern which I believe need to be addressed prior to the building being occupied:

The crosswalks and traffic control measures need to be reviewed in more detail to ensure pedestrian safety. The Building is like an island surrounding by rivers of speeding angry drivers on two sides, and access blocked by the Bridge and Rincon Hill on the other sides. There is no sidewalk on the north side of Bryant Street to the east of the Building heading down to the Embarcadero.

- a. There are only two routes for workers to enter or exit the Building:

Between the Building entrance, to the south sidewalk of Bryant Street (between Rincon Alley and the Bridge Entrance),

or

Crossing the Bridge Entrance going west on the north side of Bryant Street.

- b. There are no safe pedestrian crossings for workers with disabilities as there are no crossings with traffic lights anywhere from the building to a pedestrian route.
- c. Heading down Bryant Street towards the Embarcadero, while the south side of the street has a substandard sidewalk, barely wide enough for two people to pass each other without entering the street.

- d. Even with a marked crosswalk from the Building to the south side of Bryant Street, it is at the crest of a blind hill, and there is nothing to slow traffic approaching the bridge entrance. This needs to be addressed with safeguards greater than a marked crosswalk.
- e. I personally do not think that there should be a crosswalk, marked or unmarked, across the Bridge Entrance on the North side of Bryant Street. Eliminating the crosswalk would be consistent with what SFMTA did with the crossing on the north side of Bryant at Third Street.
- f. In any event, installation or elimination of crosswalks is something that the City needs to study and mandate. We need assurances that action will be taken before the building is occupied.

***Opening and occupying this building without appropriate pedestrian safeguards is not only inconsistent with the Mayor and the City's alignment with the goals of Vision Zero, but dangerous.***

There will be a significantly higher concentration of workers in the Building than previously experienced when it was occupied predominantly by artists' lofts. If there are 250-300 workers crossing Bryant to the building during commute hours and lunch, how will this impact traffic in a corridor that is already congested with commuters?

We cannot predict how many workers will occupy the building, but it is a safe bet that it will be more than the 160 presented in the CEQA review. There is also no way to predict what the impact will be on traffic along Bryant Street from the flow of workers from the Building once fully occupied other than to guess how much worse it will become. But it can be predicted that unless safe pedestrian crossings are built and unsafe crossings eliminated before the building is occupied, there will be accidents. According to the SWITRS Survey covering 2005-2011, there were 7 pedestrian injuries at Second and Bryant. It is a dangerous pedestrian corridor that has gotten worse with growing congestion over the past 5 years.

I understand that the developer is concerned that further review of the pedestrian crossing issues could cause further delays in passing CEQA and getting the required office space allocations. While I am sympathetic to a degree, there had been no attempt to my knowledge, over the two to three years that the building lay vacant, to engage in community outreach with neighbors of the Building and discuss our concerns with its redevelopment. While Mr. Kevlin stated that the developer is committed to implementing safer crossings for the Building, there are no approved plans for the improvements and their commitment is not binding on future owners of the building.

Sincerely yours,

Henry Rogers  
355 Bryant Street  
San Francisco, CA

henryprogers@gmail.com

**Lamug, Joy**

---

**From:** Caldeira, Rick (BOS)  
**Sent:** Tuesday, March 24, 2015 6:43 AM  
**To:** BOS Legislation (BOS)  
**Cc:** Gosiengfiao, Rachel (BOS); Calvillo, Angela (BOS)  
**Subject:** Re: Special Order, Item 24, case 150171: 340 Bryant St

Legislative Clerks,

For distribution and inclusion in the official file. Thank you, Rick

---

**From:** Alice Rogers [mailto:[arcomnsf@pacbell.net](mailto:arcomnsf@pacbell.net)]  
**Sent:** Monday, March 23, 2015 2:27 PM  
**To:** Breed, London (BOS); Avalos, John (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS); Christensen, Julie (BOS)  
**Cc:** Veneracion, April (BOS); John Kevlin; Sue Hestor; Jamie Whitaker; Katy Liddell; Henry P Rogers; Calvillo, Angela (BOS)  
**Subject:** Special Order, Item 24, case 150171: 340 Bryant St

Honorable Supervisors,

I am writing in relation to the Appeal filed on the Community Plan Exemption from CEQA Review related to 340 Bryant St. Because this is essentially a legal issue relating to regulatory standards and interpretations, I do not feel qualified to comment on whether the Appeal should be supported or denied. However, the health and safety issues raised in the Appeal are critical and I am asking you to press for action on three fronts: pedestrian and bike safety (in line with your Vision Zero commitment); congestion management; and air quality improvement.

**Pedestrian and bike safety related to this site:** The Appeal makes the point that more workers than originally anticipated will be using this building since it was approved as predominantly office, and likely will house tech workers. Per a recent article in the NYT, "... The average amount of space per office worker in North America dropped to 176 square feet in 2012, from 225 in 2010, according to CoreNet Global, a commercial real estate association. ..." (<http://www.nytimes.com/2015/02/23/nyregion/as-office-space-shrinks-so-does-privacy-for-workers.html?emc=eta1&r=1>). More workers = more foot and bike traffic = increased odds of auto/human collision at one of the busiest freeway on-ramps in the City.

This project must implement a SAFE street-crossing program before building occupancy is granted. I have seen a preliminary cross-walk/landscaped barrier design which includes some warning signalization and it is a significant improvement over the 'legal but unmarked' crossing area cited in the Planning document. I ask that

the City fully engage in the development of this crossing to be sure it is installed timely and to the highest standard of safety.

**Congestion management:** MTA has activated a periodic, roving cadre of PCOs and occasional police to spot-monitor the 2nd and Bryant intersection—said to be the busiest in the City. With increased pedestrian and bike traffic, patrol and enforcement at this intersection as well as at a newly-added adjacent crosswalk needs to be daily during peak periods. Please do not allow development, once again, to outpace safety infrastructure.

**Air Quality:** This project, like its neighbors across the street and all along the spine of the Central Freeway, sits in a certified air quality ‘hot spot’, subject to the most particulate-laden air in the City (SFDPH/BAAQMD map: [http://www.sfindicatorproject.org/img/indicators/pdf/PM2.5\\_ReducedSize.pdf](http://www.sfindicatorproject.org/img/indicators/pdf/PM2.5_ReducedSize.pdf)). We who live and work here all are familiar with the black grime that collects on our window sills daily. The City has approved, and continues to zone for, dense residential and office development in this (and other) hot spots...I ask you to FINALLY begin to develop a systematic program to decrease particulate matter in these heavily populated areas. It is not consistent with San Francisco’s values to promote (economic) growth without protecting the health of the population in the area.

Separate from the resolution of the CEQA question before you, please let the discussion initiated around this project grow into proactive City responses to three of the main issues that plague this area specifically, most of District 6 and significant portions of District 10.

Thank you for thinking large.

Sincerely,

Alice Rogers

.....  
**Alice Rogers**  
10 South Park St  
Studio 2  
San Francisco, CA 94107

415.543.6554

**From:** Theresa Schreiber [theresa@managementpractices.com]  
**Sent:** Monday, March 23, 2015 9:26 AM  
**To:** BOS Legislation (BOS)  
**Cc:** hestor@earthlink.net; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Jackson, Erika; Uchida, Kansai (CPC); Ionin, Jonas (CPC); jkevlin@reubenlaw.com; Henry P Rogers; BOS-Supervisors; BOS-Legislative Aides; Goldstein, Cynthia (PAB); Pacheco, Victor (PAB); Calvillo, Angela (BOS); Caldeira, Rick (BOS); Somera, Alisa (BOS); Carroll, John (BOS); Angulo, Sunny (BOS); Kim, Jane (BOS)  
**Subject:** RE: California Environmental Quality Act - Exemption Determination Appeal - 340 Bryant Street - Planning Department Appeal Response  
**Attachments:** March 2015 Bryant 340 Appeal.docx  
**Categories:** 150171

Dear Ms. Lamug,

Attached is a letter about the 340 Bryant Street Appeal. I have included the body below but it did not format well and the links do not work below.

Best regards,  
~Theresa Schreiber

Theresa Sawyer (Schreiber)  
Business Manager/Paralegal  
Management Practices Group  
355 Bryant St. #207  
San Francisco, CA 94107

415-268-0130 Office  
415-268-0133 Fax  
theresa@managementpractices.com

March 23, 2015

RE: 340 Bryant Street; Board of Supervisors File No. 150171

Dear Ms Lamug, The Board of Supervisors and San Francisco Planning Department,

I have been in a unique position to see the changes occurring at the Second and Bryant street area. I am not a resident, but I am a full-time employee at Management Practices Group which is in the 355 Bryant Building. I have watched 340 Bryant Street go from an industrial space which the tenants seemed to not have a lot of traffic going in and out of the building, to its current build out. When I saw action starting on the build out, my hope was it was being outfitted for some manufacturing because there is ABSOLUTELY NO WAY 165 plus people could get into and out of that building to not only go to work, but also for breaks, lunch, and running errands without it causing great problems. Those problems include traffic backing up for blocks all around the building, pedestrian/vehicle accidents, increase of noise pollution as more people honk at those crossing what I would call an ill-conceived cross walk and most air pollution as cars will need to be stopped at the onramp for a longer time period.

Let me first address the figure of workers in the building, because I think this is a huge issue. The report figured 276 - 288 sq ft. per worker to come up with approximately 165 workers being in the space. This number does not reflect what is industry standard nor the trends that are happening in SF and in the tech community. According to the CCIM Institute (a commercial real estate member organization) "in last year's CoreNet Global survey, corporate executives indicated they expect to reduce the amount of space they lease in the next five years to less than 100 sf of dedicated space per

worker." - See more at: <http://www.ccim.com/cire-magazine/articles/310928/2013/05/how-much-space-do-we-need#sthash.DKr9wZuB.dpuf> . Although, this might seem a bit overinflated, it is common knowledge that Facebook has

historically figured 125 sq.ft. per employee and other tech firms often look at 100-150 sq. ft. per. According to Felipe Gomez-Kraus, Vice President at CBRE - the world's largest commercial real estate services firm these lower figure are reasonable numbers. <http://www.hustlex.com/how-much-space-does-a-startup-need-for-an-office/> Even using 200 sq. ft. per person (which is more in keeping with Microsoft and Apple's figures) will lead to 238 employees. I do not think the companies that rent this space, will go against this trend, as they would not be able to compete with those companies that are following the numbers which are the norm today. It is fair considering the above, to figure closer to 250-300 people will be working in this building when it is fully leased out.

Now to get to the site itself: It is my understanding details such as the topography were left off of the planning map which would illustrate the true nature of the site. There is no way the planning department, unless they went and physically looked at the site, could see how flawed this project is in relation to traffic and pedestrian/vehicle traffic. This specific buildings inhabitants would back up traffic in SF for blocks upon blocks during time periods that traffic is already horrible. The impact will be felt all the way down to 4th street during commute time and I am uncertain how badly it will back up in the financial district if a cross walk and light must be put at Rincon. There is absolutely no question, after watching how people get onto the LAST bay bridge on ramp, and one that was impacted before all the new growth in the area, that 340 Bryant will impact the traffic for blocks. As it is now, from 2:30pm to 3:30pm the traffic gets blocked at 2nd street and extends down to 3rd street. It has been such a big issue, the City has spent a lot of time and money trying to figure out what to do with that intersection. Imagine what will happen when those who work (165-300 people) at the 340 Bryant office try to leave the building, crossing at the 3 lane on ramp. (Note: it is three lanes merging to two, however, often there are 5 vehicles that are trying to merge into those two lanes. Two lanes coming across 2nd street up to the on-ramp, one lane coming from the other direction; you must add the motorcycles that then zoom and weave in and out of traffic which often add another vehicle to the mix not including those cars and trucks that decide to, at the last minute, to cut in line by using the triangle area that cars are not supposed to use. At times this creates 5 vehicles all trying for those two lanes at the "imaginary cross walk". I have seen near misses of pedestrians as one car driver waves a

walker along, but does not realize someone is zooming, illegally, in a non-lane. I personally, have been honked and yelled at when trying to cross there.) As for people trying to cross at Rincon, they will cross on the side closest to 2nd street. This is at a BLIND HILL, where few stop because they cannot see anyone who is at the top. Pedestrians cannot see cars coming up the hill until it is too late. I use to park on Rincon and would try to cross there. It was a harrowing experience so I would walk down a bit and jaywalk so at least someone would have a chance at seeing me. It is worthy to also note, the speed limit approaching the bridge, from both directions, is often violated as people are picking up speed as they seem to think the approach is part of the onramp itself.

There is no parking at the building and parking in the area is pretty much at capacity. On Giants game days, the lack of parking sends people up Rincon, making uturns, going down Bryant and once realizing it is a one way, making an illegal u-turn in the above referenced triangle at the on-ramp. Add to this 165 people, and most likely up to double that amount of people, entering and leaving the building at least 3-4 times a day (coming/leaving work, lunch and breaks). You are creating a perfect storm which the City has been trying to avoid with all of its planning for bike lanes up 2nd, pedestrian plans for 2nd, and getting cars not to block intersections. All of those efforts, years of planning and money spent will be wasted if this building is allowed to go to office space. 340 Bryant was never intended for any other usage due to its placement in relation to the last bay bridge on-ramp.

Please do not allow the planners, who are paid for by the developers, get away with this deceptive plan. To ignore the access and egress for this building and how it will impact this entire region would be an error of the planning department. I can see it being costly for the City to add stop lights and more police to enforce vehicle code violations. Not to mention, it makes the research and plans for the above mentioned 2nd street projects no longer valid. But most importantly, the future legal ramifications for the City might be very costly as it will suffer the consequences defending civil suits from vehicle/pedestrian accidents, which the plaintiffs will claim San Francisco did not protect the public from the dangerous corner (actually, freeway onramp), and had previous knowledge on how dangerous that corner is, which the City is now fully aware of.

Thank you,

~Theresa Sawyer Schreiber  
Business Manager/Paralegal  
355 Bryant Street #207

San Francisco, CA 94107  
925-788-6586 (cell)  
415-268-0130 (office)

March 23, 2015

RE: 340 Bryant Street; Board of Supervisors File No. 150171

Dear Ms Lamug, The Board of Supervisors and San Francisco Planning Department,

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Thank you,

~Theresa Sawyer Schreiber  
Business Manager/Paralegal

355 Bryant Street #207  
San Francisco, CA 94107  
925-788-6586 (cell)  
415-268-0130 (office)

## Carroll, John (BOS)

---

**From:** BOS Legislation (BOS)  
**Sent:** Tuesday, March 17, 2015 9:08 AM  
**To:** Henry P Rogers  
**Cc:** BOS Legislation (BOS)  
**Subject:** RE: California Environmental Quality Act - Exemption Determination Appeal - 340 Bryant Street - Planning Department Appeal Response

**Categories:** 150171

Dear Mr. Rogers,

Thank you for your email. This will be placed in the Board file (File No. 150171) and will be included as part of the Board packet for consideration by the Board of Supervisors on March 24<sup>th</sup> Board meeting.

Regards,

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)  
Web: [www.sfbos.org](http://www.sfbos.org)

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---

**From:** Henry P Rogers [mailto:[henryprogers@gmail.com](mailto:henryprogers@gmail.com)]  
**Sent:** Monday, March 16, 2015 5:40 PM  
**To:** BOS Legislation (BOS)  
**Cc:** [hestor@earthlink.net](mailto:hestor@earthlink.net); Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Jackson, Erika; Uchida, Kansai (CPC); Ionin, Jonas (CPC); [jkevin@reubenlaw.com](mailto:jkevin@reubenlaw.com); BOS-Supervisors; BOS-Legislative Aides; Goldstein, Cynthia (PAB); Pacheco, Victor (PAB); Calvillo, Angela (BOS); Caldeira, Rick (BOS); Somera, Alisa (BOS); Carroll, John (BOS); Angulo, Sunny (BOS); Kim, Jane (BOS)  
**Subject:** Re: California Environmental Quality Act - Exemption Determination Appeal - 340 Bryant Street - Planning Department Appeal Response

Dear Ms. Lamug,

Thank you for the information relative to 340 Bryant Street. If a copy of my email can be included for consideration by the Board of Supervisors during the appeal, I would greatly appreciate it.

I live at 355 Bryant Street, directly across the street from subject property. I would like to respond specifically to the Planning Department's assertions that there are "unmarked crosswalks" at Bryant and Rincon Alley and at the Bay Bridge onramp that mitigate the risks Sue Hestor identified to workers going to and from 340 Bryant Street.

It would be more appropriate to classify these as "imaginary crosswalks for Planning Department Compliance", as they offer none of the safeguards for pedestrians that stop signs or marked crosswalks may provide, but allow the Planning Department to avoid taking action that would be responsive to removing hazards to residents of the neighborhood.

I walk my dogs past this intersection a number of times per day. The onramp to the Bridge and intersection at Rincon Alley are very dangerous to pedestrians. The notion that cars recognize or respect any unmarked crosswalks in this area is absurd. Cars entering Bryant from Rincon Alley frequently ignore the "Right Turn Only" sign attempting to go to the bridge creating a dangerous situation as cars speed east on Bryant Street. Because this part of Bryant Street is at the crest of the hill, visibility is reduced from both directions putting pedestrians at a higher level of risk. The traffic situation at rush hour is so dire that teams of SFPD Officers are present to reduce congestion and calm drivers. There are frequent accidents and near-accidents on this block as well as fatalities involving pedestrians at Rincon and Bryant. The reduced rate of significant accidents over the last two years may be attributable to the lack of occupancy in the building since the lease for artists' lofts was terminated to make way for office conversion.

I also disagree that the preferred route to the new offices would be at the Bryant/Rincon "unmarked" crosswalk. As a resident of the neighborhood, I view most office workers walk South on 2nd Street. Very few take the 10 Muni which is slower than walking and unreliable. It will be quicker for them to turn the corner on the North side of Bryant Street and cross the "Unmarked" crosswalk across the Bay Bridge access where they will risk being hit (or at best honked at) by cars who fail to recognize the unmarked crosswalks.

For the safety of the neighborhood and the new workers in this building, there need to be marked crosswalks, better signage and stop signs at Bryant Street and Rincon Alley.

Sincerely,

Henry P. Rogers  
355 Bryant Street  
San Francisco, CA 94107

On Mar 16, 2015, at 2:17 PM, BOS Legislation (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)> wrote:

Good afternoon,

Please find linked below a memo received by the Office of the Clerk of the Board from the Planning Department, concerning the appeal of the proposed project at 340 Bryant Street.

Planning Memo – 03/16/2015

You are invited to review the entire matter on our Legislative Research Center by following the link below.

Board of Supervisors File No. 150171

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on March 24, 2015.**

Thank you,

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)  
Web: [www.sfbos.org](http://www.sfbos.org)

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## Carroll, John (BOS)

**From:** BOS Legislation (BOS)  
**Sent:** Tuesday, March 17, 2015 9:17 AM  
**To:** Jim Lauer  
**Cc:** BOS Legislation (BOS)  
**Subject:** RE: California Environmental Quality Act - Exemption Determination Appeal - 340 Bryant Street - Planning Department Appeal Response  
  
**Categories:** 150171

Dear Mr. Lauer,

Thank you for your email. This will be placed in the Board file (File No. 150171) and will be included as part of the Board packet for consideration by the Board of Supervisors on March 24<sup>th</sup> Board meeting.

Thanks,

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
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---

**From:** Jim Lauer [mailto:[jim@lauerjohnson.com](mailto:jim@lauerjohnson.com)]

**Sent:** Monday, March 16, 2015 6:55 PM

**To:** Henry P Rogers

**Cc:** BOS Legislation (BOS); [hestor@earthlink.net](mailto:hestor@earthlink.net); Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Jackson, Erika; Uchida, Kansai (CPC); Ionin, Jonas (CPC); [jkevlin@reubenlaw.com](mailto:jkevlin@reubenlaw.com); BOS-Supervisors; BOS-Legislative Aides; Goldstein, Cynthia (PAB); Pacheco, Victor (PAB); Calvillo, Angela (BOS); Caldeira, Rick (BOS); Somera, Alisa (BOS); Carroll, John (BOS); Angulo, Sunny (BOS); Kim, Jane (BOS)

**Subject:** Re: California Environmental Quality Act - Exemption Determination Appeal - 340 Bryant Street - Planning Department Appeal Response

Dear Ms. Lamug,

I am also a resident of 355 Bryant Street immediately across the street from 340 Bryant. I want to echo and expand upon the issues raised by Henry Rogers in his memo to you today.

1. As Henry states, there are no painted crosswalks or apparent pedestrian paths from either the south side or the north side of Bryant Street to this building.
2. The ADA ramps on the north side of Bryant at Rincon are very old and do not seem to comply with designs for pedestrian ramps for disabled people currently in use.
3. The vehicular traffic increases over the past two years on Bryant have been so dramatic that it is totally unsafe to cross Bryant Street as a pedestrian during rush hours. Rush hour now commences at around 2 to 2:30 pm and can last as long as 7 pm during the work week. During that time period, employees who are resident in 340 Bryant will literally be trapped in the building, since it is so dangerous to cross any of the streets, either to the south side of Bryant or to the north sidewalk running parallel to the Clocktower Building from the 340 building.

In closing, I fear the various city agencies and planners who have let this project proceed have made a grave mistake. When the building was zoned industrial in its previous guise, there were very few employees who worked there and vehicular traffic on Bryant was docile compared to the road rage which prevails today. In addition, from looking at the current construction in the building, I would suspect there will be literally hundreds of people working there if zoned office. This simply will not work since the situation has changed so dramatically. As Henry Rogers states in his memo, perhaps the only solution is to install traffic lights, painted walkways for pedestrians at Bryant and Rincon and crosswalks and perhaps traffic lights at the busy and complex mixing entrance to the Bay Bridge. You may wish to forward these thoughts to the city's Department of Transportation and ask them how they intend to integrate the mayhem further obstacles to vehicular traffic flow from Second to Rincon will fit in with their plans to keep the traffic moving in and out of Soma.

Thanks, Jim Lauer, Resident of 355 Bryant Street.

On Mon, Mar 16, 2015 at 5:40 PM, Henry P Rogers <[henryprogers@gmail.com](mailto:henryprogers@gmail.com)> wrote:  
Dear Ms. Lamug,

Thank you for the information relative to 340 Bryant Street. If a copy of my email can be included for consideration by the Board of Supervisors during the appeal, I would greatly appreciate it.

I live at 355 Bryant Street, directly across the street from subject property. I would like to respond specifically to the Planning Department's assertions that there are "unmarked crosswalks" at Bryant and Rincon Alley and at the Bay Bridge onramp that mitigate the risks Sue Hestor identified to workers going to and from 340 Bryant Street.

It would be more appropriate to classify these as "imaginary crosswalks for Planning Department Compliance", as they offer none of the safeguards for pedestrians that stop signs or marked crosswalks may provide, but allow the Planning Department to avoid taking action that would be responsive to removing hazards to residents of the neighborhood.

I walk my dogs past this intersection a number of times per day. The onramp to the Bridge and intersection at Rincon Alley are very dangerous to pedestrians. The notion that cars recognize or respect any unmarked crosswalks in this area is absurd. Cars entering Bryant from Rincon Alley frequently ignore the "Right Turn Only" sign attempting to go to the bridge creating a dangerous situation as cars speed east on Bryant Street.

Because this part of Bryant Street is at the crest of the hill, visibility is reduced from both directions putting pedestrians at a higher level of risk. The traffic situation at rush hour is so dire that teams of SFPD Officers are sent to reduce congestion and calm drivers. There are frequent accidents and near-accidents on this block as well as fatalities involving pedestrians at Rincon and Bryant. The reduced rate of significant accidents over the last two years may be attributable to the lack of occupancy in the building since the lease for artists' lofts was terminated to make way for office conversion.

I also disagree that the preferred route to the new offices would be at the Bryant/Rincon "unmarked" crosswalk. As a resident of the neighborhood, I view most office workers walk South on 2nd Street. Very few take the 10 Muni which is slower than walking and unreliable. It will be quicker for them to turn the corner on the North side of Bryant Street and cross the "Unmarked" crosswalk across the Bay Bridge access where they will risk being hit (or at best honked at) by cars who fail to recognize the unmarked crosswalks.

For the safety of the neighborhood and the new workers in this building, there need to be marked crosswalks, better signage and stop signs at Bryant Street and Rincon Alley.

Sincerely,

Henry P. Rogers  
355 Bryant Street  
San Francisco, CA 94107

On Mar 16, 2015, at 2:17 PM, BOS Legislation (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)> wrote:

Good afternoon,

Please find linked below a memo received by the Office of the Clerk of the Board from the Planning Department, concerning the appeal of the proposed project at 340 Bryant Street.

Planning Memo – 03/16/2015

You are invited to review the entire matter on our Legislative Research Center by following the link below.

Board of Supervisors File No. 150171

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on March 24, 2015.**

Thank you,

Joy Lamug  
Legislative Clerk  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: joy.lamug@sfgov.org  
Web: www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

**The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.**

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

--  
James W. Lauer  
355 Bryant Street #102  
San Francisco, CA 94107  
415-278-9518 (O)  
415-830-1847 (Cell)

## Carroll, John (BOS)

---

**From:** BOS Legislation (BOS)  
**Sent:** Monday, March 16, 2015 2:18 PM  
**To:** 'hestor@earthlink.net'; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Jackson, Erika; Uchida, Kansai (CPC); Ionin, Jonas (CPC); 'jkevilin@reubenlaw.com'; BOS-Supervisors; BOS-Legislative Aides; Goldstein, Cynthia (PAB); Pacheco, Victor (PAB)  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Somera, Alisa (BOS); Carroll, John (BOS); BOS Legislation (BOS)  
**Subject:** California Environmental Quality Act - Exemption Determination Appeal - 340 Bryant Street - Planning Department Appeal Response  
**Categories:** 150171

Good afternoon,

Please find linked below a memo received by the Office of the Clerk of the Board from the Planning Department, concerning the appeal of the proposed project at 340 Bryant Street.

Planning Memo – 03/16/2015

You are invited to review the entire matter on our Legislative Research Center by following the link below.

Board of Supervisors File No. 150171

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on March 24, 2015.**

Thank you,

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)  
Web: [www.sfbos.org](http://www.sfbos.org)

**Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).**

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SAN FRANCISCO

**PLANNING DEPARTMENT**

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BOARD OF SUPERVISORS  
SAN FRANCISCO

MAR 16 AM 11:57

MEMO

BJ

## Notice of Electronic Transmittal

### Planning Department Response to the Appeal of the Community Plan Exemption (CPE) for the 340 Bryant Street Project

DATE: March 16, 2015  
TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: Sarah B. Jones, Environmental Review Officer – (415) 575-9034  
RE: Kansai Uchida, Case Planner – (415) 575-9048  
BOS File No. 150171 [Case No. 2013.1600E]  
Appeal of CPE for the 340 Bryant Street Project  
HEARING DATE: March 24, 2015

In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents," the Planning Department submits a multi-page response to the Appeal of the CPE for the 340 Bryant Street Project [BF 150171] in digital format (attached). A hard copy of the response is available from the Clerk of the Board. Additional hard copies may be requested by contacting Kansai Uchida of the Planning Department at 415-575-9048.

Memo

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

February 10, 2015

To: John Rahaim  
Planning Director

From:  Angela Calvillo  
Clerk of the Board of Supervisors

Subject: **Appeal of California Environmental Quality Act (CEQA) Exemption  
Determination from Environmental Review - 340 Bryant Street**

An appeal of CEQA Exemption Determination from Environmental Review for 340 Bryant Street was filed with the Office of the Clerk of the Board on February 9, 2015, by Sue Hestor, on behalf of San Franciscans for Reasonable Growth.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Clerks, Joy Lamug at (415) 554-7712, or John Carroll at (415) 554-4445.

c: Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
Scott Sanchez, Zoning Administrator, Planning Department  
Sarah Jones, Environmental Review Officer, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Tina Tam, Planning Department  
Erika Jackson, Planning Department  
Jonas Ionin, Planning Department

SUE C. HESTOR  
Attorney at Law  
870 Market Street, Suite 1128 San Francisco, CA 94102  
office (415) 362-2778 cell (415) 846-1021 2015 FEB - 9 PM 4:36  
[hestor@earthlink.net](mailto:hestor@earthlink.net)

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

February 9, 2015

President London Breed  
Board of Supervisors  
City Hall  
San Francisco CA 94102

Appeal of CEQA Exemption Determination - 340 Bryant Street  
SF Admin Code 31.16  
Planning Commission Motion 19311 - January 8, 2015 - 2013.160B  
Pending Board of Appeals - #15-015 - March 25, 2015

San Franciscans for Reasonable Growth appeals the environmental exemption determination for the office allocation to convert over 47,000 sq ft of 340 Bryant Street from industrial (PDR - production, distribution, repair) to tech offices. The site is located in the Eastern SOMA Area of the Eastern Neighborhoods Area Plan. The exemption is based on that Eastern Neighborhoods plan.

