File No. 161067 Committee Item No. 5
Board Item No. 5

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation **Date** December 12, 2016

Board of Supervisors Meeting **Date** JANUARY 10, 2017

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Completed by: Alisa Somera **Date** December 9, 2016
Completed by: _____ **Date** _____

BOARD of SUPERVISORS

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Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Malia Cohen, Chair
Land Use and Transportation Committee

FROM: Victor Young, Assistant Clerk

DATE: December 13, 2016

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, December 13, 2016

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, December 13, 2016. This item was acted upon at the Committee Meeting on Monday, December 12, 2016, at 1:30 p.m., by the votes indicated.

Item No. 53 **File No. 161067**

Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Malia Cohen - Aye
Supervisor Aaron Peskin - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Jon Givner, Deputy City Attorney

FILE NO. 161067 AMENDED IN BOARD 12/6/2016 ORDINANCE NO.

[Planning Code, Zoning Map - Mission and 9th Street Special Use District]

Ordinance amending the San Francisco Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Block No. 3701, Lot Nos. 22, 23 and 24, on the west, and Assessor's Block No. 3701, Lot No. 66, to the north; amending the Zoning Map Sheet SU07 to create the Mission and Ninth Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font.*
Deletions to Codes are in *~~strikethrough italics Times New Roman font.~~*
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font.~~
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

(a) On August 24, 2016, the Planning Department's Environmental Review Officer finalized the Mitigated Negative Declaration ("MND") for the 1270 Mission Street Project, including a General Plan Amendment, and these Planning Code and Zoning Map Amendments, and determined that the MND was adequate, accurate and complete and reflected the independent judgment of the Planning Department. A copy of the MND and this

Determination is on file with the Clerk of the Board of Supervisors in File No. 161067 and is incorporated herein by reference. ~~At the same hearing, t~~The Planning Commission adopted the MND and a Mitigation Monitoring and Reporting Program in its Motion No. 19768 on October 27, 2016. In accordance with the actions contemplated herein, this Board has reviewed the MND and the record as a whole, and adopts and incorporates by reference, as though fully set forth herein, the findings, including the Mitigation Monitoring and Reporting Program, pursuant to the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.), adopted by the Planning Commission on October 27, 2016, in Motion No. 19768. A copy of said Motion No. 19768 is on file with the Clerk of the Board of Supervisors in File No. 161067 and is incorporated herein by reference. The Planning Department, Jonas Ionin, is the custodian of records, located in File No.2014.0926ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

(b) On October 27, 2016, the Planning Commission, in Resolution No. 19767, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 161067, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 19767 and the Board incorporates such reasons herein by reference, as though fully set forth herein. A copy of Planning Commission Resolution No. 19767 is on file with the Clerk of the Board of Supervisors in File No. 161067.

Section 2. The Planning Code is hereby amended by adding Section 249.15 to read as follows:

Sec. 249.15 Mission and 9th Street Special Use District

(a) In order to provide for a mixed use development project on the Mission Street transit corridor with ground floor retail, and an increased amount and unique combination of very-low, low, moderate, and market rate rental housing than what would otherwise be allowed in a C-3-G zoning district with a 120-X height limit, there shall be a Mission and 9th Street Special Use District at 1270 Mission Street located at Lots 20 and 21 of Assessor's Block 3701, as designated on Sectional Map SU07 of the Zoning Map. The exceptions to the applicable open space and floor area ratio requirements set forth below, the rezoning of the applicable height district set forth in this ordinance number _____, and the resulting increased number of Dwelling Units allowed by the SUD, shall be considered forms of assistance specified in Chapter 4.3 of the California Government Code.

(b) Controls. All provisions of the Planning Code applicable to a C-3-G District shall apply except as otherwise provided in this Section.

(1) Inclusionary Housing Requirements For Buildings Taller than 120 Feet. In order to allow for the increased amount of Dwelling Units and other exceptions to the Code provided by this Special Use District, on-site inclusionary Dwelling Units pursuant to Planning Code Section 415.6 shall be required. Notwithstanding the provisions of Section 415.6(a)(1) and (2), the number of inclusionary Dwelling Units constructed shall be ~~21.5%~~ 25% *of all units constructed, with a minimum of 13.5% affordable to households whose total household income does not exceed 55% of Area Median Income for purposes of renting an affordable unit;* ~~and~~ *4% of the units affordable to low income households, defined in this subsection as households whose total household income does not exceed 70% of Area Median Income for purposes of renting an affordable unit;* ~~and~~ *4% of the units affordable to households earning 90% of Area Median Income for purposes of renting an affordable unit;* and 3.5% of the units affordable to households earning 150%of Area Median Income for purposes of renting an affordable unit. *If provided as rental units, the requirements of Section 415.5(g)(ii) shall apply. Except as expressly provided in this subsection, all other provisions of Section 415 shall apply.*

(2) Inclusionary Housing Requirements For Buildings Less Than or Equal to 120 Feet. Section 415 shall apply in its entirety.

(3) Open Space for Dwelling Units. Up to 40 percent of the usable open space required by Section 135 may be provided off-site, but shall be located within the SUD or within 900 feet of the boundaries of the SUD. Open space must be of one or more of the following types:

(A) An unenclosed plaza at street grade, with seating areas and landscaping;

(B) A terrace or roof garden with landscaping;

(C) Streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width, such as sidewalk widening or building setbacks; or

(D) Streetscape improvements with landscaping and pedestrian amenities on alleyways from building face to building face, beyond basic street tree planting or street lighting as otherwise required by this or other Municipal Codes.

(4) Floor Area Ratio. For projects that meet subsection (b)(1), the floor area ratio limits set forth in Sections 123 and 124 of this Code for C-3-G Districts shall not apply to Residential Uses as defined in Section 102. For all other projects, applicable floor area ratio limits shall apply.

Section 3. The Planning Code is hereby amended by revising Sheet SU07 of the Zoning Map as follows:

Description of Property	Use District to be Superseded	Use District Hereby Approved
Assessor's Block 3701, Lots 20 and 21	C-3-G	Mission and 9th Street SUD

Section 4. The Planning Code is hereby amended by revising Sheet HT07 of the Zoning Map as follows:

Description of Property	Height/Bulk District to be Superseded	Height/Bulk District Hereby Approved
Assessor's Block 3701, Lots 20 and 21	120-X	200-X

Section 5. Effective and Operative Date.

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

(b) This ordinance shall become operative upon its effective date or upon the effective date of the related General Plan Amendment contained in Board of Supervisors File No. 161184, whichever occurs later. If the effective date of the related General Plan Amendment does not occur within 90 days of the effective date of this ordinance, this ordinance shall expire by operation of law.

Section 6. Sunset Provision. This ordinance shall expire by operation of law five years after its initial effective date unless the project described in Section 2 has received a first construction document on or before that date, or the Board of Supervisors, on or before that

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date, extends or re-enacts it. Upon expiration of this ordinance, the City Attorney shall cause the ordinance to be removed from the Planning Code.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
AUDREY PEARSON
Deputy City Attorney

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FILE NO. 161067

REVISED LEGISLATIVE DIGEST

(12/6/2016, Amended in Committee)

[Planning Code, Zoning Map - Mission and 9th Street Special Use District]

Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23 and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Currently, Assessor's Block 3701, Lots 20 and 21 are zoned C-3-G, with a height limit of 120 feet.

Amendments to Current Law

This ordinance would create the Mission and Ninth Street Special Use District, which would impose special controls in the district. Under this ordinance, Planning Code controls applicable to the C-3-G would apply to the SUD, with certain exceptions related to open space and FAR requirements. For projects over 120 feet, the SUD would require the provision of on-site affordable rental housing for very low, low, and moderate income households in varying amounts. Projects 120 feet and under would be subject to current Planning Code affordable housing requirements. The parcels also would be rezoned from 120-X height and bulk district to a 200-X height and bulk district.

Background Information

The Mission and Ninth SUD would allow the redevelopment of Assessor's Block 3701, lots 20 and 21, at the corner of Mission Street and Laskie Street, near Ninth Street. The SUD and height rezoning would allow an additional number of units than would otherwise be allowed in an C-3-G, 120-X zoning district.

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BOARD of SUPERVISORS

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October 13, 2016

File No. 161067

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 4, 2016, Supervisor Kim introduced the following proposed legislation:

File No. 161067

Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

CEQA clearance under Planning Department Case No. 2014.0926ENV for the 1270 Mission Street Project Final Mitigated Negative Declaration issued on 9/29/2016.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning, ou=Environmental Planning, email=joy.navarrete@sfgov.org, c=US
Date: 2016.10.26 17:27:09 -07'00'

SAN FRANCISCO
PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☒ Affordable Housing (Sec. 415)
- ☒ Transit Impact Dev't Fee (Sec. 411)
- ☒ Childcare Fee (Sec. 414)
- ☒ First Source Hiring (Admin. Code)
- ☒ Better Streets Plan (Sec. 138.1)
- ☒ Public Art (Sec. 429)

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Planning Commission Motion No. 19768

HEARING DATE: OCTOBER 27, 2016

Case No.:	2014.0926GPAPCAMAPDNXVAR
Project Address:	1270 Mission Street
Current Zoning:	C-3-G (Downtown General) 120-X Height and Bulk District
Proposed Zoning	Mission and Ninth Street SUD 200-X
Block/Lot:	3701 / 021, 021
Project Sponsor:	Brian Baker – (415) 775.7005 AGI Avant 100 Bush Street, Suite 1450 San Francisco, CA 94104
Staff Contact:	Tina Chang – (415) 575-9197 Tina.Chang@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR REAR YARD PER PLANNING CODE SECTION 134, REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148, TO CONSTRUCT A 21-STORY-OVER-BASEMENT, APPROXIMATELY 200-FOOT TALL BUILDING WITH UP TO 299 DWELLING UNITS AND APPROXIMATELY 2,120 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, AND 76 OFF-STREET PARKING SPACES AT 1270 MISSION STREET WITHIN THE MISSION AND NINTH STREET SPECIAL USE DISTRICT AND A 200-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On May 5, 2015, 1270 Mission, LLC ("Project Sponsor") filed an application requesting approval of a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code to facilitate the construction of a mixed-use residential project located at 1270 Mission Street ("Project") with a 200-foot tall building providing on-site inclusionary affordable dwellings units in excess of the amounts required by the City's Inclusionary Affordable Housing Program (Planning Code section 415) in exchange for a density bonus conveyed by amendment of the Planning Code, Zoning Map and the

General Plan to increase the permitted building height at the project site from 120 feet to 200 feet. The Downtown Project Authorization application included exceptions from rear yard requirements per Section 134 and ground-level wind currents per Section 148 of the Planning Code.

On February 2, 2016, the Project Sponsor filed a Planning Code Text and Zoning Map Amendment Application with the Planning Department to facilitate the creation of the Mission and 9th Street Special Use District and subsequently filed an accompanying application for a General Plan Amendment on September 28, 2016 so that Downtown Map 5 within the General Plan would be consistent with the height and bulk of the proposed Mission and 9th Street Special Use District.

On June 28, 2016, the Project Sponsor filed a Variance application with the Planning Department from exposure requirements pursuant to Planning Code Section 140.

On August 24, 2016, a Preliminary Mitigated Negative Declaration ("PMND") was published. Since no appeals or comments were filed within 20 days of the publication date, the Planning Department's Environmental Review Officer finalized the Mitigated Negative Declaration ("MND") for the 1270 Mission Project, including the General Plan, Planning Code Text and Zoning Map Amendment and determined that the MND was adequate, accurate and complete and reflected the independent judgment of the Planning Department. A copy of the MND and this Determination are located in the File for Case No. 2014.0926GPAPCAMAPDNXVAR, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On October 4, 2016, Supervisor Jane Kim introduced the legislation entitled, "Ordinance amending the San Francisco Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Block 3701, Lots 22, 23 and 24 on the west, and Assessor's Block 3701, Lot 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and Ninth Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessors Block 3701, Lots 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1."

On October 6, 2016, the Planning Commission initiated legislation entitled, "Ordinance amending the General Plan by revising the height designation for Assessor's Block 3701 Lots 20 and 21 on Map 5 of the Downtown Area Plan from 120-X to 200-X; adopting and making findings regarding the Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1."

On October 27, 2016 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment; and (2) the ordinance amending the Planning Code to add the Mission and Ninth Street Special Use District, and revise Zoning Map SU07 and H07. At that meeting, the Commission adopted (1) Resolution 19766, recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution 19767 recommending that the Board of Supervisors approve the requested Planning Code and Text and Map Amendment.

On October 27, 2016 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application 2014.0926DNX. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2014.0926GPAPCAMAPDNXVAR, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

MOVED, that the Commission hereby approves the Downtown Project Authorization requested in Application No. 2014.0926GPAPCAMAPDNXVAR, 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 approximately 16,220-square-foot (0.37-acre) Project site (Assessor's Block 3701, Lots 20 and 21) is located on the northwest corner of Mission and Laskie Streets, within a portion of San Francisco's SoMa neighborhood and also within the Downtown Area Plan identified in the San Francisco General Plan (General Plan). The Project site is located on a block bounded by Market Street to the north, Mission Street to the south, Eighth Street to the east, and Ninth Street to the west. Laskie Street, a dead-end alley that extends north from Mission Street, forms the eastern boundary of the Project site. The Project site is located within the C-3-G (Downtown-General Commercial) Use District and the 120-X Height and Bulk District, which allows a 120-foot maximum height with no bulk limits.

   The property is partially occupied by an approximately 1,200-square-foot, one-story, 12-foot-tall commercial building that is currently occupied by a pizza shop doing business as (d.b.a.) SF Pizza. A surface parking lot occupies the remainder of the project site. There are four existing street trees along both the Mission Street and Laskie Street frontages of the project site (eight trees total).

   According to the Assessor's data, the existing building was constructed in 1975. Given that the existing building is not 45 years old, or older, it is not age-eligible to be a historical resource. The Project site is flat and generally rectangular in shape, with 92.5 feet of frontage on Mission Street and 176 feet of frontage on Laskie Street. Three buildings adjoin the Project site to the west: a

four-story residential hotel with ground-floor retail space (Hotel Potter, 1284-1288 Mission Street); a six-story residential building with ground-floor retail at 77-83 Ninth Street; and a two-story commercial building at 65 Ninth Street, currently occupied by the American Friends Service Committee as a Quaker Meeting House. Adjacent to the Project site to the north is a newly constructed 17-story residential building at 55 Ninth Street, known as the Ava building.

3. **Surrounding Properties and Neighborhood.** As noted above, the Project is located within the SoMa neighborhood, which is generally bounded by Market to the north, Highway 101 to the west, 16th Street to the south, and San Francisco Bay to the east. The Project site is bounded by Mission Street to the south, three existing buildings abutting the lot line to the west, a new 17-story mixed-use building to the north, and Laskie Street to the east. The SoMa neighborhood is a densely built area that contains a variety of uses including neighborhood-serving retail uses on the ground level of residential buildings, as well as public utility buildings, hotels, community facilities, commercial and office buildings, production, distribution, and repair uses—including but not limited to light industrial, auto repair, trucking, wholesaling, and arts activities, such as performance spaces, studios, and workshops—and a few public parks. The SoMa neighborhood is relatively large and contains a mix of low- to high-rise buildings. While the project site is located adjacent to a mix of 2- to 6-story buildings, the project block includes the recently constructed, 17 story, approximately 130-foot-tall residential building located at 55 Ninth Street, known as the Ava building.

   The property is also within the Downtown Area Plan of the General Plan. Land uses immediately surrounding the project site consist primarily of neighborhood-serving retail uses on the ground level with residential above, as well as hotel, office, community facility, and public utility land uses. The nearest residential buildings include the Ava building, noted above, as well as the recently completed Panoramic, an 11-story, approximately 120-foot-tall mixed-use residential building located one-half block west of the project site at 1321 Mission Street. Additional recently constructed nearby residential buildings one block east of the project site include the Soma Grand, a 22-story building with ground-floor retail located at 1160 Mission Street, and two of the proposed four residential towers for the Trinity Place development, one of which is the 24-story building located at 1188 Mission Street and the 19-story building located at 1190 Mission Street.

   Vegetation in the area is generally limited to street trees. Nearby public parks and open spaces include U.N. Plaza, about 0.19 miles north of the project site; Civic Center Plaza, also about 0.19 miles north of the project site; Boeddeker Park, about 0.52 miles northeast of the project site; Howard & Langton Mini Park, about 0.24 miles southeast of the project site; Victoria Manalo Draves Park, about 0.41 miles southeast of the project site; and the Gene Friend Recreation Center, about 0.44 miles southeast of the project site.

   The closest state highway to the project site is U.S. Highway 101, located three blocks west. Interstate 80 is located about four blocks south of the project site. The Western SoMa Special Use District lies one-half block south of the project site, while the Van Ness and Market Downtown Residential Special Use District lies one-half block west of the project site. Lastly, the project site is located one-half block north of the Western SoMa Light Industrial and Residential Historic

District, which is pending listing on the State and National Register of Historic Places (S/NR), and one block south of the San Francisco Civic Center Historic District.

4. **Project Description.** The Project includes the demolition of an existing one-story, 1,200 square-foot commercial building occupied by a pizza shop and surface parking lot and the new construction of a 200-foot-tall, 21-story building that would contain up to 299 dwelling units in a combination of studios, one-, two-, and three-bedroom units. More specifically, the dwelling unit mix consists of 75 studios (25 percent of the total), 59 junior one-bedroom units (19 percent of the total), 98 one-bedroom units (33 percent of the total), 56 two-bedroom units (19 percent), and 11 three-bedroom units (4 percent). Of the 299 dwelling units, 21.5% or 64 would be below-market rate. The ground floor would contain approximately 2,012 square feet of retail space.

   The proposed building would be constructed using reinforced, poured-in-place concrete with post-tensioned slabs in a contemporary architectural style, employing precast concrete, brick, metal, and glass as the primary building materials. Along the primary facades on Mission and Laskie streets, the proposed design would include a predominately brick base of five stories. The two-story, ground-floor retail/restaurant space and residential lobby would be differentiated with stone tile and articulated by a horizontal belt coursing separating the ground floor uses from the residential uses above. The ground floor level would include large glass storefronts, framed in aluminum, with each retail space separated by stone tile-clad piers. A canopy would hang over the residential entryway, along the Laskie Street facade.

   Architecturally, the building would be composed of a classic base, middle, and top with differentiating materials of brick and precast concrete with horizontal belt coursing and a terminating cornice. The primary façades for the residential floors of the building, including the more transparent corner at Mission and Laskie streets, would be composed of three façade systems including a precast wall system with a combination of brick and opaque panels, glass and aluminum bay windows, and ornamental Juliet balconies. Operable windows would be located throughout the facades for light, air, and rescue. A precast concrete parapet would extend above the roof line around the perimeter of the building.

   The proposed project includes an amendment to Map 5 of the Downtown Plan in the General Plan. In addition, the proposed project includes an amendment of Zoning Map H07, from 120-X to 200-X, to allow the construction of a 200-foot tall building. Finally, the proposed project includes the adoption of the Mission and Ninth Street Special Use District, which would allow exceptions to the otherwise applicable open space requirements, floor area ratio requirements for buildings above 120-X, and would require the provision of on-site affordable units (under Planning Code Section 415) in the following amounts: 21.5% of all units constructed, with a minimum of 13.5% affordable to households at 55% of Area Median Income for purposes of renting; and 4% at 70% AMI, and 4% at 90% AMI. Based on the need for the General Plan Amendment, the size of the requested height increase, and open space and FAR reductions, the Planning Department recommended that the SUD be approved, but modified to increase the total amount of affordable units by an additional 3.5% (at no less than 150% AMI), such that number of on-site inclusionary units totals 25%.

5. **Community Outreach and Public Comment.** To date, the Department has not received any public comment, but a request to review the case report from a member of the public. According to the attached Project Sponsor Package, community outreach commenced in early 2015 when the Project Sponsor approached community members with a Code-compliant height and massing for the project. Community input informed the building's height, mass, design and percentage of affordable units resulting in the 200-foot tall Project currently proposed, and that includes a General Plan, Planning Code Text, and Zoning Map amendments to facilitate the creation of a Mission and 9th Street Special Use District. The letter demonstrates that the Project Sponsor met with over 11 community groups including the San Francisco Friends (Quakers), Bayanihan, United Playaz, West Bay Filipino-American Development Foundation, Hotel Potter, Alliance for a Better District Six, Central Market Community Benefit District and San Francisco Housing Action Coalition. Letters of support from the following organizations are included in the letter from the Project Sponsor:
    - San Francisco Housing Action Coalition
    - San Francisco Friends (Quakers)
    - Potter Hotel
    - Central Market Community Benefit District
    - Alliance for a Better District 6

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. **Maximum Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the C-3-G District is 6.0:1. Under Sections 123 and 128 of the Planning Code, the FAR can be increased to 9.0 to 1 with the purchase of transferable development rights ("TDR"). In the Mission and 9th Street Special Use District, otherwise applicable FAR would be waived for buildings taller than 120-feet.

    The Project site has a lot area of approximately 16,230 square feet. Therefore, up to 97,380 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 146,070 square feet of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include 286,150 square feet, of which 241,851 would count towards FAR. However, in the Mission and 9th Street Special Use District, otherwise applicable FAR would be waived for buildings taller than 120-feet.

    The proposed building exceeds 120-feet and therefore FAR limits are waived. Accordingly, the Project would not be required to purchase TDR. The City's TDR program supports the preservation of known historic resources and waiving the requirement to purchase TDR results in less financial support for Historic Preservation in the Downtown Plan Area. Although the purchase of TDR is an exchange that occurs between private parties, an estimate of at least $1.1 million (48,690 square feet (9.0 to 1 FAR – 6.1 to 1 FAR) X $23.00 per SF) of TDR would have otherwise been required to be purchased if FAR was not waived. If TDR were to be required for all floor area exceeding an FAR of 6.0:1, an estimate of approximately $2.3 million of TDR would be required to be purchased.

B. **Rear Yard Requirement.** Planning Code Section 134 requires that any building containing a dwelling unit in a Downtown Commercial District must provide a rear yard equal to 25 percent of the total lot depth at all residential levels.

