burke
BURKE, WILLIAMS & SORENSEN, LLP
1 California Street - Suite 3050
San Francisco, California 94111
voice 415.655.8100 - fax 415.655.8099
www.bwslaw.com

Direct No.: 415-655-8115
ashimko@bwslaw.com

October 10, 2025

Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102
Board.of.Supervisors@sfgov.org

Re: Appeal of Mitigated Negative Declaration No. 2019-017622ENV

Honorable Supervisors:

This appeal is filed on behalf of CPH 564, LP ("**CPH**"), owner of the historic Chancery Building at 564 Market Street. Included as **Attachment 1** is a letter from CPH authorizing us to file the appeal on its behalf.

A 29-story hotel with ground floor retail has been proposed at the adjacent property at 570 Market Street ("**Project**"). The Planning Department recommended that review of the potential environmental impacts of the hotel under the California Environmental Quality Act[1] ("**CEQA**") be accomplished with a Preliminary Mitigated Negative Declaration for the Project. Concerned that the document failed to identify and protect against significant environmental effects, including impacts that could threaten the continued viability of the Chancery Building and put its tenants at risk, CPH timely appealed. On May 1, 2025, the Planning Commission denied the appeal and approved the Mitigated Negative Declaration ("**MND**"). Included as **Attachment 2** is Planning Commission Motion No. 21730, adopted May 1, 2025, approving the MND. The final MND, amended May 1, 2025, is included as **Attachment 3** to this appeal.

The Planning Commission continued consideration of the Project, ultimately approving Downtown Project Authorization 2019-017622DNX ("**DNX**") and Conditional Use Authorization 2019-017622CUA ("**CUA**") on September 11, 2025. That approval started a 30-day deadline to appeal approval of the MND. Thus, this appeal is timely filed.

[1] Pub. Resources Code ("**PRC**") §§ 21000-21189.91, and its implementing guidelines, 14 Cal. Code Regs ("**CEQA Guidelines**") §§ 15000-15387.

CPH respectfully requests that the Board of Supervisors ("**Board**") reverse approval of the MND and remand it to the Planning Commission to require additional environmental review, which should result in preparation of an environmental impact report ("**EIR**") for the hotel Project. Overturning the MND will void Planning Commission approval of the DNX and CUA and make their future reconsideration subject to the new EIR.

I. Setting

The Chancery Building at 564 Market Street is a seven-story office building constructed in 1923. It is designated by the City as a historic building. (See San Francisco Planning Code, Article 11, Appendix A; San Francisco Planning Code § 102 [definition of "historic building"].) The Chancery Building's exterior consists of concrete, and it is our understanding that the structure sits on shallow spread footings and slab foundation. Due to its age, the building has no ventilation system; for this reason, the wood-frame windows must open to provide needed fresh air and cooling.

The Project consists of a 29 story hotel with some ground floor retail. The property is a through block fronting on both Market Street and Sutter Street. While the stated address is 570 Market, the hotel lobby is shown as being served from Sutter Street.

The Project site is located on the north side of Market Street within the triangular block bound by Market Street to the southeast, Sutter Street to the north, and Montgomery Street to the west. The Project site is very narrow at 40 feet wide, and is bordered by the historic Chancery Building (562-566 Market) to the east, and the historic building at 44 Montgomery Street and the non-historic building at 580 Market Street to the west. The historic Hobart Building (582-590 Market Street) is also in close proximity to the Project, directly to the west of the narrow building at 580 Market Street. The Project involves demolishing the existing two-story building, excavating the entire site to remove all soil to a depth of approximately 13 feet, potentially churning and hardening soil for another 50 feet, drilling and pouring six-foot diameter piles 160 feet deep, and erecting a 29-story hotel. Construction is expected to last two years.

As the hotel structure is proposed, the eastern wall of the hotel and western wall of the Chancery would be located approximately one foot apart. Where the Chancery Building's lightwell is situated, about one-third of it would be blocked so as to look directly at the hotel wall one foot away; the remainder of it would face a row of hotel rooms set back approximately eight feet from the Chancery Building's windows. The

western Project wall would be similarly close the building at 44 Montgomery Street, and close to the Hobart Building.

II. Applicable Legal Standards

A. Fair Argument Test

CEQA applies to discretionary public agency decisions to carry out, authorize, or approve projects that could have adverse effects on the environment. A number of court decisions describe the CEQA process as consisting of three steps: first, the agency conducts a preliminary review to determine whether CEQA applies to the activity; second, the agency prepares an initial study to determine whether it may adopt a negative declaration; third, if the initial study uncovers substantial evidence that a project may cause a significant environmental impact, the agency prepares a full environmental impact report. (See, *e.g., Tomlinson v. County of Alameda* (2012) 54 Cal.4th 281, 286; *Joshua Tree Downtown Bus. Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 684; *Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 704.)

There is a "low threshold" for requiring an EIR versus relying on a negative declaration. (*Pocket Protectors v. City of Sacramento* (2024) 124 Cal.App.4th 903, 928.) An EIR is required "if there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment." (PRC § 21080(d).) A mitigated negative declaration may be prepared instead of an EIR if there would be a significant environmental effect but project revisions or added conditions would avoid the effect or mitigate the effect "to a point where clearly no significant effect on the environment would occur and there is no substantial evidence … that the project, as revised, may have a significant effect…." (CEQA Guidelines § 15064(f)(2).)

If the record shows there is a "fair argument" based on substantial evidence that a project may have a significant effect on the environment, the lead agency shall prepare an EIR, even though there may also be substantial evidence that the project will not have a significant effect. (CEQA Guidelines § 15064(f)(1); *Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 689, 696.) Under the fair argument test, the agency does not weigh competing evidence; a single piece of credible evidence of the likelihood of a significant impact will trigger preparation of an EIR, despite other evidence to the contrary. (*City of Livermore v. LAFCO* (1986) 184 Cal.App.3d 531, 541.)

Among other factors, disagreement between experts about the likelihood of an environmental impact or whether an impact will be significant constitutes evidence of a fair argument requiring an EIR. (See *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 249; *Clews Land & Livestock v. City of San Diego* (2017) 19 Cal.App.5th 161, 192.) When qualified experts present conflicting evidence on the nature or extent of a project's impacts, the agency must accept the evidence tending to show that the impact might occur. (See *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, overruled in part on other grounds [opinion by traffic expert conflicted with negative declaration's trip generation assumptions]; *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 249 [conflicting opinions by multiple experts on definition and extent of wetlands]; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504 [conflicting expert testimony about impacts of exploratory oil well project]; *Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1114 [conflicting expert testimony about architectural significance of building proposed for demolition].)

Additionally, a mitigated negative declaration is not appropriate, and an EIR is required, if there is any substantial evidence in the record that would support a fair argument that proposed mitigation measures will be infeasible or ineffective. (See *Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 693, 702; *California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026, 1060; *Citizens for Responsible & Open Gov. v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1340; *Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1119.) Mitigation measures are considered "feasible" if they are "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (PRC § 21061.1.)

The San Francisco Administrative Code echoes these standards, listing the grounds for an MND appeal as whether: (1) the negative declaration conforms to the requirements of CEQA; (2) there is no substantial evidence to support a fair argument that the project may have a significant effect on the environment; and (3) the mitigation measures are adequate and feasible. (SF Administrative Code § 31.16(d)(3).)

Courts review the decision to prepare a negative declaration versus an EIR de novo, do not defer to the City's opinion, and resolve doubts in favor of requiring more environmental review. (*Pocket Protectors* at p. 928.) The Board of Supervisors here is in the same de novo judgment position as a court and must scrutinize the evidence and

apply the legal standards. We are convinced that when the Board does so, it will see that the evidence compels it to overturn the MND.

B. Deferred Mitigation

Assessment of a project's environmental impacts, and the formulation of measures to mitigate any potentially significant impacts that are identified, must occur before the initial study and proposed negative declaration are released for public review. (PRC § 21080(c)(2); CEQA Guidelines §§ 15070(b)(1), 15071(e).) Except in very limited situations, mitigation measures that call for further studies to be undertaken after a negative declaration is adopted, and after the project is approved, are prohibited because they do not guarantee an adequate inquiry into environmental effects and would effectively shield the analysis from public and agency scrutiny. (See *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308.)

Deferring studies to identify impacts and apply mitigation measures is especially questioned when used to justify relying on a mitigated negative declaration. A mitigation plan that provides for some components to be determined in the future can be acceptable if it is shown that the plan can be successfully implemented and if the plan includes specific performance standards that will ensure significant impacts will not occur. (See *Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 686, 692.)

In the leading case of *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, the court disapproved a condition to a negative declaration that required the applicant to prepare additional hydrological studies to be approved by county staff to demonstrate the absence of significant adverse hydrological impacts. The court held that deferring evaluation of environmental impacts until after adoption of the negative declaration would amount to a post hoc rationalization and would improperly skirt the required procedure for public review and agency scrutiny of potential environmental impacts. (*Id.* at p. 307.)

Following *Sundstrom*, courts have consistently found that a negative declaration that leaves formulation of mitigation measures to a future time violates the rule that members of the public and other agencies must be given an opportunity to review mitigation measures before a negative declaration is approved. (See *Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 688, 693, 791 [mitigation measures calling for future surveys and future formulation of various components of mitigation measures found to be improper deferral of mitigation]; *League for Protection of Oakland's Architectural & Historic Resources v. City of Oakland* (1997)

52 Cal.App.4th 896 [rejecting mitigated negative declaration for demolition of historic building, finding in part that tentative and vague proposal to incorporate unspecified design features of building in new structure was insufficient mitigation]; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396 [condition requiring applicant to comply with mitigation measures that might be recommended in a future report on the Stephens kangaroo rat was improper]; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1605, fn. 4 [dictum rejecting deferral of height mitigation to post-approval design review]; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884 [condition requiring that reclamation, erosion, dust, and fire control plans be formulated after approval of mitigated negative declaration was improper].)

A mitigation measure that defers mitigation based on future studies, but does not demonstrate that the mitigation measure can be successfully implemented so as to ameliorate the impact, or does not contain specific performance standards, is not permissible.

Reliance on the MND is improper and an EIR is required in this case. Substantial evidence supports a fair argument that the Project will have significant environmental effects that will not be adequately mitigated, as well as significant impacts that have not been acknowledged by the City. Furthermore, mitigation measures in the MND are neither feasible nor adequate to assure there will be no significant and unavoidable impacts. Administrative Code section 31.16(d)(5) requires the Board to remand the MND to the Planning Department to undertake additional environmental review, identify valid mitigation measures where feasible, and produce an EIR properly addressing the likely significant and unavoidable impacts of the Project.

C. Compliance with Regulatory Standards

Compliance with relevant regulatory standards can provide a basis for determining that a project will not have a significant environmental impact. (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912.) However, compliance with regulatory standards is only sufficient mitigation if compliance can be reasonably expected, based on substantial evidence, to reduce the impact to the specified performance standard. (CEQA Guidelines § 15126.4(a)(1)(B).)

Courts have rejected reliance on regulatory standards as mitigation where it is uncertain that harmful impacts can be avoided even with full enforcement, or where the environmental document does not contain a project-specific analysis of potential impacts and the effect of regulatory compliance. (See *Save Our Capitol! v. Dept. of*

General Services (2023) 87 Cal.App.5th 655, 696 [agency could not rely on compliance with LEED and CAL-Green building standards to mitigate light and glare impacts in absence of project-specific analysis of impacts and effect of compliance]; *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal.App.4th 1 [EIR failed to analyze environmental and health risks of crop disease control program and instead presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation]; *Ebbetts Pass Forest Watch v. Department of Forestry & Fire Protection* (2008) 43 Cal.4th 936, 956 [fact that Department of Pesticide Regulation had assessed environmental effects of certain registered herbicides in general did not excuse its failure to assess effects of their use for specific timber harvesting project].)

Further, a reviewing Court will not defer to the agency's determination that mitigation measures will work when their efficacy is not apparent and there is no evidence in the record showing they will be effective in remedying the identified environmental problem. (See *League to Save Lake Tahoe Mtn. Area Preservation Found. v. County of Placer* (2022) 75 Cal.App.5th 63, 121 [no evidence that mitigation measure requiring compliance with greenhouse gas (GHG) reduction unformulated targets that do not exist and may not be adopted would be effective]; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 866 [EIR discussion of mitigation measure that has uncertain effect must identify and explain the uncertainty in the measure's effectiveness and the reasons for that uncertainty]; *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168 [no evidence that recommendations for reducing GHG emissions would function as enforceable or effective mitigation measures]; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95 [list of potential GHG mitigation measures rejected as "nonexclusive, undefined, untested and of unknown efficacy"]; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116 [rejecting mitigation measures proposed to address project's adverse impacts on water levels in wells used by neighboring landowners because mitigation measures would force them to change the way they use water].)

When the effectiveness of a mitigation measure is not apparent, the EIR should include facts and analysis supporting its characterization of the expected result. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 522.) Mitigation measures that are unrealistic and unlikely to be implemented create an illusory analysis and should not be included in an EIR. (*Cleveland National Forest Found. v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 433.)

III. Potential Significant Impacts

There is a fair argument based on substantial evidence that the Project may have a significant impact on the environment in multiple areas, as discussed below.

A. Impacts to Historic Resources

CEQA places special emphasis on preserving and protecting historical resources. (See CEQA Guidelines § 15064.5; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 186; *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1065.) Historic resources that are subject to CEQA's requirements include locally-designated historic resources. (PRC § 21084.1.) A substantial adverse change in the significance of a historical resource is treated as a significant effect on the environment. (PRC § 21084.1; CEQA Guidelines § 15064.5(b).) A substantial adverse change means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings resulting in the significance of the resource being materially impaired. (CEQA Guidelines § 15064.5(b)(1).) A lead agency must identify potentially feasible measures to mitigate significant adverse changes to the significance of a historical resource. (CEQA Guidelines § 15064.5(b)(4); see *Save Our Capitol! v. Dept. of General Services*, 87 Cal.App.5th 655, 679 [citing statute and finding that agency was "obligated to identify feasible measures to mitigate significant adverse changes" to historic structure].)

The Chancery Building, the Hobart Building, and 44 Montgomery Street are all locally-designated historic buildings. (See San Francisco Planning Code, Article 11, Appendix A [Chancery Building and Hobart Building]; San Francisco Historic Resource Evaluation Response, Planning App. No. 2018-011742ENV [44 Montgomery Street]; San Francisco Planning Code § 102 [definition of "historic building"].) The City is obligated to identify feasible measures to mitigate significant adverse changes to these historic buildings. As discussed further below, the Project is likely to impact and damage these historic buildings in a number of ways. First, the MND fails to adequately evaluate various potentially significant impacts, many of the existing mitigation measures are either infeasible or improperly defer mitigation, which will likely result in unnecessary damage to these historic resources. Accordingly, the MND is deficient for failing to identify significant effects to these historic resources and an EIR should instead be prepared.

B. Aesthetic Impacts

Actions that visibly alter a historic resource should also be analyzed for potential aesthetic impacts. (*Save Our Capitol! v. Dept. of General Services* (2023) 87 Cal.App.5th 655, 677 ["a project's compatibility with a historical resource should be analyzed as an aesthetic impact"]; *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1134 [same].) As discussed below, there is a fair argument based on substantial evidence that the Project may damage the historic buildings near the Project site, including potential visible damage.

The MND gives short shrift to aesthetic impacts and "does not consider aesthetics . . . in determining the significance of project impacts under CEQA," citing to PRC section 21099. (Attachment 3 at p. 10.) However, for the purposes of PRC section 21099, the statute expressly states that "aesthetic impacts do not include impacts on historical or cultural resources." (PRC § 21099(d)(2)(B).) The MND was required to evaluate aesthetic impacts based upon damage to the historic buildings near the Project site, but completely omitted any such analysis. This is a clear error, requiring the Board to overturn approval of the MND. Because there is a fair argument based on substantial evidence that the Project may cause aesthetic impacts to the historic buildings near the Project site, the City should prepare an EIR.

C. Vibration Damage

Impact NO-2 in MND claims that any impact from construction vibration will be reduced to a less than significant level with specified mitigation measures. (Attachment 3 at pp. 44, 46.) There is no evidence to support this conclusion, and the MND itself provides substantial evidence that the Project may cause serious and potentially catastrophic damage to the surrounding historic buildings, including the Chancery Building and the Hobart Building. The proposed mitigation measures are also illusory and infeasible. The risk should be recognized as a significant and unavoidable impact, thus requiring an EIR.

CPH's noise and vibration consultant, Wilson Ihrig ("**WI**"), has prepared noise and vibration mitigation plans and conducted construction noise and vibration monitoring for projects in San Francisco. Attached as **Attachment 5** is a Memorandum by WI dated October 2, 2025 (the "**WI Memo**"), which addresses noise and vibration concerns at the Chancery Building from Project construction and provides comments on the MND.

The MND applies Caltrans Vibration Guidelines for determining if vibration caused by construction will damage buildings, using a standard of peak particle velocity ("**PPV**") of movement measured by inches per second (in/sec). (Attachment 3 at p. 44.) MND Table 12 (Attachment 3 at p. 45), reproduced below, describes the threshold for historic structures: 0.5 PPV for "transient" vibration sources, but only 0.25 PPV for "continuous/frequent intermittent sources." Table 13 (Attachment 3 at p. 45), reproduced below, presents PPV vibrations for three pieces of equipment that will cause the most vibration (jackhammer, excavator, and drill rig).

Table 12 Caltrans Vibration Guidelines for Potential Damage to Structures

Structure and Condition	Maximum PPV (inches/second)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	1.2	0.5

SOURCE: Caltrans, 2013.

Table 13 Vibration Levels from Construction Equipment

Equipment	Approximate PPV (in/sec)[55]					
	FTA Reference (25 feet)	576-580 Market (1 foot)	44 Montgomery (1 foot)	562-566 Market (1 foot)	582-592 Market (40 feet)	560 Market (55 feet)
Jackhammer	0.035	1.207	1.207	1.207	0.021	0.015
Excavator	0.020	0.690	0.690	0.690	0.012	0.008
Equipment	**FTA Reference (25 feet)**	**576-580 Market (6 feet)**	**44 Montgomery (6 feet)**	**562-566 Market (6 feet)**	**582-592 Market (40 feet)**	**560 Market (55 feet)**
Drill Rig	0.089	0.428	0.428	0.428	0.053	0.037

SOURCE: Salter Inc., 2022

NOTES: [1] $PPV = PPV_{ref} * (25/Distance)^n$ – The project's Updated Geotechnical Study describes the soil as compacted sand and clay. Section 7.2 of the Transportation and Construction Vibration Guidance Manual (April 2020) recommends using 1.1 for the value of "n" for vibration assessments with this equipment.

PPV: Peak Particle Velocity; in/sec: inch per second;

Thus, the MND recognizes that vibration caused by necessary equipment working next to the Chancery Building (562-566 Market) and the Hobart Building (576-580 Market) will far exceed the 0.25 PPV damage threshold: almost double for drill rigs (0.428 vs. 0.25); almost triple for excavators (0.69 vs. 0.25); and almost five times as much for jackhammers (1.207 vs. 0.25). Furthermore, other types of construction equipment will cause vibration but were not evaluated in the MND. This means that there may be even more activity risking vibration damage to these historic buildings, and the MND underestimates the likelihood and frequency of potential damage during construction.

The MND relies on Mitigation Measure M-NO-2, Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction, ("**MM M-NO-2**") to determine that the risk of vibration damage is reduced to a less-than-significant level, thus avoiding the need for an EIR. (Attachment 3 at p. 46.) MM M-NO-2 would require the project sponsor to conduct a pre-construction assessment of the buildings at 566 Market Street, 576 Market Street, and 44 Montgomery Street, and would also establish vibration limits not to be exceeded based on the condition of the three buildings, monitor vibration levels during construction, and repair any vibration-related damage to any of the three building's pre-construction condition. (Attachment 3 at p. 46; Preliminary MND, Appendix C, Mitigation, Monitoring, and Reporting Program ["**MMRP**"] ["**Attachment 4**"] at p. 10.)

However, the WI Memo observes that are no definitive controls in MM M-NO-2 to prevent vibration from exceeding the damage thresholds. (See Attachment 5, p. 4 ["Mitigation Measure M-NO-2 provides no definitive control to prevent the vibration exceedance; specific vibration controls must be provided that illustrate the feasibility of relying on alternate methods or equipment to avoid exceeding the criteria and generating a significant vibration impact."].) In fact, the mitigation measure actually anticipates damage will indeed occur. Further, the conditions in MM M-NO-2 that are aimed at avoiding significant vibration impacts and damage to the historic buildings are infeasible and ineffective for the following reasons:

(1) MM M-NO-2 requires a Vibration Management and Reduction Plan, which must set a maximum vibration level of 0.25 in/sec PPV for construction near 566 Market Street and 576 Market Street, and maximum vibration level of 0.50 in/sec PPV for construction activities near 44 Montgomery Street. (Attachment 4 at p. 11.) However, Table 13, reproduced above, demonstrates that vibration from demolition, excavation and drilling is guaranteed to exceed the limit and cause damage to the buildings. CPH's

noise and vibration consultant, WI, confirms that "the estimated vibration levels from construction activities at the Chancery Building will exceed the "Historic Building" criteria established in Table 12." (See Attachment 5, p. 4, emphasis in original.)

(2) MM M-NO-2 requires the Vibration Management and Reduction Plan to identify alternative equipment and techniques that can be used if vibration is observed in excess of the established standards. (Attachment 4 at p. 11.) As noted above, vibration is expected to exceed the maximum vibration levels. However, the MND does not investigate whether such alternatives actually exist, or which equipment and techniques would comprise such alternatives. Thus, there is no evidence to support the MND relying on this provision to adopt its finding. Given that violating the maximum vibration levels is inevitable, to avoid finding a significant impact, the City must provide evidence identifying alternative equipment and techniques and confirming they will be effective to reduce vibration as part of the pre-approval CEQA process. Expecting excessive vibration, and then waiting until such vibration occurs to implement theoretical, unidentified alternatives means that damage will have already occurred to these historic buildings. Allowing unnecessary damage to occur means that the mitigation measures in the MND do not adequately mitigate the Project's significant impacts. Finally, MM M-NO-2 provides that alternative techniques will be implemented "to the extent feasible." (Attachment 4 at p. 12.) This language indicates that it is not possible and supportable based on the analysis in the MND to conclude that the significant impact can be feasibly reduced to a less than significant level.

(3) MM M-NO-2 calls for using buffer distances for equipment to avoid vibration damage. (Attachment 4 at p. 11.) Based on the Project site's constraints, including the narrow width of the Project and its close proximity to nearby buildings, it is not possible to maintain an adequate buffer. Vibrating equipment may not be moved further away from the historic buildings, because demolition, excavation and drilling must take place throughout the Project site; there would be no other way to construct walls one foot from each of the historic buildings. Furthermore, even if it were feasible to move vibration-causing equipment further away from one historic building, because the site is only 40 feet wide, moving further away from the historic building on one side would move the activity closer to the historic building on the other side. Finally, this element of MM M-NO-2 requires avoiding damage "to the

extent possible," which, again, indicates that avoiding damage may not be possible such that there will be an unavoidable significant effect.

(4) MM M-NO-2 requires the developer to repair any damage and return the damaged buildings to their pre-construction condition. (Attachment 4 at p. 13.) Restoration of historic buildings can be challenging given their older construction methods and materials. Because of the historic buildings' ages and vulnerability to vibration, there is a credible risk the Project will cause damage that cannot be repaired. According to CPH's structural engineer, MKM & Associates ("**MKM**"), "[e]ven if extreme care is taken during excavation, irreparable damage to The Chancery Building may still occur." (See March 19, 2025 MKM Letter ["**Attachment 6**"], p. 1.) The Chancery Building's old foundation is "extremely sensitive to vibrations from construction activities and [is] more prone to damage from any work done on the adjacent property." (September 9, 2025 MKM Letter ["**Attachment 8**"], p. 1) Such damage may endanger the stability of the Chancery Building's entire façade; "[a]ny adjacent work that could undermine or destabilize the soil could have catastrophic effects on the [Chancery] building" and "[t]his failure would be reflected in the walls and floors that the [Chancery Building's] foundation supports." (Attachment 8 at p. 1) Requiring damage to be repaired after the fact ignores how severe the damage could be, and does not guarantee that the repairs can actually occur. The MND provides no analysis of the historic structures, or the types of damage that vibration might cause, to support the repair assumption.

Accordingly, MM M-NO-2 is infeasible and ineffective, and does not avoid or mitigate the Project's significant vibration impacts to a point where clearly no significant effect on the environment would occur. (See CEQA Guidelines § 15064(f)(2).) The MND cannot rely on MM M-NO-2 to find a less-than-significant impact from vibration. An EIR is required to properly study and evaluate the potential for significant vibration damage. The risk may well implicate a significant and unavoidable impact. That analysis and consideration of the ramifications is required before the City decides whether and how to approve the Project.

The WI Memo recommends that the hotel developer install a continuous, unattended vibration and noise monitoring system that automatically sends text and/or email alerts when vibration or noise exceed desired limits. (Attachment 5 at p. 5.) The WI Memo also recommends that the Vibration Management and Monitoring Plan for the Project include detailed specifications related to the alert levels for the monitoring

systems. (Attachment 5 at p. 5.) WI notes that several recent Projects have set the vibration warning level to half the maximum allowed – which, in this case, would be 0.125 in/sec PPV – in order to alert the City and aim to stop work before damage occurs. (Attachment 5 at p. 5.)

At this time, the MND does not provide substantial evidence to support a finding of less than significant vibration impacts. Rather, the MND shows that there is a credible risk of the Project resulting in significant damage to the Chancery and Hobart Buildings. The WI Memo constitutes substantial evidence of a fair argument that the Project may result in significant vibration impacts, and an EIR should therefore be prepared.

D. Geology and Soils Impacts (Settlement Damage to Building)

The Project will require excavating the entire site to a depth of approximately 13 feet immediately adjacent to the Chancery, then drilling holes for six-foot diameter piers another 160 feet, including into 40 feet of bedrock. (Attachment 3 at p. 4.) No information is provided regarding the number of piers or their proximity to the Chancery Building. Dewatering of the site will likely be required during construction of a single basement level (Langan Preliminary Geotechnical Evaluation, August 27, 2019, p. 4), which will affect groundwater under the Chancery Building. Deep soil mixing is recommended for soil improvements below the entire building footprint, extending at least 50 feet below ground surface. (Attachment 3 at p. 86; Langan Preliminary Geotechnical Evaluation, August 27, 2019, p. 5.)

The Chancery Building's aged foundation support is especially vulnerable to settlement damage. Even if extreme care is taken, there is a high likelihood that damage may occur that is impossible to repair and will put the entire structure at risk. Structural engineering experts MKM explained the risk of damage to the Chancery Building from Project excavation and vibration:

- "The Chancery Building's foundation is likely to have very little to no capacity to withstand differential settlements." (Attachment 6 at p. 1.)
- "[T]here is a large concern that settlement will occur under The Chancery Building if the adjacent new construction settles due to the soil improvement . . . The magnitude of settlements is unidentified and yet to be determined." (Attachment 6 at p. 1.)

- "Old shallow spread footing and slab foundations supporting on bay mud settle over decades to a stable resting point. Any adjacent work that could undermine or destabilize the soil could have catastrophic effects on the building. The existing concrete and steel footings won't have the strength to resist any soil displacement and could crumble. This failure would be reflected in the walls and floors that the foundation supports." (Attachment 8 at p. 1.)

- "These old foundations on soft soils are extremely sensitive to vibrations from construction activities and are more prone to damage from any work done on the adjacent property." (Attachment 8 at p. 1.)

Excavation, soil mixing and deep drilling will cause settlement upsetting the equilibrium between the Chancery Building and underlying bay mud, creating a risk that the footings and foundation could crumble or shift, damaging the exterior façade as well as interior walls and floors. (Attachment 8 at p. 1.) MKM explained that without knowing the number and layout of the deep piers, the extent of dewatering needed, deep soil mixing details, the potential for making the Chancery Building more vulnerable to liquefaction problems, and other aspects of project design, it is "difficult to ascertain the magnitude of the impacts The Chancery Building may suffer." (Attachment 6 at pp. 1-2.)

The MND suggests one of two excavation methods to protect the Chancery Building during and after excavation: a stiff shoring system along the property line, or diagonal underpinnings extending under the Chancery Building. (Attachment 3 at p. 88.) However, there is no mitigation measure requiring either method. There is also no evidence to support assuming either method can be relied on to prevent damage. (See April 16, 2025 MKM Letter ["**Attachment 7**"] ["A more detailed analysis of the alternate [excavation] methods is needed prior to project approval as the risk of damage has not been clearly stated"].) The MND refers to using the stiff shoring system to "limit" shoring deflections that might harm adjacent buildings. (Attachment 3 at p. 88.) The term "limit" indicates that some "deflection" cannot be avoided such that damage is likely. The MND must investigate the pros and cons of the two methods to determine if both or either provides sufficient certainty that significant damage and impacts can be avoided. Otherwise, there is no evidence to find a less than significant geology and soils impact. MKM has opined that "[e]ven if extreme care is taken during excavation, irreparable damage to the Chancery Building may still occur." (Attachment 6 at p. 1.) Plainly, such expert opinion constitutes at minimum a fair argument that the Project will generate significant impacts requiring EIR preparation.

As MKM noted in its March 19, 2025 letter, the applicant's own geotechnical consultant recognized that proposed deep soil mixing work would cause settlement. (Attachment 6 at p. 1; See also Langan Preliminary Geotechnical Evaluation, August 27, 2019, p. 5.) There is no evidence that the amount of settlement that may occur has been properly evaluated, or that mitigation measures and City controls actually will protect the Chancery Building from this source of damage.

The MND ultimately concludes that any potential impacts related to unstable soils would be less than significant, and no mitigation measures would be required. (Attachment 3 at p. 88.) The MND fails to consider the above information regarding the settlement risks to the Chancery Building, or propose mitigation measures to avoid such damage; it assumes that adherence to the California Building Code and San Francisco Building Code "would further ensure that the project sponsor adequately addresses any potential impacts related to unstable soils as part of the design-level geotechnical investigation that would be prepared for the proposed project." (Attachment 3 at p. 88.)

In this case, the City's claim that its regulations guarantee there will be no impact is undermined by the fact that the MND recognizes there still may be damage and relies on the assumption that any damage can be repaired. Therefore, compliance with such regulations cannot be reasonably expected, based on substantial evidence, to reduce the impact to the specified performance standard. Further, without evaluation of possible types of damage that could occur, there is no assurance that damage could be repaired, resulting in a potential significant and unavoidable impact. Because there is substantial evidence of a fair argument that the Project may result in significant geology and soils impacts via structural damage to the Chancery Building, and because the identified mitigation measures cannot be reasonably expected to reduce these impacts to less than significant levels, an EIR should be prepared.

E. Noise Impacts

The MND recognizes that construction noise can cause harm to people in the vicinity, and describes several adopted standards for measuring excessive harmful noise (Attachment 3 at p. 37):

- Police Code section 2907 prohibits individual pieces of construction equipment from causing noise above 80 dBA, measured 100 feet from the source.

- The City applied an increase of 10 dBA or more above the existing (ambient) level as the test for treating noise as a significant impact. An increase of 10

dBA is perceived as a doubling of loudness. An increase of 20 dBA is perceived as four times as loud. The MND determined the existing noise level near the Project site is 65 dBA (see Attachment 3 at p. 39, applying Measurement Site LT-1 in Table 6).

- The Federal Transit Administration ("**FTA**") noise limit of 100 dBA for commercial receptors was applied in assessing the significance of increased noise to the nearby building occupants when the MND was revised in response to CPH's appeal.

The MND initially ignored noise impacts on occupants of the adjacent Chancery Building, only evaluating noise measured 100 feet away and at more distant residential locations. After CPH appealed this omission, MND Table 7 (Attachment 3 at p. 38) was revised to describe typical construction noise heard 20 feet away: five pieces of equipment will produce more than 90 dBA (peaking at 98 dBA for concrete saws), others will exceed 80 dBA. While these are below the 100 dBA FTA threshold, this threshold has not been properly applied to the project, as discussed below.

MND Table 8 was revised to show that construction noise 20 feet away (at the Chancery and Hobart buildings) would be 92-99 dBA during all five phases of construction. (Attachment 3 at p. 39.) It then compared this to the FTA commercial limit of 100 dBA and found no significant impact.

The MND's less-than-significant finding ignores the extreme increase from existing noise that will impact nearby office workers. Using the MND's own data shows that ambient sound will increase by up to 34 dBA (from 65 dBA to 92-99 dBA), which will be perceived as many times louder. In addition to violating the City's own 10 dBA test for significant impacts, as discussed below, such construction will completely disrupt businesses in the Chancery Building and may harm the hearing of workers during the two years of construction.

The CEQA Guidelines Appendix G Checklist, § XIII Noise, asks if the Project would result in "generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of [established] standards." Because the Project's noise levels would substantially exceed established standards, this situation must be recognized as a significant impact. Because the noise impact has not been mitigated to a less than significant level, this constitutes a significant unavoidable impact requiring an EIR.

The MND also cannot rely on Police Code section 2907 to find that the Project will not generate a significant impact. Section 2907 cannot be used to consider noise effects on the Chancery Building because it only considers sound levels 100 feet away from the noise source. MND Table 7 admits that equipment producing less than 80 dBA 100 feet away will expose people 20 feet away to as much as 98 dBA of noise. Police Code section 2907 cannot be used as a CEQA threshold of significance in this context because it does not contain a threshold applicable to distances less than 100 feet from the noise source. As discussed in the prior section, in order for a CEQA document to assume that compliance with regulatory standards will sufficiently address and lessen environmental effects, substantial evidence must show that such compliance is reasonably expected to reduce the impact to the specified performance standard. (CEQA Guidelines § 15126.4(a)(1)(B).) Compliance with Police Code section 2907 is not sufficient to reduce the impacts here to a less than significant level.

CPH's noise consultant, WI, provided three sets of comments during the MND process that are in the record, commenting on the MND (December 20, 2024), responding to rebuttals by the applicant's consultant (June 25, 2025), and describing noise impacts on occupants of the Chancery Building (August 7, 2025). The WI Memo summarizes and elaborates on its previous criticisms of the MND's construction noise analyses, questioning the methods and assumptions used and the results. (See Attachment 5.) In brief, the WI Memo supports the following challenges to the adequacy of the MND:

(1) The MND uses the wrong method for calculating the FTA General Assessment, which ignores that surrounding buildings will reflect and amplify construction noise and underestimates noise levels. An accurate analysis recognizing the Project-specific conditions would increase noise above the FTA's 100 dBA threshold, constituting a significant impact.

(2) The MND and the applicant's consultant ignored WI's comments pointing out that construction will expose office workers to harmful noise during the two years of construction. Noise at and above the 100 dBA FTA threshold will exceed the level at which federal health and safety agencies (OSHA and NIOSH) require worker hearing protection. OSHA requires a noise monitoring program when "any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels." The FTA Manual requires a detailed analysis of construction noise "when many noise sensitive sites are adjacent to a construction project…" Professional office uses fall under FTA Category

3 noise-sensitive uses. The project is surrounded by office buildings, satisfying the FTA requirement.

While sound can be reduced somewhat by building walls, the Chancery Building is especially at risk because it does not contain modern soundproofing and the offices facing the Project site (where new walls are proposed to be built one foot away) have original wooden windows that are not airtight, meaning sound inside still may exceed OSHA safety levels. The Chancery Building also relies on open windows for fresh air, as the building does not have an HVAC system to provide fresh air to its occupants. WI's August 7, 2025 comments addressed this issue in detail. The MND should not ignore this health and safety issue; without more analysis, it cannot conclude the impact is less than significant.

(3) Professional office uses fall under FTA Category 3 noise-sensitive uses. The MND and the applicant's consultant ignored information in WI's August 7, 2025 comments that noise during the two years of construction will severely disrupt office operations in the Chancery Building. Industry standards recommend noise levels for productive work of no more than 45 dBA in open offices and 35 dBA in conference rooms and private offices. Project noise penetrating inside the Chancery Building is anticipated to result in much higher noise levels, severely disrupting business operations and occupant health. WI recommends maximum sound levels in offices of 50 dBA to allow adequate productivity – consistent with requirements for environmental comfort in CalGreen Non-Residential Mandatory Measures section 5.507. This must be recognized as a concern under CEQA, and without evidence to the contrary should be considered a significant unavoidable noise impact.

At a minimum, the Project approval must include as mitigation measures a construction noise control plan and continuous noise monitoring. The WI Memo recommends monitoring/alert systems and operating details.

WI and the applicant's consultant disagreed on technical details affecting noise calculations and impact conclusions. CEQA recognizes disagreement among experts as evidence of a fair argument that there may be significant impacts that have not been mitigated. This bars reliance on the MND and requires an EIR.

F. Indoor & Outdoor Air Quality Impacts

Because the Chancery Building does not have a mechanical ventilation system, its offices and occupants rely on opening windows for fresh air. During the two years of construction, noise (and potential air quality impacts) will make opening windows impossible. Indoor air quality is recognized as a serious public health and safety concern for office workers spending full days in an enclosed environment. If workers open windows in desperation, they will face increased noise and the risk of exposure to dust and emissions from the construction site only one foot away. (See Attachment 3 at pp. 54-56 [construction activities will result in emissions of ozone precursors and particulate matter, including criteria pollutants].)

At the request of the City, Ramboll prepared a Health Risk Assessment ("HRA") dated February 13, 2025. The HRA states that the off-site maximally exposed individual receptors (MEIR) are workers who would be exposed to both construction and operational emissions. (HRA at p. 4.) In the air pollutant exposure zone, a proposed project resulting in a contribution to PM2.5 concentrations above 0.2 µg/m3 or resulting in an excess cancer risk of 7.0 per one million persons exposed would be considered a significant impact. (Attachment 3 at p. 58.) The HRA finds the off-site MEIR cancer risk to be 1.9 per one million, and PM2.5 concentrations of 0.10 µg/m3, both under the threshold. (HRA at p. 4.) However, neither the HRA nor the MND indicate whether the health risks were studied under the assumption that MEIR office workers would be exposed to emissions via open windows. Because neither the MND nor the HRA evaluated this risk using accurate assumptions, the true health risks may be much larger than studied.

The workers in the Chancery Building are MEIRs who will be forced to open their windows and be exposed to significant noise and air quality impacts, or keep their windows closed and suffer poor indoor air quality. There is insufficient evidence to support the conclusion that air quality impacts, including health risks, will be less than significant. These impacts were not adequately studied in the MND based on project-specific conditions, and deserve a closer look.

IV. Conclusion

As discussed above, the MND falls short of meeting CEQA's standards, so its approval was in error. The Board should overturn the approval of the MND and require additional environmental review. Because there is a fair argument based on substantial evidence that the Project may have a significant effect on the environment, the City should prepare an EIR.

Thank you for your attention to these critical matters. We will be available at the Board hearing to provide additional testimony and answer questions.

Sincerely,

BURKE, WILLIAMS & SORENSEN, LLP

Anna C. Shimko

Attachments:

Attachment 1 - Authorization Letter from CPH 564
Attachment 2 - Planning Commission Motion 21730
Attachment 3 - Final Mitigated Negative Declaration (Amended May 1, 2025)
Attachment 4 - Mitigation, Monitoring, and Reporting Program (Appendix C to PMND)
Attachment 5 - Wilson Ihrig Noise and Vibration Memorandum (October 2, 2025)
Attachment 6 - MKM & Associates Letter (March 19, 2025)
Attachment 7 - MKM & Associates Letter (April 16, 2025)
Attachment 8 - MKM & Associates Letter (September 9, 2025)

cc: Lisa Gibson, Environmental Review Officer (via email to lisa.gibson@sfgov.org)
CPH 564, LP

Attachment 1

CPH 564, LP

1100 Mar West Street, Suite D, Tiburon, California 94920
Telephone 415.937.5370 Facsimile 415.937.5397

To Whom It May Concern,

CPH 564, LP, owner of the Chancery Building at 564 Market Street, San Francisco, authorizes the law firm Burke, Willaims & Sorensen to file an appeal with the Board of Appeals of the Planning Commission's approval of Downtown Project Authorization 2019-017622DNX.

Thank you.

Kind Regards,

Kaylin Alexandra
Authorized Representative

Attachment 2

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

PLANNING COMMISSION MOTION NO. 21730

HEARING DATE: May 1, 2025

Case No.:	2019-017622ENV
Project Title:	**570 Market Street**
Zoning:	C-3-O – Downtown Office 300-S Height and Bulk District
Block/Lot:	0291/013
Lot Size:	7,059 square feet
Project Sponsor:	Melinda Sarjapur, msarjapur@reubenlaw.com, (415) 567-9000
Staff Contact:	Ryan Shum, ryan.shum@sfgov.org, (628) 652-7542

ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2019-017622ENV, FOR THE PROPOSED DEVELOPMENT ("PROJECT") AT 570 MARKET STREET.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a mitigated negative declaration, based on the following findings:

1. On October 1, 2019, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an environmental evaluation application for the project, in order that it might conduct an initial evaluation to determine whether the project might have a significant impact on the environment.

2. On October 30, 2024, the Department determined that the project, as proposed, could not have a significant effect on the environment.

3. On October 30, 2024, a notice of availability that a mitigated negative declaration would be issued for the project was duly published in a newspaper of general circulation in the City, and the preliminary mitigated negative declaration posted in the Department offices and distributed all in accordance with law.

4. On November 20, 2024, two appeals of the decision to issue a mitigated negative declaration were timely filed by Brian Flynn, on behalf of BCal 44 Montgomery Property LLC, and Edward Shaffer, on behalf of Chelsea Pacific Group, LLC (appellants).

5. A staff memorandum, dated April 18, 2025, addresses and responds to all points raised by the appellants in the appeal letter. That memorandum is attached as Exhibit A and staff's findings as to those points are incorporated by reference herein as the Commission's own findings. Copies of that memorandum have been delivered to the Planning Commission, and a copy of that memorandum is

on file and available for public review at the San Francisco Planning Department, 49 South Van Ness, Suite 1400.

6. On May 1, 2025 the Commission held a duly noticed and advertised public hearing on the appeal of the preliminary mitigated negative declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.

7. All points raised in the appeal of the preliminary mitigated negative declaration at the May 1, 2025 Planning Commission hearing have been responded to either in the memorandum or orally at the public hearing.

8. After consideration of the points raised by the appellants, both in writing and at the May 1, 2025 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.

9. In reviewing the preliminary mitigated negative declaration issued for the project, the Planning Commission has had available for its review and consideration all information pertaining to the project in the Planning Department's case file.

10. The Planning Commission finds that the Planning Department determination on the mitigated negative declaration reflects the Department's independent judgement and analysis.

The San Francisco Planning Commission HEREBY DOES FIND that the project could not have a significant effect on the environment, as shown in the analysis of the mitigated negative declaration, and HEREBY DOES AFFIRM the decision to issue a mitigated negative declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on May 1, 2025.

Jonas P Ionin Digitally signed by Jonas P Ionin Date: 2025.05.29 13:58:35 -07'00'

Jonas P. Ionin
Commission Secretary

AYES:	Campbell, McGarry, Williams, Braun, So
NAYS:	Imperial, Moore
ABSENT:	None
ADOPTED:	May 1, 2025

EXHIBIT A

PLANNING DEPARTMENT RESPONSE TO THE PMND APPEALS

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

EXHIBIT A TO DRAFT MOTION
PLANNING DEPARTMENT RESPONSE TO APPEAL OF PRELIMINARY MITIGATED NEGATIVE DECLARATION

570 MARKET STREET

Date:	April 18, 2025
To:	San Francisco Planning Commission
From:	Ryan Shum, Senior Planner – ryan.shum@sfgov.org, (628) 652-7542
RE:	Appeal of Preliminary Mitigated Negative Declaration of 570 Market Street Planning Case No. 2019-017622ENV and 2019-017622APL
Hearing Date:	May 1, 2025 (Continued from the December 12, 2024 hearing)
Project Sponsor:	Melinda Sarjapur, msarjapur@reubenlaw.com, (415) 567-9000
Appellants:	Brian Flynn, Lozeau Drury LLP on behalf of BCal 44 Montgomery Property LLC and Edward L. Shaffer, Burke, Williams & Sorensen, LLP on behalf of Chelsea Pacific Group, LLC
Attachments:	Attachment A – Health Risk Assessment Attachment B – Updated Construction Noise Tables

Introduction

This memorandum is in response to two letters of appeal to the board of supervisors (the board) filed on November 20, 2024 regarding the planning department's (the department) issuance of a preliminary mitigated negative declaration (PMND) under the California Environmental Quality Act (CEQA) for the proposed 570 Market Street project. This memorandum also responds to supplemental letters of appeal filed by the same appellants, as further described below. Copies of all the appeal letters are included with this appeal response packet as Exhibit B.

The department, pursuant to section 21064.5 of the CEQA Statute, issued a mitigated negative declaration for the proposed project on October 30, 2024, finding that the project would not result in a significant effect on the environment.

The decision before the board is whether to uphold the department's decision to issue a PMND and deny the appeal, or to overturn the department's decision to issue a PMND and return the project to department staff for additional environmental review.

Site Description and Existing Use

The 7,045-square-foot project site is located on the north side of Market Street within the triangular block bound by Market Street to the southeast, Sutter Street to the north, and Montgomery Street to the west, in the Financial District neighborhood. The project site is currently occupied by two separate two-story commercial buildings over a shared one-story basement level of approximately 16,195-gross-square feet. The project site does not contain any off-street vehicle or bicycle parking. The project site is relatively flat and does not have any curb cuts. There are currently two sidewalk trees on the project's Market Street frontage. The project site is in a C-3-O (Downtown Office) use district and a 300-S height and bulk district.