The Planning Commission approved the project January 8, 2015 based on CPE Certificate and Checklist for 340 Bryant Street that was issued at 4:44pm on December 23, 2014.

The basis for the appeal include the following:

#### UNIQUE SITE SURROUNDED BY HOV BRIDGE TRAFFIC LANES

The extraordinary uniqueness of the site was disregarded in both the Exemption and in the Eastern Neighborhoods Area Plan EIR. The site is on a steep hill (Rincon Hill and the Bay Bridge) and is surrounded by TWO HOV lanes that lead directly onto the Bay Bridge and the Bridge itself. Traffic accelerates as the lanes enter directly onto the far right eastbound lane of the Bridge. AT THIS SITE.

Once a car heading EAST on Bryant Street passes 2nd Street there is NO intersection. A car proceeding WEST on Bryant and up the incline past Beale also expects no cross traffic and no crosswalk. The roadway is separated into east and west bound lanes at different grades for most of these blocks.

There is NO pedestrian access - no crosswalk. There is no visible "edge" or curb for the site.

The HOV lanes have been reconfigured since the publication of the Eastern Neighborhoods Plan EIR which has not been adjusted to account for the new configuration.

HOW OFFICE WORKERS WILL WALK OR BIKE TO THIS SITE - and leave during afternoon rush hour when cars line up at both "2nd Street" and "Beale Street" ends to get directly onto the Bridge - is not analyzed in the Exemption or underlying EIR.

**340 Bryant Street appeal - page 2**

**NUMBER OF WORKERS AFFECTED**

The amount of space to be converted to offices has been listed as various numbers -

- 45,545 sq ft - Exemption page 1
- 47,536 sq ft - Office allocation in Motion 19311

Approximately 165 office jobs are to be created. Space per worker using numbers in this environmental document is around 276 - 288 sq ft.

This space allocation is even higher than that which was used for "traditional" office space for the Downtown Plan. Which calculated that square footage per worker would GO DOWN as space became more expensive and uses shifted. In the 35 years since the DTP EIR - with more expensive office space and a trend to more open plan offices for the tech industry - the amount of space per worker has come down dramatically.

A more accurate projection of the work force needs to be done. The number of PEDESTRIANS coming to the site, and the contributing to the increased demand for housing, is understated. The total number of tech office workers is probably TWICE the 165 jobs assumed.

The difference between an industrial workforce on site (at the time of the Eastern Neighborhoods EIR) and their travel patterns (heavily in trucks) and an office work force walking or biking to this site was not discussed. The more pedestrians and bicyclists there are at this site, the more opportunities exist for vehicular conflicts. Westbound autos will be accelerating up a hill. Will there be sun in their eyes? Will they expect pedestrians to be crossing their HOV lane? This is not discussed or evaluated.

**BAD MAPPING OF SITE IN ENVIRONMENTAL CHECKLIST**

The site map provided to the Planning Commission in the environmental checklist is very misleading. Page 3 does not accurately show the site. It fails to call out and label the HOV lanes AND THEIR DIRECTION, the divided Bryant Street with the STEEP WALL between the area from Rincon St to Beale. No one who gets site information from THIS map would understand the complexity of this isolated site.

**ADDITIONAL ISSUES**

There is a rooftop deck which will be visible to cars/trucks on the lower deck of the Bridge. What effects on air quality and dirt on the deck? How much distraction potential from people on the deck?

When the site was listed, the signage opportunity - to get the attention of Bridge traffic (the only place it will be visible) was emphasized. A branding opportunity for building tenants only works if it catches eyes of bridge drivers or passengers. Consideration should be given to the effects of mitigating potential problems by banning distractions from a roof deck and advertising.

*Sue C Hestor*  
Sue C Hestor

cc: Members of Board of Supervisors  
Sarah Jones, Environmental Review Officer



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

Affordable Housing (Sec. 415)  
 Jobs Housing Linkage Program (Sec. 413)  
 Downtown Park Fee (Sec. 412)  
 Transit Impact Development Fee (Sec. 411)

First Source Hiring (Admin. Code)  
 Child Care Requirement (Sec. 414)  
 Other (Eastern Neighborhoods – Sec. 423 & 426)

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

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Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 19311

HEARING DATE: JANUARY 8, 2015

*Date:* December 31, 2014  
*Case No.:* 2013.1600B  
*Project Address:* 340 Bryant Street  
*Zoning:* MUO (Mixed Use Office) District  
65-X Height and Bulk District  
*Block/Lot:* 3764/061  
*Project Sponsor:* John Kevlin  
Reuben, Junius and Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Erika S. Jackson – (415) 558-6363  
[erika.jackson@sfgov.org](mailto:erika.jackson@sfgov.org)

ADOPTING FINDINGS RELATING TO AN ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2014-2015 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM FOR THE PROPOSED PROJECT LOCATED AT 340 BRYANT STREET THAT WOULD AUTHORIZE THE CONVERSION OF 47,536 GROSS SQUARE FEET OF THE EXISTING 62,050 SQUARE FOOT BUILDING TO OFFICE USE PURSUANT TO PLANNING CODE SECTIONS 321 AND 842.66, ON ASSESSOR'S BLOCK 3764, LOT 061, IN THE MUO (MIXED USE OFFICE) ZONING DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On December 19, 2013, John Kevlin, on behalf of 140 Partners, LP (hereinafter "Project Sponsor") filed Application No. 2013.1600B (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Development Authorization to convert 47,536 gross square feet of the existing 62,050 square foot building at 340 Bryant Street to an office use.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report

(hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commissions review as well as public review. The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

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

On December 22, 2014, 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 Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

On January 8, 2015, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2013.1600B.

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

MOVED, that the Commission hereby authorizes the Office Development Authorization requested in Application No. 2013.1600B, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

### **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project site, located at 340 Bryant Street, is bounded by Rincon Alley and Sterling Street. The site is located in the East South of Market Neighborhood within an MUO Zoning District and a 65-X Height and Bulk District. The subject lot is approximately 17,117 square feet in area. The existing building is approximately 62,050 square feet, 43-feet tall, and four-stories, and was constructed in 1932 as an industrial building. The building was purchased by a new owner in January 2012. The building has been vacant since January 2013; however, the last legal use of the building was industrial.
3. **Surrounding Properties and Neighborhood.** The Project site is located in the East South of Market Neighborhood within an MUO Zoning District and a 65-X Height and Bulk District. Accordingly, the surrounding properties are characterized by dense, two and four-story industrial buildings, with some office and residential uses. The building is surrounded by the I-80 freeway to the north and off-ramps to the south. To the southeast of the project across Bryant Street are three- and four-story buildings and to the southwest of the project site are three- and five-story buildings with mixed uses including office and live/work condominiums.
4. **Project Description.** The proposal is to convert the entire second, third, and fourth floors, totaling 47,536 gross square feet, to a legal office use. The entire 16,505 square foot (minus 1,991 square feet of common area) ground floor will remain industrial PDR space. A tenant has already been found for the space. The proposal also includes the installation of 4 Class 2 and 12 Class 1 bicycle parking spaces. Exterior alterations are proposed for the Project, including new ground floor window treatment and an improved building entrance.
5. **Public Comment.** The Department has received public comment from one person with concerns regarding displacement of PDR uses in the building.
6. **Planning Code Compliance.** The Commission finds and determines that the Project is consistent with the relevant provisions of the Code in the following manner:

A. **Office Use in the MUO Zoning District.** Planning Code Section 842.66 principally permits office space in the MUO Zoning District.

*The proposal includes converting the entire second, third, and fourth floors, totaling 47,536 gross square feet, to a legal office use.*

B. **Open Space.** Planning Code Section 135.3 requires conversions to new office space in Eastern Neighborhoods Mixed Use Districts to provide and maintain usable open space for that new office space at a ratio of one square foot per 50 square feet of new office space, and/or pay an in-lieu fee. The project proposes 47,536 square feet of new office space and requires at least 951 square feet of open space to be provided.

*Approximately 1,684 square feet of open space will be located on the west side of the roof of the building, which will provide ample open space to meet this requirement.*

C. **Parking.** Section 151.1 does not require any off-street parking.

*The existing building contains no off-street parking. The proposed project will not provide any new off-street parking spaces.*

D. **Loading.** Section 152.1 requires certain amounts of off-street freight loading spaces based on the type and size of uses in a project. The proposed project does not require a loading space.

*The existing building contains no loading spaces.*

E. **Bicycle Parking and Showers.** Section 155.2 requires that the project provide at least two Class 1 and two Class 2 bicycle parking spaces to accommodate the new office use. Section 155.4 requires that a building that exceeds 50,000 square feet provide 4 showers and 24 lockers.

*The project proposes 4 Class 2 and 12 Class 1 bicycle parking spaces, as well as 4 showers and 24 lockers.*

F. **Transportation Management Agreement.** Section 163 requires that the project sponsor provides on-site transportation brokerage services for the actual lifetime of the project.

*Prior to the issuance of a temporary permit of occupancy, the project sponsor will execute an agreement with the Planning Department for the provision of on-site transportation brokerage services and preparation of a transportation management program to be approved by the Director of Planning and implemented by the provider of transportation brokerage services. The Planning Commission encourages Planning Department staff to continue to work with applicable other*

*agencies regarding issues surrounding pedestrian streetscape improvements, fire access, pedestrian safety and traffic calming measures.*

G. **Development Fees.** The Project is subject to the Transit Impact Development Fee per Planning Code Section 411, the Jobs-Housing Linkage Fee per Planning Code Section 413, and the Eastern Neighborhoods Community Impact Fee per Planning Code Section 423.

*The Project Sponsor shall pay the appropriate Transit Impact Development, Jobs-Housing Linkage Child Care Requirement, and Eastern Neighborhoods Community Impact fees, pursuant to Planning Code Sections 411, 413, and 423, at the appropriate stage of the building permit application process.*

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

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

*The proposed project would create 47,536 square feet of office space within the South of Market area, an area with high demand for office space. There is currently more than 1.27 million gross square feet of available "Small Cap" office space in the City. Additionally, the Project is subject to various development fees that will benefit the surrounding community. Therefore, the Project will help maintain the balance between economic growth, housing, transportation and public services.*

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

*The proposed project is consistent with the General Plan, as outlined in Section 9 below.*

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

*The proposed office space is within an existing building. The proposed project includes some exterior alterations, including new ground floor window treatment and an improved building entrance. These alterations will improve the building's compatibility with the neighborhood.*

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

a) **Use.** *The Project is within the MUO (Mixed Use Office) Zoning District, a Zoning District which principally permits office use. Planning Code Section 842 states that the MUO Zoning District is*

"designed to encourage office uses and housing, as well as small-scale light industrial and arts activities." This project provides an appropriate balance of PDR and office uses. The Planning Commission recognizes the retention of PDR on the ground floor.

- b) Transit Accessibility. The area is served by a variety of transit options. The project site is adjacent to the 10 and 12 MUNI bus lines, and is in close proximity to approximately 12 other MUNI bus lines. It is also approximately 0.5 miles from the temporary Transbay Terminal and the future Transbay Terminal, both of which connect to numerous transit lines around the Bay. Additionally, the Project site is located approximately 5 blocks from Market Street, with BART and MUNI Metro subway lines, and is a short walk from the King Street Caltrain station, ferries connecting to the East and South Bay, and the future Central Subway that will run along 4th Street.
- c) Open Space Accessibility. The proposed project is required to provide 951 square feet of open space. The proposed project will provide a 1,684 square foot roof deck.
- d) Urban Design. The proposed office space is in an existing building. The building was constructed in 1932 and has been minimally altered since that time. The proposed project includes some exterior alterations; however, the mass and design of the building will not change.
- e) Seismic Safety. The Project includes limited tenant improvements within the interior of the existing buildings. All tenant improvement work will meet current seismic safety standards, as they apply.

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

- a) Anticipated Employment Opportunities. The Project includes a total of 47,536 gross square feet of office space, which will allow for several office tenants in the building. Since office space on average supports more employees per square foot than industrial space, the project will create a significant amount of new employment opportunities.
- b) Needs of Existing Businesses. The Project includes a total of 47,536 gross square feet of office space, which will allow for several office tenants in the building. The proximity to light industrial uses can also help foster entrepreneurship among local residents and employers.
- c) Availability of Space Suitable for Anticipated Uses. The Project will provide quality office space that is suitable for a variety of office uses and sizes in an area where the demand for new office space has increased rapidly. The project will provide high-quality office space within close proximity to public transit, while maintaining the ground floor industrial use.

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

*The building will not be owner-occupied. The anticipated office tenants have not yet been determined, however, two industrial tenants that will occupy the ground floor PDR space have been identified.*

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

*The Project does not include any Transfer of Development Rights.*

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

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

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

*The existing building contains no neighborhood-serving retail uses, nor does the proposal include any retail. However, the conversion of this building to office space will increase the demand for neighborhood-serving retail use in the surrounding neighborhood.*

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

*No housing currently exists on the site and no housing will be removed as part of the proposed project. The project consists of the conversion of industrial to office use. The building will be mixed use with industrial and office uses, resulting in a project that is compatible with the surrounding neighborhood.*

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

*There is no existing affordable or market-rate housing on the Project Site. The development will contribute fees to the Jobs-Housing Linkage Program. Therefore, the Project is in compliance with this priority policy.*

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

*The area is served by a variety of transit options. The project site is adjacent to the 10 and 12 MUNI bus lines, and is in close proximity to approximately 12 other MUNI bus lines. It is also approximately 0.5 miles from the temporary Transbay Terminal and the future Transbay Terminal, both of which connect to numerous transit lines around the Bay. Additionally, the Project site is located approximately 5 blocks from Market Street, with BART and MUNI Metro subway lines, and is a short walk from the King Street Caltrain station and ferries connecting to the East and South Bay.*

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.

*Converting a portion of the existing building to office space on the upper stories will help support and maintain the PDR activities on the ground floor. The conversion to office space will help increase local resident employment and demand for new neighborhood-serving businesses in the area, which can also lead to new opportunities for local resident employment.*

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

*The Project will not create any new space that does not meet current seismic safety standards.*

G. That landmarks and historic buildings be preserved.

*The existing building is not a Landmark or otherwise historic building. The proposal will not impact Landmarks or historic buildings in the vicinity.*

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

*The proposed project would not affect nearby parks or open space.*

9. General Plan Compliance. The project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.1:

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

#### Policy 1.3:

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

*The proposed office development will provide net benefits to the City and the community by allowing for one or more small to medium sized office tenants to sign a long-term lease, which will increase economic vibrancy in the area. Authorization of the office space will also result in the collection of significant development fees that will benefit the community and that would otherwise not be required.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The proposed office development will help retain existing commercial tenants and generate stable employment opportunities and demand for neighborhood serving businesses.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.1:**

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

**Policy 28.3:**

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

*The project includes 12 existing Class 1 and 4 Class 2 bicycle parking spaces in a secure, convenient location.*

**EAST SOMA AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1.1:**

STRENGTHEN ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

**Policy 1.1.2:**

Encourage small, flexible office space throughout East Soma and encourage larger office in the 2<sup>nd</sup> Street Corridor.

**OBJECTIVE 1.4:**

**SUPPORT A ROLE FOR "KNOWLEDGE SECTOR" BUSINESSES IN EAST SOMA.**

**Policy 1.4.3:**

Continue to allow larger research and development office-type uses that support the Knowledge Sector in the 2<sup>nd</sup> Street Corridor.

*The Project is located in the East South of Market Neighborhood and in a MUO Zoning District that encourages office uses. The mix of office and industrial activities within the proposal is an appropriate balance of uses given the location of the site. Further, the authorization of office space at this site will support any PDR activities on the ground floor level. The Project will add to the diverse array of office space available in the area by providing smaller spaces than those provided along 2<sup>nd</sup> Street.*

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. 2013.1600B subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated June 4, 2014, on file in Case Docket No. 2013.1600B.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 8, 2015.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonini, Fong, Johnson, Richards, Moore, and Hillis

NAYS:

ABSENT: Commissioner Wu

ADOPTED: January 8, 2015

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for an Office Development Authorization to authorize 47,536 gross square feet of office use located at 340 Bryant Street, Lot 061 in Assessor's Block 3764 pursuant to Planning Code Section(s) 321 and 843.66 within the MUO (Mixed Use Office) Zoning District and a 65-X Height and Bulk District; in general conformance with plans, dated June 4, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1600B and subject to conditions of approval reviewed and approved by the Commission on January 8, 2015 under Motion No. 19311. 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 8, 2015 under Motion No. 19311.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19311 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

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

### **CHANGES AND MODIFICATIONS**

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

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

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

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

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

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

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

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

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

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

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

## PARKING AND TRAFFIC

7. **Bicycle Parking.** Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than 12 Class 2 and 4 Class 2 bicycle parking spaces for the 47,536 gross square feet of office use.

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

8. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.4, 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,  
[www.sf-planning.org](http://www.sf-planning.org).*

## PROVISIONS

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

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

10. **Jobs Housing Linkage.** Pursuant to Planning Code Sections 413 (formerly 313), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

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

11. **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. The Planning Department will continue to work with applicable other agencies regarding issues surrounding pedestrian streetscape improvements, fire access, pedestrian safety and traffic calming measures.

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

11. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4 of the Planning Code.

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

12. **Ground Floor PDR Use.** The Planning Commission recognizes the retention of PDR on the ground floor.

#### MONITORING - AFTER ENTITLEMENT

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

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

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

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

#### OPERATION

15. **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>*

16. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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

**Case No.:** 2013.1600E  
**Project Address:** 340 Bryant Street  
**Zoning:** MUO (Mixed Use Office) Use District  
65-X Height and Bulk District  
**Block/Lot:** 3764/061  
**Lot Size:** 16,505 square feet  
**Plan Area:** Eastern Neighborhoods Area Plan  
**Project Sponsor:** John Kevlin – Reuben, Junius, and Rose LLP – (415) 567-9000  
**Staff Contact:** Kansai Uchida – (415) 575-9048 – kansai.uchida@sfgov.org

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project site is located in San Francisco's South of Market (SoMa) neighborhood on the block bounded by Rincon Street to the east, Sterling Street to the west, Interstate 80 to the north, and Bryant Street to the south. The project site is occupied by a four-story, 44-foot-tall, 62,050 square foot (sf) building. The existing building was constructed in 1932 and includes no off-street vehicular parking. The existing building is currently vacant, although it recently (2012) was occupied by industrial tenants. To ensure that the maximum potential environmental impacts are analyzed, the building is assumed to be currently vacant for the purposes of transportation, air quality, and other CEQA impact topics that rely on square footage calculations. The proposed project includes conversion of 46,804 sf of industrial use to office use and common areas, primarily on the upper three floors of the existing building. A total of 45,545 sf of office space would be created. In addition, the proposed project would include the addition of a deck and mechanical equipment on the roof, removal of exterior roll-up doors at street level, removal of the 732-sf ground-floor retail space (for use as industrial space), installation of new windows and signs along the building's exterior, and addition of 16 bicycle parking spaces. Aside from 1,991 sf of common space, the remaining 14,514 sf of ground-floor space would remain as industrial use.

### EXEMPT STATUS

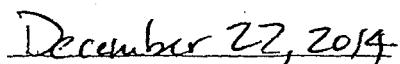
Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

### DETERMINATION

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

  
SARAH B. JONES

Environmental Review Officer

  
Date

cc: John Kevlin, Project Sponsor; Supervisor Jane Kim, District 6; Erika Jackson, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT APPROVAL

The proposed project is subject to review by the Planning Commission pursuant to Section 321 of the Planning Code (Office Allocation). Approval of the Office Allocation Application by the Planning Commission would constitute the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## COMMUNITY PLAN EXEMPTION OVERVIEW

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

This determination evaluates the potential project-specific environmental effects of the 340 Bryant Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>1</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 Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 340 Bryant Street.

The Planning Commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>2,3</sup>

<sup>1</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>2</sup> San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

<sup>3</sup> San Francisco Planning Department, San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at <http://www.sf-planning.org/Modules>ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods Rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR.

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to MUO (Mixed Use Office) District. The MUO District is intended to encourage office uses and housing, as well as small-scale light industrial and arts activities. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Exemption (CPE) Checklist, under Land Use. The 340 Bryant Street site, which is located in the South of Market (SoMa) District of the Eastern Neighborhoods, was designated as a site with building up to 65 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 340 Bryant Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 340 Bryant Street project, and identified the mitigation measures applicable to the 340 Bryant Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>45</sup> Therefore, no further CEQA evaluation for the 340 Bryant Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

<sup>4</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 340 Bryant Street, March 25, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

<sup>5</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 340 Bryant Street, October 31, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

## PROJECT SETTING

The project site is within the MUO (Mixed Use Office) Use District and an 65-X Height and Bulk District. Much of the subject block is occupied by Interstate 80, ramps providing access to Interstate 80 and the San Francisco-Oakland Bay Bridge, and other ancillary parcels owned by the State of California Department of Transportation (Caltrans). Bryant Street serves as a primary access route to the Bay Bridge, and on- and off-ramps adjoin the project site on all sides. Interstate 80 forms a barrier between the subject block and areas to the north, with no available pedestrian or auto access across the freeway between 2nd Street (one block west of the project site) and Beale Street (two blocks east of the project site). Buildings on adjacent blocks are primarily low- to mid- rise in scale, ranging from two to eight stories. High-rise residential buildings exist on the opposite side of Interstate 80 to the north and two blocks to the east and south of the project site. Most of the properties to the west and south of the project site are within MUO and P (Public) zoning districts, while land to the east and north is within former redevelopment plan areas. Height districts within a one-block radius range from 40 to 400 feet.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 340 Bryant Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 340 Bryant Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would contribute to the significant unavoidable land use impact identified in the Eastern Neighborhoods PEIR because it would convert 46,804 sf of PDR space to office use and common areas. The PEIR identified cumulative loss of PDR employment and businesses in the Eastern Neighborhoods plan area as a significant unavoidable impact.

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

Table 1 – Eastern Neighborhoods PEIR Mitigation Measures

Mitigation Measure	Applicability
<b>F. Noise</b>	
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed
F-2: Construction Noise	Not Applicable: heavy construction equipment would not be needed
F-3: Interior Noise Levels	Not Applicable: no noise-sensitive uses proposed (office use only)
F-4: Siting of Noise-Sensitive Uses	Not Applicable: no noise-sensitive uses proposed (office use only)
F-5: Siting of Noise-Generating Uses	Not Applicable: no noise-generating uses proposed (office use only)
F-6: Open Space in Noisy Environments	Not Applicable: no noise-sensitive uses proposed (office use only)
<b>G. Air Quality</b>	
G-1: Construction Air Quality	Applicable: only the construction exhaust emissions portion of this mitigation measure is applicable because construction would occur within an Air Pollutant Exposure Zone
G-2: Air Quality for Sensitive Land Uses	Not Applicable: no sensitive uses proposed
G-3: Siting of Uses that Emit DPM	Not Applicable: proposed office use would not emit substantial levels of DPM
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed office use would not emit substantial levels of other TACs
<b>J. Archeological Resources</b>	
J-1: Properties with Previous Studies	Not Applicable: project site is within this mitigation zone; however, the proposed project is not proposing any excavation or soil disturbance
J-2: Properties with no Previous Studies	Not Applicable: project site is not within this mitigation zone
J-3: Mission Dolores Archeological District	Not Applicable: project site is not located in the Mission Dolores Archeological District
<b>K. Historical Resources</b>	
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area	Not Applicable: plan-level mitigation completed by Planning Department

Mitigation Measure	Applicability
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission
<b>L. Hazardous Materials</b>	
L-1: Hazardous Building Materials	Applicable: project would involve renovation of an existing building constructed in 1932, and could require disposal of hazardous building materials
<b>E. Transportation</b>	
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA

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 Eastern Neighborhoods PEIR. The MMRP also contains improvement measures that would further reduce the project's less-than-significant impacts.

### PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on April 24, 2014 to adjacent occupants and owners of properties within 300 feet of the project site. 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. Responses to the notice included requests to view public records and to be included in the distribution of environmental documents related to the project. Responses also included the concerns shown in the bulleted list below, along with text in italics to indicating how the identified concerns have been addressed in this environmental document.

- One commenter expressed concern that the project may be incorrectly processed by the Planning Department as an office-to-office conversion project, and that the Planning Department's analysis would not capture the land use effects of PDR space removal. The commenter also expressed concern that the Planning Department would not collect applicable fees supporting transit, area plan preparation, and other municipal services. *The Planning Department is reviewing the proposed project as an industrial-to-office conversion, and this environmental document addresses the land use impacts associated with loss of PDR space in the "Land Use" section of the attached CPE Checklist. All Planning Department fees applicable to the proposed industrial-to-office conversion project would be collected as required by the Planning Code and the Planning Department's Fee Schedule.*
- The same commenter asserted that prior building permits for work at the project site were issued without proper Planning Department review, and that applicable development fees were not collected. *All prior work performed under prior permits is considered an existing condition for the purposes of environmental review. Prior permit review and fee collection concerns would not affect environmental analysis conclusions for the proposed project currently under review.*
- The same commenter requested that appropriate public notice be given prior to a public hearing to discuss the proposed project. *All required public notices and hearings for the proposed project will be performed in accordance with the Planning Code.*
- The same commenter expressed concern about the cumulative impacts of the proposed project with others in the vicinity. *The potential cumulative impacts of the proposed project are discussed in the attached CPE Checklist under the relevant CEQA topic headings.*
- The same commenter expressed concern about the potential air quality impacts on the proposed offices and roof deck that could result from their location adjacent to a freeway, requiring referral to the Bay Area Air Quality Management District (BAAQMD). *The potential air quality impacts of the proposed project are discussed in the "Air Quality" section of the attached CPE Checklist. Offices are not considered sensitive receptors for air quality analysis purposes.<sup>6</sup>*

<sup>6</sup> BAAQMD considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, and condominiums; 2) schools, colleges, and universities; 3) daycares; 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

- The same commenter asserted that prior construction work on the project site has been performed without full Planning Department review. *Prior projects are not the subject of this environmental document. All prior work performed on the building is considered an existing condition for the purposes of environmental review. Planning Department approvals are subject to a formal appeals process, and any work performed without proper approvals may be reported to the department through the complaint process.*
- The same commenter asserted that the proposed project requires referral to Caltrans, citing traffic hazard concerns associated with locating a roof deck adjacent to a freeway. *The transportation impacts of the proposed project, including the potential for traffic hazards, are discussed in the Transportation and Circulation section of the attached CPE Checklist. Caltrans reviewed the proposed project and requested modifications as part of a transfer of air rights above the existing building to the project sponsor<sup>7</sup>.*
- The same commenter asserted that the project description in the Notification of Project Receiving Environmental Review incorrectly stated that the existing building on the project site is currently vacant, citing prior evictions that had occurred in the building. *The project sponsor verified that the building is currently vacant<sup>8</sup>, and the building was observed to be vacant by Planning Department staff during a site visit on March 28, 2014. The building's eviction history does not affect the environmental analysis conclusions for the proposed project currently under review.*
- Two additional commenters expressed concern about prior evictions and vandalism at the existing building on the project site. *The building's eviction history and prior vandalism would not affect the environmental analysis conclusions. This environmental document addresses the land use impacts associated with loss of PDR space in the "Land Use" section of the attached CPE Checklist.*
- One of the two commenters also asserted that the project description in the Notification of Project Receiving Environmental Review incorrectly stated that no off-street parking currently exists on the project site. *Plans submitted by the project sponsor<sup>9</sup> and a site visit performed by Planning Department staff on March 28, 2014 confirm that no off-street parking currently exists on the project site. The Caltrans-owned parcel adjoining the project site to the west contains surface parking, which is not part of the project site.*

The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

## CONCLUSION

As summarized above and further discussed in the CPE Checklist<sup>10</sup>:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;

<sup>7</sup> Phone conversation with Renata Frey, Caltrans District 4 Real Estate Division – Excess Land Sales, May 23, 2014. Staff notes from this phone conversation are available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

<sup>8</sup> John Kevin, "340 Bryant Neighborhood Notice Project Description" e-mail dated April 14, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

<sup>9</sup> 340 Bryant Street, plans dated June 4, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

<sup>10</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

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 Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods 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 Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

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

**EXHIBIT 1:**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p><b>Project Mitigation Measure 1 - Construction Air Quality (Eastern Neighborhoods Mitigation Measure G-1)</b></p> <p>A. Construction Emissions Minimization Plan. Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:</p> <p>a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;</p> <p>b) All off-road equipment shall have:</p> <p>i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and</p> <p>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).</p> <p>c) Exceptions:</p> <p>i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.</p> <p>ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with</p>	Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.	During construction	Each Project Sponsor to provide Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of construction.