The Project does not provide a rear yard that complies with this Code requirement, and as such, requires a rear yard exception under Planning Code Section 309. A 309 exception may be granted so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." See Section 7, below, for 309 findings.

C. **Residential Open Space (Section 135).** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that 48 square feet of common usable open be provided per dwelling unit. The Mission and 9th Street Special Use District allows up to 40 percent of required open space to be provided off-site, but within 900 feet of the boundaries of the Special Use District. Off-site open space requirements could be met by providing an unenclosed plaza at street grade, with seating areas and landscaping; a terrace or roof garden with landscaping; streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width, such as sidewalk widening or building setbacks; or streetscape improvements with landscaping and pedestrian amenities on alleyways from building face to building face, beyond basic street tree planting or street lighting as otherwise required by the Planning and other Municipal Codes.

The Project includes 299 units. The Project would provide at least 36 square feet of private open space for two dwelling units through private balconies. Thus, the remaining 97 dwelling units require 48 square feet of common open space for a total of 14,256 square feet. The project provides 9,780 square feet of common open space in the form of an 8,380 square-foot roof deck and 1,400 square foot terrace at the 10th floor.

As permitted by the Mission and 9th Street Special Use District, 4,776 square feet or 34 percent of the project's open space will be provided in the form of a shared street with streetscape improvements from building face to building face.

Additionally, the project provides approximately 3,120 square feet of private open space that will not count towards meeting the project's open space requirement since exposure requirements for open space are not met.

D. **Public Open Space (Section 138).** New buildings in the C-3 Zoning District must provide public open space at a ratio of one square feet per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building. This public open space must be located on the same site as the building or within 900 feet of it within a C-3 district.

Ground floor retail space in the C-3 Districts that is less than 5,000 square feet and less than 75 percent of the ground floor area is excluded from gross floor area and is therefore not required to provide the associated publically accessible open space. The Project includes approximately 2,012 square feet of ground floor retail space that occupies less than 75 percent of the ground floor area. Therefore, this space is exempt from the requirement.

E. **Streetscape Improvements (Section 138.1).** Planning Code Section 138.1 requires that when a new building is constructed in the C-3 District, street trees and sidewalk paving must be provided. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

The Project proposes streetscape improvements that adhere to the Better Streets Plan. The pedestrian right of way on Mission Street would be repaved and include four new street trees (spaced approximately 20 feet apart from one another) with tree grates and 18 new Class 2 bicycle spaces. Additional improvements along Laskie Street would include a single-surface "shared street" from Mission Street to immediately north of the project garage driveway. The shared street includes raising the elevation of Laskie Street to meet the elevation of existing sidewalks, removing and replacing the existing raised concrete sidewalks along both sides of the roadway with a 3-foot-by-3-inch wide visual/tactile detection strip to delineate pedestrian and vehicular zones; removing the existing street trees and planting at least 10 new street trees (spaced approximately 20 feet apart) with tree grates; and additional pedestrian lighting. Plans also include a raised crosswalk along Laskie Street at the intersection of Mission Street, which would accommodate east-west pedestrian traffic along the north side of Mission Street and serve as a traffic calming device since vehicles would be required to slow down considerably prior to entering or exiting Laskie Street.

F. **Exposure (Section 140).** Planning Code Section 140 requires all dwelling units in all use districts to face onto a public street at least 20 feet in width, side yard at least 25 feet in width or open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

Between five to seven units per floor for a total of 116 total units expose onto a side yard at the 2nd floor measuring approximately 25-feet wide. Although the side yard exceeds minimum rear yard requirements, it does not technically adhere to a Code-compliant rear yard per Section 134, nor does the side yard extend for the full width of the lot. Therefore, these units require a variance from Section 140. Six-feet of the side yard is dedicated to private terraces separated from common open space by a 2-foot planter.

G. **Active Frontages – Loading and Driveway Entry Width (Section 145.1(c)(2)).** Section 145.1(c)(2) limits the width of parking and loading entrances to no more than one-third the width of the street frontage of a structure, or 20 feet, whichever is less.

The Project includes 18-foot entry for parking and loading along the Laskie Street frontage, less than the 20-feet permitted by the Planning Code. Therefore, the Project complies with Section 145.1(c)(2).

H. **Street Frontage in Commercial Districts: Active Uses (145.1(c)(3)).** Planning Code Section 145.1(c)(3) requires that within Downtown Commercial Districts, space for "active uses" shall be provided within the first 25 feet of building depth on the ground floor.

The ground floor space along Laskie and Mission Street have active uses with direct access to the sidewalk within the first 25 feet of building depth and is thus compliant with Section 145.1(c)(3). The only non-active uses along public frontages are the parking and loading access, mechanical spaces, and building ingress and egress which are specifically exempt from the active uses requirement. The building lobby is considered an active use as it does not contain more than 40 feet (or 25 percent) of building frontage per 145.1(b)(2)(C).

I. **Street Frontage in Commercial Districts: Ground Floor Transparency (Section 145.1(c)(6)).** Planning Code Section 145.1(c)(6) requires that within Downtown Commercial Districts, frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

The Project complies with the Ground Floor Transparency requirements of the Planning Code. Approximately 70 percent of the Project's Laskie Street frontage is fenestrated with transparent windows and doorways and approximately 100 percent of the Mission Street façade contains transparent windows and doorways. Therefore, the Project exceeds requirements per Section 145.1(c)(6).

J. **Shadows on Public Sidewalks (Section 146).** Planning Code Section 146(a) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

Section 146(a) does not apply to the Project. With respect to Section 146(c), the Project would replace a one-story commercial building and surface parking lot with a 21-story, 200-foot tall residential over ground-floor retail structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project's shadows would not increase the total amount of shading above levels that are commonly accepted in urban areas. The Project is proposed at a height that is consistent with the neighborhood character. Further shaping to reduce substantial shadow effects on public sidewalks without creating an unattractive design and would restrict development potential. Therefore, the Project complies with Section 146.

K. **Shadows on Public Open Spaces (Section 147).** Planning Code Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other

than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

A shadow analysis determined that the Project would not cast shadow on the nearest public open spaces protected under Section 295 or publically accessible open spaces not under the jurisdiction of the Department of Recreation and Parks. Therefore, the Project complies with Section 147.

L. **Ground Level Wind (Section 148).** Planning Code Section 148 requires that new construction in Downtown Commercial Districts will not cause ground-level wind currents to exceed pedestrian comfort levels. This standard requires that wind speeds not exceed 11 miles per hour in areas of substantial pedestrian use for more than 10 percent of the time year round, between 7:00 AM and 6:00 PM. The requirements of this Section apply either when preexisting ambient wind speeds at a site exceed the comfort level and are not being eliminated as a result of the project, or when the project may result in wind conditions exceeding the comfort criterion.

The existing conditions at the Project Site indicate that 9 of the 41 test points exceed the Planning Code's comfort criterion at grade level with average wind speeds at approximately 10 miles per hour (mph). The 11 mph comfort criterion is currently exceeded 9 percent of the time. With the Project, one additional comfort exceedance is created at grade level for a total of 10. Average wind speeds remain at 10 mph with the 11 mph comfort criterion exceeded approximately 9 percent of the time. Generally, the wind conditions remain the same with the Project compared to existing conditions. A Section 309 exception is being sought because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speeds at the site to reach or exceed the hazard level of 26 mph for a single hour of the year. There are no hazardous wind speeds caused by the Project. See Section 7, below, for 309 findings.

M. **Parking (Sec. 151.1).** Planning Section 151.1 allows up to one car for each two dwelling units as-of-right, and up to three cars for each four dwelling units as a conditional use. For non-residential uses, the Code does not provide a total number of permitted spaces, but instead limits parking to an area equivalent to 7% of the total gross floor area of such uses.

The Project contains 299 dwelling units. Per Planning Section 151.1, 150 parking spaces are principally permitted (299/2 = 150) for residential uses. The Project proposes a total of 73 parking spaces for the residential use and no parking for the retail uses, which is less than the principally permitted amount. Therefore, the Project complies with Section 151.1.

N. **Off-Street Freight Loading (Sec. 152.1).** Planning Code Section 152.1 requires that projects in the C-3 District that include the addition of 200,001-500,000 sq. ft. of residential space must provide two off-street freight loading spaces within the project.

The Project includes 286,150 gross square feet of development (241,875 square feet that counts towards Floor Area Ratio), requiring two off-street loading spaces. One off-street loading space meeting dimensional requirements pursuant to Section 154 is provided, and the second is being substituted with two 8-foot by 20-foot service spaces as permitted by Planning Code Section 153.

O. **Bicycle Parking (Section 155.2).** For buildings with more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100, and one Class 2 space per 20 units. For the retail space, Section 155.2 requires a minimum of two spaces.

The Project complies with Section 155.2 because it provides 200 Class 1 and 18 Class 2 bicycle parking spaces, exceeding the Planning Code requirement to provide 150 Class 1 spaces (100 + 199/4 = 50) = 150 spaces required) and 17 Class 2 spaces (299 units/20= 15 (for residential uses) + 2 (for commercial uses) = 17 spaces required). All Class 1 spaces are located at the first level, accessible by elevator from the Jones Street entrance, and Class 2 spaces are located on each of the Projects street frontages; Market Street includes 10 Class 2 spaces, Jones Street provides 4 spaces and Golden Gate Avenue provides another 4 Class 2 bicycle parking spaces for a total of 18.

P. **Car Share (Section 166).** Planning Code Section 166 requires two car share parking spaces for residential projects with between 201 or more dwelling units plus an additional parking space for every 200 dwelling units over 200.

The Project complies with Section 166 because it provides two off-street car share parking space within the garage.

Q. **Density (Section 210.2).** Planning Code Sections 210.2 establishes no density limit in the C-3 Districts. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.

The Project contains 299 dwelling units, which is allowed in the C-3-G District. The elimination of density controls in the C-3 Districts was approved through Ordinance No. 22-15 (Board File No. 141253); previously, density was principally permitted at a ratio of 1 unit per 125 sf of lot area and conditionally permitted above that amount.

R. **Height (Section 260).** The property is located in a 120-X Height and Bulk District, thus permitting structures up to a height of 120 feet. However, with adoption of the Mission and 9th Street Special Use District the property would be rezoned to a 200-X Height and Bulk District permitting structures up to a height of 200 feet.

The Project would reach a height of approximately 200 feet to the roof of the building, with various features such as elevator/stair penthouses, mechanical structures, an enclosed roof terrace, and parapets extending above the 200-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b).

S. **Shadows on Parks (Section 295).** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project would result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

A shadow analysis was conducted and determined that the Project would not shade any properties under the jurisdiction of, or designated for acquisition by, the Recreation and Park Department.

T. **Inclusionary Affordable Housing Program (Section 415 and Section 249.15).** The Mission and 9th Special Use District and Planning Code Section 415 set forth the requirements and procedures for the Inclusionary Affordable Housing Program within the SUD. Under Planning Code Section 415.3, inclusionary housing requirements apply to projects that consist of 10 or more units. Under the provisions of the SUD, for projects of 120 feet or less, the applicable affordable housing percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on October 17, 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 13.5% of the proposed dwelling units as affordable if the building is 120 feet or less. For buildings above 120 feet, however, the Mission and 9th Street Special Use District requires that residential buildings provide at least 21.5% of the proposed dwelling units on-site, and affordable at the following levels: a minimum of 13.5% affordable to households earning no more than 55% AMI; 4% affordable to households earning no more than 70% AMI and 4% to households who earn no more than 90% AMI.

The Proposed Project, which is taller than 120 feet, includes 299 units, 64 units or 21.5%, of which would be affordable, in accordance with the provisions of the proposed Mission and 9th Street Special Use District, (16 studios, 12 junior one-bedroom, 21 one-bedroom, 12 two-bedroom, and 3 three-bedroom). The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has 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 through payment of 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 sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and Community Development and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a

waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved by adoption of the Proposed SUD and height map amendment. The Project Sponsor submitted such Affidavit on October 6, 2016.

Note that the Planning Department recommends that the proposed SUD be approved but modified to require an additional 3.5% (at no more than 150%AMI), for a total of 25%, of the total proposed units to be affordable.

U. **Public Art (Section 429).** In the case of construction of a new building or addition of floor area in excess of 25,000 sf to an existing building in a C-3 District, Section 429 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

The Project would comply with this Section by dedicating one percent of the Project's construction cost to works of art. The public art concept and location will be subsequently presented to the Planning Commission at an informational presentation.

V. **Signage (Section 607).** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.

7. **Exceptions Request Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and grants each exception to the entire Project as further described below:

   a. **Section 134: Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at the first level containing a dwelling unit, and at every subsequent level. Per Section 134(d), exceptions to the rear yard requirements may be granted provided that the building location and configuration assure adequate light and air to the residential units and the open space provided.

   The Project does not meet the Code's rear year requirement and requests an exception in order to provide a side yard amounting to approximately 3,120 square feet of open space on the 2nd floor, the first level containing residential uses. Section 134(d) allows for an exception to the rear yard requirement pursuant to the Section 309 Downtown Project Authorization process so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." The proposed side yard is adequate to allow significant glazing per the Building Code on all units facing the side yard. Further, the Project is located in the downtown area, where a pattern of rear yards does not exist. Providing a Code-compliant rear yard or side yard extending the entire length of the lot would disrupt the prevailing street wall on Mission or Laskie Street. Therefore, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134 on the subject property. Rear yard exceptions are commonly granted and appropriate in Downtown locations given the lot

configurations and urban design considerations informing the architecture of downtown buildings.

b. **Section 148: Ground-Level Wind Currents.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

Section 309(a)(2) permits exceptions from the Section 148 ground-level wind current requirements. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour (mph) for a single hour of the year.

Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by RWDI Consulting Engineers & Scientists, was conducted using a scale model of the Project Site and its immediate vicinity. The study concluded that the Project would not result in any substantial change to the wind conditions of the area.

Comfort Criterion

Based on existing conditions, 9 of the 41 sidewalk locations tested currently exceed the pedestrian comfort level of 11 mph at grade level approximately 9% of the time. Average wind speeds measured close to 10 mph.

With the Project, one additional comfort exceedance was created. The 11 mph comfort criterion is expected to be exceeded 9% of the time as it is under existing conditions. Average wind speeds, remained at approximately 10 mph. In conclusion, the Project does not result in substantial change to the wind conditions. However, since one additional exceedance is created with the Project, an exception is required under Planning Code Section 309.

Hazard Criterion

The Wind Study indicated that the project does not cause any hazardous conditions. Therefore, the Project would comply with the hazard criterion of Section 148. However, the Wind Study found that one test point (#38) along 9th Street between the entrance of the Potter Hotel at 99 9th Street and that of the adjacent building at 77-83 9th Street that exceeds a hazard level of 26 mph. This condition is expected to remain under the Project scenario.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan, as it is proposed to be amended:

HOUSING ELEMENT

Objectives and Policies

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

Policy 1.8
Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project proposes to demolish a one-story commercial garage and surface parking lot and construct a mixed-use residential building above ground floor retail that contains 235 market rate units and 64 on-site affordable units compliant with Section 415 of the Planning Code and the Mission and 9th Street Special Use District (or 75 on site units if the Mission and 9th Street SUD is modified as recommended by the Department). Additionally, 2,012 square feet of ground-floor retail use is proposed. The Property is an ideal site for new housing due to its central, Downtown location, and proximity to public transportation. The current development of this location, with a surface parking lot and on-story commercial building, represents an under-utilized site within the Downtown core. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Mission Street frontage while activating the Laskie Street frontages.

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 supports this Policy. It is anticipated that because of the central Downtown location of the Project, most residents would either walk; bike, or use public transportation for daily travel. The Project is located along Mission Street, a major and bus-transit corridor, 1.5 blocks away from the Civic Center BART and MUNI stations, and within one block of at least 6 MUNI bus lines. The Project provides 200

Class 1 and 18 Class 2 bicycle parking spaces with a convenient and separate entrance designated for bicyclists, encouraging the use of bikes as a mode of transportation.

OBJECTIVE 5:
ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4
Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

The Project supports this Policy. The Project would create 299 dwelling units, of which 75 (25%) are studios, 59 (19%) are junior one-bedroom, 98 (33%) are one-bedroom, 56 (19%) are two-bedroom and 11 (4%) are three-bedroom units. The Project provides a range of unit types to serve a variety of needs, and will provide 21.5 percent on-site affordable units comprising of the similar dwelling unit mix, namely 25% studios, 19% junior one-bedroom, 33% one-bedrooms, 19% two-bedroom and 11% three-bedroom units.

OBJECTIVE 7:

SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

In compliance with this policy, the Project includes an SUD that requires the provision of 21.5% on-site affordable housing for projects that are 120 feet or taller, thereby enhancing the City's affordable housing.

Further, the Planning Department recommends that for projects of 120 feet or taller, an additional 3.5% (at no more than 150%AMI) for a total of 25% of the total constructed units be affordable..

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 11.7
Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

The Project supports these Policies. The Project would create 299 dwelling units in the immediate vicinity of existing residential and office buildings, and complies with the existing zoning in terms of land use, height, and density. The Project's design respects the architectural design of adjacent historic resources, with a traditional tripartite façade containing defined base, shaft and top. This new development will enhance the character of the existing neighborhood and is an ideal site for new housing due to its central, Downtown location, and proximity to public transportation. The current development of this location, with a surface parking lot and underutilized commercial building, represents an under-utilized site within the Downtown core. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Mission and Laskie Street frontages.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:
MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1
Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2
Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.6
Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The Project uses design to relate to existing development in the neighborhood, which is characterized by mid- to high-rise, mixed-use buildings are characterized by more classical designs typically expressed by tripartite design, vertical expression, punched windows, decorative brickwork and modillion cornices. The proposed Project would replace a one-story commercial building and surface parking lot with a building that respects its context by providing a high-rise, mixed-used building of tripartite design, separated with

cornices, and articulated with traditional materials, such as brick and metal. The proposed structure complies with land use and development controls of the Planning Code and the surrounding development.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1
Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2
Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3
Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project would add approximately 2,012 square feet of new commercial space that is intended to serve residents in the building and surrounding neighborhood. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown General District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:
MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT, AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.2:
Ensure the safety and comfort of pedestrians throughout the city.

A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety and adhere to the Better Streets Plan. The pedestrian right of way on Mission Street would be repaved and include four new street trees (spaced approximately 20 feet

apart from one another) with tree grates and 18 new Class 2 bicycle spaces. Additional improvements along Laskie Street would include a single-surface "shared street" from Mission Street to immediately north of the project garage driveway. The shared street includes raising the elevation of Laskie Street to meet the elevation of existing sidewalks, removing and replacing the existing raised concrete sidewalks along both sides of the roadway with a 3-foot-by-3-inch wide visual/tactile detection strip to delineate pedestrian and vehicular zones; removing the existing street trees and planting at least 10 new street trees (spaced approximately 20 feet apart) with tree grates; and additional pedestrian lighting. Plans also include a raised crosswalk along Laskie Street at the intersection of Mission Street, which would accommodate east-west pedestrian traffic along the north side of Mission Street and serve as a traffic calming device since vehicles would be required to slow down considerably prior to entering or exiting Laskie Street.

Policy 1.3:
Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs particularly those of commuters.

Policy 1.6:
Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

The Project would promote Objective 1 and its associated policies by providing for an amount of parking that is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided is not expected to generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project site to the employment opportunities and retail services of the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. The Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.

OBJECTIVE 2:
USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1:
Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is the most transit rich area of the City. The Project would provide only 0.24 parking spaces per dwelling and will not provide any parking for the proposed retail use. All of these parking spaces would be shielded by active uses or located underground, and thus be less intrusive to the surrounding pedestrian realm.

OBJECTIVE 11:
ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:
Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 218 bicycles (200 Class 1, 18 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART. Additionally, such transit lines also provide access to AC Transit (Transbay Terminal) and Cal Train.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1
Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structure at 1270 Mission Street is a one-story commercial space and surface parking lot. The Project would improve the existing character of the neighborhood by removing the surface parking lot and one-story commercial space currently occupied by a pizza shop doing business as SF Pizza. The proposed retail space, which includes ground floor retail space, is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the Downtown core.

The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.

OBJECTIVE 7:
EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1.I
Promote the inclusion of housing in downtown commercial developments.

Policy 7.2
Facilitate conversion of underused industrial and commercial areas to residential use.

The Project would demolish an underutilized commercial space and surface parking lot and construct a 200-foot tall, 21-story-over-basement, 299-unit residential building over ground floor retail, within easy commuting distance of jobs located within the Downtown core, other neighborhoods of the City as well as other areas in the Bay Area.

The Project includes approximately 2,012 square feet of ground floor commercial space with Mission and Laskie Street frontages; these spaces would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on each of the two frontages.

OBJECTIVE 13:
CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.

Policy 13.1
Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development (See Map 5).

The height of the proposed building will relate to the height and character of existing and proposed development. Although the Project is located within a 120-X height and bulk district, it is surrounded by parcels that are zoned for taller heights. The parcel immediately to the north is zoned 200-S and that across Laskie Street is zoned 150-S. The Project includes a General Plan Amendment to amend Assessor's Block 3701 Lots 020 and 021of Map 5 to 200-X, relating the building the height and character of existing and proposed development.

OBJECTIVE 16:
CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

Policy 16.4
Use designs and materials and include amenities at the ground floor to create pedestrian interest.

The Project would promote Objective 16 by providing a shared street along Laskie Street which includes streetscape improvements along both the sidewalk immediately adjacent to the property as well as that on the opposite side of the street. The elevated roadway and crosswalk at Mission Street will meet sidewalk grade along and include improved paving materials, landscaping and streetlights. The shared-street coupled with ground floor retail along Mission Street that wraps the corner onto Laskie Street will create pedestrian interest and better activate the block of Mission Street between 8th and 9th Streets.

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

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

The Project would preserve space for new neighborhood-serving retail, providing continued opportunities for resident employment and ownership. In addition to 299 residential units, the Project would include approximately 2,012 square feet of retail space. The Project would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. The Project would enhance neighborhood-serving retail by adding new retail space, which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services. The addition of this new space would also complement the pedestrian-friendly Downtown core and would continue the pattern of active ground floor retail along the Mission Street frontage.