Project Description

The proposed project would demolish the two existing two-story-over-basement buildings and construct a 29-story, approximately 300-foot-tall building containing hotel uses. The new building, which would extend over the entire parcel, would provide approximately 3,400 gross square feet of retail space on the ground floor and mezzanine levels fronting Market Street and an approximately 123,000-square-foot hotel space that would accommodate about 211 guest rooms. The project would provide approximately 4,200 gross square feet of privately owned public open space (POPOS), which would include a 2,300-square-foot outdoor terrace and 1,900 square feet of indoor support space for the dedicated public entrance and elevator lobby to the POPOS. The project would be supported on a hybrid foundation that would consist of a four-foot mat slab supporting the approximate southern half of the building. The remaining building portion would be supported by a 6- to 10-foot foundation bearing on 6-foot-diameter piles that would be drilled approximately 40 feet into bedrock, for a total length of around 160 feet under the mat slab.

Project construction is anticipated to last approximately 24 months and would require excavation of the total site footprint (7,045 square feet) to approximately 7 to 13 feet below ground surface (bgs). Overall, excavation of the basement levels would require removal of approximately 3,900 cubic yards of soil.

The project would require the following approvals from the Planning Commission:

- A conditional use authorization from the planning commission under Planning Code section 303 to permit hotel uses.
- A Downtown Project Authorization under Planning Code section 309 for projects within a C-3 zoning district greater than 50,000 square feet in area or 75 feet in height and for granting exceptions to the requirements of certain sections of the Planning Code.

Background

The following bullet points provide a chronological summary of the various actions documented in the record related to the proposed project that have occurred since October 2019, when the project sponsor filed for an application for the proposed project:

On October 1, 2019, the project sponsor filed a project application with the department for the project.

On October 30, 2024, the department issued a PMND for the project determining that the proposed project could not have a significant impact on the environment.

On November 20, 2024, Brian Flynn, on behalf of BCal 44 Montgomery Property LLC, and Edward Shaffer, on behalf of Chelsea Pacific Group, LLC, owner of the adjacent 564 Market Street (also known as the Chancery Building) (appellants), filed separate appeals of the PMND.

On November 20, 2024, the 20-day appeal period ended. However, at the time of PMND publication, two technical appendices were inadvertently not available for public review on the department website. As a result, the comment period was extended by an additional 20 days to December 12, 2024, once the appendices became available.

On December 11, 2024, Mr. Shaffer filed a supplemental appeal letter.

On December 12, 2024, the appeal hearing was continued to February 27, 2025.

On February 27, 2025, the appeal hearing was continued to April 3, 2025.

On March 19, 2025, Mr. Flynn filed another supplemental appeal letter and Mr. Shaffer filed two additional supplemental letters. The subject of one of the Shaffer letters, "Re: Objections to Approval," contains concerns regarding the project's code compliance, with none of the stated concerns being related to environmental effects. Therefore, this appeal response does not address any of the concerns brought up in this particular letter as they are not related to CEQA. This appeal response addresses concerns noted in all other appeal letters filed.

On April 3, 2025, the appeal hearing was continued to May 1, 2025.

Planning Department Responses

The Planning Department's responses to concerns raised in the appeal letters are provided below, organized by topic. The appellants have not met the legal burden of proof of providing substantial evidence supporting a fair argument that the project may have a significant environmental impact in order to support their argument that an environmental impact report is required for the project.

Response 1 (Geology and Soils): The PMND appropriately analyzes the potential environmental effects of the proposed project related to geology and soils, providing substantial evidence that the project would not have a significant impact on surrounding structures.

The appellants contend that the PMND fails to evaluate the geotechnical impacts of project construction on surrounding buildings, including impacts related to soil settlement, dewatering, and liquefaction. This contention is incorrect. The PMND analysis correctly accounts for the city's entire review process, with environmental review being one of the initial steps of that process. During the environmental review process, the department considers whether the construction of a proposed project could have substantial adverse effects on soils or geologic features on the project site, and whether a project could be feasibly constructed and supported by the underlying site conditions. This information is typically summarized in a preliminary geotechnical report. The function of a geotechnical report is to provide recommendations by a licensed geotechnical professional to a project's engineer of record, who must then incorporate those recommendations into building permit-level drawings and construction documents, to ensure that the proposed structure can be supported on the proposed foundation system.

Subsequent to the environmental review process, the building department undertakes structural review to ensure that a building can be safely constructed in accordance with all applicable state and local codes. At this stage, the building department reviews more detailed structural plans, which are typically not available, nor required, during the environmental review phase. Instead, environmental review for a project is generally based on a project's architectural plans.

In compliance with these building requirements, the project sponsor submitted a geotechnical report prepared by a licensed geotechnical engineer to the planning and building departments. This report investigated site, soil, geologic, and groundwater conditions of the subject property, and made geotechnical recommendations pertaining to the project's construction.[1] These recommendations address site preparation and grading, seismic design, foundation types, shoring and protection of adjacent buildings, and more. The California Building Code also includes specific provisions, including Protection of Adjoining Properties (section 3307), which must be addressed in the project's structural plans.[2]

The preliminary geotechnical report concluded that the proposed development is feasible from a geotechnical standpoint, but also acknowledged the need for a design-level geotechnical investigation once more detailed permit-level project drawings are available. As such, the department addressed the limited

[1] Langan. *Preliminary Geotechnical Evaluation: 570 Market St.* August 27, 2019.
[2] *Ibid.*

question before it, and correctly concluded that the project could feasibly be constructed on the project site and would not result in any significant impacts related to geology or soils.

Administrative Bulletin 082 and Impacts to Adjacent Structures

Additionally, building department Administrative Bulletin 082 (AB 082), Guidelines and Procedures for Structural Design Review, applies to the proposed project under the San Francisco Building Code and specifies the guidelines and procedures for independent structural and geotechnical design review during the application review process for a building permit. The scope of services for geotechnical engineering review required under AB 082 includes assessment of the project's proposed foundation system and its appropriateness for the structure and ground conditions on the site, the potential effects of construction activities, the predicted foundation settlement, and the project's potential long-term interaction with foundations of existing adjacent and nearby structures.

AB 082 also outlines how the director of the building department would resolve any disputes between the structural design reviewer and the project's structural and geotechnical engineers of record. The building department would review the final building plans (construction plans) for conformance with recommendations of the site-specific, design-level geotechnical evaluation to ensure compliance with state and local building codes, including AB 082. This building permit application review process would occur prior to the issuance of construction permits and would ensure that the proposed project would not result in significant geology and soils impacts, including significant adverse impacts to existing nearby structures.

In summary, the project is required to comply with the city's project review process, which would entail detailed, design-level geotechnical and structural review by the building department. Compliance with all mandatory provisions of the California Building Code and San Francisco Building code would ensure that the project would not result in significant geology or soils impacts. Therefore, no mitigation measures are required. During the environmental review stage, the department addresses the limited question of whether a project can feasibly be constructed on the project site based on the site's underlying soil conditions and site context. Based on the project's preliminary geotechnical report, the department has correctly determined that the project is feasible and would not result in any significant impacts to geology or soils. The appellants have not provided evidence to support a fair argument that the project would result in significant geology and soils impacts.

Response 2 (Air Quality): Substantial evidence provided in the PMND and additional health risk analysis conducted since then, establishes that the proposed project would not result in any significant impacts related to air quality.

The appellants contend that demolition and construction activities will expose the public to significant adverse levels of air pollution, including from asbestos and lead-based paints and construction dust. Additionally, the appellants contend that construction activities could increase cancer risks for people living and working in the area, and that nearby office workers should be treated as sensitive receptors.

Construction Dust

With regards to construction dust impacts, studies have shown that the application of best management practices at construction sites significantly control fugitive dust and reduce fugitive dust by up to 98 percent, as described on page 50 of the PMND.[3,4] As such, they are an effective strategy for controlling construction-related fugitive dust. As described on pages 54 and 55 of the PMND, the project would be required to comply with the city's Construction Dust Control Ordinance and implement best management practices to reduce control construction dust. Such measures include wetting down areas around soil improvement operations, placement of upwind and downwind particulate dust monitors, limiting areas subject to excavation, grading, and other demolition or construction activities at any given time, and the like. These measures would be required as a matter of law already applicable to the proposed project. Accordingly, this impact was determined to be less than significant and no mitigation measure is required.

Construction and Operational Air Quality Impacts

The project's construction and operational air pollution impacts are discussed under Impact AQ-4, starting on page 57 of the PMND. The PMND evaluated the air quality health risk impact of the project to sensitive receptors near the project site, with the closest analyzed receptor located approximately 395 feet away from the project site. Following the publication of the PMND, a more detailed health risk assessment was prepared to evaluate construction and operational health risk impacts to receptors in the immediate vicinity of the project site, including worker receptors directly adjacent to the project site (see PMND text revisions – Exhibit C).[5] Thus, the revised PMND addresses worker receptors as sensitive receptors and presents results of toxic air pollutants on workers located in office buildings located adjacent to the project site. The health risk assessment modeled project-specific emissions based on the proposed land uses, construction schedule, construction equipment list and construction trip information, as provided by project sponsor.

The health risk assessment determined that, with the implementation of mitigation measure M-AQ-4a: Clean Off-Road Construction Equipment, which would be required as condition of project approval, the construction of the proposed project would not exceed the air district's or city's health risk thresholds for chronic hazard index, cancer risk, or $PM_{2.5}$. As described in the PMND, the use of clean construction equipment can reduce construction emissions by 93 to 96 percent as compared to fleet average. Therefore, as concluded in the PMND and substantiated through additional health risk emissions modeling, the proposed project would result in a less-than-significant impact to nearby sensitive receptors related to construction toxic air contaminants, including the adjacent office building abutting the project site.

The project-specific health risk assessment also determined that operation of the project would result in a less-than-significant impact to residential or worker receptors with the implementation of mitigation

---

[3] Western Regional Air Partnership. *2006. WRAP Fugitive Dust Handbook.* September 7, 2006. This document is available online at https://www.env.nm.gov/wp-content/uploads/sites/2/2017/02/WRAP_FDHandbook_Rev_06.pdf, accessed January 15, 2025.

[4] San Francisco Planning Department. *Air Quality and Greenhouse Gas Analysis Guidelines.* February 2025.

[5] Ramboll. *Air Quality Health Risk Assessment Methodology and Results Memo: 570 Market Street, San Francisco, CA.* January 2025.

measure M-AQ-4b: Clean Diesel Generators for Building Operations, including to receptors adjacent to the project site.

The internal air circulation system of nearby buildings, which one of the appellants brings up in their letter, is not within the purview of the proposed project. The project site is located in the existing air pollutant exposure zone and sensitive receptors within the zone already experience elevated levels of air emissions. However, as described in the PMND and reiterated above, implementation of air quality mitigation measures and best management practices to reduce construction dust would ensure that the proposed project would not make a considerable contribution to existing significant cumulative health risk impacts in the area.

Lead and Asbestos

With respect to lead and asbestos, these impacts are described in the hazards and hazardous materials section of the PMND on pages 96 through 98. Lead and asbestos handling and removal are regulated in accordance with local and state regulations, as well as air district, California Department of Toxic Substances Control, Cal/OSHA, and California Department of Health Services requirements. Specifically, California Health and Safety Code section 19827.5, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until a project sponsor has demonstrated compliance with the notification requirements under applicable federal regulations regarding hazardous air pollutants, including lead and asbestos.

The California Legislature vests the local air district, in this case the Bay Area Air District, with the authority to regulate airborne pollutants, including asbestos-containing material, through both inspection and law enforcement. The air district is to be notified 10 days in advance of any proposed demolition or abatement work. Any disturbance of asbestos-containing material at the project site would be subject to the requirements of air district Regulation 11, Rule 2, Hazardous Materials—Asbestos Demolition, Renovation, and Manufacturing. The local office of Cal/OSHA must also be notified of asbestos abatement. Asbestos abatement contractors must follow state regulations contained in California Code of Regulations title 8, section 1529 and sections 341.6 through 341.14, when their work involves 100 gross square feet or more of asbestos-containing material. Pursuant to California law, the building department would not issue the required permit until the project sponsors have complied with the requirements described above.

Work that could result in any disturbance of lead-based paint must comply with San Francisco Building Code section 3423, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Section 3423 identifies prohibited practices that may not be used when removing lead-based paint, as well as notification requirements. Where work would disturb or remove lead-based paint on the exterior of a building, or the interior of occupied buildings built prior to or on December 31, 1978 – such as the existing structure at 570 Market Street – section 3407 requires specific notification and work standards and identifies prohibited work methods and penalties. The demolition would also be subject to the Cal/OSHA lead in construction standard (California Code of Regulations title 8, section 1532.1). This standard requires development and implementation of a lead compliance plan when materials containing lead are disturbed during construction. The plan must describe activities that could emit lead, methods that would be used to comply with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction.

Cal/OSHA would require 24-hour notification if more than 100 square feet of lead-containing material would be disturbed.

Based on mandatory compliance with existing regulatory requirements, as concluded on page 98 of the PMND, the proposed project would not result in a significant hazard to the public or environment from hazardous materials such asbestos and lead-based paint and the proposed project would result in a less-than-significant impact related to these substances.

In summary, the appellants have not provided a fair argument supported by substantial evidence that the proposed project would result in significant air quality impacts. The PMND's analysis of air quality impacts, as supplemented by the additional health risk assessment conducted to support the department's appeal response, are accurate and sufficient. No further analysis is required.

Response 3 (Noise and Vibration): Based on substantial evidence provided in the PMND and additional analysis conducted for informational purposes, the proposed project would not result in significant impacts related to noise and vibration.

The appellants contend that project construction would have significant noise impacts on nearby office workers and would result in significant vibration impacts on nearby historic structures. Their arguments, however, do not meet the legal standard of providing substantial evidence in support of a fair argument that such a significant impact would occur, for the reasons described below.

Construction Noise

The project's noise impacts during construction are discussed in the PMND beginning on page 37. Consistent with the *Governor's Office of Planning and Research's General Plan Guidelines 2017*, noise sensitive receptors are defined as: residences, hospitals, convalescent homes, schools, churches and sensitive wildlife habitat (e.g., nesting birds, marine mammals, protected fish species). The planning department also considers hotels and motels as noise sensitive receptors, and commercial and industrial uses are considered noise sensitive uses if they are exposed to noise levels of 100 dBA or higher.

Construction noise is regulated by the San Francisco Police Code, article 29, section 2907. Police Code section 2907 requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at 100 feet from the source. Impact tools are not subject to the equipment noise limit provided that impact tools and equipment would have intake and exhaust mufflers recommended by the manufacturers and are approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation. Table 7 on page 38 of the PMND describes the typical noise levels of construction equipment anticipated to be used at the site. As dictated by the city's noise ordinance, a default reference distance of 100 feet between the construction equipment and noise receptor was used.
The planning department also analyzes the construction noise using guidance provided in the Construction Noise Assessment of the Federal Transit Administration Transit Noise and Vibration Assessment Manual (FTA manual). Specifically, the planning department uses the general assessment daytime residential noise limit of 90 dBA at residential receptors or 100 dBA at commercial or industrial receptors as developed by the Federal Transit Administration. This assessment results in a reasonable worst-case scenario because it is based on the

assumption that the two noisiest pieces of equipment would operate simultaneously. If any of the above criteria are exceeded (10 dB increase in ambient noise levels, 90 dBA at noise-sensitive receptors or 100 dBA at commercial and industrial receptors), the planning department would evaluate the temporal frequency, duration, and intensity of the exceedance when determining whether construction noise could result in a substantial temporary increase in ambient noise levels.

For informational purposes and to ascertain potential noise levels on the adjacent office uses (as raised in one of the appeal letters), Table 7 was updated since the publication of the PMND to include typical noise levels of construction equipment at a shorter distance of 20 feet between the equipment and the noise receptor to better simulate the distance between project construction equipment and nearby receptors in adjacent structures (see PMND text revisions – Exhibit C).[6]

At a reference distance of 20 feet, no construction equipment would exceed 100 dbA (see Attachment B to this appeal response, Updated Construction Noise Tables). This calculation takes into account the simultaneous operation of the two noisiest pieces of equipment during a given phase consistent with the FTA manual. As a result, construction noise impacts to commercial uses in the area would be considered less than significant, which is consistent with the findings in the PMND.

Additionally, as discussed in the PMND on page 42, construction noise is generally the most substantial during the initial phases of the project, which include demolition, site preparation, and grading, and generally decreases in the latter phases. Construction equipment noise is also intermittent and would occur in limited intervals at a time. Furthermore, the analysis provided in the PMND and above is conservative because it assumes that no acoustic shielding or attenuation from building walls, windows, or other measures would occur.

In the supplemental appeal letter submitted by Mr. Flynn dated March 19, 2025, the appellant contends that the construction noise analysis is inaccurate because it improperly applied the general assessment methodology provided by the FTA Manual. The appellant contends that the analysis should have employed an equipment usage factor[7] of 1 (i.e., 100 percent), instead of a range between 16 to 50 percent as the PMND did, and a noise attenuation factor of 3 dB per doubling of distance, instead of 6 dB per doubling of distance. The appellant contends that by calculating construction noise levels with those assumptions, there could be potentially significant construction noise impacts at the nearest residential and commercial receptors.

However, the appellant's analysis is inaccurate and misleading because it conflates two different methodologies. While the FTA Manual general assessment methodology does recommend a usage factor of 1, the general assessment guidelines state that a noise attenuation factor equating to a 6 dB reduction per doubling of distance should be used, not 3 dB as the appellant claims. Thus, the appellant's construction noise calculations are misleading.

---

6 Salter, Alex. "Re: 570 Market Tables." Received by Ryan Shum. 24 January 2025.

7 The usage factor is the percent of time a piece of construction equipment is used throughout the day.

Typically, construction noise analysis is a multi-step process that first entails a more conservative analysis with broad assumptions and subsequently a more refined methodology if the initial analysis finds that a project could result in significant impacts. The FTA Manual general assessment methodology also allows for an adjustment of the usage factor based on the amount of time that construction equipment would be used during the day, and based on more refined analysis and project. The usage factor is based on Federal Transit Administration methodology and reflects the fact that most construction equipment is generally used intermittently and is not used throughout the day, thereby reducing its noise levels over the course of a workday.[8] Consequently, the PMND noise analysis used a more refined usage factor of 16 to 50 percent per guidance by the Federal Highway Administration (FHA) to better reflect the frequency of use of the construction equipment.[9] This more refined methodology determined that project construction would not result in significant noise impacts to nearby residential and commercial receptors, as described above.

For informational purposes, supplemental noise analysis was conducted in accordance with the FTA Manual general assessment methodology (i.e., with an equipment usage factor of 1 and a noise attenuation factor equating to a 6 dB reduction per doubling of distance).[10] This supplemental analysis conservatively evaluated if construction equipment would be operating with 100 percent usage factor. As shown in Table 1 below, construction noise levels still would not exceed construction noise thresholds at the nearest residential and commercial receivers when using recommended assumptions of the FTA general assessment methodology.

Table 1: Calculated Noise Levels at Nearest Off-Site Sensitive Use from Daytime Construction

Phase	Loudest Two Noise Sources	Estimated Construction Noise Level (dBA) at Nearest Residential Receiver (450 feet)	Exceeds 90 dBA Residential Standard?	Estimated Construction Noise Level (dBA) at Nearest Commercial Receiver (20 feet)	Exceeds 100 dBA Commercial Standard?
1	CSM Rig, Jackhammer	68	No	95	No
2	Concrete Saws, Jackhammer	72	No	99	No
3	Concrete Pump, Excavator	65	No	92	No
4	Drill Rig, Cranes	67	No	94	No
5	Pressure Washer, Cranes	67	No	94	No

8 Ibid., p. 12-3.

9 Based on the US EPA document, "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances" 1971, noise data from Federal Highway Administration (FHWA) Roadway Construction Noise Model User's Guide, 2006, and data from other Salter Projects.

10 Salter, Inc. *570 Market Street Acoustical Response to Appeal of Preliminary MND.* April 4, 2025.

In summary, the PMND noise analysis employed a multi-step process and properly calculated the project's construction noise impacts to the nearest sensitive receptor (i.e., residences at 333 Bush Street approximately 450 feet away) and properly evaluated ambient noise levels at nearby commercial receptors. The supplemental analysis evaluated construction noise levels against the FTA criteria of 100 dBA for commercial and industrial receptors and confirmed that projects construction noise would not exceed those levels. The appellant's contention that the PMND noise analysis is inaccurate because it should have used the more generalized FTA guidance is misleading, and the appellant's noise calculation is also misleading because it does not use a 6 dB per doubling of distance noise attenuation factor as provided by the FTA general assessment methodology. Supplemental noise analysis using the more conservative FTA general assessment methodology, shown in Table 1 above, further supports the PMND conclusion that the project would not result in significant construction noise impacts.

Construction Vibration

The project's vibration impacts during construction are discussed in the PMND beginning on page 44. With regards to construction vibration impacts, the PMND identified that the 566 Market Street, 576 Market Street, and 44 Montgomery Street buildings could be susceptible to ground-borne vibration from demolition and construction activities of the proposed project. Therefore, the PMND determined that Mitigation Measure M-NO-2 will be required before and during construction. The project sponsors have agreed to implement this measure.

The primary purpose of the mitigation measure is to prevent damage to nearby structures and requires that all feasible means to avoid damage to potentially affected buildings be identified in the project's Vibration Management and Monitoring Plan (Monitoring Plan) and employed. Examples of avoidance measures that could be employed include using alternative pieces of construction equipment or techniques and adjusting the buffer zones of equipment. The Monitoring Plan would also include procedures to actively monitor vibration levels at the construction site to ensure that they do not exceed the established standards identified in the plan. As described in the mitigation measure, the project would be required to retain a qualified structural engineer and historic preservation professional to conduct periodic inspections of adjacent buildings for signs of vibration-induced damage during vibration-generating construction activities, and to immediately notify the planning department if any damage is visible and incorporate alternative construction techniques to reduce further effects. At the time that the Monitoring Plan is prepared, the structural engineer and planning department would also have the discretion to reclassify nearby buildings to meet stricter vibration standards based on additional information on structural conditions of the building, as appropriate; for example, 44 Montgomery Street may be reclassified from "modern industrial/commercial buildings" to "historic and some older buildings," as appropriate.[11]

It is important to note that the Caltrans vibration standards are guidelines for assessing potential vibration damage and not brightline thresholds as the appellant contends. The Caltrans standards are guidelines because all buildings are constructed in slightly different ways using different construction techniques and materials, and with different underlying soil conditions and surroundings. As a result, construction-induced

[11] This classification is for the purposes of construction vibration monitoring only, and how a building is classified is independent of a building's actual historic status.

vibration interacts with buildings in varying degrees and there is no brightline threshold upon which vibration impacts are certain to occur. The Caltrans standards are a reflection of this and offer guidance of when vibration impacts *may* start to occur, and an exceedance does not guarantee that an adverse impact would occur, nor does it automatically constitute a significant impact. Therefore, the appellant's contention is incorrect.

As a final protective measure, in the event that all feasible avoidance measures are employed and damage does occur, the damage would be detected early due to active monitoring requirements per the Monitoring Plan. Furthermore, the project sponsor would be required to implement additional measures to minimize vibration impacts and repair any damage to its preconstruction state. Any damage to a historic building would require the remediation to be overseen by a qualified preservation professional and planning department preservation staff.

Mitigation measure M-NO-2 outlines clear steps and performance measures for the monitoring and potential repair of any vibration-induced damage. Construction-level details are often not determined yet at the time of environmental and architectural review, and minor changes often occur at the time of structural building permit review and once construction starts; the vibration monitoring plan and mitigation measures are adaptable to the conditions of the project site at the time of construction. The project would be required to implement the measures described in mitigation measure M-NO-2. The PMND, therefore, is not deferring any mitigation or analysis of vibration impacts. With implementation of this mitigation measure, the PMND determined that the impacts from construction vibration would reduce any potential damage to adjacent structures from construction to a less-than-significant level.

The appellants have not offered any evidence to support their contention that construction vibration could result in significant adverse impacts to historic buildings.

Response 4 (Historic Resources): Based on substantial evidence provided in the PMND, the proposed project would not result in a significant impact to historic resources.

The appellants contend that the project could have potentially significant impacts on nearby historic buildings due to the mass and scale of the proposed building, vibration from demolition and construction, ground settlement from dewatering and increased soil stresses, and increased lateral loads. The appellants also contend that the project block should be evaluated as a historic district. The appellants have not offered any evidence to support these assertions. By contrast, the PMND provides substantial evidence to support the conclusion that significant impacts of this nature would not occur. As discussed on pages 15 through 17 of the PMND, the project site is not within a designated historic district and construction of the proposed project would not affect the historic significance of nearby historic buildings:(44 Montgomery Street, Chancery Building located at 562-566 Market Street, Finance Building at 576-580 Market Street, Hobart Building at 582-590 Market Street, Flatiron Building at 540-548 Market Street, Crocker Bank Building; three commercial buildings at 550, 554 and 560 Market Street which are located on the subject block (Block 0291); and Crocker Bank Building located at 1 Sansome Street located at the north confronting block (Block 0289). As described in the department-prepared Historic Resources Evaluation Report (HRER) for the project, "the subject property does not appear to be part of a significant concentration of historically or architecturally unified buildings such

that it would rise to the level of an eligible historic district." As such, the potential of the project block to be designated as a historic district and the subject property to be included in said district was already evaluated in the project HRER. The architectural cohesion of Market Street is not relevant in the context of the project's historic resource evaluation because the subject property is not part of a historic district. Likewise, new shadows caused by the project would not affect historic character defining features of nearby properties.

Additionally, the appellant is incorrect in their assertion that 44 Montgomery Street was not classified as a historic resource and evaluated accordingly in the PMND. Contrary to the appellant's contentions, 44 Montgomery Street was evaluated as a historic resource in the project's cultural resource analysis as evidenced by its inclusion in the list of adjacent historic resources in the HRER. The proposed project would not affect the physical features that convey the historical significance of nearby historic resources, including 44 Montgomery Street.

The project's geology and soils and vibration impacts are discussed thoroughly in the PMND and are summarized in the responses 1 and 3 above. Furthermore, the project sponsor has committed to implementing mitigation measure M-NO-2, Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction, which aims to avoid potential vibration impacts, and would be required to implement the recommendations from the design-level geotechnical investigation process as outlined above, which would ensure that there are no impacts to nearby properties related to ground settlement, dewatering, or lateral loads.

Response 5 (Freight Loading): As discussed in the PMND, the proposed project would not result in any significant impacts related to transportation, including secondary impacts resulting from insufficient loading facilities.

The appellants contend that the project's freight loading impacts were not properly evaluated and that the project may have adverse secondary impacts resulting from insufficient loading facilities. The PMND mistakenly included a description of an off-site loading space on page 3 of the PMND based on an earlier iteration of the proposed project (see PMND text revisions – Exhibit C). However, the loading analysis did not assume the project would include an off-street loading space, and is therefore accurate.

As discussed on page 30 of the PMND, the project relies entirely on on-street loading facilities and the loading analysis does not reference any off-street loading spaces. The project is anticipated to average 12 daily freight loading occurrences spread throughout the day, and average approximately two loading occurrences during the peak hour of loading activity. Freight deliveries would primarily be comprised of smaller vehicles such as light trucks and panel vans. Given the length of the existing on-street loading zones, there would be sufficient loading space to accommodate the project's peak hour loading demand of two trucks. Therefore, no secondary transportation impacts resulting from inadequate loading supply are expected. The appellants have not offered any evidence to support their contention that the project could result in significant transportation impacts resulting from inadequate freight loading supply and, no additional analysis is required.

Response 6 (Shadow): As discussed in the PMND, the proposed project would not result in any significant impacts related to shadow.

The appellants contend that the project would have adverse shadow impacts on privately owned public open space (POPOS) in the area, but do not offer any substantial evidence supporting a fair argument of how the project would result in significant shadow impacts. As discussed on page 67 of the PMND, the project would cast some new shadow on POPOS in the area, including the One Sansome Street courtyard, One Bush Plaza, the plaza at 333 Market Street, and the plazas at 425 and 525 Market Street. However, these shadows would be intermittent, and the net new shadow would not substantially affect the use and enjoyment of these POPOS . Furthermore, POPOS are not protected open spaces under Planning Code section 295, and the appellants have provided no evidence that the proposed project would increase shadow to any open space protected under Planning Code section 295. The shadow impact analysis on nearby POPOS provided in the PMND is provided for informational purposes only, and is not a requirement to be analyzed under CEQA or the Planning Code. Therefore, no additional analysis is required.

Response 7 (Wind): As discussed in the PMND, the proposed project would not result in any significant impacts related to wind.

The appellants contend that the project would have adverse wind impacts. However, the appellants do not specify what wind impacts would occur that were not already disclosed and analyzed in the PMND, and offer no substantial evidence to support their assertion. As discussed on page 66 of the PMND, the project would generally improve wind conditions compared to existing conditions with respect to the applicable wind hazard criterion. The PMND provided adequate and accurate analysis of wind impacts, and no additional analysis is required.

Response 8 (Feasible Mitigation Measures): The PMND identifies feasible mitigation measures with performance standards that satisfy CEQA requirements.

The appellant claims that the PMND inappropriately defers mitigation of potential impacts to historic resources, geology and soils, and hazardous materials by relying on future reports and recommendations from those reports without specifying performance standards. However, the appellants' statements are not consistent with the analysis or mitigation measures contained in the PMND, or CEQA's requirements.

CEQA Guidelines section 15126.4(a)(1)(B) permits the department to further refine the details of mitigation measures after the project's approval if the environmental document (1) commits the project sponsor to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The mitigation measures cited by the appellant meet all of these requirements and are, therefore, legally adequate in the context of CEQA review.

The PMND does not, as appellant claims, defer "formulation of mitigation measures." All of the mitigation measures contained in the PMND contain detailed performance standards that ensure their effectiveness and specify the timing of any required actions. For example, mitigation measure M-NO-2 requires the project sponsor to avoid or reduce project-related construction vibration damage to adjacent buildings and/or

structures and to ensure that any damage is documented and repaired. The mitigation measure also establishes quantified maximum vibration levels that may not be exceeded and for which the project site will be monitored. Thus, the mitigation measure specifies the components for a monitoring plan, timing, guidelines, approval process, and responsible professionals who may determine corrective measures based on construction activity and the character of adjacent buildings.

Similarly, mitigation measure M-AQ-4a requires the project to use clean off-road construction equipment and provides specific details related to engine eligibility requirements, the use of waivers, and detailed requirements for the preparation of a construction emission minimization plan. Specifically, this mitigation measure states that "[A]ll off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed U.S. Environmental Protection Agency (EPA) Tier 4 Interim or Tier 4 Final off-road emission standards." Similarly, requirements regarding the construction emission minimization plan state that "[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. As reasonably available, the description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel use and hours of operation. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used." These specific requirements ensure that this mitigation measure would be implementable, measurable, and would reduce impacts to a less-than-significant level as concluded in the PMND on page 58.

The project sponsor has committed to implementing the mitigation measures outlined in the project's Mitigation Monitoring and Reporting Program (MMRP), and the MMRP would be made a condition of approval of the project by the Planning Commission.

With regards to the PMND analysis of geology and soils and hazardous materials, as discussed in Response 1, above, the department relies on compliance with state and local regulations that are uniformly applied to all projects and with which the project sponsor would be required to comply. Compliance with state and local regulations would require the project to meet standards that would ensure that the project would not result in a significant impact. For these types of impacts – where existing regulations ensure that no significant impacts would result - no additional mitigation measures are required.

The appellants have not provided any substantial evidence to support their assertion that the mitigation measures inappropriately defer mitigation or do not specify performance standards or implementation timing requirements.

Response 9 (Cumulative Projects): The cumulative project list is accurate, and the cumulative analysis was properly conducted.

The appellants contend that the cumulative project list is outdated and that, as a result, the cumulative analysis is flawed. A project's cumulative project list is typically developed at the beginning of the analysis period, which in this case was 2019. For longer periods of environmental review, the cumulative project list may be reviewed again to ensure that it is still accurate. The original cumulative project list was reviewed

when analysis resumed following the COVID-19 pandemic, but no new cumulative projects were identified at that time. For informational purposes, the department reviewed the list again in January 2025 and identified only minor projects and permits in the vicinity of the project site that would generally not be added onto cumulative project lists due to their minor nature and likelihood that they would not interact with the proposed project to generate cumulative impacts. Examples of such minor projects include antennae and sign installations, minor building modifications and repairs, and repainting, as well as minor utility projects such as sewer replacements or utility pole replacements due to the limited construction duration and scope. For these reasons, the cumulative project list remains the same as the list that was originally prepared and is considered to be accurate and adequate for purposes of CEQA review. The appellants do not offer any evidence to support their contention that the cumulative analysis is flawed, and thus there is no fair argument presented that the department has failed to identify a significant cumulative impact to which the proposed project would have a cumulatively considerable contribution. No further analysis is required.

Response 10 (Public Notice): The department complied with state and local notice requirements for publication of the PMND and appropriately remedied administrative errors.

The appellants contend that the department did not provide adequate notice of the publication of the PMND because, although the notice was properly sent to the owner of 564 Market Street, their legal representative claims to not have received notice of the PMND publication. The appellants also note that at least two technical studies were not made publicly available at the time of the publication of the PMND.

The department issued the PMND for the project on October 30, 2024, and sent a Notice of Availability of Intent to Adopt a Mitigated Negative Declaration (Notice of Availability) to interested parties and property owners and tenants within a 300-foot radius of the project site, including to the property owners of 564 Market Street (The Chancery Building) and 44 Montgomery Street. The department provided a 20-day appeal period that ended on November 20, 2024. During the public review period, the department determined that some of the technical background documents were inadvertently not made publicly available for review on the department website at the start of the initial 20-day appeal period. At the request of an individual who had not received the Notice of Availability, and to afford adequate time for the public to review all technical documents, the department extended the PMND comment period by 20 days to December 12, 2024.

In accordance with state and local laws, physical posters of the Notice of Availability were also publicly posted at the project site between October 30, 2024 and November 20, 2024, in accordance with Administrative Code section 31.11(4). The department verified that multiple weather-protected 11-by-17-inch notices were posted in prominent locations at the project site for the duration of the appeal noticing period. Photographs of the posted notices were taken on November 21, 2024, and are on file with the department.

Additionally, a newspaper notice was published in the San Francisco Examiner on October 30, 2024, and the Notice of Availability was also posted at the San Francisco Office of the County Clerk for the 20-day review period on the day of PMND publication.

In conclusion, the department provided sufficient notice and opportunity for review of the PMND in accordance with state and local laws.

Conclusion

For the reasons provided in this appeal response, the department has determined, based on substantial evidence in the record, that the proposed project would not have significant impacts with implementation of the feasible mitigation measure identified in the PMND; an environmental impact report is not required. The department also complied with state and local noticing requirements for the PMND and extended the initial notice period by 20 days in order to ensure that all members of the public received adequate time to submit their comments. The appellants have not provided substantial evidence supporting a fair argument that the proposed project would have significant impacts on the environment, nor have they demonstrated that the department failed to provide adequate notice of the PMND or access to records. The department therefore respectfully recommends that the Commission uphold the PMND and deny the appeals.

Attachment 3

Attachment 3 submitted electronically due to large file size

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

MITIGATED NEGATIVE DECLARATION

PMND Date:	October 30, 2024; amended on May 1, 2025
Case No.:	2019-017622ENV
Project Title:	570 Market Street
BPA Nos.:	TBD
Zoning:	C-3-O – Downtown Office 300-S Height and Bulk District
Block/Lot:	0291/013
Lot Size:	7,059 square feet
Project Sponsor:	Melinda Sarjapur, msarjapur@reubenlaw.com, (415) 567-9000
Lead Agency:	San Francisco Planning Department
Staff Contact:	Ryan Shum, ryan.shum@sfgov.org, (628) 652-7542

Project Description:

The 7,045-square-foot project site is located on the north side of Market Street within the triangular block bound by Market Street to the southeast, Sutter Street to the north, and Montgomery Street to the west, in the Financial District neighborhood. The project site is a through lot that has frontages on both Market Street and Sutter Streets. It is located within the C-3-O Downtown-Office district. The project site is currently occupied by two separate two-story commercial buildings over a shared one-story basement level of approximately 16,195-gross-square feet. The proposed project would include the demolition of the two-story-over-basement buildings and construction of a 29-story, approximately 300-foot-tall building (320 feet total, including rooftop mechanical equipment and screening). The new building, which would extend over the entire parcel, would provide approximately 3,400 gross square feet of retail space on the ground floor and mezzanine levels fronting Market Street and an approximately 123,000-square-foot hotel space that would accommodate about 211 guest rooms fronting Sutter Street. The proposed project would accommodate eight class I bicycle parking spaces on the third floor of the new building and eight class II bicycle parking spaces on Market Street near the project site. The proposed project would provide approximately 4,211 gross square feet of privately owned public open space (POPOS), which would include a 2,343-square-foot outdoor terrace and 1,868 square feet of indoor support space for the dedicated POPOS entrance and elevator lobby. The POPOS outdoor terrace would be located on the 15th floor on the south (Market Street) side.

Finding:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative

Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. See Appendix C.

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

Lisa Gibson
Environmental Review Officer

May 16, 2025
Date of Issuance of Final Mitigated Negative Declaration

cc: Melinda Sarjapur, Reuben, Junius & Rose, LLP
Supervisor Danny Sauter, District 3
Project Distribution

ATTACHMENT A

INITIAL STUDY
570 MARKET STREET
PLANNING DEPARTMENT CASE NO. 2019-017622ENV

Table of Contents

Appendices

Figures

Tables

Acronyms and Abbreviations

Acronym/Abbreviation	Definition
air board	California Air Resources Board
air district	Bay Area Air Quality Management District
AB	Assembly Bill
bgs	below ground surface
Blue Book	San Francisco Regulations for Working in San Francisco Streets
building department	San Francisco Department of Building Inspection
CalEEMod	California Emissions Estimator Model
California Register	California Register of Historical Resources
Cal/OSHA	California Division of Occupational Safety and Health
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CGS	California Geological Survey
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
fire department	San Francisco Fire Department
FTA	Federal Transit
GHG	greenhouse gas
gsf	gross square feet
In/sec	Inch per second
mgd	million gallons per day
mph	miles per hour
$MTCO_2e$	metric tons of carbon dioxide equivalents
Muni	San Francisco Municipal Railway
NPDES	National Pollutant Discharge Elimination System
PPV	Peak particle velocity
police department	San Francisco Police Department
POPOS	privately owned public open space
SamTrans	San Mateo County Transit District
SB	Senate Bill
SEP	Southeast Treatment Plant

Acronym/Abbreviation	Definition
SF Guidelines	2019 San Francisco Transportation Impact Analysis Guidelines
SFMTA	San Francisco Municipal Transportation Agency
SFPUC	San Francisco Public Utilities Commission
SMR	San Francisco Stormwater Management Requirements and Design Guidelines
state board	State Water Resources Control Board
USEPA	United States Environmental Protection Agency
VMT	Vehicle Miles Traveled

A. Project Description

Project Location

The 7,045-square-foot project site (Assessor's Block 0291, Lot 013) is located on the north side of Market Street within the triangular block bound by Market Street to the southeast, Sutter Street to the north, and Montgomery Street to the west, in the Financial District neighborhood (see Figure 1, p. 108). The project site is a through lot that has frontages on both Market Street and Sutter Streets. It is located within the C-3-O Downtown-Office district and a 300-S height and bulk district. The project site is currently occupied by two separate two-story commercial buildings over a shared one-story basement level of approximately 16,195-gross-square feet. The basement level was initially constructed as two distinct basements when it was constructed in 1922, but the two basements were later physically connected and combined into one in 1952. The basement is used for retail storage, elevator equipment rooms, utility meters, and a stormwater sump. Two separate retail stores are located on the ground floor, one fronting Market Street and one fronting Sutter Street. The second-level offices are accessible from the respective Market and Sutter Street frontages. The project site does not contain any off-street vehicle or bicycle parking. In total, the existing retail and office uses at the project site employ approximately 40 people. The project site is relatively flat and does not have any curb cuts. There are currently two sidewalk trees on the project's Market Street frontage.

Project Characteristics

The project sponsor, 229 Ellis Holdings, LLC, proposes to redevelop the 7,045-square-foot project site. The proposed 570 Market Street project (proposed project) would demolish the existing two-story-over-basement buildings and construct a 29-story, approximately 300-foot-tall building (320 feet total, including rooftop mechanical equipment and screening) (see Figure 2 and Figure 3**,** pp. 109-110). The new building, which would extend over the entire parcel, would be approximately 156,000 gross square feet in size. It would provide approximately 3,400 gross square feet of retail space on the ground floor and mezzanine levels fronting Market Street and an approximately 123,000-square-foot hotel space that would accommodate about 211 guest rooms fronting Sutter Street. The proposed project would employ approximately 237 people, with 190 employees for the hotel and 47 employees for the retail use.[1]

The basement level would accommodate the hotel's kitchen, mechanical rooms, and operational rooms. The third floor would accommodate eight class I bicycle parking spaces,[2] housekeeping room, employee locker rooms, hotel administration, and the hotel's fitness center. The proposed project would provide eight class II bicycle parking spaces[3] on Market Street near the project site, subject to San Francisco Municipal Transportation Agency (SFMTA) and San Francisco Public Works (public works) approval. The proposed project would not provide any off-street vehicle parking.

The proposed project would provide approximately 4,211 gross square feet of privately owned public open space (POPOS), which would include a 2,343-square-foot outdoor terrace and 1,868 square feet of indoor

1 City and County of San Francisco, Transportation Impact Analysis Guidelines for Environmental Review, October 2012, Table C-1, p. C-3. Estimated employment is based on employee density factors for typical land uses. An employment density of 0.9 employees per room is used for hotel use. An employment density of 350 gsf per employee is used for retail/restaurant use.

2 Class I parking spaces are "spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and Employees."

3 Class II bicycle parking spaces are "spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.".

support space for the dedicated POPOS entrance and elevator lobby. The POPOS outdoor terrace would be located on the 15th floor on the south (Market Street) side, where the upper 14 stories of the building would be set back by approximately 71 feet 10 inches from the Market Street façade. Public access to the POPOS would be provided from Market Street through a dedicated lobby and elevator.

Proposed Uses

Figure 4 through Figure 12, pp. 111-119, show representative floor plans for the proposed project. Table 1 summarizes the proposed project characteristics.

Table 1 Proposed Project Characteristics

Project Component	Existing	Proposed	Net Change
Height of Building (feet)	47	300[a]	+253
Number of Stories	2	29	+27
Hotel (gsf)	-	122,947 (211 guest rooms on Floors 4-14 and Floors 17-28)	+120,993
Retail (gsf)	16,195	3,386	-12,810
Below Grade (gsf)	6,898	6,898	0
Class I Bicycle Parking Spaces	0	8	+8
Class II Bicycle Parking Spaces	2	8	+6
Total (gsf)	**23,093**	**156,044[b]**	**+132,951**

SOURCE: Danny Forster & Architecture, 2021. NOTES: gsf = gross square feet

[a]: 320 feet total, including rooftop mechanical equipment and screening.

[b]: The total gross square footage includes the mechanical rooms, mechanical shaft space, void space at the mezzanine, and basement

The proposed 29-story building would be approximately 300 feet in height to the roofline, with a mechanical penthouse and screen extending up to 20 feet above the roof height, for a total height of 320 feet (see Figure 2, p. 109, and Figure 13, p. 120). As noted above, it would contain an approximately 123,000-gross-square-foot hotel with 211 guest rooms.

The proposed building would be set back on the south (Market Street) side at the 15th floor by approximately 72 feet. At the 16th and 17th floors, the proposed building would be set back approximately 48 feet. The 18th floor to the roof would be setback approximately 64 feet.

The basement of the proposed building, of approximately 6,900 gross square feet, would house approximately 340 square feet of commercial kitchen to support the hotel use with the remainder of the square footage dedicated to mechanical rooms and circulation (see Figure 5, p. 112).

The ground floor would include an approximately 1,000-square-foot hotel lobby accessible from Sutter Street. The Market Street side of the ground floor would have approximately 2,700 square feet of retail space and a dedicated entrance to the elevator leading to the POPOS on the 15th floor (see Figure 4, p. 111). The hotel lobby and retail space would be connected by a corridor that would provide indirect access to the hotel lobby from Market Street. The project's ground floor frontages on Sutter Street and Market Street would be aligned with the property line. The mezzanine level would include 720 square feet of retail space (see Figure 6, p. 113). The ground floor with the mezzanine would be approximately 13 feet high.

The second floor would be approximately 2 feet above the retail mezzanine and would be exclusively for mechanical rooms and circulation. The third floor would include an approximately 460-square-foot fitness room as well as an approximately 220-square-foot storage room for eight class I bicycle spaces. The remainder of the third floor would be dedicated to hotel operations (See Figure 7, p. 114).

Hotel guest rooms would be located on floors 4 through 14 and floors 17 through 28. Floors 4 through 14 would each contain 11 guest rooms (see Figure 7, p. 114). Floors 17 and 18 would each contain five guest rooms (see Figure 8 and Figure 9, pp. 115-116). Floors 19 through 28 would each contain eight guest rooms (Figure 10, p. 117). Guest rooms would vary in size from approximately 200 square feet to 280 square feet. The stack of hotel rooms located on the northeastern corner of the building would be Americans with Disabilities Act (ADA) compliant accessible rooms. Floor 15 would include the approximately 2,300-square-foot outdoor POPOS, and a 660-square-foot bar area. Floor 16 would include an approximately 1,900-square-foot bar area with 740 square feet of bar terrace facing east and southeast (see Figure 11, p. 118).

The roof would include hotel-elevator overruns and mechanical equipment, including an emergency generator that would be installed within a sound attenuated enclosure (see Figure 12, p. 119**)**.