**EXHIBIT 1:**  
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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>an ARB Level 3 VDECS; is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impeded visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).</p> <p>III. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 2.</p> <p><i>Table 2 – Off-Road Equipment Compliance Step-down Schedule</i></p> <table border="1"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table> <p>How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.</p> <p>* Alternative fuels are not a VDECS.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
3	Tier 2	Alternative Fuel*														

EXHIBIT 1:  
MITIGATION MONITORING AND REPORTING PROGRAM  
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p> <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p> <p>B. Reporting. Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>				

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**(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)**

1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p><b>Project Mitigation Measure 2 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)</b></p> <p>The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	Project Sponsor/project archeologist of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Prior to approval of each subsequent project, through Mitigation Plan.	Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction.	Considered complete upon approval of each subsequent project.
<p><b>Project Improvement Measure 1 – Transportation Demand Management (TDM) Coordinator</b></p> <p>The project sponsor shall identify a TDM coordinator for the project site. The TDM Coordinator shall be responsible for the implementation and ongoing operation of all other TDM measures (Project Improvement Measures 2 and 3) included in the proposed project. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMASF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator shall be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator shall provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.</p>	Project Sponsor	Continuous	Planning Department, in consultation with the TDM Coordinator	Continuous
<p><b>Project Improvement Measure 2 – Transportation and Trip Planning Information/New-Hire Packet</b></p> <p>The project sponsor shall provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be</p>	Project Sponsor	Continuous	Planning Department, in consultation with the TDM Coordinator	Continuous

EXHIBIT 1:  
MITIGATION MONITORING AND REPORTING PROGRAM  
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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet shall be continuously updated, as local transportation options change, and the packet should be provided to each new building occupant. The project sponsor shall provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.				
<b>Project Improvement Measure 3 – Bicycle Parking.</b>  The project sponsor shall provide at least 12 on-site secured bicycle parking spaces and 4 on-site publicly-accessible (visitor) bicycle parking spaces. Within one year after Final Certification of Completion for the subject project, the project sponsor shall contact in writing the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) to fund the installation of up to 20 new bicycle racks on public right-of-way locations adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).	Project Sponsor	Continuous	Planning Department, in consultation with the TDM Coordinator	Continuous

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

Application to Request a  
Board of Supervisors Appeal Fee Waiver

CASE NUMBER:  
For Staff Use Only

APPLICATION FOR  
Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME	SUE HESTON ATTORNEY FOR SAN FRANCISCANS FOR REASONABLE GROWTH	
APPLICANT ADDRESS	870 MARKET ST #1128 SF 94102	TELEPHONE (415) 846-1021 EMAIL hestor@earthlink.net
NEIGHBORHOOD/ORGANIZATION NAME	SAN FRANCISCANS FOR REASONABLE GROWTH	
NEIGHBORHOOD/ORGANIZATION ADDRESS	870 MARKET #1128 SF 94102	TELEPHONE (415) 846-1021 (cel) EMAIL hestor@earthlink.net
PROJECT ADDRESS	340 BOLYANT ST	
PLANNING CASE NO.	2013-160 B	BUILDING PERMIT APPLICATION NO.
		DATE OF DECISION (IF ANY)

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.

The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.

The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.

The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013-09-11 11:40 AM

For Department Use Only

Application received by Planning Department

By \_\_\_\_\_

Date \_\_\_\_\_

**Submission Checklist**

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION
  
- WAIVER APPROVED
- WAIVER DENIED



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

**FOR MORE INFORMATION**  
Call or visit the San Francisco Planning Department

**Central Reception**

1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: 415.558.6378

FAX: 415.558.5409

WEB: <http://www.sfcityplanning.org>

**Planning Information Center (PIC)**

1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: 415.558.6377

Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.

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**SAN FRANCISCO  
PLANNING DEPARTMENT**

**MEMO**

## **Appeal of Community Plan Exemption**

**340 Bryant Street**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**DATE:** March 16, 2015  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Sarah B. Jones, Environmental Review Officer – (415) 558-9034  
**RE:** Kansai Uchida, Case Planner – (415) 575-9048  
**HEARING DATE:** Planning Case No. 2013.1600E  
Appeal of Community Plan Exemption for 340 Bryant Street  
March 24, 2015

**PROJECT SPONSOR:** John Kevlin, Reuben, Junius & Rose LLP, 415-567-9000  
**APPELLANT:** Sue C. Hestor, San Franciscans for Reasonable Growth

### **INTRODUCTION**

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Community Plan Exemption (CPE) under the *Eastern Neighborhoods Rezoning and Area Plan Final Environmental Impact Report* ("Eastern Neighborhoods EIR")<sup>1</sup> in compliance with the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000 *et seq.*, for the proposed 340 Bryant Street project (the "Project").

The Department, pursuant to CEQA, the CEQA Guidelines, 14 Cal. Code of Reg. Sections 15000 *et seq.*, and Chapter 31 of the San Francisco Administrative Code, issued a CPE for the project on December 22, 2014 because the project is consistent with the development density established by zoning, community plan, and general plan policies in the Eastern Neighborhoods Rezoning and Area Plan project area, for which an EIR was certified. The Department found that the project would not result in new significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods EIR, and that the project is therefore exempt from further environmental review under CEQA in accordance with CEQA Section 21083.3 and CEQA Guidelines Section 15183.

The decision before the Board is whether to uphold the Department's decision to issue a CPE and deny the appeal or to overturn the Department's decision to issue a CPE and return the project to the Department staff for additional environmental review.

<sup>1</sup> The *Eastern Neighborhoods Rezoning and Area Plan Final EIR* (Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048) was certified by the Planning Commission on August 7, 2008. The project site is within the *Eastern Neighborhoods Rezoning and Area Plan* project area.

## **SITE DESCRIPTION & EXISTING USE**

The project site at 340 Bryant Street is located in San Francisco's South of Market (SoMa) neighborhood, on the block bounded by Rincon Street to the east, Sterling Street to the west, Interstate 80 to the north, and Bryant Street to the south. The site is adjacent to, and essentially encompassed on two sides by, one of the access ramps to the San Francisco-Oakland Bay Bridge (Interstate 80). The site is within the East SoMa Area Plan and is zoned MUO (Mixed Use Office) Use and 65-X Height and Bulk. It is occupied by a four-story, 44-foot-tall, 62,050 square foot (sf) building built in 1932. Part of the ground floor (732 sf) contains a retail space. The building is presently vacant and is currently undergoing interior renovations after receiving building permits previously issued for activities such as ventilation equipment installation, fire safety system installation, lighting installation, elevator replacement, and lobby and stairway improvements. The building recently (2012) was occupied by multiple commercial-industrial tenants.

## **PROJECT DESCRIPTION**

The proposed project would convert the upper three of the four floors of the existing industrial building to office use. A total of 46,804 sf of industrial space would be converted, and the total office space created would be 45,545 sf. Approximately 14,500 sf of the approximately 16,500 sf ground floor would remain as PDR uses. The remaining 1,991 sf on the ground floor would be used for common circulation areas and mechanical equipment. The existing 732 sf retail space on the ground floor would be removed. The square footage to be converted would be:

- Ground Floor: 1,259 sf of industrial space and 732 sf of retail space would be converted to common circulation areas (1,991 sf total), and the remaining 14,500 sf would continue to be used as industrial space;
- Second Floor: All 16,788 sf of industrial space would be converted to office use;
- Third Floor: All 16,877 sf of industrial space would be converted to office use;
- Fourth Floor and Mezzanine: All 11,880 sf of industrial space would be converted to office use.

Loading activities to support the ground floor industrial space on site would continue to occur on an existing easement in the Caltrans-owned parking lot immediately west of the project site. Construction work would include interior demolition and renovation, exterior façade improvements, and the addition of a circulation penthouse and roof deck. No expansion of the building envelope or square footage would occur, other than the additional roof-level features. The height of the building from street level to the top of the finish roof would remain at approximately 44 feet (60 feet including parapets, rooftop access, a roof deck, and mechanical equipment, which are typically excluded from building height calculations for Planning Code purposes).

The project requires the following approvals, with the Planning Code Section 321 approval (Office Allocation) by the Planning Commission identified as the Approval Action under Chapter 31 of the San Francisco Administrative Code for the whole of the project:

- Planning Code Section 321 approval by the Planning Commission (received January 8, 2015)
- Building Permit approval by the Department of Building Inspection

## **BACKGROUND**

On September 20, 2013, John Kevlin of Reuben, Junius & Rose LLP (hereinafter "Project Sponsor") filed an Environmental Evaluation Application with the Department for the proposed project described above.

The project site at 340 Bryant Street is located within the project area analyzed in the Eastern Neighborhoods EIR.

On December 22, 2014, the Department issued a CPE Certificate and Checklist, based on the following determinations reached by the Department's project-level environmental review of the 340 Bryant Street project:

- The project is consistent with the development density established by the zoning and community plan for which the Eastern Neighborhoods EIR was certified;
- The project would not result in new significant environmental effects or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods EIR; and
- The project, therefore, is exempt from further environmental review in accordance with CEQA Section 21083.3 and CEQA Guidelines Section 15183.

On January 8, 2015, the Planning Commission granted approval under Planning Code Section 321 (Office Allocation), which constituted the Approval Action under Chapter 31 of the Administrative Code for the proposed project.

On February 9, 2015, an appeal of the CPE Determination was filed by Sue C. Hestor of San Franciscans for Reasonable Growth.

## **CEQA GUIDELINES**

### **Community Plan Exemptions**

CEQA Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an 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. Guidelines 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 significant effects which, as a result of substantial information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Guidelines Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

#### Significant Environmental Effects

In determining the significance of environmental effects caused by a project, CEQA Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines 15604(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

Most of the issues raised in the Appeal Letter relate to the CPE's analysis of transportation impacts. The CPE Checklist, which is based on the Planning Department's Initial Study Checklist, uses the following questions to evaluate whether a proposed project would cause a significant environmental effect related to transportation:

*Would the project:*

- a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*
- b) *Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*
- c) *Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?*
- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?*
- e) *Result in inadequate emergency access?*
- f) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

#### APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the February 9, 2015 Appeal Letter are cited below and are followed by the Department's responses.

**Issue 1 (Roadway and Lane Configurations, Pedestrian Crossings):** The appellant's letter says that no intersections, crosswalks, curbs, or pedestrian access exist adjacent to the project site, and that the Bryant Street roadway is separated into eastbound and westbound lanes at different grades. The appellant questions how bicyclists and pedestrians will leave the project site during the afternoon rush (PM peak)

hour given the queues of cars waiting to access the Bay Bridge, and states that this concern is not analyzed in the CPE or the Eastern Neighborhoods EIR.

**Response 1:** The appellant's description of the sidewalks and roadways surrounding the project site is not consistent with staff observations and photographs taken during site visits on March 28, 2014 and February 13, 2015 (photographs are included in Attachment A). Pedestrian access to the project site is provided by existing unmarked crosswalks,<sup>2</sup> primarily at the intersection of Bryant and Rincon Streets (the crosswalk closest to the on-site building entrance), and secondarily at the intersection of Bryant Street and the Interstate 80 on-ramp. As shown in the site visit photographs, a concrete sidewalk and curb exists along the entirety of the project site's street frontages. Contrary to the appellant's statement that cars traveling east on Bryant Street would not pass through any intersections before reaching the Bay Bridge, there are unsignalized intersections at Bryant and Rincon Streets and at Bryant Street and the Bay Bridge on-ramp, both of which have unmarked crosswalks. The sidewalks at both ends of the crosswalks have sloped curb cuts (ADA ramps) to facilitate pedestrian access.

In response to the appellant's question about how office workers would walk or bike to the project site, the optimal route is to approach the project site along the south side of Bryant Street and then cross to the north site of Bryant Street at Rincon Street to enter the building. The nearest bus stop, the 10-Townsend stop on 2nd Street, is located to the south of Bryant Street, which would lead pedestrians to approach the site from the south. Similarly, the nearest rail stop, the N-Judah and T-Third Street stop at Brannan & The Embarcadero, is located to the southeast of the project site, and would also lead pedestrians to approach the site using the crosswalk at Bryant and Rincon Streets at the southeast corner of the project site. The site is also accessible via the crosswalk at the intersection of Bryant Street and the Interstate 80 on-ramp, but use of this crosswalk is expected to be low compared to the crosswalk at Bryant and Rincon Streets. This is because the crosswalk at Bryant Street and the Interstate 80 on-ramp is located farther from the on-site building entrance<sup>3</sup> and is not located on a primary walking route to the nearest transit stops. Also, pedestrians would likely prefer crossing at Bryant and Rincon Streets because they would only have to cross one lane of traffic in each direction (two lanes total), versus crossing three lanes of turning traffic at the intersection of Bryant Street and the Interstate 80 on-ramp. Given that the street and intersection configurations are existing conditions not created by the proposed project, and that the need for pedestrians and bicyclists to access the building on the project site existed under the site's previous commercial-industrial use, the CPE indicated that the associated transportation effects would be less than significant. Additional detail regarding this conclusion is provided in Response 2 below.

**Issue 2 (Analysis of HOV Lanes, Transportation Impacts of the Proposed Office Use):** The appellant states that the CPE and Eastern Neighborhoods EIR disregard the presence of two high-occupancy vehicle lanes (also known as HOV or carpool lanes) on Bryant Street leading to the Bay Bridge adjacent to

<sup>2</sup> Section 275(a) of the California Vehicle Code defines an unmarked crosswalk as that portion of a roadway included within the prolongation or connection of the boundary lines of sidewalks at intersection where the intersecting roadways meet at approximately right angles, except the prolongation of such lines from an alley across a street. It should be noted that Rincon Street adjacent to the project site has a roadway width greater than 25 feet, and therefore would not be defined as an alley per Section 110 of the code. Section 21950 clarifies that drivers must yield the same right-of-way to pedestrians at marked and unmarked crosswalks.

<sup>3</sup> The proposed project would not change the location of the building entrance.

the project site. The appellant also states that the HOV lanes have been reconfigured since publication of the Eastern Neighborhoods EIR (2008), and that the new configuration has not been adequately analyzed. The appellant also states that vehicles traveling westbound (uphill) on Bryant Street will be accelerating due to the slope, that drivers may have sun in their eyes, and that drivers may not expect pedestrians to be crossing Bryant Street west of Beale Street.

**Response 2:** The appellant's concern that the CPE and the Eastern Neighborhoods EIR disregard the HOV lanes adjacent to the project site is incorrect. Page 1 of the CPE Checklist identifies the project site's location adjacent to one of the freeway access ramps to the Bay Bridge, and indicates that the project site is adjoined by Bay Bridge on- and off-ramps on all sides. Page 261 of the Eastern Neighborhoods EIR, which provides the basis for and is incorporated by reference into the CPE Certificate and Checklist, also acknowledges that adverse pedestrian conditions exist in Eastern SoMa because vehicles travel at relatively higher speeds on many streets (including Bryant Street) that serve as connections to and from freeway on- and off-ramps. Page 44 of the East SoMa Plan, which is analyzed in the Eastern Neighborhoods EIR, also recognizes that "the area's freeway on and off-ramps designed to facilitate multiple lanes of turning traffic and wide turning radii can create intersections inhospitable to pedestrians." Pages 130 and 131 of the Eastern Neighborhoods EIR also note that the east-west oriented streets in East SoMa, including Bryant Street, lack pedestrian amenities and a visual boundary between the street and the pedestrian realm. The EIR also notes that many of these streets are wide, accommodating up to five lanes of traffic. The EIR cites these factors, along with the freeway on- and off-ramps, as contributors to a vehicular rather than pedestrian orientation along the primary streets in East SoMa, especially when compared to other parts of San Francisco. As such, the existing adverse pedestrian conditions noted by the appellant at the project site along Bryant Street (including any street modifications that may have occurred since publication of the Eastern Neighborhoods EIR) are not unusual in the East SoMa area, were disclosed in the Eastern Neighborhoods EIR, and have already been analyzed.

The appellant's concern about the additional employees at the project site (due to the proposed office conversion) causing increased vehicular conflicts with pedestrians was analyzed in the Eastern Neighborhoods EIR. In addition to the acknowledgement of adverse pedestrian conditions on page 261 (discussed above in the first paragraph of this response), the Eastern Neighborhoods EIR states on pages 290 and 291 that the amount of conflicts between pedestrians and vehicles would likely increase, and the number of accidents involving pedestrian injury would increase as a result of new development and population growth in East SoMa. The Eastern Neighborhoods EIR also notes that much of the plan area is characterized by low volumes of pedestrians in industrial settings, and that increases in the numbers of pedestrians resulting from new development could cause drivers to expect more pedestrians to be present and exercise more care. Similarly, at the crosswalks surrounding 340 Bryant Street, which are currently characterized by low pedestrian volumes that would increase as a result of the proposed office conversion, drivers may begin to expect more pedestrians and exercise more care as pedestrian volumes grow.

Furthermore, the intersections and pedestrian roadway crossings surrounding the project site, along with any associated hazards, are existing, baseline, conditions that would not be created or altered by the

proposed project. The project site does not presently have on-site parking (the parking lot to the west of the project site is owned by Caltrans), and the existing building under its industrial use also generated pedestrian and bicycle trips that passed through the surrounding intersections<sup>4</sup>. The proposed project does not include street changes, and therefore would not create new design features (i.e. sharp curves or dangerous intersections) or incompatible uses that would substantially increase hazards beyond those that already exist, nor would it decrease the performance or safety of existing pedestrian and bicycle facilities in the project area.

Therefore, for the above reasons, the CPE correctly concludes that the proposed project would not result in any significant transportation/pedestrian effects that have not already been analyzed in the Eastern Neighborhoods EIR.

It should also be noted that the Planning Commission, as part of its motion and approval of the Office Allocation for the proposed project, included a condition of approval requiring that, 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. The Planning Commission also directed that the Planning Department will continue to work with applicable other agencies regarding issues surrounding pedestrian streetscape improvements, fire access, pedestrian safety and traffic calming measures.

**Issue 3 (Increased Number of Employees, Vehicular Conflicts):** The appellant states that different square footages for the proposed office space are reported in the CPE and the Office Allocation Motion for the proposed project passed by the Planning Commission on January 8, 2015 (Motion 19311). The appellant states that the actual number of employees at the project site will probably be double the number estimated in the CPE (i.e. approximately 330 instead of the 165 employees noted in the CPE), and that more of the employees will access the site by walking or biking once the building has been converted from industrial to office use, thereby creating more opportunities for vehicular conflicts with pedestrians and bicyclists.

**Response 3:** The difference between the square footages cited by the appellant (45,545 square feet versus 47,536 square feet) results from the 1,991 square feet of common circulation areas proposed on site. The estimated addition of approximately 165 office jobs on site reported on page 12 of the CPE Checklist was calculated using the 276 square-feet-per-employee figure indicated in the Planning Department's 2002 *Transportation Impacts Analysis Guidelines for Environmental Review*, as is standard for environmental review for development projects in San Francisco. As tenants, employers, and employment practices vary widely, it is necessary to apply a standardized figure to help achieve a credible review. As noted on page 15 of the CPE Checklist, the estimated number of jobs on site after project implementation is likely conservatively high, given that no existing trips to/from the site were subtracted for the building's former industrial and retail use. The appellant has not presented evidence to show that the actual number of

<sup>4</sup> In an effort to provide a conservative analysis, the building was assumed to be vacant for trip generation purposes, meaning that no credits for existing trips to the building were subtracted from the total number of new office-related trips reported in the CPE. However, the building was recently (2012) occupied by multiple commercial-industrial tenants.

new office jobs would be twice the estimated number reported in the CPE Checklist, nor any evidence to show that such an employment increase would cause the proposed project to exceed the scope of employment and population growth evaluated in the Eastern Neighborhoods EIR. The appellant's statement regarding potential conflicts between pedestrians, bicyclists, and vehicular traffic is addressed in Response 2 above.

**Issue 4 (Site Map):** The appellant states that the site map provided in the CPE is misleading and does not convey the complexity of the site because it does not label the HOV lanes with their direction, the divided Bryant Street, or the steep wall between Rincon Street and Beale Street.

**Response 4:** The figure on page 3 of the CPE Checklist, titled "Project Location," supplements, rather than duplicates, the detailed project description provided on pages 1 and 2. The Project Location figure accurately shows the location of the project on a parcel map, a local street map, and a map of the entire City and County of San Francisco. Streets and freeway ramps are labeled, and the map contains adequate detail to convey the location of the project site to readers. The Project Location map does not show retaining walls or lane restrictions such as HOV designations, and the divided portion of Bryant Street is located approximately 350 feet east of the project site (beyond the eastern extent of the parcel map). It is not necessary to include such features on the Project Location map in order to identify the location of the project site. This is typical of the level of detail provided on Project Location maps in the Department's environmental documents, including CPEs.

Additional detail is provided on the pages immediately before and after the Project Location figure. The figure on page 4 of the CPE Checklist, titled "Site Plan," shows the roadway features adjacent to the project site in greater detail. Details shown on the Site Plan include the location and directionality of the freeway ramps, sidewalks, ramp support columns, and other features relevant to the environmental review of the proposed project. Further description of relevant features is also provided on pages 1 and 2 of the CPE Checklist. The presence of a retaining wall on the Caltrans parcel located to the east (across Rincon Street) and the divided roadway on Bryant Street (one block east of the project site) is not relevant to the environmental review of the proposed project and would not have bearing on the CEQA conclusions presented in the CPE because these features do not substantially affect the traffic and pedestrian access to the project site. Therefore, these features are not presented in the figures provided in the CPE checklist.

**Issue 5 (Roof Deck, Signage):** The appellant states that the proposed roof deck will be visible to cars and trucks on the lower deck of the Bay Bridge, and that people on the roof deck and proposed signage on the building will distract motorists. The appellant also questions whether the proposed roof deck will result in environmental effects associated with air quality and dirt on the deck.

**Response 5:** As discussed on page 16 of the CPE Checklist, Caltrans (operator of the Bay Bridge) reviewed the proposed project, including the roof deck and signage, and required the project sponsor to make modifications to the proposed project to avoid potential vehicular line-of-sight and right-of-way encroachment concerns. Caltrans' requirements to address these concerns included modification of the proposed signage, which the project sponsor has incorporated into the proposed project.

On page 22, the CPE Checklist acknowledges that the project site is located within an identified Air Pollutant Exposure Zone where the ambient health risk from air pollutants is considered substantial for sensitive receptors. The CPE Checklist further explains that occupants of office uses are not considered sensitive receptors because they typically do not spend the majority of their lives in the building nor are they the age or population groups that are typically the most vulnerable to health impacts from air pollution. Therefore, the proposed project would not result in significant air quality impacts related to exposure of occupants to substantial air pollutant concentrations. It is also likely that occupants will spend a relatively limited amount of time on the roof deck compared to the proposed interior office spaces of the building. Accumulation of dirt on private roof decks does not constitute a significant environmental effect under CEQA.

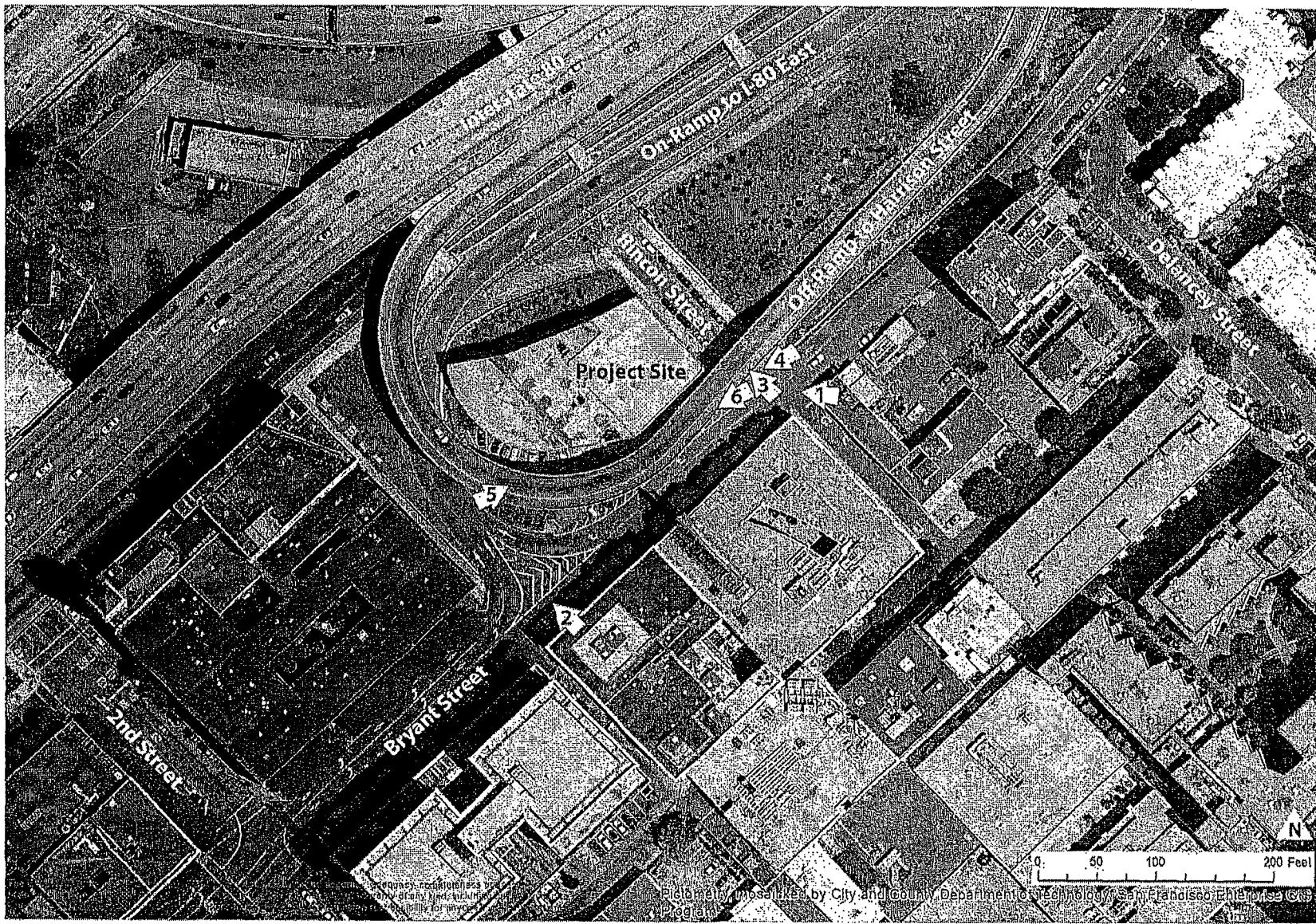
## **CONCLUSION**

No substantial evidence supporting a fair argument that a new significant environmental effect, nor an effect of greater severity than already analyzed in the Eastern Neighborhoods EIR, may occur as a result of the project has been presented. Preparation of further environmental review is therefore not warranted. The Department has found that the proposed project is consistent with the requirements for a CPE under CEQA Section 21083.3 and CEQA Guidelines Section 15183. The Appellant has not provided any substantial evidence or expert opinion to refute the conclusions of the Department.