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

The Project would not negatively affect the existing housing and neighborhood character. The Project would not displace any housing because the existing structure at 1270 Mission Street is an underutilized commercial building and surface parking lot. The Project would improve the existing character of the neighborhood by removing the one-story structure and surface parking lot. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.

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

There is currently no housing on the site; therefore, no affordable housing will be lost as part of this Project. The Project would enhance the City's supply of affordable housing by providing 64 on-site affordable dwelling units, (or, 75 if the SUD is modified to require 25% inclusionary unit as recommended by the Department) in compliance with the affordable housing requirements of Planning Code Section 249.15(b)(1).

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

The Project would not impede MUNI transit service or overburden local streets or parking. The Project is well-served by transit as it is located in a major transit corridor and would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services and the BART system. The Project also provides a sufficient amount of off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents.

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

The Project would not negatively affect the industrial and service sectors because it is largely residential in nature and would not displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which is characterized by commercial office and mid- to high-rise residential buildings.

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

The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety.

G. That landmarks and historic buildings be preserved.

The Planning Department has determined that the one-story commercial space d.b.a SF Pizza and surface parking lot, is not individually eligible for listing on the California Register, nor is it located in an historic district. Accordingly, the Project has no impact on any landmarks or historic buildings. The Project has been designed in a way that respects the existing neighborhood fabric with a traditional tripartite façade and the use of more traditional materials, such as brick and metal.

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

The Project would not cast any new shadows on parks under the jurisdiction of the San Francisco Parks and Recreation Department.

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

11. The Commission hereby finds that approval of the Downtown Project Authorization and Request for Exceptions 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. 2014.0926GPAPCAMAPDNXVAR** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 6, 2016 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the Mitigated Negative Declaration (MND) and the record as a whole and finds that there is no substantial evidence that the Project would have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the MND.

The Planning Commission hereby adopts the MND and the MMRP, attached to the CEQA Findings Motion No. 19768. All required improvement and mitigation measures identified in the MND 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 Determination of Compliance and Request for Exceptions 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 this Motion if not appealed 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 in person at 1650 Mission Street, Room 304, San Francisco, CA 94103, or call (415) 575-6880.

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 constitutes 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 October 27, 2016.

Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel, Moore, Richards

NAYS: None

ABSENT: Melgar

ADOPTED: October 27, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would demolish an existing one-story commercial structure and surface parking lot and construct a new, 21-story-over-basement, approximately 200-foot tall, 286,150 square feet, containing approximately 2,012 gross square feet of ground floor commercial space, and 299 dwelling-units located at 1270 Mission Street, Assessor's Block 3701, Lot 020 and 021, pursuant to **Planning Code Sections 309, 134 and 148** within the Mission and Ninth Street Special Use District and a 200-X Height and Bulk District; in general conformance with plans, dated October 6, 2016, and stamped "EXHIBIT B" included in the docket for Case No. **2014.0926GPAPCAMAPDNXVAR** and subject to conditions of approval reviewed and approved by the Commission on **October 27, 2016** under Motion No. 19768. 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 **October 27, 2016** under Motion No. 19768.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19768 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 Downtown Project 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 (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the Project and/or commence the approved use within this three-year period.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the Project Sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the Project Sponsor decline to 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 three (3) years have passed since this Authorization was approved.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs shall, at the Project Sponsor's request, be extended by the Zoning Administrator where implementation of the Project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

6. **Additional Project Authorization.** The Project Sponsor must obtain a Variance from Section 140 because exposure requirements are not met as required by Section 140 of the Planning Code. The

Project Sponsor must also obtain General Plan, Planning Code Text and Zoning Map amendments to facilitate the creation of the Mission and 9th Street Special Use District.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

7. **Transferable Development Rights.** Pursuant to the proposed Mission and 9th Street Special Use District, floor area ratio limits (FAR) per Sections 123 and 124 do not apply to projects meeting the inclusionary housing requirements pursuant to Section 249.15(b)(1). Since the project complies with inclusionary housing requirements set forth in the Mission and 9th Street Special Use District, Section 249.15(b)(1), FAR limits do not apply and therefore, the project is not required to purchase Transferrable Development Rights (TDR). Should the scope of the project change such that inclusionary requirements set forth in Section 249.15(b)(1) are not met, the Project Sponsor shall purchase the required number of units of TDR and secure a Notice of Use of TDR prior to the issuance of an architectural addendum for all development which exceeds the base FAR of 6.0 to 1, up to a maximum FAR of 9.0 to 1. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.
For information about compliance, contact the Planning Department at 415-558-6378, www.sf-planning.org

8. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Exhibit C** to the CEQA Findings Motion associated with the Subject Project are necessary to avoid potential significant impacts of the Project and have been agreed to by the Project Sponsor. Their implementation is a condition of Project approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

DESIGN – COMPLIANCE AT PLAN STAGE

9. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping (including roof deck 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,

10. **Street Trees.** Pursuant to 806 of the Public Works Department, the Project Sponsor shall submit a site plan that includes the proposed (and existing if applicable) street trees to the Planning Department prior to Planning approval of the Site Permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-

way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 806 of the Public Works Code may be modified or waived by the Director of the Public Works Department.

All street trees must meet the standards per Article 16 of the Public Works Code, Section 806.
For information about compliance, contact the Department of Urban Forestry at 415-554-6700, www.sf-planning.org

11. **Streetscape Elements.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to implement and refine the design and programming of the required Streetscape features, as necessary, so that it generally meets the standards of the Better Streets and Downtown Plans, as well as all applicable City standards. This includes, but is not limited the repaving and planting four new street trees (spaced approximately 20 feet apart from one another) with tree grates and 20 new Class 2 bicycle spaces along the Project's Mission Street frontage. Additional improvements along Laskie Street would include a single-surface "shared street" from Mission Street to immediately north of the project garage driveway. The shared street includes raising the elevation of Laskie Street to meet the elevation of existing sidewalks, removing and replacing the existing raised concrete sidewalks along both sides of the roadway with a 3-foot-by-3-inch wide visual/tactile detection strip to delineate pedestrian and vehicular zones; removing the existing street trees and planting at least 10 new street trees (spaced approximately 20 feet apart) with tree grates; additional and additional pedestrian lighting. Plans also include a raised crosswalk along Laskie Street at the intersection of Mission Street, which would accommodate east-west pedestrian traffic along the north side of Mission Street and serve as a traffic calming device since vehicles would be required to slow down considerably prior to entering or exiting Laskie Street.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

12. **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 Site Permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

13. **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 architectural addendum to the Site 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

14. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the architectural addendum to the site permit application.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

15. **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:
    a. 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;
    b. On-site, in a driveway, underground;
    c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
    d. 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;
    e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
    f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
    g. On-site, in a ground floor façade (the least desirable location).
    h. 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

16. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.
For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

PARKING AND TRAFFIC

17. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than one parking space per two dwelling units as of right. With 299 dwelling units proposed, there is a maximum of 150 off-street parking spaces allowed as-of-right. With 76 off-street parking spaces total included, the Project Sponsor must design and designate 3 off-street parking spaces for persons with disabilities.

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

18. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide one off-street loading space and may substitute the second required loading space with two service vehicles compliant with Sections 153 and 154 of the Planning Code.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

19. **Car Share.** Pursuant to Planning Code Section 166, no less than two 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

20. **Bicycle Parking (Mixed-Use: New Commercial/Major Renovation and Residential).** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 150 Class 1 bicycle parking spaces and 17 Class 2 spaces - fifteen for residential and 7 for commercial).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

21. **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

22. **Transportation Demand Management (TDM).** The project shall include the following TDM measures, as described in Appendix A of the Planning Commission Transportation Demand Management Program Standards (TDM Standards), which the Planning Commission adopted on August 4, 2016: 1) INFO-1 – Multimodal Wayfinding Signage, and 2) INFO-2 – Real Time Transportation Information Displays. Additionally, the project shall be subject to the monitoring and reporting requirements of the TDM Standards.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

PROVISIONS

23. **Street Tree In-Lieu Fee.** Pursuant to Planning Code Section 806 of the Public Works Code, the Project Sponsor shall pay an in-lieu fee for one (1) street trees that is required under Planning Code Section 138.1, but that according to the Department of Public Works, cannot be planted. The in-lieu fee shall be paid prior to the issuance of the first construction document. An in-lieu fee

must also be paid for any of the 13 street trees that cannot be planted according to the Department of Public Works.
For information about compliance, contact the Department of Urban Forestry, Department of Public Works at 415-554-6700, www.sf-planning.org

24. **Transit Sustainability Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Sustainability Fee (TSF) for the new residential and retail space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

25. **Art - Residential Projects.** Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document. If the Project Sponsor elects to provide the artwork on-site, the Conditions set forth in Conditions Numbers 28-30 below shall govern.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

26. **Art Plaques.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

27. **Art – Concept Development.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the approval of the first building or site permit application.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

28. **Art - Installation.** Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning

Administrator may extend the time for installation for a period of not more than twelve (12) months. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.*

Affordable Units. The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

29. **Number of Required Units.** The Project Sponsor will fulfill the requirements of the Mission and 9th Street SUD's inclusionary housing requirements, set forth in Planning Code Section 249.15. As introduced at the Board of Supervisors on October 4, 2016, the Mission and 9th Street SUD (Section 249.15(b)(1)) required projects of 200 feet or more to provide 21.5% of the proposed dwelling units as affordable to qualifying households. The Planning Department recommended that the SUD be modified to require buildings of 200 feet or more provide 25% inclusionary housing. The Project contains 299 units; therefore, under the requirements of the SUD as introduced on October 4, 2016, 64 affordable units would be required. If the SUD is modified to require 25% affordable housing, a total of 75 affordable units would be required. The Project Sponsor will provide the required number of units on-site. If the number of market-rate units changes, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

30. **Unit Mix.** The Project contains 75 studios, 59 junior one-bedroom, 98 one-bedroom, 56 two-bedroom, and 11 three-bedroom units; therefore, if the Project is required to contain 21.5% affordable housing, the required affordable unit mix is 16 studios, 13 junior one-bedroom, 21 one-bedroom, 12 two-bedroom, and 2 three-bedroom units. However, if the SUD is modified per the Planning Department's recommendation to require a total of 25% inclusionary units a total of 75 affordable units would be required and the required affordable unit mix would be 19 studios, 15 junior one-bedroom, 25 one-bedroom, 14 two-bedroom, and 3 three-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.

31. **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.

32. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 21.5 percent (21.5%) (or 25% of the SUD is modified per the Planning Department's recommendation to require a total of 25% inclusionary units), of 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.

33. **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, http://www.sf-moh.org

34. **Other Conditions.** Except as modified by Section 249.15, the Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451.
As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, http://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 low-income households, as defined in the Planning Code and 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 initial buyers or 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. As required by Section 249.15(b)(1), the Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein, as well as the increased height providing by the General Plan Amendment, and Zoning Map amendments. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.

g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirements, including those set forth in Planning Code 249.15, 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. and Planning Code section 249.15 shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

h. 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. 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.

OPERATION

35. **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 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

36. **Streetscape Maintenance.** The Project Sponsor shall maintain the main entrance to the building all sidewalks abutting the subject property and shared street that will be provided as part of the project 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, www.sf-planning.org

MONITORING

37. **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

38. **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

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November 4, 2016

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department**
Case Number 2014.0926GPAPCAMAP:
Mission and 9th Street Special Use District

BOS File No: 161067 Planning Code, Zoning Map – Mission & 9th St. SUD
Planning Commission Recommendation: *Approval with Modifications*

BOS File No: (pending) General Plan Amendment
Planning Commission Recommendation: *Approval of General Plan Amendment*

Dear Ms. Calvillo,

On October 4, 2016 the Supervisor Kim introduced the proposed Planning Code, Zoning Map Amendment Ordinance.

On October 6, 2016 the Planning Commission initiated a General Plan Amendment to amend Map 5, "Proposed Height and Bulk Districts" of the Downtown Area Plan to change the height and bulk district of Assessor's Block 3701, Lots 020 and 021 from 120-X to 200-X.

On October 27, 2016 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the adoption of the proposed Planning Code, Zoning Map Amendment Ordinance and the related General Plan Amendment Ordinance, initiated by the Planning Commission.

The two Proposed Ordinances, would 1.) create Section 249.15 to establish the Mission and 9th Street Special Use District and 2.) amend Map 5, Proposed Height and Bulk Districts" of the Downtown Area Plan of the General Plan to change the height and bulk district of Assessor's Block 3701, Lots 020 and 021 from 120-X to 200-X. Specifically, the Mission and 9th Street Special Use District would:

- Allow for a height increase of the subject parcels from 120-feet to 200-feet;
- Require the provision of on-site affordable units in the amount of 21.5% of the number of units construction on-site at the following income levels:

- 13.5% of the units affordable to households earning 55% or less of Area Median Income (AMI);
- 4% of the units affordable to households earning 70% or less of AMI; and
- 4% of units affordable to households earning 90% or less of AMI.

Please note that the Planning Commission recommends the Ordinance be amended to require an additional 3.5% of the units constructed on-site to be made affordable to households whose incomes do not exceed 150% AMI.

- Waive the floor area ratio (FAR) limits otherwise applicable; and
- Permit a certain portion of usable open space required pursuant to Planning Code Section 135 to be provided off-site, either with the SUD or within 900 feet of the boundaries of the SUD.

Supervisor Kim, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission that would require an additional 3.5% of the units constructed on-site to be made affordable to households whose incomes do not exceed 150% AMI.

At the October 27, 2016 hearing, the Commission voted to recommend approval of the proposed General Plan and approval with modifications of the Planning Code Amendment Ordinances. Please find attached documents relating to the Commission's action. The original, signed to form and Microsoft Word versions of the Ordinances will be sent directly to the Clerk from the City Attorney, Audrey Pearson. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

TIM CHANG for

AnMarie Rodgers
Senior Policy Advisor

cc:
Mayor's Office, Nicole Elliot
Supervisor Jane Kim
District 6 Legislative Aide, April Ang
Deputy City Attorney, Audrey Pearson
Deputy City Attorney, Jon Givner

Attachments (one copy of the following):
Final Mitigated Negative Declaration for 1270 Mission Street
Planning Commission Resolution No. 19766
Planning Commission Resolution No. 19767

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PLANNING DEPARTMENT

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Planning Commission Resolution No. 19767

Planning Code Text Amendment
Zoning Map Amendment
HEARING DATE: OCTOBER 27, 2016

Case No.:	2014.0926PCAMAP
Project Address:	1270 Mission Street
Current Zoning:	C-3-G (Downtown General) 120-X Height and Bulk District
Proposed Zoning	Mission and Ninth Street SUD 200-X
Block/Lot:	3701 / 021, 021
Project Sponsor:	Brian Baker – (415) 775:7005 AGI Avant 100 Bush Street, Suite 1450 San Francisco, CA 94104
Staff Contact:	Tina Chang – (415) 575-9197 Tina.Chang@sfgov.org

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT FINDINGS RELATING TO THE PLANNING CODE, INCLUDING 1) AMENDMENT OF PLANNING CODE TEXT TO ADD SECTION 249.15 TO ESTABLISH THE MISSION AND 9TH STREET SPECIAL USE DISTRICT, TO REQUIRE THE PROVISION OF ON-SITE AFFORDABLE UNITS IN THE AMOUNT OF 21.5% OF THE NUMBER OF UNITS CONSTRUCTED ON-SITE; WAIVE FLOOR AREA RATIO LIMITS SET FORTH IN SECTIONS 123 AND 124 OF THE PLANNING CODE FOR BUILDINGS EXCEEDING 120-FEET IN HEIGHT; ALLOW UP TO 40 PERCENT OF USABLE OPEN SPACE REQUIRED BY PLANNING CODE SECTION 135 TO BE PROVIDED OFF-SITE EITHER WITHIN THE SPECIAL USE DISTRICT OR WITHIN 900 FEET OF THE BOUDNARIES OF THE SPECIAL USE DISTRICT; AND 2) AMENDMENTS TO SPECIAL USE DISTRICT MAP SU07 AND HEIGHT AND BULK DISTRICT MAP HT07 TO REFLECT THE CREATION OF THE SPECIAL USE DISTRICT AND ALLOW AN INCREASE IN HEIGHT FOR ASSESSOR'S BLOCK 3701, PARCELS 020 AND 021 FROM 120-X TO 200-X; AND (3) MAKE AND ADOPT FINDINGS, INCLUDING FINDINGS UNDER PLANNING CODE SECTION 302, ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

On May 5, 2015, 1270 Mission, LLC ("Project Sponsor") filed an application requesting approval of a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code to facilitate the construction of a mixed-use residential project located at 1270 Mission Street ("Project") with a 200-foot tall building providing on-site inclusionary affordable dwellings units in excess of the amounts required by the City's Inclusionary Affordable Housing Program (Planning Code section 415) in exchange for a density bonus conveyed by amendment of the Planning Code, Zoning Map and the General Plan to increase the permitted building height at the project site from 120 feet to 200 feet. The Downtown Project Authorization application included exceptions from rear yard requirements per Section 134 and ground-level wind currents per Section 148 of the Planning Code.

On June 28, 2016, the Project Sponsor filed a Variance application with the Planning Department from exposure requirements pursuant to Planning Code Section 140.

On August 24, 2016, a Preliminary Mitigated Negative Declaration ("PMND") was published. Since no appeals or comments were filed within 20 days of the publication date, the Planning Department's Environmental Review Officer finalized the Mitigated Negative Declaration ("MND") for the 1270 Mission Project, including the General Plan, Planning Code Text and Zoning Map Amendment and determined that the MND was adequate, accurate and complete and reflected the independent judgment of the Planning Department. A copy of the MND and this Determination is on file with the Clerk of the Board of Supervisors in File No. 161067 and is incorporated herein by reference.

On October 4, 2016, Supervisor Jane Kim introduced the legislation entitled, "Ordinance amending the San Francisco Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Block 3701, Lots 22, 23 and 24 on the west, and Assessor's Block 3701, Lot 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and Ninth Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessors Block 3701, Lots 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1."

On October 6, 2016, the Planning Commission initiated legislation entitled, "Ordinance amending the General Plan by revising the height designation for Assessor's Block 3701 Lots 20 and 21 on Map 5 of the Downtown Area Plan from 120-X to 200-X; adopting and making findings regarding the Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1."

On October 27, 2016 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment; and (2) the ordinance amending the Planning Code to add the Mission and Ninth Street Special Use District, and revise Zoning Map SU07 and H07. At that meeting, the Commission adopted (1) Resolution No. 19766, recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 197767 recommending that the Board of Supervisors approve the requested Planning Code and Text and Map Amendment. The

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

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2014.0926GPAPCAMAPDNXVAR, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

The Commission has reviewed the proposed Planning Code Text and Zoning Map Amendments Ordinance; and

RESOLVED, that the Planning Commission hereby adopts the MMRP attached as Exhibit C of Motion No. 19768, based on the findings as stated below.

FURTHER RESOLVED, that the Commission hereby recommends that the Board of Supervisors approve the proposed Planning Code and Zoning Map Amendment Ordinances, and adopt the attached Resolution to that effect.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments and the record as a whole, including all information pertaining to the Project in the Planning Department's case files, this Commission finds, concludes, and determines as follows:

1. The Commission finds that the Mission and 9th Street Special Use District and the Project at 1270 Mission Street to be a beneficial development to the City that could not be accommodated without the actions requested.

2. The Project would address the City's severe need for additional housing for very low, low and moderate income households, by providing on-site inclusionary affordable dwellings units in excess of the amounts required by the City's Inclusionary Affordable Housing Program (Planning Code section 415).

3. The Planning Commission recommends that the Planning Code Text Amendment Ordinance be amended to require an additional 3.5% of affordable unit made affordable to households whose incomes do not exceed 150% area median income.
4. The proposed General Plan Amendment and Special Use District would permit the development of a greater number of residential uses than currently permitted at the project site. As the General Plan recognizes, building standards can be relaxed in order to promote lower cost home construction. An additional portion of San Francisco's affordable housing needs can be supplied (with no public subsidies or financing) by private sector housing developers developing

inclusionary affordable units in their market-rate projects in exchange for the density and other bonuses. The Project would provide on-site inclusionary affordable dwellings units in excess of the amounts required by the City's Inclusionary Affordable Housing Program (Planning Code section 415) in exchange for the density bonus conveyed by the proposed General Plan Amendment and Special Use District.

5. The Project proposes neighborhood-serving amenities, such as new ground floor retail, and pedestrian safety improvements to surrounding streets; proposes new publicly accessible open space; and would incorporate sustainability features into the Project.

6. The Planning Code and Zoning Map Amendments are necessary in order to approve the Project;

7. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. 19768, which are incorporated by reference as though fully set forth herein.

8. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies, for the reasons set forth in the Downtown Project Authorization, Motion No. 19768 which are incorporated by reference as though fully set forth herein.

9. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. 19768, which are incorporated by reference as though fully set forth herein, and also in that, as designed, the Project would address the City's severe need for additional housing for very low, low and moderate income households, by providing on-site inclusionary affordable dwellings units in excess of the amounts required by the City's Inclusionary Affordable Housing Program (Planning Code section 415).

10. Based on the foregoing, the public necessity, convenience and general welfare require the proposed Planning Code and Zoning Map amendments.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on October 27, 2016.

Jonas P. Ionin
Commission Secretary

AYES: Fong, Richards, Hillis, Koppel, Johnson, Moore

NOES: None

ABSENT: Melgar

ADOPTED: October 27, 2016

SAN FRANCISCO
PLANNING DEPARTMENT

Mitigated Negative Declaration

1650 Mission St.
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Date:	August 24, 2016
Case No.:	2014.0926ENV
Project Title:	**1270 Mission Street**
Zoning:	C-3-G (Downtown-General Commercial) 120-X Height and Bulk District
Block/Lot:	3701/020 and 021
Lot Size:	16,220 square feet (0.37-acre)
Project Sponsor:	AGI Avant Inc. Brian Baker, (415) 775-7005
Lead Agency:	San Francisco Planning Department
Staff Contact:	Rachel Schuett – (415) 575-9030 rachel.schuett@sfgov.org

PROJECT DESCRIPTION:

The approximately 16,220-square-foot (0.37-acre) project site is located at the northwest corner of Mission and Laskie streets on the block bounded by Market Street to the north, Mission Street to the south, Eighth Street to the east, and Ninth Street to the west, within San Francisco's South of Market (SoMa) neighborhood. The proposed project would involve demolition and removal of the existing single-story commercial building and surface parking lot and construction of a new 120-foot-tall, 13-story mixed-use residential building containing up to approximately 195 dwelling units and about 2,012 square feet of ground floor retail/restaurant space.