Pedestrian Access and Loading

The retail space on the ground floor and mezzanine level would be accessible from Market Street. The hotel lobby would be accessible from Sutter Street. Additionally, as noted above, a corridor on the ground level would connect the hotel lobby to the retail space, thereby providing indirect access to the lobby from Market Street. The POPOS would be accessed from Market Street through a dedicated lobby and elevator.

Freight loading (yellow) zones would be located on Sutter Street between Sansome and Montgomery (totaling approximately 340 feet) and along Market Street (approximately 70 feet near the project site). There are no on-street passenger loading zones (white zones) proposed on Sutter Street; moreover, Market Street is not accessible for private vehicles in the segment near the project site.

The proposed project would generate approximately 12 average daily freight and delivery loading occurrences.[4] The daily service vehicle activity associated with the proposed project would include small vehicles such as light trucks and panel vans~~that could be accommodated within the off-street parking space~~. Subject to review and approval by SFMTA, the project proposes to replace approximately 22 feet of the existing commercial loading zone to establish a 22-foot curbside passenger loading zone along Sutter Street in front of the hotel lobby.

Streetscape Improvements and Bicycle Parking

As noted above under Project Location, there are currently two street trees on the project's Market Street frontage. These two trees would be protected and retained and no trees would be removed as part of the proposed project. In addition, as part of the proposed project, two additional trees would be planted on the Market Street sidewalk in front of the new building, and two trees would be planted on the Sutter Street

4 City and County of San Francisco, Transportation Impact Analysis Guidelines for Environmental Review, Updated October 2019, Appendix F, Travel Demand, Table 3, Freight and Delivery Daily Trip Demand Rates per 1,000 Square Feet of Floor Area by Land Use. Freight and delivery daily trip rate is 0.09 per 1,000 square feet for hotel use and 0.22 per 1,000 square feet per retail use

sidewalk. The brick sidewalks adjacent to the proposed building along Market Street would be replaced with city standard paving materials. The sidewalk adjacent to the proposed building along Sutter Street would be paved with concrete scoring pattern. A 22-foot passenger loading zone would replace portion of the existing 40-foot commercial loading zone along Sutter Street in front of the hotel lobby (see Figure 14, p. 121).

The proposed project would provide eight class I bicycle parking spaces on the third floor that would be available to hotel guests and building employees. In addition, a minimum of eight class II bicycle parking spaces would be provided in bicycle racks on Market Street. The class II bicycle parking spaces would be available to hotel guests, retail space patrons, building employees, and all members of the public. Access to the class I bicycle spaces on the third floor would be from the hotel lobby on Sutter Street.

Foundation and Excavation

The proposed building would have a hybrid foundation that would consist of a four-foot mat slab supporting the approximate southern half of the building. The remaining building portion would be supported on a 6- to 10-foot foundation bearing on 6-foot-diameter piles that would be drilled approximately 40 feet into bedrock, for a total length of around 160 feet under the mat slab.[5]

Construction of the basement and mat slab would require excavation of the total site footprint (7,045 square feet) and would extend to approximately 7 to 13 feet below ground surface (bgs). Overall, excavation of the basement levels would remove approximately 3,900 cubic yards of soil.

Construction Schedule

Project construction is anticipated to last approximately 24 months. Demolition would take approximately 10 weeks. Excavation and shoring would last approximately eight weeks. Foundation and below-grade construction would last about 10 weeks. The base building (ground floor to Level 14) would last approximately nine weeks. The remaining core construction of the building would last for approximately 30 weeks.

Construction workers driving to the project site would either use public transportation or park at nearby garages. Construction equipment and materials would be staged at sidewalks near the project site. Pedestrian traffic on Market Street and Sutter Street would be routed to a protected pedestrian lane in a portion of the sidewalk or the adjacent parking lanes, which would be closed.

The majority of project construction would occur during daytime hours. Some construction activities would extend beyond normal hours (i.e., between 8 p.m. and 7 a.m.), such as concrete pouring, crane and hoist erection and adjustment activities, utility work, site maintenance activities and material delivery and handling.

5 Drilled or bored piles are installed by creating a hole into which structural steel and concrete is cast or placed. The drilled piles would require removing the soil from the hole before inserting the pile. This foundation method differs from the driven piles method in which the piles would displace the soil during installation.

Project Approvals

The proposed 570 Market Street project would require the following approvals:

Planning Commission

- The project sponsor is seeking a conditional use authorization from the planning commission under Planning Code section 303 to permit hotel uses.
- Downtown Project Authorization under Planning Code section 309 for projects within a C-3 zoning district greater than 50,000 square feet in area or 75 feet in height and for granting exceptions to the requirements of certain sections of the Planning Code.

Actions by Other City Departments

- San Francisco Department of Building Inspection – Approval of the site permit
- San Francisco Department of Building Inspection – Approval of demolition, grading, and building permits for demolition of the existing building and construction of the new building as well as a night noise permit for nighttime construction
- Department of Public Health – Approval of compliance with Maher Ordinance and Article 38 Air Pollution Exposure Zone Ventilation Plan
- San Francisco Public Works – Approval of a street space permit from the Bureau of Street Use and Mapping if sidewalks are used for construction staging and pedestrian walkways are constructed in the curb lanes
- San Francisco Public Works – Approval of a sidewalk encroachment permit on Sutter Street
- San Francisco Public Works – Approval of a permit to plant street trees adjacent to the project site
- San Francisco Municipal Transportation Agency – Approval of the placement of bicycle racks on the sidewalk by the Sustainable Streets Division
- San Francisco Municipal Transportation Agency – Approval of a special traffic permit from the Sustainable Streets Division if sidewalks are used for construction staging and approval of a color curb for loading along Sutter Street
- San Francisco Public Utilities Commission – Approval of any changes to sewer laterals (connections to the City sewer)
- San Francisco Public Utilities Commission – Approval of an erosion and sediment control plan, in accordance with public works article 4.1
- San Francisco Public Utilities Commission – Approval of post-construction stormwater design guidelines, including a stormwater control plan that complies with the City's 2016 Stormwater Management Requirements and Design Guidelines
- San Francisco Entertainment Commission – Determine if a hearing is required as well as possible noise attenuation conditions

Action by Bay Area Air Quality Management District

- Issuance of permits for the installation and operation of an emergency generator

Approval Action

The approval action for the proposed project is a conditional use authorization by the San Francisco Planning Commission. A conditional use authorization from the planning commission under Planning Code section 303 to permit hotel uses. The approval action date establishes the start of the 30-day appeal period for the final mitigated negative declaration to the Board of Supervisors pursuant to section 31.04(h)(3) of the San Francisco Administrative Code.

B. Project Setting

Project Site and Surrounding Land Uses

The project site is generally flat with a ground surface elevation of approximately 24 feet above mean sea level. The project site is fully developed with no permeable surfaces.

The project site, located within the Financial District of San Francisco, is primarily surrounded by office uses with ground floor retail uses. Surrounding buildings range in height from approximately 40 feet to 571 feet. Finance Building, a six-story office building constructed in 1923, is adjacent to the south and located at 576-580 Market Street. Hobart Building, a 20-story office building, constructed in 1914, is located to the south of Finance Building at 582-590 Market Street. To the north of the project site, at 562-566 Market Street, is Chancery Building, a seven-story building constructed in 1923. All three buildings are characterized by a renaissance/baroque style and a terra cotta façade. To the west of the project site, on the southeast corner of Sutter and Montgomery streets, is the 43-story L-shaped 44 Montgomery building constructed in 1966-67 in a modern commercial-office building style. Nearby uses along the southeast side of Market Street are office uses. The New Montgomery-Mission-Second Street Conservation District is located between Second and New Montgomery streets. The Palace Hotel, constructed between 1909 and 1950, is located on the south corner of New Montgomery and Market Street at 633-665 Market Street.

The project site extends from Market Street to Sutter Street, with street frontage along each of these street segments. Market Street, a major city street, is a two-way southwest-northeast roadway. It has four lanes with two lanes running in each direction. Sutter Street is a one-way east-west roadway with two travel lanes and two parking lanes along the sidewalks. On Market Street, there is an approximately 70-foot freight loading zone approximately 50 feet northeast of the project site. On Sutter Street, there are approximately 300 feet of freight loading (yellow) zones located on the south side of Sutter Street between Sansome and Montgomery streets, including an approximately 40-foot segment fronting the project site.

The project site is in an area serviced by local and regional transit services. Market Street functions as a main backbone for both local and regional transit systems. Along Market Street, the San Francisco Municipal Railway (Muni) operates numerous transit lines and the Muni Metro light rail system, which in the project area runs underground beneath Market Street. Muni operates 23 bus routes and one streetcar line (the F-line, on a tie-and-ballast track) along the surface of Market Street. Streetcar tracks run in both directions on Market Street. Access to the underground Montgomery Station for Muni is on the corner of Montgomery and Market Street and from the corner of Second and Market Street. The station is served by the J-Church, KT-K Ingleside/T Third Street, L-Taraval, M-Ocean View, and N-Judah Muni Metro line rail lines.

In addition to the Muni operations, the Bay Area Rapid Transit (BART) operates a regional subway that runs underneath Market Street. BART's Montgomery Station shares the same entrances as the Muni Metro station.

Other regional transit services accessible from the project site include Golden Gate Bridge Highway and Transportation District (Golden Gate Transit and Golden Gate Ferry), San Mateo County Transit District (SamTrans), and San Francisco Bay Ferry. Golden Gate Transit provides bus services between San Francisco, Marin, Sonoma, and Contra Costa Counties. The closest Golden Gate Transit stop to the project site are located on Battery and Pine streets approximately 950 feet north from the project site and Fremont and Mission Street located approximately 1,460 northeast feet from the project site. These stops serve Golden Gate Transit Routes 172, 154, 150, 152, and 130.[6] SamTrans provides service between San Francisco and San Mateo County. The closest SamTrans transit stop to the project site is approximately 1,140 feet northeast of the project site. This stop is served by SamTrans routes 292, 397, and 398. The project site is located approximately 3,100 southwest of the San Francisco Ferry Building, where the San Francisco Bay Ferry has four gates that service Vallejo, Richmond, Harbor Bay (Alameda), and Alameda/Oakland. In addition, Golden Gate Ferry operates ferry services to Larkspur, Sausalito, and Tiburon. The Salesforce Transit Center is located approximately 980 feet southeast of the project site. The center serves as a terminal for the following transit services: AC Transit, Greyhound, WestCAT Lynx, Muni, SamTrans, Capitol Corridor/Amtrak, , and Golden Gate Transit.

Class III bicycle routes[7] are located along Market Street in both directions and along Sutter Street. Protected bike lanes are located on 2nd Street in both directions between Market and Folsom streets. A San Francisco bikeshare station is located in front of the project site on the intersection of Market and 2nd streets.

There is an approximately 300-foot freight loading (yellow) zone on the south side of Sutter Street between Sansome and Montgomery streets, including an approximately 40-foot street segment fronting the project site. However, there are no on-street passenger loading (white zones) on Sutter Street. On Market Street, an approximately 70-foot freight loading zone is located approximately 50 feet northeast of the project site. The segment of Market Street, westbound from Steuart Street to Van Ness Avenue and eastbound from 10th Street to Main Street, is not accessible for private vehicles.

Cumulative Context

CEQA Guidelines section 15130(b)(1) provides two methods for cumulative impact analysis: the "list-based approach" and the "projections-based approach". The list-based approach uses a list of projects (within approximately a quarter-mile radius of the project site and for which the planning department has a project application on file) producing closely related impacts that could combine with those of a proposed project to evaluate whether the project would contribute to significant cumulative impacts. The projections-based approach uses projections contained in a general plan or related planning document to evaluate the potential for cumulative impacts. This analysis employs both the list-based and projections-based approaches, depending on which approach best suits the resource topic being analyzed.

Reasonably foreseeable projects within the project vicinity (approximately one-quarter mile radius of the project site) are identified below in Table 2 and Figure 15, p.122.

---

6 Golden Gate Transit. Golden Gate Transit Guide. Spring 2022. https://www.goldengate.org/assets/1/6/transitguidespring22.pdf. Accessed March 4, 2022.

7 Class III bicycle routes, also called sharrows, are typically wide travel lanes shared by bicyclists and vehicles. They are commonly marked with the standard or greenback sharrows and wayfinding signs to indicate shared use.

Table 2 Cumulative Projects within 0.25 Mile of the Project Site

Address	Planning Department Case No.	Project Description
50 First Street	2007.0558E	Demolition of existing structures, rehabilitation of others, and construction of two new towers with approximately 2.2 million square feet of mixed-use development, including office, residential, hotel, and retail uses.
153 Kearny Street	2019-013168PRJ	Conversion of approximately 8,775 square feet of space on the basement level to office space.
220 Post Street	2021-001622PRJ	Conversion of the 3rd floor retail uses into office.
5 Third Street/Hearst Hotel	2016-007303ENV	Conversion of the 13-story Hearst Building from mixed-used office space to a mixed-use hotel of approximately 131,550 gross square feet with up to 170 hotel rooms, 5,920 square feet of office space and 11,393 square feet of retail space, including 422 square feet of general retail, and 4,005 square feet of restaurant/bar uses. The project would include modifications to the rooftop to include new event space, a mixed-use rooftop bar and patio.
50 Post Street (161 Sutter Street)	2018-016625PRJ	Crocker Galleria renovations to include facade alterations and interior improvements. Conversion of approximately 14,158 square feet of retail to office use.
542-550 Howard Street	2016-013312ENV	Construction of a 61-story, approximately 800-foot-tall mixed-use tower containing a 189-guest room hotel, approximately 276,000 square feet office space, and 165 dwelling units, in addition to 2 mechanical floors, 7 floors of shared amenity space, and a 4-level subterranean garage accessed from Natoma Street via car elevators.

Table 2A SFMTA Projects

Name	Description
Battery/Sansome Quick-Build Project	Assessing and implementing improvements on Battery and Sansome streets as part of the Vision Zero Quick-Build Program for pedestrians and safety improvements.
Transbay Howard Streetscape Improvement Project	Implementing permanent streetscape infrastructure along Howard Street between 4th Street and the Embarcadero to improve the safety and travel experience of all road users.
Transit U Improvement Project	Widening sidewalks along 1st and Fremont streets between Market and Mission streets and the north side of Mission Street between 1st and Fremont streets.
Folsom-Howard Streetscape Project	Improving safety conditions on Folsom and Howard Street to meet the City's Vision Zero goal of eliminating traffic fatalities.

C. Summary of Environmental Effects

The project could potentially result in adverse physical effects on the environmental resources checked below, and where those impacts are significant or potentially significant, the California Environmental Quality Act (CEQA) requires identification of mitigation measures to reduce the severity of the impacts to a less-than-significant level to the extent feasible. This initial study presents a more-detailed checklist and discussion of each environmental resource, unless otherwise noted below.

☐ Land Use and Planning	☐ Greenhouse Gas Emissions	☐ Hydrology and Water Quality
☐ Aesthetics	☐ Wind	☐ Hazards and Hazardous Materials
☐ Population and Housing	☐ Shadow	☐ Mineral Resources
☒ Cultural Resources	☐ Recreation	☐ Energy
☒ Tribal Cultural Resources	☐ Utilities and Service Systems	☐ Agriculture and Forestry Resources
☐ Transportation and Circulation	☐ Public Services	☐ Wildfire
☒ Noise	☐ Biological Resources	☒ Mandatory Findings of Significance
☒ Air Quality	☒ Geology and Soils	

This initial study examines the proposed project to identify potential effects on the environment. For each item on the initial study checklist, the evaluation considers the impacts of the proposed project both individually and cumulatively. All items on the initial study checklist that have been checked "Less than Significant Impact with Mitigation Incorporated," "Less than Significant Impact," "No Impact," or "Not Applicable" indicate that, upon evaluation, the planning department has determined that the proposed project could not have a significant adverse environmental effect relating to that issue. A discussion is included for those issues checked "Less than Significant Impact with Mitigation Incorporated" and "Less than Significant Impact," and for most items checked with "No Impact" or "Not Applicable." For all of the items checked "No Impact" or "Not Applicable" without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the planning department, such as the *Transportation Impact Analysis Guidelines for Environmental Review* or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Wildlife. The items checked above have been determined to be "Less than Significant with Mitigation Incorporated."

D. No Impact or Not Applicable Environmental Topics

The proposed project would have no impact on the following environmental topics, or they would not be applicable, and as a result they are not discussed further in this initial study: Aesthetics, Agriculture and Forestry Resources, Mineral Resources, and Wildfire. This section briefly explains the basis for this conclusion.

Aesthetics and Parking

In accordance with CEQA Section 21099: Modernization of Transportation Analysis for Transit-Oriented Projects, aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria:

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

The proposed project meets each of the above criteria; therefore, this initial study does not consider aesthetics or parking in determining the significance of project impacts under CEQA.[8]

Agriculture and Forestry Resources

The project site is within an urbanized area in the City and County of San Francisco that does not contain any prime farmland, unique farmland, or farmland of statewide importance; forest land; or land under Williamson Act contract. The area is not zoned for any agricultural uses. Therefore, the project would have no impact, either individually or cumulatively, on agricultural or forest resources.

Mineral Resources

The project site is not located in an area with known mineral resources and would not extract mineral resources. Therefore, the proposed project would have no impact on mineral resources and would not have the potential to contribute to any cumulative mineral resource impact.

Wildfire

The project site is not located in or near state responsibility lands for fire management or lands classified as very high fire hazard severity zones. Therefore, this topic is not applicable to the project.

E. Evaluation of Environmental Effects

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
1. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?	☐	☐	☒	☐	☐
b) Cause a significant physical environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐

8 San Francisco Planning Department, Eligibility Checklist for CEQA Section 21099: Modernization of Transportation Analysis, 570 Market Street (hereinafter "CEQA section 21099 Checklist"), October 11, 2024.

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

The proposed project would demolish the existing building and construct a 29-story building with one basement level. Although portions of the sidewalks adjacent to the project site may be closed for periods of time during construction, the closures would be temporary. Sidewalks access would be restored following construction. The proposed project would not result in the construction of a physical barrier that could impede neighborhood access or remove an existing means of access. Therefore, the proposed project would have ***a less-than-significant impact*** with respect to physically dividing an established community and no mitigation measures are necessary.

Impact LU-2: The proposed project would not cause a significant physical environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (*Less than Significant*)

Land use impacts would be considered significant if the proposed project would conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Environmental plans and policies are those that directly address environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the city's physical environment.

The project site is located within the Downtown Area of the San Francisco General Plan and is in the C-3-0 (Downtown office) zoning district. Within the C-3-0 zoning district, residential, commercial, institutional and retail sales and services are permitted. Hotel uses are conditional; therefore, a conditional use authorization under Planning Code section 303 would be required to permit a hotel for the proposed project. In addition, per Planning Code section 309, projects within a C-3-0 zoning district with an area of more than 50,000 square feet or a height of more than 75 feet would require a Downtown Project Authorization. The proposed project would have an area of approximately 156,000 square feet and a height of 300 feet to the roof, with a mechanical penthouse and screen extending up to 20 feet above the roof height. Therefore, the proposed project would also require a Downtown Project Authorization.

The project site is located in a 300-S Height and Bulk district, which permits a maximum building height of 300 feet and an additional 20 feet for rooftop appurtenances, such as elevator penthouses and heating and cooling equipment. The total height of the proposed building would be 320 feet and would be within the allowable height limit. In the "S" Bulk district, bulk controls for a lower tower are a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, and a maximum floor size of 20,000 square feet. The lower tower controls apply above the base height that is defined as 1.25 times the abutting street or 50 feet, whichever is greater. The bulk controls for an upper tower are a maximum length of 130 feet, a maximum diagonal dimension of 160 feet, a maximum floor size of 17,000 square feet, and a maximum average floor size of 12,000 square feet. Market Street, with a width of approximately 120 feet, is the widest street fronting the project site. Therefore, the maximum allowed base height at the project site is 150 feet.[9] The proposed building would be setback on the south side at the 15th floor at approximately 150 feet height, which would

9 120 feet times 1.25 equals 150 feet.

form the base of the proposed building. The proposed building would also be setback at the 16th and 17th floors, which would form the lower tower and would have a height of approximately 24 feet and a diagonal dimension of approximately 142 feet. The 18th floor to the roof would be set back and would form the upper tower that would have a height of approximately 113 feet and a maximum diagonal dimension of approximately 136 feet. With a floor size of approximately 7,000 square feet or less, the proposed project would be within the allowable bulk controls.

The proposed project would not conflict with any adopted environmental plan or policy, including the 2017 Clean Air Plan, San Francisco Strategies to Address Greenhouse Gas Emissions (GHG Reduction Strategy), and the San Francisco Urban Forestry Ordinance, as discussed in Section E.7, *Air Quality*, p. 48, Section E.8, *Greenhouse Gas Emissions*, p. 62, and Section E.15, *Biological Resources*, p. 80. Therefore, the proposed project would have a ***less-than-significant impact*** related to conflicts with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Impact C-LU-1: The proposed project, in combination with cumulative projects, would not result in a significant cumulative impact related to land use and planning. (*Less than Significant*)

Cumulative development in the project vicinity (within 0.25-mile radius of the project site) includes projects that are either under construction or for which the planning department has a project application on file. Most of the cumulative development in the project vicinity (Table 2, p. 8, and Figure 15, p. 122) would include residential, office, hotel, and commercial uses. These projects would either convert existing spaces or would be infill projects, consistent with the planning vision that was adopted in the Downtown Area Plan. Due to the nature and scope of these cumulative projects, they would not combine with the proposed project in a manner that would result in a conflict with a land use plan, policy, or regulation adopted for the purpose of mitigating an environmental effect. In addition, the cumulative projects would not combine with the proposed project to alter the land use pattern of the immediate area or physically divide an established community. Therefore, the proposed project, in combination with cumulative projects, would not result in cumulative land use impacts. Accordingly, cumulative impacts related to land use would be ***less than significant***.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
2. POPULATION AND HOUSING. Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	☐
b) Displace substantial numbers of existing people or housing units, necessitating the construction of replacement housing?	☐	☐		☒	☐

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

In general, a project would be considered growth inducing if its implementation would result in substantial unplanned population growth in an area, either directly or indirectly, that might not otherwise occur without the project.

According to the U.S. Census Bureau's most recent American Community Survey, the City and County of San Francisco had an estimated population of about 873,965 residents in 2020.[10] The American Community Survey 2015-2019 census data indicate that census tract 117, which includes the project site and immediate vicinity, has a population of 1,790.[11] Employment in San Francisco is forecasted to increase by more than 35 percent (236,000 jobs) between 2015 and 2050, for a total of approximately 918,000 jobs.[12] As of August 2021, San Francisco had a labor force of 557,500 people with 529,600 employed people.[13]

The proposed project would result in the construction of a new 156,044-square-foot building providing 120,993 square feet of hotel space. Implementation of the proposed project would not increase the residential population at the project site because the proposed project would provide no residential units. Therefore, the proposed project would not induce substantial unplanned residential population growth. The proposed project also would not indirectly induce substantial unplanned residential population growth in the project area due to infrastructure improvements because the project site is an infill site located in an urbanized area and does not propose any extensions to area roads or other infrastructure that could enable additional development in currently undeveloped areas.

The proposed project would employ approximately 237 people (190 employees for the hotel and 47 employees for the retail use), which would result in an estimated net increase of 197 jobs.[14, 15] Employment under the proposed project is unlikely to attract new residents to San Francisco because such jobs are typically filled by existing residents in the area. It is anticipated that most of the employees would live in San Francisco or nearby communities and that the proposed project would not generate demand for new housing to accommodate new employees. Even if all of the estimated 237 new employees would relocate to San Francisco, project-related employment growth would represent approximately 0.03 percent of the city's estimated growth between 2010 and 2040. This would represent a negligible increase in jobs in San

10 U.S. Census Bureau, San Francisco County, 2020, https://www.census.gov/quickfacts/fact/table/sanfranciscocitycalifornia,sanfranciscocountycalifornia,US/PST045219, accessed October 18, 2021.

11 U.S. Census Bureau, 2019: ACS 5-Year Estimates Data Profiles, Census Tract 117, San Francisco County, California, accessed October 19, 2021.

12 Association of Bay Area Governments, Metropolitan Transportation Commission, Plan Bay Area 2050, The Final Blueprint, Growth Pattern, Updated January 21, 2021, https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_GrowthPattern_Jan2021Update.pdf, accessed July 21, 2022.

13 Employment Development Department of California, San Francisco County Profile, 2021, https://www.labormarketinfo.edd.ca.gov/cgi/databrowsing/localAreaProfileQSResults.asp?selectedarea=San+Francisco+County&selectedindex=38&menuChoice=localAreaPro&state=true&geogArea=0604000075&countyName=, accessed October 20, 2021.

14 City and County of San Francisco, Transportation Impact Analysis Guidelines for Environmental Review, October 2012, Table C-1, p. C-3. Estimated employment is based on employee density factors for typical land uses. An employment density of 0.9 employees per room is used for hotel use. An employment density of 350 gsf per employee is used for retail/restaurant use.

15 Current employment at the project site is approximately 40 people.

Francisco. Therefore, the proposed project would not directly or indirectly induce substantial unplanned population growth. This impact would be ***less than significant*** and no mitigation measures are necessary.

Impact PH-2: The proposed project would not displace substantial numbers of existing people or housing units, necessitating the construction of replacement housing outside. ***(No Impact)***

The proposed project would not displace any residents or housing units since no housing units currently exist on the project site. Therefore, the proposed project would have ***no impact*** related to the displacement of housing units or people and would not necessitate the construction of replacement housing. No mitigation measures are necessary.

Impact C-PH-1: The proposed project, in combination with cumulative projects, would not result in a significant cumulative impact related to population and housing. ***(Less than Significant)***

The cumulative analysis considers development and infrastructure projects located in the vicinity of the project site, identified in Table 2, p. 8, and mapped on Figure 15, p. 122. Most of the cumulative projects would result in intensification of land uses in the project vicinity, similar to the proposed project. However, these projects would be infill projects and would be consistent with the planning vision for the area as well as with projected regional and city-wide growth in population, housing, and employment. Therefore, the proposed project in combination with past, present, and reasonably foreseeable future projects, would not result in significant cumulative impact related to population and housing, and the impact would be ***less than significant***. No mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
3. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5, including those resources listed in article 10 or article 11 of the San Francisco Planning Code?	☐	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	☐

Impact CR-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource. *(Less than Significant)*

Pursuant to Section 15064.5 of the *CEQA Guidelines*, historical resources include properties listed or formally determined eligible for listing in, the California Register of Historical Resources (California Register) or in an adopted local historic register. Historical resources also include resources identified as significant in a historical resource survey meeting certain criteria. Additionally, properties that are not listed but are otherwise determined to be historically significant, based on substantial evidence, would also be considered historical resources. The significance of a historical resource is materially impaired when a project "demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance…"[16]

In evaluating whether the proposed project would cause a substantial adverse change in the significance of a historical resource, the planning department must first determine whether the existing buildings on the project site are historical resources. A property may be considered a historical resource if it meets any of the California Register criteria related to (1) events, (2) persons, (3) architecture, or (4) information potential, that make it eligible for listing in the California Register, or if it is considered a contributor to a potential historic district.

A historic resources evaluation (HRE) was prepared to assist the planning department in determining whether the existing building on the project site is a historic resource.[17] The planning department reviewed the HRE, concurred with the findings, and issued a determination that the building is not a historical resource, as summarized below.[18]

The project site at 570 Market Street currently contains a two-story-over-basement reinforced concrete commercial building with flat roofs. The building was originally constructed as two adjacent buildings in 1922 and physically connected in 1952. Both facades on Market and Sutter streets were remodeled in 1972 with a uniform granite cladding and fenestration.

A property may be considered a historical resource if it meets any of the California register criteria related to (1) events, (2) persons, (3) architecture, or (4) information potential, that make it eligible for listing in the California register, or if it is considered a contributor to a potential historic district. The California register criteria, which are based on the criteria established by the National Park Service for the National Register of Historic Places (national register), include the following:

- Criterion 1 (Event): Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California.
- Criterion 2 (Person): Resources that are associated with the lives of persons important to local history.

16 *CEQA Guidelines* 15064.5(b)(2)(A).

17 Brewster Historic Preservation. 2019. Historic Resources Evaluation Report (Draft). 570 Market Street. San Francisco, California. October.

18 San Francisco Planning Department. Historic Resource Evaluation Response. September 1, 2020.

- Criterion 3 (Design/Construction): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values.
- Criterion 4 (Information Potential): Resources or sites that have yielded or have the potential to yield information important in prehistory or history.

The building at the project site does not appear to be eligible for listing in the California Register under Criterion 1. Completed in 1922 well after the period of rapid reconstruction immediately following the 1906 Earthquake and Fire, the subject building was one of the last to be constructed on the block between Sansome and Montgomery streets. Therefore, the project site did not play a significant role in the development of San Francisco in the early twentieth century or in the post-fire reconstruction effort. In addition, the building housed a wide variety of retail and commercial tenants during the nearly 100 years of existence, none of which are associated with significant events that have made a significant contribution to the broad patterns of local or regional history. With respect to Criterion 2, none of the owners or occupants have been identified as having made lasting contributions to local, state, or national history or cultural heritage. Although the project site is associated with prominent real estate developers including John Bricknell and Louis R. Lurie, and with businessmen such as Colbert Coldwell, Benjamin Arthur Banker, and Bruce Cornwall of Coldwell, Cornwall & Banker, the site is not significantly associated with their professional careers. The building is not architecturally distinct such that it would qualify individually for listing under Criterion 3. The original designs of 570-574 Market Street by Willis Polk, and of 55-57 Sutter Street by James R. Miller, both of whom are regarded as master architects, were entirely erased as a result of multiple façade remodeling during the latter part of the twentieth century, and no longer resemble their original designs dating to 1922. Because the existing building has been modified and was not found to qualify under any of the criteria (Criterion 1 through Criterion 3), an evaluation of the building integrity under Criterion 4 was found unwarranted. For the reasons stated above, the building at the project site does not appear to be individually eligible for listing in the California Register of Historical Resources because it does not meet any of the criteria required for a finding of historic significance. Additionally, the building is not an Article 10 designated landmark nor is it within a designated Article 10 or Article 11 historic district.

While the project site is not located within a designated historic district, numerous buildings identified as historic resources are located on the same block as the project site. These buildings include:

- Chancery Building located at 562-566 Market Street
- Finance Building at 576-580 Market Street
- Hobart Building at 582-590 Market Street
- Flatiron Building at 540-548 Market Street
- Three commercial buildings at 550, 554, and 560 Market Street
- Crocker Bank Building at 1 Sansome Street
- 44 Montgomery Street

Additionally, the buildings located along the southeast side of Market Street, between Second and New Montgomery streets, are within the New Montgomery-Mission-Second Street Conservation District, which is listed under Article 11 of the San Francisco Planning Code.

The project site is not within a historic district and construction of the proposed project would not affect the historic significance of the above adjacent historic resources or the buildings within the nearby conservation district. Furthermore, as discussed under Impact NO-2, Construction Vibration, below, with implementation of Mitigation Measure NO-2, construction of the proposed project would not generate substantial vibration impacts such that there would be a significant vibration impact on nearby buildings, including nearby historic resources. Therefore, the proposed project would have a less-than-significant impact on nearby historic resources.

In light of the above, proposed demolition of the building at the project site and construction of the proposed project would have a ***less-than-significant*** impact on historic resources, and no mitigation is required.

Impact CR-2: The proposed project could cause a substantial adverse change in the significance of an archaeological resource and potentially disturb human remains, including those interred outside of formal cemeteries. ***(Less than Significant with Mitigation)***

The planning department conducted a preliminary archeological review of the project site to determine the potential for the proposed project to impact archeological resources.[19]

The proposed project would require excavation of approximately 3,900 cubic yards of soil to a depth of approximately 28 feet below ground surface (bgs). The proposed building foundations would include soil improvements to approximately 5 feet into the Colma Formation and deep foundations consisting of drilled shafts that would extend to bedrock, approximately 160 feet bgs. The site is underlain by 13 to 33 feet of fill, 13 to 18 feet of Dune Sand beneath the fill, and 6 to 10 feet of marsh deposit beneath the Dune Sand. The bottom of the Colma Formation, found under the Dune Sand, was reached at 84 to 94 feet bgs, and is underlain by 22 to 25 feet of Old Bay Clay, 5 to 12 feet residual soil, and bedrock.[20] Due to the depth of the proposed foundation extending into the Colma Formation, the planning department determined that the project may adversely impact archeological resources if such resources are present within the project site. Therefore, the project's ground-disturbing construction activity could result in significant impacts to these potential archeological resources. To reduce impacts on archeological resources, the project sponsor would be required to implement Mitigation Measure M-CR-2, Archeological Testing. Implementation of Mitigation Measure M-CR-2, Archeological Testing, would require testing for archeological resources and in the event significant resources are discovered, appropriate data recovery is required to ensure that information value is obtained from the resource. The full text of Mitigation Measure M-CR-2 is available in the project's Mitigation Monitoring and Reporting Program, **Appendix C**. With implementation of Mitigation Measure M-CR-2, as described above, the impact on prehistoric, historical archeological resources, or human remains from construction of the proposed project would be ***less than significant with mitigation.***

---

19 San Francisco Planning Department. Environmental Planning Preliminary Archeological Review (PAR) MEMO. July 14, 2021.

20 Langan, Geotechnical Investigations, 570 Market Street, San Francisco, California, September 2, 2021.

Impact C-CR-1: The proposed project, in combination with cumulative projects, would not result in a significant cumulative impact related to historic resources. *(Less than Significant)*

Table 2, p. 8, and mapped on Figure 16, p. 123, identifies cumulative development projects located within a 0.25-mile radius of the project site. These projects would be constructed in a dense, urban environment and are geographically dispersed and sufficiently distant from the project site such that any alteration or demolition of existing buildings and new construction in these locations would not act in combination with one another to substantially change the setting of any historical resource. Additionally, as previously discussed, the project site is not located within a designated historic district. Thus, the proposed project in combination with cumulative projects would not contribute to any cumulative impacts on historical resources. This impact would be ***less than significant***.

Impact C-CR-2: The proposed project, in combination with cumulative projects, would not result in significant cumulative impacts to archeological resources or human remains. (*Less than Significant*)

In most cases, federal and state laws protect archeological resources, either through project redesign or by requiring that the scientific data present within an archeological resource be archeologically recovered. Furthermore, the cumulative context for archeological resources and human remains is generally site-specific and limited to the project's construction area. The closest cumulative project is 50 Post Street, approximately 620 feet west of the project site. For these reasons, the proposed project, in combination with other projects in the area that would also involve ground disturbance, would not result in a cumulatively considerable impact on archeological resources or human remains and this impact would be ***less than significant***.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
4. TRIBAL CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☒	☐	☐	☐

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐	☐

Impact TCR-1: The proposed project could result in a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. ***(Less than Significant with Mitigation)***

Pursuant to CEQA section 21074, tribal cultural resources are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either (a) included or determined to be eligible for inclusion in the California register or (b) included in a local register of historical resources as defined in CEQA section 5020.1(k).

Pursuant to CEQA section 21080.3.1(d), on March 25, 2022, the planning department contacted Native American individuals and organizations for the San Francisco area, providing a description of the proposed project and requesting comments on the identification, presence, and significance of tribal cultural resources in the project vicinity.[21, 22] During the 30-day comment period, no Native American tribal representatives contacted the planning department to request consultation.

A tribal cultural resource is adversely affected when a project impacts its significance. Based on the preliminary archeological review prepared for the project, the proposed project has the potential to adversely affect prehistoric resources, which includes tribal cultural resources. Mitigation Measure M-CR-2, Archeological Testing, described above, includes provisions to address resources encountered during construction. In addition, to reduce potential impacts to tribal cultural resources, the project sponsor shall implement Mitigation Measure M-TCR-1, Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program to ensure that if a potential tribal cultural resource were discovered during construction, it would either be preserved in place or if preservation is not feasible, archeological data recovery would be conducted and a public interpretation plan would be implemented. Inclusion of these measures would require coordination between the project sponsor and with the affiliated Native American tribal representatives to preserve the information and value of the tribal cultural resource. The full text of

21 San Francisco Planning Department. Tribal Notification Regarding Tribal Cultural Resources and CEQA. March 25, 2022.

22 San Francisco Planning Department. Affidavit of Mailing. May 25, 2022.

Mitigation Measure M-TCR-1 is available in the project's Mitigation Monitoring and Reporting Program, Appendix C.

Implementation of Mitigation Measure M-TCR-1 would require the appropriate involvement of concerned Native Americans in the treatment of tribal cultural resources discovered during construction and would ensure that any such resource would be preserved, or that the information it represents would be preserved and interpreted to the public. These steps would ensure that project excavation would not cause a substantial adverse change in the significance of tribal cultural resources that could be encountered during construction, and that the proposed project's impact would be ***less than significant with mitigation***.

Impact C-TCR-1. The proposed project, in combination with cumulative projects, would not result in a significant cumulative impact on tribal cultural resources. ***(Less than Significant)***

Impacts related to tribal cultural resources are typically site-specific and generally limited to the immediate construction area. There are no other projects in the immediate vicinity that have the potential to affect a tribal cultural resource that might unexpectedly be present on the project site. For these reasons, the proposed project, in combination with cumulative projects, would not result in a cumulative impact on tribal cultural resources. This impact would be ***less than significant***.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
5. TRANSPORTATION AND CIRCULATION. Would the project:					
a) Involve construction that would require a substantially extended duration or intensive activity, and the effects would create potentially hazardous conditions for people walking, bicycling, or driving, or public transit operations; or interfere with emergency access or accessibility for people walking or bicycling; or substantially delay public transit?	☐	☐	☒	☐	☐
b) Create potentially hazardous conditions for people walking, bicycling, or driving or public transit operations?	☐	☐	☒	☐	☐
c) Interfere with accessibility of people walking or bicycling to and from the project site, and adjoining areas, or result in inadequate emergency access?	☐	☐	☒	☐	☐
d) Substantially delay public transit?	☐	☐	☒	☐	☐
e) Cause substantial additional vehicle miles traveled or substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow travel lanes) or by adding new roadways to the network?	☐	☐	☒	☐	☐

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
f) Result in a loading deficit, and the secondary effects would create potentially hazardous conditions for people walking, bicycling, or driving; or substantially delay public transit?	☐	☐	☒	☐	☐
g) Result in a substantial vehicular parking deficit, and the secondary effects would create potentially hazardous conditions for people walking, bicycling, or driving; or interfere with accessibility for people walking or bicycling or inadequate access for emergency vehicles; or substantially delay public transit?	☐	☐	☐	☐	☒

The proposed project would satisfy the eligibility criteria for a "transit-oriented infill project" under CEQA section 21099(d)(1) because it would meet the definition of an employment center; would be located on an infill site; and would be located within a transit priority area.[23] Therefore, the proposed project would be exempt from an analysis of impacts on automobile parking under CEQA. Furthermore, the proposed project would meet the map-based screening criterion for VMT impacts as discussed below, thereby exempting it from analyzing secondary impacts related to parking, including potentially hazardous conditions for people walking, bicycling, or driving; interference with accessibility for people walking or bicycling; inadequate access for emergency vehicles; and substantial delay for public transit. For these reasons, topic E.5(g) is not applicable to the proposed project and is not discussed further in this initial study.

Transportation Setting

ROADWAY NETWORK

The project site is located within a transit priority area on the north side of Market Street within the triangular block bound by Market Street to the southeast, Sutter Street to the north, and Montgomery Street to the west. The site has frontage along Market and Sutter streets. The closest intersection to the project site on Market Street is at Market Street and 2nd Street.

Market Street, a major city street, is a two-way southwest-northeast roadway. It has four lanes with two lanes running in each direction. According to the San Francisco General Plan, Market Street is a transit conflict street in the Congestion Management Plan (CMP) Network, a primary transit street, a Citywide Pedestrian Network street, a neighborhood commercial street, and part of the Bikeway Network. It is also designated as a Ceremonial street in the Better Streets Plan.[24] Under Vision Zero[25] strategy, Market Street became the city's

23 San Francisco Planning Department, Eligibility Checklist: CEQA section 21099 Modernization of Transportation Analysis, March 19, 2021.

24 Ceremonial streets are defined on p. 56 in the Better Streets Plan as "grand civic spaces which serve as major gathering spots and serve as well-known public spaces and attractions."

25 In 2014, the San Francisco Board of Supervisors adopted a resolution to implement an action plan that would reduce traffic fatalities to zero by 2024 through engineering, education, and enforcement (resolution 91-14). The numerous San Francisco agencies responsible for the action plan adopted similar resolutions. In 2017, the board of supervisors amended the Transportation and Urban Design elements of the San Francisco General Plan to implement Vision Zero (ordinance 175-17).

first street to remove private vehicles for the purpose of improving safety for people walking, biking, and taking transit and taxis.

Sutter Street is a one-way westbound street designated as a transit conflict street in the general plan's transportation element.[26] The transportation element defines transit conflict streets as "streets with a primary transit function which are not classified as major arterials but experience significant conflicts with automobile traffic."[27] The Better Streets Plan designates Sutter Street as a Downtown Commercial Street. The street has two travel lanes, with a bus/taxi-only lane in the northernmost lane. Street parking, designated for commercial loading, is provided along both sides of the street.

Second Street has a travel lane and a protected bike lane in each direction. Transit boarding islands are located at most transit stops. The street is identified under the Green Connections project, which aims to make the City more healthy, sustainable, and livable through features such as pedestrian and bicycle infrastructure, street trees and other landscaping, stormwater management, and opportunities for beautification, public art, and community stewardship. The Better Streets Plan designates 2nd Street as a Downtown Commercial Street.

Bicycle Facilities. Several designated bikeways are located within 250 feet from the project site including class II bikeway[28] along 2nd Street and class III bikeways[29] along Market, Sutter, Montgomery, Post, and Sansome streets.

Pedestrian Facilities. All streets in the project vicinity have sidewalks on both sides of the roadway. The existing sidewalks fronting the project site on Market and Sutter streets are 35 feet and 15 feet in width, respectively. Pedestrian continental crosswalks and pedestrian signals are provided at all the intersections in the project vicinity, including the intersections of Market Street and 2nd Street, Montgomery Street, and New Montgomery Street, as well as the intersections of Sutter Street with Montgomery Street and with Sansome Street.

Transit. The project site fronts Market Street, a major arterial street that is well served by public transit service. Primary public transit access to the project site is provided by Muni and BART . Montgomery Street Station near the project site is served by Muni light rail lines K-Ingleside, T-Third Street, J-Church, L-Taraval, M-Oceanview and N-Judah. Additionally, Montgomery Street Station is served by the BART regional public transit system.

Muni also operates numerous bus routes in the project vicinity. The closest surface transit stops to the project site are located on Market and Sutter streets. The transit stop closer to the project site is located at the intersection of Market and 2nd streets and is served by lines 6-Haight/Parnasus, 7-Haight/Noriega, 9-San Bruno, 9R-San Bruno Rapid, N-Owl, L-Owl, T-Third Street Bus, J-Church Bus, N-Judah Bus, and K-Ingleside Bus. The transit stop located on the intersection of Sutter and Sansome streets is served by lines 2-Sutter,

---

26 San Francisco Planning Department, General Plan Transportation Element, https://generalplan.sfplanning.org/I4_Transportation.htm, last updated December 7, 2010, accessed February 15, 2022.

27 San Francisco Planning Department, General Plan Transportation Element, https://generalplan.sfplanning.org/I4_Transportation.htm, last updated December 7, 2010, accessed February 15, 2022

28 Class II bikeway is a portion of road reserved for the preferential or exclusive use of people biking, indicated by road markings.

29 Class III bikeway provides a right-of-way designated by signs or permanent markings and shared with pedestrians or motorists.

and 15 Bayview Hunters Point Express.[30] In addition, one streetcar line (the F-line, on a tie-and-ballast track) runs along the surface of Market Street. Additional service is provided by Golden Gate Transit buses during peak periods. Golden Gate Transit operates 16 peak period-only routes along Sansome and Battery streets, with service to Marin and Sonoma Counties.

The East Bay, Peninsula, and South Bay are accessible via Muni connections, walking, or bicycling to stops on Market Street and to the south serving AC Transit (East Bay), WestCAT (East Bay), BART (East Bay and Peninsula), Caltrain (Peninsula and South Bay) and SamTrans (Peninsula).

Emergency Access. There are no emergency service facilities in the vicinity of the project site. The project site is located within the Central District of the San Francisco Police Department (police department), and the nearest police station is located on Vallejo Street, between Stockton and Powell streets, approximately 0.9 mile from the project site.[31] The fire station closest to the project site is Fire Station #13, which is located at 530 Sansome Street.[32] The closest hospitals to the project site is the Saint Francis Memorial Hospital and California Pacific Medical Center located to the west of the project site at approximately 0.84 mile and 1.13 miles, respectively. Market Street, Sutter Street, and Sansome Street surrounding the project site provide adequate emergency vehicle access to the project site.

Loading. Approximately 300-foot freight loading (yellow) zones are located in the project vicinity on both sides of Sutter Street between Sansome and Montgomery streets, including a 40-foot street segment fronting the project site. However, there are no on-street passenger loading (white zones) on Sutter Street. On Market Street, there is an approximately 70-foot freight loading zone located approximately 50 feet northeast of the project site.

All of these commercial loading spaces are metered and marked with yellow curb paint and yellow-topped meters for standard commercial vehicles. These spaces are restricted to commercial loading between 7 a.m. and 6 p.m. Mondays through Saturdays.