For the reasons stated above and in the December 22, 2014 CPE Certificate and Checklist, the CPE Determination complies with the requirements of CEQA and the Project is appropriately exempt from further environmental review. The Department therefore recommends that the Board uphold the CPE Determination and deny the appeal.

**Attachment A**

**Site Photographs**



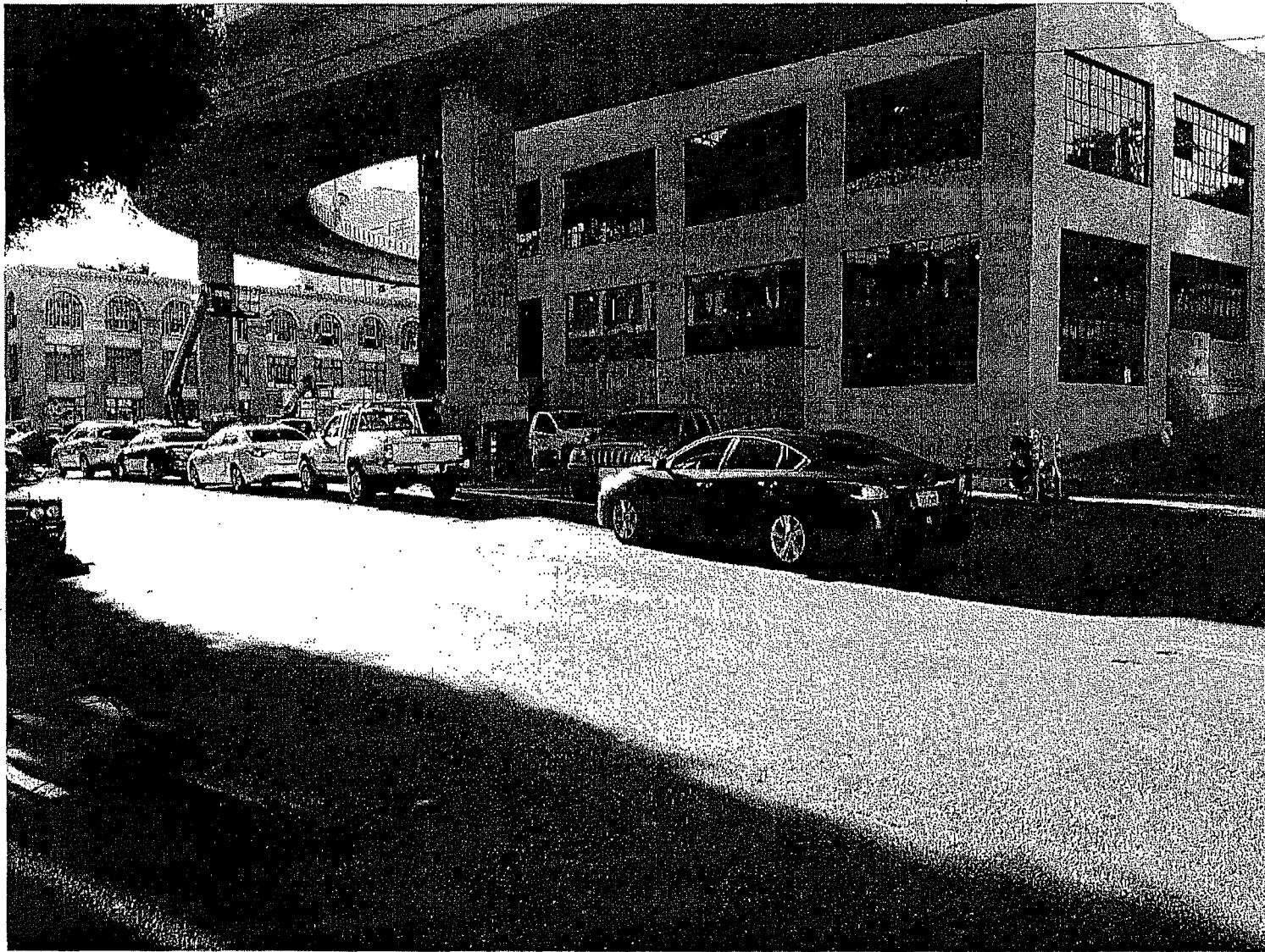


Photo 1: Existing building on project site viewed from across Bryant Street, Unmarked crosswalk across Bryant Street at Rincon Street, looking north – February 13, 2015

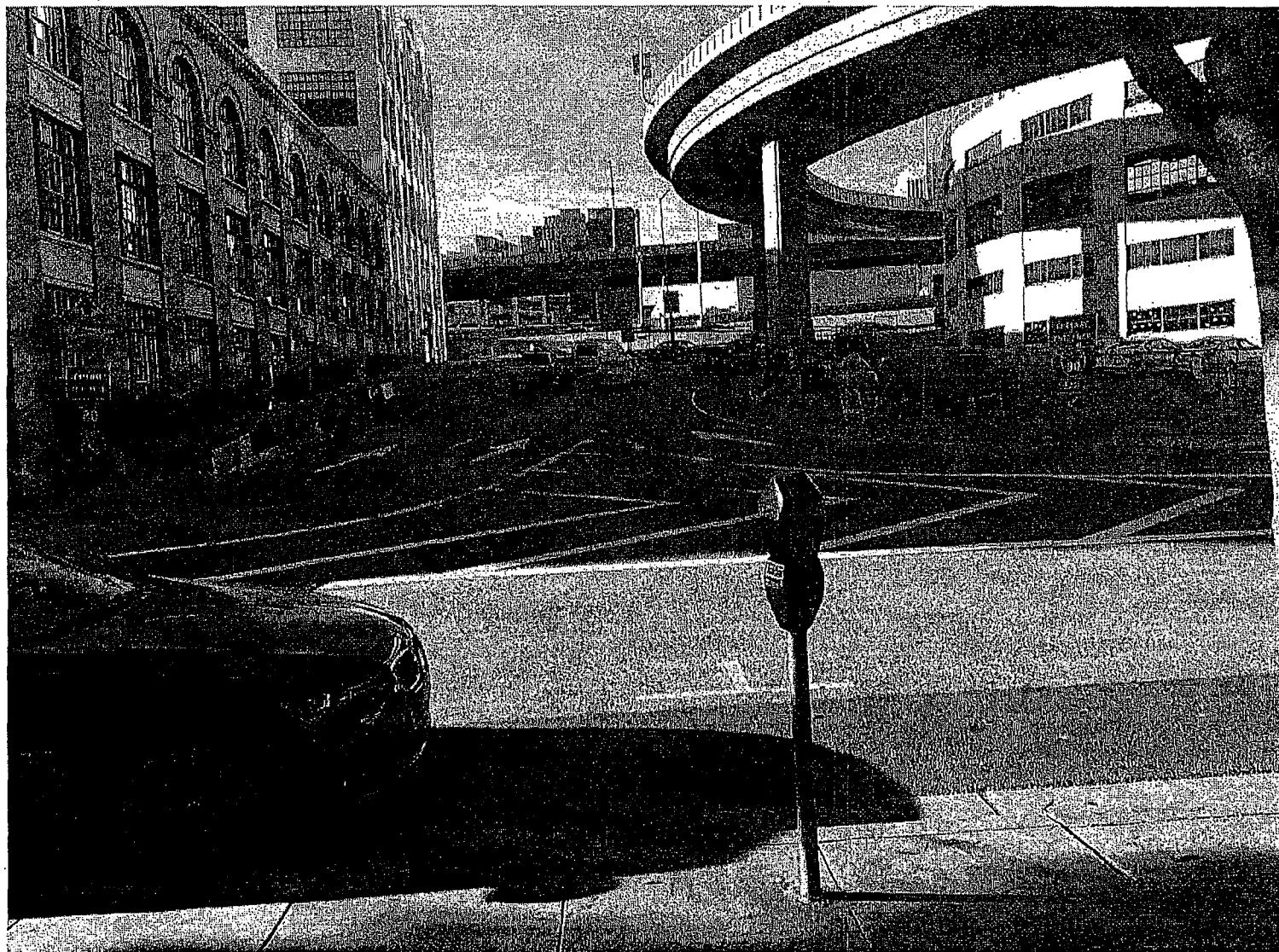


Photo 2: View from across Bryant Street of unmarked crosswalk across the eastbound I-80 on-ramp, looking north (ADA ramps with yellow tactile markings at corners at the far left and right of the photo). Existing building on the project site is at the upper right. – February 13, 2015

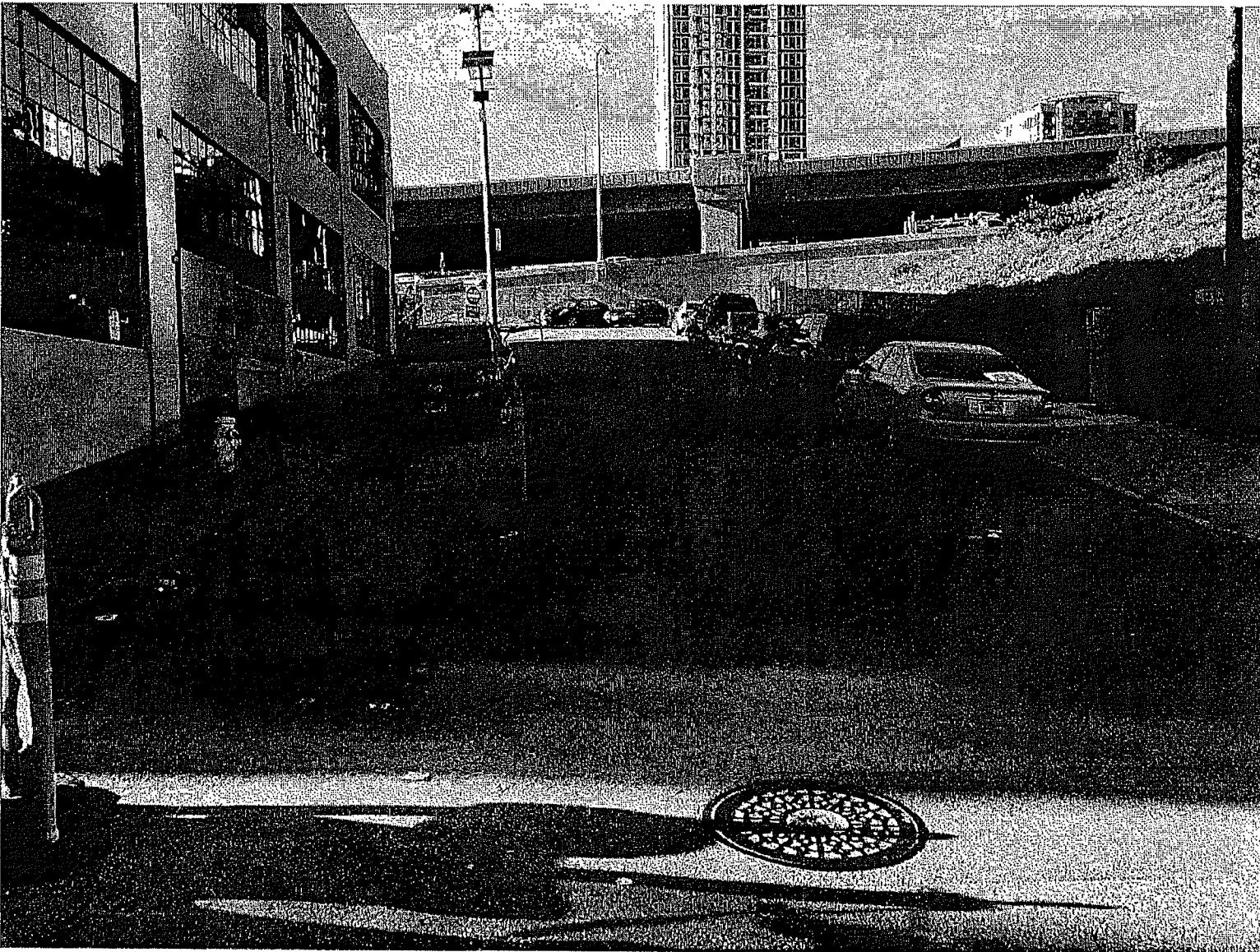


Photo 3: Rincon Street, looking north from Bryant Street. Project site and fronting sidewalk are on the left. – February 13, 2015

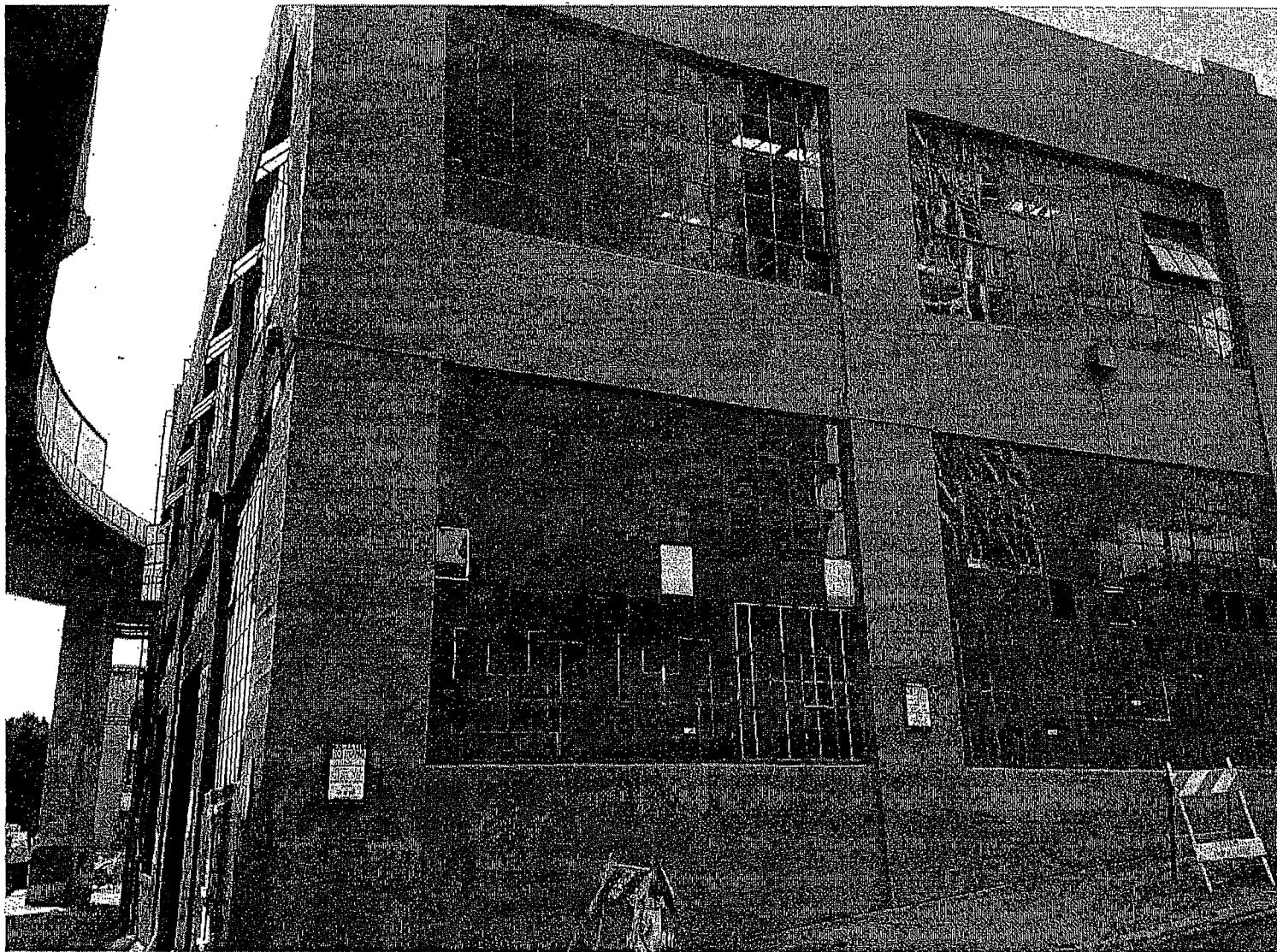


Photo 4: Project site viewed from Rincon Street, just north of Bryant Street, looking west. Westbound I-80 Harrison Street off-ramp viaduct is visible in the upper left. – March 28, 2014

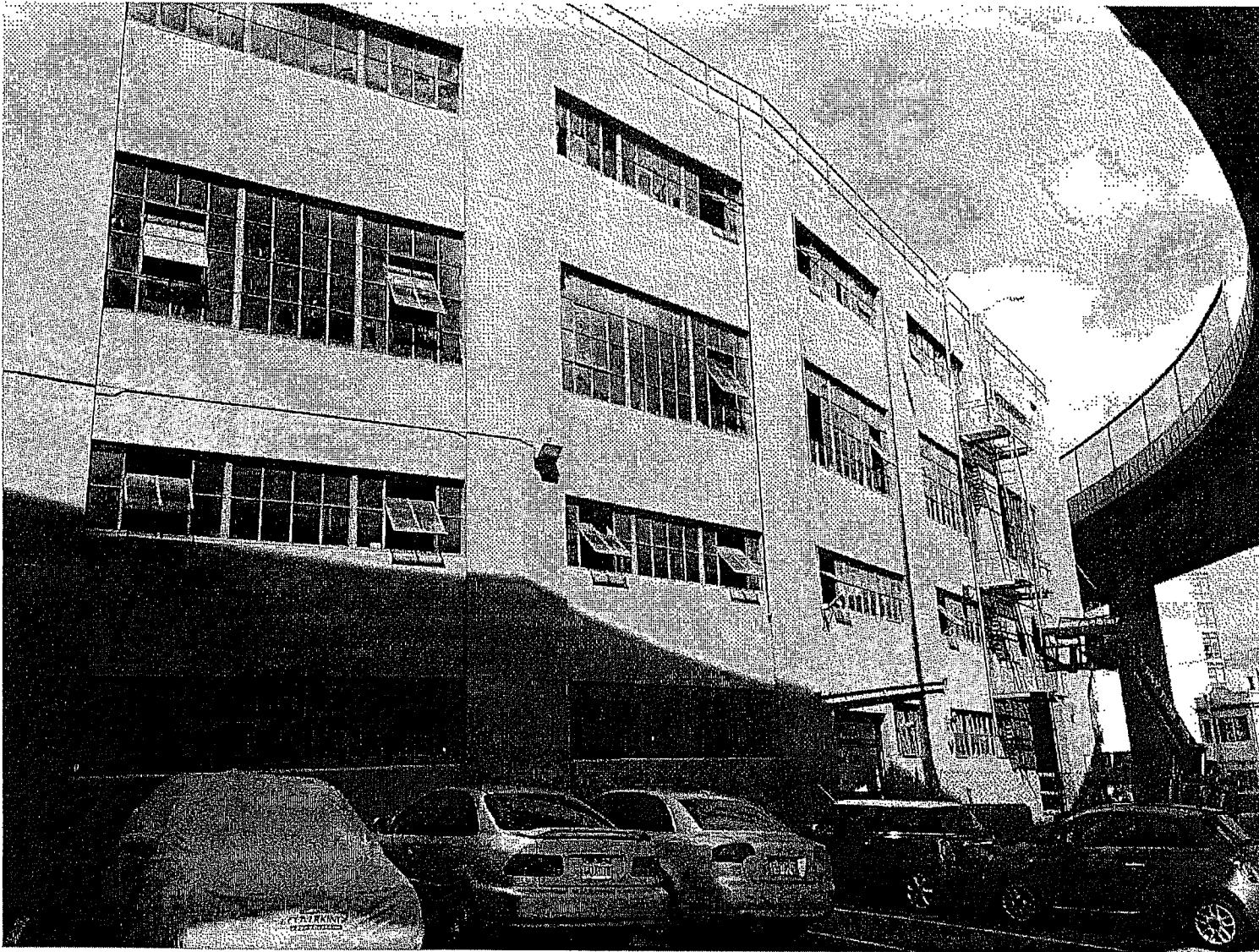


Photo 5: Project site viewed from the adjacent Caltrans-owned parking lot, looking east. Westbound I-80 Harrison Street off-ramp viaduct is visible in the upper right. – March 28, 2014

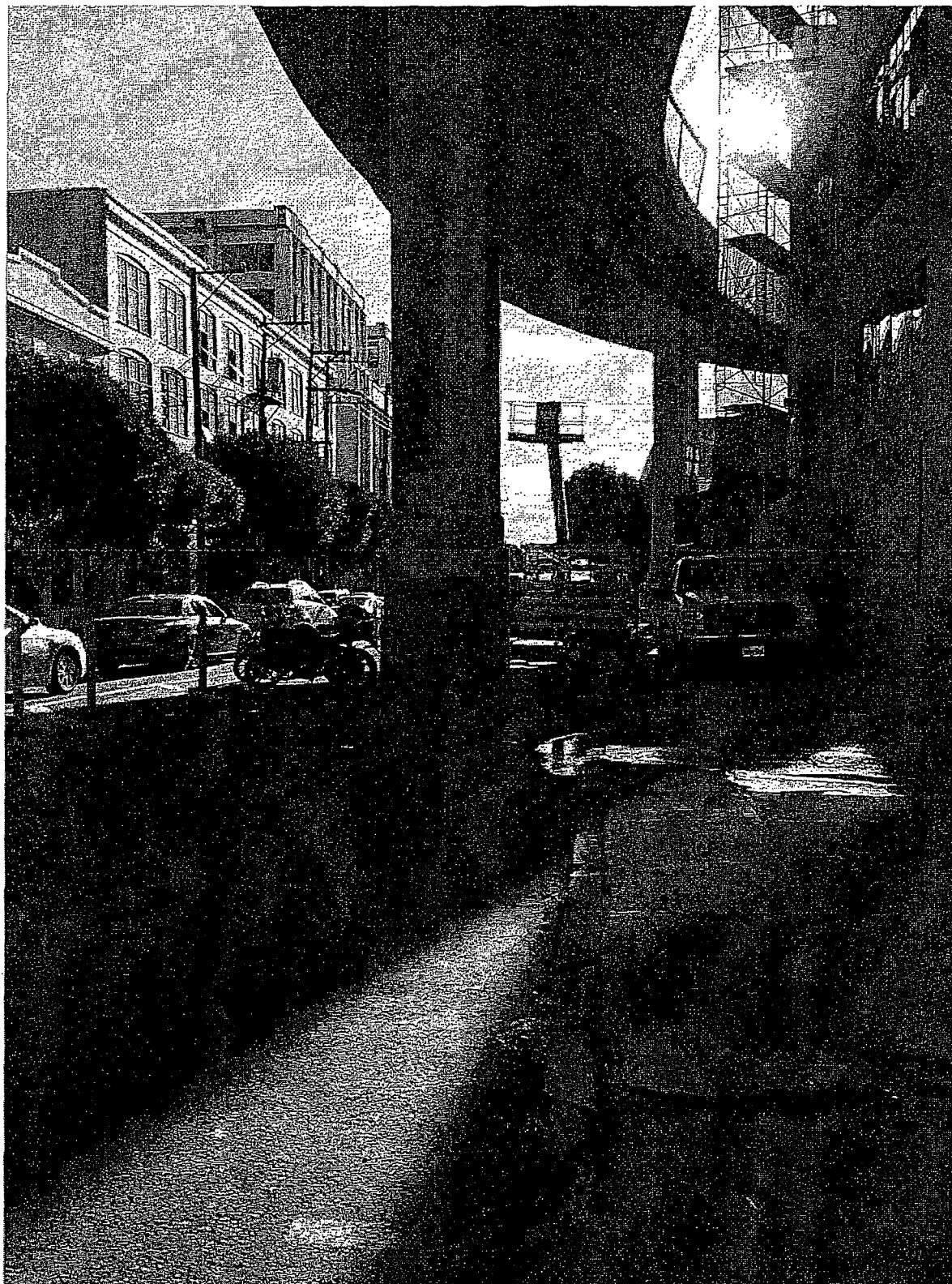


Photo 6: View west along Bryant Street from Rincon Street. Project site and fronting sidewalk are on the right, and the westbound I-80 Harrison Street off-ramp viaduct is overhead. — February 13, 2015



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

**Case No.:** 2013.1600E  
**Project Address:** 340 Bryant Street  
**Zoning:** MUO (Mixed Use Office) Use District  
65-X Height and Bulk District  
**Block/Lot:** 3764/061  
**Lot Size:** 16,505 square feet  
**Plan Area:** Eastern Neighborhoods Area Plan  
**Project Sponsor:** John Kevlin – Reuben, Junius, and Rose LLP – (415) 567-9000  
**Staff Contact:** Kansai Uchida – (415) 575-9048 – kansai.uchida@sfgov.org

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### PROJECT DESCRIPTION

The project site is located in San Francisco's South of Market (SoMa) neighborhood on the block bounded by Rincon Street to the east, Sterling Street to the west, Interstate 80 to the north, and Bryant Street to the south. The project site is occupied by a four-story, 44-foot-tall, 62,050 square foot (sf) building. The existing building was constructed in 1932 and includes no off-street vehicular parking. The existing building is currently vacant, although it recently (2012) was occupied by industrial tenants. To ensure that the maximum potential environmental impacts are analyzed, the building is assumed to be currently vacant for the purposes of transportation, air quality, and other CEQA impact topics that rely on square footage calculations. The proposed project includes conversion of 46,804 sf of industrial use to office use and common areas, primarily on the upper three floors of the existing building. A total of 45,545 sf of office space would be created. In addition, the proposed project would include the addition of a deck and mechanical equipment on the roof, removal of exterior roll-up doors at street level, removal of the 732-sf ground-floor retail space (for use as industrial space), installation of new windows and signs along the building's exterior, and addition of 16 bicycle parking spaces. Aside from 1,991 sf of common space, the remaining 14,514 sf of ground-floor space would remain as industrial use.

### EXEMPT STATUS

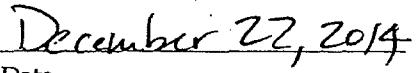
Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

### DETERMINATION

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

  
SARAH B. JONES

Environmental Review Officer

  
Date

cc: John Kevlin, Project Sponsor; Supervisor Jane Kim, District 6; Erika Jackson, Current Planning Division; Virna Byrd, M.D.F.; Exemption/Exclusion File

## PROJECT APPROVAL

The proposed project is subject to review by the Planning Commission pursuant to Section 321 of the Planning Code (Office Allocation). Approval of the Office Allocation Application by the Planning Commission would constitute the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## COMMUNITY PLAN EXEMPTION OVERVIEW

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

This determination evaluates the potential project-specific environmental effects of the 340 Bryant Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR)<sup>1</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 Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 340 Bryant Street.

The Planning Commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>2,3</sup>

<sup>1</sup> Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

<sup>2</sup> San Francisco Planning Department. Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (FEIR), Planning Department Case No. 2004.0160E, certified August 7, 2008. Available online at <http://www.sf-planning.org/index.aspx?page=1893> accessed August 17, 2012.

<sup>3</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17659, August 7, 2008. Available online at <http://www.sf-planning.org/Modules>ShowDocument.aspx?documentid=1268>, accessed August 17, 2012.

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods Rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR.