A single basement level would include approximately 66 vehicle parking spaces (primarily in stackers), two car-share spaces, three Americans with Disabilities Act (ADA)-accessible parking spaces, one service vehicle loading space, and four standard parking spaces (in the rear portion of the ground floor), for a total of 76 parking spaces. In addition, the rear portion of the ground floor would contain bicycle storage areas that would accommodate at least 200 secure Class 1 bicycle spaces. As proposed, the residential entrance and the parking ingress/egress would both be accessible from Laskie Street, the alley that borders the eastern property line, with an additional entrance to the bicycle storage area accessible from Mission Street. The proposed project and variant would entail excavation to a depth of approximately 20 feet to accommodate the below-grade parking level and foundation, and a small area of an additional four feet of excavation to accommodate the proposed elevator pit. Total excavation would be up to about 12,000 cubic yards.

The project sponsor is also considering a potential variant (Variant 1) that would be larger (in terms of both the height/building envelope and density) than the proposed project. Variant 1 would entail construction of a 200-foot-tall, 21-story building that would include up to approximately 299 dwelling units. The basement and ground floor would be similar to that under the proposed project, with comparable parking, retail/restaurant space, and other uses. The basement level would contain approximately 66 vehicle parking spaces (mostly in stackers), and the ground floor would provide two car-share spaces, three ADA-accessible parking spaces, and two service vehicle loading spaces, for a total of 71 parking spaces, and one 35' x 12' loading space. Similar to the proposed project, Variant 1 would

include 200 Class 1 bicycle parking spaces. The building height for Variant 1 would exceed the allowable height limit for the project site under the existing 120-X Height and Bulk District and, therefore, would require approval of an amendment to the Height and Bulk District Zoning Map. As part of Variant 1, the project sponsor proposes a Special Use District (SUD) that would increase the requirement for on-site affordable rental units to 20 percent, of which 12 percent would be affordable to households earning up to 55 percent of Area Median Income (AMI), 4 percent to households earning up to 70 percent AMI, and 4 percent earning up to 90 percent AMI, which exceeds the current *Planning Code* requirement that 13.5 percent of the project dwelling units be affordable units. The specific percentage of affordable units may be changed by the Board of Supervisors as part of its deliberations on approval of the SUD.

FINDING:

This proposed project and Variant 1 could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached. Mitigation measures are included as part of the proposed project and Variant 1 to avoid potentially significant effects. See Section F on page 139.

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

Lisa M. Gibson
LISA M. GIBSON
Acting Environmental Review Officer

9/29/16
Date of Adoption of Final Mitigated Negative Declaration

cc: Brian Baker, AGI Avant, Project Sponsor
Tina Chang, San Francisco Planning Department-Current Planning

INITIAL STUDY

(2014.0926ENV: 1270 Mission Street)

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INITIAL STUDY

1270 Mission Street Project
Planning Department Case No. 2014.0926ENV

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

The approximately 16,220-square-foot (0.37-acre) project site (Assessor's Block 3701, Lots 20 and 21) is located on the northwest corner of Mission and Laskie streets,[1] within a portion of San Francisco's SoMa neighborhood and also within the Downtown Area Plan identified in the *San Francisco General Plan* (*General Plan*). The project site is located on a block bounded by Market Street to the north, Mission Street to the south, Eighth Street to the east, and Ninth Street to the west. Laskie Street, a dead-end alley that extends north from Mission Street, forms the eastern boundary of the project site (see Figure 1, p. 2). The project site is located within the C-3-G (Downtown-General Commercial) Use District and the 120-X Height and Bulk District, which allows a 120-foot maximum height with no bulk limits.

The project site is partially occupied by an approximately 1,200-square-foot, one-story, 12-foot-tall commercial building that is currently occupied by a pizza shop. A surface parking lot occupies the remainder of the project site. There are four existing street trees along both the Mission Street and Laskie Street frontages of the project site (eight trees total).

According to the Assessor's data, the existing building was constructed in 1975.[2] Given that the existing building is not 45 years old, or older, it is not age-eligible to be a historical resource. The project site is flat and generally rectangular in shape, with 92.5 feet of frontage on Mission Street and 176 feet of frontage on Laskie Street. Three buildings adjoin the project site to the west: a four-story residential hotel with ground-floor retail space (Hotel Potter, 1284-1288 Mission Street); a six-story residential building with ground-floor retail at 77-83 Ninth Street; and a two-story commercial building at 65 Ninth Street, currently occupied by the American Friends Service Committee as a Quaker Meeting House. Adjacent to the project site to the north is a newly constructed 17-story residential building at 55 Ninth Street, known as the Ava building.

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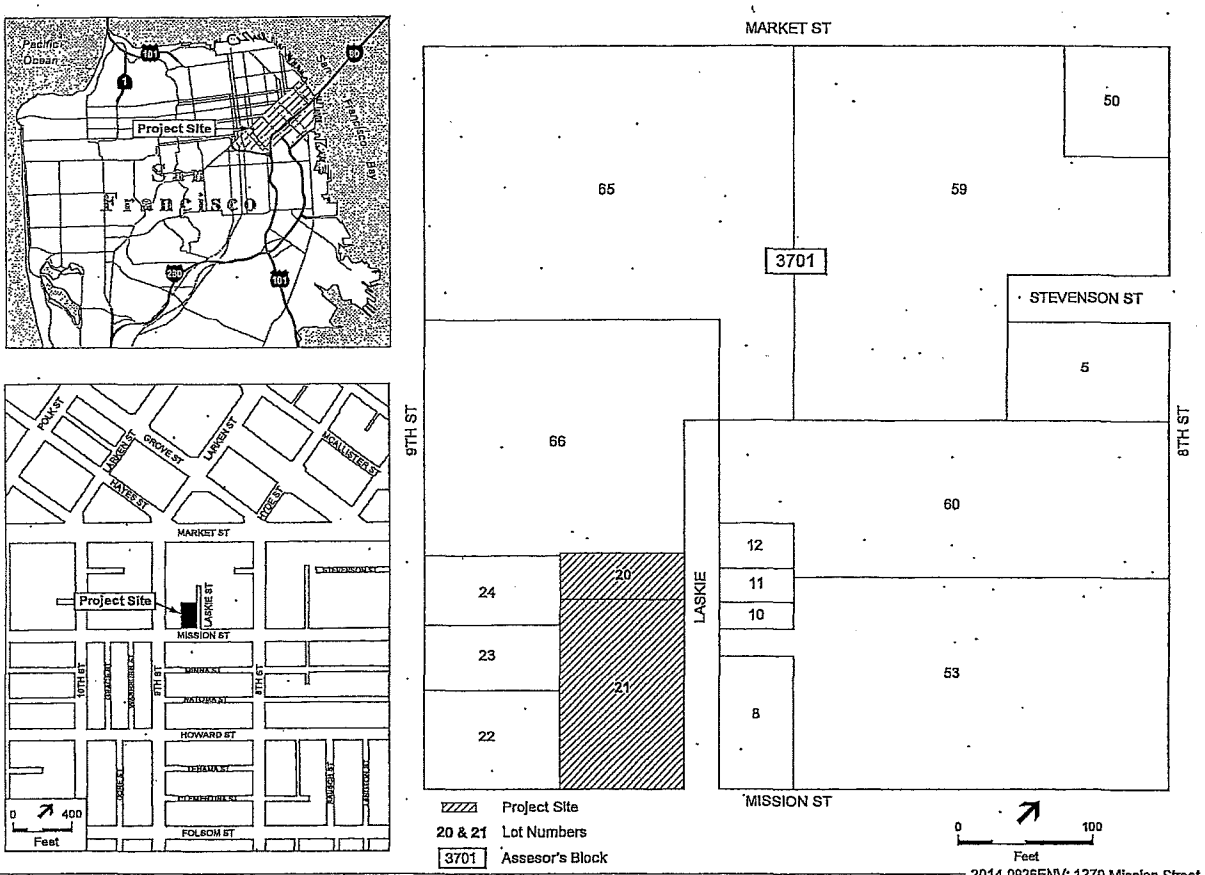
1 Following San Francisco convention, Mission Street and streets parallel to it are considered to run east-west, while 9th Street and streets parallel to it are considered to run north-south.

2 San Francisco Property Information Map, *1270 Mission Street*. Available online at http://propertymap.sfplanning.org/, accessed May 30, 2016.



SOURCE: ESA

2014-0926ENV: 1270 Mission Street

Figure 1
Project Location

Proposed Project and Variant 1

The proposed project would include construction of a 120-foot-tall, 13-story building containing 195 dwelling units and a retail/restaurant space on the ground floor. Variant 1 would include construction of a 200-foot-tall, 21-story building that would contain up to 299 dwelling units (see **Figure 2**, p. 4).

120-Foot-Tall Building (Proposed Project)

The proposed project would involve the demolition of the existing building and surface parking lot on the project site and the construction of a new 120-foot-tall, 13-story building containing 195 dwelling units and about 2,012 square feet of retail/restaurant space along Mission Street. The project sponsor intends that the proposed dwelling units would be rental (apartment) units.

A single basement level and a portion of the ground floor would provide for approximately 76 vehicle parking spaces (mostly in stackers), including two car-share spaces, three ADA-accessible spaces, and one service vehicle loading space. Bicycle storage areas on the ground floor would accommodate a minimum of 200 Class 1 bicycle spaces, which would exceed the requirements of *Planning Code* Section 155.2. Eight bicycle racks would be provided on the Mission Street sidewalk to accommodate 16 Class 2 bicycle spaces, which would comply with Section 155.2 of the *Planning Code*. The residential entrance and the automobile parking ingress and egress would both be from Laskie Street. Access to the bicycle room would be through the pedestrian entrance to the building garage and via an additional entrance located on Mission Street. In addition to the retail/restaurant space, the ground floor would include a residential lobby and mail room, leasing offices, the parking ramp, a recycling/trash room and mechanical space, and the bicycle storage areas. **Figure 3**, p. 5 depicts the proposed ground floor plan and **Figure 4**, p. 6 shows the proposed basement plan.

The second floor would contain eight residential units. However, the portion of the second floor closest to Mission Street would be open to the lobby and retail/restaurant space on the ground floor below and would contain common amenities for use by the residents including a gym, a kitchen and bar, and a tech-lounge area (see **Figure 5**, p. 7). Floors 3 through 13 would each contain 17 residential units (see **Figure 6**, p. 8). In total, the project would contain 195 dwelling units in a combination of studios and one- and two-bedroom units, including a minimum of 26 on-site affordable inclusionary units (13.5 percent of the total units, as required by *Planning Code* Section 415.3).[3] The residential unit mix would consist of approximately 47 studios (24 percent of the total), 104 one-bedroom units (inclusive of 23 junior one-bedroom units; 53 percent of the total),[4] and 44 two-bedroom units (23 percent).

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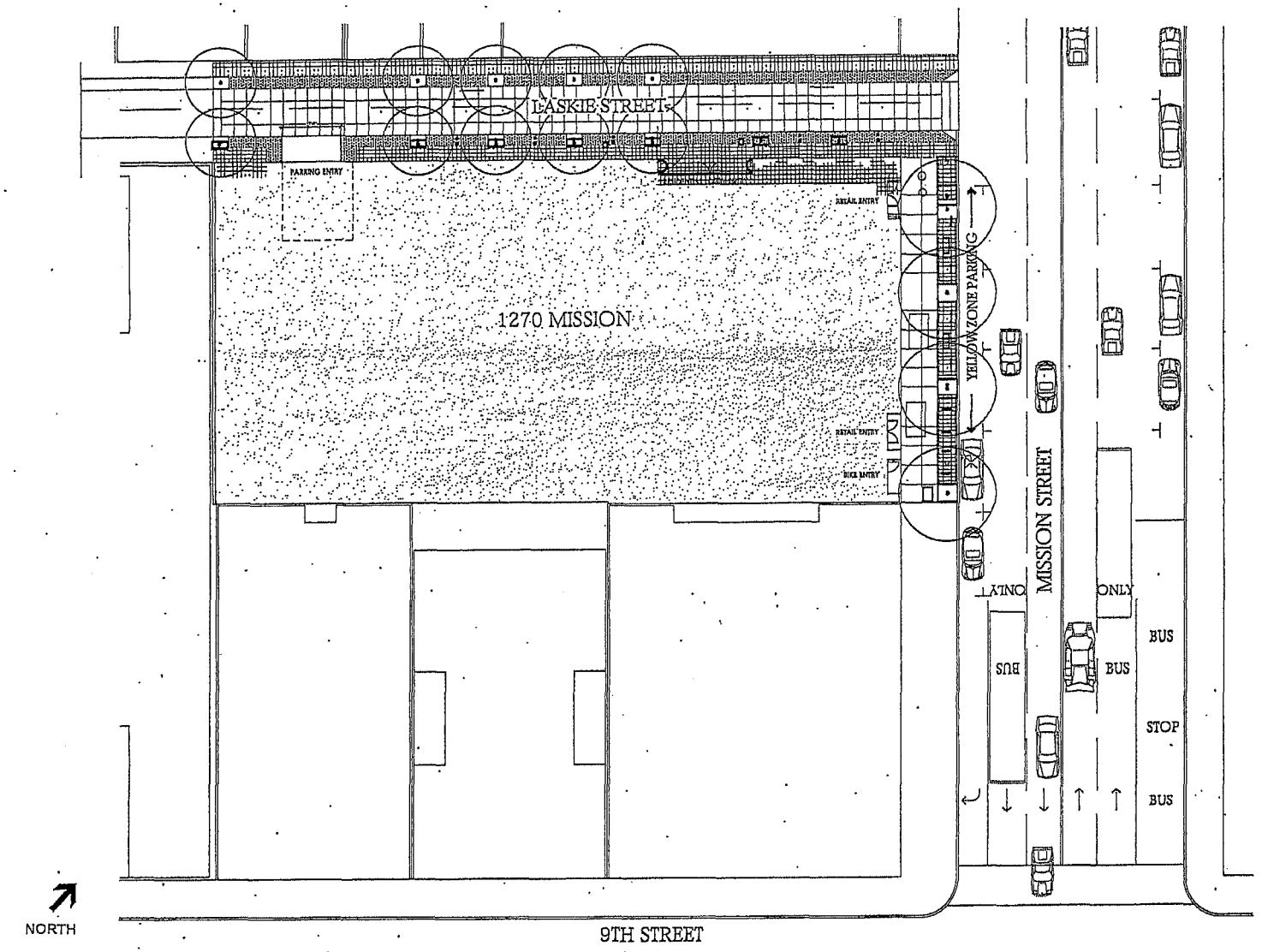
[3] Although San Francisco voters in June 2016 approved an increase in affordable housing requirements for new projects through passage of Proposition C, *Planning Code* provisions adopted by the Board of Supervisors and signed by the mayor in May 2016 provide for the graduated application of increased affordable housing requirements for projects with applications already on file. Because the environmental evaluation application for the proposed project and Variant 1 was submitted in 2014, the project and Variant 1 would be required to provide 13.5 percent of on-site housing units as affordable units, absent the provisions of the proposed SUD.

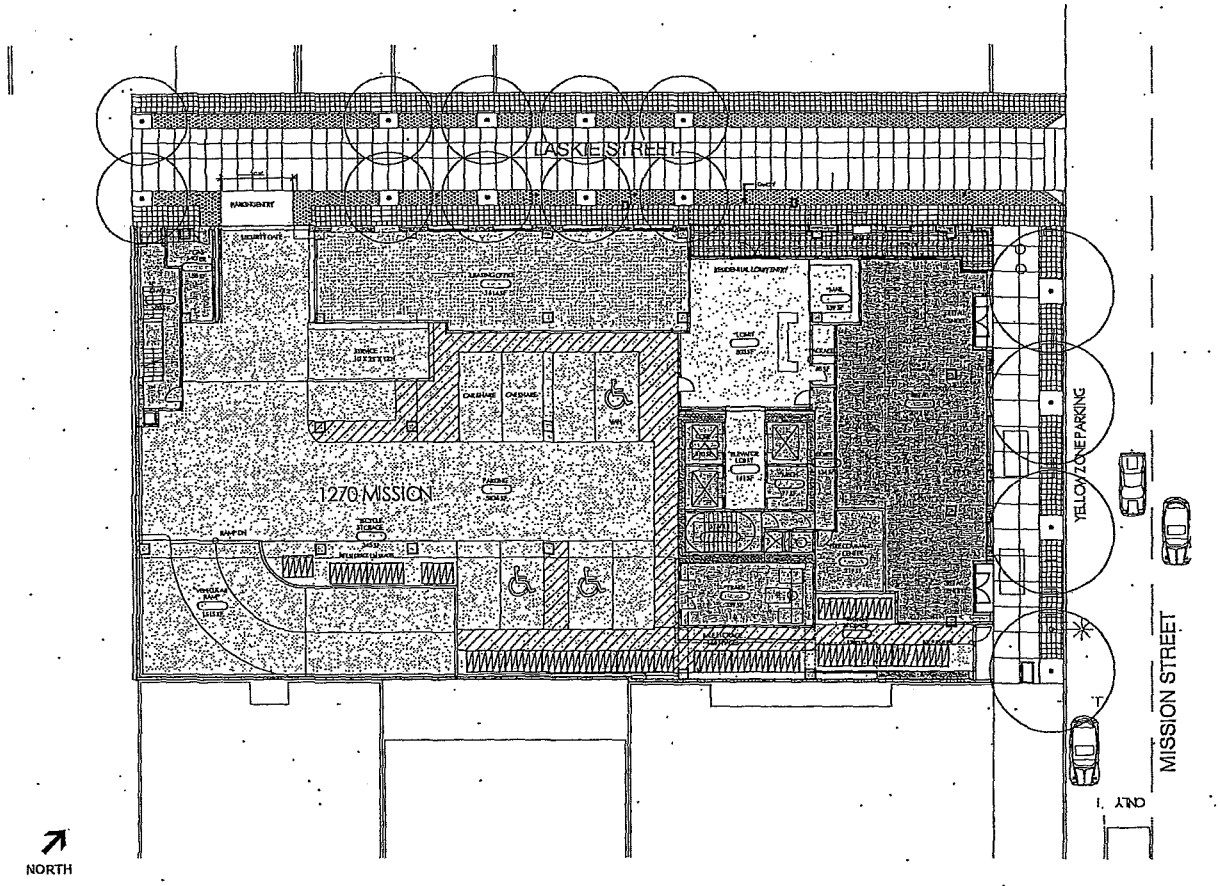
[4] Unlike a studio unit, a junior one-bedroom unit contains a separate bedroom, although without a window in the bedroom and not necessarily with a door; the window is typically in a larger living/dining room.



