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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
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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.

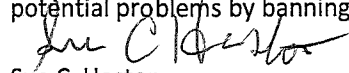
BAD MAPPING OF SITE IN ENVIRONMENTAL CHECKLIST

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)

- | | |
|---|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Other (Eastern Neighborhoods – Sec. 423 & 426) |
| <input checked="" type="checkbox"/> Transit Impact Development Fee (Sec. 411) | |

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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

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 Commission's 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 2nd 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 2nd 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 2nd 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

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 do so, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

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

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

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

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

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

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

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

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

PARKING AND TRAFFIC

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

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.

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

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

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

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

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

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

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



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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

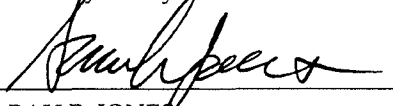
The project site is located in San Francisco's South of Market (SoMa) neighborhood on the block bounded by Rincon Street to the east, Sterling Street to the west, Interstate 80 to the north, and Bryant Street to the south. The project site is occupied by a four-story, 44-foot-tall, 62,050 square foot (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

December 22, 2014
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)¹. 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.^{2,3}

¹ Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048

² 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.

³ 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.^{4,5} 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.

⁴ 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.

⁵ 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
F. Noise	
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)
G. Air Quality	
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
J. Archeological Resources	
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
K. Historical Resources	
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
L. Hazardous Materials	
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
E. Transportation	
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.⁶*

⁶ 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 sponsor⁷.*
- 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 vacant⁸, 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 sponsor⁹ 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 Checklist¹⁰:

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

⁷ 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.

⁸ 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.

⁹ 340 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.

¹⁰ 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><i>Project Mitigation Measure 1 - Construction Air Quality (Eastern Neighborhoods Mitigation Measure G-1)</i></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> <ul style="list-style-type: none"> 1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: <ul style="list-style-type: none"> a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited; b) All off-road equipment shall have: <ul style="list-style-type: none"> i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). c) Exceptions: <ul style="list-style-type: none"> i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or 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 	<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:
 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).</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><u>Compliance Alternative</u></th> <th><u>Engine Emission Standard</u></th> <th><u>Emissions Control</u></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>	<u>Compliance Alternative</u>	<u>Engine Emission Standard</u>	<u>Emissions Control</u>	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
<u>Compliance Alternative</u>	<u>Engine Emission Standard</u>	<u>Emissions Control</u>														
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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<p><i>Project Mitigation Measure 2 – Hazardous Building Materials (Eastern Neighborhoods Mitigation Measure L-1)</i></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>	<p>Project Sponsor/project archeologist of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning</p>	<p>Prior to approval of each subsequent project, through Mitigation Plan.</p>	<p>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.</p>	<p>Considered complete upon approval of each subsequent project.</p>
<p><i>Project Improvement Measure 1 – Transportation Demand Management (TDM) Coordinator</i></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, TMA SF), 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>	<p>Project Sponsor</p>	<p>Continuous</p>	<p>Planning Department, in consultation with the TDM Coordinator</p>	<p>Continuous</p>
<p><i>Project Improvement Measure 2 – Transportation and Trip Planning Information/New-Hire Packet</i></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>	<p>Project Sponsor</p>	<p>Continuous</p>	<p>Planning Department, in consultation with the TDM Coordinator</p>	<p>Continuous</p>

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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>				
<p><i>Project Improvement Measure 3 – Bicycle Parking</i></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

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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: hester@earthlink.net

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

PROJECT ADDRESS: 340 BRYANT ST		
PLANNING CASE NO.: 2013.160 B	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY): 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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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: **415.558.6409**
WEB: **<http://www.sfplanning.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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