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City's General Plan.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to MUO (Mixed Use Office) District. The MUO District is intended to encourage office uses and housing, as well as small-scale light industrial and arts activities. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Exemption (CPE) Checklist, under Land Use. The 340 Bryant Street site, which is located in the South of Market (SoMa) District of the Eastern Neighborhoods, was designated as a site with building up to 65 feet in height.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 340 Bryant Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 340 Bryant Street project, and identified the mitigation measures applicable to the 340 Bryant Street project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>45</sup> Therefore, no further CEQA evaluation for the 340 Bryant Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

<sup>4</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 340 Bryant Street, March 25, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

<sup>5</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 340 Bryant Street, October 31, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

## PROJECT SETTING

The project site is within the MUO (Mixed Use Office) Use District and an 65-X Height and Bulk District. Much of the subject block is occupied by Interstate 80, ramps providing access to Interstate 80 and the San Francisco-Oakland Bay Bridge, and other ancillary parcels owned by the State of California Department of Transportation (Caltrans). Bryant Street serves as a primary access route to the Bay Bridge, and on- and off-ramps adjoin the project site on all sides. Interstate 80 forms a barrier between the subject block and areas to the north, with no available pedestrian or auto access across the freeway between 2nd Street (one block west of the project site) and Beale Street (two blocks east of the project site). Buildings on adjacent blocks are primarily low- to mid- rise in scale, ranging from two to eight stories. High-rise residential buildings exist on the opposite side of Interstate 80 to the north and two blocks to the east and south of the project site. Most of the properties to the west and south of the project site are within MUO and P (Public) zoning districts, while land to the east and north is within former redevelopment plan areas. Height districts within a one-block radius range from 40 to 400 feet.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation, and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 340 Bryant Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 340 Bryant Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would contribute to the significant unavoidable land use impact identified in the Eastern Neighborhoods PEIR because it would convert 46,804 sf of PDR space to office use and common areas. The PEIR identified cumulative loss of PDR employment and businesses in the Eastern Neighborhoods plan area as a significant unavoidable impact.

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

Table 1 – Eastern Neighborhoods PEIR Mitigation Measures

Mitigation Measure	Applicability
<b>F. Noise</b>	
F-1: Construction Noise (Pile Driving)	Not Applicable: pile driving not proposed
F-2: Construction Noise	Not Applicable: heavy construction equipment would not be needed
F-3: Interior Noise Levels	Not Applicable: no noise-sensitive uses proposed (office use only)
F-4: Siting of Noise-Sensitive Uses	Not Applicable: no noise-sensitive uses proposed (office use only)
F-5: Siting of Noise-Generating Uses	Not Applicable: no noise-generating uses proposed (office use only)
F-6: Open Space in Noisy Environments	Not Applicable: no noise-sensitive uses proposed (office use only)
<b>G. Air Quality</b>	
G-1: Construction Air Quality	Applicable: only the construction exhaust emissions portion of this mitigation measure is applicable because construction would occur within an Air Pollutant Exposure Zone
G-2: Air Quality for Sensitive Land Uses	Not Applicable: no sensitive uses proposed
G-3: Siting of Uses that Emit DPM	Not Applicable: proposed office use would not emit substantial levels of DPM
G-4: Siting of Uses that Emit other TACs	Not Applicable: proposed office use would not emit substantial levels of other TACs
<b>J. Archeological Resources</b>	
J-1: Properties with Previous Studies	Not Applicable: project site is within this mitigation zone; however, the proposed project is not proposing any excavation or soil disturbance
J-2: Properties with no Previous Studies	Not Applicable: project site is not within this mitigation zone
J-3: Mission Dolores Archeological District	Not Applicable: project site is not located in the Mission Dolores Archeological District
<b>K. Historical Resources</b>	
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area	Not Applicable: plan-level mitigation completed by Planning Department

Mitigation Measure	Applicability
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not Applicable: plan-level mitigation completed by Planning Commission
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not Applicable: plan-level mitigation completed by Planning Commission
<b>L. Hazardous Materials</b>	
L-1: Hazardous Building Materials	Applicable: project would involve renovation of an existing building constructed in 1932, and could require disposal of hazardous building materials
<b>E. Transportation</b>	
E-1: Traffic Signal Installation	Not Applicable: plan level mitigation by SFMTA
E-2: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA
E-3: Enhanced Funding	Not Applicable: plan level mitigation by SFMTA & SFTA
E-4: Intelligent Traffic Management	Not Applicable: plan level mitigation by SFMTA & Planning Department
E-5: Enhanced Transit Funding	Not Applicable: plan level mitigation by SFMTA
E-6: Transit Corridor Improvements	Not Applicable: plan level mitigation by SFMTA
E-7: Transit Accessibility	Not Applicable: plan level mitigation by SFMTA
E-8: Muni Storage and Maintenance	Not Applicable: plan level mitigation by SFMTA
E-9: Rider Improvements	Not Applicable: plan level mitigation by SFMTA
E-10: Transit Enhancement	Not Applicable: plan level mitigation by SFMTA
E-11: Transportation Demand Management	Not Applicable: plan level mitigation by SFMTA

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 Eastern Neighborhoods PEIR. The MMRP also contains improvement measures that would further reduce the project's less-than-significant impacts.

## PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on April 24, 2014 to adjacent occupants and owners of properties within 300 feet of the project site. 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. Responses to the notice included requests to view public records and to be included in the distribution of environmental documents related to the project. Responses also included the concerns shown in the bulleted list below, along with text in italics to indicating how the identified concerns have been addressed in this environmental document.

- One commenter expressed concern that the project may be incorrectly processed by the Planning Department as an office-to-office conversion project, and that the Planning Department's analysis would not capture the land use effects of PDR space removal. The commenter also expressed concern that the Planning Department would not collect applicable fees supporting transit, area plan preparation, and other municipal services. *The Planning Department is reviewing the proposed project as an industrial-to-office conversion, and this environmental document addresses the land use impacts associated with loss of PDR space in the "Land Use" section of the attached CPE Checklist. All Planning Department fees applicable to the proposed industrial-to-office conversion project would be collected as required by the Planning Code and the Planning Department's Fee Schedule.*
- The same commenter asserted that prior building permits for work at the project site were issued without proper Planning Department review, and that applicable development fees were not collected. *All prior work performed under prior permits is considered an existing condition for the purposes of environmental review. Prior permit review and fee collection concerns would not affect environmental analysis conclusions for the proposed project currently under review.*
- The same commenter requested that appropriate public notice be given prior to a public hearing to discuss the proposed project. *All required public notices and hearings for the proposed project will be performed in accordance with the Planning Code.*
- The same commenter expressed concern about the cumulative impacts of the proposed project with others in the vicinity. *The potential cumulative impacts of the proposed project are discussed in the attached CPE Checklist under the relevant CEQA topic headings.*
- The same commenter expressed concern about the potential air quality impacts on the proposed offices and roof deck that could result from their location adjacent to a freeway, requiring referral to the Bay Area Air Quality Management District (BAAQMD). *The potential air quality impacts of the proposed project are discussed in the "Air Quality" section of the attached CPE Checklist. Offices are not considered sensitive receptors for air quality analysis purposes.<sup>6</sup>*

<sup>6</sup> BAAQMD considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, and condominiums; 2) schools, colleges, and universities; 3) daycares; 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

- The same commenter asserted that prior construction work on the project site has been performed without full Planning Department review. *Prior projects are not the subject of this environmental document. All prior work performed on the building is considered an existing condition for the purposes of environmental review. Planning Department approvals are subject to a formal appeals process, and any work performed without proper approvals may be reported to the department through the complaint process.*
- The same commenter asserted that the proposed project requires referral to Caltrans, citing traffic hazard concerns associated with locating a roof deck adjacent to a freeway. *The transportation impacts of the proposed project, including the potential for traffic hazards, are discussed in the Transportation and Circulation section of the attached CPE Checklist. Caltrans reviewed the proposed project and requested modifications as part of a transfer of air rights above the existing building to the project sponsor<sup>7</sup>.*
- The same commenter asserted that the project description in the Notification of Project Receiving Environmental Review incorrectly stated that the existing building on the project site is currently vacant, citing prior evictions that had occurred in the building. *The project sponsor verified that the building is currently vacant<sup>8</sup>, and the building was observed to be vacant by Planning Department staff during a site visit on March 28, 2014. The building's eviction history does not affect the environmental analysis conclusions for the proposed project currently under review.*
- Two additional commenters expressed concern about prior evictions and vandalism at the existing building on the project site. *The building's eviction history and prior vandalism would not affect the environmental analysis conclusions. This environmental document addresses the land use impacts associated with loss of PDR space in the "Land Use" section of the attached CPE Checklist.*
- One of the two commenters also asserted that the project description in the Notification of Project Receiving Environmental Review incorrectly stated that no off-street parking currently exists on the project site. *Plans submitted by the project sponsor<sup>9</sup> and a site visit performed by Planning Department staff on March 28, 2014 confirm that no off-street parking currently exists on the project site. The Caltrans-owned parcel adjoining the project site to the west contains surface parking, which is not part of the project site.*

The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Eastern Neighborhoods PEIR.

## CONCLUSION

As summarized above and further discussed in the CPE Checklist<sup>10</sup>:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;

<sup>7</sup> Phone conversation with Renata Frey, Caltrans District 4 Real Estate Division – Excess Land Sales, May 23, 2014. Staff notes from this phone conversation are available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

<sup>8</sup> John Kevlin, "340 Bryant Neighborhood Notice Project Description" e-mail dated April 14, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

<sup>9</sup> 340 Bryant Street, plans dated June 4, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

<sup>10</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

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 Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods 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 Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

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





# SAN FRANCISCO PLANNING DEPARTMENT

## Community Plan Exemption Checklist

**Case No.:** 2013.1600E  
**Project Address:** 340 Bryant Street  
**Zoning:** MUO (Mixed Use Office) Use District  
65-X Height and Bulk District  
**Block/Lot:** 3764/061  
**Lot Size:** 16,505 square feet  
**Plan Area:** Eastern Neighborhoods Area Plan  
**Project Sponsor:** John Kevlin – Reuben, Junius, and Rose LLP – (415) 567-9000  
**Staff Contact:** Kansai Uchida – (415) 575-9048 – kansai.uchida@sfgov.org

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**415.558.6409**

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Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project site at 340 Bryant Street is located in San Francisco's South of Market (SoMa) neighborhood. The 16,505 square foot (sf) site (Assessor's Block 3764, Lot 061) is located on the block bounded by Rincon Street to the east, Sterling Street to the west, Interstate 80 to the north, and Bryant Street to the south (see Figure 1, Project Location).

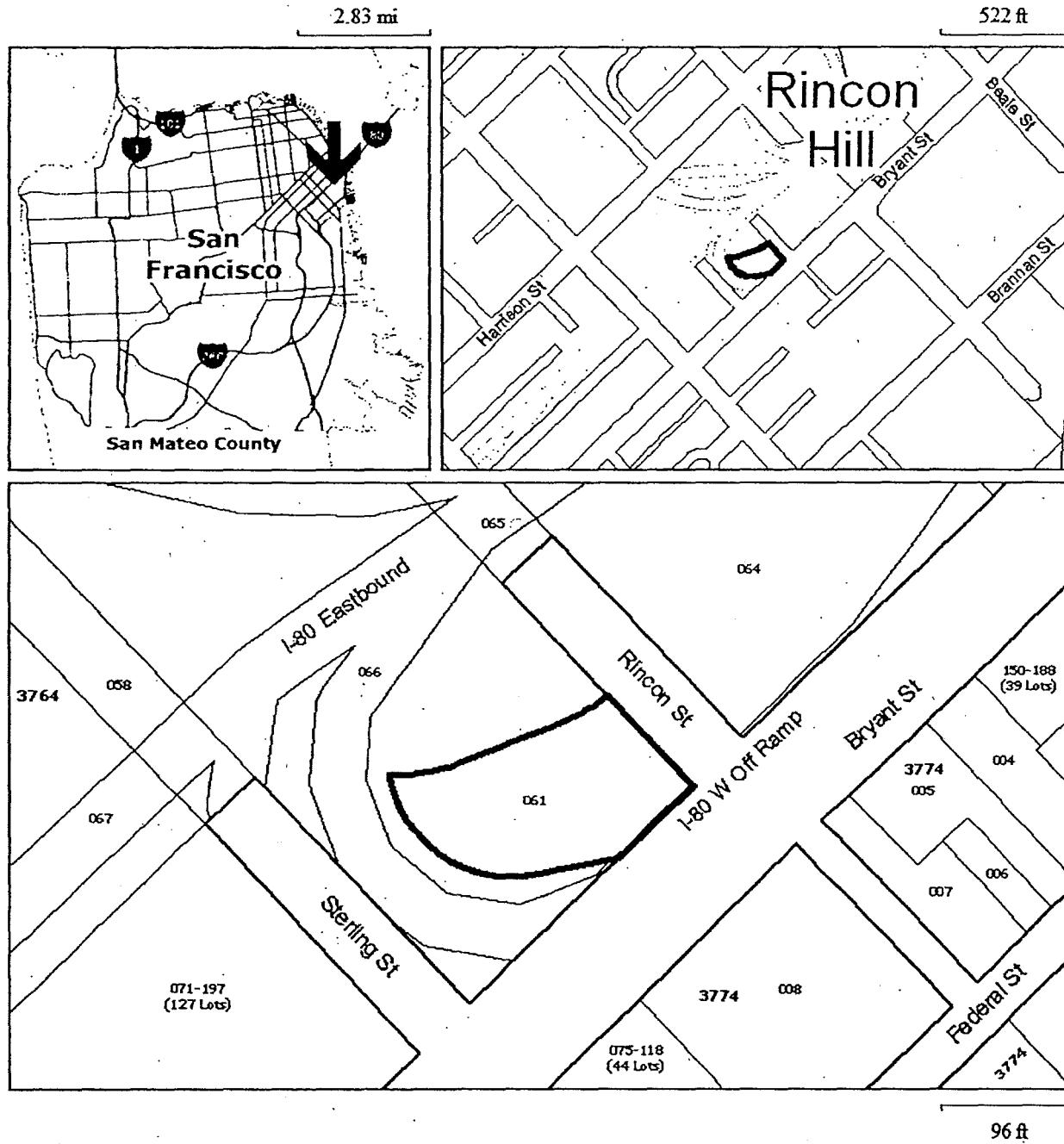
The project site is located on Bryant Street, adjacent to one the primary access ramps to the San Francisco-Oakland Bay Bridge (Interstate 80). The boundaries of the project site are curvilinear in shape, owing to the curved Bay Bridge on- and off-ramps that adjoin the site on all sides. The project site is occupied by a four-story, 44-foot-tall, 62,050 square foot (sf) building (see Figure 2, Site Plan). The existing building was constructed in 1932 and includes no off-street vehicular parking. The building also contains a 732-sf ground-floor retail space. The height of the building reaches 44 feet above street level, plus rooftop parapets, skylights, and mechanical equipment that reaches a total height of 60 feet above street level. No off-street parking exists on the project site and no trees are present along any of the street frontages. The building is presently vacant, and has plywood coverings over some of the ground level doorways and windows to minimize intrusion and vandalism. The existing building is currently undergoing construction after receiving building permits previously issued for work not subject to this environmental review<sup>1</sup>. The existing building is currently vacant, although it recently (2012) was occupied by industrial tenants. To ensure that the maximum potential environmental impacts are analyzed, the building is assumed to be currently vacant for the purposes of transportation, air quality, and other CEQA impact topics that rely on square footage calculations; the conversion of industrial space to office use is also addressed.

The proposed project would convert the upper three of the four floors of the existing building to office use and part of the first floor to common areas: 1,259 sf on the first floor (for common areas), 16,788 sf on the second floor, 16,877 sf on the third floor, and 11,880 sf on the fourth floor and mezzanine. A total of

<sup>1</sup> Building Permit Numbers 201302089837, 201304265528, 201304265541, 201401307399, 201404233911, 201405276721, 201406279819, and 201409196831

46,804 sf of industrial space would be converted, and the total office space created would be 45,545 sf. Approximately 14,500 sf of the approximately 16,500 sf ground floor would remain as PDR uses. The remaining 1,991 sf on the ground floor would be used for common circulation areas and mechanical equipment. This remaining ground floor space would require removal of the existing 732 sf retail space. Loading activities to support the PDR space would continue to occur on an existing easement in the Caltrans-owned parking lot immediately west of the project site. Construction work would include interior demolition and renovation, exterior façade improvements, and the addition of a circulation penthouse and roof deck (see **Figure 3, Proposed Floor Plans** ). No expansion of the building envelope or square footage would occur, other than the additional roof-level features. The height of the building from street level to the top of the finish roof would remain at approximately 44 feet (60 feet including parapets, rooftop access, a roof deck, and mechanical equipment, which are typically excluded from building height calculations for Planning Code purposes) (see **Figure 4, Proposed Elevations** ). Existing elevator shafts would remain and no excavation or deepening of the foundation would occur. The building would have 16 bicycle parking spaces at the ground level and no off-street vehicular parking. Construction would last approximately four months, and would not include pile driving or excavation.

Figure 1 Project Location



## Community Plan Exemption Checklist

340 Bryant Street  
Case No. 2013.1600E

Figure 2 Site Plan

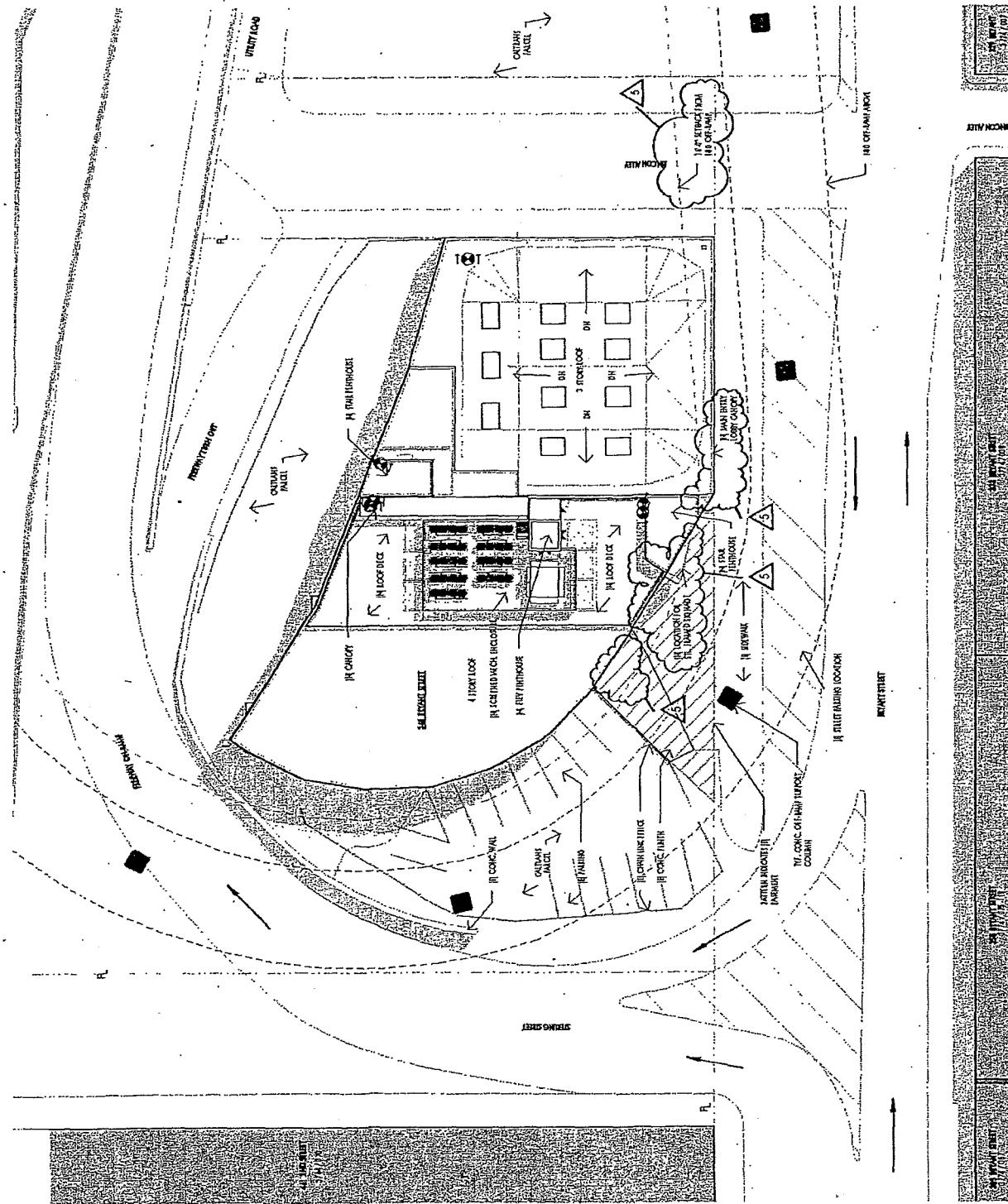
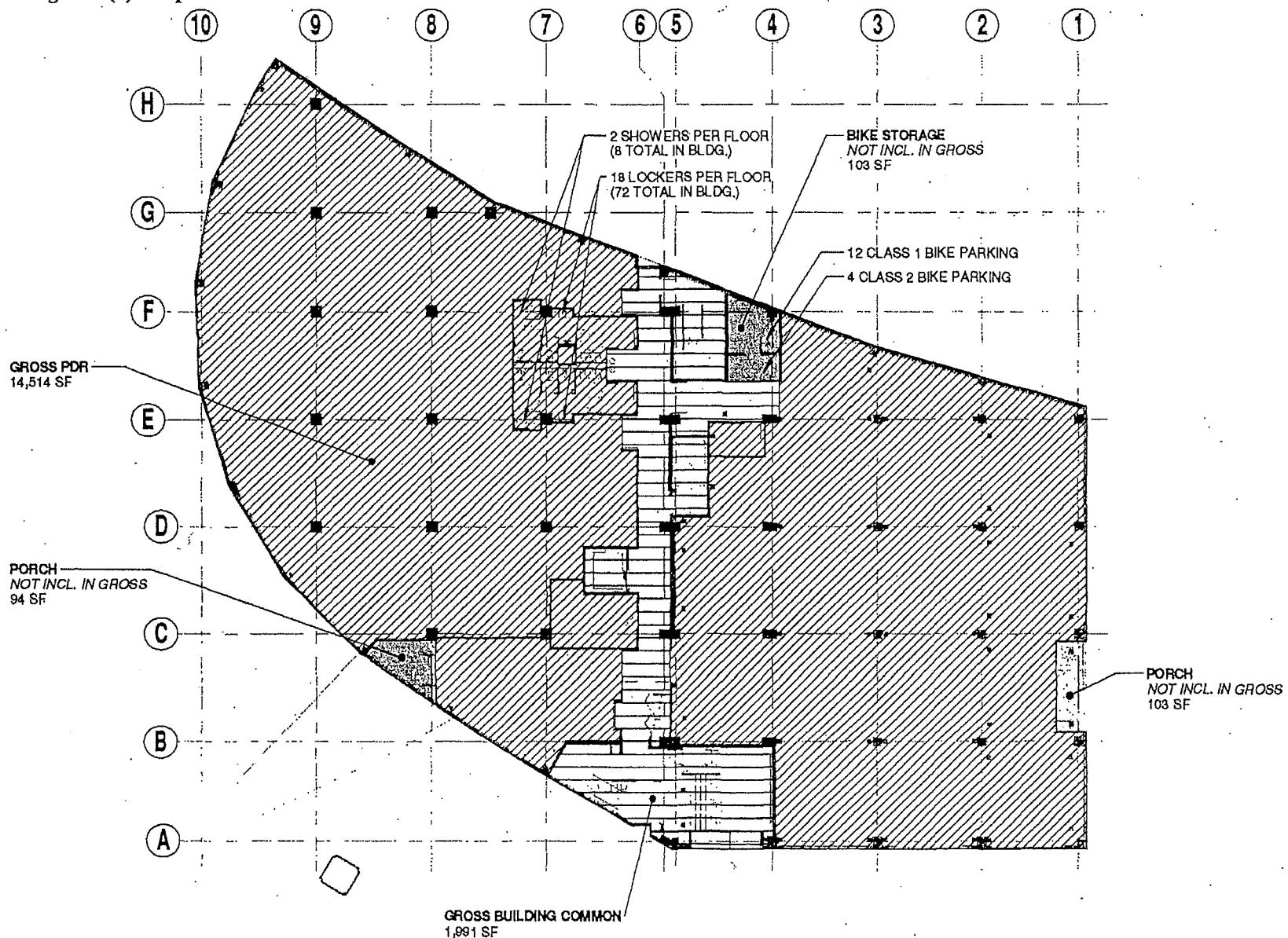


