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Appeal of Community Plan Evaluation
429 Beale Street and 430 Main Street Project

DATE: July 23, 2018

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Environmental Review Officer – (415) 575-9032

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RE: Board File No. 180697, Planning Department Case No. 2014-002033ENV – Appeal of the Community Plan Evaluation[1] for the 429 Beale Street and 430 Main Street Project. Block/Lot: 3767/305 and 306

PROJECT SPONSOR: Andrew Junius, of Reuben, Junius & Rose, on behalf of LCL Global-429 Beale Street & 430 Main Street, LLC – (415) 567-9000

APPELLANT: Dane M. Ince – (415) 321-9300

HEARING DATE: July 31, 2018

ATTACHMENTS: A – June, 25 2018 appeal letter from Dane M. Ince

B – Planning Commission Motion No. 20195

C – Ramboll Environ's Response to Trinity Consultants' Peer Review of Air Quality Technical Report, March 26, 2018

INTRODUCTION

This memorandum and the attached documents are a response to a letter of appeal to the Board of Supervisors (Board) regarding the Planning Department's (Department) issuance of a Community Plan Evaluation (CPE) under the *Rincon Hill Area Plan Final Environmental Impact Report* (Rincon Hill PEIR)[2] in

[1] 429 Beale Street and 430 Main Street CPE Certificate can be found here http://sfmea.sfplanning.org/2014-002033ENV_CPE.pdf and the Initial Study can be found here http://sfmea.sfplanning.org/2014-002033ENV_Initial%20Study.pdf

[2] The Rincon Hill Area Plan Final EIR (Planning Department Case No. 2000.1081E), State Clearinghouse No. 1984061912) was certified by the Planning Commission on May 5, 2005. The Project Site is within the Rincon Hill Area Plan.

compliance with the California Environmental Quality Act (CEQA) for the 429 Beale Street and 430 Main Street Project (Project).

The Department, pursuant to CEQA, the CEQA Guidelines, 14 Cal. Code of Reg. Sections 15000 *et seq.*, and Chapter 31 of the San Francisco Administrative Code (Administrative Code), determined that the Project is consistent with the development density established by zoning, community plan, and general plan policies in the Rincon Hill Area Plan for the Project Site, for which a Programmatic EIR was certified, and issued the CPE for the Project on March 19, 2018. The Department determined that the Project would not result in new significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the PEIR, and that the Project is therefore exempt from further environmental review beyond what was conducted in the CPE Initial Study and the Rincon Hill PEIR in accordance with CEQA Section 21083.3 and CEQA Guidelines Section 15183.

The decision before the Board is whether to uphold the Department's determination that the Project is exempt from further environmental review (beyond what was conducted in the CPE Initial Study and the PEIR) pursuant to CEQA Section 21083.3 and CEQA Guidelines Section 15183 and deny the appeal, or to overturn the Department's CPE determination for the Project and return the CPE to the Department for additional environmental review.

PROJECT DESCRIPTION

The Project Site, which is in San Francisco's Rincon Hill neighborhood, is on the block bounded by Beale Street on the west, Harrison Street on the north, Main Street on the east, and Bryant Street on the south. The Project Site extends from Beale Street to Main Street and consists of two adjacent parcels: Assessor's Block 3767, Lots 305 and 306. Lot 305, the western parcel, fronts on Beale Street and is occupied by a one-story building that was constructed in 1951. Lot 306, the eastern parcel, fronts on Main Street and is occupied by a two-story building that was constructed in 1929. Both buildings are currently occupied by a retail self-storage use. The Project Site has two existing curb cuts: one on Beale Street and one on Main Street. The Project Site slopes up from west to east; the western property line is about eight feet lower than the eastern property line.

The Project consists of merging the two existing lots into a single 18,906-square-foot lot, demolishing the existing buildings, and constructing a nine-story, 84-foot-tall building containing 144 dwelling units and 73 parking spaces (72 residential spaces and one car-share space). There would be a 15-foot-tall solarium and a 15-foot-tall mechanical penthouse on the roof, resulting in a maximum building height of 99 feet. The parking garage would be on the basement level. Due to the slope of the Project Site, the parking garage would be about 18 feet below grade on the Main Street side of the Project Site and about nine feet below grade on the Beale Street side of the Project Site. The garage door and a new driveway would be provided on Beale Street. The existing 20-foot-wide curb cut on Beale Street would be retained and reduced in width to 11 feet, and the existing curb cut on Main Street would be removed. A total of 119 bicycle parking spaces would be provided; 111 Class 1 spaces would be provided in a storage room on the basement mezzanine level, and eight Class 2 spaces would be provided on the Beale Street and/or Main Street sidewalk adjacent to the Project Site. Usable open space for the residents of the Project would be provided in the form of a ground-level yard, private balconies, and a roof deck. See Exhibit 2 for a complete set of project plans (site plan, floor plans, elevations, sections, and renderings).

Construction of the Project would take about 24 months. The proposed building would be supported by a mat foundation; pile driving would not be required. Construction of the Project would require excavation to depths ranging from about 10 feet to about 25.5 feet below ground surface and the removal of about 12,052 cubic yards of soil.

SITE DESCRIPTION

The Project Vicinity is characterized by residential, retail, office, and open space uses. The scale of development in the Project Vicinity varies in height from 15 to 600 feet. There is a nine- to 11-story, 110-foot-tall residential building with 294 units (BayCrest Towers, 201 Harrison Street) adjacent to and north of the Project Site, and there is a one-story California Department of Transportation (Caltrans) maintenance facility adjacent to and south of the Project Site. The elevated Interstate 80 approach to the San Francisco-Oakland Bay Bridge passes over the Caltrans property at a height of approximately 125 feet.

There is a 25-story, 200-foot-tall residential building on the west side of Beale Street across from the Project Site, and there is a nine-story, 105-foot-tall residential building on the east side of Main Street across from the Project Site. Other land uses in the Project Vicinity include the temporary Transbay Terminal (one block north of the project site), Rincon Hill Dog Park (one block south), and the Embarcadero Promenade (two blocks east).

The Project Site is well served by public transportation. Within one-quarter mile of the Project Site, the San Francisco Municipal Railway (Muni) operates 10 bus lines (the 5 Fulton, 5R Fulton Rapid, 7 Haight/Noriega, 25 Treasure Island, 30X Marina Express, 38 Geary, 38R Geary Rapid, 41 Union, 81X Caltrain Express, and 82X Levi Plaza Express) and two light rail lines (the N Judah and T Owl). The Bay Area Rapid Transit District's Embarcadero station is one-half mile northwest of the project site.

ENVIRONMENTAL REVIEW PROCESS

LCL Global-429 Beale Street & 430 Main Street, LLC, the sponsor, filed the environmental evaluation application (Case No. 2014-002033ENV) for the Project on August 14, 2015. The Department issued a CPE Certificate and Initial Study on March 19, 2018, based on the following determinations:

1. The Project is consistent with the development density established for the Project Site in the Rincon Hill Area Plan;

2. The Project would not result in effects on the environment that are peculiar to the project or the Project Site that were not identified as significant effects in the Rincon Hill PEIR;

3. The Project would not result in potentially significant off-site or cumulative impacts that were not identified in the Rincon Hill PEIR;

4. The Project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Rincon Hill PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and

5. The project sponsor will undertake feasible mitigation measures specified in the Rincon Hill PEIR to mitigate project-related significant impacts.

The Project was considered by the Planning Commission (Commission) on May 24, 2018. On that date, the Commission adopted the CPE with approval of the Project under Planning Code Section 309.1 (Downtown Project Authorization), which constituted the Approval Action under Chapter 31 of the Administrative Code.

The Commission also approved a Downtown Project Authorization on May 24, 2018 pursuant to Planning Code Section 309.1.

On June 25, 2018, an appeal of the CPE determination was filed by Dane M. Ince (Appellant). The Appeal Letter and its supporting documents, along with this Appeal Response and its supporting documents, are available online as part of Board File No. 180697[3].

On July 17, 2018, a "Review of CEQA Determination for 430 Main Street Project" was filed with the Clerk of the Board by Grassetti Environmental Consulting (dated July 20, 2018). This letter will be addressed in a subsequent response by the Planning Department. On July 19, an unsigned letter including a history of the project and appeals which attaches a letter from Stephen Williams (dated March 26, 2017), was filed with the Clerk of the Board. As this letter does not provide any arguments against the CEQA analysis, a response to this letter will not be prepared.

CEQA GUIDELINES

Community Plan Evaluations

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

[3] https://sfgov.legistar.com/LegislationDetail.aspx?ID=3542916&GUID=D73BEFC4-9D79-4536-8F5E-573547CBA53A&Options=ID|Text|&Search=180697

EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

Significant Environmental Effects

In determining the significance of environmental effects caused by a project, CEQA Guidelines Section 15064(f) states that the decision regarding whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines 15604(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

SAN FRANCISCO ADMINISTRATIVE CODE

Section 31.16(e)(3) of the Administrative Code states: "The grounds for appeal of an exemption determination shall be limited to whether the project conforms to the requirements of CEQA for an exemption."

Administrative Code Section 31.16(b)(6) provides that in reviewing an appeal of a CEQA decision, the Board "shall conduct its own independent review of whether the CEQA decision adequately complies with the requirements of CEQA. The Board shall consider anew all facts, evidence and issues related to the adequacy, accuracy and objectiveness of the CEQA decision, including, but not limited to, the sufficiency of the CEQA decision and the correctness of its conclusions."

CONCERNS RAISED AND PLANNING DEPARTMENT RESPONSES:

The Appeal Letter raises two primary concerns: (1) the Commission abused its discretion in reviewing and approving the Project; and (2) the Department abused its discretion by not following the spirit and intent of CEQA in evaluating the Project's environmental impacts related to air quality.

A peer review of the Department's air quality technical report is attached as an exhibit to the Appeal Letter. A response to the peer review is attached as an exhibit to the Appeal Response. These documents are available online as part of Board File No. 180697[4].

[4] https://sfgov.legistar.com/LegislationDetail.aspx?ID=3542916&GUID=D73BEFC4-9D79-4536-8F5E-573547CBA53A&Options=ID|Text|&Search=180697

Concern 1: The Commission abused its discretion in reviewing and approving the Project. In its rush to approve more housing units, the Commission ignored Building Code and Planning Code regulations and the objectives and policies of the Rincon Hill Area Plan and the Urban Design Guidelines.

Response 1: The Commission did not abuse its discretion in reviewing and approving the Project. The Commission's review and approval of the Project was conducted in accordance with the procedures set forth in Planning Code Section 309.1: Permit Review in Downtown Residential Districts.

The consideration of the review and approval process of the project is not considered an environmental effect under CEQA. However, the Department and Commission's review and approval of the project followed all applicable regulations. Prior to the Commission's review and approval of the Project, the Department reviewed the Project for compliance with Planning Code regulations and the objectives and policies of the General Plan, the Rincon Hill Area Plan, and the Urban Design Guidelines. This review process included internal meetings of the Department's Urban Design Advisory Team and meetings between the Department and the project sponsor. In preparing a recommendation to the Commission, the Department prepared a staff report that (1) discussed the Project's compliance with Planning Code regulations, (2) identified any required exceptions from Planning Code regulations, and (3) discussed the Project's consistency with the objectives and policies of Planning Code Section 101.1, the General Plan, and the Rincon Hill Area Plan.

The Commission held two duly noticed public hearings on the Project, on March 29, 2018 and May 24, 2018. During the March 29 hearing, the Commission considered the Department's recommendation as well as comments submitted by members of the public, including the residents of BayCrest Towers, the adjacent building to the north of the Project Site. The Commission instructed the project sponsor to explore several design options that would address the concerns raised by the residents of BayCrest Towers. During the May 24 hearing, the Commission reviewed and approved a modified design for the Project.

The approval of the Downtown Project Authorization is appealable to the Board of Appeals. The Appellant has appealed the Downtown Project Authorization, and a Board of Appeals hearing has been tentatively scheduled for August 8, 2018. The Board of Appeals hearing is the appropriate forum for discussing the review and approval of the Project.

Project compliance with applicable San Francisco Building Code regulations will be reviewed by the San Francisco Department of Building Inspection (DBI) and does not fall under the jurisdiction of the Board, the Commission, or the Department.

Concern 2: The Department abused its discretion by not following the spirit and intent of CEQA in evaluating the Project's environmental impacts related to air quality. The Department did not address a peer review of the air quality technical report as part of the findings of the CPE.

Response 2: The Department did not abuse its discretion in evaluating the Project's environmental impacts related to air quality. The Department's analysis of the Project's air quality impacts was conducted in accordance with the methodology established by the Department and the San Francisco Department of Public Health, and the CEQA significance thresholds established by the Bay Area Air Quality Management District, which are based on U.S. Environmental Protection Agency, California Air Resources Board, and Office of Environmental Health Hazard Assessment guidance. In addition, the Air District reviewed and approved both the scope of and final version of the air quality technical report prepared for the Proposed Project. The Department has provided a response to the peer review of the air quality technical report, which is included as an attachment to this document, and does not require updates to the analysis contained in the CPE or air quality technical report.

Under CEQA, air quality impacts can occur during a project's construction phase, its operational phase, or during both phases. The CPE and accompanying air quality technical report[5] for the Project properly addressed the Project's construction and operational air quality impacts related to both criteria air pollutants and health risk, thereby meeting the requirements for air quality impact assessment under CEQA. The specific concerns raised in the Trinity report along with the Department's response are first presented and responded to, followed by a summary of the operational health risk impact assessment presented in the CPE.

Response to Peer Review of Air Quality Technical Report

On behalf of the BayCrest Towers residents, Trinity Consultants prepared a peer review of the Project's air quality technical report. The assertions in the Trinity peer review are listed below along with the Department's summarized response to each issue (in italics).

1. Assertion: AERMOD should have been used for the building downwash analysis to estimate pollutant concentrations in the BayCrest courtyards instead of a computational fluid dynamics (CFD) model.

   Response: CFD can accurately predict complex wind flows around structures in complex urban environments, while AERMOD does not have the capacity to account for flow interaction between multiple buildings or buildings of complex shape. Instead, AERMOD approximates building downwash for single simple-shaped buildings. CFD modeling directly simulates plume dispersion around buildings and is the appropriate model to be used to address pollutant concentrations in the adjacent courtyards.