Vehicle Miles Traveled in San Francisco and Bay Area

The Governor's Office of Planning and Research (OPR) Technical Advisory provides screening criteria to identify types, characteristics, or locations of land use projects that would not exceed these VMT thresholds of significance. OPR recommends that if a project or land use proposed as part of the project meets any of the below screening criteria, then VMT impacts are presumed to be less than significant for that land use and a detailed VMT analysis is not required. These screening criteria and how they are applied in San Francisco are described below:

- **Map-Based Screening for Residential and Retail Projects**. OPR recommends mapping areas that exhibit where VMT is less than the applicable threshold for that land use. Accordingly, the transportation authority has developed maps depicting existing VMT levels in San Francisco for residential and retail land uses based on the SF-CHAMP 2012 base-year model run. The planning

30 SFMTA. 2022. Muni Routes and Stops. https://www.sfmta.com/getting-around/muni/routes-stops. Accessed August 1, 2022.

31 San Francisco Police Department, Police District Maps, http://sanfranciscopolice.org/police-district-maps, accessed November 2021.

32 San Francisco Fire Department. San Francisco Fire Station 13. https://sf-fire.org/fire-station/san-francisco-fire-station-13, accessed March 9, 2022.

department uses these maps and associated data to determine whether a proposed project is located in an area of the city that is below the VMT threshold.

- **Proximity to Transit Stations**. OPR recommends that residential and retail projects, as well as projects that are a mix of these uses, proposed within 0.5 mile of an existing major transit stop (as defined by *CEQA Guidelines* section 21064.3) or an existing stop along a high-quality transit corridor (as defined by *CEQA Guidelines* section 21155) would not result in a substantial increase in VMT. However, this presumption would not apply if the project would: (1) have a floor area ratio of less than 0.75; (2) include more parking for use by residents, customers, or employees of the project than required or allowed, without a conditional use; or (3) is inconsistent with the applicable sustainable communities strategy.

OPR's technical advisory does not provide screening criteria or thresholds of significance for other types of land uses, other than those projects that meet the definition of a small project. Therefore, the planning department provides additional screening criteria and thresholds of significance to determine if land uses similar in function to residential and retail would generate a substantial increase in VMT. These screening criteria and thresholds of significance are consistent with CEQA section 21099 and the screening criteria recommended in OPR's technical advisory.

Average Daily Vehicle Miles Traveled Summary

In accordance with the transportation impact analysis guidelines, the office land use category is used as a proxy for hotel uses. As a result, visitors and employees of the proposed hotel would reflect the travel characteristics of retail and office spaces. Table 3 presents the existing average daily VMT per capita for residents for the nine-county San Francisco Bay Area and for TAZ 939, the zone in which the project site is located. The existing average daily VMT per employee for office uses in TAZ 939 (7.71 miles) is approximately 52 percent lower than the regional Bay Area average (16.1 miles). The existing average daily VMT per employee for retail uses in TAZ 939 (8.64 miles) is approximately 31 percent lower than the regional Bay Area average (12.6 miles).

Table 3 Average Daily Vehicle Miles Traveled in TAZ 939 (Existing)

	VMT		
Land Use	Bay Area Regional Average	Bay Area Regional Average minus 15% (Significance Threshold)	TAZ939
Office	19.1	16.2	7.71
Retail	14.8	12.6	8.64

SOURCE: San Francisco Planning Department, San Francisco Transportation Information Map, 2019.

Project Travel Demand

Localized daily and p.m. peak period trip generation for the proposed project were calculated using a trip-based analysis and information included in the San Francisco transportation impact analysis guidelines.[33]

33 San Francisco Planning Department. San Francisco Travel Demand Tool. Website Version 0.3.2. Data Version 0.3.

These trips are summarized in Table 4. Trip generation refers to the number of estimated trips people would take to and from the project site (person trips). These trips are broken down by mode, or the estimated way or method people travel (e.g., walking, bicycling, transit). Auto trips are further broken down into vehicle trips, which account for average vehicle occupancy in the census tract in which the project site is located.

Table 4 Proposed Project Travel Demand

Mode	Person Trips		Vehicle Trips	
	Daily	PM Peak Period	Daily	PM Peak Period
Auto	368	27	218	16
TNC/Taxi	371	27	247	18
Transit	234	19		
Walk	1,256	95		
Bike	19	1.7		
Total	**2,248**	**170**	**465**	**34**

SOURCE: San Francisco Transportation Impact Analysis Guidelines, 2019

Impact TR-1: The proposed project would not involve construction that would require a substantially extended duration or intensive activity, the effects of which would create potentially hazardous conditions for people walking, bicycling, or driving, or public transit operations; or interfere with emergency access or accessibility for people walking or bicycling; or substantially delay public transit. ***(Less than Significant)***

Construction of the proposed project is expected to last approximately 24 months and would include site demolition, excavation, pile installation, foundation construction, building construction, architectural coating, installation of utilities, interior finishing, and exterior hardscaping and landscaping.

The San Francisco Regulations for Working in San Francisco Streets (the Blue Book),[34] prepared and regularly updated by SFMTA, establishes rules and guidance for conducting construction activities with the least possible interference with people walking, bicycling, taking transit, or driving and/or transit operations. The Blue Book also contains relevant general information, contact information, and procedures related to working in the public right-of-way when it is controlled by agencies other than SFMTA.

Prior to the construction of the proposed project, the project sponsor and/or construction contractors would be required to meet with staff public works and SFMTA staff to develop and review construction plans in preparation for obtaining relevant construction permits. This may include reviewing truck routing plans and staging for construction vehicles. If SFMTA determines that a construction project impacts routing or alters the flow of vehicle, bicycle, or pedestrian traffic, a logistic plan would be required so that SFMTA permit staff can confirm what permits from SFMTA or public works are required for the project.

34 San Francisco Municipal Transportation Agency, Construction Regulation Blue Book, 8th Edition, Revised October 2021. https://www.sfmta.com/reports/construction-regulations-blue-book, accessed November 2021.

In compliance with the Regulations for Working in San Francisco Streets,[35] in the event that construction activities of the proposed project would not comply with regulations in the Blue Book or the traffic routing specifications in the city contract, the contractor would be required to apply for a special permit from SFMTA prior to the start of project construction. A special permit would be required in situations such as, but not limited to, closing a street, closing a sidewalk, closing or detouring a bicycle route, moving a bus zone outside the limits of the project, reducing the number of lanes, and/or construction work occurring within one block of an existing construction site. In coordination with public works, SFMTA may include in the special traffic permit necessary measures to ensure the safety and accessibility of people walking, bicycling, and public transit operations at or near the project site.

If a special permit is required, the project contractor may not commence construction activities until the permit is issued. A special traffic permit is issued for no more than 30 calendar days, after which the contractor is required to renew the permit to perform further construction activities.[36]

In addition to the required compliance with the Blue Book regulations, all traffic control, warning and guidance devices must conform to the California Manual on Uniform Traffic Control Devices.[37]

The construction contractor would also be required to adhere to the public works guidelines[38] and obtain all necessary permits for construction in the public right-of-way. This includes street space occupation permit, in compliance with public works section 724, for occupying any part of the fronting street or sidewalk for any purpose. Additionally, in compliance with public works code section 2.4.20, a permit for major work or excavation that would affect the public right-of-way for 30 consecutive calendar days or longer would be required. The permit application is required to include, for public works review, a contractor parking plan, including a proposal to reduce parking demand in the project site vicinity.

Public works Order No. 167,840[39] identifies requirements related to the placement of various types of barricades at construction sites, such as A-frames, barrier caution tapes, fencing, and barricades around crosswalks. These requirements are intended to protect pedestrians near construction site consistent with all local, state, and federal codes, including the American with Disabilities Act and California Building Code Title 24.

Construction staging would largely occur on the project site. In the event that temporary lane or sidewalk closures are required, these closures would be limited in duration and coordinated with SFMTA and public works in compliance with blue book regulations. For sidewalks and bicycle lanes along the closed frontages, signage and protection for people walking and bicycling would be erected, as appropriate. The contractor

35 San Francisco Municipal Transportation Agency, Regulations for Working in San Francisco Streets, September 2012. Available at https://www.sfmta.com/reports/construction-regulations-blue-book, accessed November 8, 2021.

36 San Francisco Municipal Transportation Agency, Construction Regulation Blue Book, 8th Edition, Revised October 2021. https://www.sfmta.com/reports/construction-regulations-blue-book, accessed November 2021.

37 California State Transportation Agency. Department of Transportation. California Manual on Uniform Traffic Control Devices. 2014 Edition. Revision 6 (March 30, 2021). https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/ca-mutcd/rev6/camutcd2014-rev6.pdf, accessed November 2021.

38 San Francisco Public Works. 2008. Department of Public Works Guidelines for the Placement of Barricades at Construction Sites. Order No. 167,840. https://sfpublicworks.org/sites/default/files/Guidelines_for_Placement_of_Barricades_0.pdf, accessed November 2021.

39 San Francisco Public Works. 2008. Department of Public Works Guidelines for the Placement of Barricades at Construction Sites. Order No. 167,840. https://sfpublicworks.org/sites/default/files/Guidelines_for_Placement_of_Barricades_0.pdf, accessed November 2021.

would be required to maintain adequate bicycle and walking circulation at all times and any closures would be coordinated with the City in order to minimize the impacts on local traffic.

The proposed project would generate up to 25 trucks per day during excavation activities and approximately 20 trucks per day during the remaining phases of construction.[40] Trucks would access the site from Sutter Street via Third and Kearny streets. The proposed truck routes would be reviewed and approved by SFMTA to minimize conflicts and potentially hazardous conditions with other roadway users. The slower movement and larger turning radii of construction truck traffic may result in a temporary reduction of roadway capacities in the project area. As a result, transit service may occasionally be temporarily delayed due to traffic in and out of the project site from Sutter Street. However, truck trips associated with the project construction would be infrequent (average of three trips per hour), which would not substantially delay public transit or result in hazardous conditions for people taking transit.

The approximate daily average number of construction worker trips would range from five to 52 trips, with the maximum number of workers during the building constructions and architectural coating phases. Given the project site's proximity to high-quality local and regional transit service, a substantial portion of construction workers would be expected to take public transit to and from the project site, with only a minor number of workers traveling to and from the project site in private vehicles. In compliance with public works code section 2.4.20, the project sponsor would be required to prepare a contractor parking plan that addresses changes in parking supply to minimize parking shortfalls. Additionally, potential parking shortfalls would be temporary, would occur prior to peak hours, and would vary depending on the construction activity. Therefore, parking shortfalls would not affect conditions for people walking, bicycling, or public transit. The addition of worker related transit trips is similarly temporary, variable, and would occur prior to peak hours; therefore, it would not substantially affect transportation conditions.

Construction activities would comply with all applicable city codes and regulations, ensuring that such activities would not result in potentially hazardous conditions for people walking, bicycling, or driving, or for public transit operations; would not interfere with emergency access or accessibility for people walking or bicycling; and would not substantially delay public transit. Therefore, construction-related transportation impacts of the proposed project would be ***less than significant***, and no mitigation measures would be required.

Impact TR-2: The proposed project would not create potentially hazardous conditions for people walking, bicycling, or driving or public transit operations. ***(Less than Significant)***

The proposed project would include design features that are consistent with the urban form of the surrounding blocks in the project site vicinity, which includes a mix of retail and office uses. As shown in Table 4, p. 25, in the p.m. peak hour, the proposed project would add 16 private auto vehicle trips and 18 taxi/TNC vehicle trips to the surrounding roadway network. The project would also generate two person trips by bicycle during the p.m. peak period. This level of automobile traffic and people bicycling would neither represent a substantial increase in traffic, nor result in potentially hazardous conditions along any of the surrounding streets.

---

40 California Emissions Estimator Model 2020.4.0. Model output are provided in **Appendix B** of this initial study.

The proposed project would not alter the existing street grid, reconfigure the intersections near the project site, or introduce other physical features that would create potentially hazardous conditions for people driving, walking, or bicycling, or for public transit operations.

Therefore, the proposed project would not exacerbate existing hazardous conditions in the project vicinity or create a new potentially hazardous condition for people walking, bicycling, or driving, or public transit operations. Therefore, the proposed project would result in a ***less-than-significant*** impact with respect to potentially hazardous conditions for people walking, bicycling, or driving, or for public transit operations, and no mitigation measures would be required.

Impact TR-3: The proposed project would not interfere with accessibility of people walking or bicycling to and from the project site, and adjoining areas, or result in inadequate emergency access. ***(Less than Significant)***

The proposed project would not construct any physical obstructions that would obstruct sightlines between people walking or bicycling and people driving adjacent to the proposed project. As shown in Table 4, p. 25, the proposed project would generate a total of 368 person trips by private auto, 371 trips by TNC/taxi, 234 transit trips, 1,255 walk trips, and 19 person trips by bicycle on a daily basis. During the p.m. peak hour, the proposed project would generate an estimated 27 private auto vehicle trips, 27 TNC/taxi vehicle trips, 19 transit trips, 95 walking trips, and two person trips by bicycle.

Pedestrian Facilities. As noted above in the *Transportation Setting* section, all streets in the project vicinity have sidewalks on both sides of the street. The existing sidewalk along the project frontages on Market and Sutter streets are 35 feet and 15 feet in width, respectively. The project would not alter the widths of the existing sidewalks adjacent to the project site. The proposed project would provide streetscape improvements, which would include replacement of the brick sidewalks adjacent to the proposed building along Market Street with City standard paving materials. The sidewalk adjacent to the proposed building along Sutter Street would be paved with in a concrete-scoring pattern. Subject to review and approval by SFMTA, the proposed project would replace the existing commercial loading zone along Sutter Street in front of the hotel lobby with a 22-foot passenger loading zone (see Figure 14, p. 121). The existing sidewalks in the project vicinity would be able to accommodate the additional pedestrian trips generated by the proposed project without becoming substantially overcrowded or substantially affecting pedestrian flows.

Bicycle Facilities. As noted above in the *Transportation Setting* section, class III bicycle bikeways are currently provided on Market Street in both directions and along Sutter Street. Class II are provided on Second Street in both directions between Market and Folsom streets. A San Francisco bikeshare station is located in front of the project site on the intersection of Market and Second streets. As previously discussed, the proposed project would generate two p.m. peak hour bicycle trips. This relatively low number of bicycle trips would not substantially conflict with or result in unsafe conditions to nearby bicycle paths or facilities.

Proposed streetscape improvements would include eight class I bicycle parking spaces on the third floor. In addition, a minimum of eight class II bicycle parking spaces would be provided in bicycle racks on Market Street. These bicycle parking spaces would be available to hotel guests, retail space patrons, building employees, and all members of the public. Access to the class I bicycle spaces on the third floor would be

from the hotel lobby on Sutter Street. The proposed project would provide adequate bicycle access and would not result in hazardous conditions for bicyclists.

Emergency Access. As noted above in the *Transportation Setting* section, there are no emergency service facilities in the vicinity of the project site. The proposed project would not include features that would inhibit emergency vehicle access. Therefore, the proposed project would not interfere with accessibility for emergency services.

Based on the discussion above, the proposed project would result in a ***less-than-significant*** impact with respect to accessibility for people walking or bicycling to and from the project site and adjoining areas or adequacy of emergency access, and no mitigation measures would be required.

Impact TR-4: The proposed project would not substantially delay public transit. ***(Less than Significant)***

The proposed project would neither alter facilities for public transit routes surrounding the project site nor add driveways to streets with transit. As shown in Table 4, p. 25, the proposed project would generate 34 p.m. peak hour vehicle trips, including 16 private auto vehicle trips and 18 Taxi/TNC vehicle trips. This level of p.m. peak hour vehicle trips is below the planning department's transit delay screening criterion of 300 p.m. peak hour vehicle trips, which is the amount of traffic that could potentially substantially delay public transit vehicles operating on routes adjacent to a project site. Subject to review and approval by SFMTA, the proposed project would replace approximately 22 feet of the existing 40-foot commercial loading zone fronting the project site along Sutter Street with a 22-foot passenger loading zone (see Figure 14, p. 121). The current demand for the existing on-street commercial loading spaces on Sutter Street would be accommodated within other nearby on-street commercial loading spaces. The proposed passenger loading zone would accommodate the hotel guests and would not create potentially hazardous conditions or significant delays for transit. Therefore, the proposed project would result in a ***less-than-significant*** impact with respect to public transit delay, and no mitigation measures would be required.

Impact TR-5: The proposed project would not cause substantial additional vehicle miles traveled or substantially induce additional automobile travel by increasing physical roadway capacity in congested areas or by adding new roadways to the network. ***(Less than Significant)***

The proposed project would satisfy the eligibility criteria for a "transit-oriented infill project" under CEQA Guidelines Section 21099(d)(1) because it would consist of employment center uses; would be located on an infill site; and would be located within a transit-priority area. Therefore, the proposed project would be exempt from an analysis of impacts on (automobile) parking under CEQA. Furthermore, the proposed project would meet the map-based screening criterion for Vehicle Miles Traveled (VMT) impacts as discussed below, thereby exempting it from analyzing secondary impacts related to parking, including potentially hazardous conditions for people walking, bicycling, or driving; interference with accessibility for people walking or bicycling; inadequate access for emergency vehicles; and substantial delay for public transit.

The proposed project is not a transportation project but would include transportation features such as a change to color curb. This transportation feature fits within the planning department's general types of projects that can be assumed not to induce automobile travel or generate a substantial amount of VMT.

Based on the discussion above, the proposed project would result in a ***less-than-significant*** impact with respect to VMT, and no mitigation measures would be required.

Impact TR-6: The proposed project would not result in a loading deficit that would create potentially hazardous conditions for people walking, bicycling, or driving; or substantially delay public transit. ***(Less than Significant)***

Freight Loading. There is an approximately 300-foot freight loading (yellow) zone on the south side of Sutter Street between Sansome and Montgomery streets, including an approximately 40-foot street segment fronting the project site. Additionally, there is an approximately 70-foot loading zone located approximately 50 feet southeast of the project site on Market Street. The proposed project would not include additional commercial loading zones. As previously discussed, the proposed project would remove approximately 22 feet of the existing 40-foot commercial loading zone on Sutter Street fronting the project site and install a new passenger loading zone of equivalent length.

The total freight demand generated by the proposed land uses would be an estimated 12 average daily freight loading occurrences and two peak hour freight loading occurrences, and would be comprised primarily of small vehicle types such as light trucks and panel vans.[41] Since the proposed project would generate two maximum freight loading trips during the peak hour of loading, the project's loading demand would be adequately accommodated by the existing freight loading zones on Market and Sutter streets. The proposed project would not result in a loading deficit such that secondary hazardous conditions could occur. Therefore, the proposed project would not create potentially hazardous conditions for people walking, bicycling, or driving, or substantially delay public transit. Therefore, the proposed project would result in a ***less-than-significant*** impact on freight loading conditions.

Passenger Loading. There are no existing designated on-street passenger loading spaces along the project frontage on Market and Sutter streets. As previously discussed, subject to review and approval by SFMTA, the project proposes to establish a 22-foot curbside passenger loading zone on Sutter Street along the project frontage in front of the hotel lobby.

As shown in Table 4, p. 25, the proposed project would generate 18 vehicle trips, consisting of 8 inbound trips and 10 outbound trips, by taxi or transportation network company during the p.m. peak hour.[42] Consistent with the transportation impact analysis guidelines, it is assumed that an average stop duration is one minute and that half of the peak hour passenger loading demand occurs during the peak 15 minutes. Based on these assumptions, the project is estimated to generate the need for one passenger loading space in a given minute during the p.m. peak hour.[43] The proposed passenger loading zone in front of the project site along Sutter Street would accommodate the project's passenger loading demand, and the proposed project would not result in a passenger loading demand that would create potentially hazardous conditions for people

---

41 For commercial vehicle loading, such as fright and delivery service vehicles, the peak period is between 11 a.m. to 2 p.m. per the 2019 San Francisco Transportation Impact Analysis Guidelines.

42 For passenger vehicle loading, consisting of private and for-hire vehicles, the peak period is between 5 p.m. and 8 p.m. per the 2019 San Francisco Transportation Impact Analysis Guidelines.

43 18 (vehicle trips/spaces) divided by 2 divided by 15 minutes = 0.6 passenger loading space required per minute.

walking, bicycling, or driving or substantially delay public transit. Therefore, the proposed project would result in a ***less-than-significant*** impact on passenger loading conditions.

Cumulative Transportation Impacts

The analysis of whether the proposed project would contribute considerably to any significant cumulative impacts takes into account foreseeable changes in the transportation network and land development projects within approximately 0.25 mile of the project site that are approved or under review (see Table 2, p. 8). Of the cumulative projects from Table 2, the 5 Third Street/Hearst Hotel project, described below, could potentially combine with the proposed project to result in cumulative transportation impacts. Other cumulative development projects are still in the early planning stages where detailed project description is not yet available, or consist of internal improvements specific to its project site, or would not include changes that would affect the transportation and circulation system. Therefore, these projects would have a negligible effect on transportation and circulation in the immediate vicinity of the project site.

- 5 Third Street/Hearst Hotel[44] – Conversion of the 13-story Hearst Building from mixed-used office space to a mixed-use hotel of approximately 131,550 gross square feet with up to 170 hotel rooms, 5,920 square feet of office space and 11,393 square feet of retail space, including 422 square feet of general retail, and 4,005 square feet of restaurant/bar uses.

Impact C-TR-1. The proposed project, in combination with cumulative projects, would not result in a significant construction-related cumulative impact on transportation and circulation. ***(Less than Significant)***

Localized construction-related transportation impacts could occur when cumulative projects generate increased traffic at the same time and on the same streets as the proposed project. The construction of the proposed project may occur concurrently with construction of one or more cumulative projects, including 5 Third St/Hearst Hotel. As discussed in Impact TR-1, the construction for the proposed project would be required to comply with the Blue Book requirements and/or obtain a special traffic permit from the SFMTA. Similarly, each of the cumulative projects, including 5 Third Street/Hearst Hotel, would also be required to comply with the Blue Book requirements and/or obtain a special traffic permit from the SFMTA. Through the special traffic permit review process, SFMTA would ensure that the project construction, in combination with construction activities associated with the cumulative projects, would not create potentially hazardous conditions for people walking, bicycling, or driving, would not substantially interfere with emergency access and accessibility for people walking or bicycling, and would not substantially delay public transit. Therefore, the proposed project, in combination with the cumulative projects, would result in less-than-significant transportation-related construction impacts under cumulative conditions.

44 San Francisco Planning Department. Mitigated Negative Declaration. 5 Third Street. Case No.: 2016-007303ENV. August 22, 2018, revised on March 5, 2019.

Impact C-TR-2. The proposed project, in combination with cumulative projects, would not result in a significant operation-related cumulative impact on transportation and circulation. ***(Less than Significant)***

Potentially Hazardous Conditions for People Walking, Bicycling, or Driving, or for Public Transit Operations. As discussed in Impact TR-2, the proposed project would not create potentially hazardous conditions for people walking, bicycling, or driving, or for public transit operations. Streetscape improvements proposed as part of the proposed project would include the replacement of the brick sidewalks adjacent to the proposed building along Market Street with City standard paving materials. Additionally, the sidewalk adjacent to the proposed building along Sutter Street would be paved with concrete scoring pattern.

The 5 Third Street/Hearst Hotel project's PMND concluded that the project, which is located approximately 0.15 mile to the southwest of the proposed project site and estimated to generate 417 daily vehicle trips, would not create hazardous conditions. Given the distance between the 5 Third Street/Hearst Hotel project site and the proposed project site, the proposed project would not combine with the 5 Third Street/Hearst Hotel project to create potentially hazardous conditions for people walking, bicycling, or driving, or for public transit operations. Therefore, the proposed project, in combination with the cumulative projects, would result in ***less-than-significant*** impacts under cumulative conditions with respect to potentially hazardous conditions for people walking, bicycling, or driving, or for public transit operations, and no mitigation measures are required.

Accessibility. As discussed under Impact TR-3, the proposed project would not interfere with accessibility for people walking or bicycling or would not result in inadequate emergency access. The 5 Third Street/Hearst Hotel project, which is located approximately 0.15 mile to the southwest of the proposed project site, would also not result in inadequate emergency vehicle access.[45] Therefore, the proposed project, in combination with the cumulative projects, would result in ***less-than-significant*** impacts under cumulative conditions with respect to accessibility for people walking or bicycling or adequacy of emergency access, and no mitigation measures are required.

Public Transit Delay. As discussed under Impact TR-4, the proposed project would not substantially delay public transit, and thus the project would result in a less-than-significant impact with respect to public transit delay. Traffic volumes would incrementally increase in the project site vicinity as a result of implementation of the proposed project and cumulative projects. The 5 Third Street/Hearst Hotel project MND concluded that the project, which is located approximately 0.15 mile to the southwest of the proposed project site and estimated to generate 51 vehicle trips during the p.m. peak hour, would result in a less-than-significant impact on transit service. Therefore, the proposed project, in combination with the cumulative projects, would result in ***less-than-significant*** impacts with respect to public transit delay under cumulative conditions, and no mitigation measures are required.

Vehicle Miles Traveled. VMT by its nature is largely a cumulative impact. The number and distance of vehicular trips associated with cumulative projects might contribute to the secondary physical environmental impacts associated with VMT. It is likely that no single project by itself would be sufficient in

45 San Francisco Planning Department. Mitigated Negative Declaration. 5 Third Street. Case No.: 2016-007303ENV. August 22, 2018, revised on March 5, 2019.

size to prevent the region or state in meeting its VMT reduction goals. Instead, a project's individual VMT contributes to cumulative VMT impacts. The planning department uses near-term baseline plus project-level thresholds of significance based on levels at which the department does not anticipate new projects to conflict with state and regional long-term greenhouse gas emission reduction targets and statewide VMT per capita reduction targets.

Therefore, the planning department uses a map-based screening criterion to identify types and locations of land use projects that would not exceed the same quantitative thresholds of significance described under existing plus project conditions. The analysis uses the 2040 modeling of VMT estimates to present VMT for residential, office, and retail in San Francisco and the region. The planning department uses that data and associated maps to determine whether a project site's location is below the aforementioned VMT quantitative threshold of significance.

Table 5 presents the future (2040) average daily VMT per employee for office and retail uses for the nine-county San Francisco Bay Area and TAZ 939, in which the proposed project is located. The future average daily VMT per employee for office uses in TAZ 939 (6.14 miles) is approximately 64 percent lower than the regional Bay Area average (17.1 miles). The future average daily VMT per employee for retail uses in TAZ 939 (8 miles) is approximately 45 percent lower than the regional Bay Area average (14.6 miles). As noted previously under *Project Travel Demand,* the visitors and employees of the hotel would reflect the travel characteristics of retail and office space. Because the project site is in an area where the VMT for the land uses in the proposed project are each more than 15 percent below future 2040 regional averages, the proposed project's contribution to any substantial cumulative increase in VMT would be less than considerable. Therefore, this impact would be ***less than significant***, and no mitigation measures are required.

Table 5 Average Daily Vehicle Miles Traveled in TAZ 939 (Cumulative 2040)

	VMT		
Land Use	**Bay Area Regional Average**	**Bay Area Regional Average minus 15% (Significance Threshold)**	**TAZ939**
Office	17.1	14.5	6.14
Retail	14.6	12.4	8.00

Loading. As discussed in impact TR-6, the proposed project would not create or result in a loading deficit. Additionally, the 5 Third Street/Hearst Hotel project would accommodate its expected freight loading demand through six on-street freight loading spaces along Stevenson Street. The transportation study prepared for the 5 Third Street/Hearst Hotel project identifies Improvement Measure I-TR-A: Coordination of Large Deliveries and Trash Pickup, which includes coordination with building tenants and delivery services to minimize deliveries and moving of trucks.[46] As such, freight loading activity generated by the proposed project and the nearby 5 Third Street/Hearst Hotel project would not create potentially hazardous conditions for people walking, bicycling, or driving or substantially delay public transit due to unmet freight loading demand. As discussed above, other cumulative projects would not result in unmet freight loading demand

46 CHS Consulting, 5 Third Street Hearst Hotel Transportation Impact Study, San Francisco, CA, July 2018.

that could create potentially hazardous conditions or delay public transit because they would include improvements to internal spaces that would not affect the transportation and circulation system. Therefore, the cumulative freight loading impacts of the proposed project, in combination with the cumulative projects, would be ***less than significant***.

The 5 Third Street/Hearst Hotel project would accommodate the anticipated passenger loading demand for that project within on-street passenger loading/unloading zones on Stevenson Street. As discussed in impact TR-6, passenger loading for the proposed project would be accommodated within the proposed on-street passenger loading space fronting the hotel lobby. Therefore, passenger loading activity generated by the proposed project and nearby 5 Third Street/Hearst Hotel project would not combine to create potentially hazardous conditions for people walking, bicycling, or driving, or substantially delay public transit due to unmet passenger loading demand. As discussed above, other cumulative projects would not result in unmet passenger loading demand that could create potentially hazardous conditions or delay public transit because they consist of improvements to internal spaces that would not affect the transportation and circulation system or are not located in the project vicinity such that they could combine with the proposed project's passenger loading activity. Therefore, the cumulative passenger loading impact of the proposed project, in combination with the cumulative projects would be ***less than significant***.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
6. NOISE. Would the project result in:					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan area or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☐	☒

The following analysis relies on the technical noise and vibration evaluation[47] prepared for the proposed project, which is included in **Appendix A** of this initial study. The project site is not within the vicinity of a

47 Salter, Inc. 2022. Technical Noise and Vibration Results. 570 Market Street Project.

private airstrip or within 2 miles of a public airport or public use airport, therefore, Topic 6(c) is not applicable.

Noise is generally defined as unwanted sound that annoys or disturbs people and potentially causes an adverse psychological or physiological effect on human health. Some land uses are more tolerant of noise than others. For example, schools, hospitals, churches, hotels, and residences are considered to be more sensitive to noise intrusion than are commercial or industrial activities. Because noise is an environmental pollutant that can interfere with human activities, evaluation of noise is necessary when considering the environmental impacts of a proposed project. Sound is mechanical energy (vibration) transmitted by pressure waves over a medium such as air or water. Sound is characterized by various parameters that include the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient (existing) sound level. Although the decibel (dB) scale, a logarithmic scale, is used to quantify sound intensity, it does not accurately describe how sound intensity is perceived by human hearing. The perceived loudness of sound is dependent upon many factors, including sound pressure level and frequency content. The human ear is not equally sensitive to all frequencies in the entire spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive in a process called A-weighting, written as dB(A) and referred to as A-weighted decibels. There is a strong correlation between A-weighted sound levels and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment.

With respect to how humans perceive and react to changes in noise levels, a 1dBA increase is imperceptible, a 3 dB(A) increase is barely perceptible, a 5 dB(A) increase is clearly noticeable, and a 10 dB(A) increase is subjectively perceived as approximately twice as loud.48 These subjective reactions to changes in noise levels were developed on the basis of test subjects' reactions to changes in the levels of steady-state pure tones or broadband noise and to changes in levels of a given noise source. These statistical indicators are thought to be most applicable to noise levels in the range of 50 to 70 dB(A), as this is the usual range of voice and interior noise levels. Because decibels are logarithmic units, sound pressure levels cannot be added or subtracted through ordinary arithmetic. On the dB scale, a doubling of sound energy corresponds to a 3 dB increase. In other words, when two identical sources are each producing sound of the same loudness, their combined sound level at a given distance would be 3 dB higher than one source under the same conditions. For example, if one source produces a sound pressure level of 70 dB(A), two identical sources would combine to produce 73 dB(A). The combined sound level of any number of sources can be determined using decibel addition.

Existing Sensitive Receptors

Some land uses are more sensitive to noise levels than others due to the types of activities typically associated with the uses. Residences, hotels, schools, senior care facilities, and hospitals are generally more sensitive to noise than commercial and industrial land uses. There are no existing hospitals or skilled nursing facilities within 900 feet of the project site. Location of the sensitive receptors located within 900-foot radius from the project are shown in Figure 17, p. 124. The nearest residential sensitive receptor in the project vicinity is the residential building at 333 Bush Street located approximately 450 feet northwest of the project site. The Palace hotel at 2 New Montgomery Street is located approximately 395 feet south of the project site; and while it is a commercial use, it is considered a sensitive receptor during nighttime hours. Other residential and hotel uses are located at approximately 560 to 800 feet from the project site.

VIBRATION

Vibration is like noise such that noise involves a source, a transmission path, and a receptor. While related to noise, vibration differs in that noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system that is vibrating. Vibration can be measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration measures in terms of peak particle velocities in inches per second. Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of PPV.

VIBRATION-SENSITIVE RECEPTORS

Historic buildings are more susceptible to vibration as compared to buildings with modern construction. Historic buildings adjacent to the project site are shown in Table 13.

Existing Noise in the Project Vicinity

The project site is located in an urbanized area with ambient noise levels typical of those in San Francisco neighborhoods. Two long-term (24-hour) and four short-term (15-minute) ambient noise measurements were collected near the project site in order to establish the existing ambient noise levels in the project area. Based on a reduction of traffic due to the COVID-19 pandemic, the measured noise levels are assumed to be lower than typical, and the minimum ambient noise levels used for this study are considered conservative.

The noise measurement sites are shown in Figure 16, p. 123. Table 6, below, summarizes the results of the noise measurement survey.

Table 6 Summary of Long-Term and Short-Term Noise Monitoring in the Project Vicinity

Measurement Location		Primary Noise Source	Minimum Average Noise Level (Leq dBA)	24-Hour Noise Level (L_{dn} dBA)	Ambient Noise Level (min L90 dBA)
LT-1	Along the south side of Suter Street, approximately 20 feet from Sutter Street and 180 feet from Sansome Street, 12 feet above grade	Vehicular traffic on Sutter Street	65	72-77	51
LT-2	Along the north side of Market Street, approximately 45 feet from Market Street and 255 feet from Montgomery Street, 12 feet above grade	Vehicular traffic on Market Street	71	76-79	51
ST-1	Along the north side of Sutter Street, approximately 20 feet from Sutter Street and 130 feet from Kearny Street, 5 feet above grade	Vehicular traffic on Sutter Street	63	70-75	49

Measurement Location		Primary Noise Source	Minimum Average Noise Level (Leq dBA)	24-Hour Noise Level (L_{dn} dBA)	Ambient Noise Level (min L90 dBA)
ST-2	At the roof along the north project property line, approximately 50 feet from Sutter Street and 255 feet from Sansome Street, 45 feet above grade	Vehicular traffic on Sutter Street	53	60-65	45
ST-3	At the roof along the south project property line, approximately 75 feet from Market Street and 270 feet from Montgomery Street, 45 feet above grade	Vehicular traffic on Market Street	60	65-68	45
ST-4	At the corner of Market Street and New Montgomery Street, approximately 30 feet from Market Street and 30 feet from New Montgomery Street, 5 feet above grade	Vehicular traffic on Market and New Montgomery Streets	67	72-75	47

SOURCE: Salter Inc., 2022
NOTES:
LT= Long-Term
ST= Short-Term
dBA= A-weighted decibel
L_{eq}= equivalent sound level
L_{dn}= Day-Night sound level

Impact NO-1: The proposed project could generate a substantial temporary or permanent increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. ***(Less than Significant with Mitigation)***

Construction noise is regulated by the San Francisco Police Code, article 29, sections 2907 and 2908. Police Code section 2907 requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at 100 feet from the source. Impact tools are not subject to the equipment noise limit provided that impact tools and equipment would have intake and exhaust mufflers recommended by the manufacturers and are approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation. Pavement breakers and jackhammers would also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation. Police Code section 2908 prohibits construction work between 8 p.m. and 7 a.m., if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of Public Works or the Director of Building Inspection. The proposed project is required to comply with Police Code section 2907. The proposed project would not include nighttime construction, so Police Code section 2908 would not apply.

In addition to the construction noise regulations promulgated in Police Code sections 2907 and 2908, the planning department uses a criterion of 10 dB above the ambient noise level to assess substantial temporary ambient noise level increases from construction. A 10 dB increase in ambient noise levels corresponds to a perceived doubling of loudness. This criterion applies at the property lines of the nearest sensitive receivers.

The planning department also analyzes the construction noise using guidance provided in the Construction Noise Assessment of the Federal Transit Administration Transit Noise and Vibration Assessment Manual.42 Specifically, the planning department uses the general assessment daytime residential noise limit of 90 dBA at residential receptors as developed by the Federal Transit Administration. This assessment results in a reasonable worst-case scenario because it is based on the assumption that the two noisiest pieces of equipment would operate simultaneously.

If any of the above criteria are exceeded (10 dB increase in ambient noise levels, 90 dBA at noise-sensitive receptors), the planning department would evaluate the temporal frequency, duration, and intensity of the exceedance when determining whether construction noise could result in a substantial temporary increase in ambient noise levels.

Project Construction

Table 7 shows the hourly noise levels (L_{max}) produced by various types of equipment proposed by the proposed sponsor at a reference distance of 100 feet between the equipment and noise receptor as dictated by the city's noise ordinance.

Table 7 Project Construction Equipment Typical Noise Levels

Equipment	Noise Level (dBA, L_{max}) at 100 Feet	Noise Level (dBA, Lmax) at 20 Feet
Deep Foundations		
Drill Rig	78	92
Excavator	75	89
Cutter Soil Mixing Rig (CSM)	74	91
After Foundations		
Cranes	75	89
Foundation and Deck Pours		
Concrete Pump	75	89
Demolition		
Jackhammer	79	93
Various		
Air Compressor	72	86
Cement Mixer	73	87
Concrete Saws	84	98
Generators	67	81
Pressure Washer	79	93
Skid Steer Loader	73	87
Welders	68	82

SOURCE: US EPA document, "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances" (1971, noise data from Federal Highway Administration (FHWA) Roadway Construction Noise Model User's Guide, 2006; Salter, 2022;

Table 8 shows the worst-case noise levels for each major phase of construction (i.e., the two loudest pieces of equipment from each construction phase operating simultaneously) at the nearest sensitive receptor during daytime construction, as well as the nearest commercial receptor. The nearest sensitive receptor is located at the 333 Bush Street residences approximately 450 feet from the project site. The nearest commercial receptor (i.e., office worker) is located adjacent to the project site at 564 Market Street.

Table 8 Exterior Noise at Nearest Off-Site Sensitive Use from Daytime Construction

Construction Phase	Existing Minimum Hourly Noise Level at the nearest noise-sensitive receptor[1] (L_{eq} dBA)	Loudest Two Noise Sources	Estimated Construction Noise Level (L_{eq}dBA) at the Nearest Sensitive Receptor (450 feet)	Estimated Construction Noise Level (L_{eq}dBA) at Nearest Commercial Receiver (20 feet)	Exceed 90 dBA Exterior Daytime Residential Standard or 100 dBA Commercial Standard?	Resultant Noise Level (Existing + Project Construction L_{eq} dBA) at the Nearest Sensitive Receptor (450 feet)	Increase over Existing Noise Level (dBA)	Exceed Ambient + 10 dB Standard?
Phase 1: Demolition	65	Cutter Soil Mixing Rig, Jackhammer	61	95	No	67	2	No
Phase 2: Site Preparation	65	Concrete Saws, Jackhammer	65	99	No	68	3	No
Phase 3: Grading	65	Concrete Pump, Excavator	60	92	No	66	1	No
Phase 4: Building Construction	65	Drill Rig, Cranes	59	94	No	66	1	No
Phase 5: Architectural Coating	65	Pressure Washer, Cranes	63	94	No	67	2	No

SOURCE: Salter Inc., 2022

Notes: [1] The nearest sensitive receptor to the project site is 333 Bush Street residences located approximately 450 feet north of the project site.

As shown in Table 8, construction noise levels would range from 66 to 68 dBA at the nearest daytime receptor, which is located approximately 450 feet from the project site. These levels would be below the FTA general assessment criterion of 90 dBA for sensitive residential receptors. At the nearest commercial receptor at a distance of 20 feet, construction noise levels would range from 92 to 99 dBA. These levels would also be below the FTA general assessment criterion of 100 dBA for commercial uses. It is noted that these noise levels assume no acoustical shielding, such as from building walls or windows, so the actual noise levels in building interiors would likely be lower.

For the evaluation of noise impacts with respect to the 10 dBA increase above ambient noise levels, construction noise is added to the minimum daytime hourly L_{eq} noise level in the project area, which is 65 dBA, as shown in Table 6, p.52. Based on the construction equipment and project phasing, the maximum hourly noise level at 333 Bush Street (the nearest sensitive receptor located approximately 450 feet north of the project site) would be 68 dBA. As shown in Table 8, the estimated daytime construction noise levels

generated by the proposed project would range from 59 to 65 dBA at the nearest sensitive receptor at 333 Bush Street. Therefore, daytime noise during all phases of construction would not result in an increase of greater than 10 dB over existing levels at any of the nearest sensitive receptors or exceed the 90 dBA criterion for daytime construction noise at any residential receptor. All other sensitive receptors are located farther away and/or with more shielding from the project construction site. Therefore, this impact would be ***less than significant***.

Nighttime Construction

Certain construction activities such as large concrete pours, may require earlier start or later finish times to accommodate time-specific activities during the foundations and the concrete poor stage. Concrete pours generally occur over one-to-two nights of the overall construction period, and therefore are a very limited occurrence. Construction activities that extend beyond normal hours would be subject to review, permitting, and approval by the building department. Section 2908 of the San Francisco Police Code prohibits any person between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day from erecting, constructing, demolishing, excavating for, altering, or repairing any building or structure if the noise level created is in excess of the ambient noise level by 5 dBA at the nearest property line, unless a special permit has been applied for and granted. The project sponsor would apply for a special permit from the director of public works or the director of the building department for noise that would exceed the ambient noise level by 5 dBA at the nearest property plane. The project sponsor would comply with all requirements of the special permit to engage in nighttime work; therefore, nighttime noise would be subject to the limits of the permit that is granted. Because any nighttime construction would be limited to one to two days, it would not result in a significant temporary increase in ambient noise levels in the project vicinity. As such, nighttime construction noise resulting from the proposed project would be ***less than significant***.

Project Operations

Section 2909 of the San Francisco Police Code, enforced by the health department during the day and the police department during the night, limits stationary-source noise and generally prohibits noise levels from any machine, device, or music or entertainment venue (or any combination) as follows:

a. For residential properties, no more than 5 dBA above the local ambient noise level, as measured at any point outside the property plane;

b. For commercial and industrial properties, no more than 8 dBA above the local ambient noise level, as measured at any point outside the property plane;

c. For public property, no more than 10 dBA above the local ambient noise level at a distance of 25 feet or more from the noise source (unless the noise source is being operated to serve or maintain the property or as otherwise provided in the noise ordinance); and

d. In order to prevent sleep disturbance, protect public health, and prevent the acoustical environment from progressive deterioration due to the increasing use and influence of mechanical equipment, no fixed noise source may cause the noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between hours of 10 p.m. and 7 a.m. or 55 dBA between the hours of 7 a.m. and 10 p.m. with windows open except where building ventilation is achieved through mechanical systems that allow windows to remain closed.

The criteria provided in section 2909(a) through (c) are limits for the specific locations (e.g., the property plane, or for public properties, 25 feet from the noise source) and do not refer to a receptor. Section 2909(d) establishes maximum noise levels for fixed sources (e.g., mechanical equipment) at sensitive receptors (i.e., 55 dBA from 7 a.m. to 10 p.m. and 45 dBA from 10 p.m. to 7 a.m.) inside any sleeping or living room in any dwelling unit on residential property to prevent sleep disturbance with windows open, except where building ventilation is achieved through mechanical systems that allow windows to remain closed.

The project's mechanical equipment, located at Levels 2, 17, and 29 of the proposed building, would contribute to the exterior noise environment. Equipment in these locations include supply fans, cooling towers, heating and ventilating units, make-up air units, and an emergency generator. Levels 2 and 17 equipment would be enclosed and exhaust at the facade of the building. Level 29 equipment would be outdoors on the rooftop. The rooftop equipment would include a 10-foot-tall barrier at the perimeter.

Section 2909(b) requires noise levels to be evaluated at the property plane. According to the Department of Public Health, in the event of a complaint, noise measurements would be conducted at the edge of the roof nearest the property plane at a height approximately 5 feet above the roof level. Therefore, generated noise from rooftop mechanical equipment was analyzed at 5-foot height above the roof level.

Proposed rooftop mechanical equipment would generate the following sound power levels:

- Two cooling towers: Each would generate a sound power level of 89 dBA[48]
- Two make-up air units: Each unit would have a sound power level of 81 dBA
- The one generator would have an average sound pressure level[49] of 84 dBA at approximately 23 feet with the Level 1 enclosure
- Eight supply fans: Each supply fan has an estimated sound power level between 80 to 93 dBA[50]
- Two heating and ventilating units: Each unit would have a sound power level of 83 dBA[51]

Other Mechanical Equipment. Measured ambient noise levels along Market Street (south) and Sutter Street (north) are 51 dBA. Noise at the interior of the site is calculated to be lower than 45 dBA. However, the city defines the "ambient" as no less than 45 dBA. Combined noise levels from all equipment at the property plane are calculated as shown in Tables 10 to 12 at building levels 2, 17, and 29, respectively. Noise levels shown in bold in Tables 10 to 12 exceed the ambient noise levels by more than 8 dBA at the property plane, which is the criterion identified in section 2909(b).

48 PWL (Sound Power Level) – A metric defined in ANSI S1.1, expressed in decibels (dB), used to quantify the acoustic energy output of a device. Sound power is analogous to the total light output from a lamp in lumens.

49 SPL (Sound Pressure Level) – A metric defined in ANSI S1.1, expressed in decibels (dB), that quantifies the sound level produced by a device, measured at a specific location some distance from the device. Sound pressure is analogous to the light output a specific distance from a lamp in foot-candles.

50 American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) calculations have been used to estimate the sound power level.