2014-0926ENV: 1270 Mission Street

SOURCE: Architecture International

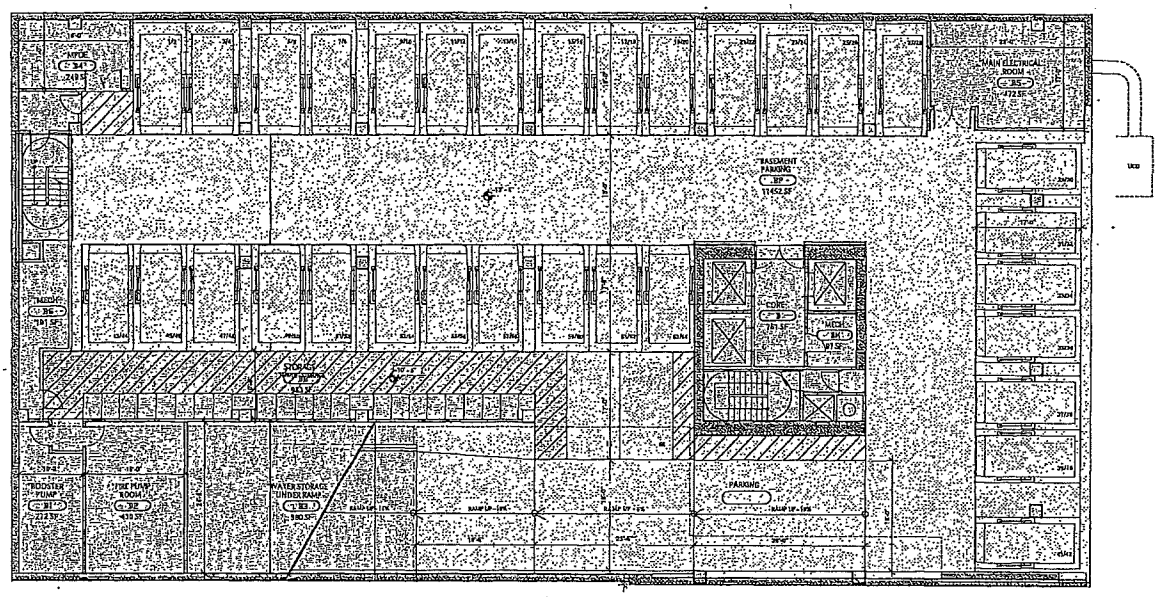
Figure 2
Site Plan



SOURCE: Architecture International

2014-0926ENV: 1270 Mission Street

Figure 3
Ground Floor Plan



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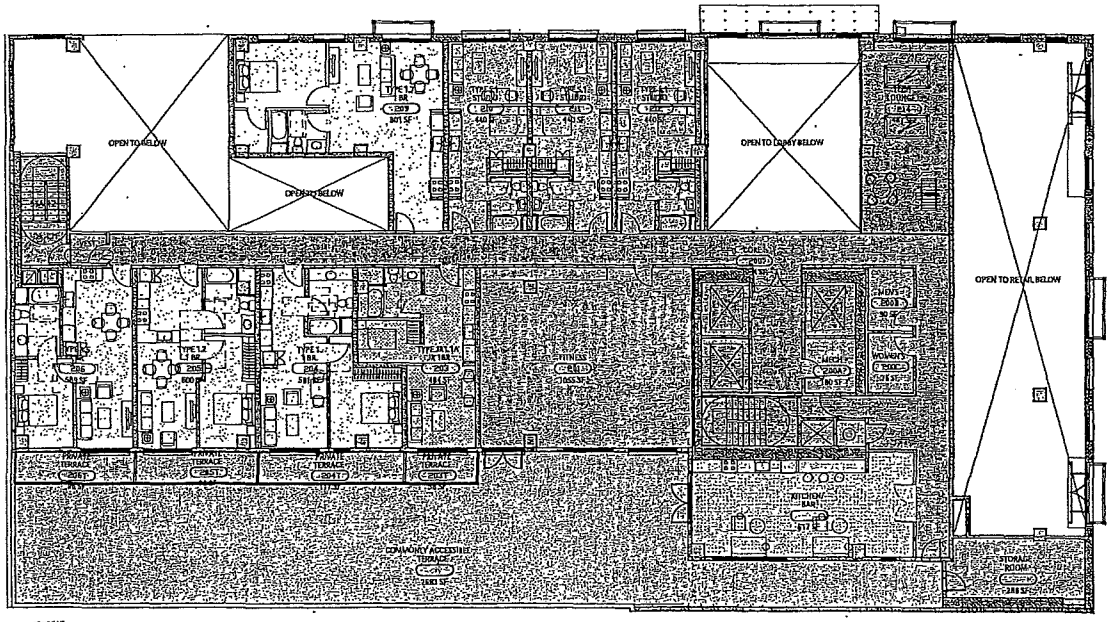
SOURCE: Architecture International

2014-0926ENV: 1270 Mission Street

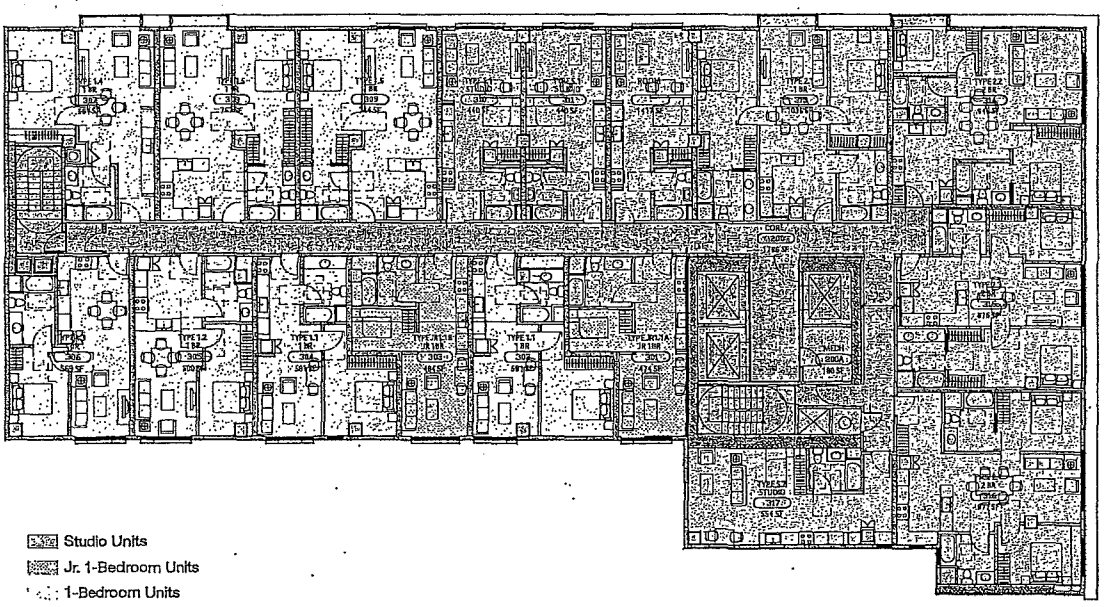
Figure 4
Basement Plan – Proposed Project



SOURCE: Architecture International

2014-0926ENV: 1270 Mission Street

Figure 5
Second Floor Plan – Proposed Project



SOURCE: Architecture International

2014-0926ENV: 1270 Mission Street

Figure 6

Upper Level Floor Plan – Proposed Project

The proposed structure would be approximately 120 feet in height to the roof, with the parapet extending an additional 4 feet above the roofline, and mechanical and stair/elevator penthouses extending up to 20 feet above the roof height.[5] Figure 7, p. 10 depicts the proposed project elevations.

The proposed building would be constructed using reinforced, poured-in-place concrete with post-tensioned slabs in a contemporary architectural style, employing precast concrete, brick, metal, and glass as the primary building materials. Along the primary facades on Mission and Laskie streets, the proposed design would include a predominately brick base of five stories. The two-story, ground-floor retail/restaurant space and residential lobby would be differentiated with stone tile and articulated by a horizontal belt coursing separating the ground floor uses from the residential uses above. The ground floor level would include large glass storefronts, framed in aluminum, with each retail space separated by stone tile-clad piers. A canopy would hang over the residential entryway, along the Laskie Street facade.

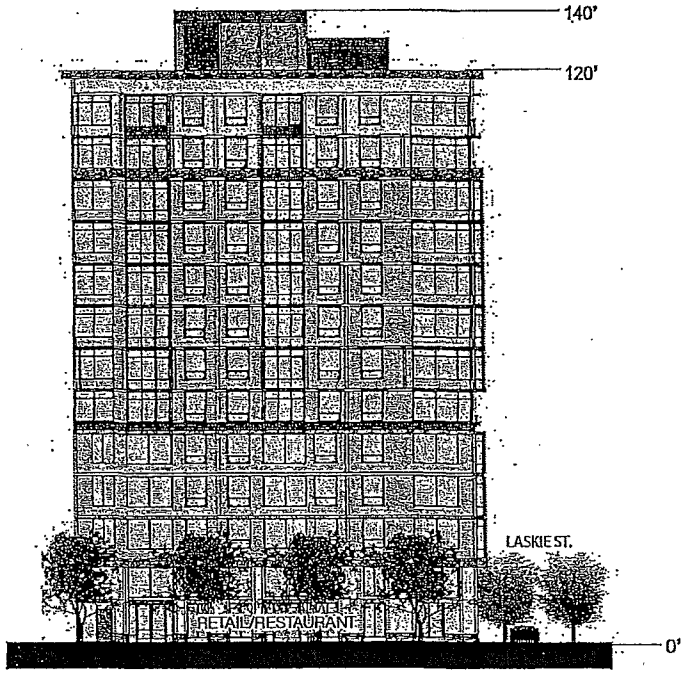
Architecturally, the building would be composed of a classic base, middle, and top with differentiating materials of brick and precast concrete with horizontal belt coursing and a terminating cornice. The primary façades for the residential floors of the building, including the more transparent corner at Mission and Laskie streets, would be composed of three façade systems including a precast wall system with a combination of brick and opaque panels, glass and aluminum bay windows, and ornamental Juliet balconies. Operable windows would be located throughout the facades for light, air, and rescue. A precast concrete parapet would extend above the roof line around the perimeter of the building.

200-Foot-Tall Building (Variant 1)

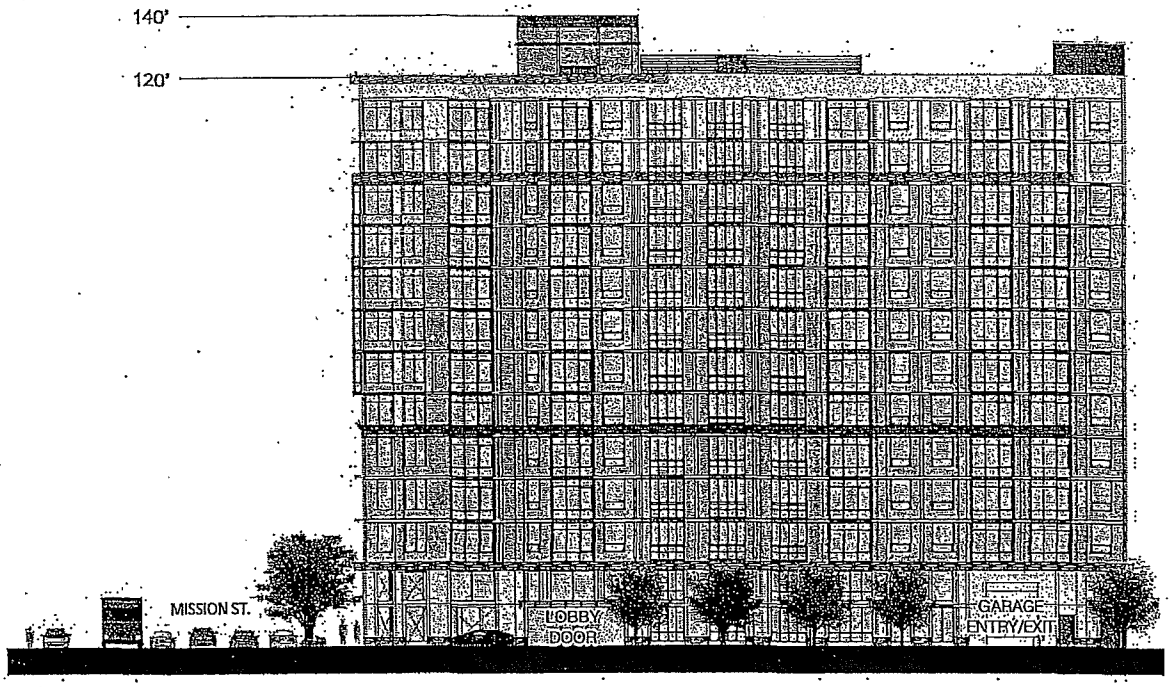
As a variant to the proposed project described above, the project sponsor is also considering a taller building. Variant 1 would entail construction of a 200-foot-tall, 21-story building that would contain up to approximately 299 dwelling units in a combination of studios and one-, two-, and three-bedroom units. The residential unit mix would consist of approximately 75 studios (25 percent of the total), 157 one-bedroom units (inclusive of 59 junior one-bedroom units; 53 percent of the total), 56 two-bedroom units (19 percent), and 11 three-bedroom units (4 percent).

As part of Variant 1, the project sponsor proposes both an amendment to the existing 120-X Height and Bulk District, which allows a 120-foot maximum height with no bulk limits, to allow building heights up to 200 feet, and the creation of the Mission/Ninth Street Affordable Housing Special Use District (SUD). The SUD would permit building heights greater than 120 feet for projects, such as Variant 1, that provide affordable housing at a rate of 20 percent of units on-site, of which 12 percent would be affordable to households earning up to 55 percent of Area Median Income (AMI), 4 percent to households earning up to 70 percent AMI, and 4 percent earning up to 90 percent AMI. This would be in excess of the requirement of *Planning Code* Section 415.3 that 13.5 percent of on-site dwelling units be affordable units. The specific percentage of affordable units may be changed by the Board of Supervisors as part of its deliberations on approval of the SUD. The SUD would also permit a certain portion of the usable open space required pursuant to *Planning Code* Section 135 to be provided off-site, either within the SUD or

[5] These roof-top features are exempt from the height limit, pursuant to *Planning Code* Sec. 260(b)(1)(F).



MISSION STREET ELEVATION



LASKIE STREET ELEVATION

SOURCE: Architecture International

2014-0926ENV: 1270 Mission Street

Figure 7
Elevations – Proposed Project

within 900 feet of the project site, and would waive the floor area ratio (FAR) limits otherwise applicable for projects that comply with the SUD's affordable housing requirements. As under the proposed project, Variant 1 would have a parapet extending an additional 4 feet above the roofline and mechanical and stair/elevator penthouses extending up to 20 feet above the roof height.[6] The ground floor would be similar to that under the proposed project, with comparable retail/restaurant space and other uses. As with the proposed project, 200 Class 1 bicycle spaces would be provided on the ground floor to accommodate the units, and 10 Class 2 bicycle racks to accommodate 20 bicycle parking spaces would be provided on the Mission Street sidewalk; these bicycle spaces would exceed *Planning Code* requirements. Vehicle parking would be slightly less than that under the proposed project, with 76 off-street spaces.

Figure 8, p. 12, depicts proposed elevations for Variant 1. Variant 1 would provide open space in the same amount and configuration as the proposed project. Because the greater number of residential units under Variant 1 would require more usable open space pursuant to *Planning Code* Section 135 , Variant 1 would provide improvements on the adjacent Laskie Street right-of-way to meet the portion of the additional usable open space required, as permitted under the SUD that is being requested for Variant 1.

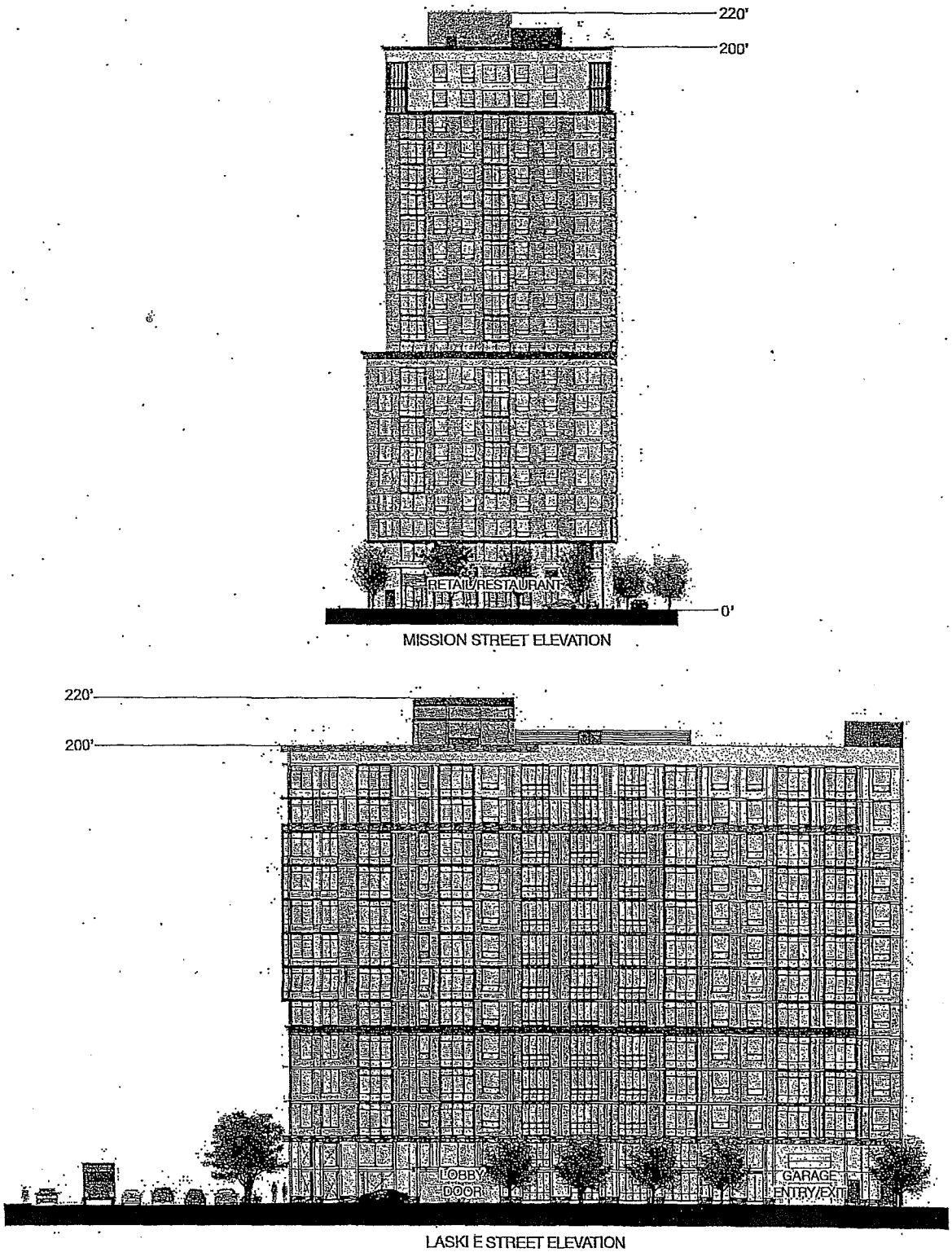
The proposed project and Variant 1 are subject to CEQA Section 21099(d), which eliminates aesthetics as an impact that can be considered in determining the significance of physical environmental effects for projects meeting certain criteria. Accordingly, this Initial Study does not contain a separate discussion of the topic of aesthetics. Photo simulations of the proposed project and Variant 1 are provided, herein, for informational purposes only. These visual simulations were prepared by the project architect to illustrate the proposed project and Variant 1 from the most prominent public vantage points once implemented (see Figure 9, p. 13, and Figure 10, p. 14). See p. 30 for further discussion of Section 21099.

Common Elements of the Proposed Project and Variant 1

Open Space

Open space for project residents under both the proposed project and Variant 1 would be provided atop the building in the form of a commonly-accessible roof deck of approximately 10,025 square feet for the proposed project and approximately 8,380 square feet for Variant 1 (see Figure 11, p. 15). Variant 1 also would have an approximately 1,445 square-foot terrace on the 10th floor, of which 1,380squarefeet would count towards the project's open space requirements. The proposed project and Variant 1 would have additional commonly-accessible open space on the second floor (first residential level); the former with approximately 2,683 square feet and the latter with approximately 2,292 square feet, which would allow for light and air to reach the residential units on the south side of the building (see Figure 5, p. 7). However, because the second-floor open space would not comply with the exposure requirements of the *Planning Code*, a variance from Section 135(g)(2) is required to allow the second-floor open space to be counted as usable open space. As only 9,360 square feet of commonly-accessible open space is required for the proposed project (at 48 square feet per unit), the roof deck on the proposed project would meet the *Planning Code* requirement.

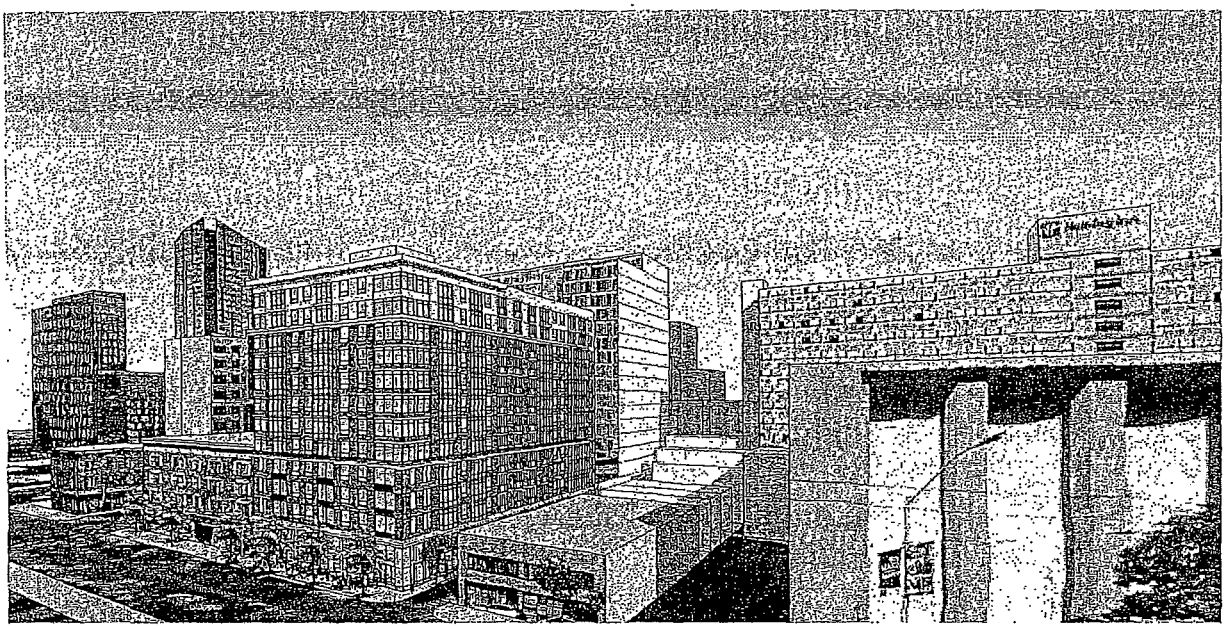
[6] These roof-top features are exempt from the height limit, pursuant to *Planning Code* Sec. 260(b)(1)(F).