[5] Attached as an exhibit to this Appeal Response and available online as part of Board File No. 180697: https://sfgov.legistar.com/LegislationDetail.aspx?ID=3542916&GUID=D73BEFC4-9D79-4536-8F5E-573547CBA53A&Options=ID|Text|&Search=180697

2. Assertion: The Project's off-site $PM_{2.5}$ emissions must undergo additional assessment and be mitigated.

   Response: The Project's contribution to off-site $PM_{2.5}$ emissions would be below the threshold of 7 excess cancer risks per one million persons exposed and below the $PM_{2.5}$ threshold of 0.2 $\mu g/m^3$. Under CEQA, the Project would not result in a significant operational air quality impact related to health risk, and no mitigation measures would be necessary.

3. Assertion: The Project's construction air quality impacts must be analyzed.

   Response: The Project's construction air quality impacts related to criteria air pollutants and health risk were fully analyzed, and are discussed in the CPE for the Project.

4. Assertion: The acute health impacts of diesel particulate matter emitted by the Project's emergency generator should have been evaluated.

   The cancer risk and chronic hazard index impact due of diesel particulate matter emitted by the Project's emergency generator were evaluated in the air quality technical report, and found to be less-than-significant. The Office of Environmental Health and Hazard Assessment does not require the evaluation of acute health impacts, and the circumstances of the project do not warrant it, as a single diesel generator is not expected to be a significant source of pollutant with acute health impacts. Before operating a diesel generator, an applicant must meet BAAQMD permitting requirements, which include a health risk analysis and permit conditions set to ensure health standards are met.

5. Assertion: A more refined analysis of the Project's traffic-related emissions should have been conducted, and more recent versions of emission factors should have been used.

   Response: The Project is expected to generate 263 vehicle trips per day, which is well below the threshold of 10,000 vehicle trips per day to be considered a low-impact source. The air district only requires an evaluation of health risks for roads with more than 10,000 vehicles per day. Nonetheless, a screening-level analysis of the Project's traffic-related emission was conducted using the air district's Roadway Screening Calculator. In addition, a supplemental analysis shows that use of more updated emissions factors would reduce cancer risk and $PM_{2.5}$ concentrations, which highlights that the results in the air quality technical report represent a more conservative (i.e. worst case) assessment.

6. Assertion: The most recent five years of consecutive meteorological data should have been used for the Project's air quality analysis instead of just a single year (2008).

   Response: A single year of meteorological data was used to be consistent with the data used in the San Francisco Community Risk Reduction Plan (SFCRRP). The methodology for the SFCRRP was developed in partnership with the air district, and thus the air district has approved of the use of a single year of meteorological data for the purpose of air quality analysis under CEQA. In addition, the methodology used in the proposed Project's air quality technical report was reviewed and approved by the air district.

Summary of Operational Health Risk Impact Assessment

This portion of the response focuses on the Project's operational air quality impacts related to health risk, which was the focus of the challenge raised by the residents of BayCrest Towers and by the Appellant in the Appeal Letter.

Background Information – Previous Environmental Review

In 2007, a previous developer proposed the construction of an eight-story residential building on the Project Site. In 2009, the Department issued a Certificate of Determination - Exemption from Environmental Review (Community Plan Exemption) for the 2007 project. The Community Plan Exemption was appealed to the Board, which upheld the appeal on the grounds that the Community Plan Exemption did not adequately analyze the 2007 project's environmental impacts related to air quality, wind, and greenhouse gas (GHG) emissions. The Board directed the Department to conduct additional environmental review and prepare either a negative declaration or an environmental impact report that analyzes the 2007 project's potential impacts related to air quality, wind, and GHG emissions.

The previous developer did not move forward with the 2007 project, so no additional environmental review was conducted for that project. However, in compliance with the direction provided by the Board on the 2007 project, the Department conducted a detailed air quality analysis to evaluate how operation of the currently proposed Project would affect localized health risk to on-site and off-site sensitive receptors. The results of that analysis are discussed below.

Health Risk

Individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but short-term) adverse effects 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. Individual TACs vary greatly in the health risks they present; at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but are regulated by the Bay Area Air Quality Management District (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.[6]

[6] 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

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.[7] Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

Exposures to fine particulate matter ($PM_{2.5}$) are strongly associated with mortality, respiratory diseases, and lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.[8] In addition to $PM_{2.5}$, diesel particulate matter (DPM) is also of concern. The California Air Resources Board (the "California air board") identified DPM as a toxic air contaminant in 1998, primarily based on evidence demonstrating cancer effects in humans.[9] 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.

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-protective criteria that consider estimated cancer risk, exposures to fine particulate matter, proximity to freeways, and locations with particularly vulnerable populations. The Project Site is located within the Air Pollutant Exposure Zone. Existing excess cancer risk at the closest off-site receptor is about 130 per one million persons exposed, and the existing $PM_{2.5}$ concentration at this receptor point is 9.1 $\mu g/m^3$. The criteria determining the extent of the Air Pollutant Exposure Zone are discussed below.

Excess Cancer Risk. The Air Pollution 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 (EPA) guidance for conducting air toxic analyses and making risk management

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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.

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

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

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

decisions at the facility and community-scale level.[10] As described by the air district, the EPA considers a cancer risk of 100 per million to be within the "acceptable" range of cancer risk. Furthermore, in the 1989 preamble to the benzene National Emissions Standards for Hazardous Air Pollutants rulemaking,[11] the EPA states that it "…strives to provide maximum feasible protection against risks to health from hazardous air pollutants by (1) protecting the greatest number of persons possible to an individual lifetime risk level no higher than approximately one in one million and (2) limiting to no higher than approximately one in ten thousand [100 in one million] the estimated risk that a person living near a plant would have if he or she were exposed to the maximum pollutant concentrations for 70 years." The 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.[12]

Fine Particulate Matter. In April 2011, the EPA published *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards*, "Particulate Matter Policy Assessment." In this document, EPA staff conclude that the then current federal annual $PM_{2.5}$ standard of 15 $\mu g/m^3$ should be revised to a level within the range of 13 to 11 $\mu g/m^3$, with evidence strongly supporting a standard within the range of 12 to 11 $\mu g/m^3$. The Air Pollutant Exposure Zone for San Francisco is based on the health protective $PM_{2.5}$ standard of 11 $\mu g/m^3$, as supported by the EPA's Particulate Matter Policy Assessment, although lowered to 10 $\mu g/m^3$ to account for uncertainty in accurately predicting air pollutant concentrations using emissions modeling programs.

Proximity to Freeways. According to the California 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 in close proximity to 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,[13] 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, 94105, 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 parcels in the Air Pollutant Exposure Zone to: (1) an excess cancer

[10] BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, p. 67.
[11] 54 Federal Register 38044, September 14, 1989.
[12] BAAQMD, *Clean Air Plan*, May 2017, p. D-43.
[13] California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective.* April 2005. Available online at: http://www.arb.ca.gov/ch/landuse.htm.

risk greater than 90 per one million persons exposed, and/or (2) $PM_{2.5}$ concentrations in excess of 9 $\mu g/m^3$.[14]

The above citywide health risk modeling was also used as the basis for approving amendments to the San Francisco Building and Health Codes (Ordinance No. 224-14, effective December 7, 2014), referred to as Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments (Article 38). For sensitive-use projects within the APEZ as defined by Article 38, such as the Project, the ordinance requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the San Francisco Department of Public Health (DPH) that achieves protection from $PM_{2.5}$ (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. The DBI will not issue a building permit without written notification from the Director of the DPH that the applicant has an approved Enhanced Ventilation Proposal. In compliance with Article 38, the project sponsor submitted an initial application to the DPH.[15] The regulations and procedures set forth in Article 38 would protect the Project's proposed sensitive receptors from substantial outdoor pollutant concentrations.

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. The following addresses the project's operational health risk impact.

Analysis of the Project's Operational Health Risk Impact

As discussed above, the Board heard an appeal of a Community Plan Exemption for a 2007 project proposed at the Project Site. In upholding the appeal, the Board directed the Department to conduct additional environmental review on the air quality impacts of the 2007 project. The developer decided not to move forward with the 2007 project, so no additional environmental review was conducted. However, in compliance with the direction provided by the Board on the 2007 project, a detailed air quality analysis was conducted to evaluate how operation of the currently proposed Project would affect localized health risk to on-site and off-site sensitive receptors.[16]

As discussed above, the Project Site is located within the Air Pollutant Exposure Zone. The threshold of significance used to evaluate health risks from new sources of TACs is based on the potential for a proposed project to substantially affect the geography and severity of the Air Pollutant Exposure Zone at sensitive receptor locations. For projects that are located outside the Air Pollutant Exposure Zone and could increase pollutants such that the project site would meet the criteria for inclusion in the Air Pollutant

[14] San Francisco Planning Department and San Francisco Department of Public Health, *2014 Air Pollutant Exposure Zone Map (Memo and Map)*, April 9, 2014. These documents are part of San Francisco Board of Supervisors File No. 14806, Ordinance No. 224-14; Amendment to Health Code Article 38.

[15] *Application for Article 38 Compliance Assessment, 429 Beale Street & 430 Main Street*, submitted March 1, 2018.

[16] Ramboll Environ, *Air Quality Analysis Technical Report, Proposed Building at 430 Main Street/429 Beale Street*, San Francisco, California (hereinafter "*AQTR*"), March 2018.

Exposure Zone, a proposed project that would emit $PM_{2.5}$ concentration above 0.3 $\mu g/m^3$ or result in an excess cancer risk greater than 10.0 per million would be considered a significant impact. The 0.3 $\mu g/m^3$ $PM_{2.5}$ concentration and the excess cancer risk of 10.0 per million persons exposed are the levels below which the air district considers new sources not to make a considerable contribution to cumulative health risks.[17] For those locations already meeting the Air Pollutant Exposure Zone criteria, such as the Project Site, a lower significance standard is required to ensure that a proposed project's contribution to existing health risks would not be significant. In these areas, a proposed project's $PM_{2.5}$ concentrations above 0.2 $\mu g/m^3$ or an excess cancer risk greater than 7.0 per million would be considered a significant impact.[18]

Methodology

The detailed health risk analysis was conducted in accordance with the guidelines and methodologies established by the air district, the California air board, the California Office of Environmental Health Hazard Assessment, and the U.S. EPA. The health risk analysis evaluated the estimated cancer risk, chronic hazard index, and concentrations of DPM, total organic gases, and $PM_{2.5}$ associated with the Project's operational emissions. The sources of the proposed project's operational emissions include project-related traffic and an emergency diesel generator.

Emissions from Project-related traffic were not directly modeled because the volume of traffic expected to be generated by the Project (263 vehicles per day) would not exceed the air district's screening criteria requiring quantification of such emissions (10,000 vehicles per day). However, health risks from the Project's expected traffic were evaluated using the air district's Roadway Screening Analysis Calculator. This calculator was used to estimate cancer risk and $PM_{2.5}$ concentrations associated with emissions from Project-related traffic. Emissions from the Project's proposed emergency generator was modeled using the most recent version of the EPA's atmospheric dispersion modeling system (AERMOD) to estimate the concentrations of TACs at both on-site and off-site sensitive receptor locations. The AERMOD analysis also accounts for building downwash, incorporating nearby building heights. Emissions estimates from AERMOD were then used to assess the potential excess cancer risk at sensitive receptor locations based on exposure assessment guidelines from the California Office of Environmental Health Hazard Assessment and the air district. This methodology also accounts for an anticipated sensitivity to carcinogens of infants and children by incorporation of an age sensitivity factor. The results of this

[17] Bay Area Air Quality Management District, *California Environmental Quality Act Guidelines Update, Proposed Air Quality CEQA Thresholds of Significance*, May 3, 2010. Available online at www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Proposed_Thresholds_Report_%20May_3_2010_Final.ashx?la=en, accessed February 20, 2014.

[18] A 0.2 $\mu g/m^3$ increase in $PM_{2.5}$ would result in a 0.28 percent increase in non-injury mortality or an increase of about twenty-one excess deaths per 1,000,000 population per year from non-injury causes in San Francisco. This information is based on Jerrett M et al. 2005. *Spatial Analysis of Air Pollution and Mortality in Los Angeles*. Epidemiology. 16:727-736. The excess cancer risk has been proportionally reduced to result in a significance criterion of 7 per million persons exposed.

analysis are then added to existing background cancer risk and $PM_{2.5}$ values to determine the existing-plus-project health risk at on-site and off-site sensitive receptor locations.

Findings of AERMOD Analysis

The health risk analysis evaluated the impact of the Project's emergency diesel generator and Project-related traffic in terms of lifetime excess cancer risk and $PM_{2.5}$ concentration. The results are discussed below.

Table 1: Existing Plus Project Health Risk Analysis (2020), shows the Project's contribution to lifetime excess cancer risk and $PM_{2.5}$ concentrations at off-site and on-site sensitive receptor locations. With implementation of the Project, the lifetime excess cancer risk at the maximally exposed off-site sensitive receptor would be 132 excess cancer risks per one million persons exposed. The Project's total contribution to this cancer risk would be 0.52 excess cancer risks per one million persons exposed, which is well below the significance threshold of 7 excess cancer risks per one million persons exposed. With implementation of the Project, $PM_{2.5}$ concentrations at the maximally exposed off-site sensitive receptor would be 9.1 $\mu g/m^3$. The Project's total $PM_{2.5}$ contributions to off-site sensitive receptors would be 0.0093 $\mu g/m^3$, which is also well below the significance threshold of 0.2 $\mu g/m^3$. The Project's health risk contribution to on-site receptors would be even lower (see Table 1). Therefore, the Project would not result in a significant health risk impact.

Table 1: Existing Plus Project Health Risk Analysis (2020)

Receptor Type	Lifetime Excess Cancer Risk (in a million)		$PM_{2.5}$ Concentration ($\mu g/m^3$)	
	On-Site Receptor	Off-Site Receptor	On-Site Receptor	Off-Site Receptor
Proposed Project Emergency Generator	0.21	0.20	0.00028	0.00026
Project Traffic	0.18	0.32	0.0049	0.0091
Project Total	0.39	0.52	0.0052	0.0093
Existing Background	218	131	9.2	9.1
Existing Plus Project	219	132	9.2	9.1

SOURCE: Ramboll Environ, 2018

Cumulative Air Quality Impacts

By its very nature, regional air pollution (criteria air pollutant analysis) 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 adverse air quality impacts.[19] The project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. As shown above, the proposed Project would not result in significant construction or operational criteria air pollutant impacts. Therefore, the Project would not result in a cumulatively considerable contribution to regional air quality impacts, and cumulative criteria air pollutant impacts would be less than significant.