51 ASHRAE calculations have been used to estimate the sound power level.

Table 9 Mechanical Equipment Noise at Level 2

Direction	Noise Levels (dBA)		
	Existing Ambient	Mechanical Equipment Noise Levels Calculated at Level 2	Noise Ordinance Limit
North	51	**72**	59
East	45	42	53
South	51	27	59
West	45	42	53

SOURCE: Salter Inc., 2022

Table 10 Mechanical Equipment Noise at Level 17

Direction	Noise Levels (dBA)		
	Existing Ambient	Mechanical Equipment Noise Levels Calculated at Level 17	Noise Ordinance Limit
North	51	23	59
East	45	40	53
South	51	**77**	59
West	45	40	53

SOURCE: Salter Inc., 2022

Table 11 Mechanical Equipment Noise at Level 29

Direction	Noise Levels (dBA)		
	Existing Ambient	Mechanical Equipment Noise Levels Calculated at Level 29	Noise Ordinance Limit
North	51	42	59
East	45	**58**	53
South	51	59	59
West	45	**58**	53

SOURCE: Salter Inc., 2022

Given that the noise levels generated by the mechanical equipment would exceed criteria set by section 2909 (b) at the adjacent properties, project operations could result in a potentially significant impact. To reduce operation-related noise impact to a less-than-significant level, the project sponsor would be required to implement Mitigation Measure M-NO-1, Fixed Mechanical Equipment Noise Control for Building Operations, which would require the project sponsor to demonstrate, prior to obtaining the building permit, that fixed mechanical equipment meet the requirements of Section 2909(b). The full text of Mitigation Measure M-NO-1 is available in the project's Mitigation Monitoring and Reporting Program, Appendix C.

Implementation of Mitigation Measure M-NO-1, Fixed Mechanical Equipment Noise Control for Building Operations, would reduce operation-related noise resulting from the fixed mechanical equipment below the criteria thresholds required under section 2909(b). Therefore, the proposed project impact would be ***less than significant with mitigation***.

Emergency Generator: Common noise sources in San Francisco that typically do not result in a substantial temporary increase in ambient noise level include emergency backup generator testing, provided a project proposes no more than two emergency backup generators. The proposed project would include one 126-horsepower generator that would be installed on the roof of the 300-foot proposed building within a Level I sound attenuated enclosure.[52]

In addition, the generator would only operate for approximately once per month between 7 a.m. and 8 p.m. for testing purposes. The generator testing would be considered temporary increase in ambient noise levels because it would only be tested once per month. Therefore, operational noise impact resulting from the generator as proposed within a Level I enclosure would be ***less than significant***.

Interior Noise Levels: Noise levels were also calculated at the nearest indoor receiver with respect to section 2909(d). Interior noise levels at 333 Bush Street (the nearest residences to the site) were calculated to be approximately 40 dBA (assuming open windows). These noise levels would meet the noise ordinance nighttime goal of 45 dBA. Therefore, the proposed project would have a ***less-than-significant*** noise impact on indoor receivers.

Proposed Outdoor Areas: The proposed POPOS outdoor terrace would be located on the 15th floor on the south side of the proposed building. Floor 15 would also include a 660-square-foot bar area. Floor 16 would include an approximately 1,900-square-foot bar area with 740 square feet of bar terrace facing east and southeast. None of the outdoor spaces would include amplified sound. Both outdoor spaces would generate outdoor noise when in use; however, noise levels generated from the outdoor use areas would be typical of background noise levels from an urban setting in a downtown area. Therefore, the proposed project would have a ***less-than-significant*** noise impact from the proposed outdoor areas.

Traffic Noise

The increase in traffic resulting from implementation of the proposed project would increase the ambient noise levels at sensitive uses located in proximity to the project area. A doubling (100 percent increase) in traffic volumes would result in a 3 dBA change in the noise level, which is barely noticeable to the human ear. Therefore, any increase in traffic that would be less than a doubling in volume would not be noticeable to existing sensitive receptors in the project vicinity.

The proposed project would generate up to 34 additional peak hour vehicle trips on the local roadway network. The proposed project would be located within the financial district on arterial and major roads of the downtown. This increase would be marginal and well below the doubling of traffic volumes needed to produce a barely noticeable change in traffic noise (i.e., a doubling of traffic volumes). Therefore, traffic noise associated with the proposed project would not exceed the identified criteria and the impact would be ***less than significant***.

52 A generator installed in a Level I sound attenuated enclosure would operate at 78 to 95 dBA.

Impact NO-2: The proposed project would not generate excessive groundborne vibration or groundborne noise levels. *(Less than Significant with Mitigation)*

Construction-related vibrations can potentially impact nearby buildings or structures or, if occurring during nighttime hours, can result in sleep disturbance; this impact is analyzed further below, including any potential impacts on nearby historic structures in the project vicinity. While construction vibration can also impact vibration-sensitive equipment, there are no hospitals near the project site that may contain vibration-sensitive equipment, such as magnetic resonance imaging equipment or high-resolution lithographic, optical, or electron microscopes. As such, the proposed project would not cause vibration that would affect vibration-sensitive equipment and such potential impacts are not considered in the following analysis.

Once construction is complete, the proposed project would not involve the use of heavy machinery that is often associated with large commercial or industrial uses. Therefore, no sources of operational vibration are anticipated as part of the proposed project and this topic is not discussed further.

Construction Vibration

The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to structural damage at the highest levels. Construction activities would include grading, excavation, and drilling, would have the potential to produce low levels of groundborne vibration. As such, existing structures located within 100 feet of the project site could be exposed to the generation of excessive groundborne vibration or groundborne noise levels related to construction activities.

Groundborne vibration levels resulting from construction activities at the project site were estimated using data published by the FTA.[53] Potential vibration levels resulting from construction of the proposed project are identified for off-site locations based on their distance from construction activities.

San Francisco uses impact thresholds from the California Department of Transportation for construction or operational groundborne vibration impacts established in the *Transportation and Construction Vibration Guidance Manual* document,[54] to evaluate the impact of vibration on buildings. The most frequently used method to describe vibration impacts on buildings is peak particle velocity (PPV). As shown in Table 12, the Caltrans guidelines for assessing vibration damage potential to various types of buildings range from 0.08 to 0.12 inch per second PPV for extremely fragile historic buildings, ruins, and ancient monuments to 0.50 to 2.0 inch per second PPV for modern industrial/commercial buildings.

53 Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed March 17, 2022.

54 Caltrans. 2020. Transportation and Construction Vibration Guidance Manual. https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf. April.

Table 12 Caltrans Vibration Guidelines for Potential Damage to Structures

Structure and Condition	Maximum PPV (inches/second)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	1.2	0.5

SOURCE: Caltrans, 2013.

The proposed project would not involve types of construction activities that could generate excessive groundborne vibration, such as from impact pile-driving or blasting for building demolition. Piles would be drilled, which would require removing the soil from the hole before inserting the pile. This foundation method differs from the driven piles method in which the piles would displace the soil during installation and result in less vibration than impact pile driving. However, grading and excavation activities, such as the use of a jackhammer, excavator, and drill rig, could generate varying degrees of ground borne vibration, as shown in Table 13. The PPV levels for the types of construction equipment that would operate during the construction of the proposed project and vibration levels at the closest structures are identified in Table 13.

Table 13 Vibration Levels from Construction Equipment

Equipment	Approximate PPV (in/sec)[55]					
	FTA Reference (25 feet)	576-580 Market (1 foot)	44 Montgomery (1 foot)	562-566 Market (1 foot)	582-592 Market (40 feet)	560 Market (55 feet)
Jackhammer	0.035	1.207	1.207	1.207	0.021	0.015
Excavator	0.020	0.690	0.690	0.690	0.012	0.008
Equipment	**FTA Reference (25 feet)**	**576-580 Market (6 feet)**	**44 Montgomery (6 feet)**	**562-566 Market (6 feet)**	**582-592 Market (40 feet)**	**560 Market (55 feet)**
Drill Rig	0.089	0.428	0.428	0.428	0.053	0.037

SOURCE: Salter Inc., 2022

NOTES: [1] $PPV = PPV_{ref}*(25/Distance)^n$ – The project's Updated Geotechnical Study describes the soil as compacted sand and clay. Section 7.2 of the Transportation and Construction Vibration Guidance Manual (April 2020) recommends using 1.1 for the value of "n" for vibration assessments with this equipment.

PPV: Peak Particle Velocity; in/sec: inch per second;

55 $PPV = PPV_{ref}*(25/Distance)n$ – The project's Updated Geotechnical Study describes the soil as compacted sand and clay. Section 7.2 of the Transportation and Construction Vibration Guidance Manual (April 2020) recommends using 1.1 for the value of "n" for vibration assessments with this equipment.

Jackhammering and excavation could occur up to 1 foot from the property lines at 566 Market Street, 576 Market Street, and 44 Montgomery Street. Drilling and compaction activities could occur as close as 6 feet from the adjacent buildings. As shown in Table 13, temporary groundborne vibration levels from the caisson drill could reach a peak particle velocity (PPV) as high as approximately 0.428 in/sec (inch per second) if drilling occurs within 6 feet of the adjacent buildings. Temporary groundborne vibration from jackhammering could reach as high as approximately 1.207 in/sec PPV if these activities were to occur within one foot of the adjacent buildings.

Under the Caltrans building classification criteria presented in Table 12, the buildings at 566 Market Street and 576 Market Street are classified as "historic and some older buildings", and the building at 44 Montgomery Street is classified as "modern industrial/commercial buildings". As shown in Table 13, construction activities within one foot near the adjacent buildings at 566 Market Street, 576 Market Street, and 44 Montgomery Street could result in vibration levels that would exceed the Caltrans criterion of 0.25 in/sec PPV for historic structures and the criterion of 0.5 in/sec PPV for the modern commercial building at 44 Montgomery Street. To reduce vibration impacts and potential structural damage to 566 Market Street and 576 Market Street, and 44 Montgomery Street, Mitigation Measure M-NO-2, Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction will be implemented before and during construction as outlined below. Mitigation Measure M-NO-2 would require the project sponsor to conduct a pre-construction assessment of the buildings at 566 Market Street, 576 Market Street, and 44 Montgomery Street. It would also establish vibration limits not to be exceeded based on the condition of the three buildings, monitor vibration levels during construction, and repair any vibration-related damage to any of the three building's pre-construction condition. The full text of Mitigation Measure M-NO-2 is available in the project's Mitigation Monitoring and Reporting Program, Appendix C.

As indicated in Table 13, ground borne vibration levels at all other historic structures in the immediate vicinity (582-592 Market Street and 560 Market Street) are located at a greater distance than 40 feet from the project's construction areas and would result in estimated PPV levels between 0.008 to 0.053, well below the 0.25 PPV criterion for causing damage to historic structures.

As discussed above, with implementation of Mitigation Measure M-NO-2, the impact of the proposed project to result in structural damage from construction vibration would be ***less than significant with mitigation***.

Operational Vibration

Once construction is complete, the proposed project would not involve the use of heavy machinery that is often associated with large commercial or industrial uses. Therefore, no sources of operational vibration are anticipated as part of the proposed project. The proposed project would have ***no impact*** related to operational vibration.

Impact C-NO-1. The proposed project, in combination with cumulative projects, would not result in a significant cumulative impact on noise. ***(Less than Significant)***

Construction Noise

Construction activities within 900 feet of the project site, such as excavation, grading, or construction of other buildings in the area, would occur on a temporary and intermittent basis. Construction noise associated with the proposed project would not substantially increase ambient noise levels at locations greater than a few hundred feet from the project site. Other than interior renovation projects, 77-79 Montgomery Street development project is located close enough (within 500 feet) to combine with the noise created during construction of the proposed project to result in a cumulative construction noise impact.

The 77-79 Montgomery Street project, located to the west of the project site, proposes a conversion of an existing office use to post-secondary educational institution for the Academy of Arts University. Improvements include security cameras, new bike parking, and exterior repairs. Construction noise from this project is anticipated to result in an increase in ambient noise levels at the nearest sensitive receptor, the 333 Bush Street. The 77-79 Montgomery Street project is approximately 270 feet from the 333 Bush Street. Construction would be primarily interior and minor exterior improvements, and therefore, would not contribute to a cumulative construction noise impact. Other cumulative projects, such as the 5 Third/Hearst Hotel project, 542-550 Howard Street project, and 50 First Street project are located at more than 500 feet from the project site, and intervening buildings would reduce any cumulative construction noise impacts from these projects. Therefore, based on the above, cumulative construction-related noise impacts from the proposed project would be ***less than significant.***

Construction Vibration

None of the development projects identified in Table 2, p. 8 would be located within 100 feet of the project site. Therefore, the cumulative context for construction vibration impacts is the proposed project and the immediate area surrounding the project site. Therefore, the proposed project would not combine with cumulative projects to create a significant vibration impact.

Operational Noise

Proposed project-related stationary-source noise, such as from HVAC equipment, exhaust fans, or emergency generators, would not substantially increase ambient noise levels at locations that are more than a few hundred feet from the project site. The project at 77-79 Montgomery Street is the only cumulative development project close enough (within 500 feet) to result in a potential cumulative operational noise impact.

The 77-79 Montgomery Street project already contains operational rooftop HVAC equipment and mechanical penthouses; therefore, this development project is not expected to further contribute cumulatively to mechanical equipment noise that has not already been included in the monitored values for the project area. As discussed under Impact NO-1, the proposed project would result in a significant impact from fixed mechanical equipment and would be required to implement Mitigation Measure NO-1 to reduce this noise impact to a less-than-significant level. Because both the proposed project and the project at 77-79 Montgomery Street would have equipment that (a) would be shielded or enclosed; and (b) be located at

substantial heights (100 feet or more for both projects) above the nearest receptors to result in marked attenuation, cumulative operational noise impact associated with stationary sources is anticipated to be substantially attenuated and would comply with Section 2909 of the Noise Ordinance. Therefore, cumulative operation-related noise impacts from the proposed project would be ***less than significant***.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
7. AIR QUALITY. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard?	☐	☐	☒	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐	☐

The Bay Area Air Quality Management District (air district) is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (air basin), which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Napa counties and portions of Sonoma and Solano counties. The air district is responsible for attaining and maintaining air quality in the air basin within federal and state air quality standards, as established by the federal Clean Air Act and the California Clean Air Act, respectively. Specifically, the air district has the responsibility to monitor ambient air pollutant levels throughout the air basin and to develop and implement strategies to attain the applicable federal and state standards. The federal and state Clean Air Acts require plans to be developed for areas that do not meet air quality standards, generally.

The most recent air quality plan, the 2017 clean air plan, was adopted by the air district on April 19, 2017. The clean air plan updates the most recent Bay Area ozone plan and the clean air plan, in accordance with the requirements of the state Clean Air Act to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases in a single, integrated plan; and establish emission control measures to be adopted or implemented. The clean air plan contains the following primary goals:

- Protect air quality and health at the regional and local scale; attain all state and national air quality standards, and eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and

- Protect the climate: reduce Bay Area greenhouse gas emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

The clean air plan represents the most current applicable air quality plan for the air basin. Consistency with this plan is the basis for determining whether the proposed project would conflict with or obstruct implementation of air quality plans (checklist question E.7.a).

Criteria Air Pollutants

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO2), sulfur dioxide (SO2), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The air basin is designated as either in attainment[56] or unclassified for most criteria pollutants with the exception of ozone, PM2.5, and PM10,[57] for which these pollutants are designated as non-attainment for either the state or federal standards. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NOx).

By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size, by itself, to result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant. [58]

Land use projects typically result in ozone precursor and particulate matter emissions because of increases in vehicle trips, space heating and natural gas combustion, landscape maintenance and construction activities. For this reason, the air district has established significance thresholds for non-attainment criteria air pollutants, as shown in Table 14, below.

Table 14 Criteria Air Pollutant Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NOx	54	54	10
PM10	82 (exhaust)	82	15
PM2.5	54 (exhaust)	54	10

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

57 PM10 is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or smaller. PM2.5, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

58 Bay Area Air Quality Management District, 2022 California Environmental Quality Act Air Quality Guidelines, Revised April 20, 2023, Available: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, accessed July 17, 2024.

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
Fugitive Dust	Construction Dust Control Ordinance or other Best Management Practices	Not Applicable	

SOURCE: Bay Area Air Quality Management District, 2022 California Environmental Quality Act Air Quality Guidelines, Revised April 20, 2023, page 3-4.

The significance thresholds for ROG and NOx are based on the stationary source limits in air district regulation 2, rule 2, which requires that any new source that emits criteria air pollutants above the ROG and NOx emissions limit, shown in Table 14, must offset those emissions. The significance thresholds for particulate matter is based on the emissions limit in the federal New Source Review for stationary sources in nonattainment areas. The air district's California Environmental Quality Act Air Quality Guidelines[59] and supporting materials[60,61] provide additional evidence to support these thresholds. Projects that would result in criteria air pollutant emissions below these significance thresholds would not result in a cumulatively considerable net increase in non-attainment criteria air pollutants within the air basin.[62] Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

Fugitive Dust

Additionally, fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices at construction sites significantly control fugitive dust and individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.[63] The air district has identified a number of best management practices to control fugitive dust emissions from construction activities.[64] The city's Construction Dust Control Ordinance (Ordinance No.176-08, effective July 30, 2008) requires a number of measures to control fugitive dust and the best management practices employed in compliance with the city's construction dust control ordinance are an effective strategy for controlling construction-related fugitive dust.

59 Bay Area Air Quality Management District, 2022 California Environmental Quality Act Air Quality Guidelines, Revised April 20, 2023, Available: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, accessed July 17, 2024.

60 Bay Area Air Quality Management District, Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance, October 2009, https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/revised-draft-ceqa-thresholds-justification-report-oct-2009.pdf?la=en, accessed March 3, 2022.

61 San Francisco Planning Department, Air Quality and Greenhouse Gas Guidelines, July 2024. This document is available online at https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=3e9fec6a8667b65b738c579761d227c18e70dab56dac5c85baf53b83671b2e15&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0, accessed September 19, 2024.

62 Bay Area Air Quality Management District, 2022 California Environmental Quality Act Air Quality Guidelines, Revised April 20, 2023, Available: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, accessed July 17, 2024.

63 Western Regional Air Partnership. 2006. WRAP Fugitive Dust Handbook. September 7, 2006. This document is available online at https://www.gsweventcenter.com/Draft_SEIR_References/2006_0907_WRAPDust.pdf, accessed March 3, 2022.

64 Bay Area Air Quality Management District, 2022 California Environmental Quality Act Air Quality Guidelines, Revised April 20, 2023, Available: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed July 17, 2024.

Local Health Risks and Hazards

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that can cause chronic (i.e., of long-duration) and acute (i.e., severe but short-term) adverse effects to human health, including carcinogenic effects. Human health effects of TACs include birth defects, neurological damage, cancer, and mortality. There are hundreds of different types of TACs with varying degrees of toxicity; at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but are regulated by the air district using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks.[65]

Exposures to fine particulate matter (PM2.5) are strongly associated with mortality, respiratory diseases, and lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.[66] In addition to PM2.5, diesel particulate matter (DPM) is also of concern. The California Air Resources Board (air board) identified DPM as a toxic air contaminant in 1998, primarily based on evidence demonstrating cancer effects in humans.[67] The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than that for other land uses. Therefore, these groups are referred to as sensitive receptors. Exposure assessment guidance typically assumes that residences would be exposed to air pollution 24 hours per day, 7 days a week, for 30 years.[68] Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the air district to conduct a citywide health risk assessment, based on an inventory and assessment of air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the air pollutant exposure zone, were identified based on health-

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

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

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

68 California Office of Environmental Health Hazard Assessment, Air Toxics Hot Spot Program Risk Assessment Guidelines, February, 2015. Pg. 4-44,8-6.

protective criteria that consider estimated cancer risk, exposures to fine particulate matter, locations with particularly vulnerable populations, and proximity to freeways, as further described below.

Excess Cancer Risk

The air pollutant exposure zone includes areas where modeled cancer risk exceeds 100 incidents per million persons exposed. This criterion is based on United States Environmental Protection Agency (USEPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.[69] The 100 per one million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on air district regional modeling.[70]

Fine Particulate Matter

In April 2011, the USEPA published Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards, "Particulate Matter Policy Assessment." In this document, USEPA staff strongly support a PM2.5 standard within the range of 12 to 11 µg/m3.[71] The air pollutant exposure zone for San Francisco is based on the health-protective PM2.5 standard of 11 µg/m3, as supported by the EPA's Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards, although lowered to 10 µg/m3 to account for uncertainty in accurately predicting air pollutant concentrations using emissions modeling programs.

Proximity to Freeways

According to the California Air Resources Board (air board), studies have shown an association between the proximity of sensitive land uses to freeways and a variety of respiratory symptoms, asthma exacerbations, and decreases in lung function in children. Siting sensitive uses near freeways increases both exposure to air pollution and the potential for adverse health effects. As evidence shows that sensitive uses in an area within a 500-foot buffer of any freeway are at an increased health risk from air pollution, 15 parcels that are within 500 feet of freeways are included in the air pollutant exposure zone.

Health Vulnerable Locations

Based on the air district's evaluation of health vulnerability in the Bay Area, those zip codes (94102, 94103, 94110, 94124, and 94130) in the worst quintile of Bay Area health vulnerability scores as a result of air pollution-related causes were afforded additional protection by lowering the standards for identifying

69 Bay Area Air Quality Management District, Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance, October 2009, page 67. https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/revised-draft-ceqa-thresholds-justification-report-oct-2009.pdf?la=en, accessed March 3, 2022.

70 Bay Area Air Quality Management District, 2022 California Environmental Quality Act Air Quality Guidelines, Revised April 20, 2023, https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed March 3, 2022.

71 United States Environmental Protection Agency, Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards. April 2011, https://www3.epa.gov/ttn/naaqs/standards/pm/data/20110419pmpafinal.pdf, accessed December 21, 2021.

parcels in the air pollutant exposure zone to: (1) an excess cancer risk greater than 90 per one million persons exposed, and/or (2) PM2.5 concentrations in excess of 9 µg/m3.[72]

The above citywide health risk modeling is referenced in the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, article 38 (Ordinance No. 224-14, effective December 8, 2014) (article 38). The purpose of article 38 is to protect the public health and welfare by establishing an air pollutant exposure zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the zone. The project site is located within the air pollutant exposure zone and health code article 38 does apply to the proposed project. In addition, projects within the air pollutant exposure zone require special consideration to determine whether the project's activities would add a substantial amount of emissions to areas already adversely affected by poor air quality.

Impact AQ-1: The proposed project would not conflict with or obstruct implementation of the applicable air quality plan. ***(Less than Significant)***

The most recently adopted air quality plan for the air basin is the air district's 2017 clean air plan.[73] The clean air plan is a road map that demonstrates how the San Francisco Bay Area will achieve compliance with the state ozone standards and how the region will reduce the transport of ozone and ozone precursors to neighboring air basins. In determining consistency with clean air plan, this analysis considers whether the project: (1) support the primary goals of the plan, (2) include applicable control measures from the plan, and (3) avoid disrupting and hindering implementation of control measures identified in the plan.

The primary goals of the clean air plan are to: (1) protect air quality and health at the regional and local scale; (2) eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and (3) protect the climate by reducing greenhouse gas emissions. To meet the primary goals, the plan recommends 85 specific control measures and actions. These control measures are grouped into various categories and include stationery and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. To the extent that the air district has regulatory authority over an emissions source generated by the project, the control measures may be requirements of the proposed project. Other measures in the plan not within the air district's regulatory authority may be advisory or are otherwise not specifically applicable to land use development projects.

The clean air plan recognizes that to a great extent, community design dictates individual travel mode, and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and greenhouse gases from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand, and people have a range of viable transportation options. The control measures most applicable to the proposed project are transportation control measures and energy and climate control measures. The proposed project's impact with respect to GHGs are discussed in Section E.8,

72 San Francisco Planning Department and San Francisco Department of Public Health, San Francisco Citywide Health Risk Assessment: Technical Support Documentation. September 2020

73 Bay Area Air Quality Management District, Spare the Air Cool the Climate, Final 2017 Clean Air Plan, April 2017, https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en, accessed March 3, 2022.

Greenhouse Gas Emissions, p. 62, which demonstrates that the proposed project would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy.

The infill nature of the proposed project and high availability of viable transportation options ensure that hotel guests and employee could bicycle, walk, and ride transit to and from the project site instead of taking trips via private automobile. These features ensure that the proposed project would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project would generate an estimated 465 daily vehicle trips and many of the project trips would be walking trips, as shown in Table 4, p. 25, Proposed Project Travel Demand. Transportation control measures that are identified in the clean air plan are implemented by the *San Francisco General Plan* and the planning code, for example, through the city's Transit First Policy, bicycle parking requirements, and transit impact development fees. Compliance with the requirements would ensure the project includes relevant transportation control measures specified in the clean air plan. Therefore, the proposed project would include applicable control measures identified in the clean air plan to meet the plan's primary goals.

Examples of a project that could cause the disruption or delay of the clean air plan control measures are projects that would preclude the extension of a transit line or bike path, or projects that propose excessive parking beyond parking requirements. The proposed project would add a 211-room hotel and approximately 3,386 square feet of retail space. The proposed project would not have vehicle parking and would be within a dense, walkable urban area near a concentration of regional and local transit service and would not preclude the extension of a transit line or a bike path or any other transit improvement. Therefore, the proposed project would not disrupt or hinder implementation of the clean air plan's control measures.

For the reasons described above, the proposed project would not conflict with or obstruct implementation of the clean air plan and this impact would be ***less than significant***.

Impact AQ-2: The proposed project's construction activities would not result in a cumulatively considerable net increase of any criteria pollutant for which the proposed project region is non-attainment under an applicable federal, state, or regional ambient air quality standard. ***(Less than Significant)***

Construction activities (short-term) typically result in emissions of ozone precursors and particulate matter in the form of dust (fugitive dust) and exhaust (e.g., vehicle tailpipe emissions). Emissions of ozone precursors and particulate matter are primarily a result of the combustion of fuel from on-road and off-road vehicles and other construction equipment. However, ROGs are also emitted from activities that involve painting, other types of architectural coatings, or asphalt paving. The proposed project's construction activities involve demolition of the existing building, site preparation, grading, construction of the 29-story building, and architectural coatings. During the proposed project's approximately 24-month construction period, construction activities would have the potential to result in emissions of ozone precursors and particulate matter, as discussed below.

Fugitive Dust

Proposed project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Depending on exposure,

adverse health effects can occur due to this particulate matter in general and due to specific contaminants, such as lead or asbestos that may be constituents of soil. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure.

In response, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the San Francisco department of building inspection (building department).

The construction dust control ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from the building department.[74]

In compliance with the dust control ordinance, the project sponsor and the contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, street and sidewalk sweeping, and other measures. Compliance with the regulations and procedures set forth by the dust control ordinance would ensure that potential dust-related air quality impacts would be reduced to a ***less-than-significant*** level.

Criteria Air Pollutants

As discussed above, construction activities would result in emissions of criteria air pollutants from the use of off- and on-road vehicles and equipment and other construction activities. To assist lead agencies in determining whether short-term construction-related air pollutant emissions require further analysis as to whether the project may exceed the criteria air pollutant significance thresholds shown in Table 14, p. 49, the air district developed screening criteria.[75] If a proposed project meets the screening criteria, then construction of the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The CEQA Air Quality Guidelines note that the screening levels are generally representative of new development on greenfield[76] sites without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions.

The proposed project would demolish the existing building and construct a 29-story, approximately 156,044-foot-tall 320 feet total (including rooftop mechanical equipment) building, with 211 hotel rooms and approximately 3,386 square feet of retail space. The basement would provide utility and a commercial

74 The director of the department of building inspection may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

75 Bay Area Air Quality Management District, 2022 CEQA Air Quality Guidelines, Revised April 20, 2023.

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

kitchen for the hotel use. A backup generator with an assumed 126-brake horsepower power output would be installed for the roof of the building.

The BAAQMD criteria air pollutant construction-related screening size are 554 rooms for hotel uses and 277,000 square feet for retail uses. The project proposes to construct 211 guest hotel rooms and approximately 3,386 square feet of retail space, which would be below the BAAQMD criteria air pollutant screening sizes. However, because the proposed project would include construction-related activities such as demolition and the simultaneous construction of more than one phase (such as paving and building construction), a quantitative analysis was conducted to determine whether the project may exceed the criteria air pollutant significance thresholds, as required by the air district guidelines.

Construction-related criteria air pollutants generated by the proposed project were quantified using the California Emissions Estimator Model (CalEEMod).[77] The model was developed, including default data (e.g., emission factors, meteorology), in collaboration with California regional air districts' staff. Default assumptions were used where project-specific information was unknown. Construction of the proposed project would occur over approximately 24 months, five days per week. Emissions were converted from tons/year to lbs/day using the estimated construction duration of 216 working days in 2023, 264 working days in 2024, and 66 working days in 2025. Additional assumptions, methodology for calculating criteria air pollutants, and detailed results by construction phase are included as Appendix B to this initial study. Construction-related emissions are presented in Table 15. As shown in Table 15, construction emissions from the proposed project are well below the significance thresholds for criteria air pollutant in any given year in which construction would be taking place. Therefore, construction of the proposed project would result in ***less-than-significant*** impact with respect to criteria air pollutant emissions.

Table 15 Average Daily Construction Emissions by Year for the Proposed Project

	Unmitigated Average Daily Emissions (pounds/day)			
Year	**ROG**	**NOx**	**PM10**	**PM2.5**
2023	1.13	7.83	0.89	0.48
2024	4.64	8.28	0.96	0.49
2025	4.48	7.52	0.89	0.44
Average Daily Significance Threshold (pounds/day)	**54.0**	**54.0**	**82.0**	**54.0**

SOURCE: Impact Sciences 2021; Bay Area Air Quality Management District, 2022 California Environmental Quality Act Air Quality Guidelines, Revised April 20. 2023, p. 3-4.

ABBREVIATIONS:
ROG = reactive organic gases
NOx = oxides of nitrogen
PM10 = particulate matter less than or equal to 10 microns in diameter
PM2.5 = particulate matter less than or equal to 2.5 microns in diameter

77 CalEEMod output model results are presented in **Appendix B** of this initial study.

Impact AQ-3: During project operations, the proposed project would not result in a cumulatively considerable net increase in non-attainment criteria air pollutants. (*Less than Significant*)

As discussed above in Impact AQ-2, the construction of the proposed project would be below the criteria air pollutant screening sizes for hotel and retail identified in the air district's CEQA Air Quality Guidelines. Thus, quantification of project-generated operational criteria air pollutant emissions is not required, and the proposed project would not exceed any criteria pollutant significance threshold and would result in less than significant impact with respect to criteria air pollutants.

The proposed project would construct a 29-story, approximately 300-foot-tall (320 feet total, including rooftop mechanical equipment) building with 211 hotel rooms and approximately 3,386 square feet of retail space. The BAAQMD criteria air pollutant operation-related screening sizes are 489 rooms for hotel uses and 99,000 square feet for retail uses. The proposed project is below the operational screening criteria for a hotel building (211 hotel rooms) as well as the screening criteria for retail space (3,386 square feet).[78] Thus, the quantification of the project-generated criteria air pollutant emissions is not required. Therefore, the proposed project would not exceed any operational criteria air pollutant significance thresholds and would result in a ***less-than-significant*** impact with respect to criteria air pollutants.

Impact AQ-4: The proposed project's construction and operational activities would generate toxic air contaminants, including diesel particulate matter, that would expose sensitive receptors to substantial pollutant concentrations. (*Less than Significant with Mitigation*)

As discussed above, the project site is located within an air pollutant exposure zone; therefore, the existing health risks from air pollution for sensitive receptors in the vicinity of the project site are substantial. The proposed project would generate toxic air contaminants during construction from the use of diesel-powered construction equipment and during operations resulting from increased vehicle trips and the use of a new diesel-powered generator for the hotel. The construction and operational health risks from the proposed project emissions are further analyzed below.

Construction Emissions

According to the air board, off-road equipment, which includes construction equipment, was the third largest source of mobile particulate matter emissions in California in 2012, the latest year for which inventory data is available.[79] However, a number of federal and state regulations require cleaner off-road equipment. Specifically, both the USEPA and the air board have set emissions standards for new off-road equipment engines, ranging from Tier 1 to Tier 4. Tier 1 emission standards were phased in between 1996 and 2000 and Tier 4 Interim and Final emission standards for all new engines were phased in between 2008 and 2015. Although the full benefits of these regulations will not be realized for several years, USEPA estimates that by

78 The air district's screening criteria does not include a general "retail" land use. Therefore, the retail component of the proposed project most closely aligns with the "strip mall" land use category, the screening criteria of which is presented here.

79 California Air Resources Board, 2017, 2012 Base Year Emissions, Off-Road Sources, Available: https://ww3.arb.ca.gov/ei/emissiondata.htm, accessed March 3, 2022.

implementing the federal Tier 4 standards, NOx and particulate matter emissions will be reduced by more than 90 percent.[80]

In addition, construction activities do not lend themselves to analysis of long-term health risks because of their temporary and variable nature. Project-level analyses of construction activities tend to overestimate assessments of long-term health risks. However, within the air pollutant exposure zone, additional construction activity may adversely affect populations that are already at a higher risk for adverse long-term health risks from existing sources of air pollution. Therefore, a health risk assessment was performed to assess potential cancer risk and $PM_{2.5}$ to receptors near the project site, including nearby office workers in adjacent buildings.[81]

Sensitive land uses near the project site include office workers in the surrounding vicinity, residences located at 333 Bush Street (approximately 450 feet from the project site), at 690 Market Street (approximately 650 feet from the project site), at 74 New Montgomery Street and 16 Jessie Street (approximately 670 feet from the project site), and at 201 Sansome Street (approximately 800 feet from the project site). In addition, two hotels are located at 2 Montgomery Street (approximately 395 feet from the project site) and at 191 Sutter Street (approximately 560 feet from the project site).

The proposed project would require construction activities over an approximate 24-month construction period. Project construction activities would result in short-term emissions of diesel particulate matter and other toxic air contaminants. The project site is located in an area that already experiences poor air quality and project construction activities would generate additional air pollution, affecting nearby sensitive receptors and resulting in a significant impact. Implementation of Mitigation Measure M-AQ-4a, Clean Off-road Construction Equipment, would reduce require that construction equipment exceeding 25 horsepower that would operate for more than 20 total hours to meet the Tier 4 emission standards. It would also limit engines idling and require the preparation of a construction emissions minimization plan that would be made available for public review onsite during working hours. The full text of Mitigation Measure M-AQ-4a is available in the project's Mitigation Monitoring and Reporting Program, Appendix C.

~~While emission reductions from limiting idling is difficult to quantify, the requirement for equipment with Tier 4 compliant emissions~~

Locations already meeting the Air Pollutant Exposure Zone criteria are subject to a more stringent significance standard to ensure that a proposed project's contribution to existing health risks would not be significant. In these areas, a proposed project resulting in a contribution to $PM_{2.5}$ concentrations above 0.2 $\mu g/m^3$ or resulting in an excess cancer risk of 7.0 per one million persons exposed would be considered a significant impact. These are the significance thresholds by which a project would result in a considerable contribution to existing cumulative health risks. This analysis, therefore, also addresses the cumulative health risks to sensitive receptors. The project sponsor has indicated their intention to use equipment with Tier 4 compliant emissions as a large portion of their construction fleet, can reduce construction emissions

80 United States Environmental Protection Agency, Clean Air Nonroad Diesel Rule: Fact Sheet, May 2004.

81 Ramboll. *Air Quality Health Risk Assessment Methodology and Results Memo: 570 Market Street, San Francisco, California.* February 13, 2025.

by 93 to 96 percent compared to equipment with engines meeting Tier 1 or Tier 2 emission standards.[82] ~~Therefore, compliance with Mitigation Measure M-AQ-4a would reduce construction period TAC emissions on nearby sensitive receptors to a less-than-significant level with mitigation.~~

As shown below in Table 15b, with implementation of Mitigation Measure M-AQ-4a, which the project sponsor would be required to comply, $PM_{2.5}$ concentrations at the nearest maximally exposed individual receptor (MEIR) location would not exceed the 0.2 µg/m^3 significance threshold. Likewise, with the implementation of Mitigation Measure M-AQ-4a, the excess cancer risk would be below the threshold of 7.0 in a million. Therefore, the proposed project's health risk impact at the nearest sensitive receptor would be less than significant with the implementation of the mitigation measure.

Table 15b: Construction $PM_{2.5}$ Emissions and Cancer Risk at the Nearest

Risk Type	Off-site MEIR	On-site MEIR	Threshold	Threshold Exceeded?
Source				
Cancer Risk (per one million	1.9	1.5	7.0	No
Total $PM_{2.5}$ annual average concentration (µg/m^3)	0.1	0.0059	0.2	No

Operational Emissions

The proposed project would generate new vehicle trips and include a diesel emergency generator for the new building, which would emit toxic air contaminants. The air district considers roads with fewer than 10,000 vehicles per day "minor, low-impact sources," stating that these sources "do not pose a significant health impact even in combination with other nearby sources. These determinations were made through extensive modeling, source tests, and evaluation of their toxic air contaminant emissions.[83] Similarly, a project that generates fewer than 10,000 vehicles per day would be considered a minor, low-impact source of toxic air contaminants. The proposed project's approximately 465 daily vehicle trips would be well below this level; therefore, an assessment of project-generated toxic air contaminants resulting from vehicle trips is not

82 ~~PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 1 and Tier 2 with Tier 4 final emissions standards. Tier 1 PM emissions standards were established for equipment with 25 <50 horsepower and equipment with horsepower <175. Tier 1 emissions standards for these engines were compared against Tier 4 final emissions standards, resulting in a 96 percent reduction in PM. The EPA established PM standards for engines with horsepower between 50 <175 as part of the Tier 2 emission standards. For these engines Tier 2 emissions standards were compared against Tier 4 final emissions standards, resulting in between 93-95 percent reduction in PM.~~

83 Bay Area Air Quality Management District, Recommended Methods for Screening and Modeling Local Risks and Hazards, p. 12. May 2011, https://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20Modeling%20Approach.ashx, Accessed March 3, 2022.

required and the proposed project would not generate a substantial amount of toxic air contaminant emissions that could affect nearby sensitive receptors.

The proposed project would also include a 126-brake horsepower diesel emergency generator for the 300-foot-tall building. Emergency generators are regulated by the air district through its New Source Review (Regulation 2, Rules 2 and 5) permitting process. The project sponsor would be required to obtain applicable permits to operate the emergency generator from the air district. Although emergency generators are intended only to be used in periods of power outages, monthly testing of the generator of the proposed project would be required.

The air district limits testing to no more than 50 hours per year. Additionally, as part of the permitting process, the air district would limit the excess cancer risk from any facility to no more than 10 per one million population and requires any source that would result in an excess cancer risk greater than one per one million population to install best available control technology for toxics. However, because the project site is located in an area that already experiences poor air quality, the proposed emergency back-up generator has the potential to expose sensitive receptors to substantial concentrations of diesel emissions, a known toxic air contaminant, resulting in a significant air quality impact. Implementation of Mitigation Measure M-AQ-4b, Clean Diesel Generators for Building Operations, would require the back-up generator engine to meet Tier 4 emissions standards. If meeting Tier 2 or Tier 3 emissions standards, Mitigation Measure M-AQ-4b would require the back-up generator engine to be equipped with a CARB level 3 Verified Diesel Emissions Control Strategy. The full text of Mitigation Measure M-AQ-4b is available in the project's Mitigation Monitoring and Reporting Program, Appendix C.

Mitigation Measure M-AQ-4b, Clean Diesel Generators for Building Operations, would result in an approximate 96 percent reduction in diesel particulate matter compared to exhaust from generators without emissions controls.[84] Therefore, although the proposed project would add a new source of toxic air contaminants within an area that already experiences poor air quality, implementation of M-AQ-4b would reduce this impact to a ***less than significant level with mitigation***.

In summary, the proposed project's toxic air contaminant emissions would be less than significant with implementation of M-AQ-4a: Clean Off-road Construction Equipment and M-AQ-4b: Clean Diesel Generators for Building Operations.

Impact AQ-5: The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. ***(Less than Significant)***

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities. During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. The proposed project uses are not typical odor sources of concern and would not create a significant source of

84 PM emission benefits are estimated for backup diesel generators by comparing PM emission standards for Tier 4 with Tier 1 in the 175 to 750 hp range. The PM emission factor change results in approximately a 96 percent reduction, from 0.4 g/bhp-hr to 0.015 g/bhp-hr.

new odors. Therefore, the proposed project would not result in other emissions, such as odors, that could adversely affect a substantial number of people and this impact would be ***less than significant***.

Impact C-AQ-1. The proposed project, in combination with cumulative projects, would not result in a significant cumulative impact on air quality. ***(Less than Significant with Mitigation)***

As discussed above, regional air pollution is by its very nature largely a cumulative impact. Emissions from cumulative projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional non-attainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative adverse air quality impacts.[85] The project-level thresholds for criteria air pollutants are based on levels below which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Therefore, cumulative criteria air pollutant analysis is presented in Impacts AQ-2 and AQ-3. Impacts AQ-2 and AQ-3 concluded that cumulative criteria air pollutant impacts would be less than significant. The remainder of this cumulative air quality analysis address cumulative health risks and odors to sensitive receptors.

As discussed above, the project site is in the air pollutant exposure zone and nearby sensitive receptors already experience poor air quality. This means significant air quality health risk impacts exist even without the proposed project. The proposed project and cumulative projects in the vicinity such as 50 First Street and 5 Third Street/Hearst Hotel projects would result in additional emissions of toxic air contaminants, including diesel particulate matter emissions from new vehicle trips and other stationary emissions sources similar to the proposed project diesel generator emissions, as well as diesel emissions from construction activities.

As described in Impact AQ-4, above, the proposed project's 465 average daily vehicle trips would be considered minor low-impact sources that do not pose a significant health impact even in combination with other nearby sources. However, the project would involve construction activities that require off-road equipment and could include a backup generator that emit diesel particulate matter and other toxic air contaminants. Therefore, the proposed project would result in a considerable contribution to significant cumulative health risks. This would be a significant cumulative impact. Implementation of Mitigation Measure M-AQ-4a, Clean Off-road Construction Equipment, and Mitigation Measure M-AQ-4b, Clean Diesel Generators for Building Operations, would reduce the project's diesel particulate emissions by as much as 95-96 percent and would reduce the project's contribution to cumulative health risk impacts to a ***less-than-significant with mitigation*** level.

The proposed project and cumulative projects would generate some odors during construction, but odors would be temporary. Upon completion of construction activities cumulative projects combined with the proposed project would not generate substantial odors. Therefore, cumulative odor impacts would be considered ***less than significant.***

---

85 BAAQMD, CEQA Air Quality Guidelines, May 2017, page 2-1.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
8. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	☐
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐

Greenhouse gas (GHG) emissions and global climate change represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects have contributed and will continue to contribute to global climate change and its associated environmental impacts. For this reason, the analysis of the proposed project's impact on climate change focuses on the project's contribution to cumulatively significant GHG emissions and this section does not include an individual project-specific impact statement.

On April 20, 2022, the air district adopted updated GHG thresholds.[86] Consistent with *CEQA Guidelines* sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project's GHG emissions, the updated thresholds for land use projects, such as the proposed project, maintains the air district's previous GHG threshold that allow projects that are consistent with a GHG reduction strategy to conclude that the project's GHG impact is less than significant. The updated thresholds also include an alternative performance-based threshold; if a project meets all of the following criteria, the project would result in a less than significant GHG impact:[87]

- Project does not include natural gas and would not result in wasteful, inefficient, or unnecessary energy use;
- Project would result in VMT per capita that is 15 percent below the regional average and meet the CalGreen Tier 2 off-street electric vehicle requirement.

San Francisco's 2023 GHG Reduction Strategy Update[88] presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's GHG reduction strategy in compliance with the air district's guidelines and *CEQA Guidelines*. These GHG reduction actions have resulted in a 48

86 Bay Area Air Quality Management District, CEQA Thresholds and Guidelines Update. Available: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed: August 4, 2022.

87 A project need only demonstrate compliance with one of the thresholds (consistency with a GHG reduction strategy or performance criteria) to find that the project's GHG emissions are less than significant.

88 San Francisco Planning Department, *2023 Greenhouse Gas Reduction Strategy Update,* October 2023. Available: https://sfplanning.org/project/greenhouse-gas-reduction-strategies. Accessed: July 19, 2024.

percent reduction in GHG emissions in 2020 compared to 1990 levels,[89] which far exceeds the goal of 2020 GHG emissions equaling those in 1990 set in Executive Order S-3-05[90] and the California Global Warming Solutions Act.[91] The city has also met and exceeded the 2030 target of 40 percent reduction below 1990 levels set in the California Global Warming Solutions Act of 2016[92] and the air district's 2017 Clean Air Plan[93] more than 10 years before the target date.

San Francisco's GHG reduction goals, updated in July 2021 by ordinance 117-02,[94] are consistent with, or more aggressive than, the long-term goals established under executive orders S-3-05,[95] B-30-15,[96] B-55-18,[97] the California Global Warming Solutions Act of 2016.[98] The updated GHG ordinance demonstrates the city's commitment to continued GHG reductions by establishing targets for 2030, 2040, and 2050 and setting other critical sustainability goals. In particular, the updated ordinance sets a goal to reach net-zero sector-based GHG emissions by 2040 and sequester any residual emissions using nature-based solutions.[99] Thus, the city's GHG reduction goal is consistent with the state's long-term goal of reaching carbon neutrality by 2045. The updated GHG ordinance required that the San Francisco Department of the Environment to prepare and submit to the mayor a climate action plan (CAP) by December 31, 2021. The CAP, which was released on December 8, 2021, and will be updated every five years, carries forward the efforts of the city's previous CAPs and charts a path toward meeting the GHG commitments of the Paris Agreement (e.g., limit global warming to 1.5 degrees Celsius) as well as the reduction targets adopted in the GHG ordinance.

89 San Francisco Department of the Environment, *San Francisco's 2019 Carbon Footprint*. Available: https://sfenvironment.org/carbonfootprint. Accessed: July 19, 2024.

90 Office of the Governor, Executive Order S-3-05, June 1, 2005. Available: https://www.library.ca.gov/wp-content/uploads/GovernmentPublications/executive-order-proclamation/5129-5130.pdf. Accessed: July 19, 2024.