Figure 3(a) Proposed Ground Floor Plan



340 Bryant Street  
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Community Plan Exemption Checklist

Figure 3(b) Proposed Representative Upper Floor Plan

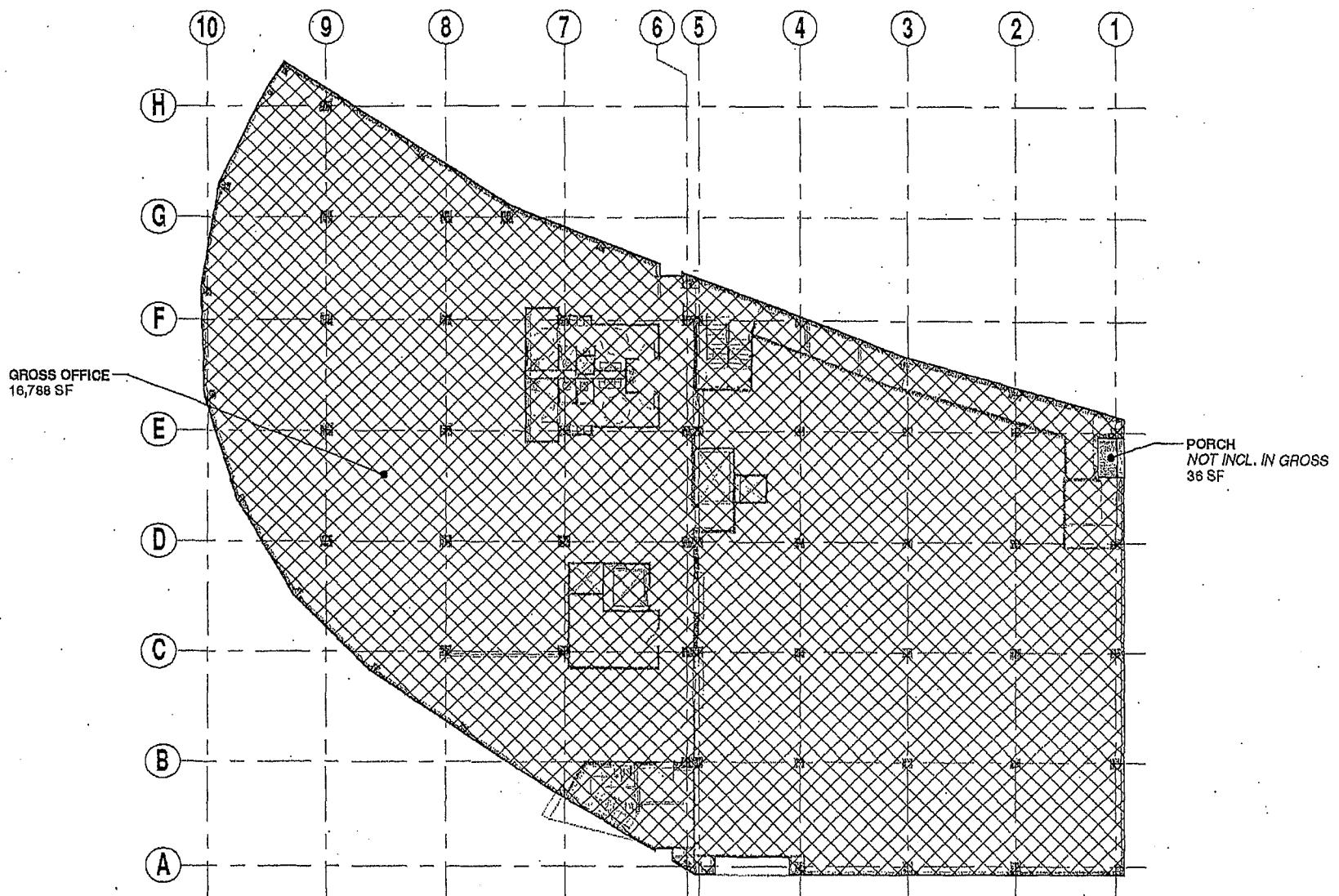


Figure 3(c) Proposed Roof Plan

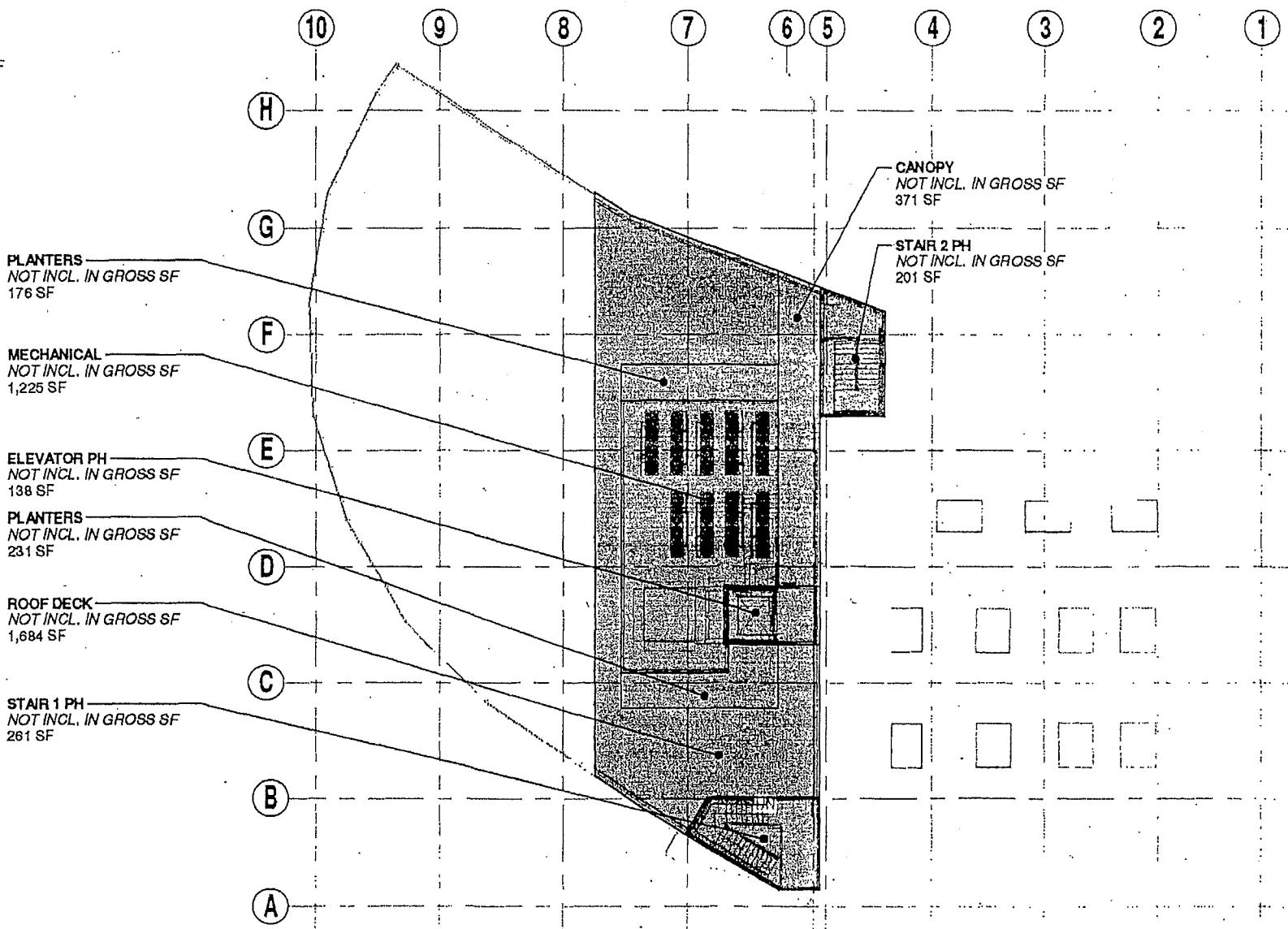


Figure 4(a) Proposed North Elevation

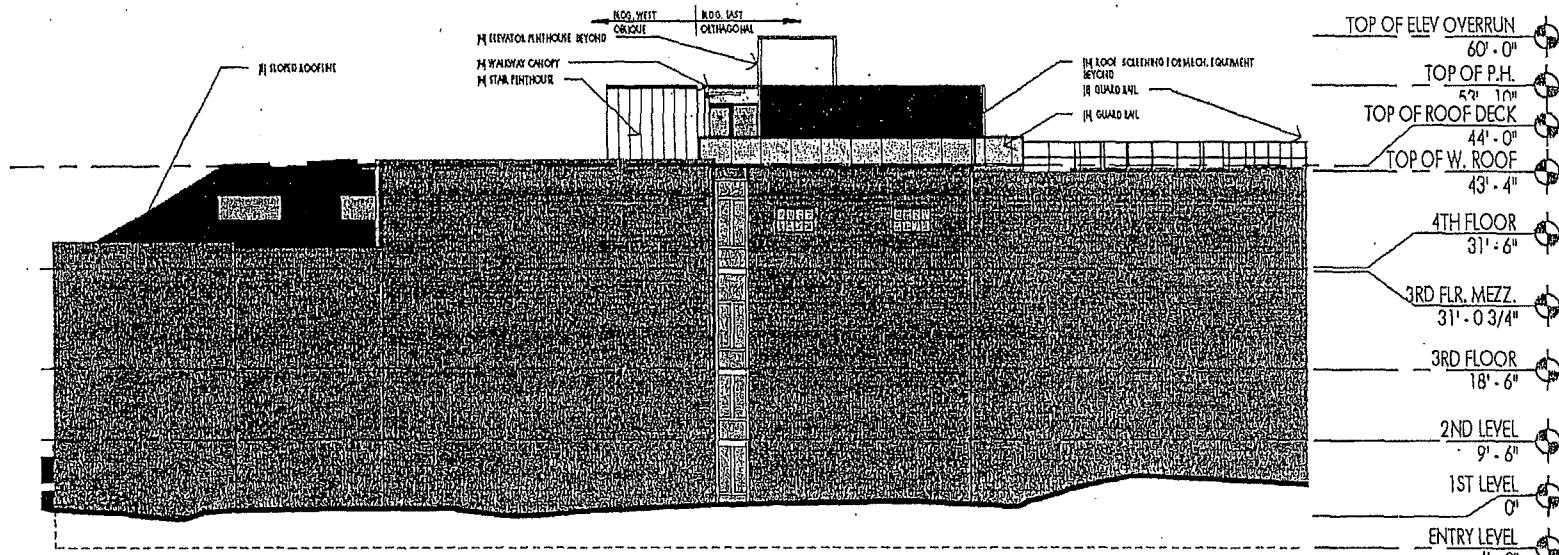
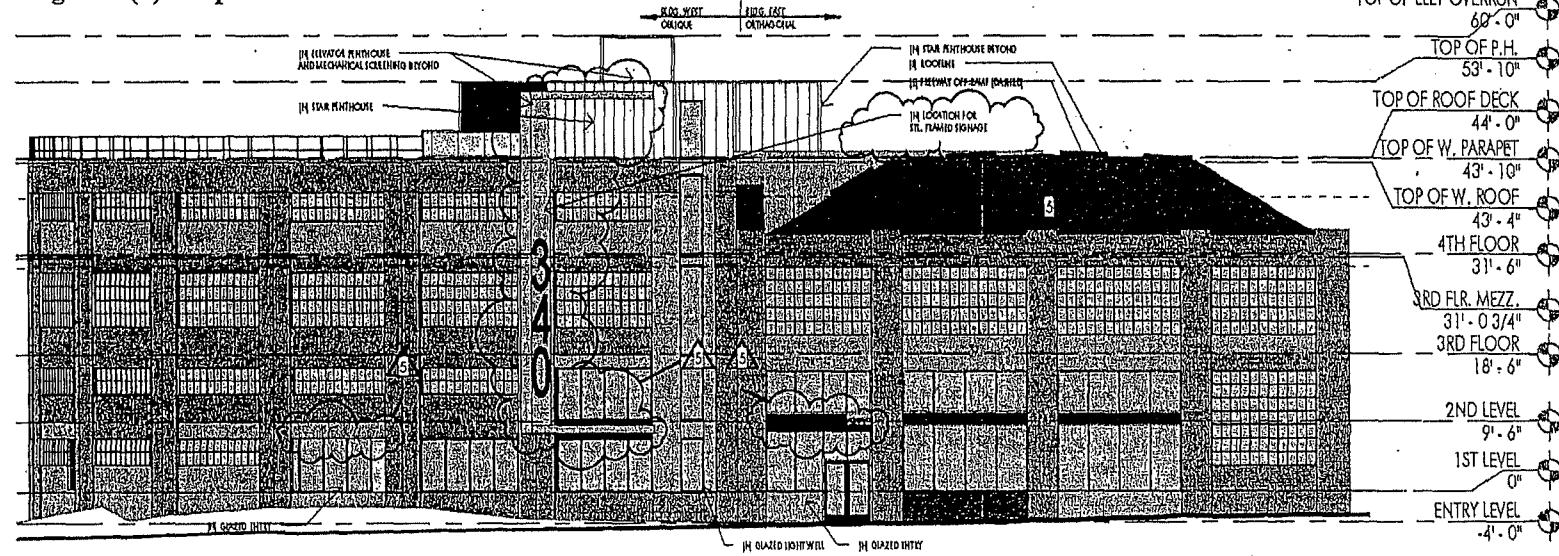
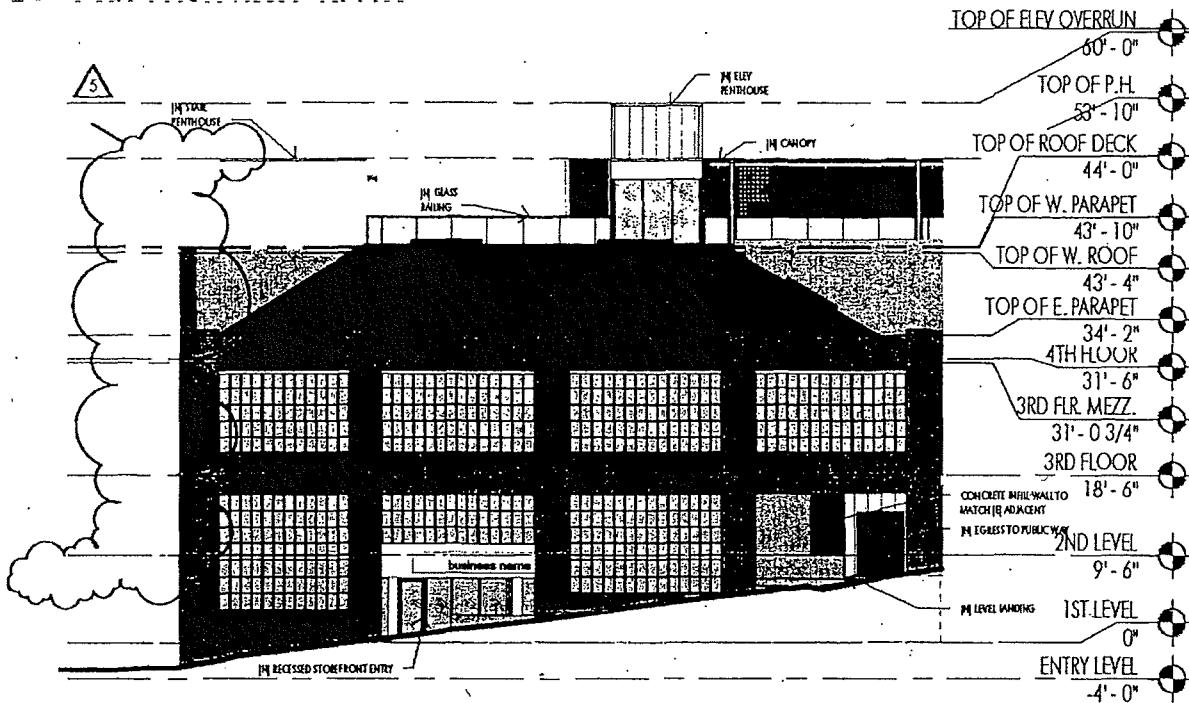
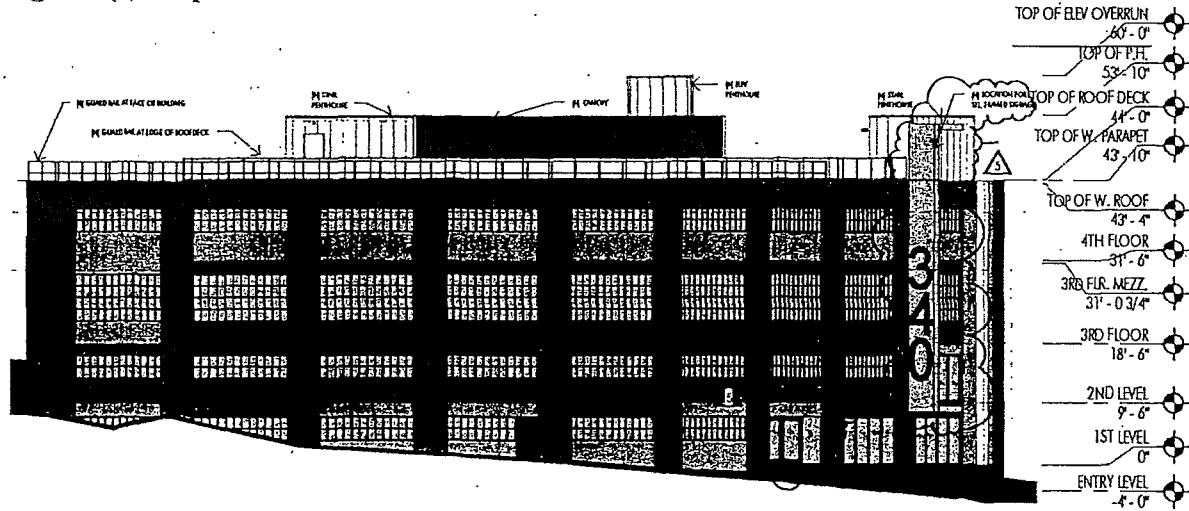


Figure 4(b) Proposed South Elevation



**Figure 4(c) Proposed East Elevation****Figure 4(d) Proposed West Elevation**

The proposed 340 Bryant Street project would require the following approvals:

#### Actions by the Planning Commission

- Planning Code Section 321 (Office Allocation) approval

#### Actions by other City Departments

- Approval of a building permit by the Department of Building Inspection (DBI)

## EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption (CPE) Checklist evaluates whether the environmental impacts of the proposed project are addressed in the Programmatic Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans (Eastern Neighborhoods PEIR).<sup>2</sup> The CPE Checklist indicates whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the 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 Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such impacts are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

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

The Eastern Neighborhoods PEIR identified significant impacts related to land use, transportation, cultural resources, shadow, noise, air quality, and hazardous materials. Additionally, the PEIR identified significant cumulative impacts related to land use, transportation, and cultural resources. Mitigation measures were identified for the above impacts and reduced all impacts to less-than-significant except for those related to land use (cumulative impacts on PDR use), transportation (program-level and cumulative traffic impacts at nine intersections; program-level and cumulative transit impacts on seven Muni lines), cultural resources (cumulative impacts from demolition of historical resources), and shadow (program-level impacts on parks).

The proposed project would include conversion of an existing industrial (PDR) building (with 732 sf of ground floor retail space) to a combination of office and PDR uses. As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

## AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT

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

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

<sup>2</sup> San Francisco Planning Department, Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report (PEIR), Planning Department Case No. 2004.0160E, State Clearinghouse No. 2005032048, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed August 17, 2012.

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>3</sup> Project elevations are included in the project description, and an assessment of parking demand is included in the Transportation section for informational purposes.

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
1. LAND USE AND LAND USE PLANNING—Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that adoption of the Area Plans would result in an unavoidable significant impact on land use due to the cumulative loss of PDR. The project site at 340 Bryant Street currently contains approximately 61,318 square feet of vacant PDR space (the non-retail portion of the existing 62,050 square foot building). The proposed project would convert approximately 45,545 sf of PDR space to office use, and an additional 1,991 sf of the PDR space would contain common areas. Approximately 14,514 sf of PDR space (the entire ground floor square footage, minus space needed for common areas, circulation, and mechanical equipment) would remain. This conversion would constitute a net loss of approximately 46,804 of PDR space within the Eastern Neighborhoods plan area. Such conversion of PDR space to office uses and the related contribution to significant unavoidable cumulative land use impacts, including those of the proposed project, were anticipated and analyzed in the Eastern Neighborhoods PEIR. As part of the Eastern Neighborhoods program, the project site was rezoned from SSO (Service/Secondary Office – a zone that allows small-scale light industrial uses) to MUO (Mixed Use-Office – a zone that encourages office uses and housing). This rezoning was studied in the Eastern Neighborhoods PEIR, and therefore, the potential loss of PDR on the project site was included in the cumulative land use impacts that the PEIR identified. The Eastern Neighborhoods PEIR identified a potential reduction of PDR floor area up to approximately 771,276 square feet in the East SoMa area, where the 340 Bryant Street project site is located. Therefore, the proposed project would contribute to the significant cumulative land use impact related to loss of PDR uses that was identified in the Eastern Neighborhoods PEIR.

Furthermore, the Citywide Planning and Current Planning Divisions of the Planning Department have determined that the proposed project is permitted in the MUO District and is consistent with the bulk, density, and land uses envisioned in the East SoMa Area Plan. The area plan encourages small, flexible

<sup>3</sup> San Francisco Planning Department. Transit-Oriented Infill Project Eligibility Checklist for 340 Bryant Street, October 1, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.1600E.

office space throughout East SoMa, and larger offices along the 2nd Street corridor, which is intended to serve as a "secondary office reservoir for downtown." As proposed, under Section 321 of the Planning Code, the project requires an Office Allocation from the Planning Commission. The proposed project also complies with all other applicable Planning Code requirements and, on balance, is consistent with the General Plan.<sup>45</sup>

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

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

One of the objectives of the Eastern Neighborhoods Area Plans is to identify appropriate locations for housing in the City's industrially zoned land to meet the citywide demand for additional housing. The PEIR concluded that an increase in population in the Plan Areas is expected to occur as a secondary effect of the proposed rezoning and that any population increase would not, in itself, result in adverse physical effects, but would serve to advance key City policy objectives, such as providing housing in appropriate locations next to Downtown and other employment generators and furthering the City's Transit First policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the Area Plan neighborhoods. The Eastern Neighborhoods PEIR determined that the anticipated increase in population and density would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

The proposed project would involve conversion of PDR space to office use and common areas, resulting in approximately 45,545 square feet of new office space. The proposed project's office use is anticipated to add approximately 165 jobs. Approximately 14,514 sf of PDR space would remain on the ground floor of the building. The increase in jobs would also result in an increase in demand for housing, though not

<sup>4</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 340 Bryant Street, March 25, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

<sup>5</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 340 Bryant Street, October 31, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

all workers would seek housing within the Eastern Neighborhoods area. No displacement of existing housing would occur, as there is no housing present on the project site. These direct effects of the proposed project on population and housing are within the scope of the population growth anticipated under the Eastern Neighborhoods Rezoning and Area Plans and evaluated in the Eastern Neighborhoods PEIR.

For the above reasons, the proposed project would not result in significant impacts on population and housing that were not identified in the Eastern Neighborhoods PEIR.

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

#### Historic Architectural Resources

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources or are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code. The Eastern Neighborhoods PEIR determined that future development facilitated through the changes in use districts and height limits under the Eastern Neighborhoods Area Plans could have substantial adverse changes on the significance of both individual historical resources and on historical districts within the Plan Areas. The PEIR determined that approximately 32 percent of the known or potential historical resources in the Plan Areas could potentially be affected under the preferred alternative. The Eastern Neighborhoods PEIR found this impact to be significant and unavoidable. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009.

The project site was evaluated in the South of Market Historic Resource Survey and was rated "6L" (ineligible for local listing or designation through local government review process; may warrant special consideration in local planning). The existing industrial building on the project site, which would be retained and mostly converted to office use, is not considered a historic resource, nor is it located within a designated historic district. Planning Department preservation technical staff also indicated that, given no substantial building additions would occur as part of the proposed project, impacts to surrounding

historic resources (including the nearby South End Historic District) would be unlikely.<sup>6</sup> Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project.

For these reasons, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the Eastern Neighborhoods PEIR.

#### Archeological Resources

The Eastern Neighborhoods PEIR determined that implementation of the Area Plan could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to a less than significant level. Eastern Neighborhoods PEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the Planning Department. Mitigation Measure J-2 applies to properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA. Mitigation Measure J-3, which applies to properties in the Mission Dolores Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology.

The proposed project involves converting existing PDR space to office use. The project site is located within Eastern neighborhoods PEIR Mitigation Measure J-1. However, the proposed project would not include any excavation or soil disturbance. As such, no archeological resource impacts would occur, and no mitigation measures would be necessary.

For these reasons, the proposed project would not result in significant impacts on archeological resources that were not identified in the Eastern Neighborhoods 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. TRANSPORTATION AND CIRCULATION— Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>6</sup> E-mail from Tina Tam, Senior Preservation Planner, "340 Bryant Street E Case," dated March 19, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

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
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction. As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on pedestrians, bicyclists, loading, emergency access, or construction beyond those analyzed in the Eastern Neighborhoods PEIR.

However, the Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership, and identified 11 transportation mitigation measures. Even with mitigation, however, it was anticipated that the significant adverse cumulative traffic impacts and the cumulative impacts on transit lines could not be fully mitigated. Thus, these impacts were found to be significant and unavoidable.

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.

#### Trip Generation

The proposed project includes conversion of the upper three floors of an existing vacant 62,050 square foot building to office use. The four-story building currently contains approximately 61,318 square feet of industrial space and 732 square feet of retail space. After implementation of the proposed project, the building would contain approximately 45,545 sf of office space, 14,514 sf of PDR space, and common areas totaling 1,991 sf. The project site would continue to have no off-street vehicular parking spaces, and 16 bicycle parking spaces would be constructed as part of the proposed project.

Trip generation of the proposed project was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department.<sup>7</sup> Given that the subject building is currently vacant, no existing trips were deducted from the trip generation estimates for the existing industrial and retail uses, to ensure that the estimates are conservative and reflect the maximum possible transportation effects. The proposed project would generate an estimated 939 person trips (inbound and outbound) on a weekday daily basis, consisting of 348 person trips by auto, 329 transit trips, 215 walk trips and 46 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 21 vehicle trips.

<sup>7</sup> San Francisco Planning Department, Transportation Calculations for 340 Bryant Street, November 17, 2014. These calculations are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

**Traffic**

The proposed project would generate an estimated 21 new p.m. peak hour vehicle trips that could travel through surrounding intersections. This amount of new p.m. peak hour vehicle trips would not substantially increase traffic volumes at nearby intersections, would not substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or would not substantially increase average delay at intersections that currently operate at unacceptable LOS.

The proposed project would not contribute considerably to LOS delay conditions as its contribution of an estimated 21 new p.m. peak-hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods' Plan projects. The proposed project would also not generate enough new vehicle trips to contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative traffic impacts.

The project site is located adjacent to the Harrison Street off-ramp from westbound Interstate 80. The proposed project includes modification to the exterior walls of the existing building and the addition of new rooftop features that would be visible from the off-ramp. The State of California Department of Transportation (Caltrans) reviewed the proposed project and construction encroachments. Caltrans required the project sponsor to make modifications to the proposed project to avoid potential hazards (such as vehicular line-of-sight and encroachment considerations) as part of a transfer of air rights above the existing building to the project sponsor<sup>8</sup>. Therefore, the proposed project would not cause traffic hazards.

For the above reasons, the proposed project would not result in significant impacts on traffic that were not identified in the Eastern Neighborhoods PEIR.

**Transportation Demand Management**

Transportation demand management (TDM) measures typically target a reduction in single occupancy vehicle (SOV) trips by encouraging persons to select alternative modes of transportation, such as walking, bicycling, public or private transit, carshare, carpooling and/or other alternative modes. The project sponsor has agreed to implement the following improvement measures to encourage the use of alternative modes of transportation, and to further reduce the less-than-significant transportation impacts of the proposed project.

***Project Improvement Measure 1 – TDM Coordinator:*** The project sponsor shall identify a TDM Coordinator for the project site. The TDM Coordinator shall be responsible for the implementation and ongoing operation of all other TDM measures (Project Improvement Measures 2 and 3) included in the proposed project. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMASF), or the TDM Coordinator could be an existing staff member (e.g. property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator shall be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator shall provide TDM

<sup>8</sup> Phone conversation with Renata Frey, Caltrans District 4 Real Estate Division – Excess Land Sales, May 23, 2014. Staff notes from this phone conversation are available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

training to other building staff about the transportation amenities and options available at the project site and nearby.

***Project Improvement Measure 2 – Transportation and Trip Planning Information/New-Hire Packet:*** The project sponsor shall provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet shall be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The project sponsor shall provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.

***Project Improvement Measure 3 – Bicycle Parking:*** The project sponsor shall provide at least 12 on-site secured bicycle parking spaces and 4 on-site publicly-accessible (visitor) bicycle parking spaces. Within one year after Final Certification of Completion for the subject project, the project sponsor shall contact in writing the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) to fund the installation of up to 20 new bicycle racks on public right-of-way locations adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).

### Transit

The project site is located within a quarter mile of several local transit lines including Muni lines 8X, 8AX, 8BX, 10, 12, 30, 45, 76, 81X, 82X, 91, N, and T. The proposed project would be expected to generate 329 daily transit trips, including 39 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 39 p.m. peak hour transit trips would be accommodated by existing capacity. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines. The project site is not located within a quarter mile of any of the significantly affected lines, and would therefore add small numbers of riders to these affected lines. Mitigation measures would address these transit impacts by pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information and storage/maintenance capabilities for Muni lines in the Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above lines were found to be significant and unavoidable and a Statement of Overriding Considerations related to the significant and unavoidable cumulative transit impacts was adopted as part of the PEIR Certification and project approval.

The proposed project would not contribute considerably to these conditions as its minor contribution of 39 p.m. peak hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhood projects. The proposed project would also not contribute

considerably to 2025 cumulative transit conditions and thus would not result in any significant cumulative transit impacts.

For the above reasons, the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to transit and would not contribute considerably to cumulative transit impacts that were identified in the Eastern Neighborhoods PEIR.

#### Parking

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

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

The proposed project meets each of the above three criteria and thus, this determination does not consider the adequacy of parking in determining the significance of project impacts under CEQA.<sup>9</sup> The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, the following parking demand analysis is provided for informational purposes only.

The parking demand for the new office use and existing PDR use (retail parking factor used) associated with the proposed project was determined based on the methodology presented in the Transportation Guidelines. On an average weekday, the demand for parking would be for 87 spaces. The proposed project would provide no off-street parking spaces. Thus, as proposed, the project would have an unmet parking demand of an estimated 87 spaces. At this location, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces within a reasonable distance of the project vicinity. Additionally, the project site is well served by public transit and bicycle facilities, and the proposed project would include 16 bicycle spaces. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays would be created.

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

<sup>9</sup> San Francisco Planning Department, Transit-Oriented Infill Project Eligibility Checklist for 340 Bryant Street, October 1, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1600E.

or significant delays in travel, such a condition could also result in secondary physical-environmental impacts (e.g., air quality or noise impacts caused by congestion), depending on the project and its setting.

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking), would be in keeping with the City's "Transit First" policy and numerous San Francisco General Plan Policies, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, would reasonably address potential secondary effects.

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

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
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR identified potential conflicts related to residences and other noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. In addition, the Eastern Neighborhoods PEIR noted that implementation of the Eastern Neighborhoods Area Plans and Rezoning would incrementally increase traffic-generated noise on some streets in the Eastern Neighborhoods plan areas and result in construction noise impacts from pile driving and other construction activities. The Eastern Neighborhoods PEIR therefore identified six noise mitigation measures that would reduce noise impacts to less-than-significant levels.

Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 relate to construction noise. Mitigation Measure F-1 addresses individual projects that include pile-driving, and Mitigation Measure F-2 addresses individual projects that include particularly noisy construction procedures (including pile-driving). The proposed project consists of conversion of existing PDR space to office use. New rooftop mechanical equipment and an elevator penthouse would be added. No major exterior alterations or substantial additions would be constructed, and no pile driving would occur. Pile driving and other particularly noisy construction procedures would therefore not be necessary. As such, Mitigation Measures F-1 and F-2 would not apply to the proposed project.