SOURCE: Architecture International

2014-0926ENV: 1270 Mission Street

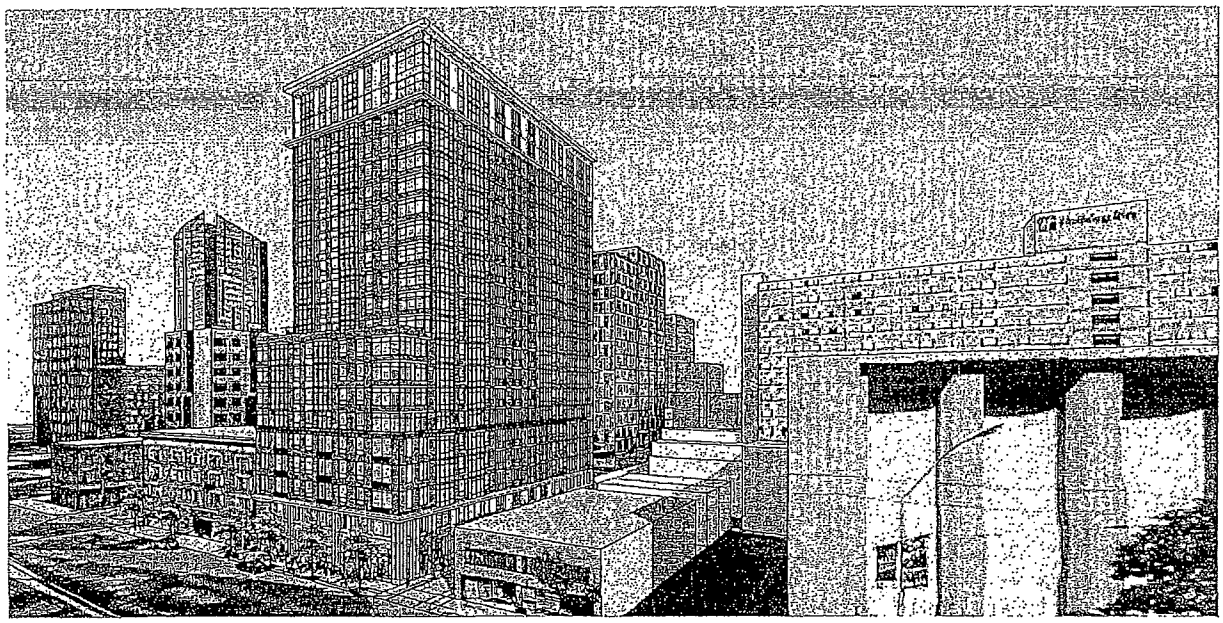
Figure 8
Elevations – Variant 1



SOURCE: Architecture International

2014-0926ENV: 1270 Mission Street

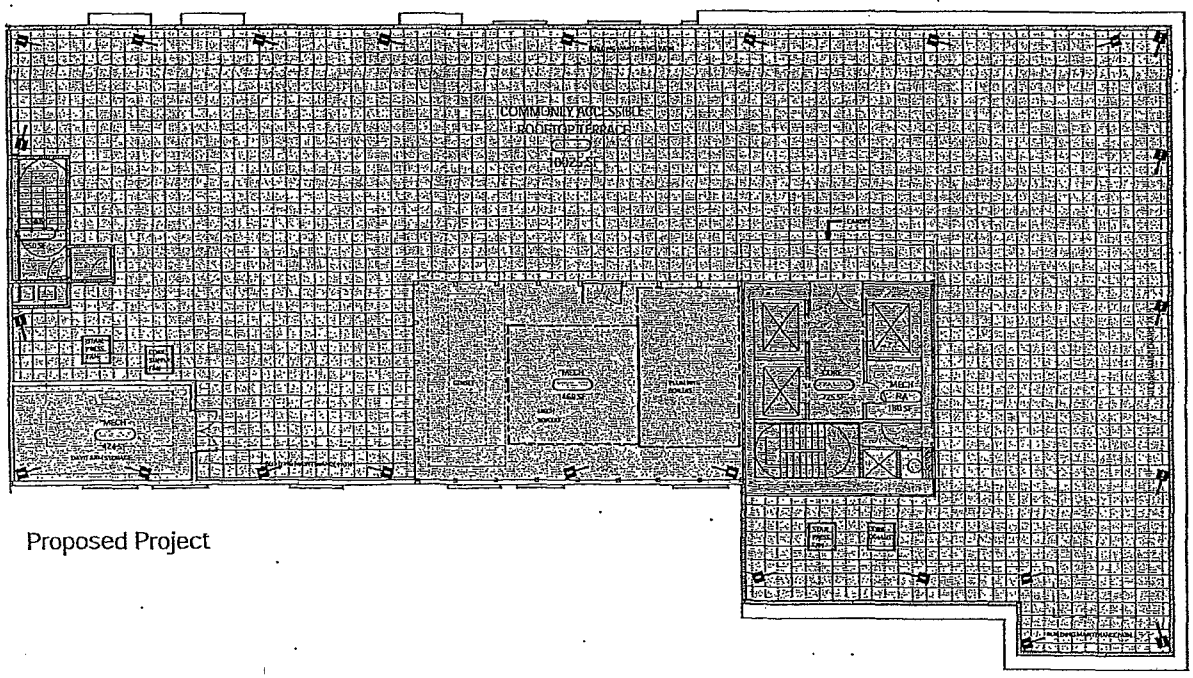
Figure 9
Rendering – Proposed Project
View of Mission and Laskie Street Facades



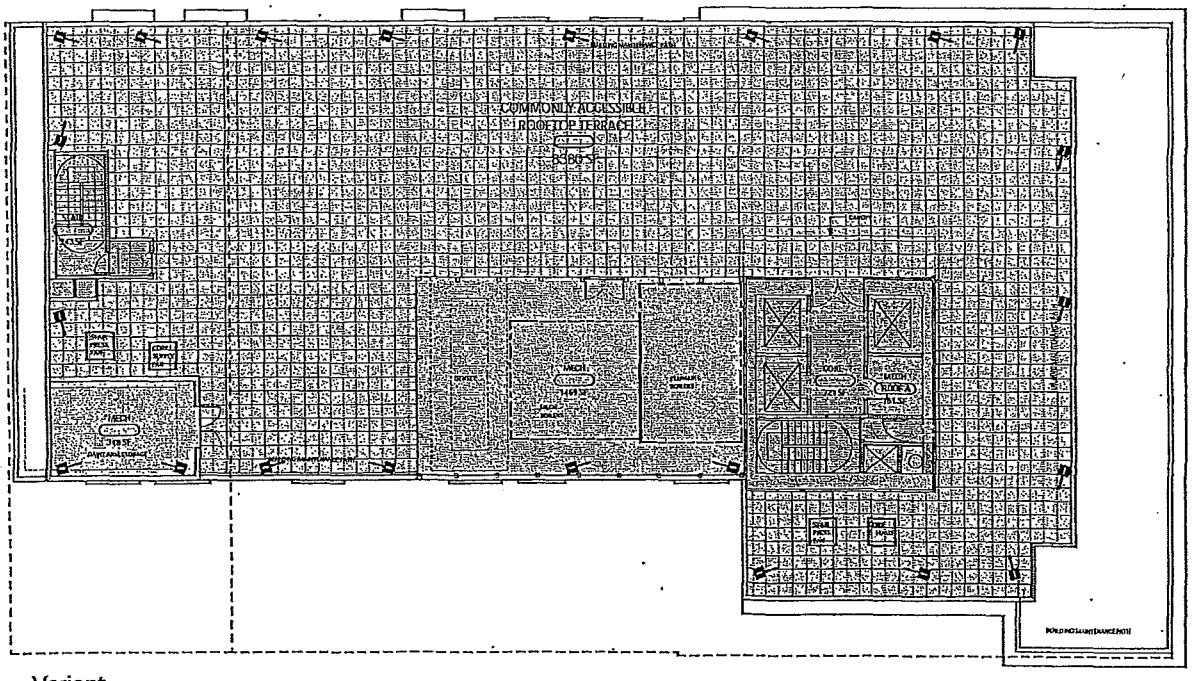
SOURCE: Architecture International

2014-0926ENV: 1270 Mission Street

Figure 10
Rendering – Variant 1
View of Mission and Laskie Street Facades



Proposed Project



Variant

0 20
Feet

SOURCE: Architecture International

2014-0926ENV: 1270 Mission Street

Figure 11
Roof Plan – Proposed Project and Variant

For Variant 1, only the commonly-accessible roof deck and 10th floor terrace would count towards the *Planning Code* commonly-accessible open space requirement of 14,016 square feet (at 48 square feet per unit minus the 2 units with private balconies on the 21st floor and 5 units with private terraces on the second floor). As the approximately 9,760 square feet of commonly-accessible open space (8,380 square feet for the roof deck and 1,380 square feet for the 10th floor terrace) proposed for Variant 1 would not meet the *Planning Code* requirement, per Section 135(f)(2), a Special Use District permitting the open space improvements constructed on Laskie Street to offset a portion of the amount of required residential open space would be sought for Variant 1.[7]

Table 1, p. 17, summarizes the characteristics of the proposed project and Variant 1.

Parking, Loading, and Bicycle Facilities

The existing surface parking on the project site contains 33 publicly-accessible off-street parking spaces. This lot would be removed as part of the proposed project and Variant 1. The proposed project and Variant 1 would create a curb cut and garage door opening of 15 feet in width along Laskie Street, which would be used to provide access to a vehicular ramp into the parking garage. (The existing driveway on Laskie Street that currently serves the surface parking lot is about 25 feet wide.) Under the proposed project the garage would contain 76 vehicle parking spaces, and under Variant 1 the garage would contain 73 parking spaces. Both the proposed project and Variant 1 would include three ADA-accessible parking spaces and two car-share spaces, and most of the standard parking would be provided in driver-activated stackers in the basement. Three on-street commercial (yellow zone) loading spaces are proposed on Mission Street for both the proposed project and Variant 1. In addition, the proposed project would provide one service vehicle loading space in the garage, and Variant 1 would provide one freight loading space and two service vehicle loading spaces in the garage.

A minimum of 200 Class 1 bicycle parking spaces would be provided in ground-floor bicycle storage areas for both the proposed project Variant 1, with access from the pedestrian entrance on Laskie Street as well as a door located on Mission Street. These vehicle and bicycle parking spaces would be available to building residents and employees of the proposed ground-floor retail/restaurant space. Sixteen Class 2 bicycle parking spaces for the proposed project and 20 Class 2 bicycle parking spaces for Variant 1 would be provided in the form of bike racks on the Mission Street sidewalk.

During the construction phase of the proposed project and Variant 1, worker parking would occur off-site. No designated parking for construction workers would be provided and they would be expected to park on the street or in nearby garages, or to use transit.

[7] Even if a Variance from Section 135(g)(2) is sought to allow the second floor open space to be counted as usable open space, the project would still fall short of the total open space requirements.

TABLE 1
PROJECT CHARACTERISTICS AND PLANNING CODE COMPLIANCE

Project Component	Proposed Project: Gross Building Area	Variant 1: Gross Building Area
Residential	127,225 sq. ft.	198,227 sq. ft.
Retail	2,012 sq. ft.	2,012 sq. ft.
Lobby	1,305 sq. ft.	1,314 sq. ft.
Vehicle Parking [a]	19,484 sq. ft.	19,042 sq. ft.
Bicycle Parking	1,635 sq. ft.	1,635 sq. ft.
Bldg. Services [b]	36,935 sq. ft.	51,454 sq. ft.
TOTAL	188,596 sq. ft.	273,684 sq. ft.
Residential Open Space (common)	10,025 sq. ft. [c]	9,560q. ft. [d]
Required Residential Open Space [e] (common)	9,360 sq. ft.	14,352 sq. ft. [f]
Project Component	**Proposed Project**	**Variant 1**
Dwelling Units (total)	195	299
Studios	47	75
Jr. one-bedroom units	23	59
One-bedroom units	81	98
Two-bedroom units	44	56
Three-bedroom units	0	11
Parking Spaces		
Auto [g]	76 (98 principally permitted)	76 (150 principally permitted)
Bicycle (Class 1)	200 (124 required)	200 (150 required)
Bicycle (Class 2 sidewalk bike spaces)	16 (10 required)	20 (15 required)
Height of Building [h]	120 feet	200 feet
Number of Stories	13	21

a Includes ramp to garage and garage circulation space in the basement.
b Includes common areas and back of house services.
c The commonly-accessible residential open space provided includes only the *Planning Code*-compliant roof deck.
d The commonly-accessible residential open space provided includes only the *Planning Code*-compliant roof deck and 10th floor terrace (8,380 square feet for the roof deck and 1,380 square feet for the 10th floor terrace).
e Per *Planning Code* Section 138(b).
f Remainder of Variant 1 open space requirement would be provided off-site, in form of improvements to the Laskie Street right-of-way, in accordance with the proposed special use district.
g Includes two car-shares space and three ADA-accessible spaces.
h Excludes elevator/stair penthouse, parapet, and various rooftop elements.

SOURCE: Architecture International, 2016.

Streetscape Plan

Both building options include proposed streetscape improvements that would adhere to the *Better Streets Plan*. The pedestrian right of way on Mission Street would include four new street trees (spaced

approximately 20 feet apart) with tree grates; 16 new Class 2 bicycle spaces (8 bike racks) for the proposed project and 20 new Class 2 bicycle spaces (10 bike racks) for Variant 1; and repaving of the sidewalk. Specific improvements along Laskie Street would include a single-surface "shared street" from Mission Street to immediately north of the project garage driveway. This "shared street" would entail raising the elevation of Laskie Street to meet the elevation of the existing sidewalks; removing and replacing the existing raised concrete sidewalks along both sides of the roadway with a 3-foot by 3-inch-wide visual/tactile detection strip to delineate pedestrian and vehicular zones; removing the existing street trees and planting at least 10 new street trees (spaced approximately 20 feet apart) with tree grates; potentially relocating existing light poles, and adding pedestrian lighting along the roadway. In addition, these plans would include a raised crosswalk along Laskie Street at the intersection of Mission Street, which would accommodate east-west pedestrian traffic along the north side of Mission Street and serve as a traffic calming device since vehicles would be required to slow down considerably prior to entering or exiting Laskie Street.

Landscaping

As part of the proposed project and Variant 1, the eight existing street trees would be removed and at least 14 new trees would be planted along Mission and Laskie streets in accordance with *Planning Code* Section 138.1(c)(1). On the Laskie Street frontage, the project sponsor would plant at least ten new street trees on both sides of Laskie Street (five on each side) starting up to 75 feet from Mission Street. In addition, four new street trees would be planted along the Mission Street frontage, replacing four existing trees. All of the new street trees would have decorative metal grates covering the soil and surrounding the tree trunk. Decorative paving would also be installed along the curb line of the Mission Street frontage, between the street trees.

Foundation and Excavation

The proposed project and Variant 1 would entail excavation to a depth of approximately 20 feet to accommodate the below-grade parking level and foundation, and a small area of an additional four feet of excavation to accommodate the proposed elevator pit. Total excavation would be up to about 12,000 cubic yards. The proposed project and Variant 1 would likely be constructed on a mat foundation; depending on the soil conditions identified beneath the site when soil borings are conducted, soil improvement (e.g., deep soil mixing or drilled displacement columns) may be required to improve the bearing capacity of a relatively thin liquefiable layer of sand that other nearby geotechnical explorations have identified may exist not far beneath the proposed foundation depth.

Construction Schedule

Demolition and construction of the proposed project is estimated to take approximately 22 months and construction of Variant 1 is estimated to take approximately 24 months.

Approvals Required for the Proposed Project and Variant 1

Planning Commission

- Approval of a Downtown Project Authorization from the Planning Commission per *Planning Code* Section 309 for projects within a C-3 zoning district over 50,000 square feet in area or over 75 feet in height, and for granting exceptions to the requirements of certain sections of the *Planning Code.*
- Approval of an exception, pursuant to *Planning Code* Section 309, from requirements of *Planning Code* Section 134(e) governing the configuration of rear yards, to provide open space in a configuration other than a rear yard (i.e., resident-only accessible open spaces on the roof and at the second story).
- Approval of an exception, pursuant to *Planning Code* Section 309, from the pedestrian wind comfort requirements of *Planning Code* Section 148.
- Approval of Conditional Use authorization from the Planning Commission under *Planning Code* Section 124(f) to exclude the on-site affordable units from the calculation of gross floor area.

Zoning Administrator

- Variance from the dwelling unit exposure requirements of *Planning Code* Section 140(a)(2) for those units that would have only windows facing onto the second-floor outdoor terrace.
- Variance from open space requirements of *Planning Code* Section 135(g)(2) for the proposed second floor terrace that does not meet exposure requirements.

Department of Building Inspection

- Review and approval of demolition and building permits.
- If any night construction work is proposed that would result in noise greater than five dBA above ambient noise levels, approval of a permit for nighttime construction.

Department of Public Works

- Approval of a subdivision map to combine the two on-site parcels into a single parcel, pursuant to the City's *Subdivision Code.*
- If sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s), approval of a street space permit from the Bureau of Street Use and Mapping.
- Approval of construction within the public right-of-way (e.g., bulb-outs and sidewalk extensions) to ensure consistency with the Better Streets Plan.

San Francisco Municipal Transportation Agency

- Approval of the placement of bicycle racks on the sidewalk, and of other sidewalk improvements, by the Sustainable Streets Division.
- If sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s), approval of a special traffic permit from the Sustainable Streets Division.

- Approval of construction within the public right-of-way (e.g., bulb-outs and sidewalk extensions) to ensure consistency with the Better Streets Plan.
- Approval of the three on-street commercial (yellow zone) loading spaces proposed on Mission Street.

San Francisco Public Utilities Commission

- Approval of any changes to sewer laterals (connections to the City sewer).
- Approval of an Erosion and Sediment Control Plan, in accordance with Article 4.1 of the *San Francisco Public Works Code*
- Approval of post-construction stormwater design guidelines, including a stormwater control plan that complies with the City's Stormwater Design Guidelines.

Additional Approvals Required for Variant 1

Actions by the Board of Supervisors

- *Planning Code Amendments for Height District Reclassification:* The building height of Variant 1 would exceed the height limit of the existing 120-X Height and Bulk District. The Board of Supervisors would need to approve an amendment to the Zoning Map Height and Bulk Districts (Sheet HT01) pursuant to *Planning Code* Section 302.
- Approval of a Special Use District (i) requiring that buildings in excess of 120 feet in height include a number of on-site inclusionary affordable units greater than the current 13.5 percent on-site requirement of *Planning Code* Section 415.3; (ii) permitting open space improvements constructed off-site on Laskie Street to meet a portion of *Planning Code*-required residential open space for Variant 1 (Section 135(f)(2)); and (iii) permitting FAR in excess of the 6.0 to 1 otherwise established in *Planning Code* Section 210.2 for residential projects, such as Variant 1, that comply with the SUD's affordable housing requirements.

Actions by the Planning Commission

- Recommendation to the Board of Supervisors to Approve Amendments for Height District Reclassification and a Special Use District, described above.

B. PROJECT SETTING

As noted above, the project site is located within the SoMa neighborhood, which is generally bounded by Market to the north, Highway 101 to the west, 16th Street to the south, and San Francisco Bay to the east. The project site is bounded by Mission Street to the south, three existing buildings abutting the lot line to the west, a new 17-story mixed-use building to the north, and Laskie Street to the east. The project site also is within the Downtown Area Plan of the *General Plan*. The SoMa neighborhood is a densely built area that contains a variety of uses including neighborhood-serving retail uses on the ground level of residential buildings, as well as public utility buildings, hotels, community facilities, commercial and office buildings, production, distribution, and repair uses—including but not limited to light industrial, auto repair, trucking, wholesaling, and arts activities, such as performance spaces, studios, and workshops—and a few

public parks. The SoMa neighborhood is relatively large and contains a mix of low- to high-rise buildings. While the project site is located adjacent to a mix of 2- to 6-story buildings, the project block includes the recently constructed, 17-story, approximately 130-foot-tall residential building located at 55 Ninth Street, known as the Ava building.

Land uses immediately surrounding the project site consist primarily of neighborhood-serving retail uses on the ground level with residential above, as well as hotel, office, community facility, and public utility land uses. The nearest residential buildings include the Ava building, noted above, as well as the recently completed Panoramic, an 11-story, approximately 120-foot-tall mixed-use residential building located one-half block west of the project site at 1321 Mission Street. Additional recently constructed nearby residential buildings one block east of the project site include the Soma Grand, a 22-story building with ground-floor retail located at 1160 Mission Street, and two of the proposed four residential towers for the Trinity Place development, one of which is the 24-story building located at 1188 Mission Street and the 19-story building located at 1190 Mission Street.

Vegetation in the area is generally limited to street trees. Nearby public parks and open spaces include U.N. Plaza, about 0.19 miles north of the project site; Civic Center Plaza, also about 0.19 miles north of the project site; Boeddeker Park, about 0.52 miles northeast of the project site; Howard & Langton Mini Park, about 0.24 miles southeast of the project site; Victoria Manalo Draves Park, about 0.41 miles southeast of the project site; and the Gene Friend Recreation Center, about 0.44 miles southeast of the project site.

The closest state highway to the project site is U.S. Highway 101, located three blocks west. Interstate 80 is located about four blocks south of the project site. The Western SoMa Special Use District lies one-half block south of the project site, while the Van Ness and Market Downtown Residential Special Use District lies one-half block west of the project site. Lastly, the project site is located one-half block north of the Western SoMa Light Industrial and Residential Historic District, which is pending listing on the State and National Register of Historic Places (S/NR), and one block south of the San Francisco Civic Center Historic District.[8]

Cumulative Setting

Past, present and reasonably foreseeable cumulative development projects within the vicinity of the project site are listed below in **Table 2: Cumulative Projects in Vicinity of Project Site** and mapped on **Figure 12**. These cumulative projects, several of which are associated with the Market Street Hub Project—a transit-oriented, high-density, mixed-use neighborhood around the intersections of Market Street and Van Ness Avenue—are either under construction or the subject of an Environmental Evaluation Application on file with the Planning Department.

In addition to the cumulative projects identified in Table 2, the following transportation infrastructure project is also considered part of the cumulative setting:

[8] The San Francisco Civic Center Historic District is a locally designated Landmark District, is listed on the State and National Registers of Historic Places, and is a designated National Historic Landmark.

- **Van Ness Avenue BRT Project:** This project will implement Bus Rapid Transit (BRT) improvements along a two-mile stretch of Van Ness Avenue from Mission Street to North Point Street, including replacing the overhead wire system, constructing dedicated bus lanes, and building new bus stations. Additional components of the project include pedestrian safety improvements, utility replacement and street repaving, and new landscaping and lighting.