91 California Legislative Information, Assembly Bill 32, September 27, 2006. Available: http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf. Accessed: July 19, 2024.

92 California Legislative Information, Senate Bill 32, September 8, 2016. Available: https://leginfo.legislature.ca.gov/faces/billPdf.xhtml?bill_id=201520160SB32&version=20150SB3288CHP. Accessed: August 4, 2022.

93 Bay Area Air Quality Management District. 2017. Clean Air Plan. September 2017. Available: http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans. Accessed: August 4, 2022.

94 San Francisco Board of Supervisors. *Ordinance No. 117-21, File No. 210563*. July 20, 2021. Available: https://sfbos.org/sites/default/files/o0117-21.pdf. Accessed: August 4, 2022. San Francisco's GHG reduction goals are codified in section 902(a) of the Environment Code and include the following goals: (1) by 2030, a reduction in sector-based GHG emissions of at least 61 percent below 1990 levels; (2) by 2030, a reduction in consumption-based GHG emissions equivalent to a 40 percent reduction compared to 1990 levels; (3) by 2040, achievement of net zero sector-based GHG emissions by reducing such emissions by at least 90 percent compared to 1990 levels and sequestering any residual emissions; and (4) by 2050, a reduction in consumption-based GHG emissions equivalent to an 80 percent reduction compared to 1990 levels.

95 Executive Order S-3-05 sets forth a goal of an 80 percent reduction in GHG emissions by 2050. San Francisco's goal of net zero sector-based emissions by 2040 requires a greater reduction of GHG emissions.

96 Office of the Governor, *Executive Order B-30-15*, April 29, 2015. Available: https://www.ca.gov/archive/gov39/2015/04/29/news18938/. Accessed: August 4, 2022. Executive Order B-30-15 sets a state GHG emissions reduction goal of 40 percent below 1990 levels by 2030. San Francisco's 2030 sector based GHG reduction goal of 61 percent below 1990 levels requires a greater reduction of GHG emissions.

97 Office of the Governor, *Executive Order B-55-18*, September 18, 2018. Available: https://www.ca.gov/archive/gov39/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf Accessed: August 4, 2022. Executive Order B-55-18 establishes a statewide goal of achieving carbon neutrality as soon as possible, but no later than 2045, and achieving and maintaining net negative emissions thereafter. San Francisco's goal of net zero sector-based emissions by 2040 is a similar goal but requires achievement of the target five years earlier.

98 Senate Bill 32 amends California Health and Safety Code Division 25.5 (also known as the California Global Warming Solutions Act of 2006) by adding Section 38566, which directs that statewide greenhouse gas emissions be reduced by 40 percent below 1990 levels by 2030. San Francisco's 2030 sector-based GHG reduction goal of 61 percent below 1990 levels requires a greater reduction of GHG emissions.

99 Nature-based solutions are those that remove remaining emissions from the atmosphere by storing them in natural systems that support soil fertility or employing other carbon farming practices.

In summary, the *CEQA Guidelines* and air district- adopted GHG thresholds allow projects consistent with an adopted GHG reduction strategy to determine a less than significant GHG impact. San Francisco has a GHG reduction strategy that is consistent with near and long-term state and regional GHG reduction goals and is effective because the city has demonstrated its ability to meet state and regional GHG goals in advance of target dates. Therefore, projects that are consistent with San Francisco's GHG reduction strategy would not result in GHG emissions that would have a significant effect on the environment, and would not conflict with state, regional, or local GHG reduction plans and regulations.

Impact C-GG-1: The proposed project would generate greenhouse gas emissions, but not at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions *(Less than Significant)*

The proposed project would increase the intensity of use of the site by constructing a 300-foot-tall building with hotel and retail uses. Thus, the proposed project would contribute to the cumulative effects of climate change by directly emitting GHGs during construction and operation. Direct operational effects from the proposed project include the GHG emissions from new vehicle trips and stationary sources (backup diesel generators). Indirect effects include the GHG emissions from electricity providers, including the generation of the energy required to pump, treat, and convey water; other GHG emissions are associated with waste removal, waste disposal, and landfill operations.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy and demonstrated in the GHG checklist completed for the proposed project.[100] For example, the proposed project would meet the requirements of the Commuter Benefit Ordinance, Transportation Management Programs, California Energy Code, Commercial Water Conservation Ordinance, and the Mandatory Recycling and Composting Ordinance. The proposed project would also be required to meet the requirements of the San Francisco green building code. In addition, the proposed project would comply with other applicable regulations that would reduce the project's GHG emissions related to energy use, waste disposal, and use of refrigerants. As discussed above, these regulations have proved effective as San Francisco has reduced its GHG emissions by 41 percent below 1990 levels, which far exceed statewide and regional 2020 GHG reduction targets. Furthermore, the city's GHG emission reductions in 2019 also met statewide and regional 2030 targets more than 10 years in advance of the target year. Therefore, because the proposed project would be subject to regulations adopted to reduce GHG emissions, the proposed project would be consistent with San Francisco's GHG reduction strategy and would not generate significant GHG emissions nor conflict with state, regional, and local GHG reduction plans and regulations.

Therefore, because the proposed project would be consistent with the City's GHG reduction strategy as well as the air district's performance criteria related to GHGs, it would also be consistent with the GHG reduction goals of executive orders S-3-05, B-30-15, B-55-18, California Global Warming Solutions Act of 2016, and the clean air plan, would not conflict with these plans. As such, the proposed project impact would be ***less than significant*** with respect to GHG emissions, and no mitigation would be required.

---

100 San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 570 Market Street Project,* September 30, 2019.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
9. WIND. Would the project:					
a) Create wind hazards in publicly accessible areas of substantial pedestrian use?	☐	☐	☒	☐	☐

The information in this section is based on a pedestrian-level wind study[101] prepared for the proposed project. Average wind speeds in the city are the highest in the summer and lowest in winter. However, the strongest peak wind speeds occur in winter (wind direction is also most variable in winter). Wind speeds are diurnal and fluctuate throughout the day, with the highest average wind speeds occurring during the mid-afternoon and the lowest in the early morning. Based on over 40 years of recordkeeping at the old San Francisco Federal Building near Civic Center, the highest mean hourly wind speeds (approximately 20 miles per hour [mph]) occur in July, while the lowest mean hourly wind speeds (in the range of 6 mph to 9 mph) occur in November.

In the city, westerly to northwesterly winds are the most frequent and strongest winds during all seasons.[102] Of the 16 primary wind directions, five have the greatest frequency of occurrence: the northwest, west-northwest, west, west-southwest, and southwest.[103] Additionally, most of the measured winds over 13 mph—the speed at which pedestrians begin to feel discomfort—blow from these directions.

Approach to Analysis

Tall buildings and exposed structures can strongly affect the wind environment for pedestrians. A building that stands alone or is much taller than the surrounding buildings can intercept and redirect winds that might otherwise flow overhead and bring them down the vertical face of the building to ground level, where they create ground-level wind and turbulence (variability in wind speed and pressure).

Planning code 148, Reduction of Ground-level Wind Currents in C-3 districts, requires buildings to be shaped so as not to cause ground-level wind currents to exceed, more than 10 percent of the time, the pedestrian comfort criteria of 11 mph in substantial pedestrian use areas, and 7 mph in public seating areas. Similarly, the planning code requires that buildings not cause equivalent wind speeds to reach or exceed the hazard

101 RWDI, 2021. Pedestrian Wind Study. 570 Market Street, San Francisco CA. September.

102 Wind directions are reported as directions from which the winds blow.

103 The 16 primary wind directions, clockwise beginning with west wends, are west, west-northwest, northwest, north-northwest, north, north-northeast, northeast, east-northeast, east, east-southeast, southeast, south-southeast, south, south-southwest, and west-southwest.

level of 26 mph for a single full hour of the year.[104] With respect to wind hazards, section 148 states that new buildings and additions may not cause wind speeds that meet or exceed the hazard criterion and no exception may be granted for buildings that result in winds that meet or exceed the hazard criterion. Accordingly, for the purpose of CEQA review, the planning department has determined that the pedestrian wind hazard criterion set forth in the San Francisco Planning Code is the standard in determining whether pedestrian winds would "substantially affect public areas" and therefore would result in a significant impact. Therefore, the CEQA significance criterion for wind is whether a project would meet or exceed the wind hazard speed (36 mph, 1-minute average) for a single hour of the year. With respect to conditions in which the wind hazard criterion is exceeded under existing conditions, a significant impact would normally result if the total number of hours during which the hazard criterion is exceeded or the number of locations where exceedances would occur would increase.

Impact WI-1: The proposed project would not create wind hazards in publicly accessible areas of substantial pedestrian use. ***(Less than Significant)***

The project site is in Downtown San Francisco. The closest tall buildings, located on the same block as the project site, include the L-shaped 44-Montgomery building, an approximately 560-foot-tall, 43-story building located west of the project site at the southeast corner of Sutter and Montgomery streets, and the 20-story, 285-foot-tall Hobart Building located to the south of the project site at 582-590 Market Street. Other buildings surrounding the site block include an approximately 413-foot-tall building at 585 Market Street, an approximately 331-foot-tall building at 621 Market Street, an approximately 571-foot-tall building at 42 Sutter Street, and an approximately 364-foot-tall building at 80-88 Sutter Street.

As shown in Table 16, four of 22 test points in the project vicinity exceed the wind hazard criterion speed of 36 mph (averaged over one minute) (see Figure 18, p. 94). These test points are generally located along Montgomery Street and at the northwest corner of Montgomery and Market streets. The total number per year that the hazard criterion exceeded under existing conditions is 115 hours.

104 The wind hazard criterion of 26 mph is derived from a wind condition that would generate a 3-second gust of wind at 20 meters per second (45 mph), a commonly used guideline for wind safety. This wind speed, on an hourly basis, is 26 mph averaged for a full hour. However, because the Civic Center Federal Building wind date collected at one-minute averages, the 26-mph one-hour average wind speed is converted to a corresponding one-minute average wind speed at 36 mph, which is then used to determine compliance with the planning code hazard criterion. (Arens, E. et al., "Developing the San Francisco Wind Ordinance and its Guidelines for Compliance, "Building and Environment, Vol 24, No. 4, pp. 297-303, 1989.) That is when stated on the same basis as the comfort criteria winds, the hazard criterion speed is a one-minute average of 36 mph. Accordingly, all hazard wind speeds in the analysis are presented based on the 36-mph wind speed averaged over one-minute, and the hazard criterion is based on 36 mph. Therefore, the wind test results are comparable between the comfort and hazard analyses.

Table 16 Pedestrian-Level Wind Impacts for the Proposed Project

Scenario	Wind Hazard (Criterion = 36 MPH)	
	Total Hours	Total Exceedances/Number of Test Locations)
Existing	115	4/22
Existing + Proposed Project	67	4/22
Cumulative + Proposed Project	64	4/22

With implementation of the proposed project, the number and location of test points at which wind speeds would exceed the hazard criterion would remain unchanged. The total hours exceeding the hazard criterion would be reduced from 115 to 67.

Therefore, because wind conditions would generally improve as compared to existing conditions with respect to the hazard criterion, the proposed project would not result in wind hazards in publicly accessible areas of substantial pedestrian use when compared to existing conditions. This impact would be ***less than significant***.

Impact C-WI-1: The proposed project, combined with cumulative projects, would not result in significant cumulative impacts related to wind. ***(Less than Significant)***

As shown in Table 2, p. 8, with the introduction of cumulative development (i.e., the 542-550 Howard Street), wind speeds would remain the same as under existing conditions and with the implementation of the proposed project. Under cumulative conditions, the four test points at which wind speeds would exceed the wind hazard criterion would remain similar to the number and location of exceedances under existing and project conditions. In addition, the location where the duration of hazardous winds would decrease (location 17 on Figure 18, p. 125) would be the same as under the proposed project. However, the number of hours during which the wind hazard criterion would be exceeded would decrease from 67 under existing conditions to 64 under cumulative conditions. Therefore, the proposed project in combination with other cumulative projects would not result in a significant cumulative wind impact. This impact would be ***less than significant***.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
10. SHADOW. Would the project:					
a) Create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open spaces?	☐	☐	☒	☐	☐

Impact SH-1: The proposed project would not create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open spaces. *(Less than Significant)*

Section 295 of the San Francisco Planning Code was adopted through voter approval of Proposition K in November 1994 to protect certain public open spaces from shadowing by new structures. 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 (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. Public open spaces that are not under the jurisdiction of the recreation and park commission as well as private open spaces are not subject to planning code section 295.

Implementation of the proposed project would result in the construction of a building exceeding 40 feet in height. The planning department prepared a preliminary shadow fan analysis to determine whether the proposed project would have the potential to cast shadow on nearby parks or open spaces. Based on the preliminary shadow fan analysis, the planning department determined that the proposed project would cast shadow on the One Sansome Street courtyard, One Bush Plaza, 425 and 525 Market Street plazas, and the plaza at 333 Market Street. None of these open spaces are under the jurisdiction of the recreation and park commission.

A shadow analysis was prepared to further evaluate the project's shadow impact.[105] The shadow analysis concluded that although the proposed project would not cast shadow on any open spaces that are under the recreation and park commission's jurisdiction, the proposed project would cast shadow on the One Sansome Street courtyard, One Bush Plaza, the plaza at 333 Market Street, and the plazas at 425 and 525 Market Street. According to the shadow analysis, the proposed project would intermittently cast shadow on the southeast corner of the One Sansome Street courtyard between 2:00 p.m. and 4:00 p.m. during spring and fall. The proposed project would cast shadow on One Bush Plaza between 2:00 p.m. and 3:00 p.m. during fall, winter, and spring. Project shadow would occur on a small portion of the north end of 525 Market Street Plaza between 4:00 p.m. and 6:00 p.m. during spring and fall. The proposed project would cast shadow for one hour before sunset during winter on the plaza at 333 Market Street and the 425 Market Street Plaza. While some passive users of these parks may notice additional shadow during the afternoon mostly during spring and fall, net new shadow would not substantially affect the use and enjoyment of these parks as the project shadow would generally occur after the midday hours (11:00 a.m. to 1:00 p.m.) when downtown open spaces typically experience their heaviest use.

The proposed project would shade portions of streets, sidewalks, and private properties in the project vicinity at various times of the day throughout the year. Shadows on streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby properties may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

105 RWDI. 2022. Shadow Analysis –Report. 570 Market Street. October 21.

For these reasons, the proposed project would have a **less-than-significant** shadow impact.

Impact C-SH-1: The proposed project, combined with cumulative projects, would not result in significant cumulative impacts related to shadow. ***(Less than Significant)***

The only cumulative development that would affect shadow conditions is 542-550 Howard Street project. The 542-550 Howard Street project would cast new shadow in winter on One Bush Plaza at 9:00 a.m. and 10:00 a.m. The 542-550 Howard Street project would also add new shadow during this time on the 525 Market Street Plaza and at noon on the plaza at 333 Market Street. However, new shadow on these spaces from the 542-550 Howard Street project and the proposed project would not occur at the same time.

Parcel F would also intermittently add net-new shadow on serval other public parks located southeast of the project site. However, these spaces would not experience any net-new shadow from the proposed project.

For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a significant cumulative shadow impact. Therefore, this impact would be ***less than significant***.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
11. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☒	☐	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐	☐

Impact RE-1: The proposed project would not increase the use of existing neighborhood and regional parks and other recreational facilities to such an extent that substantial physical deterioration of the facilities would occur or be accelerated. ***(Less than Significant)***

The project site is in a densely developed urban neighborhood that does not contain large regional park facilities but does include a number of smaller neighborhood parks, open spaces, and other recreational facilities. The neighborhood parks or other recreational facilities closest to the project site are One Sansome Street Courtyard (0.03 mile east), One Bush Plaza (0.09 mile east), One Montgomery Terrace (0.06 mile west), 575 Market Street Plaza (0.07 mile northeast), and 525 Market Street Plaza (0.11 mile northeast).

The proposed project would not include residential units. Therefore, project implementation would not result in a permanent increase in demand for parks or recreational facilities in the vicinity. However, hotel and retail visitors and the 237 employees who would work at the project site, may use nearby recreational facilities. The proposed project would provide approximately 4,211 gross square feet of Privately Owned

Public Open Space (POPOS), which would include a 2,343-square-foot outdoor terrace and 1,868 square feet of indoor support space for the dedicated POPOS entrance and elevator lobby. This open space would partially offset the demand for open space generated by visitors and employees. With the availability of open space on and near the project site, proposed project-generated recreational demand could be accommodated by existing recreational facilities. Therefore, implementation of the proposed project would not increase the use of existing recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. This impact would be ***less than significant***, and no mitigation measures are necessary.

Impact RE-2: The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. ***(Less than Significant)***

The proposed project would provide on-site 4,211 square feet of POPOS. In addition, the project site is within 0.1 mile of several public open spaces, as discussed above. It is anticipated that these existing recreational facilities combined with the proposed POPOS on-site would adequately accommodate the increase in demand for recreational resources generated by the project users. For these reasons, the proposed project would not require the construction of new or the expansion of existing recreational facilities, both of which might have an adverse physical effect on the environment. This impact would be ***less than significant***, and no mitigation measures are necessary.

Impact C-RE-1: The proposed project, combined with cumulative projects, would not result in significant cumulative impacts related to recreation. ***(Less than Significant)***

Cumulative development in the project vicinity would result in an intensification of land uses and a corresponding increase in demand for recreational facilities and resources. The City has accounted for such growth as part of the Recreation and Open Space Element of the General Plan.[106] In addition, San Francisco voters passed two bond measures in 2008 and 2012 to fund acquisition, planning, and renovation efforts related to the City's recreational resources. Moreover, in June 2016, San Francisco voters approved Local Measure Proposition B, which extends until 2046 the funding set aside in the City budget for the San Francisco Recreation and Parks and provides annual increases in general fund monies provided to the parks department through 2026–2027, meaning that, going forward, the parks department will have additional funding for programming and park maintenance.

As discussed above, there are five open spaces within 0.11 mile of the project site. It is expected that these existing recreational facilities would adequately accommodate the increase in demand for recreational resources generated by nearby cumulative development projects. For these reasons, the proposed project, in combination with cumulative development projects, would not result in a cumulative impact on recreational resources. Impacts would be ***less than significant***. No mitigation measures are necessary.

---

106 San Francisco Planning Department, ROSE, April 2014, pp. 20-36.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
12. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Require or result in the relocation or construction of new or expanded, water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒	☐

The project site is within an urban area that is served by existing utility service systems, including water, wastewater and stormwater collection and treatment, solid waste collection and disposal, electric power, natural gas, and telecommunications facilities. The proposed project would add a new daytime and nighttime population to the site in the form of hotel and retail patrons and employees; this increased non-residential population would subsequently increase the demand for utilities and service systems on the site.

Impact UT-1: The proposed project would not require or result in the relocation or construction of new or expanded, water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. ***(Less than Significant)***

The San Francisco Public Utilities Commission (SFPUC) provides and operates water supply and wastewater/stormwater collection and treatment facilities for the city. Pacific Gas and Electric Company provides electricity and natural gas to the project site, and various private companies provide telecommunication facilities. The project site is served by San Francisco's combined sewer system, which collects and treats most of the wastewater and stormwater at one of the three SFPUC treatment facilities. The Southeast Treatment Plant provides wastewater and stormwater treatment and management for the east side of the city, including the project site.

Implementation of the proposed project would incrementally increase wastewater flows from the project site due to the introduction of retail and 211 hotel guest rooms, and approximately 237 employees. The proposed project would incorporate water-efficient fixtures, as required by Title 24 of the California Code of Regulations (CCR) and the San Francisco Green Building Ordinance. Compliance with these regulations would reduce wastewater flows and the amount of potable water used for building functions. The SFPUC infrastructure capacity plans account for projected population and employment growth. The incorporation of water-efficient fixtures into new development is also accounted for by the SFPUC because widespread adoption can lead to more efficient use of existing capacity. For these reasons, the proposed project would not require the construction of new or expansion of existing wastewater treatment facilities.

The project site is fully developed with impervious surfaces; therefore, the proposed project would not create additional impervious surfaces. The proposed project would be required to comply with the San Francisco Stormwater Management Ordinance (Ordinance No. 83-10),[107] adopted in 2010 and amended in 2016, and the 2016 Stormwater Management Requirements and Design Guidelines,[108] which would require the project to reduce or eliminate the existing volume and rate of stormwater runoff discharged from the project site. In addition, for projects replacing 5,000 square feet or more of impervious surface, such as the proposed project, stormwater flows are required to be reduced by 25 percent over existing conditions. To achieve these objectives, the proposed project would be required to implement and install appropriate stormwater management systems that retain runoff on site, promote stormwater reuse, and limit (or eliminate altogether) site discharges from entering the city's combined stormwater/sewer system. Therefore, the proposed project would not substantially increase the amount of stormwater runoff to the extent that existing facilities would need to be expanded or new facilities would need to be constructed.

The proposed project would result in an incremental increase in the demand for electricity, natural gas, and telecommunications; however, this modest increase would not exceed the demand expected and provided for in the project area by utility service providers. As discussed in Impact UT-2 below, the proposed project would result in an incremental increase in the demand for water supply, but would not by itself result in the need for the construction of new or expanded water treatment facilities or delivery infrastructure.

For these reasons, the utilities demand associated with the proposed project would not exceed the service capacity of the existing providers and would not require the construction of new facilities or expansion of existing facilities. Therefore, this impact would be ***less than significant*** and no mitigation measures are necessary.

---

107 City and County of San Francisco, Ordinance No. 83-10, Requiring the Development and Maintenance of Stormwater Management Controls, 2010.

108 City and County of San Francisco, Stormwater Management Requirements and Design Guidelines, 2016, https://sfpuc.org/sites/default/files/documents/SMR_DesignGuide_May2016.pdf, accessed November 2021.

Impact UT-2: The proposed project and reasonably foreseeable future development would have sufficient water supplies available during normal, dry, and multiple dry years. *(Less than Significant)*

The SFPUC adopted the 2020 Urban Water Management Plan (2020 UWMP) for the City and County of San Francisco.[109] The plan estimates that current and projected water supplies will be sufficient to meet future retail demand[110] through 2045 under normal year, single dry-year and multiple dry-year conditions; however, if a multiple dry-year event occurs, the SFPUC would implement water use and supply reductions through its drought response plan and a corresponding retail water shortage allocation plan.

In December 2018, the State Water Resources Control Board (state board) adopted amendments to the Water Quality Control Plan for the San Francisco/Sacramento-San Joaquin Delta Estuary, which establishes water quality objectives to maintain the health of our rivers and the Bay-Delta ecosystem (the Bay-Delta Plan Amendment).[111] The state water board has stated that it intends to implement the Bay-Delta Plan Amendment by the year 2022, assuming all required approvals are obtained by that time. Implementation of the Bay-Delta Plan Amendment would result in a substantial reduction in the SFPUC's water supplies from the Tuolumne River watershed during dry years, requiring rationing to a greater degree in San Francisco than previously anticipated to address supply shortages.

Implementation of the Bay-Delta Plan Amendment is uncertain for several reasons and whether, when, and the form in which the Bay-Delta Plan Amendment would be implemented, and how those amendments could affect SFPUC's water supply, is currently unknown. In acknowledgment of these uncertainties, the 2020 plan presents future supply scenarios both with and without the Bay-Delta Plan Amendment, as follows:

1. Without implementation of the Bay-Delta Plan Amendment wherein the water supply and demand assumptions contained in section 8.4 of the 2020 plan would be applicable
2. With implementation of a voluntary agreement between the SFPUC and the state board that would include a combination of flow and non-flow measures that are designed to benefit fisheries at a lower water cost, particularly during multiple dry years, than would occur under the Bay-Delta Plan Amendment)
3. With implementation of the Bay-Delta Plan Amendment as adopted wherein the water supply and demand assumptions contained in section 8.3 of the 2020 plan would be applicable

Water supply shortfalls during dry years would be lowest without implementation and highest with implementation of the Bay-Delta Plan Amendment. Shortfalls under the proposed voluntary agreement would be between those with and without implementation of the Bay-Delta Plan Amendment.[112]

---

109 SFPUC, 2020 Urban Water Management Plan for the City and County of San Francisco, June 2021, https://sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP2020_%20FINAL.pdf, accessed November 2021.

110 "Retail" demand represents water the SFPUC provides to individual customers within San Francisco. "Wholesale" demand represents water the SFPUC provides to other water agencies supplying other jurisdictions.

111 State Water Resources Control Board. 2018. Resolution No. 2018-0059, Adoption of Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document. December 12.

112 On March 26, 2019, the SFPUC adopted Resolution No. 19-0057 to support its participation in the voluntary agreement negotiation process. To

Under these three scenarios, the SFPUC would have adequate water to meet demand in San Francisco through 2045 in wet and normal years.[113] Without implementation of the Bay-Delta Plan Amendment, water supplies would be available to meet demand in all years except for a 4.0 million gallons per day (mgd) (5.3 percent) shortfall in years four and five of a multiple year drought based on 2045 demand.

With implementation of the Bay-Delta Plan Amendment, shortfalls would range from 11.2 mgd (15.9 percent) in a single dry year to 19.2 mgd (27.2 percent) in years two through five of a multiple year drought based on 2025 demand levels and from 20.5 mgd (25.4 percent) in a single dry year to 28.5 mgd (35.4 percent) in years four and five of a multiple year drought based on 2045 demand.

The proposed project does not require a water supply assessment under the California Water Code. Under sections 10910 through 10915 of the California Water Code, urban water suppliers like the public utilities commission must prepare water supply assessments for certain large "water demand" projects, as defined in *CEQA Guidelines* section 15155.[114] The proposed project would not employ more than 1,000 persons, would not have more than 250,000 square feet of commercial floor space, and the hotel would not have more than 500 rooms. Therefore, the proposed project would not qualify as a "water demand" project as defined by *CEQA Guidelines* section 15155(a)(1), and a water supply assessment is not required.

While a water supply assessment is not required, the following discussion provides an estimate of the proposed project maximum water demand in relation to the two supply scenarios presented by the SFPUC in the 2020 UWMP. No single development project alone in San Francisco would require the development of new or expanded water supply facilities or require the SFPUC to take other actions, such as imposing a higher level of rationing across the city in the event of a supply shortage in dry years. Therefore, a separate proposed project-only analysis is not provided for this topic. The following analysis instead considers whether the proposed project in combination with both existing development and projected growth through 2045 would require new or expanded water supply facilities, the construction or relocation of which could have significant cumulative impacts on the environment. It also considers whether a high level of rationing would be required that could have significant cumulative impacts. It is only under this cumulative context

---

date, those negotiations are ongoing under the California Natural Resources Agency. The SFPUC submitted a proposed project description that could be the basis for a voluntary agreement to the state water board on March 1, 2019. As the proposed voluntary agreement has yet to be accepted by the state water board as an alternative to the Bay-Delta Plan Amendment, the shortages that would occur with its implementation are not known with certainty; however, if accepted, the voluntary agreement would result in dry year shortfalls of a lesser magnitude than under the Bay-Delta Plan Amendment.

113 Based on historic records of hydrology and reservoir inflow from 1920 to 2017, current delivery and flow obligations, and fully implemented infrastructure under the 2018 Phased Water System Improvement Program Variant, normal or wet years occurred 85 out of 97 years. This translates into roughly nine normal or wet years out of every 10 years. Conversely, system-wide rationing is required roughly one out of every 10 years. This frequency is expected to increase as climate change intensifies.

114 Pursuant to *CEQA Guidelines* section 15155(1), "a water-demand project" means:

(A) A residential development of more than 500 dwelling units.

(B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.

(C) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor area.

(D) A hotel or motel, or both, having more than 500 rooms.

(E) An industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 50,000 square feet of floor area.

(F) A mixed-use project that includes one or more of the projects specified in subdivisions (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(G) of this section.

(G) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project.

that development in San Francisco could have the potential to require new or expanded water supply facilities or require the public utilities commission to take other actions, which in turn could result in significant physical environmental impacts related to water supply. If significant cumulative impacts could result, then the analysis considers whether the project would make a considerable contribution to the cumulative impact.

Based on guidance from the California Department of Water Resources and a citywide demand analysis, the public utilities commission has established 50,000 gallons per day as an equivalent project demand for projects that do not meet the definitions provided in *CEQA Guidelines* section 15155(a)(1). The development under the proposed project would represent approximately 42 percent of the 500-hotel room limit provided in section 15155(1)(D), and the proposed commercial space would represent less than 2 percent of the 250,000 square feet of commercial space provided in section 15155(1)(C). In addition, the proposed project would incorporate water-efficient fixtures as required by the CCR Title 24 and the city's Green Building Ordinance. It is therefore reasonable to assume that the proposed project would result in an average daily demand of less than 50,000 gallons per day of water.

Assuming the proposed project would demand no more than 50,000 gallons of water per day, its water demand would represent a small fraction of the city's total projected demand (70.7 million gallons per day in 2025 to 80.6 million gallons per day in 2045), ranging at most from 0.07 to 0.06 percent between 2025 and 2045. As such, the proposed project's water demand would not require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects.

Sufficient water supplies are available to serve the proposed project and reasonably foreseeable future development in normal, dry, and multiple dry years unless the Bay-Delta Plan Amendment is implemented. As indicated above, the proposed project's maximum demand would represent less than 0.06 percent of the total demand in 2045 when the retail water supply shortfall projected to occur with implementation of the Bay-Delta Plan Amendment would be up to 35.4 percent in a multi-year drought. The SFPUC has indicated that it is accelerating its efforts to develop additional water supplies and explore other projects that would improve overall water supply resilience through an alternative water supply program. The SFPUC has taken action to fund the study of additional water supply projects, but it has not determined the feasibility of the possible projects and has determined that the identified potential projects would take anywhere from 10 to 30 years or more to implement. The potential impacts that could result from the construction and/or operation of any such water supply facility projects cannot be identified at this time. In any event, under such a worst-case scenario, the demand for the SFPUC to develop new or expanded dry-year water supplies would exist regardless of whether the proposed project is constructed.

Given the long lead times associated with developing additional water supplies, in the event the Bay-Delta Plan Amendment were to take effect sometime after 2022 and result in a dry-year shortfall, the expected action of the SFPUC for the next 10 to 30 years (or more) would be limited to requiring increased rationing. As discussed in the SFPUC memorandum, the SFPUC has established a process through its Retail Water Shortage Allocation Plan for actions it would take under circumstances requiring rationing. The level of rationing that would be required of the proposed project is unknown at this time. Both direct and indirect environmental impacts could result from high levels of rationing. However, the small increase in potable water demand attributable to the proposed project compared to citywide demand would not substantially affect the levels of dry-year rationing that would otherwise be required throughout the city. Therefore, the proposed project would not make a considerable contribution to a cumulative environmental impact caused

by implementation of the Bay-Delta Plan Amendment. Project impacts related to water supply would be ***less than significant***.

Impact UT-3: The proposed project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. ***(Less than Significant)***

In September 2015, the city entered into a landfill disposal agreement with Recology, Inc. for disposal of all solid waste collected in San Francisco, at the Recology Hay Road Landfill in Solano County, through September 2024 or until 3.4 million tons have been disposed, whichever occurs first. The city would have an option to renew the agreement for a period of six years or until an additional 1.6 million tons have been disposed, whichever occurs first.[115] The Recology Hay Road Landfill is permitted to accept up to 2,400 tons per day of solid waste. At that maximum permitted rate, the landfill has the capacity to accommodate solid waste until approximately 2034. Under existing conditions, the landfill receives an average of approximately 1,850 tons per day from all sources, with approximately 1,200 tons per day from San Francisco, which includes residential and commercial waste and demolition and construction debris that cannot be reused or recycled[116] (see discussion below). At the current rate of disposal, the landfill closure has an operating capacity until 2041. The city's contract with the Recology Hay Road Landfill will extend until 2031 or when the city has disposed 5 million tons of solid waste, whichever occurs first. At that point, the city would either further extend the landfill contract or find and entitle an alternative landfill site.

Further, the proposed project would be required to implement the city's Mandatory Recycling and Composting Ordinance (No. 100-09), the objective of which is to minimize the city's landfill trash generation. In compliance with this ordinance, the proposed project would be required to provide convenient facilities for the separation of recyclables, compostables, and landfill trash for its users. Occupants of the project site would be required to separate disposed material.

Project construction would generate demolition and construction waste. The city's Construction and Demolition Debris Recovery Ordinance prohibits construction and demolition material from being taken to landfill or placed in the garbage. All mixed debris must be transported by a registered hauler to a registered facility to be processed for recycling, and source separated material must be taken to a facility that recycles or reuses those materials.

As discussed above, the city has access to adequate landfill capacity at least through 2031 and potentially through 2041 and anticipates that an adequate alternative site will be identified at that point. On this basis, the city has adequate solid waste capacity to serve the proposed project, and the project's impact with respect to landfill capacity would be ***less than significant***. No mitigation measures are required.

---

115 San Francisco Planning Department, Agreement for Disposal of San Francisco Municipal Solid Waste at Recology Hay Road Landfill in Solano County, Final Negative Declaration, Planning Department Case No. 2014.0653, May 21, 2015, http://sfmea.sfplanning.org/2014.0653E_Revised_FND.pdf, accessed November 2021.

116 San Francisco Planning Department, Agreement for Disposal of San Francisco Municipal Solid Waste at Recology Hay Road Landfill in Solano County, Final Negative Declaration, Planning Department Case No. 2014.0653, May 21, 2015, http://sfmea.sfplanning.org/2014.0653E_Revised_FND.pdf, accessed November 2021.

Impact UT-4: The proposed project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. ***(No Impact)***

The California Integrated Waste Management Act of 1989 (AB 939) requires municipalities to adopt an integrated waste management plan to establish objectives, policies, and programs related to waste disposal, management, source reduction, and recycling. Reports filed by the San Francisco Department of the Environment show that the city generated approximately 870,000 tons of waste material in 2000. By 2010, that figure decreased to approximately 455,000 tons. Waste diverted from landfills is defined as recycled or composted. San Francisco has a goal of 75 percent landfill diversion by 2010 and 100 percent by 2020.[117] After exceeding the 75 percent diversion goal two years earlier. The City updated the zero-waste goal in September 2018 with the two targets of (1) reducing municipal solid waste generation by 15 percent by 2030 and (2) reducing disposal to landfill and incineration by 50 percent by 2030.[118]

San Francisco's Construction and Demolition Ordinance (Ordinance No. 27-06) requires a minimum of 65 percent of all construction and demolition debris to be recycled and diverted from landfills. Furthermore, San Francisco Ordinance No. 100-09 (the Mandatory Recycling and Composting Ordinance) requires everyone in San Francisco to separate their solid waste into recyclable, compostable, and trash. The proposed project would be subject to and would comply with San Francisco Ordinance No. 27-06, San Francisco Ordinance No. 100-09, and all other applicable statutes and regulations related to solid waste. In addition, as discussed in Section E.17: Hazards and Hazardous Materials, soils from excavation activities could be classified as a California hazardous waste. Accordingly, the proposed project would be required to follow state and federal regulations related to the disposal of hazardous wastes, and hazardous wastes would be transported to a permitted disposal or recycling facility. The proposed project would comply with all applicable local, state, and federal laws and regulations pertaining to solid waste, and there would be ***no impact***.

Impact C-UT-1: The proposed project, in combination with cumulative projects, would not result in significant cumulative impacts on utilities and service systems. ***(Less than Significant)***

Implementation of the proposed project, in combination with cumulative development in the project vicinity would result in an incremental increase in population, water consumption, and wastewater and solid waste generation. The SFPUC has accounted for such growth in its water demand and wastewater service projections, and the city has implemented various programs to divert solid waste from landfills. For these reasons, the proposed project would not combine with cumulative projects in the project vicinity to create a significant cumulative impact on utilities and service systems; these impacts would be ***less than significant***.

---

117 City and County of San Francisco. Resolution No. 679-02. Resolution for 75% Waste Diversion Goal. October 11, 2002.

118 San Francisco Department of the Environment. Zero Waste – Frequently Asked Questions (FAQs). https://sfenvironment.org/zero-waste-faqs. Accessed November 30, 2021.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
13. PUBLIC SERVICES. Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 of the public services such as fire protection, police protection, schools, parks, or other public facilities?	☐	☐	☒	☐	☐

The project's impacts to parks are discussed in Section E.11, Recreation, p. 69. Impacts to other public services are discussed below.

Impact PS-1: The proposed project would not increase the demand for public services to such an extent that construction of new or physically altered facilities would be required. ***(Less than Significant)***

Fire Protection and Emergency Medical Services

The San Francisco Fire Department (fire department) provides fire suppression services and unified emergency medical services and transport, including basic life support and advanced life support services in the city. In addition, several privately operated ambulance companies are authorized to provide advanced life support services. The fire department responds to non-life-threatening fire and medical emergencies (Code 2) as well as life-threatening fire and medical emergencies (Code 3). Response times are measured from the time a unit is dispatched to the time the unit arrives at the scene. According to San Francisco's Emergency Medical Services Agency policy, the target response time for a life-threatening emergency medical incident should be within 10 minutes 90 percent of the time.[119] In fiscal year 2019-2020, 91 percent of ambulances arrived on scene within 10 minutes. The fire department is on track to meet its target in fiscal year 2019-2020 as well.[120]

The fire department consists of three divisions, which are subdivided into 10 battalions and 45 active stations throughout the city. The project site would be served by Fire Station No. 13, located at 530 Sansome Street, approximately 0.4 mile north of the project site.[121] Implementation of the proposed project would result in a more intensive use of the project site than currently exists. The proposed project's increase in use at the project site would therefore increase demand for fire protection and emergency medical services. However,

119 City and County of San Francisco, Mayor's 2020-2021 & 2021-2022 Proposed Budget, Fire Department, Available online at https://sfmayor.org/sites/default/files/CSF_Proposed_Budget_Book_July_2020_LR_Web_REV2.pdf. Accessed November 2021.

120 City and County of San Francisco. Ambulance Response to Life-Threatening Emergencies. https://sfgov.org/scorecards/public-safety/ambulance-response-life-treatening-emergencies. Accessed November 2021.

121 San Francisco Fire Department. Find Your Station. https://sf-fire.org/find-your-station. Accessed November 30, 2021.

this increase in demand would not be substantial given the overall demand for such services on a citywide basis. Furthermore, the fire department conducts ongoing assessments of its service capacity and response times to maintain acceptable service levels, given the demand resulting from changes in population.

The proposed project would be required to comply with all applicable building and fire codes, which establish requirements pertaining to fire protection systems, including but not limited to the provision of state-mandated smoke alarms, fire alarms, and sprinkler systems, fire extinguishers, required number and location of egress with appropriate distance separation, and emergency response notification systems. In addition, the proposed project would be required to comply with the California Fire Code requirements pertaining to high rise structures as well as approved water supply capable of supplying the required flow for fire protection. Because the proposed project would be required to comply with all applicable building and fire codes, and the proposed project would result in an incremental increase in demand for service and oversight, it would not result in the need for new or altered fire protection facilities, the construction of which could result in significant environmental impacts. Therefore, the proposed project would have a ***less-than-significant*** impact on fire protection and emergency services and no mitigation measures would be required.

Police Protection Services

The San Francisco Police Department, headquartered at 850 Bryant Street in the Hall of Justice (approximately 1 mile southwest of the project site), provides police protection services for the city. The police department's Central Station, at 766 Vallejo Street, is the nearest police station located approximately 0.8 mile northwest of the project site.[122] With the addition of hotel rooms, the proposed project would result in a more intensive use at the project site compared with current conditions. Therefore, it would most likely incrementally increase the number of police service calls in the project area. The police department conducts ongoing assessments of its staffing and facility needs as part of the city's annual operating and capital budget process. This increase in demand would not be substantial given the overall demand for such services on a citywide basis and the low number of additional residents added to the area. As such, the proposed project would not require the construction of new or alteration of police existing facilities. This impact would be ***less than significant***, and no mitigation measures would be required.

School Facilities

The proposed project would not include any residential units and, thus, would not directly contribute to school-aged children or the demand of school services. Therefore, implementation of the proposed project would not result in a demand for school facilities and would not require the construction of new or alteration of existing school facilities. The proposed project would have ***no impact*** with respect to schools.

Other Public Services

Because the proposed project would not include new residential units, increased demand for government services and facilities, such as public libraries, is not anticipated with proposed project implementation. Although some hotel patrons and employees may use government services and facilities, such use would not

122 San Francisco Police Department, Police District Maps, http://sanfranciscopolice.org/police-district-maps, accessed November 2021.

be expected to rise to a level that could not be accommodated by existing facilities. Therefore, this impact would be ***less than significant***, and no mitigation measures would be required.

Impact C-PS-1: The proposed project, combined with cumulative projects, would not result in significant cumulative impacts on police, fire, and school district services such that new or physically altered facilities, the construction of which could cause significant environmental impacts, would be required in order to maintain acceptable levels of service. ***(Less than Significant)***

Cumulative development in the project vicinity would result in an intensification of land uses and a cumulative increase in the demand for fire protection, police protection, school services, and other public services. The fire department, the police department, the school district, and other city agencies respond to growth and other changing service needs through ongoing analysis of applicable metrics, such as staffing, capacity, response times, and call volumes. As a result, projected future development would not result in any service gap in citywide fire, police, emergency medical services, and libraries. Therefore, the proposed project would not combine with reasonably foreseeable future projects in the project vicinity to create a significant cumulative impact on public services, and this impact would be ***less than significant***.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
14. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐	☐

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	☐
f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒

The project site is paved with existing building and located within a built urban environment. The project site does not contain any riparian habitat, other sensitive natural community, or federally protected wetlands. There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, state, or regional habitat conservation plans that apply to the project site. Therefore, E.14(b), E.14(c), and E.14(f) are not applicable to the proposed project.

Impact BI-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species and would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. ***(Less than Significant)***

The project site is covered entirely by impervious surfaces. Therefore, it does not provide habitat for any special-status plant or wildlife species. Thus, implementation of the proposed project would not affect the habitat of any species. However, San Francisco is situated along the Pacific Flyway— a migratory route used by numerous avian species.[123] Nesting birds, their nests, and eggs are fully protected by the California Fish and Game Code or the Migratory Bird Treaty Act.[124] Although the proposed project would be subject to the Migratory Bird Treaty Act, the site does not contain habitat that supports migratory birds. The proposed project would construct a new building that would be taller than the building currently at the project site. The location, building height, and building materials, particularly transparent or reflective glass, may present risks for birds as they travel along their migratory path. The city has adopted guidelines to address this issue and provided regulations for bird-safe design within the city.[125] Section 139, Standards for Bird-Safe Buildings, of the planning code establishes building design standards to reduce avian mortality rates associated with bird strikes. The building standards are based on two types of hazards: (1) location-related hazards which pertain to new buildings within 300 feet of an urban bird refuge, and (2) feature-related hazards such as free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet or larger in size. Any project that contains building-

123 Water Education Foundation. Pacific Flyway. https://www.watereducation.org/aquapedia/pacific-flyway. Accessed December 2021.

124 U.S. Fish and Wildlife Service. Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service. Migratory Bird Treaty Act of 1918. Updated August 8, 2017. https://www.fws.gov/laws/lawsdigest/migtrea.html. Accessed December 2021.

125 San Francisco Planning Department. Standards for Bird-Safe Buildings. Available https://sfplanning.org/sites/default/files/documents/reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%2011-30-11.pdf. Accessed December 2021.

feature hazards must apply bird-safe glazing treatments on 100 percent of the feature in compliance with section 139.

The project site is not located within 300 feet of an Urban Bird Refuge; therefore, the standards for location-related hazards are not applicable to the proposed project.[126] The proposed project would comply with the feature-related hazard standards on 100 percent of any building feature-related hazards. Compliance with the city's bird-safe building standards would ensure the proposed project does not interfere with the movement of a native resident or wildlife species, or with an established native resident or migratory wildlife corridor.

For the reasons stated above, the proposed project would result in ***less-than-significant*** impacts to special-status species and native resident, wildlife species, or migratory birds. No mitigation measures would be required.

Impact BI-2: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. ***(Less than Significant)***

The project site does not contain existing trees or other vegetation that would need to be removed as part of the proposed project. The removal of street trees or significant trees, as well as the planting of new street trees, is subject to the provisions of the San Francisco Urban Forestry Ordinance, which is codified as article 16 of the public works code.[127]

The proposed project would retain the existing two trees along Market Street and add two new street trees along Market Street and two new street trees along the Sutter Street frontage. Therefore, the proposed project would not conflict with the city's local tree ordinance and this impact would be ***less than significant***. No mitigation measures would be required.

Impact C-BI-1: The proposed project, in combination with cumulative projects, would not result in significant cumulative impacts on biological resources. ***(Less than Significant)***

The cumulative development projects identified in Table 2, p. 8, would result in an overall intensification of land uses with the surrounding dense urban environment, as is typical of infill development. The project site is fully developed and impervious. It does not provide habitat of any special-status plant or wildlife species. However, the proposed project and other nearby projects would add tall buildings in the vicinity, which could, in the event of a bird strike, injure or kill birds. However, as with the proposed project, nearby cumulative projects would be subject to the Migratory Bird Treaty Act, which protects special-status bird species; The California Fish and Game Code; and the bird-safe building and urban forestry ordinances. As with the proposed project, compliance with these ordinances would reduce the effects of other development projects to less-than-significant levels. Therefore, the proposed project would not combine with cumulative

126 City and County of San Francisco. Urban Bird Refuge. https://sfplanning.org/sites/default/files/resources/2018-08/Urban%20Bird%20Refuge.pdf. Accessed December 2021.

127 Street trees and significant trees are defined in Article 16, Section 802 and 810A, respectively, of the San Francisco Public Works Code.

development projects to result in significant cumulative impact related to biological resources. Cumulative impacts on biological resources would be ***less than significant***, and no mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
15. GEOLOGY AND SOILS. Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☐
iv) Landslides?	☐	☐	☒	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☐
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?	☐	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐	☐

The proposed project would connect to the existing sewer system; there would be no use of septic tanks or alternative wastewater disposal systems for the proposed project. Therefore, topic E.15(e) is not applicable.