In terms of local health risks, a cumulative health risk analysis was conducted under 2040 conditions. This condition accounts for expected vehicle trips in the year 2040 and takes into account future vehicle emissions regulations. Table 2: Cumulative Health Risk Analysis (2040), shows the Project's contribution to average annual $PM_{2.5}$ concentrations at on-site and off-site sensitive receptor locations. With implementation of the Project, the lifetime excess cancer risk at the maximally exposed off-site sensitive receptor would be 160 excess cancer risks per one million persons exposed. The Project's total contribution to this cancer risk would be 0.52 excess cancer risks per one million persons exposed, which is well below the significance threshold of 7 excess cancer risks per one million persons exposed. With implementation of the Project, $PM_{2.5}$ concentrations at the maximally exposed off-site sensitive receptor would be 10.0 $\mu g/m^3$. The Project's total $PM_{2.5}$ contributions to off-site sensitive receptors would be 0.0093 $\mu g/m^3$, which is also well below the significance threshold of 0.2 $\mu g/m^3$. The Project's health risk contribution to on-site receptors would be even lower (see Table 2). Therefore, the Project would not result in a significant health risk impact.

[19] BAAQMD, *CEQA Air Quality Guidelines*, May 2017, p. 2-1.

Table 2: Cumulative Health Risk Analysis (2040)

Receptor Type	Lifetime Excess Cancer Risk (in a million)		$PM_{2.5}$ Concentration ($\mu g/m^3$)	
	On-Site Receptor	Off-Site Receptor	On-Site Receptor	Off-Site Receptor
Proposed Project Emergency Generator	0.21	0.20	0.00028	0.00026
Project Traffic	0.18	0.32	0.0049	0.0091
Project Total	0.39	0.52	0.0052	0.0093
2040 Background	304	160	11.3	10.0
Cumulative 2040	304	160	11.3	10.1

SOURCE: Ramboll Environ, 2018

Computational Fluid Dynamics Air Pollutant Analysis

In addition to the AERMOD analysis, a refined building downwash analysis was conducted using a computational fluid dynamics (CFD) model to evaluate how the proposed Project would affect the air flow and the pollutant concentration in the courtyards of BayCrest Towers. Unlike AERMOD, in which building downwash is not directly modeled but is determined by an analytical approximation, CFD modeling involves the direct computation of air flow. With CFD modeling, simulation of wind and pollutant dispersion can be conducted for accurate estimates of pollutant concentrations under different wind speeds and atmospheric conditions. Because the CFD model is not the recommended model by the air district for conducting air pollutant dispersion modeling for CEQA purposes but AERMOD is, the results of this analysis are presented for informational purposes only. This analysis also directly addresses the direction provided by the Board on the 2007 project. The CFD analysis evaluated how the proposed building would affect air pollutant flow at BayCrest Towers from Bay Bridge traffic. Therefore, this analysis considered air pollutant levels at BayCrest Towers both with and without the proposed Project.

BayCrest Towers has three exterior courtyards (west, central, and east) that are adjacent to and north of the Project Site. The west courtyard is enclosed by BayCrest Towers on two sides (north and east) and is open on two sides (south and west). The central courtyard is fully enclosed by BayCrest Towers on two sides (west and east), partially enclosed (three stories) by BayCrest Towers on one side (north), and open on one side (south). The east courtyard is enclosed by BayCrest Towers on two sides (north and west) and is open on two sides (south and east). Construction of the proposed Project would enclose the south side of each courtyard, although there would be five feet of separation between BayCrest Towers and the proposed Project.

Findings of CFD Analysis

Table 3: Summary of CFD Analysis for $PM_{2.5}$ Concentration in BayCrest Towers Courtyards, shows the concentrations of Bay Bridge traffic $PM_{2.5}$ in each of the courtyards under existing conditions (without the proposed Project) and with the proposed Project in place. With implementation of the proposed Project, the $PM_{2.5}$ concentrations would decrease in the west courtyard by 0.034 $\mu g/m^3$ and increase in the central and east courtyards by 0.031 $\mu g/m^3$ and 0.1 $\mu g/m^3$, respectively. It is important to note that this analysis does not include background or proposed Project $PM_{2.5}$ concentrations. If the proposed Project's traffic and emergency generator contributions (0.0093$\mu g/m^3$) were added to these totals, the proposed Project's $PM_{2.5}$ contributions would not exceed 0.2 $\mu g/m^3$.

Table 3: Summary of CFD Analysis for $PM_{2.5}$ Concentration in BayCrest Towers Courtyards

Source	Average Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)			
	West Courtyard	Central Courtyard	East Courtyard	Average
Without Proposed Building	0.54	0.44	0.69	0.56
With Proposed Building	0.51	0.47	0.79	0.59
Net Change	-0.034	+0.031	+0.1	+0.032

SOURCE: Ramboll Environ, 2018

CONCLUSION

The Appellant has not demonstrated nor provided substantial evidence to support a claim that the CPE fails to conform to the requirements of CEQA for a Community Plan Evaluation pursuant to CEQA Section 21083.3 and CEQA Guidelines Section 15183. The Department conducted the necessary studies and analyses and provided the Commission with the information and documents necessary to make an informed decision, based on substantial evidence in the record, at a duly noticed public hearing in accordance with the Department's CPE Initial Study and standard procedures and pursuant to CEQA and the CEQA Guidelines. Therefore, the Department respectfully recommends that the Board uphold the Department's determination for the CPE and reject the Appellant's appeal.

ATTACHMENT A

June 25, 2018 appeal letter from Dane M. Ince (attachments removed)

APPELLANT DANE INCE STATEMENT

I am a resident of 201 Harrison Street, which is immediately adjacent to the lots at 429 Beale and 430 Main which are proposed to be merged for this project.

The Planning Commission abused its discretion throughout the process of three hearings and approved the proposed project 2014-002033dnx 429 Beale/430 Main St. The Planning Commission was overly concerned with approval of housing units rather than insuring that San Francisco law -the planning code, the Building Code, the Rincon Hill Plan, and the Urban Guidelines were adhered to and followed for the benefit of all in the City and County of San Francisco. The Planning department recklessly placed rubber stamping developers plans to rush housing units to market over their duty to comply with the planning ordinance requirement to protect health and safety. The Planning Department failed to follow the intent and the spirit of California State law known as CEQA and this failure amounts to an abuse of discretion. The Planning Department was presented with credible peer revenue of the department's air quality review and they abused their discretion by failing to address this substantial evidence in the formation of their findings. In 2009 the Board of Supervisors instructed the Planning Department to follow California State law and analyze projects proposed at 49 Beale/430 Main in a fashion consistent with state law. These shortcomings represent nearly a decade's long pattern of abuse on the part of the Planning Department for this one project alone. I and other citizens are aggrieved by these failures and seek the

Board of supervisors' rejection of an improper local agency environmental determination and for the Board to instruct the Planning Department AGAIN to adhere to the law and provide a proper environmental review.

Dane M. Ince

Monday, June 25, 2018

MEMORANDUM

To: Committee for Healthy Housing
cc: Dane Ince, San Francisco Surveying Company
From: Trinity Consultants
Date: 1/19/2018
RE: Review of Technical Report by Ramboll Environ dated October 2017

1.0 INTRODUCTION

On January 11, 2018, Mr. Dane Ince, a member of the Committee for Healthy Housing, contacted Trinity requesting a review of the Air Quality Analysis Technical Report dated October 2017, which was prepared by Ramboll Environ US Corporation (Ramboll Report). As shown below in Figure 1, the proposed project is located at 430 Main Street/429 Beale Street in the city of San Francisco, California[1] (Project). As requested by the Committee for Healthy Housing, Trinity performed a high level review of the Ramboll Report to evaluate its technical approach and general conformance with the cited regulatory guidelines and accepted practices for this California Environmental Quality Act (CEQA) air quality impact analysis.

2.0 BACKGROUND

While an exact project description was not provided in the Ramboll Report, the Project is stated to be a 9-story residential building reaching 84 feet in total height, which will be constructed in an area between Harrison Street, Main Street, Beale Street and the I-80 freeway within the City of San Francisco, California. The Project's daily trip activity is 263 trips per day. The Ramboll Report does state that the Project is within 200 feet of Interstate-80 (I-80), an elevated segment of a major freeway with average daily traffic levels of 265,000 vehicles.[2] In addition, the Project is in an area classified by the Bay Area Air Quality Management District (BAAQMD) and the City and County of San Francisco as having high concentrations of toxic air contaminants (TACs) and fine particulate matter ($PM_{2.5}$) as indicated in purple in Figure 1 below, which is locally referred to as an Air Pollutant Exposure Zone (APEZ).[3] Based on review, the Ramboll Report conducted the following key analysis for the proposed project:

- Emission Estimates (for operational sources)
- Air Dispersion Modeling (for operational sources)
- Health Risk Assessment (for operational sources and project traffic)
- Cumulative Risk Analysis
- Refined Building Downwash

In addition, the Ramboll Report cited CEQA and related regulatory guidelines from the following authorities in its preparation of its analysis:

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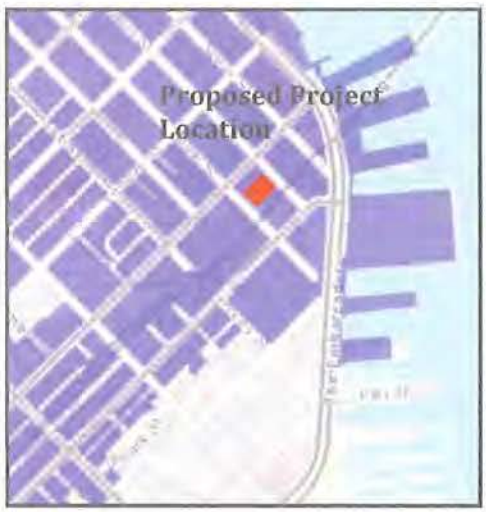
[1] Ramboll Environ US Corporation, 2017. Air Quality Technical Report – Proposed Building at 430 Main Street / 429 Beale Street, San Francisco, California. Project Number 03-39316A. October 2017.

[2] http://www.dot.ca.gov/trafficops/census/docs/2016_aadt_volumes.pdf

[3] Bay Area Air Quality Management District, 2016. Planning Healthy Places – A Guidebook for Addressing Local Sources of Air Pollutants in Community Planning. May 2016.

- Bay Area Air Quality Management District
- California Air Resources Board
- California Office of Environmental Health Hazard Assessment (OEHHA)
- US. Environmental Protection Agency (US EPA)

Figure 1. Project Area Map



The proposed Project is in an area of extreme poor air quality and high risk for human health problems due to its proximity to I-80 and population density, which is subject to Article 38 of the San Francisco Health Code[4]. The City and County of San Francisco established Article 38 because scientific studies consistently showed an association between exposure to air pollution and significant human health problems. In 2008, Article 38 was adopted to require new residential construction projects located in areas of poor air quality and pollution from roadways must install enhanced ventilation to protect residents from the respiratory, heart, and other health effects of living in a poor air quality area. The law was updated in 2014 to improve consistency with California Environmental Quality Act (CEQA) and streamline implementation. The 2014 amendments included revisions to the underlying map of the city's APEZ --the end result of a collaborative effort with the Bay Area Air Quality Management District. The amendments codify the implementation strategy that was formalized in July 2013, when the Air Quality Program began providing several options for determining compliance with Article 38.

3.0 ANALYSIS

Based on its review, Trinity is providing the following analysis of potential technical issues relating to the general approach and methodologies employed for the Ramboll Report:

3.1 Building Downwash Modeling

The Air Resources Board and OEHHA guidelines specifies that AERMOD be used for air dispersion modeling and health risk assessment purposes within the state of California (OEHHA 2015).[5] In section 8.2, the Ramboll Report states that AERMOD is not appropriate for the Project since it can provide only screening-level estimates

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[4] http://library.amlegal.com/nxt/gateway.dll/California/health/article38enhancedventilationrequiredforu?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca

[5] OEHHA, 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, February 2015. https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

of air quality trends, and not precise estimates of concentration differences in cases where buildings of interest are of complex shape and located in the urban core of San Francisco, which may be exposed to complex flows from the interactions of the atmosphere with the array of buildings in the vicinity. Instead of using AERMOD, the Ramboll Report argues that a Computational Fluid Dynamics (CFD) model is more appropriate for estimating building downwash for the Project.

Adopted by the United States Environmental Protection Agency and widely used by regulatory agencies across the country, AERMOD is a steady-state plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrains (U.S. EPA, 2009). AERMOD incorporates the Plume Rise Model Enhancements (PRIME) (Schulman et al. 2000) algorithms for estimating enhanced plume growth and restricted plume rise for plumes affected by building wakes (U.S. Environmental Protection Agency, 1995). Moreover, AERMOD contains specific algorithms for modeling the effects of aerodynamic downwash due to nearby buildings on point source emissions and depositional effects on particulate emissions. [6] As a consequence, based on existing regulatory guidance, AERMOD is the accepted air dispersion model in California which is capable of estimating building downwash for different projects.

3.2 Offsite Impacts

CEQA requires that public agencies analyze how environmental impacts from new constructions and developments might adversely affect nearby receptors and local air quality conditions. In this case, the Ramboll Report indicate the adjacent courtyards (i.e., neighboring offsite receptors) are located about 200 feet north of the elevated portion of I-80, known as the San Francisco-Oakland Bay Bridge, which generates an average traffic movement of 265,000 vehicle trips per day.[7] Per Article 38, the action threshold for mitigation efforts for the Project is 0.2 $\mu g/m^3$ of $PM_{2.5}$. As shown in Table 1 below, the pre-project $PM_{2.5}$ concentration in the neighboring courtyards is already significantly above the action threshold for project mitigation. Any additional impacts will deteriorate the local air quality further and pose additional health hazards for the local residents.

In section 1.1.2, based on its CFD model for building downwash analysis, the Ramboll Report shows that there would be an increase in average annual $PM_{2.5}$ concentration of 0.032 μ/m^3 as a result of the Project. As displayed in Table 13 of the Ramboll Report, and summarized in Table 1 below, there is an increase in $PM_{2.5}$ concentration for the center courtyard by 6%, and an increase by 13 % for the east courtyard. There is a decrease in $PM_{2.5}$ concentration by 6 % for the west courtyard. The report compares the difference of the pre- and post-project concentrations with the average background concentration of 9.3 $\mu g/m^3$.