TABLE 2
CUMULATIVE PROJECTS IN VICINITY OF PROJECT SITE

	Address	Case File No.	Dwelling Units	Office (gsf)	Commercial (gsf)	Hotel (rooms)
1	30 Van Ness Avenue[a]	2015-008571GPR				
2	22 Franklin Street	2013.1005E	24		2,120	
3	One Oak Street (formerly 1510-1540 Market Street) Street	2009.0159E	320		12,970	
4	1546-1564 Market Street	2012.0877E	109		4,900	
5	1629 Market Street	2015-005848ENV	584	27,300	9,275	
6	1699 Market Street	2014-0484E	162		3,937	
7	1700 Market Street	2013.1179E	42		1,753	
8	1740 Market Street	2014.0409E	100		4,385	
9	1390 Market Street (Fox Plaza Expansion)	2005.0979E	230	449,818	17,500	
10	10 South Van Ness (Honda Site)	2015-004568ENV	767		20,400	
11	1500-1580 Mission Street (Goodwill site)[b]	2014-000362ENV	560	454,195	31,447	
12	30 Otis Street[c]	2015-010013PPA	354		4,600	
13	1601 Mission Street (Tower Car Wash)	2014.1121ENV	220		7,336	
14	1563 Mission Street	2014.0095E		40,600		
15	1532 Howard Street	2013.1305	15			
16	1298 Howard Street	2014.0011E	125	12,000	2,000	
17	1228 Folsom Street	2014.0964E	24		1,145	
18	1125 Mission Street	2014-002628ENV		36,000		
19	1125 Market Street	2013.0511E		19,510	5,560	160
20	150 Van Ness Avenue	2013.0973E	420		9,000	3
21	Trinity Place (Phase III)[d]	2014.1014E_3	541			
22	101 Polk Street	2011.0702E	162			
Totals			**4,759**	**1,039,423**	**138,328**	**163**

NOTES:

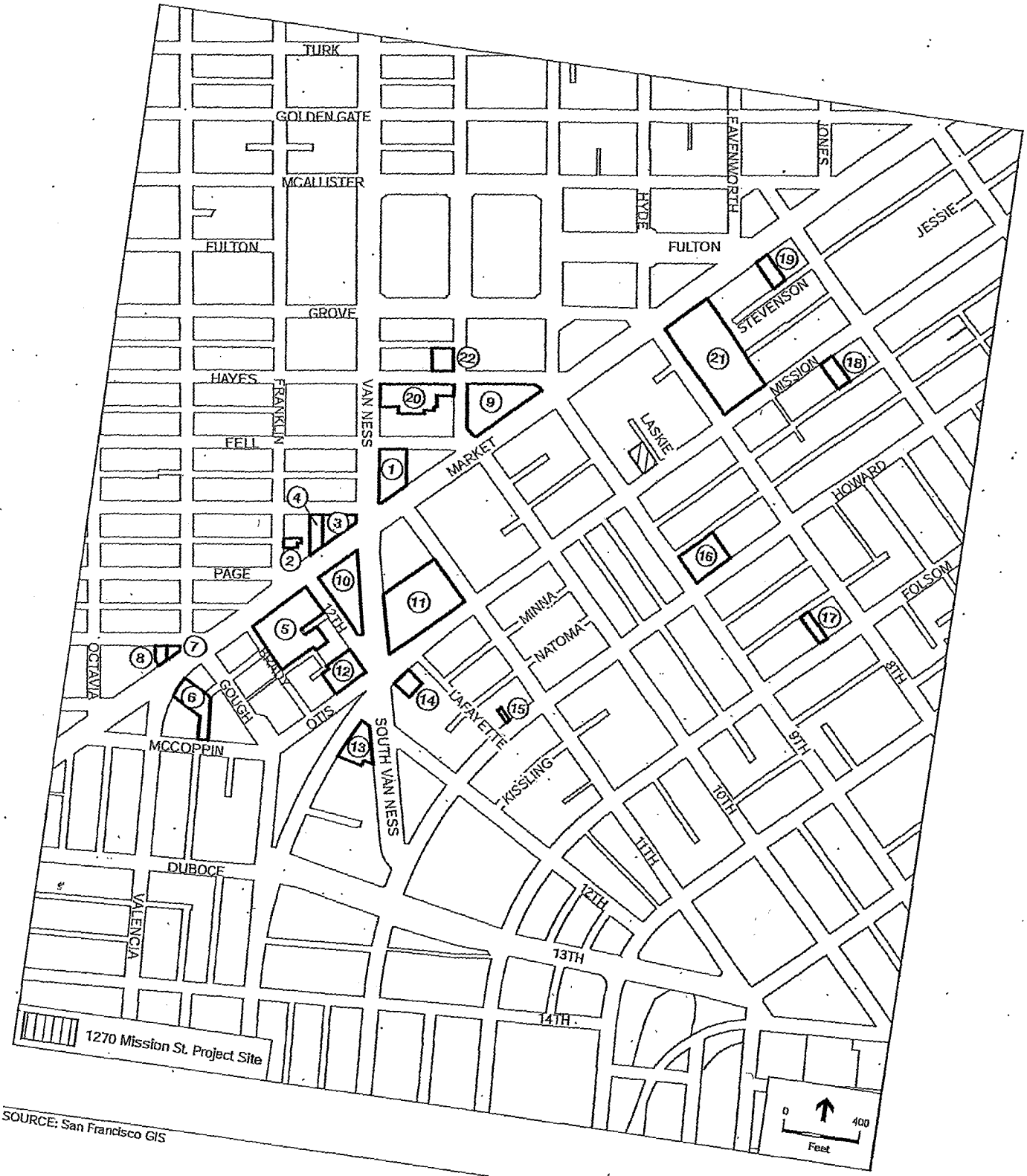
[a] Although there is no current development program for 30 Van Ness Avenue, the project site is slated for future development.

[b] This project includes an approximately 4,377 square foot child care facility.

[c] This project includes approximately 13,125 sf for a ballet school that already exists on the site; therefore, it has not been included in the development program.

[d] Documents available in PIM for Phase III of the Trinity Place development do not identify the retail sf for the project.

SOURCE: Unless otherwise specified, information obtained from San Francisco Planning Department Property Information Database and Active Permits in My Neighborhood Map. Available online at http://propertymap.sfplanning.org/. Accessed May 30, 2016.



SOURCE: San Francisco GIS

2014-0926ENV: 1270 Mission Street

Figure 12
Cumulative Projects

C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Applicable	Not Applicable
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	☒	☐
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	☒	☐
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	☒	☐

San Francisco Planning Code

The *Planning Code*, which incorporates by reference the City's Zoning Maps, governs permitted uses, densities, and the configuration of buildings in San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless either the proposed action conforms to the *Planning Code*, or an exception is granted pursuant to provisions of the *Planning Code*.

The proposed project would comply with the existing height limit of the 120-X Height and Bulk District. However, the building height of Variant 1 would exceed the height limit of the existing 120-X Height and Bulk District; therefore, the Board of Supervisors would need to approve an amendment to the Zoning Map Height and Bulk Districts (Sheet HT01) pursuant to *Planning Code* Section 302 and the proposed Mission/Ninth Street Affordable Housing SUD in order for Variant 1 to be approved.

Allowable Uses

The project site is located in the C-3-G (Downtown – General) Zoning District, which covers the western portions of Downtown. As stated in *Planning Code* Section 210.2, the C-3-G Zoning District is composed of a variety of uses, including retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a citywide or regional function, although the intensity of development is lower here than in the downtown core area further to the east.

The requirements associated with the C-3-G Zoning District are described in Section 210.2 of the *Planning Code* with references to other applicable articles of the *Planning Code* as necessary (for example, for provisions concerning parking, rear yards, street trees, etc.). As in the case of other Downtown districts, no off-street parking is required for individual residential or commercial buildings. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by rapid transit. Any resulting potential impacts of the proposed project or Variant 1 and applicable *Planning Code* provisions are discussed below under the relevant topic headings.

Within the C-3-G district, retail uses (except formula retail, which requires Conditional Use authorization) on the ground floor and residential uses above the ground floor, as proposed by the project and Variant 1, are principally permitted.[9]

Affordable Housing

The proposed project would comply with the City's Inclusionary Affordable Housing Program (*Planning Code* Section 415 et seq.) requirements by including 26 below-market-rate units on-site (13.5 percent of the total units, as required by *Planning Code* Section 415.3). Variant 1 would exceed the affordable housing requirements by providing 60 below-market-rate units on-site (20 percent of total units) more than 13.5 percent of the total number of units within the project as affordable. The final amount of below market rate units is subject to change by the Board of Supervisors in connection with approval of the proposed SUD that would accommodate Variant 1.

Height and Bulk

The project site is located within a 120-X Height and Bulk District. This district allows a maximum building height of 120 feet and has no bulk limit. The proposed project would be 120 feet tall, as measured from the ground level to the top of the roof. Various rooftop elements under the proposed project would extend up to 20 feet above the top of the roof including a parapet extending approximately 4 feet beyond the height limit, as allowable under Section 260(b)(2)(A); stair and elevator penthouses that are exempt from the building height limit by up to 16 feet, as allowable under Section 260 (b)(1)(A); and additional building features to screen mechanical equipment from view that are exempt from the building height limit by up to 20 feet, as allowable under 260 (b)(1)(F) of the *Planning Code*. Similarly, Variant 1 also would have various rooftop elements, including a parapet extending approximately 4 feet beyond the height limit and additional building features to screen mechanical equipment from view that would extend 20 feet above the top of the roof. Since the building height of Variant 1 would exceed the height limit of the existing 120-X Height and Bulk District, an amendment to the Zoning Map Height and Bulk Districts would be required for Variant 1, as would the proposed Mission/Ninth Street Affordable Housing SUD, which would provide for exceptions to the 120-foot height limit for residential projects that comply with the SUD's affordable housing requirements.

Street Trees

Planning Code Section 138.1(c)(1) requires that for every 20 feet of property frontage along each street, one 24-inch box tree be planted, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. The proposed project and Variant 1, which would include a combined total of 268 feet of property frontage along Laskie and Mission Streets (175 feet and 93 feet of frontage, respectively), would comply with Section 138.1(c)(1) by planting four new street trees along Mission Street and 10 new street trees along Laskie Street (five on each side of the street).

[9] *Planning Code* Section 210.2.

Open Space

The proposed project would provide an approximately 10,025-square-foot, commonly-accessible open space on the roof of the building. This would exceed the 9,360 square feet of common usable residential open space required under *Planning Code* Section 135. Variant 1 would provide an approximately 8,380-square-foot, commonly-accessible open space on the roof, as well as an approximately 1,380-square-foot, commonly-accessible terrace on the 10th floor. Together, these spaces would not meet the *Planning Code* requirement for approximately 14,000 (8 units provide private open space, therefore the remaining 291 units require at least 48 square feet of common usable open space). Accordingly, the project sponsor is proposing a Special Use District that, among other things, would allow for a portion of the *Planning Code* residential open space requirement to be provided off site. In the case of Variant 1, the proposed Laskie Street streetscape improvements would fulfill the remainder of the *Planning Code* open space requirement. Both the proposed project and Variant 1 would have additional commonly-accessible open space on the second floor that would be open to the sky but that would not meet *Planning Code* exposure standards and thus would require a Variance to be counted towards the *Planning Code* open space requirement.

Rear Yard Requirements

Planning Code Section 134 requires a rear yard equivalent to 25 percent of total lot depth at all residential levels. The proposed project and Variant 1 would not provide open space within a rear yard and, therefore, the project applicant is requesting an exception to the rear yard requirements of *Planning Code* Section 134(e), pursuant to the procedures of Section 309, to allow for open space in a configuration other than a rear yard.

Parking and Loading

According to *Planning Code* Sections 151.1 and 210.2, off-street parking for residential or commercial uses in the C-3-G district is not required; however, for residential uses, up to 0.5 parking spaces per unit are principally permitted, which would allow a maximum of 98 parking spaces for the proposed project and 150 parking spaces for Variant 1. With a Conditional Use authorization, up to 0.75 parking spaces per unit is permitted. For retail uses, according to *Planning Code* Section 151.1, parking may not exceed seven percent of the gross floor area of the retail space. The proposed project would include 76 parking and loading spaces for the residential units, including two car-share spaces[10], three ADA-accessible spaces, and one service vehicle loading space. Variant 1 would include 76 parking and loading spaces for the residential units, including two car-share spaces, three ADA-accessible spaces, and two service vehicle loading spaces. Therefore, both the proposed project and Variant 1 would comply with Section 151.1. No parking is proposed for the retail use.

For new residential buildings containing more than 100 dwelling units, *Planning Code* Section 155.2 requires 100 Class 1 bicycle spaces (bicycle locker or space in a secure room) plus one Class 1 bicycle space for every four dwelling units over 100, and one Class 2 bicycle space (publicly-accessible bicycle

[10] Car-share spaces do not count towards parking maximums, per *Planning Code* Section 151.1(d).

rack) for each 20 units. Therefore, the requirements for the residential use component of the proposed project would be 124 Class 1 bicycle spaces and 10 Class 2 bicycle spaces, and the requirements for Variant 1 would be 150 Class 1 bicycle spaces and 15 Class 2 bicycle spaces. Section 155.2 also requires one Class 1 bicycle space for each 7,500 square feet of occupied retail space and a minimum of two Class 2 bicycle spaces or one for each 750 square feet of occupied restaurant space. As only 2,012 square feet of retail/restaurant is provided for both the proposed project and Variant 1, no Class 1 and three Class 2 bicycle parking spaces are required for the retail/restaurant use. Therefore, the proposed project would be required to provide 125 Class 1 bicycle parking spaces (125 for residential use and none for the retail/restaurant use), and 14 Class 2 bicycle parking spaces (11 for the residential use and three for the retail/restaurant use, assuming restaurant use), while Variant 1 would be required to provide 154 Class 1 bicycle parking spaces (154 for residential use and none for the retail/restaurant use), and 18 Class 2 bicycle parking spaces (15 for the residential use and three for the retail/restaurant use, assuming restaurant use). The proposed project and Variant 1 would provide 200 Class 1 bicycle spaces in secure ground-floor bicycle storage areas for the residential use. In addition, 16 Class 2 spaces for the proposed project and 20 Class 2 spaces for Variant 1 also would be provided on the sidewalk. Therefore, both the proposed project and Variant 1 would exceed the Section 155.2 requirements.

Planning Code Section 152.1 requires one off-street freight loading space for residential buildings greater than 100,000 square feet and less than 200,000 square feet, and two off-street freight loading spaces for residential buildings greater than 200,000 square feet and less than 500,000 square feet. The proposed project would provide one service vehicle loading space in the garage, which can be substituted for the freight loading space per Section 153(a) and 154(b) of the *Planning Code*. Variant 1 also would provide one freight loading space and two service vehicle loading spaces in the ground floor parking area, the latter of which is allowed per Section 153(a) and 154(b) of the *Planning Code*. Therefore, both the proposed project and Variant 1 would comply with Section 152.1 of the *Planning Code*. In addition, for the proposed project and Variant 1, the project sponsor would seek approval from the San Francisco Municipal Transportation Agency (SFMTA) to convert the three existing on-street metered parking spaces adjacent to the project site on the north side of Mission Street to an approximately 66-foot-long yellow zone for unmetered freight loading.

Plans and Policies

San Francisco General Plan

In addition to the *Planning Code*, the project site is subject to the *General Plan*. The *General Plan* provides general policies and objectives to guide land use decisions. The *General Plan* contains 10 elements (Commerce and Industry, Recreation and Open Space, Housing, Community Facilities, Urban Design, Environmental Protection, Transportation, Air Quality, Community Safety, and Arts) that set forth goals, policies, and objectives for the physical development of the city. In addition, the *General Plan* includes area plans that outline goals and objectives for specific geographic planning areas, such as the Van Ness Avenue Area Plan, which includes the project site.

A conflict between a proposed project and a *General Plan* policy does not, in itself, indicate a significant effect on the environment within the context of the California Environmental Quality Act (CEQA). Any physical environmental impacts that could result from such conflicts are analyzed in this Initial Study. In general, potential conflicts with the *General Plan* are considered by the decisions-makers (normally the Planning Commission) independently of the environmental review process. Thus, in addition to considering inconsistencies that affect environmental issues, the Planning Commission considers other potential inconsistencies with the *General Plan*, independently of the environmental review process, as part of the decision to approve or disapprove a proposed project. Any potential conflict not identified in this environmental document would be considered in that context and would not alter the physical environmental effects of the proposed project that are analyzed in this Initial Study.

The aim of the Downtown Area Plan is to encourage prime downtown office activities to grow, increase employment, retain a diverse base of support commercial activity in and near downtown, expand the supply of housing in and adjacent to downtown, create and maintain a comfortable pedestrian environment, create building forms that are visually interesting and harmonize with surrounding buildings, and create attractive urban streetscapes. Centered on Market and Mission Streets, the Plan covers an area roughly bounded by Van Ness Avenue to the west, Washington Street to the north, the Embarcadero to the east, and Folsom Street to the south. The Plan contains objectives and policies that address housing, urban form, safety and livability, streetscape, preservation, and transportation.

The proposed project and Variant 1 would not obviously or substantially conflict with any goals, policies, or objectives of the *General Plan*, including those of the Downtown Area Plan. The compatibility of the proposed project and Variant 1 with *General Plan* goals, policies, and objectives that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project and Variant 1. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project and Variant 1.

Priority Policies

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *Planning Code* to establish eight Priority Policies. These policies, and the subsection of Section E of this Initial Study addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Topic 1, Land Use and Land Use Planning, Questions 1a, 1b, and 1c); (3) preservation and enhancement of affordable housing (Topic 2, Population and Housing, Question 2b, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Topic 4, Transportation and Circulation, Questions 4a, 4b, and 4f); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Topic 1, Land Use and Land Use Planning, Question 1c); (6) maximization of earthquake preparedness (Topic 13, Geology and Soils, Questions 13a through 13d); (7) landmark and historic building preservation (Topic 3, Cultural Resources, Question 3a); and (8) protection of open space (Topic 8, Wind and Shadow, Questions 8a and 8b; and Topic 9, Recreation, Questions 9a and 9c).

Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. As noted above, the consistency of the proposed project and Variant 1 with the environmental topics associated with the Priority Policies is discussed in Section E, Evaluation of Environmental Effects, of this Initial Study, providing information for use in the case report for the proposed project and Variant 1. The case report and approval motions for the proposed project and Variant 1 will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project and Variant 1 with the Priority Policies.

Regional Plans and Policies

The principal regional planning documents and the agencies that guide planning in the nine-county Bay Area are *Plan Bay Area*, the region's first Sustainable Communities Strategy, developed in accordance with Senate Bill 375 and adopted jointly by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC); the Bay Area Air Quality Management District (BAAQMD)'s *2010 Clean Air Plan;* the San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan;* and the *San Francisco Bay Plan*, adopted by the San Francisco Bay Conservation and Development Commission. Due to the relatively small size and infill nature of the proposed project and Variant 1, there would be no anticipated conflicts with regional plans.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below, for which mitigation measures would be required to reduce potentially significant impacts to less than significant. The following pages present a more detailed checklist and discussion of each environmental factor.

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

E. EVALUATION OF ENVIRONMENTAL EFFECTS

All items on the Initial Study Checklist that have been checked "Less than Significant with Mitigation Incorporated," "Less than Significant Impact," "No Impact" or "Not Applicable" indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect relating to that topic. A discussion is included for those issues checked "Less than Significant with Mitigation Incorporated" and "Less than Significant Impact" and for most items checked with "No Impact" or "Not Applicable." For all of the items checked "Not Applicable" or "No Impact" without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Planning Department, such as the Department's *Transportation Impact Analysis Guidelines for Environmental Review*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Wildlife. For each checklist item, the evaluation has considered the impacts of the proposed project and Variant 1 both individually and cumulatively.

Senate Bill 743 and CEQA Section 21099

On September 27, 2013, Governor Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014.[11] Among other provisions, SB 743 amends CEQA by adding Section 21099 regarding analysis of aesthetics and parking impacts for urban infill projects.[12]

Aesthetics and Parking Analysis

CEQA Section 21099(d) states that, "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment."[13] Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

a) The project is in a transit priority area,[14]

b) The project is on an infill site,[15]

c) The project is residential, ixed-use residential, or an employment center.[16]

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[13] See CEQA Section 21099(d)(1).

[14] CEQA Section 21099(a)(7) defines a "transit priority area" as an area within one-half mile of an existing or planned major transit stop. A "major transit stop" is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

[15] CEQA Section 21099(a)(4) defines an "infill site" as a lot located within an urban area that has been previously developed, or a vacant site where at least 75 percent of the perimeter of the site adjoins, or is *separated* only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

[16] CEQA Section 21099(a)(1) defines an "employment center" as a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and located within a transit priority area.

The proposed project and Variant 1 meet each of the above three criteria because they (1) are located within one-half mile of several rail and bus transit routes, (2) are located on an infill site that is already developed with an approximately 1,200-square-foot building and a surface parking lot that is surrounded by other urban development, and (3) would be a residential project with ground-floor retail/restaurant space.[17] Thus, this Initial Study does not consider aesthetics and the adequacy of parking in determining the significance of project impacts under CEQA.

The Planning Department recognizes that the public and decision makers nonetheless may be interested in information pertaining to the aesthetic effects of a proposed project and Variant 1 and may desire that such information be provided as part of the environmental review process. Therefore, some information that would have otherwise been provided in an aesthetics section (i.e., "before" and "after" visual simulations) has been included in Section A, Project Description, of this Initial Study. However, this information is provided solely for informational purposes and is not used to determine the significance of the environmental impacts of the project, pursuant to CEQA.

In addition, CEQA section 21099(d)(2) states that a Lead Agency maintains the authority to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers and that aesthetics impacts do not include impacts on historical or cultural resources (e.g., historic architectural resources). As such, the Planning Department does consider aesthetics for design review and to evaluate effects on historic and cultural resources.

Automobile Delay and Vehicle Miles Traveled Analysis

In addition, CEQA Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*[18] recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR's recommendation to use the VMT metric instead of automobile delay to evaluate the transportation

[17] San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis*, 1270 Mission Street (2014-0926ENV), March 18, 2016. This document (and all other documents cited in this report, unless otherwise noted), is available for review at 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case No. 2014-0926ENV.

[18] This document is available online at: https://www.opr.ca.gov/s_sb743.php.

impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.)