This section describes the geology, soils, and seismicity characteristics of the project area as they relate to the proposed project. The analysis in this section is based on the geotechnical report prepared for the

proposed project by an independent consultant.[128] This geotechnical report is the primary source of information included in this section.

Impact GE-1: The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving fault rupture, strong seismic ground shaking, seismically induced ground failure, Including liquefaction, or landslides. ***(Less than Significant)***

Fault Rupture. The project site is not located within an earthquake fault zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known fault or potentially active fault exists within the project site.[129] In a seismically active area, such as the San Francisco Bay Area, the remote possibility exists for future faulting in areas where no faults were previously known to exist, but the likelihood of such fault rupture is extremely low. Therefore, this impact would be ***less than significant***.

Ground Shaking. The San Andreas, Hayward, San Gregorio faults are the closest major faults to the project site.[130] The project site is approximately 9 miles northeast of the San Andreas Fault Zone, 10 miles west of Hayward Fault Zone, and 12 miles east of the San Gregorio Fault Zone. In addition, according to the U.S. Geological Survey, the overall probability of moment magnitude 6.7 or greater earthquake to occur within the San Francisco Bay Area during the next 30 years is 72 percent.[131] The proposed project would most likely experience periodic minor earthquakes and perhaps a major earthquake (moment magnitude greater than 6) on one of the nearby faults during its service life.

BART and Muni tunnels and stations are present beneath Market Street. Based on BART as-built drawings,[132] the BART/Muni Montgomery Station extends to a depth of approximately 72 feet below the sidewalk grade.[133] BART Zone of Influence (ZOI) is defined as a line from the critical point of substructure to the ground surface at a slope of 1.5 horizontal to 1 vertical. The limits of the BART ZOI are shown on Figure 19, p. 126. As shown on Figure 19, approximately half of the project site is within the BART ZOI. Relevant BART regulations include *General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures*[134] and *Procedures for Permit and Plan Review.*[135]

The proposed building would include a basement beneath the entire site. The basement would be supported on a hybrid foundation that would consist of a 4-foot mat slab supporting the approximate southern half of the building. Ground improvement would extend at or below 15.5 feet and below the BART ZOI of 18.5 feet, as needed. The northern half of the building which would include the tower core would be supported on a 6- to 10-foot mat slab bearing on 6-foot-diameter piles that would be socketed approximately

128 Langan, Geotechnical Investigations, 570 Market Street, San Francisco, California, September 2, 2021.

129 California Geological Survey, Earthquake Zones of Regional Investigation, 2022, https://maps.conservation.ca.gov/cgs/eqzapp/app/, accessed on January 24, 2022.

130 Langan, Geotechnical Investigations, 570 Market Street, San Francisco, California, September 2, 2021.

131 U.S. Geological Survey, Uniform California Earthquake Rupture Forecast (UCERF3), Fact Sheet 2015-2009, UCERF3: A New Earthquake Forecast for California's Complex Fault System, March 2015.

132 BART. As-Built drawings dated 21 March 1967 (Sheet C3.3 Page 6 and Sheet AR34-0 Page 239).

133 Langan, Geotechnical Investigations, 570 Market Street, San Francisco, California, September 2, 2021.

134 Bay Area Rapid Transit District, General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures, 2003, http://www.bart.gov/sites/default/files/docs/Gen_Guide_Subway_062012.pdf, accessed February 15, 2022.

135 Bay Area Rapid Transit District, Procedures for Permit and Plan Review, 2012, http://www.bart.gov/sites/default/files/docs/Permits_and_Plan_Review_062012.pdf, accessed February 15, 2022.

40 feet into bedrock, for a total length of around 160 feet under the mat slab. BART would review the project's structural plans, and the building department would not issue permits without receiving confirmation of BART's review.

To ensure that the potential for adverse conditions related to geology and soils are adequately addressed, San Francisco relies on the state and local regulatory process for review and approval of building permits, pursuant to the California Building Code and the San Francisco Building Code, which is the state building code plus local amendments that supplement the state code, including the building department's administrative bulletins. The proposed project would be required to follow the building department's local implementing procedures, including administrative bulletins, which are part of the local building code, and information sheets, which clarify building department requirements and procedures. On November 21, 2018, the building department issued Administrative Bulletin AB-082, Guidelines and Procedures for Structural, Geotechnical, and Seismic Hazard Engineering Design Review,[136] superseding AB-082, originally issued March 25, 2008, and revised December 19, 2016. The guidelines describe the review process for structural, geotechnical, and seismic hazard engineering design, including the characteristics considered in determining whether review is required and identifying the type of required review.

Because of the building department's permit review process, ensuring that structural and foundation plans comply with applicable building code provisions, meet BART's construction requirements and receive BART approval, and conform to the measures recommended in the project-specific geotechnical report and the recommendations made by the engineering design review team, as required by AB-082,[137] the impacts of the proposed project related to strong seismic ground shaking would be ***less than significant***.

Landslides, Liquefaction, Lateral Spreading, and Seismic Settlement. With respect to landslides, the project site is generally flat and not within a mapped landslide zone or within a designated earthquake-induced landslide zone.[138] Therefore, the proposed project would have no impact with respect to the potential for landslides, and this topic is not discussed further.

The northernmost portion of the project site is within a liquefaction hazard zone as designated by the California Geological Survey seismic hazard zone map.[139] Liquefaction occurs when loose, water-saturated sediments lose strength and fail during strong ground shaking. The California Geological Survey provides recommendations for the content of site investigation reports within seismic hazard zones in Special Publication 117A, which recommends that at least one exploration point extend to a depth of at least 50 feet to evaluate liquefaction potential.[140] Loose sand above the groundwater table may densify and loose to

136 San Francisco Department of Building Inspection, Administrative Bulletin 082, Guidelines and Procedures for Structural Design Review, November 21, 2018, Updated 01/01/2020 for code references, https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_building/0-0-0-95162, accessed February 14, 2022.

137 San Francisco Department of Building Inspection, Administrative Bulletin 082, Guidelines and Procedures for Structural Design Review, November 21, 2018, Updated 01/01/2020 for code references, https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_building/0-0-0-95162, accessed February 14, 2022.

138 California Geological Survey, Earthquake Zones of Regional Investigation, 2022, https://maps.conservation.ca.gov/cgs/eqzapp/app/, accessed on January 24, 2022.

139 California Geological Survey, Earthquake Zones of Regional Investigation, 2022, https://maps.conservation.ca.gov/cgs/eqzapp/app/, accessed on January 24, 2022.

140 California Geological Survey, Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication 117A, September 11, 2008.

medium-dense sand below the groundwater table may liquefy during strong ground shaking due to a seismic event on a nearby fault.

The potential of liquefaction was analyzed during the geotechnical investigation. Soil borings performed as part of the geotechnical investigation identified medium dense sand within the fill and Dune Sand in layers ranging from 3 to 8 feet thick between depth of approximately 24.5 to 33 feet bgs. However, the geotechnical investigation recommends soil improvements adjacent to Market Street to extend below the BART ZOI. Due to the proximity to the BART tunnels, the geotechnical investigation recommends using the deep soil mixing technique for soil improvements below the entire building footprint and extend at least 5 feet into the Colma Formation, present at 59.5 feet to 61.5 feet bgs. Based on the geotechnical investigation, the deep soil mixing technique[141] would have three primary functions: 1) transfers foundation loads to stronger underlying layers, (2) mitigates the potential for liquefaction within the depth of improvement by providing additional shear strength to the improved soil, and (3) improves the seismic performance of the structure by reducing the amount of settlement. The geotechnical investigation concluded that further analysis should be performed, once soil improvement is designed, to evaluate the foundation system. In addition, the geotechnical investigation concluded that potential for lateral spreading to impact the proposed building foundation is low.

Although the risk of liquefaction and lateral spreading is considered to be low, in accordance with the provisions of the 2019 state building code and Special Publication 117A, the building department permit review process would ensure that the project's structural and foundation plans comply with applicable building code provisions and conform to the measures recommended in the project-specific geotechnical investigation. Conformance with the review process and recommendations made by the engineering design review team, as required by AB-082, would ensure that the proposed project would not exacerbate the potential for seismic-related ground failure, including liquefaction and lateral spreading. Therefore, this impact would be ***less than significant***.

Although the proposed project would be located in a seismically active area, it would not exacerbate the potential for fault rupture, ground shaking, or liquefaction-related geologic hazards. The proposed project design and compliance with applicable building standards, Administrative Bulletin AB-083, and the Seismic Hazards Act would minimize potential hazards. Therefore, this impact would be ***less than significant***, and no mitigation measures are required.

Impact GE-2: The proposed project would not result in substantial erosion or loss of topsoil. ***(Less than Significant)***

Site preparation and excavation activities would disturb approximately 7,045 square feet of soil to a depth of up to 13 feet bgs, which would require excavation of approximately 3,900 cubic yards of material, creating the potential for windborne and waterborne soil erosion. The project site is generally flat, covered with impervious surfaces and underlain by artificial fill; therefore, it does not contain native topsoil. Grading and excavation would expose topsoil on site and could potentially result in erosion. However, the project sponsor and their contractor would be required to comply with section 146, Construction Site Runoff Control, of the

141 DSM is used to treat soil in-situ with cement grout using mixing shafts consisting of auger cutting heads, discontinuous flight augers, or blades/paddles to create below-ground deep soil-cement mixed elements.

public works code which requires all construction sites to implement best management practices (BMPs) to minimize surface runoff erosion and sedimentation.[142] Pursuant to section 146.7, the construction of the proposed project would disturb more than 5,000 square feet of ground surface and, therefore, the project sponsor must develop an erosion and sediment control plan. The erosion and sediment control plan must be submitted to public utilities commission for review and approval prior to commencing construction-related activities. The erosion and sediment control plan would identify BMPs to control discharge of sediment and other pollutants from entering the city's combined sewer system during construction.

Additionally, San Francisco Building Code section 1805 (Dampproofing and Waterproofing) requires the geotechnical report to identify the location of the existing groundwater table in relation to the lowest floor level and cites conditions when a subsoil drainage system must be designed to ensure that water flows into an approved drainage system. In addition, the city's stormwater management ordinance includes requirements that would reduce stormwater runoff discharged from the project site.

Compliance with section 146 of the public works code, sections 1804 and 105 of the building code, and the stormwater management ordinance would ensure that the proposed project would not result in substantial loss of topsoil or soil erosion. Therefore, impacts related to loss of topsoil or substantial soil erosion would be less than significant and no mitigation would be required.

For these reasons, impacts related to soil erosion or loss of topsoil would be ***less than significant.*** No mitigation measures would be required.

Impact GE-3: The proposed project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse by being located on a geologic unit or soil that is unstable, or that could become unstable. ***(Less than Significant)***

As discussed under Impact GE-1, the project site is not within an area susceptible to landslides and the potential for lateral spreading to impact the proposed building foundation is low. The project site and vicinity do not include any hills or cut slopes that could cause or be subject to a landslide or soil movement. The proposed project would not include the injection or extraction of water or petroleum oil and therefore, would not be subject to or cause subsidence. As discussed above, the northernmost portion of the project site is within a state-designated seismic hazard zone for liquefaction and would be subject to the requirements of the Seismic Hazards Act. In addition, the proposed project is required to comply with the provisions of the California Building Code and the San Francisco Building Code that address issues related to seismic safety and unstable soil.

As discussed under Impact GE-1, and shown on Figure 16, p. 123, approximately half of the project site is within the BART ZOI. Structural loads associated with the proposed project must remain equal to or less than existing loads on the BART tunnel. The proposed building within the BART ZOI (approximate southern half of the project site) would be supported on a mat foundation bearing on ground improvement that would extend below the BART ZOI (Elevation -18.5 feet), as needed. Therefore, static loads from the proposed building would not affect the BART/MUNI structures. However, if the proposed building would impose

142 SFPUC, San Francisco Construction Site Runoff Control Program, available at https://sfwater.org/index.aspx?page=235.

seismic loads on the BART/Muni tunnels (within the BART ZOI), double-cased piles/piers could be required by BART to transfer these loads below the BART ZOI.

BART would review the project's structural plans and final geotechnical and geological hazards evaluation reports for the design to ensure compliance with its guidelines for construction over and adjacent to its subway structures. The reports will include an engineering geology map, a site plan showing the location of subway structures, BART easements, a soil reworking plan, and the geotechnical conclusion and recommendations. Additionally, the building department would not issue permits without receiving confirmation of BART's review.

Outside the BART ZOI, the mat beneath the approximate northern half of the proposed building, which would include the tower core would be supported on deep foundations consisting of drilled shafts extending to bedrock. Settlement from the new building loads would occur beyond the perimeter of the site, and could affect adjacent structures, including the adjacent streets and the existing buildings east and west of the site. Underpinning[143] can be used to address the effects of settlement on the adjacent buildings that are supported on shallow footings; underpinning would need to extend through the Dune Sand and Marsh Deposit, into Colma Formation sand.

Construction of the basement and mat would require an excavation on the order of about 7 to 13 feet bgs and disturb approximately 7,045 square feet of soil. The excavation would need to be shored to protect adjacent buildings. The 564 Market Street building is adjacent to the east and both 580 Market Street and 44 Montgomery Street buildings are located to the west of the project site. The 564 and 580 Market Street buildings have one basement level and the 44 Montgomery Street building has two basement levels. The project's excavation adjacent to the 564 and 580 Market Street buildings would be retained with a stiff shoring system designed to limit the shoring deflections, and the shoring would be designed for the surcharge pressures from the foundations of the neighboring building. Alternatively, the neighboring buildings can be underpinned prior to site excavation. To avoid surcharging adjacent basement of the 44 Montgomery Street building, the top two feet of the drilled shafts may need to be constructed with a permanent gap. Furthermore, the geotechnical report includes recommendations for the following aspects of construction: demolition and site preparation; grading; excavation; foundation; and shoring.

The proposed project would be required to comply with the mandatory provisions of the California Building Code and San Francisco Building Code. Adherence to these requirements would further ensure that the project sponsor adequately addresses any potential impacts related to unstable soils as part of the design-level geotechnical investigation that would be prepared for the proposed project. Additionally, recommendations made by the engineering design review team along with BART permit review requirements would ensure that the proposed project would not result in unstable soil conditions that could result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, any potential impacts related to unstable soils would be ***less than significant***, and no mitigation measures would be required.

143 Underpinning is strengthening and reinforcing an existing foundation of a structure, typically by extending the depth and breadth of the foundation.

Impact GE-4: The proposed project would not create substantial risks to life or property by being located on expansive soils. ***(Less than Significant)***

Expansive soils expand and contract in response to changes in soil moisture, most notably when near-surface soil fluctuate from saturated to low-moisture-content conditions and back again. Determinations regarding the presence of expansive soils are typically based on site-specific data. As outlined in the geotechnical investigation, the site is underlain by 13 to 33 feet of fill, 13 to 18 feet of Dune Sand beneath the fill, and 6 to 10 feet of marsh deposit beneath the Dune Sand. The bottom of the Colma Formation was reached at 84 to 94 feet bgs, which is underlain by 22 to 25 feet of Old Bay Clay, 5 to 12 feet residual soil, and bedrock. Due to the low clay content within the dune sands, there would be a low likelihood for expansion, although the Colma sand below could result in some expansion-related effects. Areas not excavated, including sidewalks and other adjacent improvements, may also be affected by expansive soils, if present. Loose sand above the groundwater level may be subject to differential compaction and settlement during strong ground shaking. Because the excavation for the planned basement would extend to about 7 to 13 feet bgs, a portion of the loose sand above the groundwater level would be removed. Therefore, differential compaction should not be an issue at the project site. Additionally, the San Francisco Building Code requires that the project applicant include analysis of the potential for soil expansion impacts for building department review and approval as part of the design-level geotechnical investigation and address these effects in the design documents prepared for the proposed project. As such, potential impacts related to expansive soils would be ***less than significant***.

Impact GE-5: The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. ***(Less than Significant with Mitigation)***

Paleontological resources include fossilized remains or traces of animals, plants, and invertebrates from a previous geological period. Paleontological resources are deposited and preserved within particular lithologic (rock) units. Lithologic units that may contain fossils include sedimentary and volcanic formations. Collecting localities and the geologic formation containing those localities are also considered paleontological resources because they represent a limited, nonrenewable resource that, once destroyed, cannot be replaced. Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered have high potential for containing additional significant paleontological resources.[144]

Paleontological resources are lithologically dependent; that is, deposition and preservation of paleontological resources are related to the lithologic unit in which they occur. Particularly important are fossils found in situ (undisturbed) in primary context (e.g., fossils that have not been subjected to disturbance subsequent to their burial and fossilization). As such, they aid in stratigraphic correlation, particularly those offering data for the interpretation of tectonic events, geomorphological evolution, paleoclimatology, the relationships between aquatic and terrestrial species, and evolution in general. The probability for finding paleontological resources can be broadly predicted from the geologic units present at

144 Society of Vertebrate Paleontology, Standard Procedures for the Assessment and Mitigation of Adverse Impacts of Paleontological Resources, 2010.

or near the surface. Therefore, geologic mapping classifications of soil units can be used for assessing the potential for the occurrence of paleontological resources.[145]

The excavation for the basement would disturb approximately 7,045 square feet of soil and extend down to approximately 13 feet bgs. The basement would be supported on a hybrid foundation that would consist of a 4-foot-thick mat slab supporting the approximate southern half of the building. The northern half of the building which would include the tower core would be supported on a 6- to 10-foot mat slab bearing on 6-foot-diameter piles that would be socketed approximately 40 feet into bedrock, for a total length of around 160 feet under the mat slab. The geotechnical investigation indicates that the materials encountered would be fill, which would not contain paleontological resources. The sands are underlain by an approximately 6- to 10-foot-thick marsh deposit consisting of loose to dense silty and clayey sand. Below the marsh deposit is dense to very dense fine sand, silty sand, and clayey sand, referred to as the Colma Formation which extends approximately to 94 feet bgs.

Previous occurrences of large late Pleistocene vertebrate remains from three individuals of Colombian Mammoth (Mammuthus columbi) and remains from a single Giant Bison (Bison latifrons) have been recovered from gravelly, sandy clay of the Colma Formation exposed in an excavation at the intersection of Pacific Avenue and Kearny Street.[146] As a result, the proposed project has a moderate potential to encounter as-yet unknown paleontological features, which would be a significant impact. M-GE-5, Implement Appropriate Measures in Case of Inadvertent Discovery of Paleontological Resources, would be implemented to reduce significant effects on paleontological resources, including fossils and associated contextual data. Mitigation Measure M-GE-5 would require monitoring by a qualified paleontologist of construction activities with potential to impact undisturbed native sediment or sedimentary rocks, and the preparation and implementation of a recovery plan in the event of a discovery of a potential fossil. The full text of Mitigation Measure M-GE-5 is available in the project's Mitigation Monitoring and Reporting Program, Appendix C. With implementation of Mitigation Measure M-GE-5, project's impacts on paleontological resources would ***be less than significant***.

Impact C-GE-1: The proposed project, in combination with cumulative projects, would not result in significant cumulative impacts on geology, soils, or paleontological resources. ***(Less than Significant)***

Geology, soil, and paleontological impacts are generally site specific and localized. Cumulative projects could require various levels of excavation or cut-and-fill activity, which would affect local geologic conditions and could affect paleontological resources. However, cumulative projects would also be subject to building department requirements regarding geotechnical review and the state and local building codes. In addition, site-specific geotechnical review and monitoring for paleontological resources would reduce each project's impacts associated with geology, seismic safety, and paleontological resources. Furthermore, site-specific mitigation would be developed, when necessary, based on site conditions. Similar to the proposed project, the projects listed in Table 2, p. 8, would be subject to these mandatory seismic safety standards and design

145 Bureau of Land Management, Potential Fossil Yield Classification System for Paleontological Resources on Public Lands, July 8, 2016, available at https://www.blm.gov/sites/blm.gov/files/uploads/IM2016-124_att1.pdf.

146 P. U. Rodda and N. Baghai, "Late Pleistocene Vertebrates from Downtown San Francisco, California," Journal of Paleontology 67(6), pp. 1058–1063 (1993), http://www.jstor.org/discover/10.2307/1306122?uid=3739560&uid=2129&uid=2&uid=70&uid=4&uid=3739256&sid=2110167512486, accessed February 26, 2022.

review procedures. Compliance with these standards and procedures would ensure that the effects from nearby cumulative projects would be reduced to less-than-significant levels. For these reasons, the proposed project would not combine with cumulative projects in the project vicinity to create a significant cumulative impact related to geology and soils. Therefore, cumulative impacts would be ***less than significant***.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
16. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:					
i) Result in substantial erosion or siltation on- or offsite;	☐	☐	☒	☐	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	☐	☐	☒	☐	☐
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐	☐
iv) Impede or redirect flood flows?	☐	☐	☒	☐	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐	☐

The project site is not located within a 100-year flood hazard area,[147] or an area identified as being subject to potential inundation in the event of a tsunami along the San Francisco coast.[148] Therefore, the proposed project would not create a risk related to a release of pollutants due to inundation in a flood hazard, tsunami, or seiche zone and topic E.16(d) is not applicable to the proposed project and is not discussed below.

Impact HY-1: The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. ***(Less than Significant)***

Construction

Site preparation and excavation activities associated with the proposed project would disturb approximately 7,045 square feet of soil to a depth of up to 13 feet bgs and would require excavation of up to 3,900 cubic yards of materials, which could adversely affect water quality. Contaminants from construction vehicles and equipment as well as sediment from soil erosion could increase the pollutant load in runoff being transported to receiving waters during construction.

The depth of groundwater below the project site is estimated at approximately 25 feet bgs. Based on the geotechnical report, given the proposed excavation depths, it would be unlikely to encounter groundwater during excavation as groundwater should be at least three feet below the bottom of the planned excavation. However, groundwater depths could fluctuate depending on weather, seasonal conditions, and other factors, and the geotechnical report notes that localized dewatering could be necessary.

Any groundwater encountered during construction of the proposed project would be subject to the requirements of article 4.1 of the public works code, Industrial Waste, which requires groundwater to meet specified water quality standards before it is discharged to the combined sewer system. These measures ensure the protection of water quality during construction, which represents a temporary condition. The Bureau of Systems Planning, Environment, and Compliance of the SFPUC must be notified regarding projects that necessitate dewatering. In this case, the SFPUC may require water quality analysis prior to discharge. The project sponsor would be required to obtain a Batch Wastewater Discharge Permit from the SFPUC Wastewater Enterprise Collection System Division prior to any dewatering activities.

During construction, because the project would disturb more than 5,000 square feet of ground surface, the proposed project would be required to comply with article 4.2 of the San Francisco Public Works Code. Specifically, the proposed project would comply with section 146 by implementing an erosion and sediment control plan. The erosion and sediment control plan would identify the best management practices and erosion and sedimentation control measures to prevent sediment from entering the city's combined sewer system. The construction best management practices that would most likely be implemented as part of the proposed project would address inspection and maintenance, water conservation, spill prevention and control, street cleaning, and prevention of illicit connection and discharge. These best management practices would minimize disturbance to the project site, adjacent areas, and storm drains and would retain

147 San Francisco Public Utilities Commission, Flood Maps 100-Year Storm Flood Risk Map (July 2019), https://sfplanninggis.org/floodmap/, accessed December 2021.

148 City and County of San Francisco, Community Safety Element of the San Francisco General Plan, 2012, Map 5 (Tsunami Hazard Zones San Francisco), https://generalplan.sfplanning.org/Community_Safety_Element_2012.pdf, accessed December 2021.

sediment. The SFPUC's Construction Runoff Control Program staff enforces this requirement through periodic and unplanned site inspections. In addition, prior to the commencement of any land-disturbing activities, the project sponsor would be required to obtain a construction site runoff control permit.

Construction activities such as excavation would expose soil and could result in erosion and excess sediments being carried in stormwater runoff to the combined stormwater and sewer system. In addition, stormwater runoff from temporary onsite use and storage of vehicles, fuels, waste, and other hazardous materials could carry pollutants to the combined stormwater and sewer system if proper handling methods are not employed. As discussed above, the proposed project would be required to develop and implement an erosion and sediment control plan that would identify best management practices to control discharge of sediment and other pollutants from entering the city's combined stormwater/sewer system, which would then be properly treated at the Southeast Treatment Plant before being discharged into San Francisco Bay.

For these reasons, the proposed project's construction and operational activities would not substantially degrade surface water or groundwater quality or violate water quality standards and waste discharge requirements. The proposed project would have a ***less-than-significant*** impact on water quality, and no mitigation measures are necessary.

Impact HY-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed project may impede sustainable groundwater management of the basin. ***(Less than Significant)***

The project site is developed and entirely covered with impervious surfaces; as a result, the proposed project would not increase the amount of impervious surface on the site. Therefore, the proposed project would not result in any change in infiltration or increase runoff from the project site.

As discussed under Impact HY-1, groundwater should be at least three feet below the bottom of the planned excavation. As a result, dewatering during construction is not likely to be required. However, in the unlikely scenario that groundwater is encountered, localized dewatering could be necessary during construction; however, project operation would not extract underlying water supplies. Therefore, groundwater resources would not be substantially depleted, and the proposed project would not otherwise substantially interfere with groundwater recharge or impede sustainable groundwater management. The proposed project would have a ***less-than-significant*** impact on groundwater, and mitigation measures are not needed.

Impact HY-3: The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion, siltation, or flooding on or off site; that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or that would impede or redirect flood flows. ***(Less than Significant)***

The project site is covered with impervious surface; no streams or creeks are present on the project site. The proposed project would not change the area of impervious surfaces. However, new construction is subject to the 2016 Stormwater Management Ordinance. The ordinance requires stormwater runoff to be reduced by 25

percent from existing conditions. The proposed project would be designed to incrementally reduce runoff on the project site through implementation of low-impact development and other measures identified in the Stormwater Management Ordinance, which also requires a decrease in the amount of stormwater runoff associated with a proposed project, per the city's Stormwater Management Requirements and Design Guidelines.[149] Overall, impervious surfaces on the site would not change substantially as part of the proposed project. The project site's drainage patterns would generally remain the same, and ultimately, drainage would be improved. As such, the proposed project would not be expected to result in substantial erosion or flooding associated with changes in drainage patterns; the potential to result in erosion or flooding would be similar to existing conditions. The impact would be ***less than significant***.

During construction and operation of the proposed project, all wastewater and stormwater runoff from the project site would be treated at the Southeast Water Pollution Control Plant. As noted above, treatment would be provided pursuant to the effluent discharge standards contained in the city's NPDES permit for the plant. During construction and operation, the proposed project would be required to comply with all local wastewater discharge, stormwater runoff, and water quality requirements, including the 2016 Stormwater Management Requirements and Design Guidelines, described above under Impact HY-1, and the Stormwater Management Ordinance. Compliance with the Stormwater Management Requirements and Design Guidelines would ensure that stormwater generated by the proposed project would be managed onsite to reduce the runoff flow rate and volume for a two-year 24-hour design storm by 25 percent such that the proposed project would not contribute additional volumes of polluted runoff to the city's stormwater infrastructure. Compliance with the Stormwater Management Ordinance would ensure that the design of the proposed project would include the installation of appropriate stormwater management systems that would retain runoff onsite, promote stormwater reuse, and limit discharges from the site to the city's combined stormwater/sewer system. Furthermore, the addition of street trees along the project site frontages would allow runoff to infiltrate, thereby minimizing runoff that could exceed the capacity of existing or planned stormwater drainage systems. Therefore, the proposed project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Furthermore, the proposed project would not impede or redirect flood flows. Therefore, this impact would be ***less than significant***. No mitigation measures are necessary.

Impact HY-4: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. ***(Less than Significant)***

As described above, the proposed project would be required to meet the standards for stormwater management as well as the city's NPDES permit and SFPUC stormwater management requirements. In addition, the proposed project would also have to comply with the appropriate water quality objectives for the region. Commonly practiced best management practices would be implemented to control construction site runoff and reduce the discharge of pollutants to storm drain systems from stormwater and other nonpoint-source runoff. As part of compliance with permit requirements during ground-disturbing or other construction activities, implementation of water quality control measures and best management practices

149 City and County of San Francisco, Stormwater Management Requirements and Design Guidelines, 2016, https://sfpuc.org/sites/default/files/documents/SMR_DesignGuide_May2016.pdf, accessed November 2021.

would ensure that water quality standards would be achieved, include the water quality objectives that protect designated beneficial uses of surface and groundwater, as defined in the basin plan.

The NPDES Construction General Permit also requires stormwater discharges not to contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards, including designated beneficial uses. In addition, implementation of the SFPUC's groundwater management program and general plan policies would require protection for groundwater recharge areas and groundwater resources, as required by a sustainable groundwater management plan. Therefore, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. This impact would be ***less than significant.*** No mitigation measures are necessary.

Impact C-HY-1: The proposed project, in combination with cumulative projects, would not result in a significant cumulative impact on hydrology and water quality. ***(Less than Significant)***

Cumulative development in the project area would result in an intensification of land uses in the project vicinity, similar to the proposed project and could result in an increase in polluted runoff and stormwater discharges. However, other development projects would be subject to the same water conservation and stormwater management regulations that are applicable to the proposed project. Because other development projects would be required to comply with drainage, dewatering, and water quality regulations, similar to the proposed project, peak stormwater drainage rates and volumes for the design storm would gradually decrease over time with new development, meaning that no substantial cumulative project to less-than-significant levels. Therefore, the proposed project, in combination with past, present, and reasonably future projects, would not result in a significant cumulative impact related to hydrology and water quality. Cumulative impacts would be ***less than significant***. No mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
17. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒		☐

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☐	☒

The project is not located within an airport land use plan area, or within or adjacent to a wildland fire area. Therefore, topics E.17(e) and E.17(g) are not applicable.

Impact HZ-1: The proposed project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials. ***(Less than Significant)***

The proposed project would involve the demolition of the existing onsite building, excavation of up to 3,900 cubic yards, and construction of a 29-story hotel building with a basement. Construction activities would require the use and transport of limited quantities of hazardous materials such as fuels and oils, solvents and cleaning solutions, paint and thinners, and other common construction materials. These materials could be released during transport, use, or disposal and could cause a hazard for the public. However, the city would require the project sponsor and contractor to implement best management practices as part of grading permit requirements, including hazardous materials management measures, which would reduce short-term construction impacts pertaining to the transport, use, and disposal of hazardous materials. The project sponsor and contractor would be required to comply with Occupational Health and Safety Administration (OSHA) and California Division of Occupational Health and Safety (Cal/OSHA) health and safety requirements, all of which would be specified in the construction contracts. These regulations are effective in reducing potential risks to workers by requiring the contractor to adhere to safety standards and provide safety training to workers. In addition, hazardous materials must be transported to and from the project site in accordance with the Resource Conservation and Recovery Act and U.S. Department of Transportation regulations and disposed of in accordance with the Resource Conservation and Recovery Act and the CCR at a licensed facility that is permitted to accept the waste. These regulations provide a framework for controlling hazardous waste from cradle to grave, ensuring the safe transport, use and disposal of hazardous materials during construction. These regulations govern record-keeping of all aspects of the hazardous materials lifecycle, mitigating and cleaning up existing contamination and hazardous materials spills, closing

facilities with hazardous waste in place, describing requirements for emergency response, and ensuring that workers are trained to handle hazardous materials and respond appropriately to hazardous materials incidents. Because compliance with existing regulations is mandatory, construction of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Accordingly, impacts associated with short-term construction-related transport, use and disposal of hazardous materials would be ***less than significant***.

Once constructed, the proposed project would likely result in the use of common types of hazardous materials that are typically associated with hotel and retail uses, such as cleaning products, disinfectants, and solvents. These products are labeled to inform users of their potential risks and provide instruction regarding appropriate handling procedures. However, most of these materials are consumed through use, resulting in relatively little waste.

The proposed project hotel and retail uses would be subject to San Francisco Health Code Articles 21 and 22, implemented by the health department to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers who handle hazardous materials, and adequately training workers. Under Article 21, any facility that handles hazardous materials, including hazardous wastes, in excess of specified quantities would be required to obtain a certificate of registration from the health department and to implement a hazardous materials business plan that includes inventories, a program for reducing the use of hazardous materials and generation of hazardous wastes, site layouts, a program and implementation plan for training all new employees, annual training for all employees, and emergency response procedures and plans. Under Article 22 of the health code, generators of hazardous waste must pay an annual fee to the health department, based on the quantity of hazardous wastes generated annually. Therefore, hazardous materials used during proposed project operation would not pose substantial public health or safety hazards resulting from routine use, transport, or disposal. Thus, the proposed project would result in a ***less-than-significant*** impact related to the use, transport, or disposal of hazardous materials during project construction or operation.

Impact HZ-2: The proposed project would not 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. ***(Less than Significant)***

Article 22A of the Health Code, also known as the Maher Ordinance, includes properties throughout the city where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with current or former industrial uses or underground storage tanks, sites with historic bay fill, and sites close to freeways or underground storage tanks. The Maher Ordinance, which is implemented by the San Francisco Department of Public Health, requires appropriate handling, treatment, disposal, and remediation of contaminated soils that are encountered in the building construction process. All projects in the city that disturb 50 cubic yards or more of soil and that are located on sites with potentially hazardous soil or groundwater are subject to this ordinance. Some projects that disturb less than 50 cubic yards may also be subject to the Maher Ordinance if they propose a change of use from industrial (e.g., gas stations, dry cleaners, etc.) to sensitive uses (e.g., residential, medical, etc.).

The proposed project would excavate up to 3,900 cubic yards of soil to a depth of up to 13 feet bgs. The project site is not in an area that is subject to the Maher Ordinance.[150] Therefore, the project site is not known or suspected to contain contaminated soil and/or groundwater. However, because the project would involve soil excavation exceeding 50 cubic yards in volume, the department reviewed a Phase I environmental site assessment prepared for the proposed project to confirm that no recognized environmental conditions were identified in the assessment. The Phase I environmental site assessment concludes that no evidence of current recognized environmental conditions was identified within the project site and recommends no further investigation.[151]

The proposed project would include demolition of the existing onsite building that was constructed in 1922. Based on the building's date of construction, some of the building materials may pre-date the 1970s ban on the use of asbestos-containing materials and lead-based paint. Any hazardous materials currently on the site, such as asbestos or lead-based paint, would be removed during or prior to building demolition and project construction. The materials would be handled in compliance with applicable laws and regulations.

The California Department of Toxic Substance Control (DTSC) considers asbestos hazardous and requires removal of asbestos-containing materials prior to demolition or construction activities that could result in disturbance of these materials. Asbestos-containing materials must be removed in accordance with local and state regulations as well as air district, CAL/OSHA, and California Department of Health Services requirements. Specifically, section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until a project sponsor has demonstrated compliance with the notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos.

The California legislature vests the local air district, in this case the Bay Area Air Quality Management District, with the authority to regulate airborne pollutants, including asbestos-containing materials, through both inspection and law enforcement. The air district is to be notified 10 days in advance of any proposed demolition or abatement work. Any disturbance of asbestos-containing materials at the project site would be subject to the requirements of the air district Regulation 11, Rule 2, Hazardous Materials—Asbestos Demolition, Renovation, and Manufacturing. The local office of Cal/OSHA must also be notified of asbestos abatement. Asbestos abatement contractors must follow state regulations contained in the CCR Title 8, section 1529 and sections 341.6 through 341.14, when their work involves 100 gross square feet or more of asbestos-containing materials. Pursuant to California law, the building department would not issue the required permit until the project sponsor has complied with the requirements described above.

Additionally, as the existing building was constructed prior to 1979, it is highly likely that lead-based paint was used during its construction. Demolition activities could result in lead-based paint disturbance and must therefore comply with section 3423 of the San Francisco Building Code, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Section 3423 identifies prohibited practices that may not be used when removing lead-based paint, as well as notification requirements. Section 3407 requires specific

150 San Francisco Planning Department. San Francisco Property Information Map. Maher Ordinance. https://sfplanninggis.org/pim/map.html?search=1225%20PINE%20ST&layers=Maher%20Ordinance. Accessed February 28, 2022.

151 Odic Environmental, 2018. Phase I Environmental Site Assessment. 570 Market Street, San Francisco, CA 94104. March 22.

notification and work standards and identifies prohibited work methods and penalties for work that would disturb or remove lead-based paint on the exterior of a building.

The demolition would also be subject to the Cal/OSHA lead in construction standard (CCR Title 8, Section 1532.1). This standard requires development and implementation of a lead compliance plan when materials containing lead are disturbed during construction. The plan must describe activities that could emit lead, methods that would be used to comply with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction. Cal/OSHA would require 24-hour notification if more than 100 square feet of lead-containing material would be disturbed.

Based on mandatory compliance with existing regulatory requirements, the proposed project would not result in a significant hazard to the public or environment from asbestos or lead-based paint, and the proposed project would result in a ***less-than-significant*** impact with respect to these hazards. No mitigation measures are necessary.

Impact HZ-3: The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. ***(Less than Significant)***

No schools are located within one-quarter mile of the project site. Ecole Notre Dame de Victoire, the closest school, is located at approximately 1,340 feet to the northwest. As discussed under Impact HZ-1, the proposed project would include the use of common household items in quantities too small to create a significant hazard to the public or the environment. The proposed hotel and retail uses would not produce hazardous emissions and would not involve the handling of hazardous or acutely hazardous materials, substances, or waste. The proposed project would have ***a less than significant impact*** on existing or proposed schools, and no mitigation measures are necessary.

Impact HZ-4: The proposed project would not 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 not create a significant hazard to the public or the environment. ***(Less than Significant)***

The project site is not listed on the Hazardous Waste and Substances Site List (commonly referred to as "Cortese List") compiled by DTSC pursuant to Government Code section 65962.5.[152] In addition, the project site is not in an area that is subject to San Francisco Health Code Article 22A, also known as the Maher Ordinance, meaning that the project is not known or suspected to contain contaminated soil and/or groundwater.[153]

Based on the Phase I environmental site assessment prepared for the project site, no hazardous materials or chemicals were observed at the project site with the exception of seven 1-gallon containers of glue, shoe

---

152 California Department of Toxic Substances Control. EnviroStor Hazardous Waste and Substances Site List, https://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST, accessed March 1, 2022.

153 San Francisco Planning Department. San Francisco Property Information Map. Maher Ordinance. https://sfplanninggis.org/pim/map.html?search=1225%20PINE%20ST&layers=Maher%20Ordinance. Accessed February 28, 2022.

polish, suede and leather dyes, and lubricant at the retail shoe repair shop located at 53 Sutter Street. The Phase I environmental site assessment also noted the presence of four 5-gallon containers of hydraulic oil in the basement elevator equipment room. No signs of leaks or stains were observed. The Phase I environmental site assessment recommended that no additional investigation be conducted.

The proposed project would not create a significant hazard to the public or the environment. This impact would be ***less than significant***, and no mitigation measures are necessary.

Impact HZ-5: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. ***(Less than Significant)***

The city's Emergency Management Program is part of a jurisdiction-wide system that provides emergency management guidance related to the prevention, preparedness, response, and recovery. The city's Emergency Response Plan uses an all-hazards approach to emergency planning and, therefore, encompasses all hazards that are applicable to the city and county both natural and man-made, ranging from planned events to large-scale disasters.[154]

San Francisco ensures fire safety primarily through provisions of the building and fire codes. Final building plans including locations of hydrant water pressures and emergency access would be reviewed and approved by the fire department and building department, to ensure conformance with these provisions. Compliance with fire safety regulations would ensure that the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires. Implementation of the proposed project could add incrementally to transportation conditions in the immediate area in the event of an emergency evacuation. As discussed in Section E.5, Transportation, p. 20, the proposed project contribution to traffic conditions would not be substantial and there would be no significant adverse impacts on transportation conditions. Therefore, the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. This impact would be ***less than significant***, and no mitigation measures are necessary.

Impact C-HZ-1: The proposed project, in combination with cumulative projects, would not result in a significant cumulative impact related to hazards and hazardous materials. ***(Less than Significant)***

Impacts from hazards and hazardous materials are generally site specific and typically do not combine with impacts from cumulative projects to result in significant cumulative impacts. New developments in the vicinity of the project site would be subject to the same regulatory requirements as the proposed project. Therefore, large, unexpected releases of hazardous materials of the type that would contribute to significant cumulative impacts are not expected. Compliance with existing regulations pertaining to the treatment and management of hazardous materials would ensure that the proposed project would not combine with

154 City and County of San Francisco, Emergency Response Plan, December 2010.

cumulative projects in the vicinity to result in a significant cumulative impact. Therefore, cumulative hazards impacts would be ***less than significant***, and no mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
18. ENERGY. Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐	☐

Impact EN-1: The proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation; or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. ***(Less than Significant)***

The proposed project would increase the population and intensity of the use on the project site. However, this increased intensity would not exceed anticipated growth in the area. Similar to new buildings in San Francisco, the proposed project would be subject to the energy conservation standards included in the San Francisco Green Building Ordinance. This would require the project to meet a number of conservation standards (e.g., install water-efficient fixtures and energy-efficient appliances) and provide features that encourage alternative modes of transportation, such as bicycle racks. Documentation showing compliance with the San Francisco Green Building Code would be submitted with building permits and enforced by the building department. In addition, the proposed project would be required to comply with the CCR title 24, which regulates energy consumption associated with heating, cooling, ventilation, and lighting; it is enforced by the building department. Compliance with title 24 and the San Francisco Green Building Ordinance would ensure a reduction in the use of fuel, water, and energy by the proposed project. The proposed project by its character would conserve fuel and energy because it would provide hotel/retail uses in an urban area that is accessible by transit and is also bicycle and pedestrian friendly. Therefore, the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with state or local plans for renewable energy and energy efficiency. The impact would be ***less than significant***, and no mitigation measures are necessary.

Impact C-EN-1: The proposed project, in combination with cumulative projects, would not result in significant cumulative impacts related to the wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. *(Less than Significant)*

While overall energy demand in California is increasing commensurate with increasing population, the state also is making concerted energy conservation efforts. While the city produces a substantial demand for energy and fuel, both city and state policies seek to minimize increases in demand through conservation and energy efficiency regulations and policies such that energy is not used in a wasteful manner. Because San Francisco is substantially built out, development in the city's urban core focuses on densification, which effectively reduces per capita use of energy and fuel by concentrating utilities and services in locations where they can be used efficiently. Similarly, the city recognizes the need for water conservation and has instituted programs and policies to maximize water conservation. San Francisco has one of the lowest per capita water use rates in the state[155] and routinely implements water conservation measures through code requirements and policy. All projects in San Francisco are required to comply with these regulations. Therefore, the proposed project, in combination with other cumulative projects, would result in a ***less-than-significant*** cumulative impact related to energy, fuel, and water resources.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
19. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐	☐

155 San Francisco Public Utilities Commission, 2021. Water Resources Division Annual Report. Fiscal Year 2020-2021. November.

Topics:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Not Applicable
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	☐

NOTE: Authority cited: Public Resources Code sections 21083 and 21083.05, 21083.09. Reference: Section 65088.4, Gov. Code; Public Resources Code sections 21073, 21074, 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21080.3.1, 21080.3.2,21082.3, 21084.2, 21084.3, 21093, 21094, 21095, and 21151; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.A^{PP}.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.A^{PP}.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.A^{PP}.4th 656.

a) The proposed project would not substantially degrade or reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

As discussed in Topic E.6. Noise, p. 34, construction activities associated with the proposed project would result in significant vibration impact on the buildings at 566 Market Street and 576 Market Street, classified as "historic and some older buildings", and the building at 44 Montgomery Street, classified as "modern industrial/commercial buildings". However, with implementation of Mitigation Measure M-NO-2, this impact would be reduced to a less-than-significant level.

As discussed in Topic E.3, Cultural Resources, p. 14, and Topic E.4, Tribal Cultural Resources, p. 18, construction activities associated with the proposed project would result in significant impacts on archeological resources, human remains, and tribal cultural resources. However, these impacts would be mitigated to less than significant levels with implementation of Mitigation Measures M-CR-2, Archeological Testing, and M-TCR-1, Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program.

As discussed in Topic E.7, Air Quality, p.48, the proposed project would result in significant impacts related to health risk. However, implementation of Mitigation Measure M-AQ-4a, Clean Off-road Construction Equipment, and Mitigation M-AQ-4b, Clean Diesel Generators for Building Operations, would ensure that health risk impacts related to air pollutant emissions would be less than significant both individually and cumulatively and would not result in adverse health effects to people living and working in the area.

As discussed in Topic E. 15, Geology and soils, p. 83, the proposed project would have a moderate potential to encounter as-yet unknown paleontological features. However, Mitigation Measure M-GE-5, Implement Appropriate Measures in Case of Inadvertent Discovery of Paleontological Resources, would be implemented to reduce significant adverse effects on paleontological resources, including fossils and associated contextual data, to a less-than-significant level.

b) The proposed project, in combination with cumulative projects, as described in Section E, Evaluation of Environmental Effects, p. 10, of this initial study, would not result in significant cumulative impacts on land use and planning, population and housing, cultural resources, tribal cultural resources, transportation, noise, air quality, GHG emissions, wind, shadow, recreation, utilities and service systems, public services, biological resources, geology and soils, hydrology and water quality, hazards and

hazardous materials, and energy resources with implementation of identified mitigation, if required. Therefore, the proposed project would not have impacts that are individually limited, but cumulatively considerable.

c) Potential adverse effects on human beings have been considered as a part of the analysis of individual environmental topics in this initial study. As discussed above, the proposed project is anticipated to have less-than-significant impacts on most of the environmental topics discussed. However, the proposed project's potential significant impacts associated with noise and air quality could adversely affect human beings.