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[6] User's Guide for the AMS/EPA Regulatory Model (AERMOD), EPA-454/B-16-011December, 2016

[7] http://www.dot.ca.gov/trafficops/census/docs/2016_aadt_volumes.pdf

Table 1 – $PM_{2.5}$ Concentrations Results Summary

Source	Average Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)		
	West Courtyard	Center Courtyard	East Courtyard
Without proposed Building	0.54	0.44	0.69
With Proposed Building	0.51	0.47	0.79
% Increase in the PM2.5 Concentration	-6%	6%	13%

The Ramboll Report concluded that the incremental increase of $PM_{2.5}$ emissions from the Project is small in relative proportion of total post-project emissions. However, the cumulative $PM_{2.5}$ emissions are substantially higher than levels considered reasonable for residential projects as per local codes. Given the Project is located in an area which is already classified as a health hazard based on the high concentrations of TACs and $PM_{2.5}$, CEQA may require a higher standard of review in such cases. Any additional amount of emissions could be considered a substantial health risk in the proposed project location for existing and new residential activities (or other sensitive receptors), and should be more thoroughly assessed and mitigated as required by Article 38 and applicable law.[8]

3.3 Construction Impacts

Per CEQA requirements, it is typical for an air quality impact analysis to include a review of environmental impacts from the construction phase of a proposed project, which may include construction traffic, excavation, building activities, fugitive dust generation and other related air emissions sources. The construction phase may include adverse impacts from emissions of criteria pollutants and others, including PM_{10} and $PM_{2.5}$. In this case, the Ramboll Report did not include a review nor evaluation of construction impacts, although the proposed project is located in an area which is locally classified as an APEZ due to high concentrations of air toxics and $PM_{2.5}$ concerns. Given the location of the project, proximity to other residential units and potentially extensive construction activities, an air quality impact analysis without such review of construction impacts would be incomplete.

3.4 Diesel Particulate Matter (DPM)

In section 4.1.1 Chemical Selection, the Ramboll Report states that California regulatory guidelines allow diesel particulate matter (DPM) to be used as a surrogate measure of exposure for the mixture of chemicals that make up diesel exhaust as a whole. Further, the Ramboll Report states that Cal/EPA advocates the surrogate approach to quantifying *cancer risks* associated with the diesel mixture in lieu of a component–based approach, which involves estimating health risks for each of the individual components of a mixture. Furthermore, the Ramboll Report states that Cal/EPA has concluded that "potential cancer risk from inhalation exposure to whole diesel exhaust will outweigh the multi-pathway *cancer risk* from the speciated components (OEHHA 2003).[9]

While the surrogate approach may be generally accepted guidance for estimating *cancer risks* from exposure to diesel exhaust, there are also non-cancer risk impacts which require consideration, including, non-cancer acute and chronic health hazards. Fuel combustion releases at least forty (40) different toxic air contaminants,

[8] California Building Industry Association vs. Bay Area Air Quality Management District (S213478), December 17, 2015

[9] https://oehha.ca.gov/media/downloads/crnr/hrafinalnoapp.pdf

including, but not limited to, diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Levels of these pollutants are generally concentrated within 500 feet of freeways and very busy roadways.[10] For non-cancer acute impacts, Appendix D of the 2015 OEHHA guidelines recommends an evaluation of the acute health effects may be warranted in case of a multistory apartment building.[11] Since there is no acute REL that is currently associated with DPM, any potential acute health impacts (i.e., short term health hazards) from exposure to diesel exhaust were not determined by the Ramboll Report. As a consequence, it is likely this surrogate approach likely underestimates the overall health impacts associated with individual toxics from diesel combustion, specifically, any potential acute health hazards. Toxics in diesel exhaust include benzene, 1,-3 butadiene, formaldehyde and many others which affect the respiratory organs through inhalation pathway but also affect other target organs such as reproductive or developmental system, hematologic organs, immune system and eyes through multi-pathways. Many of these air toxics in diesel exhaust may have acute health impacts upon specific target organs, which were not evaluated as part of the Ramboll Report.

3.5 Project Traffic Impacts

In section 3.12 Proposed Project Traffic, the Ramboll Report states that BAAQMD Roadway Screening Analysis Calculator was used to conservatively estimate the health risk impact from Proposed Project-related traffic of 263 vehicles per day. As stated by the Ramboll Report, traffic emission calculations were not required for the Project, nor were typical air dispersion and risk assessment modeling conducted for the Project. Instead, the BAAQMD Roadway Screening Analysis Calculator was used, which provides cancer risk and PM estimates based on the average daily traffic. While the BAAQMD Roadway Screening Analysis Calculator uses EMFAC2011 for estimated emission factors, there are two newer versions of EMFAC available: EMFAC2014 and EMFAC2017. Further, note that within the APEZ, additional emissions would adversely affect populations that are already at a higher risk which CEQA may demand a higher standard of review. Therefore, a more refined analysis of traffic emissions and impacts with the most recent accepted emission factors would be warranted.

3.6 Meteorological Data

In section 4.1.3.1 - Metrological Data, the Ramboll Report states that for the current HRA, BAAQMD's Mission Bay meteorological data for the year 2008 were used, which aligns with the San Francisco CRRP-HRA Methodology. BAAQMD Health Risk Assessment Guidelines rely on OEHHA 2015 Air Toxic Hot Spots Program Manual (2015 OEHHA Guidelines), which recommend that the latest five (5) years of *consecutive* meteorological data be used to represent long term averages (i.e., cancer and chronic impacts).[12] In general, OEHHA guidelines specify that air dispersions models (and health risk assessments) require sufficient amount of years of meteorological data to ensure that the worst-case meteorological conditions are represented in the model results. For example, wind patterns and wind velocities can vary from year to year, which a single year of data would not capture. As a consequence, it is likely that using only 2008 meteorological data would not satisfy the 2015 OEHHA Guidelines.

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[10] OEHHA, 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, February 2015. https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

[11] Id. at Page D-3, Appendix D"

[12] Id.

ATTACHMENT B

Planning Commission Motion No. 20195

SAN FRANCISCO
PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☑ Affordable Housing (Sec. 415)
- ☐ Jobs Housing Linkage Program (Sec. 413)
- ☑ SOMA Community Stabilization Fee (Sec. 418.3)
- ☑ First Source Hiring (Admin. Code)
- ☑ Child Care Requirement (Sec. 414A)
- ☑ Rincon Hill Impact Fee (Sec. 418)

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Information:
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Planning Commission Motion No. 20195

HEARING DATE: MAY 24, 2018

Case No.:	2014-002033DNX
Project Address:	429 Beale Street/430 Main Street
Zoning:	RH-DTR (Rincon Hill Downtown Residential) Zoning District 84-X Height and Bulk District
Block/Lot:	3767/305 & 306
Project Sponsor:	Mark Loper Reuben, Junius & Rose, LLP One Bush Street Suite 600 San Francisco, CA 94014
Staff Contact:	Douglas Vu – (415) 575-9120 Doug.Vu@sfgov.org

ADOPTING FINDINGS RELATING TO A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309.1, TO ALLOW AN EXCEPTION TO THE REQUIREMENT FOR DWELLING UNIT EXPOSURE PURSUANT TO PLANNING CODE SECTION 140, FOR DEMOLITION OF AN EXISTING 35,625 SQUARE FEET LIGHT INDUSTRIAL BUILDING, MERGER OF TWO LOTS, AND CONSTRUCTION OF A NEW 84-FEET TALL, NINE-STORY, AND APPROXIMATELY 140,280 SQUARE FEET RESIDENTIAL BUILDING WITH UP TO 144 DWELLING UNITS (CONSISTING OF 60 STUDIO, 25 ONE-BEDROOM, AND 59 TWO-BEDROOM UNITS), 10,800 SQUARE FEET OF OPEN SPACE, AND A 17,720 SQUARE FEET BASEMENT GARAGE FOR 72 ACCESSORY AUTOMOBILE AND 111 BICYCLE PARKING SPACES LOCATED AT 429 BEALE STREET/430 MAIN STREET, ON LOTS 305 & 306 IN ASSESSOR'S BLOCK 3767, WITHIN THE RH-DTR (RINCON HILL DOWNTOWN RESIDENTIAL) ZONING DISTRICT AND AN 84-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On November 10, 2015, Mark Loper of Reuben, Junius & Rose, LLP on behalf of LCL Global – 429 Beale & 430 Main Street, LLC (hereinafter "Project Sponsor") filed Application No. 2014-002033DNX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Downtown Project Authorization to merge two lots and construct a new nine-story residential building with 144 dwelling units at 429 Beale and 430 Main Streets (Block 3767, Lots 305 & 306) in San Francisco, California.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Rincon Hill Plan Final Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 5, 2005, by Motion No. 17007, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The Rincon Hill Plan EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17007 and hereby incorporates such Findings by reference.

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

On March 13, 2018, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Rincon Hill Plan and was encompassed within the analysis contained in the Rincon Hill Plan Final EIR. Since the Rincon Hill Plan Final EIR was finalized, there have been no substantial changes to the Rincon Hill Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Rincon Hill Plan Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2014-002033DNX at 1650 Mission Street, 4th Floor, San Francisco, California.

On March 29, 2018, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization Application No. 2014-002033DNX, and continued the item to May 24, 2018.

On May 24, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization Application No. 2014-002033DNX

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

MOVED, that the Commission hereby authorizes the Downtown Project Authorization requested in Application No. 2014-002033DNX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Site Description and Present Use.** The project site covers two parcels that measure 18,906 sq. ft. in total area and are located on Assessor's Block 3767 and Lots 305 & 306, which front Beale and Main Streets between Harrison and Bryant Streets. The project site has approximately 69-feet of frontage along on Beale Street and 69-feet of frontage along Main Street. The project site is developed with a one-story and a two-story commercial building measuring 35,625 sq. ft. that were constructed in 1929 and 1951, respectively. The buildings have been used as a self-storage facility (dba "STORAGEPRO") since 2011.

3. **Surrounding Properties and Neighborhood.** The project site is located in the Rincon Hill Downtown Residential Zoning District that has experienced significant redevelopment over the past twenty-five years. The adjacent properties include the eleven-story, 288-unit Baycrest development that was constructed in 1991 to the north, the eleven-story, 150-unit Portside development constructed in 1997 to the east, and the 25-story, 245-unit Bridgeview development constructed in 2002 to the west. South of the project site is a parcel that is owned by the California Department of Transportation (Caltrans), which is bisected overhead by the Bay Bridge and is currently used as a parking lot and bridge maintenance facility. Apart from two nearby parcels adjacent to Interstate 80 that are zoned M-1 (Light Industrial), the remainder of the parcels in the area are zoned RH-DTR and TB-DTR (Downtown Residential), or RC-4 (High Density Residential Commercial).

4. **Project Description.** The proposed project includes demolition of two existing commercial structures with a combined area of 35,625 sq. ft., the merger of two parcels and construction of a new 84-ft. tall, nine-story and approximately 140,280 sq. ft. residential building with up to 144 dwelling units (consisting of 60 studio, 25 one-bedroom, and 59 two-bedroom units), a combined 10,800 sq. ft. of private open space throughout the building and common open space at a rooftop deck and solarium, and a 17,720 sq. ft. basement garage for 72 accessory auto parking spaces that are accessed through one driveway on Beale Street, and 111 Class 1 bicycle parking spaces. The residential lobby is located on Main Street and the development would also include streetscape improvements in front of the building including new street trees, landscaping, bicycle racks and sidewalk repaving.

5. **Public Comment.** The Department has received 34 letters in support of the project, and 64 letters expressing opposition or concerns regarding the project's impact on air quality for neighboring properties, traffic congestion, potential shadow impacts, and the desire for two separate buildings instead of one.

   Aside from the mandatory pre-application meeting that was held on October 13, 2015, the sponsor has conducted extensive additional community outreach through letters, phone calls and meetings with residents of Baycrest, neighborhood businesses and several home owners' associations. The comprehensive outreach effort is described in detail in the Project Sponsor's submittal.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

   A. **Permitted Uses in RH-DTR Zoning Districts.** Planning Code Section 827.46 states that residential use is principally permitted use within the RH-DTR Zoning District. Planning Code Section 827.26 states that ground floor retail use is principally permitted within the RH-DTR Zoning District.

   The Project would construct a new development with residential use and accessory parking within the RH-DTR Zoning District in compliance with Planning Code Section 827.46.

   B. **Rear Yard/Site Coverage.** Planning Code Section 827.12 permits up to 80 percent lot coverage for parcels at residential levels where not all units face onto streets or alleys.

   The Project proposes a lot coverage of 80 percent because it contains dwelling units at every level that do not face onto a street or alley to comply with the rear yard/site coverage requirements.

   C. **Setbacks.** Planning Code Section 827.13 requires a building setback of ten feet above a height of 65 feet along Beale and Main Streets.

The Project proposes a 10-ft. setback above a height of 65-ft., which is above the sixth floor at the Beale Street frontage and seventh floor at the Main Street frontage due to the upsloping condition of the parcels to comply with the setback requirements.

D. **Residential Open Space.** Planning Code Sections 135 and 827.49 require a minimum of 75 square feet of usable private or common open space per dwelling unit. Private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court pursuant to PC Section 145(F). Common usable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum are of 300 sq. ft. The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent of its overhead.

The Project is required to provide a minimum of 10,800 sq. ft. of usable open space for the 144 dwelling units, and proposes to satisfy this through twenty-four 7-ft. x 13-ft. private balconies facing the interior courtyard on floors 2 through 9 that total 1,800 sq. ft., ten 10-ft. x 21-ft. terraces on floors 1, 7, and 8 that total 750 sq. ft., and 8,250 sq. ft. of common open space through a 5,850 sq. ft. rooftop deck and 2,400 sq. ft. solarium with over 30 percent of clear glazing. Therefore, the combination of 10,800 sq. ft. of usable private and common open space complies with this requirement.

E. **Permitted Obstructions.** Planning Code Section 136(c)(2) outlines the requirements for features, which may project over a street, alley, setback or usable open space. Generally, projections over streets and alleys are limited to 3-ft deep with a maximum length of 15-ft for each bay window or balcony. This length shall be reduced in proportion to the distance from such line by means of a 45 degree angle drawn inward from the ends of the 15-ft dimension, thus reaching a maximum of 9-ft along a line parallel to and at a distance of 3-ft from the line establishing the required open area. Additionally, the minimum horizontal separation between bay windows and balconies shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

The Project proposes two-sided canted bay windows at floors 2 through 7 that are 3-ft. deep with a maximum length of 11-ft. at the property line and 5-ft. at the outermost plane, and with a horizontal separation of 2-ft. between bays at the property line and 13-ft. between each outermost plane to comply with the above requirements for permitted obstructions.

F. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires one new street tree for every 20 feet of street frontage for projects proposing new construction. For a

project that is greater than one-half acre in total area, contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way or encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way, a streetscape plan in conformance with the adopted Better Streets Plan is required.

The Project has a total area of 18,906 sq. ft. and 137-ft. 6-in. of frontage; therefore, the Project is not required to provide a streetscape plan.

However, the Project does include at least six street trees to comply with the streetscape requirements, and will also include additional landscaping, bicycle racks and sidewalk re-paving as necessary and consistent with the Rincon Hill Streetscape Plan.

G. **Bird Safety.** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

The subject lot is not located in close proximity to an Urban Bird Refuge, and the Project meets the requirements of feature-related standards by either not including any unbroken glazed segments 24-sq. ft. and larger in size, or will utilize fritted glazing for the proposed parapets, screens and glazed panels over 24 sq. ft. Therefore, the Project complies with Planning Code Section 139.

H. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, public alley at least 25-ft in width, side yard at least 25-ft in width, or rear yard, which meets the requirements of the Planning Code. Alternatively, an open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than 4'-6", chimneys, and those obstructions permitted in Sections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor can satisfy the exposure requirement.

The Project includes an interior courtyard with the shorter horizontal dimension of 25-ft. 4-in., which is reduced to 17-ft. 4-in. for three units each at floors 2 through 9 that contain a 7-ft. deep balcony. Exclusively facing this courtyard are nine units each on floors 1 through 6, and eight units each on floors 7 through 9. Therefore, the Project is seeking an exception of the dwelling unit exposure requirement for 65 units, or 45% of the Project's total as part of the Downtown Project Authorization (see below).

I. **Street-Facing Active Uses.** Planning Code Sections 145.1 and 827.14 requires active uses on all street frontages. Per Planning Code Section 145.1, active use is defined as either: residential use above the ground floor or on the ground floor if they provide direct, individual pedestrian access to a public sidewalk; spaces accessory to residential uses, such as fitness or community rooms, with direct access to a public sidewalk; building lobbies, so

long as they do not exceed 40-ft or 25% of building frontage, whichever is larger; or, public uses described in Planning Code Section 790.80.

The Project provides active uses on both street frontages through dwelling units that have direct, individual pedestrian access to the public sidewalk and a 40-ft. wide residential lobby on Main Street to comply with the active street-facing uses requirement.

J. **Shadow Impacts.** Planning Code Section 295 restricts net new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40 feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

The Rincon Hill Programmatic EIR analyzed the shadow impacts on outdoor recreation facilities and other public areas from potential development that could occur under the Rincon Hill Area Plan. Development anticipated under the Rincon Hill Area Plan would not cast net new shadow on any properties under the jurisdiction of the Recreation and Park Commission, but it would cast net new shadow on other public open spaces, privately owned publicly accessible open spaces (POPOs), and public sidewalks. This net new shadow would not be in excess of what is common and generally expected in densely developed urban environments. For these reasons, the Rincon Hill Programmatic EIR concluded that implementation of the Rincon Hill Area Plan would not result in significant shadow impacts, and no mitigation measures were identified. Since there are no new effects that were not already identified in the Rincon Hill Programmatic EIR, the Project complies with Planning Code Section 295.

K. **Off-Street Parking.** Planning Section 151.1 of the Planning Code permits one off-street parking space for each two dwelling units.

The Project is allowed to have a maximum of 72 off-street accessory parking spaces for the 144 dwelling units, and proposes 72 spaces in a basement parking garage that is accessed through an 11-ft. wide ramp on Beale Street, which at grade slopes up approximately 10 ft. to Main Street, to comply with the permitted parking provisions.

L. **Parking and Loading Access.** Planning Code Sections 145.14, 151.1, 155(r), 825 and 827.16 prohibits parking above ground except on sloping sites, and limits parking access to two openings that are a maximum of 11-ft wide each, or a single opening that is no more than 22-ft wide. Loading access is limited to one opening that is a maximum of 15-ft wide.

The Project proposes 72 spaces in a basement parking garage that is accessed through an 11-ft. ramp on Beale Street, which at grade slopes up approximately 10 ft. to Main Street. Therefore, there is no parking located above the ground, which complies with the parking access restrictions.

M. **Bicycle Parking.** Planning Section 155.2 of the Planning Code requires at least 100 Class 1 bicycle parking spaces plus one Class 1 bicycle parking space for every four dwelling units exceeding 100, and one Class 2 bicycle parking spaces for every 20 dwelling units.

The Project includes 144 dwelling units that require at least 111 Class 1 and eight Class 2 bicycle parking spaces. The Project will provide 111 Class 1 bicycle parking spaces in a 9-ft. 3-in. tall "mezzanine level" storage area between the basement and ground floor, and at least eight Class 2 spaces in front of the building on Beale and Main Streets to comply with the bicycle parking requirements.

N. **Car Share Requirements.** Planning Code Section 166 requires one car-share parking space for a project containing between 50 and 200 residential units.

The Project includes 144 dwelling units and includes one designated car share space to comply with Planning Code Section 166.

O. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of ten dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

The Project is providing 72 off-street parking spaces that are accessory to the dwelling units. Through a Condition of Approval, these spaces will be unbundled and sold or leased separately from the dwelling units to comply with this requirement.

P. **Transportation Demand Management (TDM) Program.** The TDM Program seeks to promote sustainable travel modes by requiring new development projects to incorporate design features, incentives, and tools that support transit, ride-sharing, walking, and bicycle riding for the residents, tenants, employees, and visitors of their projects. The sponsor is required to submit a TDM Plan for Department review of compliance with Code Section 169, including the Planning Commission's TDM Program Standards.

The Project Sponsor submitted a completed Environmental Evaluation Application prior to September 4, 2016 on November 4, 2014, and is therefore required to achieve 50% of the point target established in the TDM Program Standards for a target of 10 points. The Project will comply with the TDM Program by achieving 11 points through the following TDM Measures: 1) Bicycle Parking Option A; 2) Bicycle Repair Station; 3) Car-Share Parking and Membership Option A; 4) On-Site Affordable Housing Option B; 5) Unbundle Parking Location C; and 6) Parking Supply Option C.

Q. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

The Project includes 60 studio, 25 one-bedroom, and 59 two-bedroom units, which is equal to 41 percent of the total 144 units that contain two bedrooms to comply with the dwelling unit mix requirement.

R. **Height Exemptions.** Planning Code Section 260(b) allows certain features to be exempt from the height limits established by the Planning Code that include mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself (including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, panels or devices for the collection of solar or wind energy and window-washing equipment, together with visual screening for any such features), elevator, stair and mechanical penthouses, fire towers, skylights, dormer windows, and in the Rincon Hill Downtown Residential District, enclosed space related to the recreational use of the roof, which are all limited to the top 16 feet of such features where the height limit is more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the footprint of the elevator shaft.

In the Rincon Hill Downtown Residential District, a further height exemption includes additional building volume used to enclose or screen from view the features listed above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this subsection but shall meet the requirements of Section 141 for the screening of rooftop features, and shall have a horizontal area not more than 85 percent of the total area of the highest occupied floor, and shall contain no space for human occupancy.

The Project includes 15-ft. tall rooftop features including a mechanical equipment room at the western half and an elevator penthouse at the eastern half of the building with a total horizontal area of 1,753 sq. ft. The Project also includes a permitted 2,400 sq. ft. solarium for recreational open space use, for a total horizontal roof area of 4,153 sq. ft., or 32 percent of the entire 13,038 sq. ft. roof area to comply with the Planning Code's height exemption provisions.

S. **Transportation Sustainability Fee ("TSF").** Planning Code Section 411A applies to any development project that will result in more than twenty dwelling units. Projects that have filed a development application or environmental review application on or before July 21, 2015 are subject to 50% of the applicable fee for residential uses and the applicable TIDF fee per Planning Code Section 411 for non-residential use.

The Project includes the replacement of use for 35,625 gross sq. ft. of Non-Residential to Residential use and 104,655 sq. ft. of new Residential use that will be subject to the Transportation Sustainability Fee, which must be paid prior to the issuance of the building permit application.

T. **Child-Care Requirements.** Pursuant to Section 414A, the Residential Child Care Impact Fee applies to a project that includes at least one new dwelling unit and takes change of use into consideration.

The Project includes the replacement of use for 35,625 gross sq. ft. of Non-Residential to Residential use and 104,655 sq. ft. of new Residential use that will be subject to the Residential Child Care Impact Fee, which must be paid prior to the issuance of the building permit application.

U. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing for the purpose of increasing affordable housing citywide.

The Project Sponsor has demonstrated that the project is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and on December 4, 2017 submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of payment through the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be leased and will remain as rental units for the life of the project. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on November 4, 2014; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5% of the total proposed dwelling units as affordable. Nineteen (19) of the total 144 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

V. **Rincon Hill Community Infrastructure Impact Fee.** Planning Code Section 418 is applicable to any development project within the Rincon Hill Area Plan that results in the addition of at least one net new residential unit.

The project includes the replacement of use for 35,625 gross sq. ft. of Non-Residential to Residential use and 104,655 sq. ft. of new Residential use that will be subject to the Rincon Hill Community Infrastructure Impact Fee, which must be paid prior to the issuance of the building permit application.

W. **South of Market (SOMA) Community Stabilization Fee.** Planning Code Section 418.3(d) is applicable to any development project within the Rincon Hill Area Plan that results in new residential development.

The Project includes 140,280 gross sq. ft. of new residential development that is subject to the SOMA Community Stabilization Fee, which must be paid prior to the issuance of the building permit application.

X. **Reduction of Ground Level Wind Currents.** Planning Code 825(d) requires that new buildings and additions to existing buildings shall not cause ground-level wind currents, which exceed more than 10 percent of the time year-round, between 7:00am and 6:00pm, the comfort level of 11 mph equivalent wind speed in areas of substantial pedestrian use and 7 mph equivalent wind speed in public seating areas.

The Project underwent wind tunnel testing and was determined that it would result in one new comfort exceedance on the east side of Beale and Bryant Streets. This location is opposite the Bay Bridge overpass from the project site that fronts Caltrans storage containers on parcels 3767/003 & 004. Wind at this location would exceed the comfort level of 11 mph 13% of the time. The Zoning Administrator has determined that because the new comfort exceedance location is over 350 feet from the project, is not considered an area of substantial pedestrian use, the nominal 3% of the time the location would the comfort level threshold, and the intervening structures between the project and the exceedance location, including the Bay Bridge, the comfort exceedance is insubstantial and the development cannot be shaped without unduly restricting the development potential of the building.

Y. **Building Standards-Development Concept.** Planning Code Section 827(a)(1) outlines a development concept that establishes a podium up to 85-ft in height with a slender residential towers spaced to provide ample light and air to the district. New development will contribute to the creation of a substantial amount of public open space, as well as provide private common areas, courtyards, and balconies. Streets will be improved to provide widened sidewalks with substantial public open space. Ground floor uses will be pedestrian-oriented in character, consisting primarily of retail on Folsom Street, and individual townhouse-style residential units on 1st, Fremont, Beale, Main, and Spear Streets, as well as on alleys and mid-block pathways. Parking will be located below grade, and building utilities (loading bays, service doors, garage doors) will be located in sidewalk vaults or on secondary frontages.

The Project has a total height of 84-ft. that is consistent with the property's height designation, and will include a 10-ft. setback above 65-ft. to reduce the bulk and minimize light and air reduction at the street. The development will include 10,800 sq. ft. open space through a combination of 24 private balconies and ten private terraces throughout all floors of the building, and a common rooftop deck and solarium. The ground floor has been designed to be pedestrian-oriented in character with a residential lobby adjacent to a dwelling unit with direct street access on Main Street, and one 11-ft. ramp to access the basement that is flanked by two townhouse-style units on Beale Street. All of the accessory parking is located underground in the basement, and the development will include streetscape improvements in front of the Project including new street trees, landscaping, bicycle racks and sidewalk re-paving consistent with the Rincon Hill Streetscape Plan.

7. **Downtown Project Authorization in RH-DTR.** Planning Code Section 309.1 lists aspects of design review in which a project must comply. The Planning Commission finds that the Project is compliant with these aspects as follows:

   A. Overall building mass and scale.

   The proposed building will be 84-ft. tall, which complies with the designated height for the property, and includes a 10-ft. setback above 65-ft. to maintain the desired streetwall in Rincon Hill and reinforce the sculpting of the skyline towards the larger residential towers to the north in the Transbay Downtown Residential District. Therefore, the Project's mass and scale are appropriate for the surrounding context, which includes similar and larger-scale residential towers including the eleven-story 288-unit Baycrest development at 201 Harrison Street to the north, the eleven-story 150-unit Portside development at 403 Main Street to the east, and the 25-story 245-unit Bridgeview development at 400 Beale Street to the west.

   B. Architectural treatments, facade design and building materials:

   The Project's architectural treatments, façade design and building materials include the use of plank format fiber cement panels in a dark grey that will have a natural variation in tone to provide visual texture and dimension, and a window wall with metal slab edge covers that are arranged in a serrated pattern to accentuate the vertical proportions of the "podium" level and provide desirable daylight interiors. The apartments on these floors will feature large operable sliding doors that open at Juliette balconies with rails that are composed of custom laser cut aluminum to provide increased privacy while promoting air flow to the interior. The building volume that is set back above 65-ft. will be clad with larger fiber cement panels in a light cream color to visually break up the massing and further articulate the building, but will include randomized joint patterns to provide visual interest. Additionally, the lower two floors of the building are set back on each street frontage to allow for a separate expression of the ground floor residential units and the building lobby. The main entrance canopy, residential stoop gates and the parking garage entrance are highlighted by patinated metal elements in a warm orange hue. As a smaller-scale residential building, the Project utilizes high quality materials and detailing and provides variety to the skyline compared to the more glassy, larger-scale towers found in other parts of Rincon Hill and throughout the South of Market area.

   C. The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;

   The Project features an approximately 25-ft. wide by 35-ft. deep residential lobby at the ground floor on Main Street, and an entrance/exit to the underground basement garage through an 11-ft. wide driveway on Beale Street. Along both street frontages, the ground floor is set back 18 to 36 inches behind the property line to allow planting beds. The street frontages are activated by street-facing dwelling units, each with a 6-ft. deep by 8-ft. wide entrance stoop that acts as a buffer and private open space for the respective units. Convenient access is provided to a bike parking "mezzanine level" from Beale Street, and rooms dedicated to electrical, mechanical and other building services are planned to be located below grade and not visible where possible. An interior courtyard that is 20% in area and

functions similar to a rear yard is included in the design, and is south facing to maximize the dwelling unit exposure considering the narrow 68-ft. 9-in. width of the project site.