In addition, all construction activities for the proposed project (approximately four months) would be subject to and would comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code) (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 the Department of Public Works (DPW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately four months, 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 and may be considered an annoyance by occupants of nearby properties. 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.

Eastern Neighborhoods PEIR Mitigation Measures F-3 and F-4 require that a detailed analysis of noise reduction requirements be conducted for new development that includes noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn). The proposed project does not include noise-sensitive uses, therefore Mitigation Measures F-3 and F-4 are not applicable.

Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include new noise-generating uses that would be expected to generate noise levels in excess of ambient noise in the proposed project site vicinity. Given that the proposed project would convert existing PDR space to office use, the proposed project is not expected to generate any additional operational noise. New mechanical equipment would be added to the roof of the building. Since the site is adjacent to a freeway, the mechanical equipment is not likely to substantially increase noise in the surrounding area. Therefore, Mitigation Measure F-5 is not applicable to the proposed project.

Mitigation Measure F-6 addresses impacts from existing ambient noise levels on open space required under the Planning Code for new development that includes noise-sensitive uses. The proposed project does not include noise-sensitive uses, therefore Mitigation Measure F-6 is not applicable.

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, topic 12e and f from the CEQA Guidelines, Appendix G is not applicable.

For the above reasons, the proposed project would not result in significant noise impacts that were not identified in the Eastern Neighborhoods 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
6. AIR QUALITY—Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses<sup>10</sup> as a result of exposure to elevated levels of

<sup>10</sup> The Bay Area Air Quality Management District (BAAQMD) considers sensitive receptors as: children, adults or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, condominiums, 2) schools, colleges, and universities, 3)

diesel particulate matter (DPM) and other toxic air contaminants (TACs). The Eastern Neighborhoods PEIR identified four mitigation measures that would reduce these air quality impacts to less-than-significant levels. All other air quality impacts were found to be less than significant.

#### Construction Dust Control

Eastern Neighborhoods PEIR Mitigation Measure G-1 Construction Air Quality requires individual projects involving construction activities to include dust control measures and to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. The San Francisco Board of Supervisors subsequently approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by DBI. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. The proposed project would not involve soil disturbance, and would therefore have no significant construction dust impacts. The portion of PEIR Mitigation Measure G-1 Construction Air Quality that addresses dust control is not applicable to the proposed project.

#### Health Risk

Eastern Neighborhoods PEIR Mitigation Measure G-1 addresses air quality impacts during construction, Mitigation Measure G-2 addresses the siting of sensitive land uses near sources of TACs and PEIR Mitigation Measures G-3 and G-4 address proposed uses that would emit DPM and other TACs.

Subsequent to certification of the PEIR, San Francisco (in partnership with the Bay Area Air Quality Management District (BAAQMD)) inventoried and assessed air pollution and exposures from mobile, stationary, and area sources within San Francisco and identified portions of the City that result in additional health risks for affected populations ("Air Pollutant Exposure Zone"). The Air Pollutant Exposure Zone was identified based on two health based criteria:

- (1) Areas where the excess cancer risk from all sources is greater than 100; or
- (2) Areas where PM<sub>2.5</sub> concentrations from all sources (including ambient concentrations) are greater than 10 µg/m<sup>3</sup>.

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 the anticipated four-month construction period. Thus, the remainder of Mitigation Measure G-1 that requires the minimization of construction exhaust emissions is applicable to the proposed project. The full text of Mitigation Measure G-1 is provided in the Mitigation Measures Section below.

The proposed project would include conversion of PDR space to office use and include a new roof deck adjacent to Interstate 80. One of the main factors of air quality impact evaluation is the duration of exposure and the age of the occupants. Occupants of office uses are not considered a sensitive land use for purposes of air quality evaluation because they typically do not spend the majority of their lives in the building nor are they typically the most vulnerable age groups to health impacts from air pollution.

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daycares, 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, page 12.

Therefore, for the above reasons, even though the project site is located within the Air Pollutant Exposure Zone, Mitigation Measure G-2 is not applicable.

Lastly, the proposed project would not emit substantial levels of DPM or other TACs and Eastern Neighborhoods Mitigation Measures G-3 and G-4 are therefore not applicable.

#### Criteria Air Pollutants

While the Eastern Neighborhoods PEIR determined that at a program-level the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that "Individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD's quantitative thresholds for individual projects."<sup>11</sup> The BAAQMD's *CEQA Air Quality Guidelines* (Air Quality Guidelines) provide screening criteria<sup>12</sup> for determining whether a project's criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the Air Quality Guidelines, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. For projects that do not meet the screening criteria, a detailed air quality assessment is required to further evaluate whether project-related criteria air pollutant emissions would exceed BAAQMD significance thresholds. Criteria air pollutant emissions during construction and operation of the proposed project would meet the Air Quality Guidelines screening criteria. Therefore, the project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

For the above reasons, only the construction exhaust emissions portion of Eastern Neighborhoods PEIR Mitigation Measure G-1 is applicable to the proposed project. None of the other Eastern Neighborhoods PEIR air quality mitigation measures are applicable to the proposed project and the project would not result in significant air quality impacts that were not identified in the 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
7. GREENHOUSE GAS EMISSIONS—Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from rezoning of the East SoMa Area Plan under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B,

<sup>11</sup> San Francisco Planning Department, Eastern Neighborhood's Rezoning and Area Plans Final Environmental Impact Report. See page 346. Available online at <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=4003>. Accessed June 4, 2014.

<sup>12</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, updated May 2011. See pp. 3-2 to 3-3.

and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO<sub>2</sub>E<sup>13</sup> per service population,<sup>14</sup> respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plans would be less than significant. No mitigation measures were identified in the PEIR.

Regulations outlined in San Francisco's Strategies to Address Greenhouse Gas Emissions have proven effective as San Francisco's GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. The proposed project was determined to be consistent with San Francisco's GHG Reduction Strategy<sup>15</sup>. Other existing regulations, such as those implemented through AB 32, will continue to reduce a proposed project's contribution to climate change. Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and thus the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on greenhouse gas emissions beyond those analyzed in the Eastern Neighborhoods 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
8. WIND AND SHADOW—Would the project:				
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Wind

Based upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. The existing 44-foot-tall building on the project site is similar in height to existing buildings in the surrounding area, and the building's height would not increase as a result of the proposed project, except for roof deck and mechanical features that would not be substantially taller than buildings in structures in the surrounding area. For the above reasons, the proposed project is not anticipated to cause significant impacts related to wind that were not identified in the Eastern Neighborhoods PEIR.

<sup>13</sup> CO<sub>2</sub>E, defined as equivalent Carbon Dioxide, is a quantity that describes other greenhouse gases in terms of the amount of Carbon Dioxide that would have an equal global warming potential.

<sup>14</sup> Memorandum from Jessica Range to Environmental Planning staff, Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods, April 20, 2010. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods PEIR and provides an analysis of the emissions using a service population (equivalent of total number of residents and employees) metric.

<sup>15</sup> *Compliance Checklist Table for Greenhouse Gas Analysis*, March 27, 2014. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.1600E.

**Shadow**

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Under the Eastern Neighborhoods Rezoning and Area Plans, sites surrounding parks could be redeveloped with taller buildings without triggering Section 295 of the Planning Code because certain parks are not subject to Section 295 of the Planning Code (i.e., under jurisdiction of departments other than the Recreation and Parks Department or privately owned). The Eastern Neighborhoods PEIR could not conclude if the rezoning and community plans would result in less-than-significant shadow impacts because the feasibility of complete mitigation for potential new shadow impacts of unknown proposed proposals could not be determined at that time. Therefore, the PEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the PEIR.

The proposed project would convert the upper three floors of an existing 44-foot-tall PDR building to office use. The proposed elevator penthouse would reach 60 feet above street level, and this additional 14 feet in height would not be substantially taller than buildings and structures (adjacent freeway) in the surrounding area. The project site is also not located sufficiently close to any recreational resources to potentially cast new shadow on them. Therefore, the project would not have the potential to cast new shadow on nearby parks, streets, or sidewalks.

For the above reasons, the proposed project would not result in significant impacts related to shadow that were not identified in the Eastern Neighborhoods PEIR.

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

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

As the proposed project would not degrade recreational facilities and is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on recreation beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>10. UTILITIES AND SERVICE SYSTEMS—Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on utilities and service systems beyond those analyzed in the Eastern Neighborhoods 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
<b>11. PUBLIC SERVICES—Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on public services beyond those analyzed in the Eastern Neighborhoods 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
<b>12. BIOLOGICAL RESOURCES—Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As discussed in the Eastern Neighborhoods PEIR, the Eastern Neighborhoods Plan Area is in a developed urban environment that does not provide native natural habitat for any rare or endangered plant or animal species. There are no riparian corridors, estuaries, marshes, or wetlands in the Plan Area that could be affected by the development anticipated under the Area Plan. In addition, development envisioned under the Eastern Neighborhoods Area Plan would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Area Plan would not result in significant impacts on biological resources, and no mitigation measures were identified.

As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on biological resources beyond those analyzed in the Eastern Neighborhoods 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
<b>13. GEOLOGY AND SOILS—Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR concluded that implementation of the Plan would indirectly increase the population that would be subject to an earthquake, including seismically induced ground-shaking, liquefaction, and landslides. The PEIR also noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, but would reduce them to 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 Eastern Neighborhoods PEIR.

The proposed project would convert the upper three floors of an existing industrial building to office use. No soil disturbance, foundation construction, or subsurface work would occur as part of the proposed project. The project is required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. DBI may require a geotechnical report or additional site specific soils report(s) through the building permit application process, as needed. The DBI requirement for review of the building permit application pursuant to DBI'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.

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 Eastern Neighborhoods PEIR, and no mitigation measures are necessary.

<u>Topics:</u>	<u>Significant Impact Peculiar to Project or Project Site</u>	<u>Significant Impact not Identified in PEIR</u>	<u>Significant Impact due to Substantial New Information</u>	<u>No Significant Impact not Previously Identified in PEIR</u>
14. HYDROLOGY AND WATER QUALITY—Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Community Plan Exemption Checklist

340 Bryant Street  
Case No. 2013.1600E

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. No mitigation measures were identified in the PEIR.

The project site is fully covered by an existing building, most of which would be converted to office use as part of the proposed project. No change in the impervious surface coverage on the project site would occur. As a result, the proposed project would not increase stormwater runoff.

Therefore, the proposed project would not result in any significant impacts related to hydrology and water quality that were not identified in the Eastern Neighborhoods 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
<b>15. HAZARDS AND HAZARDOUS MATERIALS—</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR noted that implementation of any of the proposed project's rezoning options would encourage construction of new development within the project area. The PEIR found that there is a high potential to encounter hazardous materials during construction activities in many parts of the project area because of the presence of 1906 earthquake fill, previous and current land uses associated with the use of hazardous materials, and known or suspected hazardous materials cleanup cases. However, the PEIR found that existing regulations for facility closure, Under Storage Tank (UST) closure, and investigation and cleanup of soil and groundwater would ensure implementation of measures to protect workers and the community from exposure to hazardous materials during construction.

#### Hazardous Building Materials

The Eastern Neighborhoods 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 PEIR 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 or renovation of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, as outlined below, would reduce effects to a less-than-significant level. Because the proposed development includes renovation of an existing building, Mitigation Measure L-1 would apply to the proposed project. See the full text of Mitigation Measure L-1 in the Mitigation Measures Section below.

#### Soil and Groundwater Contamination

The proposed project includes renovation of an existing building, and conversion of PDR space to office use. The proposed project would not involve ground disturbance or excavation. Therefore, the proposed project would not have the potential to expose the public to contaminated soil or groundwater. The proposed project would not result in any significant impacts related to soil and groundwater contamination that were not identified in the Eastern Neighborhoods PEIR.

Therefore, the proposed project would not result in significant impacts related to hazards or hazardous materials that were not identified in the Eastern Neighborhoods 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
<b>16. MINERAL AND ENERGY RESOURCES—</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the Area Plan would facilitate the construction of both new residential units and commercial buildings, as well as conversion of existing buildings to different uses. Development of these uses would not result in use of large amounts of fuel, water, or energy in a wasteful manner or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by DBI. The Plan Area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the Area Plan would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on mineral and energy resources beyond those analyzed in the Eastern Neighborhoods 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
<b>17. AGRICULTURE AND FOREST RESOURCES:—Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that no agricultural resources exist in the Area Plan; therefore the rezoning and community plans would have no effect on agricultural resources. No mitigation measures were identified in the PEIR. The Eastern Neighborhoods PEIR did not analyze the effects on forest resources.

As the proposed project is within the development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Eastern Neighborhoods PEIR.

## MITIGATION MEASURES

### Air Quality

#### *Project Mitigation Measure 1 - Construction Air Quality (Eastern Neighborhoods Mitigation Measure G-1)*

A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following

requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
  - a). Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
  - b) All off-road equipment shall have:
    - i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and
    - ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).<sup>16</sup>
- c) Exceptions:
  - i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.
  - ii. Exceptions to A(1)(b)(ii) *may* be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).

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<sup>16</sup> Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore a VDECS would not be required.

iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 1.

Table 1 – Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

**How to use the table:** If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

\* Alternative fuels are not a VDECS.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.
4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.
5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The

project sponsor shall provide copies of Plan to members of the public as requested.

B. *Reporting.* Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.

C. *Certification Statement and On-site Requirements.* Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.

## Hazardous Materials

### *Project Mitigation Measure 2 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)*

The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.

## IMPROVEMENT MEASURES

### Transportation and Circulation

#### *Project Improvement Measure 1 – TDM Coordinator*

The project sponsor shall identify a TDM coordinator for the project site. The TDM Coordinator shall be responsible for the implementation and ongoing operation of all other TDM measures (Project Improvement Measures 2 and 3) included in the proposed project. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMASF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator shall be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator shall provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.

***Project Improvement Measure 2 – Transportation and Trip Planning Information/New-Hire Packet***

The project sponsor shall provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet shall be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The project sponsor shall provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.

***Project Improvement Measure 3 – Bicycle Parking***

The project sponsor shall provide at least 12 on-site secured bicycle parking spaces and 4 on-site publicly-accessible (visitor) bicycle parking spaces. Within one year after Final Certification of Completion for the subject project, the project sponsor shall contact in writing the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) to fund the installation of up to 20 new bicycle racks on public right-of-way locations adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).

**EXHIBIT 1:**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
----------------------------------------	-----------------------------------	---------------------	----------------------------------	-----------------------

<b>MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>				
<p><b>Project Mitigation Measure 1 - Construction Air Quality (Eastern Neighborhoods Mitigation Measure G-1)</b></p> <p>A. Construction Emissions Minimization Plan. Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:</p> <p>a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;</p> <p>b) All off-road equipment shall have:</p> <p>i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and</p> <p>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).</p> <p>c) Exceptions:</p> <p>i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.</p> <p>ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with</p>	<p>Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.</p>	<p>During construction</p>	<p>Each Project Sponsor to provide Planning Department with monthly reports during construction period.</p>	<p>Considered complete upon receipt of final monitoring report at completion of construction.</p>

**EXHIBIT 1:**  
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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>1262</p> <p>an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).</p> <p>iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 2.</p> <p><i>Table 2 – Off-Road Equipment Compliance Step-down Schedule</i></p> <table> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table> <p>How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.</p> <p>* Alternative fuels are not a VDECS.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p> <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p> <p><b>B. Reporting.</b> Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p><b>C. Certification Statement and On-site Requirements.</b> Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>				

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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p><b>Project Mitigation Measure 2 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)</b></p> <p>The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	Project Sponsor/project archeologist of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Prior to approval of each subsequent project, through Mitigation Plan.	Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction.	Considered complete upon approval of each subsequent project.
<b>PROPOSED IMPROVEMENT MEASURES</b>				
<p><b>Project Improvement Measure 1 – Transportation Demand Management (TDM) Coordinator</b></p> <p>The project sponsor shall identify a TDM coordinator for the project site. The TDM Coordinator shall be responsible for the implementation and ongoing operation of all other TDM measures (Project Improvement Measures 2 and 3) included in the proposed project. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMASF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator shall be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator shall provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.</p>	Project Sponsor	Continuous	Planning Department, in consultation with the TDM Coordinator	Continuous
<p><b>Project Improvement Measure 2 – Transportation and Trip Planning Information/New-Hire Packet</b></p> <p>The project sponsor shall provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be</p>	Project Sponsor	Continuous	Planning Department, in consultation with the TDM Coordinator	Continuous

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<p>purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet shall be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The project sponsor shall provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.</p>				
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**Carroll, John (BOS)**

---

**From:** BOS Legislation (BOS)  
**Sent:** Friday, March 13, 2015 1:33 PM  
**To:** hestor@earthlink.net; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Jackson, Erika; Uchida, Kansai (CPC); Ionin, Jonas (CPC); Goldstein, Cynthia (PAB); Pacheco, Victor (PAB); jkevlin@reubenlaw.com; BOS-Supervisors; BOS-Legislative Aides; Kim Everist  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Somera, Alisa (BOS); Carroll, John (BOS); BOS Legislation (BOS)  
**Subject:** California Environmental Quality Act - Exemption Determination Appeal - 340 Bryant Street - Supplemental Documentation  
**Categories:** 150171

Good afternoon,

Please find linked below supplemental documentation received by the Office of the Clerk of the Board from the Project Sponsor concerning the CEQA exemption determination appeal for the project at 340 Bryant Street.

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on March 24, 2015.**

Project Sponsor's Letter - 3/13/2015

You are invited to review the entire matter on our Legislative Research Center by following the link below.

Board of Supervisors File No. 150171

Thank you,

John Carroll  
Legislative Clerk  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

**Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).**

**The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.**

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**REUBEN, JUNIUS & ROSE, LLP**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 MAR 13 AM 11:16 *Our File No.: 7949.01*

March 13, 2015 *BJ*

**BY MESSENGER**

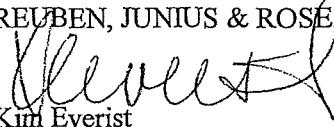
Joy Lamug  
Board of Supervisors, City and County of San Francisco.  
Attn: Clerk of the Board  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

**Re: 340 Bryant Street (Block 3764, Lot 061)**

Dear Ms. Lamug,

Per John Kevlin's request I am sending to you the project sponsor's brief in opposition to the CEQA determination for the project at 340 Bryant Street (BOS File 150171). A single hard copy of the document is enclosed. If you have further questions, please contact Mr. Kevlin directly.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP  
  
Kim Everist  
Legal Assistant

Enclosures

Cc:

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frettin | John Kevlin  
Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben<sup>1</sup> | Tuija I. Catalano | Thomas Tunney | David Silverman  
Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

1. Also admitted in New York. 2. Of Counsel. 3. Also admitted in Massachusetts

# REUBEN, JUNIUS & ROSE, LLP

March 13, 2015

**By E-Mail and Messenger**

Board of Supervisors, City and County of San Francisco  
Attn: Clerk of the Board  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

**Re: 340 Bryant Street (Block 3764, Lot 061)**  
**Project Sponsor's Brief in Opposition to Appeal of CEQA Exemption**  
**Planning Department Case No. 2013.1600E**  
**Planning Commission Motion No. 19311**  
**Our File No. 7949.01**

Dear Board of Supervisors,

This office represents Group I, the project sponsor ("Project Sponsor") of the renovation and partial office conversion of the existing commercial building located at 340 Bryant Street (the "Property"). The Property is zoned Mixed Use Office ("MUO") and consists of four stories with a total of 62,050 square feet. The Project Sponsor proposes to convert the upper three floors from PDR to office use. The ground floor would remain industrial/PDR space and the Project Sponsor is already in discussion with two PDR tenants to occupy the space. In total, the project at 340 Bryant Street ("Project") would result in 47,536 square feet of office space and 14,514 square feet of industrial space.

A Planning Commission hearing on the Project was held on January 8, 2015. At the hearing, John Elberling of the TODCO Group and Alice Rogers of the South Beach – Rincon – Mission Bay Neighborhood Association spoke in support of the Project. The Planning Commission unanimously approved the Project, 6 to 0.

This letter is submitted in opposition to the appeal of the Project's Community Plan Exemption, which was issued by the Planning Department on December 22, 2014. While the Appellant has cited the well known fact that pedestrian and bicyclist safety needs to be improved in South of Market, **she has not identified any CEQA significant impact that is caused by the Project.**

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin

Sheryl Reuben<sup>1</sup> | David Silverman | Thomas Tunny | Jay F. Drake | John Kevin

Lindsay M. Petrone | Melinda A. Sarjapur | Kenda H. McIntosh | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

One Bush Street, Suite 600  
San Francisco, CA 94104

tel: 415-567-9000  
fax: 415-399-9480

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## I. Legal Background

As part of the Eastern Neighborhoods Plan, an area-wide EIR was adopted by the Planning Commission and certified by the Board of Supervisors. The purpose of this EIR was to conduct much of the environmental review for subsequent projects consistent with the Eastern Neighborhoods rezoning. CEQA allows projects to take advantage of a previous area-wide EIR. To qualify for this type of exemption, a project must:

- a. Be consistent with the program, plan, policy, or ordinance for which an EIR has been prepared and certified;
- b. Be consistent with applicable local land use plans and zoning of the city, county or city and county in which the later project would be located; and
- c. Not trigger the need for a subsequent EIR or supplement to an EIR.

*(Cal. Pub. Resources Code §21094(b).)*

The Project meets all three of these requirements. First, it is fully consistent with the Eastern Neighborhoods area plan and zoning that the area-wide EIR was prepared for (this covers the first two criteria). The Property is zoned Mixed Use-Office ("MUO") which principally permits office and PDR uses. The Project was granted an Office Allocation, required for projects creating more than 25,000 square feet of new office space (Planning Commission Motion 19311 attached here as Exhibit A). Mitigation and improvement measures from the Eastern Neighborhoods EIR have been applied to the Project, including those covering construction air quality and transportation. The Project is fully consistent with all Eastern Neighborhoods zoning, area plan, policies and mitigation measures.

The Project also does not trigger the need for a subsequent EIR or supplement to the Eastern Neighborhoods EIR. Subsequent or supplemental EIRs are only required where new significant adverse impacts are caused by the Project that were not identified in the Eastern Neighborhoods EIR (which studied the impact of rezoning of the Property to MUO which permits office use). *(Cal. Pub. Resources Code §15162(a).)*

No such impacts are caused by the Project. The Project retains PDR uses on site – only a portion of the building will be converted to office use. The potential loss of PDR uses was evaluated in the Eastern Neighborhoods EIR, and the Project does not result in any additional adverse impacts that were identified in the Eastern Neighborhoods EIR. With regard to the pedestrian trip generation, the CEQA exemption sets a conservative baseline by assuming no workers currently travel to the site since it is currently vacant. Even with that conservative assumption no significant impact is identified. However, this building has functioned as a commercial-industrial building for many decades, so the office conversion will only modestly increase the number of workers travelling to the Property above previous numbers. Appellant

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questions the calculation of expected new jobs at the Property, and says the difference between an industrial workforce and office workforce at the Property is not discussed – but that is precisely what was considered by the Eastern Neighborhoods EIR – the shift from predominantly industrial to office use in South of Market.

Appellant refers to a reconfiguration of HOV lanes near the Property. Not only does she not describe what these changes are, but she does not identify why such a fact would result in a significant impact *caused by the Project*. And this appears to be the crux of her appeal: that the Project causes unsafe pedestrian and bicycling conditions in the vicinity. This is not the case. The Project has not created these conditions; rather, the Project happens to be located within an area where pedestrian and bicycling conditions are not ideal. **These conditions are not caused by the Project – they are existing conditions that were studied by the Eastern Neighborhoods EIR in the context of a MUO-zoned building at the Property.** As such, the CEQA exemption is justified and the appeal should be denied.

## II. Streetscape Improvements

Despite the fact that the CEQA exemption is justified and that the Project does not cause the existing pedestrian and bicycle conditions in the vicinity, it is clear that streetscape improvements would be beneficial in this neighborhood. The Eastern Neighborhoods EIR recognized the poor condition of the pedestrian and bicycle networks in South of Market. The EIR placed responsibility for these improvements on city agencies, developers of new construction projects, and through voluntary efforts of property owners. However, due to the modest scale of the Project, streetscape improvements are not required of the Project Sponsor.

Despite the fact that the Project is not required to provide streetscape improvements, they were discussed at the Planning Commission hearing approving the new office space. The Planning Commission added the following language in the Conditions of Approval:

The Planning Department will continue to work with applicable other agencies regarding issues surrounding pedestrian streetscape improvements, fire access, pedestrian safety and traffic calming measures. (Planning Commission Motion No. 19311, Condition of Approval #11, page 15.)

The Project Sponsor wants to improve the pedestrian and bicyclist conditions in the vicinity of the Property, as it will provide greater protection and comfort for tenants travelling to the building. They have already reached out to SFMTA and Caltrans to begin discussing efforts to improve the street. **The Project Sponsor is committed to implementing real, practical, streetscape improvements to increase pedestrian and bicyclist safety in the area.** The CEQA appeal unjustifiably requests further study of the Project, rather than focusing on actual improvements to pedestrian and bicyclist safety. Denying this appeal will have the effect of facilitating real, significant improvements to the streetscape in this area.

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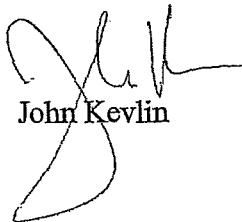
REUBEN, JUNIUS & ROSE, LLP

### III. Conclusion

The Project is consistent with the recent Eastern Neighborhoods Plan rezoning, and will fulfill the Plan's goals for the Property. The Project's environmental review is adequate. Appellant identifies no significant environmental impacts that are caused by the Project, or any significant environmental impacts not already identified by the Eastern Neighborhoods EIR. The city, through the rezoning of the site to MUO, anticipated and analyzed the impact of office uses to the area. The Project maintains a floor of PDR space, for which two tenants have already been identified. The Project Sponsor has already begun conversations with the relevant local and state agencies to design and implement, actual, practical streetscape improvements that will increase pedestrian and bicyclist safety in the area. We respectfully urge that you deny this appeal, and uphold the Community Plan Exemption.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



John Kevlin

cc: Joy Ou, Group I  
Kansai Uchida, San Francisco Planning Department

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San Francisco, CA 94104

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fax: 415-399-9480

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REUBEN, JUNIUS & ROSE, LLP



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

Affordable Housing (Sec. 415)  
 Jobs Housing Linkage Program (Sec. 413)  
 Downtown Park Fee (Sec. 412)  
 Transit Impact Development Fee (Sec. 411)

First Source Hiring (Admin. Code)  
 Child Care Requirement (Sec. 414)  
 Other (Eastern Neighborhoods – Sec. 423 & 426)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Revised Motion No. 19311

HEARING DATE: JANUARY 8, 2015

CORRECTED DATE: JANUARY 26, 2015

*Date:* December 31, 2014  
*Case No.:* 2013.1600B  
*Project Address:* 340 Bryant Street  
*Zoning:* MUO (Mixed Use Office) District  
65-X Height and Bulk District  
*Block/Lot:* 3764/061  
*Project Sponsor:* John Kevlin  
Reuben, Junius and Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Erika S. Jackson – (415) 558-6363  
[erika.jackson@sfgov.org](mailto:erika.jackson@sfgov.org)

ADOPTING FINDINGS RELATING TO AN ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2014-2015 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM FOR THE PROPOSED PROJECT LOCATED AT 340 BRYANT STREET THAT WOULD AUTHORIZE THE CONVERSION OF 47,536 GROSS SQUARE FEET OF THE EXISTING 62,050 SQUARE FOOT BUILDING TO OFFICE USE PURSUANT TO PLANNING CODE SECTIONS 321 AND 842.66, ON ASSESSOR'S BLOCK 3764, LOT 061, IN THE MUO (MIXED USE OFFICE) ZONING DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On December 19, 2013, John Kevlin, on behalf of 140 Partners, LP (hereinafter "Project Sponsor") filed Application No. 2013.1600B (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Office Development Authorization to convert 47,536 gross square feet of the existing 62,050 square foot building at 340 Bryant Street to an office use.

**Revised Motion No. 19311**  
**Hearing Date: January 8, 2015**  
**Corrected Date: January 26, 2015**

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**340 Bryant Street**

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commissions review as well as public review. The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

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

On December 22, 2014, 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 Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

On January 8, 2015, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation Application No. 2013.1600B.