As described in Section E.7, Noise, p. 34, the proposed project would result in operation-related noise impact associated with the fixed mechanical equipment on Level 2, 17, and 29 of the proposed building. The impact would be less than significant with implementation of Mitigation Measure M-NO-1, Fixed Mechanical Equipment Noise Control for Building Operations. As described in Section E.7, Air Quality, p.48, the proposed project would result in a significant impact related to health risk. This impact would be less than significant with implementation of Mitigation Measure M-AQ-4a, Off-Road Construction Equipment Emissions Minimization, and Mitigation Measure M-AQ-4b, Clean Diesel Generators for Building Operations. Therefore, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly, with the implementation of Mitigation Measure M-NO-1, Mitigation Measure M-AQ-4a, and Mitigation Measure M-AQ-4b.

F. Public Notice and Comment

On September 23, 2021, the planning department mailed a Notification of Project Receiving Environmental Review to owners of properties within 300 feet of the project site, adjacent occupants, and neighborhood groups. 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.

The planning department received comments expressing concerns about:

- Geotechnical conditions and construction effects on the BART and Muni operations; and
- Impacts associated with intensity of operations of the proposed hotel use.

In addition, comments requested an analysis of the potential large and most intense use that could permitted at the project site; inclusion on the mailing list for future public project notifications; and a receipt of a copy of the final shadow analysis.

Impacts related to geotechnical conditions and proposed building foundations are discussed in Section E.15, Geology and Soils, p. 83. Impacts related to the intensity of land use and associated traffic are discussed in Section E.5, Transportation and Circulation, p. 20. Impacts related to the shadow analysis are discussed in Section E.10, Shadow, p. 67.

G. Notice of Intent to Adopt a Mitigated Negative Declaration

On October 30, 2024, the planning department circulated a Notice of Availability and Intent to Adopt a Mitigated Negative Declaration. The notice was circulated to interested organizations and individuals, property owners and residents within 300 feet of the project site, and published in a newspaper of general circulation. Notices were also posted at multiple locations around the project site. The planning department received two letters of appeal of the preliminary mitigated negative declaration on November 20, 2024. During the public review period, the department determined that some of the technical background documents were inadvertently not made publicly available for review at the start of the initial 20-day appeal period. As a result, 20 additional days were provided for public review and comment, as requested by one of the appellants, with the closing of the extended comment period on December 12, 2024. On December 11, 2024 (during the extension of the public comment period), a supplemental appeal letter was submitted supplementing one of the appeals filed on November 20, 2024.

The appeal letters raised concerns related to the noticing requirements of the preliminary mitigated negative declaration and project impacts related to air quality, historic preservation, geology and soils, noise and vibration, transportation, shadow, and wind.

The concerns raised in the appeal letters are addressed in greater detail in the department's response memorandum to the appeal. In general, all of the technical topics brought up by the appellants were analyzed sufficiently in various subsections of Section E of this initial study. To provide additional information in the areas of air quality and noise, supplemental technical analyses were conducted. Summaries of these supplemental analyses have been incorporated into this initial study through text amendments; however, these analyses did not find any new significant impacts or more severe impacts that were not already discussed in the PMND/initial study. No other amendments to the text of the initial study have been made nor are required.

H. Determination

On the basis of this initial study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

_____

Lisa Gibson
Environmental Review Officer
for
Rich Hillis
Director of Planning

DATE_____

I. Initial Study Preparers

Planning Department, City and County of San Francisco
Environmental Planning Division
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

- Environmental Review Officer: Lisa Gibson
- Principal Environmental Planner: Tania Sheyner
- Senior Environmental Planner: Ryan Shum
- Air Quality technical reviewers: Josh Pollak and Jessica Range
- Noise technical reviewer: Chelsea Fordham
- Wind and Shadow technical reviewer: Michael Li
- Cultural Resources and Tribal Cultural Resources: Kari Hervey-Lentz and Allison Vanderslice

Environmental Consultants

Impact Sciences, Inc.
811 W. 7th Street, Suite 200
Los Angeles, CA 90017

- John Anderson, Principal in Charge
- Brett Pomeroy, Technical Director
- Kara Yates Hines, Manager, Publications & Proposals

Sertior
338 Spear Street, 15E
San Francisco, CA 94105

- Rima Ghannam, Project Manager

Project Sponsors

229 Ellis Holdings, LLC
795 Folsom Street, Floor 1
San Francisco CA 94107

- C/O: Melinda Sarjapur, Partner
  Reuben, Junius & Rose, LLP

J. Figures

FIGURE 1 **SITE LOCATION**

FIGURE 2 **WEST ELEVATION**

FIGURE 3 **EAST ELEVATION**

FIGURE 4 PROPOSED SITE PLAN

FIGURE 5 BASEMENT FLOOR PLAN

FIGURE 6 **MEZZANINE LEVEL FLOOR PLAN**

FIGURE 7 **LEVEL 3 FLOOR PLAN AND LEVELS 4 TO 14 TYPICAL FLOOR PLAN**

FIGURE 8 **LEVEL 17 FLOOR PLAN**

FIGURE 9 **LEVEL 18 FLOOR PLAN**

FIGURE 10 LEVELS 19 TO 28 TYPICAL FLOOR PLAN

FIGURE 11 LEVELS 15 AND 16 FLOOR PLAN

FIGURE 12 LEVEL 29 ROOF FLOOR PLAN

FIGURE 13 BUILDING ELEVATION SOUTHEAST

FIGURE 14 **SIDEWALKS IMPROVEMENTS**

FIGURE 15 CUMULATIVE PROJECTS WITHIN 0.25 MILE OF THE PROJECT SITE

FIGURE 16 NOISE MEASUREMENT LOCATIONS

FIGURE 17 LOCATION OF SENSITIVE RECEPTORS

FIGURE 18 **WIND HAZARD CONDITIONS**

FIGURE 19 **BART ZOI**

Attachment 4

ATTACHMENT B

San Francisco Planning

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

Record No.:	2019-017622ENV	*Block/Lot:*	0291/013
Project Title:	570 Market Street	*Lot Size:*	7,045 square feet
BPA Nos:	Not applicable	*Project Sponsor:*	229 Ellis Holdings, LLC
Zoning:	C-3-O Downtown-Office Use District 300-S Height and Bulk District	*Lead Agency:* *Staff Contact:*	San Francisco Planning Department Megan Calpin - 628.652.7508

The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures span multiple phases. Substantive descriptions of each mitigation measure's requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program.

Please note that the City will not accept the building permit application for this project until a Pre-Construction Environmental Compliance Letter has been issued. If you have questions about the monitoring status of your project, please contact the staff listed above, or email CPC.EnvironmentalMonitoring@sfgov.org. Generally, if the mitigation measure has prior to the start of construction requirements (see the Period of Compliance Table below), these measures will require compliance prior to the issuance of the Pre-Construction Environmental Compliance Letter.

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	
Mitigation Measure M-CR-2: Archeological Testing	X	X		
Mitigation Measure M-TCR-1: Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program		X		
Mitigation Measure M-NO-1: Fixed Mechanical Equipment Noise Control for Building Operations	X			
Mitigation Measure M-NO-2: Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction	X	X		
Mitigation Measure M-AQ-4a: Clean Off-road Construction Equipment	X	X		
Mitigation Measure M-AQ-4b: Clean Diesel Generators for Building Operations			X	

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	
Mitigation Measure M-GE-5: Implement Appropriate Measures in Case of Inadvertent Discovery of Paleontological Resources	X	X		

NOTES:

* Prior to any ground disturbing activities at the project site.
** Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

_____ I agree to implement the attached mitigation measure(s) as a condition of project approval.

Property Owner or Legal Agent (Signature) | Printed Name | Date

Note to sponsor: Please contact CPC.EnvironmentalMonitoring@sfgov.org to begin the environmental monitoring process prior to the submittal of your building permits to the San Francisco Department Building Inspection. **Note:** A building permit application cannot be submitted for this project until a Pre-Construction Environmental Compliance letter has been received.

ATTACHMENT B

San Francisco Planning

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
CULTURAL RESOURCES				
Mitigation Measure M-CR-2: Archeological Testing Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources and on human remains and associated or unassociated funerary objects. The project sponsor shall retain the services of an archeological consultant from the rotational qualified archeological consultants list maintained by the planning department's archeologist who specializes in geoarchaeology and maritime resources. After the first project approval action or as directed by the Environmental Review Officer, the project sponsor shall contact the department archeologist to obtain the names and contact information for the next three archeological consultants on the qualified archeological consultants list. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer for review and comment and shall be considered draft reports subject to revision until final approval by the Environmental Review Officer. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the Environmental Review Officer, the suspension of construction can be extended beyond four weeks only if such a suspension is the	Project sponsor's qualified archeological consultant and construction contractor	Prior to issuance of construction permits and throughout the construction period	Environmental Review Officer / project sponsor	Considered complete after Archeological Resources Report is approved.

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
only feasible means for reducing potential effects on a significant archeological resource, as defined in CEQA Guidelines sections 15064.5 (a) and (c) to a less-than-significant level. Consultation with Descendant Communities. On discovery of an archeological site associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative of the descendant group and the Environmental Review Officer shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the Environmental Review Officer regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the final archeological resources report shall be provided to the representative of the descendant group. **Archeological Testing Program**. The archeological consultant shall prepare and submit to the Environmental Review Officer for review and approval an archeological testing plan. The archeological testing program shall be conducted in accordance with the approved archeological testing plan. Testing shall include monitoring of basement demolition, trenching from the base of basement to 20 feet for historical resources and coring to Old Bay Clay to test for submerged resources. The archeological testing plan shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA. At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the Environmental Review Officer. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the Environmental Review Officer in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include preservation in place, additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior	Project sponsor's qualified archeological consultant and construction contractor	Prior to issuance of construction permits and throughout the construction period	Planning Department	Considered complete after approval of Archeological Testing Plan.

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
approval of the Environmental Review Officer or the planning department archeologist. If the Environmental Review Officer determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, the Environmental Review Officer, in consultation with the project sponsor shall determine whether preservation of the resource in place is feasible. If so, the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource. If preservation in place is not feasible, a data recovery program shall be implemented, unless the Environmental Review Officer determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. **Archeological Monitoring Program.** If the Environmental Review Officer in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall include, at a minimum, the following provisions: • The archeological consultant, project sponsor, and Environmental Review Officer shall meet and consult on the scope of the archeological monitoring program reasonably prior to any project-related soils disturbing activities commencing. The Environmental Review Officer in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context; • The archeological consultant shall undertake a worker training program for soil-disturbing workers that will include an overview of expected resource(s), how to identify the evidence of the expected resource(s), and the appropriate protocol in the event of apparent discovery of an archeological resource; • The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the Environmental Review Officer until the Environmental Review Officer has, in consultation with project archeological consultant, determined that project	Project sponsor archeological consultant and ERO	Prior to issuance of construction permits and throughout the construction period	Environmental Review Officer / project sponsor	Considered complete after approval of the Archeological Monitoring Program.

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
construction activities could have no effects on significant archeological deposits; • The archeological monitor shall record and be authorized to collect soil samples and artifactual/eco-factual material as warranted for analysis; • If an intact archeological deposit is encountered, irrespective of whether an archeologist is present, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. The archeological consultant shall immediately notify the Environmental Review Officer of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the Environmental Review Officer. Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the Environmental Review Officer. **Archeological Data Recovery Program.** The archeological data recovery program shall be conducted in accord with an archeological data recovery plan. The archeological consultant, project sponsor, and Environmental Review Officer shall meet and consult on the scope of the archeological data recovery plan prior to preparation of a draft archeological data recovery plan. The archeological consultant shall submit a draft archeological data recovery plan to the Environmental Review Officer. The archeological data recovery plan shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the archeological data recovery plan will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical. The scope of the archeological data recovery plan shall include the following elements:	Project sponsor's qualified archeological consultant	Upon ERO's determination that data recovery is required in the event an archaeological resource is discovered	Planning Department /project sponsor	Considered complete after ERO's approval of Archeological Data Recovery Plan.

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
• Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations. • Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures. • Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies. • Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • Final Report. Description of proposed report format and distribution of results. • Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. **Human Remains Associated or Unassociated Funerary Objects**. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Office of the Chief Medical Examiner of the City and County of San Francisco and, in the event of the medical examiner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, which will appoint a most likely descendant. The most likely descendant will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The Environmental Review Officer also shall be notified immediately upon the discovery of human remains. The project sponsor and Environmental Review Officer shall make all reasonable efforts to develop a Burial Agreement ("Agreement") with the most likely descendant, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary	Project sponsor / archeological consultant in consultation with the San Francisco Medical Examiner, NAHC, and MLD.	In the event that human remains are uncovered during the construction period	Planning Department / project sponsor	Considered complete after approval of Archeological Results Report and disposition of human remains has occurred as specified in Agreement.

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the most likely descendant agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.				
Mitigation Measure M-TCR-1: Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program				
Preservation in place. In the event of the discovery of an archaeological resource of Native American origin, the Environmental Review Officer (ERO), the project sponsor, and the tribal representative, shall consult to determine whether preservation in place would be feasible and effective. If it is determined that preservation-in-place of the tribal cultural resource (TCR) would be both feasible and effective, then the archeological consultant shall prepare an archeological resource preservation plan (ARPP), which shall be implemented by the project sponsor during construction. The consultant shall submit a draft ARPP to planning for review and approval.	Project sponsor archeological consultant, and ERO, in consultation with the local Native American representatives	If significant archeological resource of Native American origin is present, during implementation of the project	Planning Department / project sponsor	Considered complete upon completion and approval of the preservation plan and project redesign.
Public Interpretation and Land Acknowledgement. If the ERO, in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall, in consultation with local Native American representative's, design and install public interpretation at the project site that shall address the tribal values represented by the resource and acknowledge that this project is built on traditional Ohlone land. Coordination for interpretive program and land acknowledgement shall take place with local Native American representatives, particularly the Association of Ramaytush Ohlone. The interpretive program may include a combination of artwork, preferably by local Native American artists, educational panels or other informational displays, a plaque, or other interpretative elements. The project sponsor shall prepare an interpretation plan in consultation with affiliated local Native American representatives and the ERO to guide the interpretive and	Project sponsor in consultation with the local Native American representative	After determination that preservation in place is not feasible, and subsequent to archeological data recovery, as relevant	Planning Department / project sponsor	Sponsor or archeological consultant shall submit the interpretive program to the ERO for review and approval. Complete upon sponsor verification to ERO that interpretive program was

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
acknowledgment program. The plan shall identify, as appropriate, proposed locations for the interpretation as outlined above, the proposed content and materials of the interpretation, the producers or artists of the displays or installation, and a long-term maintenance program. If Native American cultural resources are found during project construction, interpretation of these resources may be included in the interpretative program in consultation with the local Native American representatives and the ERO. As feasible, local Native American representatives will coordinate with the project sponsor on the use of and the interpretation of native and traditional plants in proposed landscaping at the project site.				implemented.
Mitigation Measure M-NO-1: Fixed Mechanical Equipment Noise Control for Building Operations Prior to approval of a building permit, the project sponsor shall submit documentation to the Environmental Review Officer (ERO) or the officer's designee, demonstrating with reasonable certainty that the building's fixed mechanical equipment meets the noise limits specified in Section 2909(b) of the noise ordinance (i.e., an 8 dBA increase above the ambient noise level at the property plane). The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that the proposed use would not adversely affect nearby noise-sensitive uses, would not substantially increase ambient noise levels, and would not result in a noise level in excess of any applicable standards, such as those in section 2909 (b) and (d) of the noise ordinance. All recommendations from the acoustical analysis necessary to ensure that noise sources would meet applicable requirements of the noise ordinance and/or not result in substantial increases in ambient noise levels shall be incorporated into the building design and operations. Noise reduction methods required to meet the noise ordinance may include, but are not limited to: • Select exhaust/supply fans on Levels 2 and 17 with a sound power level no more than 77 dBA to meet the code requirement of 59 dBA at the south property plane. If this noise reduction measure level is not feasible, implement noise attenuating features, such as silencers and/or acoustical louvers to achieve the necessary amount of noise reduction to meet the noise ordinance requirements.	Project sponsor and construction contractor	Prior to issuance of building permit	Planning Department	Considered complete upon Planning Department review and acceptance selected mechanical equipment

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
◦ Select the rooftop cooling towers with a maximum sound power level of 84 dBA to meet the noise ordinance requirement of 53 dBA at the east and west property planes. If this noise reduction measure is not feasible, incorporate additional noise attenuation features (e.g., intake/discharge silencers, low sound fan) OR add a sound-rated barrier on all sides that extends one-foot higher than the equipment to achieve the necessary amount of noise reduction to meet the noise ordinance requirements.				
Mitigation Measure M-NO-2: Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction Prior to issuance of any demolition or building permit, the project sponsor shall submit a project-specific Pre-construction Survey and Vibration Management and Monitoring Plan to the ERO or the ERO's designee for approval. The plan shall identify all feasible means to avoid damage to potentially affected buildings. The project sponsor shall ensure that the following requirements of the Pre-Construction Survey and Vibration Management and Monitoring Plan are included in contract specifications, as necessary.				
Pre-construction Survey. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a consultant to undertake a pre-construction survey of potentially affected buildings. For the building at 44 Montgomery Street, a structural engineer or other professional with similar qualifications shall document and photograph the existing conditions of the potentially affected building. For the two buildings at 566 Market Street and 576 Market Street, the pre-construction survey should be prepared by a qualified historic preservation professional and a structural engineer or other professional with similar qualifications. The pre-construction survey for the two buildings at 566 Market Street and 576 Market Street shall include descriptions and photographs of all identified historic buildings including all façades, roofs, and details of the character-defining features that could be damaged during construction, and shall document existing damage, such as cracks and loose or damaged features (as allowed by property owners). The report shall also include pre-construction drawings that record the pre-construction condition of the buildings and identify cracks and other features to be monitored during construction. The project sponsor shall submit the surveys to the ERO or the officer's designee for review and approval prior to the start of vibration-generating construction activity.	Project sponsor's qualified historic preservation professional and structural engineer	Prior to issuance of any demolition or building permit	Planning Department	Considered complete upon Planning Department approval of pre-construction survey.

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
Vibration Management and Monitoring Plan. The project sponsor shall undertake a monitoring plan to avoid or reduce project-related construction vibration damage to the buildings at 44 Montgomery Street, 566 Market Street, and 576 Market Street, and to ensure that any such damage is documented and repaired. Prior to issuance of any demolition or building permit, the project sponsor shall submit the Plan to the ERO for review and approval. The Vibration Management and Monitoring Plan shall include, at a minimum, the following components, as applicable: • Maximum Vibration Level. The plan shall indicate the following maximum vibration levels that could not be exceeded during construction: ○ 0.5 in/sec PPV: For construction activities near the building at 44 Montgomery Street. ○ 0.25 in/sec PPV: For construction activities near the two buildings at 566 Market Street and 576 Market Street. • Vibration-generating Equipment. The plan shall identify all vibration-generating equipment to be used during construction (including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction). • Alternative Construction Equipment and Techniques. The plan shall identify potential alternative equipment and techniques that could be implemented if construction vibration levels are observed in excess of the established standard. • Buffer Distances. The plan shall identify buffer distances that shall be confirmed during site monitoring. The buffer distances shall be maintained based on vibration levels and site constraints between the operation of vibration-generating construction equipment and the potentially affected building and/or structure to avoid damage to the extent possible. • Vibration Monitoring. The plan shall identify the method and equipment for vibration monitoring to ensure that construction vibration levels do not exceed the established standards identified in the plan. ○ Should construction vibration levels be observed in excess of the standards established in the plan, the contractor(s) shall halt	Project sponsor's qualified historic preservation professional and structural engineer	Prior to issuance of any demolition or building permit	Planning Department	Considered complete upon Planning Department approval of vibration management and monitoring plan.

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
construction and put alternative construction techniques identified in the plan into practice, to the extent feasible. ◦ The qualified historic preservation professional (for effects on the two buildings at 566 Market Street and 576 Market Street) and structural engineer (for effects on the buildings at 44 Montgomery Street, 566 Market Street, and 576 Market Street) shall inspect each affected building and/or structure (as allowed by property owners) in the event the construction activities exceed the vibration levels identified in the plan. ◦ The structural engineer and historic preservation professional shall submit monthly reports to the ERO during vibration-inducing activity periods that identify and summarize any vibration level exceedances and describe the actions taken to reduce vibration. ◦ If vibration has damaged nearby buildings and/or structures that are not historic, the structural engineer shall immediately notify the ERO and prepare a damage report documenting the features of the building and/or structure that has been damaged. ◦ If vibration has damaged nearby buildings and/or structures that are historic, the historic preservation consultant shall immediately notify the ERO and prepare a damage report documenting the features of the building that has been damaged. ◦ Following incorporation of the alternative construction techniques and/or planning department review of the damage report, vibration monitoring shall recommence to ensure that vibration levels at each affected building on adjacent properties are not exceeded. • Periodic Inspections. The plan shall identify the intervals and parties responsible for periodic inspections. The qualified historic preservation professional (for effects on the two buildings at 566 Market Street and 576 Market Street) and structural engineer (for effects on the buildings at 44 Montgomery Street, 566 Market Street, and 576 Market Street) shall conduct regular periodic inspections of each affected building and/or structure on adjacent properties (as allowed by property owners) during vibration-				

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
generating construction activity on the project site. The plan will specify how often inspections shall occur. • Repair Damage. The plan shall also identify provisions to be followed should damage to any of the three adjacent buildings occur due to construction-related vibration. The building(s) shall be remediated to their pre-construction condition (as allowed by property owners) at the conclusion of vibration-generating activity on the site. Should damage occur to any of the two buildings at 566 Market Street and 576 Market Street, the building(s) shall be restored to its pre-construction condition in consultation with the qualified historic preservation professional and planning department preservation staff.				
Vibration Monitoring Results Report. After construction is complete the project sponsor shall submit to the ERO a final report from the qualified historic preservation professional (for effects on the two buildings at 566 Market Street and 576 Market Street) and structural engineer (for effects on the buildings at 44 Montgomery Street, 566 Market Street, and 576 Market Street). The report shall include, at a minimum, collected monitoring records, building and/or structure condition summaries, descriptions of all instances of vibration level exceedance, identification of damage incurred due to vibration, and corrective actions taken to restore damaged buildings and structures. The ERO shall review and approve the Vibration Monitoring Results Report.	Project sponsor's qualified historic preservation professional and structural engineer	After construction is complete	Planning Department	Considered complete upon Planning Department approval of final vibration monitoring report.

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
Mitigation Measure M-AQ-4a: Clean Off-road Construction Equipment The project sponsor or the project sponsor's contractor shall comply with the following: **A. Engine Requirements.** 1. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed U.S. Environmental Protection Agency (EPA) Tier 4 Interim or Tier 4 Final off-road emission standards. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The project sponsor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit. 4. The project sponsor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications. **B. Waivers.** 1. The planning department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the project sponsor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1). 2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of Tier 4 off-road equipment is technically not feasible; the equipment would not produce desired emissions reduction due to	Project sponsor and construction contractor	Prior to issuance of demolition or building permits project sponsor to submit: 1. Construction emissions minimization plan for review and approval, and Signed certification statement	Planning Department	Considered complete upon Planning Department review and acceptance of construction emissions minimization plan, implementation of the plan, and submittal of final report summarizing use of construction equipment pursuant to the plan.

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
expected operating modes; or there is a compelling emergency need to use off-road equipment that is not Tier 4 compliant. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the following, or another alternative that results in comparable reductions of diesel particulate matter. C. **Construction Emissions Minimization Plan.** Before starting on-site construction activities, the project sponsor shall submit a Construction Emissions Minimization Plan (plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the project sponsor will meet the requirements of Section A: 1. 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. As reasonably available, the description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel use and hours of operation. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. 2. The project sponsor shall ensure that all applicable requirements of the plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the project sponsor agrees to comply fully with the Plan. 3. The project sponsor shall make the plan available to the public for review onsite during working hours. The project sponsor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The project sponsor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.				

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
D. **Monitoring.** After start of construction activities, the project sponsor shall submit quarterly reports to the ERO documenting compliance with the plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the plan.				
Mitigation Measure M-AQ-4b: Clean Diesel Generators for Building Operations All diesel generators shall have engines that meet EPA (1) Tier 4 Final or Tier 4 Interim emission standards, or (2) Tier 2 or Tier 3 emission standards and are equipped with a California air board level 3 Verified Diesel Emissions Control Strategy. For each new diesel generator submitted for the project, including any associated generator pads, engine and filter specifications shall be submitted to the ERO for review and approval prior to issuance of a permit for the generator from the San Francisco Department of Building Inspection. Once operational, all diesel generators and verified diesel emissions control strategy shall be maintained in good working order in perpetuity and any future replacement of the diesel generator, and level 3 verified diesel emissions control strategy shall be required to be consistent with these emissions specifications. The operator of the facility shall maintain records of the testing schedule for each diesel generator for the life of that diesel generator and provide this information for review to the ERO within three months of requesting such information.	Project sponsor and construction contractor	Prior to issuance of permit for each new diesel generator	Planning Department	Considered complete upon Planning Department review and acceptance of diesel generator.
Mitigation Measure M-GE-5: Implement Appropriate Measures in Case of Inadvertent Discovery of Paleontological Resources Before ground disturbance, the project sponsor shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology, to instruct construction personnel involved with earthmoving activities regarding the possibility of encountering fossils, the appearance of fossils that may be unearthed during construction, and proper notification procedures should fossils be encountered. A qualified paleontologist shall monitor construction activities in the areas where construction activities have the potential to disturb previously undisturbed native sediment or sedimentary rocks. Construction shall be halted within 50 feet of any potential fossil find and a qualified paleontologist notified,	Project sponsor's qualified paleontologist	Prior to issuance of construction permits and throughout ground disturbing activities	Environmental review officer/project sponsor	Considered complete upon end of ground disturbing activities, or, if necessary, approval of implemented paleontologist's recommendations regarding treatment and

Adopted Mitigation Measures	Mitigation Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
who shall evaluate the significance. If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the resource and notify the project sponsor and San Francisco Planning Department. There shall be no construction work in the area to allow for the recovery of the resource in a timely manner. A qualified paleontologist shall evaluate the resource and prepare a recovery plan compliant with the standards of the Society for Vertebrate Paleontology. The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. The City and County of San Francisco shall determine which of the recommendations in the recovery plan are necessary and feasible, and these recommendations shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. The City shall be responsible for ensuring that the qualified paleontologist's recommendations regarding treatment and reporting are implemented.				reporting.

NOTES:

[a] Definitions of MMRP Column Headings:

Adopted Mitigation and Improvements Measures: Full text of the mitigation measure(s) copied verbatim from the final CEQA document.

Implementation Responsibility: Entity who is responsible for implementing the mitigation measure. In most cases this is the project sponsor and/or project's sponsor's contractor/consultant and at times under the direction of the planning department.

Mitigation Schedule: Identifies milestones for when the actions in the mitigation measure need to be implemented.

Monitoring/Reporting Responsibility: Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the Planning Department who is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor, their contractor, or consultant are responsible for any reporting requirements.

Monitoring Actions/Completion Criteria: Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.

PAGE INTENTIONALLY BLANK

Attachment 5

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #25-067

MEMORANDUM

2 October 2025

To: Anna C. Shimko; Burke, Williams & Sorensen, LLP

From: Leisa Nalls

SUBJECT: Construction Noise and Vibration - Comments and Recommendations
564 Market St., San Francico, CA

Dear Ms. Shimko,

This memo is to address construction noise and vibration concerns at 564 Market Street from potential future construction on the adjacent parcel at 570 Market Street. 564 Market Street, also known as the Chancery Building, was built in 1923.

We provided initial comments on 20 December 2024 ("Original Letter") regarding the assumptions in the mitigated negative declaration (MND) for the project. The developer's consultant provided a Response to Comments ("Response letter") dated 16 April 2025. We provided subsequent comments ("Secondary Letter") on 25 June 2025 regarding the Response Letter comments, and an additional assessment of the existing conditions and anticipated construction noise affecting the Chancery Building on 7 August 2025 ("Noise Impact Letter").

Comments on 570 Market Street Preliminary Mitigated Negative Declaration (PMND)

NOISE

Per previous comments by Wilson Ihrig regarding the noise assessment of construction and impacts analysis in the PMND and the Response Letter, there are several concerns regarding the ***less than significant*** finding for noise impacts on the adjacent Chancery Building.

1. The MND uses a free field condition for the FTA General Assessment, with the argument that not using a free field calculation would be a "deviation from the FTA General Assessment method." Appendix G of the FTA Manual states that "Professional judgment may be used to extend the basic methods to cover these cases, when appropriate. It is important to note that each project is unique and must be evaluated on a case-by-case basis."

    a. The use of the "free field" calculation is not accurate for the project conditions. We believe that the project site conditions deserve more attention to 'extend basic

methods' used in the FTA analysis. With the high concentration of mid- to high-rise buildings in the project vicinity, the noise from construction activities will be **higher** due to the acoustically reflective properties of the façades of these buildings. One way to account for these added reflections is to decrease the attenuation due to distance alone; using a 3 dBA doubling of distance, as recommended in our original letter, would result in calculating construction noise levels over the 100 dBA threshold, assuming a point source with a known sound power level.

2. The MND does not comment on, and the Response Letter does not address our comments and concerns regarding other threshold levels, specifically, noise level limits established by OSHA and NIOSH regarding worker noise exposure. Our Secondary and Noise Impact Letters identify noise impacts on people who work in the Chancery Building.

    a. The threshold of significance used for the Chancery as a "commercial area" is 100 dBA. This is a full 15 dB over the level at which OSHA and NIOSH require worker hearing protection. OSHA requires that employers implement a noise monitoring program when "any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels" with the noise monitoring measuring "all continuous, intermittent and impulsive sound levels from 80 decibels to 130 decibels."

    b. The FTA Manual states on page 177 that "A detailed analysis of construction noise is warranted when many noise sensitive sites are adjacent to a construction project ... or heightened public concerns expressed in early outreach efforts."

    c. The Project would put employees in the Chancery Building at risk of experiencing an unsafe noise environment.

3. The MND and the Response Letter do not consider increases over ambient levels or typical daytime minimum hourly average levels, L90 and Leq metrics, respectively. The MND notes the measured ambient (L90) levels to be 51 dBA at both Sutter Street and Market Street, and the minimum daytime average noise levels (Leq) to be 65 dBA and 71 dBA respectively on Sutter Street and Market Street.

    a. Construction noise levels have the potential to be as high as 34 dBA over Leq levels, or 48 dBA over L90 levels. The California Environmental Quality Act Guidelines cited in the MND state that impacts to noise would be significant if the proposed project would result in 'generation of a substantial temporary or permanent increase in ambient noise levels'. The MND lacks a significance threshold for 'substantial increase.' The Project must properly evaluate the noise increase over ambient levels at sensitive receptor locations, and if the increase is significant the Project must provide mitigation to reduce the impacts to less than significant.

4. The MND and the Response Letter are silent on the potential noise impacts from construction for institutional land use. There are professional offices in the Chancery Building, which have private offices and conference rooms along its facades facing or near the project site where concentration and attention to detail are required. These uses fall under FTA Category 3 noise-sensitive uses. The MND and the Response Letter lack any evidence to show that the

construction noise impact would be less than significant with the proposed mitigation. Based on the data in MND Table 8 the construction noise at the offices in the Chancery Building will be significant, and potentially unmitigable. Following are selections from the MND tables related to the measured Leq and L90 noise levels and the estimated construction noise levels at the Chancery Building Façade. Table 8 has been modified to focus on the Chancery Building assessment and to show the increase over the existing Leq at the Chancery Building Façade 20 feet away (values shown in red), information which the MND did not provide in the original table.

Table 6 Summary of Long-Term and Short-Term Noise Monitoring in the Project Vicinity

Measurement Location		Primary Noise Source	Minimum Average Noise Level (Leq dBA)	24-Hour Noise Level (L_{dn} dBA)	Ambient Noise Level (min L90 dBA)
LT-1	Along the south side of Suter Street, approximately 20 feet from Sutter Street and 180 feet from Sansome Street, 12 feet above grade	Vehicular traffic on Sutter Street	65	72-77	51
LT-2	Along the north side of Market Street, approximately 45 feet from Market Street and 255 feet from Montgomery Street, 12 feet above grade	Vehicular traffic on Market Street	71	76-79	51

Table 8 Exterior Noise at Nearest Off-Site Sensitive Use from Daytime Construction

(Simplified to focus on Chancery Building, numbers in red added/not original to table)

Construction Phase	Existing Minimum Hourly Noise Level at the nearest noise-sensitive receptor[1] (L_{eq} dBA)	Loudest Two Noise Sources	Estimated Construction Noise Level (L_{eq} dBA) at Nearest Commercial Receiver (20 feet)	Increase over Existing Noise Level (dBA)
Phase 1: Demolition	65	Cutter Soil Mixing Rig, Jackhammer	95	30
Phase 2: Site Preparation	65	Concrete Saws, Jackhammer	99	34
Phase 3: Grading	65	Concrete Pump, Excavator	92	27
Phase 4: Building Construction	65	Drill Rig, Cranes	94	29
Phase 5: Architectural Coating	65	Pressure Washer, Cranes	94	29

5. The MND provides no evidence to support the conclusion in Impact NO-1 that the construction noise impacts would be below the levels of significance. For example, Impact NO-1 states that "modern equipment" would reduce noise levels. No evidence is provided that the contractor will not use modern equipment, thus rendering this control meaningless. Evidence and analysis are required to show that mitigation will reduce construction noise levels below the thresholds of significance.

Given these comments the MND must include as mitigation a construction noise control plan (NCP) and continuous noise monitoring during construction. The NCP must show how the contractor will control noise to maintain levels below the thresholds. This continuous noise monitoring can be implemented with a remote monitoring system with alert functions to warn construction and project personnel when limits are approached and/or exceeded. A continuous noise monitoring system as described below allows for real-time data monitoring and alerts.

VIBRATION

Table 13 in the MND shows that the estimated vibration levels from construction activities at the Chancery Building will exceed the "Historic Building" criteria established in Table 12. Mitigation Measure M-NO-2 establishes that a project-specific Pre-construction Survey and Vibration Management and Monitoring Plan are required for the project, with monthly reports and periodic inspections. Tables 12 and 13 are replicated below, with the estimated generated construction vibration levels at the Chancery Building highlighted in red.

Table 12 Caltrans Vibration Guidelines for Potential Damage to Structures

Structure and Condition	Maximum PPV (inches/second)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25

Table 13 Vibration Levels from Construction Equipment

Equipment	Approximate PPV (in/sec)[55]					
	FTA Reference (25 feet)	576-580 Market (1 foot)	44 Montgomery (1 foot)	562-566 Market (1 foot)	582-592 Market (40 feet)	560 Market (55 feet)
Jackhammer	0.035	1.207	1.207	1.207	0.021	0.015
Excavator	0.020	0.690	0.690	0.690	0.012	0.008
Equipment	**FTA Reference (25 feet)**	**576-580 Market (6 feet)**	**44 Montgomery (6 feet)**	**562-566 Market (6 feet)**	**582-592 Market (40 feet)**	**560 Market (55 feet)**
Drill Rig	0.089	0.428	0.428	0.428	0.053	0.037

SOURCE: Salter Inc. 2022

Mitigation Measure M-NO-2 provides no definitive control to prevent the vibration exceedance; specific vibration controls must be provided that illustrate the feasibility of relying on alternate methods or equipment to avoid exceeding the criteria and generating a significant vibration impact.

Mitigation Measure M-NO-2 must also include a continuous monitoring program, such as those described below, which can be accessed remotely and provide alert functions to warn construction and project personnel when limits are approached and/or exceeded. These kinds of systems allow for real-time data monitoring and alerts.

Construction Noise and Vibration Monitoring Options

There are several commercially available noise and vibration monitoring systems that can be installed and run continuously during construction that do not require personnel to be on site to physically conduct noise or vibration measurements as part of the construction monitoring. These systems include Sigicom, Instantel, EnviroSuite, and others, which can be equipped with a cellular telephone network or wi-fi internet connection which allows for text and/or email alerts to be sent when specific thresholds are met or exceeded. Most of these monitoring systems can be set to send alerts for multiple threshold, or "trigger", levels allowing for a warning level trigger when the levels are approaching the specified limits and an alarm level when the specified limits are met or exceeded.

The noise monitoring systems are typically located outside on utility poles or similar fixed locations at a height that is not accessible without a ladder to minimize interference/theft from passers-by. The vibration monitoring systems are typically located within adjacent buildings where there is a concern about damage due to vibration or there is a vibration sensitivity. These systems are typically powered by batteries, line-power, solar panels for exterior installations, or a combination of the three.

Most of the noise monitoring systems have trigger options that are based on time duration and noise level, i.e., an alert is sent if the noise exceeds a certain dBA level over a minimum time duration such as 70 dBA within a 20-minute interval. Alerts can also be set for Leq, Lmax, or other metrics. It is recommended that time duration noise level limits are established for the various project exposures based on the Leq levels established in the MND, taking into consideration OSHA noise exposure limits for the adjacent commercial/office use buildings. A Construction Noise Control and Monitoring Plan, similar to the Vibration Management and Monitoring Plan required in M-NO-2, is required for the project. The noise monitoring trigger levels should be established as part of this plan. The Construction Noise Control Plan will require a more detailed analysis of the project specific construction means, methods, and noise control options than a CEQA level analysis will provide

It is recommended for this project that in addition to the 0.25 in/sec PPV limit set in M-NO-2, a secondary "warning" trigger level is established by the qualified historic preservation professional during the Pre-construction Survey that is specific to the Chancery Building and any other historic building adjacent to the project and that this is clearly stated in the Vibration Management and Monitoring Plan. For reference, several recent construction vibration monitoring plans in San Francisco have established the "warning" level to be ½ of the maximum vibration level limit.

Attachment 6

MKM & Associates
structural engineering

Eric Kreager, S.E.
John M. Cook, S.E.
Mark Douglas

5880 Commerce Blvd., Suite 105
Rohnert Park, CA 94928
mkmassociates.com
(707) 578-8185

March 19, 2025

MKM File # 250172

CPH 564, LP
1100 Mar West Street, Suite D
Tiburon, CA 94920
kaylin@chelseapacific.com

Re: Structural Impact of Proposed Hotel on
564 Market Street "The Chancery Building"
San Francisco, CA

Dear Kaylin,

At your request, MKM & Associates conducted a review of preliminary documentation and design recommendations for a proposed 30-story hotel with a one-level basement located at 570 Market Street. The proposed hotel site is directly adjacent to The Chancery Building located at 564 Market Street, and the proposed construction boundary is to occur approximately one foot away from the historic building. It is our understanding based on the provided documentation that the existing 7-story plus basement Chancery Building is designated as a historic structure and was constructed in 1923, indicating that the structure may be highly susceptible to adverse impacts including but not limited to damage and excessive foundation settlements from nearby demolition, excavation, and construction. MKM & Associates was provided a preliminary geotechnical evaluation report performed by Langan, as well as Appendix A of the preliminary mitigated negative declaration ("PMND") that reports the findings of a Technical Noise and Vibration Analysis. Based on the documentation provided, it appears several engineering concerns exist:

1. The existing building(s) at 570 Market Street must be removed in order to construct the new hotel. The foundation type and extent are unknown. Whatever process is used for removing the existing building(s), there is a high potential to damage 564 Market Street ("The Chancery Building"). Even if extreme care is taken, it is still possible for damage to occur, the extent of which is unknown.
2. The foundation of The Chancery Building is unknown, but due to its historic age it will be more prone to damage from construction and vibrations.
3. Due to the age of The Chancery Building, it is difficult to determine the capacity of the foundation and potential differential settlements created by the new construction. The Chancery Building's foundation is likely to have very little to no capacity to withstand differential settlements.
4. Extreme care would need be taken when the subterranean excavation occurs with subsequent shoring to mitigate any damage caused by settlement induced by the proposed construction. Even if extreme care is taken during excavation, irreparable damage to The Chancery Building may still occur.
5. There is a potential for soil instability at the time of the excavation of large, deep foundations. Unanticipated cave-ins and soil displacements may further exacerbate the instability.
6. Also, there is a large concern that settlement will occur under The Chancery Building if the adjacent new construction settles due to the soil improvement option. The preliminary geotechnical investigation indicated that there would be settlement if the soil improvement option were selected. The magnitude of settlements is unidentified and yet to be determined.
7. If the project were to be approved, then our recommendation would be to have both the geotechnical recommendations and structural design peer reviewed. The soil-structure interaction is significant and would need to be well established to minimize problems.

8. It does not appear that a thorough and substantial investigation of the effects of the proposed construction has been completed to date; thus, it is difficult to ascertain the magnitude of the impacts The Chancery Building may suffer.

In summary, the risk of damage to the existing Chancery Building is significant and dictates that a thorough and sophisticated evaluation of the soil and structural aspects be performed. It is our opinion that the proposal to date is insufficient to conclude that the Hotel project is advisable.

Sincerely,

MKM & ASSOCIATES
A California Corporation

John Merle Cook, SE 2927

NH/JMC

cc: zfaidi@chelseapacific.com, kaylin@chelseapacific.com, linda@chelseapacific.com

LTR031925JMC REV

Attachment 7

MKM & Associates
structural engineering

Eric Kreager, S.E.
John M. Cook, S.E.
Mark Douglas

5880 Commerce Blvd., Suite 105
Rohnert Park, CA 94928
mkmassociates.com
(707) 578-8185

April 16, 2025

MKM File # 250172

CPH 564, LP
1100 Mar West Street, Suite D
Tiburon, CA 94920
kaylin@chelseapacific.com

Re: Supplemental Comments on the
Structural Impact of a Proposed Hotel on
564 Market Street "The Chancery Building"
San Francisco, CA

Dear Kaylin,

At the request of Edward Shaffer with Burke, Williams & Sorensen. LLP, we are providing additional comments regarding the proposed hotel below:

1. **Settlement risk**
   A. Once a preliminary design of the foundation plan showing the total number and layout of the piers with details is generated, we would then be able to determine if it jeopardizes the stability of the neighboring properties. This is currently not possible.
   B. A geotechnical investigation of the preliminary design would be required to quantify the settlement ranges and their effects on the surrounding buildings.
   C. A geotechnical review would be required for determination of the dewatering effects.
   D. A more detailed analysis of the alternate methods is needed prior to project approval as the risk of damage has not been clearly stated.
   E. The geotechnical report states that there is the possibility of the presence of liquefiable sand fill above and below the groundwater level. The geotechnical report also recommends that preliminary plans need to be reviewed.
   F. A geotechnical engineer should be consulted about deep soil mixing.
   G. As stated in our previous letter a more comprehensive evaluation is required to better evaluate the impacts.

2. **Vibration**
   We agree that the concerns listed in comments A through E of this section are valid and should be addressed before project approval.

Sincerely,

MKM & ASSOCIATES
A California Corporation

John Merle Cook, SE 2927

JW/JMC

LTR041625JMC supplemental

Attachment 8

MKM & Associates
structural engineering

Eric Kreager, S.E.
John M. Cook, S.E.
Mark Douglas

5880 Commerce Blvd., Suite 105
Rohnert Park, CA 94928
mkmassociates.com
(707) 578-8185

September 9, 2025

MKM File # 250172

Chelsea Pacific Group, LLC
1100 Mar West Street, Suite D
Tiburon, CA 94920
kaylin@chelseapacific.com

Re: Structural Impact of Proposed Hotel on
564 Market Street "The Chancery Building"
San Francisco, CA

Dear Kaylin,

Based on the information you provided stating that the existing foundation for The Chancery Building located at 564 Market Street is a spread footing there are some engineering concerns with proposed 30-story hotel located at 570 Market Street.

1. Old shallow spread footing and slab foundations supported on bay mud settle over decades to a stable resting point. Any adjacent work that could undermine or destabilize the soil could have catastrophic effects on the building. The existing concrete and steel footings won't have the strength to resist any soil displacement and could crumble. This failure would be reflected in the walls and floors that the foundation supports.
2. These old foundations on soft soils are extremely sensitive to vibrations from construction activities and are more prone to damage from any work done on the adjacent property.

In summary, the risk of damage to the existing Chancery Building is significant and dictates that a thorough and sophisticated evaluation of the shoring and construction be provided to ensure the safety of the structure.

Sincerely,

MKM & ASSOCIATES
A California Corporation

John Merle Cook, SE 2927

JW/JMC

LH090925JW

BURKE, WILLIAMS & SORENSEN, LLP

GENERAL ACCOUNT

444 S. Flower Street, 40th Floor
LOS ANGELES, CALIFORNIA 90071-2942
(213) 236-0600

JP MORGAN CHASE

JP Morgan Chase
3 Park Plaza, Suite 900
Irvine, CA 92614

41741

Date: October 9, 2025

Pay: Seven hundred eighty-seven and 00/100********** $ ***787.00***

Void if not presented for payment within 60 days.

TO THE ORDER OF: THE SAN FRANCISCO PLANNING DEPARTMENT

BURKE, WILLIAMS & SORENSEN, LLP

Memo:

RUB OR BREATHE ON THE PINK LOCK & KEY ICONS — COLOR WILL FADE AND THEN REAPPEAR ON AN AUTHENTIC CHECK — IF COLOR DOES NOT FADE DO NOT ACCEPT

BURKE, WILLIAMS & SORENSEN, LLP

Payee: THE SAN FRANCISCO PLANNING DEPARTMEN
Vendor ID: 0016619

Check #: 41741
Check Date: Oct 09/25

Invoice Num	Invoice Date	Reference	Invoice Amount	Amount Paid	Discount Taken	Payment Amt
100925	Oct 09/25		787.00	787.00	0.00	787.00

Disb Date	Disb ID	Disbursement Description	Client	Matter	Amount
Oct 09/25	PF	PROFESSIONAL FEES	08082	0004	787.00
		Invoice Totals:	$787.00	$0.00	$787.00