D. On sloping sites, parking provided above ground pursuant to Section 825(b)(5)(A);

All off-street parking is located below grade in a basement, and is consistent with the policies of the Rincon Hill Area Plan.

E. The provision of required open space, both on- and off-site;

The Project provides a combination of private and common usable open space that is accessible to all the intended 144 residential units and totals 10,800 sq. ft., which is the 75 sq. ft. per unit required by the Planning Code.

F. Streetscape and other public improvements, including tree planting, street furniture, and lighting.

The Project has 137-ft. 6-in. of total frontage and will include street trees, landscaping, bicycle racks, and sidewalk re-paving where needed consistent with the Rincon Hill Streetscape Plan.

G. Circulation, including streets, alleys and mid-block pedestrian pathways;

The Project has 68-ft. 9-in. of frontage each on Beale and Main Streets, and includes one 11-ft. ramp on Beale Street to access the basement garage where there will be 72 accessory parking spaces and one car-share space.

H. Other changes necessary to bring a project into conformance with the applicable elements and area plans of the General Plan.

The Project does not propose any changes or legislative amendments to the Rincon Hill Area Plan, General Plan or any other applicable plans.

The Project, on balance, meets the Objectives and Policies of the General Plan (see below).

8. **Downtown Project Authorization Exceptions.** Planning Code Section 309.1 allows exceptions for projects in the Rincon Hill Downtown Residential District as follows:

A. Reduction in the dwelling unit exposure requirements pursuant to Section 140;

Under Planning Code Section 140, all dwelling units must face onto a public street, alley that is at least 20-ft. wide, side yard at least 25-ft wide, or rear yard that meets the requirements of the Planning Code. Alternatively, a dwelling unit may face an open are such as an inner court which is unobstructed (except for fire escapes, chimneys, and specific obstructions permitted in Section 136(c) of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the

dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor can satisfy the exposure requirement.

The combined parcel dimensions are approximately 69-ft. wide by 275-ft. deep, so the narrow width and significant portion of the Project's perimeter located at the interior property lines present a development constraint. The Project proposes an interior rectangular courtyard with a shorter horizontal dimension of 25-ft. 4-in. that is reduced to 17-ft. 4-in. for three units each at floors 2 through 9 which contain a 7-ft. x 13-ft. balcony that functions as private open space. Exclusively facing this courtyard are nine units each on floors 1 through 6, and eight units each on floors 7 through 9. These 65 units do not face a courtyard that is at least 25-ft. in every horizontal direction on their floor and floor above they are located, with an increase of five feet at each subsequent floor. However, the units will have sufficient access to light and air because the Project's courtyard is oriented southeast onto Assessor's Parcel No. 3767/003, which is currently owned by Caltrans and used as a parking lot and bridge maintenance facility. Given the overall design, composition, and community benefits of the Project, the Commission supports this exception.

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

HOUSING

Objectives and Policies

OBJECTIVE 1
IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1
Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

Policy 1.3
Work proactively to identify and secure opportunity sites for permanently affordable housing.

Policy 1.10
Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project is a high density residential development in a neighborhood that has experienced rapid land use change, and is located at an underutilized infill site that would provide housing that is easily accessible by foot or bicycle, and near public transportation. The subject properties were rezoned to RH-DTR as part of a long-range planning goal to create a cohesive, higher density residential neighborhood, and the surrounding area is almost exclusively zoned for residential use. The Project will provide new on-site affordable housing units for rent, thus increasing the availability of new housing to all income levels.

OBJECTIVE 4
FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.4
Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

Policy 4.5
Ensure that new permanently affordable housing is located in all of the city's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

The Project is a high density residential development that will provide nineteen permanently affordable studio, one-bedroom and two-bedroom rental housing units in Rincon Hill.

OBJECTIVE 11
SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1
Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2
Ensure implementation of accepted design standards in project approvals.

Policy 11.3
Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4
Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6
Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8
Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The proposed building complies with the designated height for the property, and includes a setback above 65-ft. to maintain the desired streetwall in Rincon Hill. The surrounding context includes similar and larger-scale residential towers that are between eleven and 25 stories in height, constructed within the last

25 years, and are contemporary in architectural style. The Project is also a residential development and will maintain the neighborhood's existing character.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:
IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:
Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.3:
Install pedestrian-serving street furniture where appropriate.

Policy 24.4:
Preserve pedestrian-oriented building frontages.

The Project's has 137-ft. 6-in. of total frontage and is designed with street-facing active spaces oriented at the pedestrian level that include dwelling units which have direct, individual access to the public sidewalk and a 40-ft. wide residential lobby on Main Street. Additionally, the adjacent streetscape will include at least six new street trees, landscaping, bicycle racks, and sidewalk re-paving where needed consistent with the Rincon Hill Streetscape Plan.

OBJECTIVE 28:
PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:
Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3:
Provide parking facilities which are safe, secure, and convenient.

The Project includes 111 Class 1 bicycle parking spaces at a "mezzanine level" area between the basement and ground floor that are conveniently accessed through a bank of elevators in the lobby off Main Street. In addition, at least eight Class 2 bicycle parking space racks will be installed in front of the building.

OBJECTIVE 34:
RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.1:
Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:
Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

Policy 34.5:
Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

The Project includes the principally permitted 72 off-street residential parking spaces at a ratio of one space for every two dwelling units to encourage low auto ownership and promote transit ridership. The parking spaces will be accessed through a single 11-ft. curb cut and ramp on Beale Street to minimize the reduction of existing on-street parking.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.7:
Recognize the natural boundaries of districts, and promote connections between districts.

The Project is located in the Rincon Hill neighborhood, which has been redeveloped into a dense residential area, and the proposed development includes expressive street façades that respond to the form, scale and material palette of the older and more recent construction in the neighborhood.

OBJECTIVE 4:
IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.5:
Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:
Improve pedestrian areas by providing human scale and interest.

The Project includes a single 11-ft. curb cut and ramp on Beale Street to access the basement-level parking that will minimize danger to pedestrians, and is designed with street-facing active uses oriented at the pedestrian level to provide human scale and interest, including dwelling units that have direct access to the public sidewalk and a 40-ft. wide residential lobby on Main Street. Additionally, the adjacent streetscape will include at least six new street trees, landscaping, bicycle racks, and sidewalk re-paving where needed consistent with the Rincon Hill Streetscape Plan to improve the pedestrian realm.

RINCON HILL AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.1
ENCOURAGE THE DEVELOPMENT OF A UNIQUE DYNAMIC, MIXED-USE RESIDENTIAL NEIGHBORHOOD CLOSE TO DOWNTOWN, WHICH WILL CONTRIBUTE SIGNIFICANTLY TO THE CITY'S HOUSING SUPPLY.

OBJECTIVE 1.2
MAXIMIZE HOUSING IN RINCON HILL TO CAPITALIZE ON RINCON HILL'S CENTRAL LOCATION ADJACENT TO DOWNTOWN EMPLOYMENT AND TRANSIT SERVICE, WHILE STILL RETAINING THE DISTRICT'S LIVABILITY.

OBJECTIVE 1.5
ADD LIFE AND ACTIVITY TO THE DISTRICT'S PUBLIC SPACES BY PROVIDING ACTIVE USES ON STREET-FACING GROUND FLOORS.

Policy 1.1
Allow housing as a principal permitted use throughout the district.

Policy 1.3
Eliminate the residential density limit to encourage the maximum amount of housing possible within the allowable building envelope.

Policy 1.4
Require parking to be located primarily underground so that the allowable above-ground building envelope can be used for housing.

The Project is a high density residential development located at an underutilized infill site that proposes the maximum amount of housing possible within the allowable building envelope in a neighborhood that has experienced rapid land use change to become a cohesive, higher density and predominantly residentially zoned neighborhood. The new housing would be close to downtown employment, easily accessible by foot or bicycle, and near public transportation.

The Project has 137-ft. 6-in. of total frontage on Beale and Main Streets that is designed with street-facing active uses oriented at the pedestrian level including dwelling units which have direct, individual access to

the public sidewalk and a 40-ft. wide residential lobby on Main Street. Additionally, the adjacent streetscape will include at least six new street trees, landscaping, bicycle racks, and sidewalk re-paving where needed consistent with the Rincon Hill Streetscape Plan. The Project's principally permitted 72 off-street residential parking spaces will be accessed through a single 11-ft. curb cut and ramp on Beale Street to minimize the reduction of existing on-street parking.

Housing

OBJECTIVE 2.1
PROVIDE QUALITY HOUSING IN A PLEASANT ENVIRONMENT THAT HAS ADEQUATE ACCESS TO LIGHT, AIR, OPEN SPACE AND NEIGHBORHOOD AMENITIES, AND THAT IS BUFFERED FROM EXCESSIVE NOISE.

OBJECTIVE 2.2
ENCOURAGE NEW HOUSING PRODUCTION THAT MEETS A VARIETY OF HOUSING NEEDS, ESPECIALLY AFFORDABLE HOUSING.

OBJECTIVE 2.3
ENCOURAGE NEW HOUSING PRODUCTION OF AN ADEQUATE SIZE AND CONFIGURATION TO SERVE FAMILIES.

Policy 2.1
Require all new developments of 10 or more units in the Rincon Hill district to meet the City's affordable housing requirement of at least 12 percent on-site or 17 percent off-site, regardless of whether a Conditional Use permit is required.

Policy 2.2
Require that inclusionary housing be built within the South of Market district, in areas designated for the encouragement of new housing.

Policy 2.4
Require 40 percent of all units in new development to be two or more bedroom units.

The Project contains 144 dwelling units and will comply with the City's affordable housing requirement by providing nineteen permanently affordable on-site studio, one-bedroom and two-bedroom rental housing units in the Rincon Hill neighborhood of the South of Market district. The Project would also contain 59 two-bedroom units, which is 41 percent of the total units.

Urban Design

OBJECTIVE 3.1
ACHIEVE AN AESTHETICALLY PLEASING RESIDENTIAL COMMUNITY.

OBJECTIVE 3.8

ENCOURAGE A HUMAN SCALE STREETSCAPE WITH ACTIVITIES AND DESIGN FEATURES AT PEDESTRIAN EYE LEVEL, AND AN ENGAGING PHYSICAL TRANSITION BETWEEN PRIVATE DEVELOPMENT AND THE PUBLIC REALM.

OBJECTIVE 3.9
MINIMIZE THE VISUAL IMPACTS OF RESIDENTIAL PARKING, LOADING, UTILITIES AND SERVICES ON THE NEIGHBORHOOD.

Policy 3.10
Provide a consistent 45 to 85 foot streetwall to clearly define the street.

Policy 3.11
Require building setbacks at upper-stories for podiums above 65 feet on Spear, Main, Beale, Fremont and First Streets, and above 45 feet on Guy and Lansing Streets and mid-block pedestrian pathways to preserve an appropriate scale and sun access to streets.

Policy 3.14
Require street-facing ground floor residential units articulated at intervals of no more than 25 feet on Spear, Main, Beale, Fremont, First, and Lansing Streets, and Guy Place, except at tower lobbies or where parking access and utilities are necessary. Encourage them on Harrison and Bryant Streets.

Policy 3.16
Restrict parking access to new buildings to two lanes (one egress, one ingress) of no more than 11 feet each, and loading access to one lane of no more than 15 feet. Parking and loading should share access lanes wherever possible.

Policy 3.17
Require that all parking must be located below street grade. For sloping sites with a grade change of greater than ten feet, require that no less than 50 percent of the parking must be below grade, and any portions not below grade must be lined by active uses.

The Project includes a 10-ft. setback above a height of 65-ft., which is above the sixth floor at the Beale Street frontage and seventh floor at the Main Street frontage to help clearly define the streetwall and preserve an appropriate scale and sun access to streets. Street-facing ground floor residential units are placed at intervals less than 25 feet on Beale and Main Streets, and access to the below grade parking in the basement is limited to a single 11-ft. curb cut and ramp on Beale Street.

Recreation, Open Space and Community Facilities

OBJECTIVE 4.1
CREATE A VARIETY OF NEW OPEN SPACES AND COMMUNITY FACILITIES FOR ACTIVE AND PASSIVE RECREATION TO MEET THE NEEDS OF A SIGNIFICANT NEW RESIDENTIAL POPULATION.

OBJECTIVE 4.7
REQUIRE PRIVATE DEVELOPMENT TO CONTRIBUTE TO THE CREATION AND ONGOING MAINTENANCE AND OPERATIONS OF PUBLIC OPEN SPACES AND COMMUNITY FACILITIES THROUGH IN-KIND CONTRIBUTION, A COMMUNITY FACILITIES DISTRICT, AND/OR DEVELOPER FEES.

Policy 4.6
Create a community facilities district to fund capital improvements, operation and maintenance of new public spaces, including the Living Streets, the Harrison/Fremont Park, and community spaces in the Sailor's Union of the Pacific building.

Policy 4.7
Require new development to implement portions of the streetscape plan adjacent to their development, and additional relevant in-kind contributions, as a condition of approval.

Policy 4.8
Require new development to provide private open space in relation to a development's residential area at a ratio of 75 square feet of open space per unit.

The Project includes a total 10,800 sq. ft. of private or common open space that is equal to 75 sq. ft. per dwelling unit, and will include improvements to the streetscape including at least six new street trees, landscaping, bicycle racks, and sidewalk re-paving where needed consistent with the Rincon Hill Streetscape Plan to improve the pedestrian realm. The Project will also be subject to the Rincon Hill Community Infrastructure Impact Fee that is deposited into the Rincon Hill Community Improvements Fund to be used solely to design, engineer, acquire, improve, and develop neighborhood recreation and open spaces, pedestrian and streetscape improvements, and bicycle infrastructure that result in new publicly-accessible facilities or other allowable improvements within the Rincon Hill Downtown Residential District.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

    The existing use at the project site is a 35,625 sq. ft. retail self-storage facility that is not compatible with the residential and mixed-use character of the Rincon Hill Downtown Residential District. The Project will provide 144 dwelling units in a well-designed building that is more compatible and

desirable with the existing residential context, and bring new residents to the area that will provide opportunities for patronage to nearby retail uses.

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

No housing exists on the project site. The Project will provide 144 new dwelling units in a building that is designed to be compatible with the massing, scale and architecture of the residential and mixed-use development in the neighborhood. Overall, the Project preserves the cultural and economic diversity of the surrounding neighborhood thru its strong relationship to the adjacent neighborhood character.