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

**MOVED**, that the Commission hereby authorizes the Office Development Authorization requested in Application No. 2013.1600B, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project site, located at 340 Bryant Street, is bounded by Rincon Alley and Sterling Street. The site is located in the East South of Market Neighborhood within an MUO Zoning District and a 65-X Height and Bulk District. The subject lot is approximately 17,117 square feet in area. The existing building is approximately 62,050 square feet, 43-feet tall, and four-stories; and was constructed in 1932 as an industrial building. The building was purchased by a new owner in January 2012. The building has been vacant since January 2013; however, the last legal use of the building was industrial.
3. **Surrounding Properties and Neighborhood.** The Project site is located in the East South of Market Neighborhood within an MUO Zoning District and a 65-X Height and Bulk District. Accordingly, the surrounding properties are characterized by dense, two and four-story industrial buildings, with some office and residential uses. The building is surrounded by the I-80 freeway to the north and off-ramps to the south. To the southeast of the project across Bryant Street are three- and four-story buildings and to the southwest of the project site are three- and five-story buildings with mixed uses including office and live/work condominiums.
4. **Project Description.** The proposal is to convert the entire second, third, and fourth floors, totaling 47,536 gross square feet, to a legal office use. The entire 16,505 square foot (minus 1,991 square feet of common area) ground floor will remain industrial PDR space. A tenant has already been found for the space. The proposal also includes the installation of 4 Class 2 and 12 Class 1 bicycle parking spaces. Exterior alterations are proposed for the Project, including new ground floor window treatment and an improved building entrance.
5. **Public Comment.** The Department has received public comment from one person with concerns regarding displacement of PDR uses in the building.

6. **Planning Code Compliance.** The Commission finds and determines that the Project is consistent with the relevant provisions of the Code in the following manner:

A. **Office Use in the MUO Zoning District.** Planning Code Section 842.66 principally permits office space in the MUO Zoning District.

*The proposal includes converting the entire second, third, and fourth floors, totaling 47,536 gross square feet, to a legal office use.*

B. **Open Space.** Planning Code Section 135.3 requires conversions to new office space in Eastern Neighborhoods Mixed Use Districts to provide and maintain usable open space for that new office space at a ratio of one square foot per 50 square feet of new office space, and/or pay an in-lieu fee. The project proposes 47,536 square feet of new office space and requires at least 951 square feet of open space to be provided.

*Approximately 1,684 square feet of open space will be located on the west side of the roof of the building, which will provide ample open space to meet this requirement.*

C. **Parking.** Section 151.1 does not require any off-street parking.

*The existing building contains no off-street parking. The proposed project will not provide any new off-street parking spaces.*

D. **Loading.** Section 152.1 requires certain amounts of off-street freight loading spaces based on the type and size of uses in a project. The proposed project does not require a loading space.

*The existing building contains no loading spaces.*

E. **Bicycle Parking and Showers.** Section 155.2 requires that the project provide at least two Class 1 and two Class 2 bicycle parking spaces to accommodate the new office use. Section 155.4 requires that a building that exceeds 50,000 square feet provide 4 showers and 24 lockers.

*The project proposes 4 Class 2 and 12 Class 1 bicycle parking spaces, as well as 4 showers and 24 lockers.*

F. **Transportation Management Agreement.** Section 163 requires that the project sponsor provides on-site transportation brokerage services for the actual lifetime of the project.

*Prior to the issuance of a temporary permit of occupancy, the project sponsor will execute an agreement with the Planning Department for the provision of on-site transportation brokerage services and preparation of a transportation management program to be approved by the Director of Planning and implemented by the provider of transportation brokerage services. The Planning*

*Commission encourages Planning Department staff to continue to work with applicable other agencies regarding issues surrounding pedestrian streetscape improvements, fire access, pedestrian safety and traffic calming measures.*

**G. Development Fees.** The Project is subject to the Transit Impact Development Fee per Planning Code Section 411, the Jobs-Housing Linkage Fee per Planning Code Section 413, and the Eastern Neighborhoods Community Impact Fee per Planning Code Section 423.

*The Project Sponsor shall pay the appropriate Transit Impact Development, Jobs-Housing Linkage Child Care Requirement, and Eastern Neighborhoods Community Impact fees, pursuant to Planning Code Sections 411, 413, and 423, at the appropriate stage of the building permit application process.*

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

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

*The proposed project would create 47,536 square feet of office space within the South of Market area, an area with high demand for office space. There is currently more than 1.27 million gross square feet of available "Small Cap" office space in the City. Additionally, the Project is subject to various development fees that will benefit the surrounding community. Therefore, the Project will help maintain the balance between economic growth, housing, transportation and public services.*

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

*The proposed project is consistent with the General Plan, as outlined in Section 9 below.*

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

*The proposed office space is within an existing building. The proposed project includes some exterior alterations, including new ground floor window treatment and an improved building entrance. These alterations will improve the building's compatibility with the neighborhood.*

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

- a) Use. The Project is within the MUO (Mixed Use Office) Zoning District, a Zoning District which principally permits office use. Planning Code Section 842 states that the MUO Zoning District is "designed to encourage office uses and housing, as well as small-scale light industrial and arts activities." This project provides an appropriate balance of PDR and office uses. The Planning Commission recognizes the retention of PDR on the ground floor. The Planning Commission recognizes the retention of PDR on the ground floor.
- b) Transit Accessibility. The area is served by a variety of transit options. The project site is adjacent to the 10 and 12 MUNI bus lines, and is in close proximity to approximately 12 other MUNI bus lines. It is also approximately 0.5 miles from the temporary Transbay Terminal and the future Transbay Terminal, both of which connect to numerous transit lines around the Bay. Additionally, the Project site is located approximately 5 blocks from Market Street, with BART and MUNI Metro subway lines, and is a short walk from the King Street Caltrain station, ferries connecting to the East and South Bay, and the future Central Subway that will run along 4th Street.
- c) Open Space Accessibility. The proposed project is required to provide 951 square feet of open space. The proposed project will provide a 1,684 square foot roof deck.
- d) Urban Design. The proposed office space is in an existing building. The building was constructed in 1932 and has been minimally altered since that time. The proposed project includes some exterior alterations; however, the mass and design of the building will not change.
- e) Seismic Safety. The Project includes limited tenant improvements within the interior of the existing buildings. All tenant improvement work will meet current seismic safety standards, as they apply.

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

- a) Anticipated Employment Opportunities. The Project includes a total of 47,536 gross square feet of office space, which will allow for several office tenants in the building. Since office space on average supports more employees per square foot than industrial space, the project will create a significant amount of new employment opportunities.
- b) Needs of Existing Businesses. The Project includes a total of 47,536 gross square feet of office space, which will allow for several office tenants in the building. The proximity to light industrial uses can also help foster entrepreneurship among local residents and employers.
- c) Availability of Space Suitable for Anticipated Uses. The Project will provide quality office space that is suitable for a variety of office uses and sizes in an area where the demand for new office space has increased rapidly. The project will provide high-quality office space within close proximity to public transit, while maintaining the ground floor industrial use.

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

*The building will not be owner-occupied. The anticipated office tenants have not yet been determined, however, two industrial tenants that will occupy the ground floor PDR space have been identified.*

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

*The Project does not include any Transfer of Development Rights.*

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

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

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

*The existing building contains no neighborhood-serving retail uses, nor does the proposal include any retail. However, the conversion of this building to office space will increase the demand for neighborhood-serving retail use in the surrounding neighborhood.*

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

*No housing currently exists on the site and no housing will be removed as part of the proposed project. The project consists of the conversion of industrial to office use. The building will be mixed use with industrial and office uses, resulting in a project that is compatible with the surrounding neighborhood.*

C. The City's supply of affordable housing be preserved and enhanced.

*There is no existing affordable or market-rate housing on the Project Site. The development will contribute fees to the Jobs-Housing Linkage Program. Therefore, the Project is in compliance with this priority policy.*

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

*The area is served by a variety of transit options. The project site is adjacent to the 10 and 12 MUNI bus lines, and is in close proximity to approximately 12 other MUNI bus lines. It is also approximately 0.5 miles from the temporary Transbay Terminal and the future Transbay Terminal, both of which connect to numerous transit lines around the Bay. Additionally, the Project site is*

*located approximately 5 blocks from Market Street, with BART and MUNI Metro subway lines, and is a short walk from the King Street Caltrain station and ferries connecting to the East and South Bay.*

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.

*Converting a portion of the existing building to office space on the upper stories will help support and maintain the PDR activities on the ground floor. The conversion to office space will help increase local resident employment and demand for new neighborhood-serving businesses in the area, which can also lead to new opportunities for local resident employment.*

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

*The Project will not create any new space that does not meet current seismic safety standards.*

G. That landmarks and historic buildings be preserved.

*The existing building is not a Landmark or otherwise historic building. The proposal will not impact Landmarks or historic buildings in the vicinity.*

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

*The proposed project would not affect nearby parks or open space.*

9. General Plan Compliance. The project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## **COMMERCE AND INDUSTRY ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

##### **Policy 1.1:**

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

##### **Policy 1.3:**

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

*The proposed office development will provide net benefits to the City and the community by allowing for one or more small to medium sized office tenants to sign a long-term lease, which will increase economic vibrancy in the area. Authorization of the office space will also result in the collection of significant development fees that will benefit the community and that would otherwise not be required.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The proposed office development will help retain existing commercial tenants and generate stable employment opportunities and demand for neighborhood serving businesses.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.1:**

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

**Policy 28.3:**

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

*The project includes 12 existing Class 1 and 4 Class 2 bicycle parking spaces in a secure, convenient location.*

**EAST SOMA AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1.1:**

STRENGTHEN ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

**Policy 1.1.2:**

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Encourage small, flexible office space throughout East Soma and encourage larger office in the 2<sup>nd</sup> Street Corridor.

**OBJECTIVE 1.4:**

**SUPPORT A ROLE FOR "KNOWLEDGE SECTOR" BUSINESSES IN EAST SOMA.**

**Policy 1.4.3:**

Continue to allow larger research and development office-type uses that support the Knowledge Sector in the 2<sup>nd</sup> Street Corridor.

*The Project is located in the East South of Market Neighborhood and in a MUO Zoning District that encourages office uses. The mix of office and industrial activities within the proposal is an appropriate balance of uses given the location of the site. Further, the authorization of office space at this site will support any PDR activities on the ground floor level. The Project will add to the diverse array of office space available in the area by providing smaller spaces than those provided along 2<sup>nd</sup> Street.*

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.

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## **DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES** Office Development Application No. 2013.1600B subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated June 4, 2014, on file in Case Docket No. 2013.1600B.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 8, 2015.

Jonas P. Ionin  
Commission Secretary

**AYES:** Commissioners Antonini, Fong, Johnson, Richards, Moore, and Hillis

**NAYS:**

**ABSENT:** Commissioner Wu

**ADOPTED:** January 8, 2015

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## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for an Office Development Authorization to authorize 47,536 gross square feet of office use located at 340 Bryant Street, Lot 061 in Assessor's Block 3764 pursuant to Planning Code Section(s) 321 and 843.66 within the MUO (Mixed Use Office) Zoning District and a 65-X Height and Bulk District; in general conformance with plans, dated June 4, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1600B and subject to conditions of approval reviewed and approved by the Commission on January 8, 2015 under Motion No. 19311. 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 8, 2015 under Motion No. 19311.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19311 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

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

### **CHANGES AND MODIFICATIONS**

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

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

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

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

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

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

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

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

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

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

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

## **PARKING AND TRAFFIC**

7. **Bicycle Parking.** Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than 12 Class 2 and 4 Class 2 bicycle parking spaces for the 47,536 gross square feet of office use.

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

8. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.4, 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, [www.sf-planning.org](http://www.sf-planning.org)*

## **PROVISIONS**

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

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

10. **Jobs Housing Linkage.** Pursuant to Planning Code Sections 413 (formerly 313), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

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

11. **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. The Planning Department will continue to work with applicable other agencies regarding issues surrounding pedestrian streetscape improvements, fire access, pedestrian safety and traffic calming measures.

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

12. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4 of the Planning Code.

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

13. **Ground Floor PDR Use.** The Planning Commission recognizes the retention of PDR on the ground floor.

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

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

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

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

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

#### **OPERATION**

16. **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.

**Revised Motion No. 19311**  
**Hearing Date: January 8, 2015**  
**Corrected Date: January 26, 2015**

**CASE NO. 2013.1600B**  
**340 Bryant Street**

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

17. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

**EXHIBIT 1:**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)**

1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p><b>Project Mitigation Measure 1 - Construction Air Quality (Eastern Neighborhoods Mitigation Measure G-1)</b></p> <p>A. Construction Emissions Minimization Plan. Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:</p> <p>a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;</p> <p>b) All off-road equipment shall have:</p> <p>i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and</p> <p>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).</p> <p>c) Exceptions:</p> <p>i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.</p> <p>ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with</p>	Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.	During construction	Each Project Sponsor to provide Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of construction.

**EXHIBIT 1:**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)**

1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).          iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 2.</p> <p><i>Table 2 – Off-Road Equipment Compliance Step-down Schedule</i></p> <table> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table> <p>How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.</p> <p>* Alternative fuels are not a VDECS.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
3	Tier 2	Alternative Fuel*														

**EXHIBIT 1:**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)**

1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p> <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p> <p>B. Reporting. Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>				

**EXHIBIT 1:**  
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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p><b>Project Mitigation Measure 2 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)</b></p> <p>The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	Project Sponsor/project archeologist of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Prior to approval of each subsequent project, through Mitigation Plan.	Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction.	Considered complete upon approval of each subsequent project.
<p><b>Project Improvement Measure 1 – Transportation Demand Management (TDM) Coordinator</b></p> <p>The project sponsor shall identify a TDM coordinator for the project site. The TDM Coordinator shall be responsible for the implementation and ongoing operation of all other TDM measures (Project Improvement Measures 2 and 3) included in the proposed project. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMASF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator shall be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator shall provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.</p>	Project Sponsor	Continuous	Planning Department, in consultation with the TDM Coordinator	Continuous
<p><b>Project Improvement Measure 2 – Transportation and Trip Planning Information/New-Hire Packet</b></p> <p>The project sponsor shall provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be</p>	Project Sponsor	Continuous	Planning Department, in consultation with the TDM Coordinator	Continuous

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1. MITIGATION AND IMPROVEMENT MEASURES	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet shall be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The project sponsor shall provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.				
<b>Project Improvement Measure 3 – Bicycle Parking</b>  The project sponsor shall provide at least 12 on-site secured bicycle parking spaces and 4 on-site publicly-accessible (visitor) bicycle parking spaces. Within one year after Final Certification of Completion for the subject project, the project sponsor shall contact in writing the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) to fund the installation of up to 20 new bicycle racks on public right-of-way locations adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).	Project Sponsor	Continuous	Planning Department, in consultation with the TDM Coordinator.	Continuous

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No 554-5184  
Fax No. 554-5163  
ITD/TIY No. 5545227

### NOTICE OF PUBLIC HEARING

#### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** ~~Tuesday, March 24, 2015~~ **Continued to March 31, 2015**

**Time:** 3:00 p.m.

**Location:** City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102

**Subject:** File No. 150171. Hearing of persons interested in or objecting to the exemption determination from environmental review under the California Environmental Quality Act issued by the Planning Department on January 8, 2015, for the proposed project at 340 Bryant Street. (Appellant: Sue C. Hestor on behalf of San Franciscans for Reasonable Growth) (Filed February 9, 2015).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Board. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, March 20, 2015.

*Aliaofmera*  
f/ Angela Calvillo  
Clerk of the Board

DATED: March 10, 2015  
MAILED/POSTED: March 10, 2015

## **Carroll, John (BOS)**

---

**From:** BOS Legislation (BOS)  
**Sent:** Tuesday, March 10, 2015 4:42 PM  
**To:** hestor@earthlink.net; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Jackson, Erika; Uchida, Kansai (CPC); Ionin, Jonas (CPC); Goldstein, Cynthia (PAB); Pacheco, Victor (PAB); jkevlin@reubenlaw.com; BOS-Supervisors; BOS-Legislative Aides  
**Cc:** Calvillo, Angela (BOS); Caldeira, Rick (BOS); Somera, Alisa (BOS); Carroll, John (BOS); BOS Legislation (BOS)  
**Subject:** California Environmental Quality Act - Exemption Determination Appeal - 340 Bryant Street - Hearing Notice  
**Categories:** 150171

Good afternoon,

The Office of the Clerk of the Board has scheduled an appeal hearing for a Special Order before the Board on March 24, 2015, at 3:00 p.m.

Please find linked below the Hearing Notice for 340 Bryant Street Exemption Determination appeal.

### Hearing Notice – 340 Bryant Street

You are invited to review the entire matter on our Legislative Research Center by following the link below.

### Board of Supervisors File No. 150171

Thank you,

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)  
Web: [www.sfbos.org](http://www.sfbos.org)

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

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*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No 554-5184  
Fax No. 554-5163  
TDD/TTY No. 5545227

## NOTICE OF PUBLIC HEARING

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*Angela Calvillo*  
Angela Calvillo  
Clerk of the Board

DATED: March 10, 2015  
MAILED/POSTED: March 10, 2015

**Carroll, John (BOS)**

---

**From:** SF Docs (LIB)  
**Sent:** Monday, March 09, 2015 9:42 AM  
**To:** Carroll, John (BOS)  
**Subject:** Re: Please Post the Attached Hearing Notices

**Categories:** 150171, 150167

Hi John,

I have posted the notices.

Thank you,

Michael

---

**From:** Carroll, John (BOS)  
**Sent:** Monday, March 9, 2015 9:24 AM  
**To:** SF Docs (LIB)  
**Cc:** BOS Legislation (BOS)  
**Subject:** Please Post the Attached Hearing Notices

Good morning,

Please kindly post the attached hearing notices for:

53 States Street – Board File No. 150167  
340 Bryant Street – Board File No. 150171

Thank you,

John Carroll  
Legislative Clerk  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

**Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).**

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

**PROOF OF MAILING**

Legislative File No. 150171

Description of Items: Ten copies of the Hearing Notice for Appeal of project at 340 Bryant Street

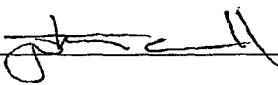
I, John Carroll, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: March 10, 2015

Time: 11:30 a.m.

USPS Location: Clerk's office USPS pickup box

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

---

**From:** Uchida, Kansai (CPC)  
**Sent:** Monday, March 02, 2015 12:49 PM  
**To:** BOS Legislation (BOS)  
**Cc:** Carroll, John (BOS); Lamug, Joy  
**Subject:** RE: Appeal of Determination of Exemption from Environmental Review - 340 Bryant Street  
**Attachments:** 340 Bryant - Mailing List for BOS.xlsx

Hi Joy,

Here is the contact list for 340 Bryant Street. This includes people who have commented on the project or requested to receive notices previously. Feel free to contact me with any questions or concerns.

Thanks,  
-Kansai

---

**From:** BOS Legislation (BOS)  
**Sent:** Tuesday, February 17, 2015 3:14 PM  
**To:** Uchida, Kansai (CPC)  
**Cc:** Carroll, John (BOS); BOS Legislation (BOS)  
**Subject:** FW: Appeal of Determination of Exemption from Environmental Review - 340 Bryant Street

Hi Kansai,

I'm resending this email to you. Per our System Administrator, this message did not reach the intended recipients.

Thank you,

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)  
Web: [www.sfbos.org](http://www.sfbos.org)

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

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---

**From:** BOS Legislation (BOS)  
**Sent:** Tuesday, February 17, 2015 1:03 PM  
**To:** Uchida, Kansai (CPC)  
**Cc:** Carroll, John (BOS); BOS Legislation (BOS)  
**Subject:** FW: Appeal of Determination of Exemption from Environmental Review - 340 Bryant Street

Hi Kansai,

As promised, please see email below regarding the Appeal of Determination of Exemption from Environmental Review for 340 Bryant Street.

Thank you,

**Joy Lamug**  
Legislative Clerk  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)  
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---

**From:** BOS Legislation (BOS)  
**Sent:** Friday, February 13, 2015 1:41 PM  
**To:** [hestor@earthlink.net](mailto:hestor@earthlink.net)  
**Cc:** BOS-Supervisors; BOS-Legislative Aides; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Jackson, Erika; Ionin, Jonas (CPC); Calvillo, Angela (BOS); Caldeira, Rick (BOS); 'jkevlin@reubenlaw.com'; Carroll, John (BOS); BOS Legislation (BOS)  
**Subject:** Appeal of Determination of Exemption from Environmental Review - 340 Bryant Street

Good afternoon,

The Office of the Clerk of the Board has scheduled an appeal hearing for a Special Order before the Board on March 24, 2015, at 3:00 p.m.

Please find linked below two letters concerning the timely filing of your Appeal, and the scheduling of the appeal hearing.

[Planning Department Timely Filing Determination – 02/11/2015](#)

Clerk of the Board Letter -02/13/2015

You are invited to review the entire matter on our Legislative Research Center by following the link below.

Board of Supervisors File No. 150171

Thank you,

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163  
Email: [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)  
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**340 Bryant Contact List**

Name	Affiliation	Mailing Address	Phone	E-mail	Usually send materials by
Jamie Whitaker		201 Harrison St, Apt 229, San Francisco, CA 94105		jamiewhitaker@gmail.com	E-mail
Sue Hestor		870 Market St #1128, San Francisco, CA 94102		hestor@earthlink.net	<i>Appellant</i>
Henry Rogers		355 Bryant St #404, San Francisco, CA 94107		henryrogers@gmail.com	E-mail
Alice Rogers		10 South Park St, Studio 2, San Francisco, CA 94107	415-543-6554	arcomnsf@pacbell.net	E-mail
Jan Duffy	Management Practices Group	355 Bryant St #207, San Francisco, CA 94107	415-268-0130	jduffy@managementpractices.com	USPS
Theresa Schreiber	Management Practices Group	355 Bryant St #207, San Francisco, CA 94107	415-268-0130	theresa@managementpractices.com	USPS
Oscar Bevilacqua	Yeahyeah!Pony Prince	712 Gilman St, Berkeley, CA 94710	510-647-9534	oscar@yeahyeahponyprince.com	E-mail
Jim Heron	James Heron Architect		415-543-7695	jheronarch@yahoo.com	E-mail
John Elberling				johnne@todco.org	E-mail
Jim Meko	SoMa Leadership Council		415-624-4309	jlm.meko@comcast.net	E-mail
Mary Miles	Coalition for Adequate Review	364 Page St #36, San Francisco, CA 94102			USPS
Nancy Shanahan	Telegraph Hill Dwellers	470 Columbus Ave #211, San Francisco, CA 94133			USPS
John Kevin	Reuben, Junius & Rose LLP	1 Bust St, Suite 600, San Francisco, CA 94104	415-567-9000	jkevlin@reubenlaw.com	<i>Project Sponsor</i>

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

February 13, 2015

Sue C. Hestor  
Attorney at Law  
On behalf of San Franciscans for Reasonable Growth  
870 Market Street, Suite 1128  
San Francisco, CA 94102

**Subject:      Appeal of California Environmental Quality Act (CEQA) Exemption  
                  Determination from Environmental Review - 340 Bryant Street**

Dear Ms. Hestor:

The Office of the Clerk of the Board is in receipt of a memo dated February 11, 2015, (copy attached), from the Planning Department regarding the timely filing of your appeal of the exemption determination from environmental review for 340 Bryant Street.

The Planning Department has determined that the appeal was filed in a timely manner.

The appeal filing period closed on Monday, February 9, 2015. Pursuant to Administrative Code, Section 31.16, a hearing date has been scheduled for **Tuesday, March 24, 2015, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by 12:00 noon:

**20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

**11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and one hard copy of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.



Letter to Sue C. Hestor  
February 13, 2015

Page 2

If you have any questions, please feel free to contact Legislative Clerks, Joy Lamug at (415) 554-7712, or John Carroll at (415) 554-4445.

Sincerely,

Angela Calvillo  
Clerk of the Board

c:

John Kevlin, Project Sponsor  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
John Rahaim, Planning Director  
Scott Sanchez, Zoning Administrator, Planning Department  
Sarah Jones, Environmental Review Officer, Planning Department  
Aaron Starr, Planning Department  
AnMarie Rodgers, Planning Department  
Tina Chang, Planning Department  
Jonas Ionin, Planning Commission



# SAN FRANCISCO PLANNING DEPARTMENT

MEM

**DATE:** February 11, 2015

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** Sarah B. Jones, Environmental Review Officer

**RE:** Appeal Timeliness Determination – 340 Bryant Street

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

An appeal of the California Environmental Quality Act (CEQA) exemption determination (Community Plan Exemption, or CPE) for the proposed project at 340 Bryant Street was filed with the Office of the Clerk of the Board on February 9, 2015, by Sue Hestor of San Franciscans for Reasonable Growth.

**Timeline:** The CPE was issued on December 22, 2014. Adoption of a CPE occurs at the time of the first project approval. The Approval Action for the project is a Planning Code Section 321 (Office Allocation) approval issued by the Planning Commission. This Approval Action occurred on January 8, 2015. Therefore, the Date of the Approval Action, as defined in Section 31.04(h) of the San Francisco Administrative Code, is January 8, 2015.

**Timeliness Determination:** Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal the exemption determination by the Planning Department to the Board of Supervisors during the time period within 30 days after the Date of the Approval Action. If the 30th day after the Date of the Approval Action falls on a Saturday, Sunday, or holiday, an appeal may be filed before 5:00pm on the next business day.

The appellant filed an appeal of the CPE to the Board of Supervisors on February 9, 2015, 32 days after the Date of Approval Action. Because the 30th day following the Approval Action was Saturday, February 7, 2015, an appeal could be filed until 5:00pm on Monday, February 9, 2015. Therefore, the appeal was timely filed during the specified window of time, after the first project approval and before 30 days beyond the Date of the Approval Action (or before 5:00pm on the next business day, if the 30th day after the Date of the Approval Action falls on a Saturday, Sunday, or holiday).

Section 31.16(b)(4) of the San Francisco Administrative Code states that the Clerk of the Board shall schedule the appeal hearing no less than 21 days and no more than 45 days following expiration of the specified time period for filing of the appeal.

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

February 10, 2015

To: John Rahaim  
Planning Director  
  
From:  Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Exemption  
Determination from Environmental Review - 340 Bryant Street**

An appeal of CEQA Exemption Determination from Environmental Review for 340 Bryant Street was filed with the Office of the Clerk of the Board on February 9, 2015, by Sue Hestor, on behalf of San Franciscans for Reasonable Growth.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Clerks, Joy Lamug at (415) 554-7712, or John Carroll at (415) 554-4445.

c: Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
Scott Sanchez, Zoning Administrator, Planning Department  
Sarah Jones, Environmental Review Officer, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Tina Tam, Planning Department  
Erika Jackson, Planning Department  
Jonas Ionin, Planning Department

BOARD of SUPERVISORS



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TDD/TTY No. 544-5227

February 20, 2015

**FILE NO. 150171**

Received from the Board of Supervisors-Clerk's Office a check in the amount of Five Hundred Forty Seven Dollars (\$547), representing filing fee paid by Sue C. Hestor on behalf of San Franciscans for Reasonable Growth (Appellant), for the Appeal of CEQA Exemption Determination for 340 Bryant Street.

**Planning Department**  
**By:**

Theresa Moncher

Print Name

Signature and Date

2/20/15

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
FEB 20 AM 10:38  
*[Handwritten signature]*

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor" [redacted] inquires"
- 5. City Attorney request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

Sponsor(s):

Clerk of the Board

Subject:

Public Hearing - Appeal of Community Plan Exemption from Environmental Review - 340 Bryant Street

**The text is listed below or attached:**

Hearing of persons interested in or objecting to the issuance of a Community Plan Exemption by the Planning Department on January 8, 2015, for the proposed project at 340 Bryant Street, exempting the project from further environmental review under the California Environmental Quality Act. (District 6) (Appellant: Sue Hestor on behalf of San Franciscans for Reasonable Growth) (Filed February 9, 2015).

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

150171