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

No housing exists on the project site. The Project will not eliminate any existing affordable housing and will comply with the City's Inclusionary Housing Program by providing nineteen new on-site affordable rental housing units, thus increasing the opportunity for future affordable housing.

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

The Project is well served by MUNI and other regional public transit, and traffic generated by the 72 accessory residential parking spaces would be intermittent and not significant to overburden local streets or impede transit service.

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

The project site is currently used as a 35,625 sq. ft. retail self-storage facility that will be replaced with a residential development that is more compatible in character with the existing development. The Project does not include commercial office use, nor will any industrial and service sector businesses be displaced.

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

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

G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on the project site.

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

The Project will not affect the City's parks or open space or their access to sunlight and vistas. A shadow study was completed and concluded that the Project will not cast shadows on any property under the jurisdiction of the Recreation and Park Commission.

11. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2014-002033DNX** under Planning Code Section 309.1 to allow demolition of an existing 35,625 sq. ft. commercial structure, merger of two lots, and construction of a new 84-ft. tall, nine-story and approximately 140,280 sq. ft. residential building with up to 144 dwelling units (consisting of 60 studio, 25 one-bedroom, and 59 two-bedroom units), 10,800 sq. ft. of open space, and a 17,720 sq. ft. basement garage for 72 accessory automobile and 111 Class 1 bicycle parking spaces, and a modification to the requirement for dwelling unit exposure under Planning Code Section 140, within the RH-DTR (Rincon Hill Downtown Residential) Zoning District, and 84-X Height and Bulk District. The Project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file dated February 6, 2018, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Rincon Hill Plan EIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: **Any aggrieved person may appeal this Section 309.1 Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.**

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 24, 2018.

Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel, and Melgar

NAYS: Moore

ABSENT: Richards

ADOPTED: May 24, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a Downtown Project Authorization to allow demolition of an existing 35,625 sq. ft. commercial structure, merger of two lots, and construction of a new 84-ft. tall, nine-story and approximately 140,280 sq. ft. residential building with up to 144 dwelling units (consisting of 60 studio, 25 one-bedroom, and 59 two-bedroom units), 10,800 sq. ft. of open space, and a 17,720 sq. ft. basement garage for 72 accessory automobile and 111 Class 1 bicycle parking spaces, and a modification to the requirement for dwelling unit exposure pursuant to Planning Code Section 140, located at 429 Beale and 430 Main Streets, Lots 305 & 306 in Assessor's Block 3767, pursuant to Planning Code Section 309.1 within the RH-DTR (Rincon Hill Downtown Residential) Zoning District, and a 84-X Height and Bulk District; in general conformance with plans, stamp dated February 6, 2018, and stamped "EXHIBIT B" included in the docket for Case No. 2014-002033DNX and subject to conditions of approval reviewed and approved by the Commission on May 24, 2018 under Motion No. 20195. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on May 24, 2018 under Motion No. 20195.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20195 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Downtown Project Authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the two (2) year period has lapsed, the Project Sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the Project Sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than two (2) years have passed since this Authorization was approved.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Planning Commission, subject to Planning Code Section 309.1, where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Rincon Hill Plan EIR (Case No. 2014-002033ENV) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

7. **Building Height.** The Project shall be modified to comply with the 84-ft. height limit as described under Planning Code Section 260 and will be measured at two locations, on Beale Street for a depth of 137-ft. 6-in., and on Main Street for the remaining depth of 137-ft. 6-in. depth, which is equal to the midpoint of the Project Site's total 275-ft. depth. at Main Street. The modified plans shall be reviewed and approved by the Planning Department.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Massing Break.** The Project shall be modified to incorporate a 45-ft. wide break, or notch at the center of the building. When compared to the original plans dated March 14, 2018, the modified massing that complies with the 84-ft. height limit would be equal to the topmost four floors for the one-half of the building closest to Main Street, and the topmost three floors for the one-half of the building closest to Beale Street. The walkways on each floor of this break that will connect the building volumes shall use an open railing system, and not a solid material syuch as glazing. The modified plans shall be reviewed and approved by the Planning Department.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. **Final Materials.** Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

10. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

11. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

12. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
    1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
    2. On-site, in a driveway, underground;
    3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
    4. On-site, in a ground floor façade;
    5. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
    6. Public right-of-way, underground; and based on Better Streets Plan guidelines;
    7. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines (the least desirable location).

    Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.
    For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, http://sfdpw.org

PARKING AND TRAFFIC

13. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or

rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

14. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 72 off-street parking spaces for the 144 dwelling units (or 0.5 off-street parking spaces for each dwelling unit) exclusive of any designated car-share spaces contained therein.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

15. **Car Share.** Pursuant to Planning Code Section 166, no less than one (1) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

16. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 111 Class 1 bicycle parking spaces and eight (8) Class 2 bicycle parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

17. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

18. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

19. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

20. **Residential Child Care Impact Fee.** Pursuant to Planning Code Section 414A, the Project shall pay the Child Care Requirement Fee, prior to issuance of the first construction document.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

21. **Rincon Hill Community Improvements Fee.** Pursuant to Planning Code Section 418.3(b)(1), the Project shall pay the Rincon Hill Community Infrastructure Impact Fee, execution of a Waiver Agreement with the Planning Department, or execution of an In-Kind Agreement with the Planning Department prior to issuance of the first construction document.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

22. **South of Market Community Stabilization Fee.** Pursuant to Planning Code Section 418.3(d), the Project shall pay the SOMA Community Stabilization Fee, prior to issuance of the first construction document.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

23. **Transportation Sustainability Fee.** Pursuant to Planning Code Section 411A, the Project shall pay for the residential uses within the Project, either: i) pay $3.87 per gross square foot (approximately equal to 50% of the TSF applicable to residential uses); or ii) comply with the TSF, if applicable to the project, whichever calculation results in a higher TSF requirement. Non-residential or PDR uses would continue to be subject to the TIDF at the rate applicable per Planning Code Sections 411.3(e) and 409, as well as any other applicable fees.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

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

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

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

OPERATION

26. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, http://sfdpw.org

27. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, http://sfdpw.org

28. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

29. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

INCLUSIONARY AFFORDABLE HOUSING PROGRAM

30. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 13.5% of the proposed dwelling units as affordable to qualifying households. The Project contains 144 units; therefore, nineteen (19) affordable units are required. The Project Sponsor will fulfill this requirement by providing the nineteen (19) affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

31. **Unit Mix.** The Project contains 60 studios, 25 one-bedroom, and 59 two-bedroom units; therefore, the required affordable unit mix is eight (8) studios, three (3) one-bedroom, and eight (8) two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

32. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

33. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (13.5%) of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

34. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

35. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:
http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

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

a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.

d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.

e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.

f. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

g. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

	MONITORING AND REPORTING PROGRAM			
Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
MITIGATION MEASURES **Project Mitigation Measure 1: Archeological Monitoring (Implementing Rincon Hill PEIR Mitigation Measure I.1b)**				
Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Qualified Archeological Consultants List (QACL) maintained by the Planning Department (Department) archeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the	Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).	Prior to issuance of site permits.	Project Sponsor shall retain archaeological consultant to undertake archaeological monitoring program in consultation with ERO.	Considered complete when project sponsor retains qualified archeological consultant.

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direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).				
Consultation with Descendant Communities. On discovery of an archeological site[1] associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group, an appropriate representative[2] of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO 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 Archaeological Resources Report shall be provided to the representative of the descendant group.				
Archeological Monitoring Program (AMP). The archeological monitoring program shall minimally include the following provisions:	Project sponsor/ archeological consultant at the	Prior to issuance of site permits.	Project sponsor/archeological consultant shall meet with ERO on scope of AMP.	Considered complete upon ERO approval of

1 The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.
2 An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and, in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM			
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▪ The archeological consultant, project sponsor, and the ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO, in consultation with the project archeologist, 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 potential risk these activities pose to archeological resources and to their depositional context;	direction of the ERO.			AMP.
▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;				
▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant				

Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
archeological deposits; ▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;				
If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving or deep foundation activities (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving or deep foundation activities may affect an archeological resource, the pile driving or deep foundation activities shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.	Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).	During soils-disturbing activities.	Archeological consultant to monitor soils-disturbing activities specified in AMP and immediately notify ERO of any encountered archeological resource.	Considered complete upon completion of AMP.
If the ERO, in consultation with the archeological consultant, determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the	ERO, archeological consultant, and project sponsor.	Following discovery of significant archeological	Project sponsor to redesign project to avoid adverse effect or undertake archeological data recovery program.	Considered complete upon avoidance of adverse effect.

Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM			
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project sponsor, either: A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.		resource that could be adversely affected by project.		
If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and the ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the	ERO, archeological consultant, and project sponsor.	Following determination by ERO that an ADRP is required.	Archeological consultant to prepare an ADRP in consultation with ERO.	Considered complete upon approval of ADRP by ERO.

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proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification

Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM			
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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, including immediate notification of the Coroner of the City and County of San Francisco and, in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC), who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to, but not beyond, six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human	Archeological consultant or medical examiner.	Following discovery of human remains.	Notification of Coroner and, as warranted, notification of NAHC.	Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been adhered to, consultation with MLD is completed as warranted, and that sufficient opportunity has been provided to the archeological consultant for scientific and historical analysis of remains and funerary objects.

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remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such an agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached, State regulations shall be followed, including the reburial of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).				
Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.	Archeological consultant at the direction of the ERO.	Following completion of cataloguing, analysis, and interpretation of recovered archeological data.	Archeological consultant to prepare FARR.	Considered complete upon review and approval of FARR by ERO.
Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: the California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning Division of the Planning Department shall receive one bound, one unbound, and	Archeological consultant at the direction of the ERO.	Following completion of FARR and review and approval by ERO.	Following consultation with ERO, archeological consultant to distribute FARR.	Considered complete upon certification to ERO that copies of FARR have been distributed.

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one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.				
Project Mitigation Measure 2: Construction Air Quality (Implementing Rincon Hill PEIR Mitigation Measure E.1)				
The project sponsor or the project sponsor's Contractor shall comply with the following:				
A. *Engine Requirements.*	Project sponsor, contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Project sponsor, contractor(s) to submit certification statement to the ERO.	Considered complete upon submittal of certification statement.
1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.				

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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 Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.				
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.				
B. *Waivers.*				
1. The Planning Department's Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of				

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power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for on-site 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 off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to the table below.

Table – **Off-Road Equipment Compliance Step-down Schedule**

Compliance Alternative	Engine Emission Standard	Emissions Control
Tier 1	Tier 2	ARB Level 2 VDECS
Tier 2	Tier 2	ARB Level 1 VDECS
Tier 3	Tier 2	Alternative Fuel*

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How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3. Alternative fuels are not a VDECS.				
C. *Construction Emissions Minimization Plan.* Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.	Project sponsor, contractor(s).	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.	Project sponsor, contractor(s) to prepare and submit a Plan to the ERO.	Considered complete upon findings by the ERO that the Plan is complete.
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. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model,				

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manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. 2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan. 3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.				
D. *Monitoring.* After start of construction activities, the Contractor shall submit quarterly reports to the	Project sponsor, contractor(s).	Quarterly.	Project sponsor, contractor(s) to submit quarterly reports to	Considered complete upon

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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.			the ERO.	findings by the ERO that the Plan is being/has been implemented.
Project Mitigation Measure 3 – Dewatering During Construction (Implementing Rincon Hill PEIR Mitigation Measure H.2)				
If dewatering is necessary, the project sponsor shall follow the recommendations of the site assessment/remediation consultant, in consultation with the Bureau of Environmental Regulation (BERM) of the San Francisco Public Utilities Commission, regarding treatment, if any, of pumped groundwater prior to discharge to the combined sewer system. Any groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance No. 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. The BERM must be notified of projects necessitating dewatering. That office may require water analysis before discharge.	Project sponsor and construction contractor(s).	During project construction.	Project sponsor and/or construction contractor(s) to notify the BERM if dewatering is necessary and follow the recommendations of the BERM.	Considered complete upon completion of construction
If dewatering is necessary, groundwater pumped from the				

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development site shall be retained in a holding tank to allow suspended particles to settle, if this is determined necessary by the BERM to reduce the amount of sediment entering the combined sewer system. The project sponsor shall require the general contractor to install and maintain sediment traps if determined necessary by the BERM.				

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	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
IMPROVEMENT MEASURES **Project Improvement Measure 1 – Construction Traffic (Implementing Rincon Hill PEIR Improvement Measure C.2)**				
Construction contractor(s) for the proposed project should meet with the Municipal Transportation Agency, the Fire Department, the Planning Department, and other City agencies to determine feasible measures to reduce traffic congestion, including any potential transit disruption and pedestrian circulation impacts during construction of the project. In addition, the temporary parking demand by construction contractor(s) should be met on-site or within other off-site parking facilities, and the construction contractor(s) should determine the location of an off-site parking facility for construction workers during the construction period.	Project sponsor and construction contractor(s).	During project construction.	Construction contractor(s) to meet with the Municipal Transportation Agency, Planning Department, and other City agencies to determine feasible measures to reduce traffic congestion during construction. Construction contractor(s) to determine the location of an off-site parking facility for construction workers.	Considered complete upon completion of construction.
Project Improvement Measure 2 – Construction Management Plan (Implementing Project TIS Improvement Measure TR-1)				
To minimize potential disruptions to traffic, transit, pedestrians, and bicyclists, the project sponsor and/or construction contractor should develop a Construction Management Plan that could include, but not necessarily be limited to, the following: • Identify optimal truck routes to and from the site to minimize impacts to traffic, transit,	Project sponsor and construction contractor(s).	During project construction.	Project sponsor and/or construction contractor(s) to develop and implement Construction Management Plan.	Considered complete upon completion of construction.

Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM			
	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
pedestrians, and bicyclists; • Identify off-street parking alternatives for construction workers; • Encourage construction workers to use transit when commuting to and from the project site, reducing the need for parking. The Construction Management Plan would disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruptions and ensure that overall circulation in the area is maintained to the extent possible, with particular focus on ensuring transit, pedestrian, and bicycle connectivity. The program would supplement and expand, rather than modify or supersede, any manual, regulations, or provisions set forth by the San Francisco Municipal Transportation Agency, the San Francisco Public Works, other City agencies, and Caltrans.				

ATTACHMENT C

Ramboll Environ's Response to Trinity Consultants' Peer Review for Air Quality Technical Report, March 26, 2018

RAMBOLL

ENVIRONMENT
& HEALTH

MEMO

Via Electronic Mail

To **Michael Li, SF Environmental Planning**
Josh Pollak, SF Environmental Planning

From **Michael Keinath**
Taylor Vencill

Subject **Response to Trinity Review of Technical Report by Ramboll Environ dated October 2017 for proposed project at 430 Main Street/ 429 Beale Street ("Project")**

Date March 26, 2018

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Ramboll US Corporation (Ramboll, formerly known as Ramboll Environ) has reviewed the memorandum prepared by Trinity Consultants for the Committee for Healthy Housing on January 19, 2018 ("Trinity Memorandum") which commented on the Air Quality Analysis Technical Report for the proposed building at 430 Main Street/429 Beale Street in San Francisco, CA ("AQTR") we prepared in October 2017.[1] This memorandum has been prepared to address comments raised by Trinity. The organization of this memorandum follows the Analysis sections outlined in Section 3.0 of the Trinity Memorandum.

BUILDING DOWNWASH MODELING

Trinity incorrectly asserts that the less-refined regulatory model should have been used in place of a sophisticated computational fluid dynamics analysis which can accurately predict complex wind flows around structures.

As discussed in Section 4.1.3 of the AQTR, the most recent version of the American Meteorological Society/Environmental Protection Agency regulatory air dispersion model (AERMOD Version 16216r) was used to evaluate the ambient air concentrations of DPM and PM2.5 from the proposed diesel generator operation. Section 4.1.3.4 also discusses building downwash parameters used in the model. The San Francisco Planning Department directed this methodological approach. It is consistent with guidance issued by the Bay Area Air Quality Management District (BAAQMD) and the Office of Environmental Health Hazard Assessment (OEHHA). Therefore, both the regulatory model (AERMOD) and the computational fluid dynamics (CFD) model were used to evaluate the proposed project.

The CFD model was utilized to perform a refined building downwash analysis, specifically evaluating potential impacts of the proposed building on PM2.5 concentrations from nearby traffic sources. AERMOD can be used to model dispersion of pollutants from roadways, taking into account local meteorology,

[1] An updated AQTR was submitted in March 2018 to correct inconsistencies between the report technical tables and text. All results presented in the technical tables remained the same, only changes to the numbers presented in the text were made. This updated report did not include any additional analyses or calculations, nor did it change any conclusions presented in the October 2017 report.

elevation data, emissions source parameters, and basic building structure shapes; but it is not sophisticated enough to account for complex urban features. As described in Section 8.2 of the AQTR, "AERMOD does not have the capacity to account for flow interaction between multiple buildings or buildings of complex shape." Rather, AERMOD approximates building downwash for single simple-shaped buildings. In contrast to the AERMOD modeling, the CFD modeling directly simulates plume dispersion around the Project buildings, surrounding buildings, the elevated section of I-80, and other surrounding roadways. As such, it is appropriate to use a refined model for a project such as this to address the concerns raised by the Board of Supervisors in the 2009 CEQA appeal of a separate project on this site (BOS file no. 091254).

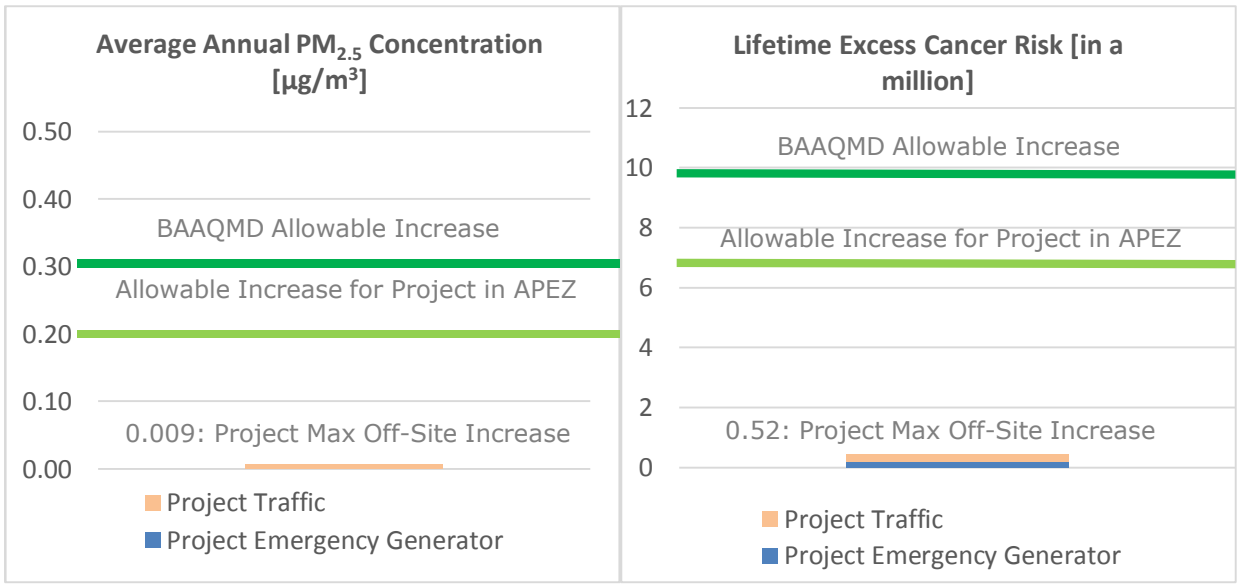
OFFSITE IMPACTS

Trinity incorrectly asserts that the Project is required to further assess and mitigate its $PM_{2.5}$ emissions. The Project will not increase pollutant concentrations above the incremental project thresholds and already takes into account the significance standards relevant to areas with high existing pollutant concentrations.

For background on air quality thresholds, the project site is within an Air Pollution Exposure Zone ("APEZ"), due to its proximity to major freeways or other pollution sources that contribute to high existing health risks in excess of the San Francisco action levels. As shown in Table A of the AQTR, the incremental health risk thresholds for projects located in an APEZ are 7 in a million for excess lifetime cancer risk and 0.2 ug/m^3 for average annual $PM_{2.5}$ concentration. These thresholds are lower than thresholds for projects outside the APEZ of 10 in a million and 0.3 ug/m^3, respectively. These higher thresholds are recommended by the Bay Area Air Quality Management District (BAAQMD) for use in CEQA analyses throughout their jurisdiction. The City and County of San Francisco have developed the lower thresholds to be more health protective in areas of the City which may experience higher exposure to pollution. The thresholds compared to in the AQTR account for the greater pre-project $PM_{2.5}$ concentration and related health risks that are present in the APEZ. Further, under CEQA, the Project is not required to mitigate for existing conditions.

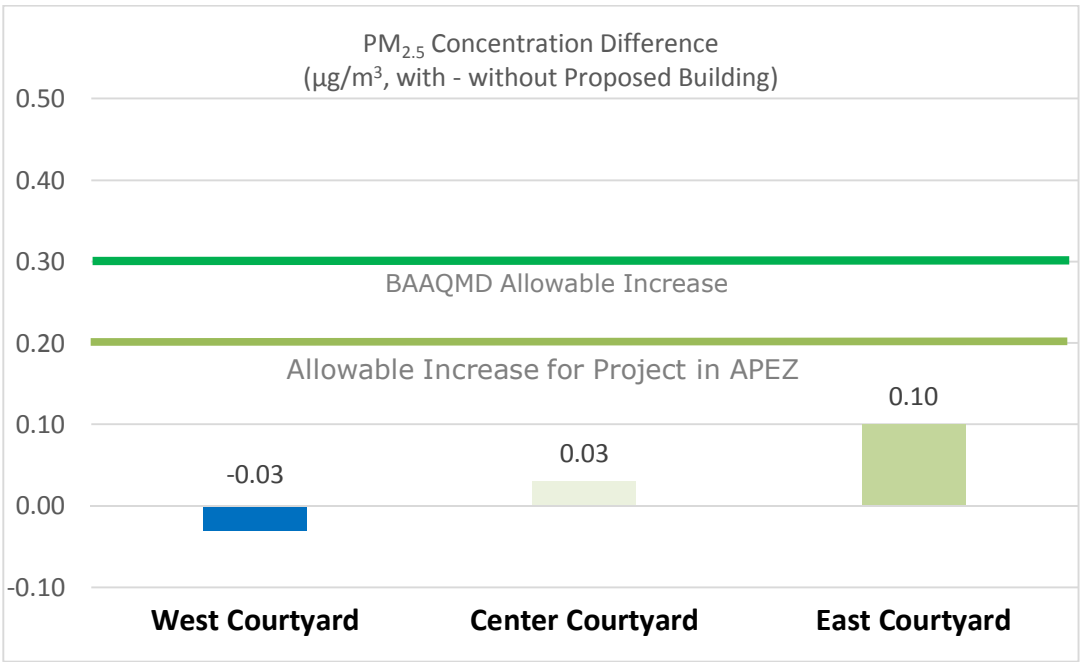
Analyses were conducted to determine whether the additional impact of the proposed Project emissions to off-site and on-site receptors would exceed these incremental thresholds. As shown in Tables 8 through 11 of the AQTR, the maximum cumulative cancer risk and $PM_{2.5}$ concentrations from traffic plus emergency generator operations were 0.52 in a million and 0.0093 ug/m^3, respectively. These maximum impacts are far below the thresholds and are therefore not considered to significantly impact health. Comparisons of the maximum Project impacts to the $PM_{2.5}$ and cancer risk thresholds are shown in Figure 1.

Figure 1. (left) $PM_{2.5}$ Thresholds and Maximum Project Impact. (right) Cancer Risk Thresholds and Maximum Project Impact.



CFD modeling was performed to further visualize the potential impacts of the proposed building on existing traffic emissions dispersion in response to the 2009 CEQA appeal of a previous project on the project site. As shown in Table 13 of the AQTR, the maximum increase in $PM_{2.5}$ concentration in any of the neighboring courtyards due to the building placement was 0.1 ug/m^3. This increase would also be well below the threshold of 0.2 ug/m^3, as shown in Figure 2.

Figure 2. CFD Modeling Results



CONSTRUCTION IMPACTS

Trinity asserts that a construction air quality analysis is needed to complete CEQA requirements, even though construction impacts for the Proposed Project have already been analyzed in the Rincon Hill Plan and these impacts will be discussed further in the Community Plan Exemption.

The Rincon Hill Plan EIR includes a discussion of air quality impacts from construction that applies to this project. It also identifies mitigation measures that can be implemented on a project-specific basis. Potential construction impacts, Project compliance, and mitigation measures from the Rincon Hill Plan EIR are expected to be discussed in detail in the Project's CEQA determination document.

DIESEL PARTICULATE MATTER

Trinity incorrectly asserts that acute health impacts should have been evaluated for components of diesel exhaust for the emergency generator, in contradiction to BAAQMD recommendations and practice.

The analysis presented in the AQTR quantified the cancer risk and chronic hazard index impacts due to the proposed rooftop diesel emergency generator. While the OEHHA guidance does present a methodology to quantify the acute health impacts by speciating diesel exhaust, the OEHHA guidance does not require the evaluation of acute health impacts, and the circumstances of the project here do not warrant it because a single emergency diesel generator is not expected to be a significant source of pollutants with acute health impacts.

Furthermore, BAAQMD states "diesel exhaust particulate matter should be used as a surrogate for all TAC emissions from diesel-fueled compression-ignition internal combustion engines" (BAAQMD Rule 2-5). There is currently no acute non-cancer toxicity value available for diesel exhaust particulate matter. In addition, before operating the diesel generator, the applicant must comply with BAAQMD permitting requirements, which include a health risk analysis and permit conditions set to ensure health standards are met.

PROJECT TRAFFIC IMPACTS

Trinity incorrectly concludes that an analysis of Project traffic emissions and impacts using 2014 and 2017 data is warranted, even though the Proposed Project risk results are well below thresholds using a conservative screening approach.

The Proposed Project is expected to generate just 263 net new trips per day, which is well below the threshold of 10,000 trips per day to be considered a low-impact source (BAAQMD, 2017) (see Section 3.1.2 of the AQTR). BAAQMD only requires an evaluation of health risks for roads with 10,000 or more trips per day.

Nevertheless, a screening analysis was performed using the BAAQMD Roadway Screening Calculator, which is a BAAQMD-developed tool for use in CEQA analyses. The Calculator uses emission factors for the County for calendar year (CY) 2014 from EMFAC2011. These factors could be updated to use either factors from the current USEPA-approved model EMFAC2014, or the newest ARB model EMFAC2017. In addition, the factors could be adjusted to more accurately represent the health risks at project buildout in year 2020 rather than 2014. To test this potential refinement, Ramboll ran EMFAC2011 for San Francisco County and CY 2014 (as used in the current BAAQMD Roadway Screening Calculator) and compared to results from EMFAC2014 and EMFAC2017 for CY 2020 (representative of conditions for an updated Screening Calculator). As shown in Table 1 below, using the more up-to-date emission factors would actually reduce the cancer risk and $PM_{2.5}$ concentrations from that reported in the AQTR. Thus, again, the results in the AQTR are conservative (i.e., worst case).

Table 1. Reduction of Emissions Factors for Project Buildout Year (2020) with Newer EMFAC vs BAAQMD Screening Tool Default (EMFAC2011 for Year 2014)

Pollutant	Reduction Using EMFAC2014	Reduction Using EMFAC2017
PM2.5	-16%	-22%
PM10	-62%	-66%
TOG (exhaust)	-88%	-83%
TOG (evaporative)	-28%	-22%

As shown in Table 7 of the AQTR, the traffic analysis resulted in a total lifetime excess cancer risk of 0.32 in a million and a $PM_{2.5}$ concentration of 0.0091 ug/m^3 at the maximum exposed off-site receptor. This analysis could be refined to more specifically model emissions and dispersion at the Project site; however, as shown in the table above, this would only reduce estimated impacts further. Therefore, since results are already well below significance thresholds, a more refined analysis is not required.

METEOROLOGICAL DATA

Trinity incorrectly asserts that the use of the meteorological data approved by the District for use in the citywide San Francisco Community Risk Reduction Plan likely would not satisfy the 2015 OEHHA Guidelines.

Section 4.1.3.1 of the AQTR describes the selection of meteorological data for use in AERMOD modeling. A single year of data from Mission Bay was used to be consistent with the data used in the SF CRRP. The 2015 OEHHA Guidance states "…the District may determine that one year of representative meteorological data is sufficient to adequately characterize the facility's impact" (OEHHA, 2015, p. 4-28). The SF CRRP methodology was developed in partnership with the Air District and thus they have approved of the use of the meteorological data used.