Accordingly, this Initial Study does not contain a discussion of automobile delay impacts. Instead, a VMT and induced automobile travel impact analysis is provided in Topic 4, Transportation and Circulation. The topic of automobile delay, nonetheless, may be considered by decision-makers, independent of the environmental review process, as part of their decision to approve, modify, or disapprove the proposed project and Variant 1.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
1. LAND USE AND LAND USE PLANNING — Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐
c) Have a substantial impact upon the existing character of the vicinity?	☐	☐	☒	☐	☐

Impact LU-1: The proposed project and Variant 1 would not physically divide an established community. (No Impact)

The division of an established community would typically involve the construction of a physical barrier to neighborhood access, such as a new freeway or the removal of a means of access, such as a bridge or a roadway. The proposed project and Variant 1 would be incorporated into the existing street configuration and would not alter the established street grid or permanently close any streets or impede pedestrian or other travel through the neighborhood. Although portions of the sidewalks adjacent to the project site would likely be closed for periods of time during project construction, these closures would be temporary and sidewalk access would be restored. The proposed project and Variant 1 would not construct a physical barrier to neighborhood access or remove an existing means of access, such as a bridge or roadway; thus, it would not physically divide the established community. Accordingly, the proposed project and Variant 1 would not disrupt or physically divide an established community. Therefore, the project would have no impact with respect to physically dividing an established community, and no mitigation measures are necessary.

Impact LU-2: The proposed project and Variant 1 would not conflict with any applicable land use plans, policies or regulations of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant)

The proposed project and Variant 1 would not obviously or substantially conflict with applicable plans, policies, or regulations identified under Section C, Plans and Policies, such that an adverse physical change would result. In addition, the proposed project and Variant 1 would not obviously or substantially conflict with any such adopted environmental plan or policy, such as the BAAQMD *2010 Clean Air Plan*, which directly addresses environmental issues and/or contains targets or standards that must be met in order to preserve or improve characteristics of the city's physical environment. Therefore, the proposed project and Variant 1 would have a less-than-significant impact with regard to conflicts with existing plans and zoning and no mitigation measures are necessary.[19]

Impact LU-3: The proposed project and Variant 1 would not have a substantial impact upon the existing character of the vicinity. (Less than Significant)

The proposed project and Variant 1 would be constructed on an already developed site in a dense urban environment, and the proposed mixed-use (residential and retail/restaurant) land uses for the proposed project and Variant 1 would be compatible with other mixed-use buildings in the area. Although the proposed project and Variant 1 would intensify the use of the project site, the proposed project and Variant 1 would not alter the general land use pattern of the immediate area, which already includes nearby low- to mid-rise commercial buildings and mid- to high-rise residential buildings with commercial uses on the ground floor.

The buildings in the project area are varied in height with most ranging from two to 25 stories. The proposed 13-story, 120-foot-tall building would be similar to other tall buildings in the area, such as the 11-story, approximately 120-foot-tall recently completed Panoramic residential building located one-half block west of the project site and the 17-story Ava building located north of the project site. Variant 1 also would not alter the general land use pattern of the immediate area, and would be comparable in height to other tall buildings such as the 22-story Soma Grand located one block east of the project site on Mission Street, as well as the 19- and 24-story Trinity Place towers located one-half block north of the project site.

The proposed project and Variant 1 would establish a mixed-use building within proximity to other similar mixed-use buildings, and therefore would contain land uses that are consistent and compatible with surrounding land uses. The height and massing of the proposed project and Variant 1 also would be in keeping with the existing character of the urban fabric of the neighborhood. Therefore, the proposed project and Variant 1 would have a less-than-significant impact upon the existing character of the vicinity and no mitigation measures are necessary.

[19] Per CEQA Section 21099, this analysis section reflects the exclusion of aesthetics-related impacts.

Impact C-LU: The proposed project and Variant 1 would not make a considerable contribution to any cumulative significant land use impacts. (Less than Significant)

Cumulative development projects located in the vicinity of the project site are identified in Table 2, p. 22 and mapped on Figure 12, page 23. These cumulative development projects primarily include mixed-use residential buildings with ground-floor retail, several of which are associated with the Market Street Hub Project. These projects would result in the intensification of land uses in the project vicinity and would be similar to the land uses envisioned under the proposed project and Variant 1. None of the cumulative infill projects would physically divide an established community by constructing a physical barrier to neighborhood access, such as a new freeway, or remove a means of access, such as a bridge or roadway. The transportation infrastructure project, the Van Ness BRT, also would not physically divide an established community or remove a means of access to the neighborhood. In addition, the cumulative projects would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Although these development projects would introduce new infill residential, commercial, and office uses in the project vicinity, these uses currently exist; therefore, the cumulative development projects would not introduce new incompatible uses that would adversely impact the existing character of the project vicinity. Thus, the proposed project and Variant 1, in combination with past, present, and reasonably foreseeable future projects, would not result in a considerable cumulative land use impact and no mitigation measures are necessary.

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

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

Plan Bay Area, which is the current regional transportation plan and Sustainable Communities Strategy that was adopted by MTC and ABAG in July 2013, contains housing and employment projections anticipated to occur in San Francisco through 2040. *Plan Bay Area* calls for an increasing percentage of Bay Area growth to occur as infill development in areas with good transit access and where services necessary to daily living are provided in proximity to housing and jobs. With its abundant transit service

and mixed-use neighborhoods, San Francisco is expected to accommodate an increasing share of future regional growth. Additionally, the project site is in the Downtown-Van Ness-Geary Priority Development Areas identified in *Plan Bay Area*.[20] In the last few years the supply of housing has not met the demand for housing within San Francisco. In July 2013, ABAG projected regional housing needs in the *Regional Housing Need Plan for the San Francisco Bay Area: 2014–2022*. In 2013, ABAG projected housing needs in San Francisco for 2014–2022 is 28,869 dwelling units, consisting of 6,234 dwelling units within the very low income level (0–50 percent), 4,639 within the low income level (51–80 percent), 5,460 within the moderate income level (81-120 percent), and 12,536 within the above-moderate income level (120 percent plus).[21] As noted above, as part of the planning process for *Plan Bay Area*, San Francisco identified Priority Development Areas, which are existing neighborhoods near transit that are appropriate places to concentrate future growth, and the project site is in the Downtown-Van Ness-Geary Priority Development Area.

In general, a project would be considered growth-inducing if its implementation would result in substantial population increases and/or new development either directly or indirectly. The proposed project and Variant 1 would demolish the existing parking lot and retail building and construct an infill development containing retail/restaurant spaces on the ground floor with dwelling units above. The proposed project and Variant 1 would be located in an urbanized area and would not be expected to substantially alter existing development patterns in the SoMa neighborhood, or in San Francisco as a whole.

Under the proposed project, the addition of 195 new residential units would increase the residential population on the site by an estimated 333 persons. Under Variant 1, the addition of 299 residential units would increase the residential population on the site by an estimated 511 persons.[22] The addition of 333 or 511 residents would not result in a substantial increase to the population of the larger neighborhood or the City and County of San Francisco. The 2010 U.S. Census indicates that the population of the census tract in which the project site is located is approximately 7,630 persons.[23] The proposed project and Variant 1 would increase the population in the Census Tract by approximately 4 percent and 6.5 percent, respectively. The proposed project and Variant 1 would increase the overall population of San Francisco by approximately 0.04 percent and 0.06 percent, respectively.[24]

The population of San Francisco is projected to increase by approximately 280,490 persons for a total of 1,085,730 persons by 2040.[25] The residential population introduced as a result of the proposed project or Variant 1 would constitute approximately 0.12 or 0.18 percent of this population increase, respectively.

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20 ABAG, *Plan Bay Area*, Priority Development Area Showcase. Available online at http://gis.abag.ca.gov/website/PDAShowcase/, accessed May 20, 2016.

21 ABAG, *Regional Housing Need Plan for the San Francisco Bay Area: 2014–2022*. Available online at http://planbayarea.org/pdf/final_supplemental_reports/Final_Bay_Area_2014-2022_RHNA_Plan.pdf, accessed May 20, 2016.

22 The project site is located in Census Tract 176.01, which is generally bounded by Market Street to the north, Howard Street to the south, 4th Street to the east, and 11th Street to the west. The population calculation is based on Census 2010 data, which estimates 1.71 persons per household in Census Tract 176.01. It should be noted that this census tract has somewhat smaller households than the citywide average of 2.32 persons per household.

23 The population estimate is based on data from the 2010 Census for Census Tract 176.01.

24 This calculation is based on the estimated Census 2010 population of 805,235 persons in the City and County of San Francisco.

25 ABAG, *Plan Bay Area*, p. 40. Available online at http://files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/Plan_Bay_Area.pdf, accessed May 20, 2016.

Therefore, the population introduced on the project site as a result of the proposed project or Variant 1 would be accommodated within the planned growth for the neighborhood and San Francisco, as a whole. Overall, implementation of the proposed project and Variant 1 would not directly induce substantial population growth. The proposed project and Variant 1 would not indirectly induce substantial population growth in the project area because the project site is an infill site in an urbanized area and the proposed project and Variant 1 would not involve any extensions to area roads or other infrastructure that could enable additional development in currently undeveloped areas.

Based on the total size of the proposed retail/restaurant uses on the project site, the new businesses would employ a total of approximately 14 staff under both the proposed project and Variant 1.[26] The retail/restaurant employment in the proposed project would not likely attract new residents to San Francisco as these jobs would typically be filled by existing area residents. Therefore, it can be anticipated that most of the employees would live in San Francisco (or nearby communities), and that the proposed project and Variant 1 would not generate demand for new housing for the potential retail/restaurant employees. Furthermore, employment in San Francisco is projected to increase by 34 percent (191,740 jobs) between 2010 and 2040.[27] As employees generated by the proposed project and Variant 1 would constitute a negligible increase in the number of jobs in the project vicinity, this increase would be accommodated within the planned employment growth in San Francisco.

There would be an overall increase in the number of residents and employees on the project site as a result of the proposed project and Variant 1; however, the project-related population and employment increases would not be substantial relative to the existing number of residents and employees in the project vicinity, nor would the increase in residents and/or employees exceed the projections for growth and employment promulgated in the ABAG projections, the *San Francisco Housing Element*, or *Plan Bay Area*. Therefore, the proposed project and Variant 1 would not directly or indirectly induce substantial population growth and would have a less-than-significant impact related to population growth and no mitigation is necessary.

Impact PH-2: The proposed project and Variant 1 would not displace a substantial number of existing housing units, people, or employees, or create demand for additional housing elsewhere. (Less than Significant)

The proposed project and Variant 1 would not displace any residents or housing units, since no residential uses or housing units currently exist on the project site. As noted above, the project site is occupied by a parking lot and a commercial building containing a pizza restaurant, both of which employ a total of 14 people (4 for the ABC parking lot and 10 for the restaurant).[28] Thus the proposed project and Variant 1

[26] The estimated number of employees is based on Planning Department *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002) (SF Guidelines) and assumes an average of one employee per 350 square feet of retail and restaurant, yielding approximately six employees. The residential use is estimated to generate an additional eight employees for both the proposed project and Variant 1 (estimate provided by the project sponsor).

[27] ABAG and MTC, *Jobs-Housing Connection Strategy, revised May 16, 2012*, p. 49. Available online at http://www.planbayarea.org/pdf/JHCS/May_2012_Jobs_Housing_Connection_Strategy_Main_Report.pdf. Accessed May 20, 2016.

[28] Information provided by ABC Parking and SF Pizza.

would not result in a substantial loss of employment. Further, an estimated 6 new jobs would be created with the establishment of approximately 2,012 square feet of retail/restaurant uses on the project site, and an estimated 8 new employees would be generated by the residential use, for a total of 14 employees generated by the proposed project and Variant 1. Therefore, the proposed project and Variant 1 would have a less-than-significant impact related to the displacement of housing or employees, and the creation of demand for new housing elsewhere. No mitigation is necessary.

Impact C-PH: The proposed project and Variant 1 would not make a considerable contribution to any cumulative significant effects related to population or housing. (Less than Significant)

As noted above, *Plan Bay Area* is the current regional transportation plan and Sustainable Communities Strategy that was adopted by MTC and ABAG in July 2013, and contains housing and employment projections anticipated to occur in San Francisco through 2040. Therefore, the *Plan Bay Area* projections provide context for the population and housing cumulative analysis.

As described above, the proposed project would not induce substantial direct or indirect population growth or displace a substantial number of existing housing units, people, or employees, or create demand for additional housing elsewhere.

The approved and proposed projects identified in Table 2 and mapped on Figure 12 would add approximately 11,041 new residents within 4,759 dwelling units in the vicinity of the project site.[29] Overall, these approved and proposed projects, when combined with the proposed project and Variant 1, would add 11,374 and 11,552 new residents in the project vicinity (generally within ¼-mile of the project site), respectively, which would represent a residential population increase of approximately 49 percent.[30] These projects would be required to comply with the City's Inclusionary Housing Program (*Planning Code* Sec. 415 et. seq.) and, therefore, would result in the creation of affordable housing in addition to market-rate housing.

As noted above, recently the supply of housing has not met the demand for housing within San Francisco. Therefore, San Francisco identified Priority Development Areas as part of the planning process for *Plan Bay Area* to identify existing neighborhoods near transit that are appropriate places to concentrate future growth, such as the Downtown-Van Ness-Geary Priority Development Area in which the project site is located. In addition, several cumulative projects identified in Table 2 are located within the Market Street Hub Project boundaries, which is an area located in the eastern portion of the Market and Octavia Area Plan envisioned to become a new vibrant, mixed-use neighborhood. The Market and Octavia Area Plan also created the Van Ness and Market Downtown Residential Special Use District, which encourages the development of a transit-oriented, high-density, mixed-use residential neighborhood around the intersections of Market Street, Mission Street, Van Ness Avenue, and South Van Ness Avenue. Projects in this area would consist of mixed-use towers ranging from 250 to 400 feet in height constructed on large

29 Assumes the City of San Francisco average of 2.32 persons per unit. Available online at https://www.census.gov/quickfacts/table/PST045214/06075, accessed May 30, 2016

30 The population estimate of 23,168 persons is based on data from the 2010 Census for the Census Tracts in which the cumulative projects are located: 124.02, 176.01, 177, 201, and 168.02.

sites around transportation hubs.[31] Thus, although the proposed project or Variant 1, in combination with other past, present, and reasonably foreseeable future projects, would increase the population in the vicinity of the project site, the 49 percent increase would not constitute substantial unplanned growth. This population growth has been anticipated and accounted for in ABAG's and the City's projections and, therefore, would accommodate planned population growth that, in and of itself, would not result in a significant impact on the physical environment. Other sections of this document that address physical environmental impacts related to cumulative growth with regard to specific resources can be found in Section E, Topic 4—Transportation and Circulation; Topic 5—Noise; Topic 6—Air Quality; Topic 9—Recreation; Topic 10—Utilities and Service Systems; and Topic 11—Public Services.

Furthermore, the proposed project and Variant 1, in combination with other past, present, and reasonably foreseeable future projects, would not result in substantial numbers of housing units or people being displaced because the majority of the approved and proposed cumulative projects would be constructed on underutilized lots. For these reasons, the proposed project or Variant 1, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulative significant impacts to population or housing, and therefore neither the proposed project nor Variant 1 would result in a cumulatively considerable impact on population and housing and no mitigation measures are necessary.

Based on the conservative assumption that all new employees would be new San Francisco residents, an estimated 4,322 new employees (including the 14 new employees associated with the proposed project and Variant 1) would be added within the vicinity of the project site.[32] The 4,322 new employees would generate a potential demand for approximately 3,403 new dwelling units.[33] Based on ABAG's projected housing needs in San Francisco, the employment-related housing demand associated with the proposed project and Variant 1, as well as nearby cumulative development projects could be accommodated by the City's projected housing growth of 28,869 units.[34] Furthermore, the proposed project or Variant 1, as well as nearby cumulative development projects would add to the city's housing stock and could potentially accommodate some of the new employment-related housing demand. In combination with the past, present, and reasonably foreseeable projects, the estimated employment growth would account for only approximately 11.8 percent of projected citywide household growth.

For these reasons, the proposed project in combination with other past, present, and reasonably foreseeable future projects would not result in a cumulatively considerable population and housing impact.

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31 City and County of San Francisco, *The Market Street Hub Project*, http://sf-planning.org/market-street-hub-project, accessed June 8, 2016.

32 The estimated number of employees is based on Planning Department *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002) (SF Guidelines) and assumes an average of one employee per 276 square feet for office and 350 square feet of retail and restaurant. Total number of employees for cumulative projects is 4,308, plus 14 employees for proposed project and Variant 1, equals 4,322 new employees in project vicinity.

33 Assumes the *2014 Housing Element* figure of 1.27 workers per household for San Francisco in 2015.

34 ABAG, *Regional Housing Need Plan for the San Francisco Bay Area: 2014–2022*. Available online at http://planbayarea.org/pdf/final_supplemental_reports/Final_Bay_Area_2014-2022_RHNA_Plan.pdf, accessed May 20, 2016.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
3. CULTURAL RESOURCES—Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*?	☐	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	☐	☒	☐	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	☐
d) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074?	☐	☒	☐	☐	☐

Impact CR-1: The proposed project and Variant 1 would not result in a substantial adverse change in the significance of a historic architectural resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco *Planning Code*. (No Impact)

CEQA Guidelines Section 15064.5 requires the lead agency to consider the effects of a project on historical resources. A historical resource is defined as a building, structure, site, object, or district (including landscapes) listed in or determined to be eligible for listing in the California Register of Historical Resources, included in a local register or identified as significant in an historical resource survey, or determined by a lead agency to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California. The following discussion will focus on architectural resources. Archeological resources, including archeological resources that are potentially historical resources according to Section 15064.5, are addressed below.

The project site contains a surface parking lot and an approximately 16,220-square-foot, one-story, commercial building, constructed in 1975, at the corner of Mission and Laskie streets. The concrete-block building has a shingled mansard roof and is parged with concrete, with brick veneer underneath the storefront windows on the Mission Street façade. The existing building is less than 45 years old and is not located in or near a historic district. Thus the building is not considered a historic resource for the purposes of CEQA.

Development of the proposed project or Variant 1 would not result in substantial adverse changes to the historic architectural resources near the project site.[35] The Western SoMa Light Industrial and Residential

[35] Article 11, adopted in 1985 as part of the implementation of the Downtown Plan, divides all buildings in the C-3 Zoning Districts (generally, downtown) into five categories according to the Building Rating Methodology as set forth and explained in the "Preservation of the Past" section of the Downtown Plan (*Planning Code* Sec. 1102). Under Article 11, Category I and II Buildings are buildings that are "judged to be Buildings of Individual Importance" Category III and IV buildings are called out as "Contributory Buildings"; buildings in all four categories are presumed to be "historical resources."

Historic District, which is pending listing on the State and National Register of Historic Places (S/NR), is located one-half block south of the project site, and the San Francisco Civic Center Historic District is located one block north of the project site.[36] Construction of the proposed project and Variant 1 would not appear to impact the integrity of setting of this eligible district, since the project site is located outside of the district boundaries. Therefore, the construction of the proposed project or Variant 1 would not result in a substantial adverse change to the significance of these known and potential historic resources.

In addition, given the distance of the Western SoMa Light Industrial and Residential Historic District (165 feet south) and the San Francisco Civic Center Historic District (470 feet north) from the project site, no adverse changes in the significance of those historic districts would occur as a result of development of the proposed project and Variant 1. Therefore, the proposed project and Variant 1 would result in no impact on historical architectural resources and no mitigation is required.

Impact CR-2: The proposed project and Variant 1 could result in a substantial adverse change in the significance of an archeological resource. (Less than Significant with Mitigation)

This section discusses archeological resources, both as historical resources according to Section 15064.5, as well as unique archeological resources as defined in Section 21083.2(g).

The potential for encountering archeological resources is determined by several relevant factors including archeological sensitivity criteria and models, local geology, site history, and the extent of potential projects soils disturbance/modification, as well as any documented information on known archeological resources in the area. A San Francisco Planning Department archeologist completed a preliminary archeological review (PAR) for the proposed project and Variant 1.[37] The PAR (PAR Log February 22, 2016) determined that the proposed project and Variant 1 has the potential to adversely affect legally-significant archeological resources due to proposed project- and Variant 1-related basement and foundation excavations. Specifically, there is the potential to affect prehistoric archeological deposits within the native sand dune deposits that underlie the artificial fill beneath the parking lot. There is also moderate potential to affect historical archeological deposits that could be legally significant depending on the informational integrity of the historical archeological deposit/feature and the associations with an appropriate social unit.

Project construction would require excavation to a depth of approximately 20 feet to accommodate the below-grade parking level and foundation, with a small area of an additional 4 feet of excavation to accommodate the proposed elevator pit; excavation would total up to about 12,000 cubic yards. The proposed project and Variant 1 are anticipated to be constructed on a mat foundation; however, depending on soil conditions identified beneath the site when soil borings are completed, soil improvement (e.g., deep soil mixing or drilled displacement columns) may be required causing additional ground disturbance below 20 feet.

[36] The San Francisco Civic Center Historic District is a locally designated Landmark District, is listed on the State and National Registers of Historic Places, and is a designated National Historic Landmark.

[37] San Francisco Planning Department, Environmental Planning, 1270 Mission (2014-002953NV) - Preliminary Archeological Review, February 22, 2016.

Langan Treadwell Rollo prepared a geotechnical investigation (described in detail in Topic 13, Geology and Soils)[38] and described the subsurface conditions at the project site consisting of fill, dune sand, marsh deposits, and interbedded sands. Ground disturbance associated with the proposed project and Variant 1 would extend into fill and dune sand; potential soil improvements would also extend into the marsh deposit. According to Planning Department archeological staff, there is a reasonable potential that prehistoric archeological resources may be present within the project site because the project is within an area that has a high degree of archeological sensitivity for prehistoric deposits. Proximate to the project site are both a National Register-eligible prehistoric shell midden district consisting of several Late Holocene period shell mounds with possibly ancillary occupation and workshop sites, and one of two Middle Holocene (7700–3800 years before the present) prehistoric sites (CA-SFR-28) documented to date within San Francisco, which was discovered 75 feet below existing grade. Commonly, prehistoric shell midden sites have been found within native sand dune deposits, beginning at the dune base, or on the lens of denser sand.[39] According to the City's draft *General Plan* Preservation Element, even disturbed or secondarily deposited prehistoric deposits are presumed to be significant for information, and therefore significant under CEQA, until demonstrated to the contrary.[40]

Additionally, there is a moderate potential for historical archaeological resources. Although ground disturbance has occurred within the project site, portions remain sensitive for the presence of buried historical archeological resources. The portions of the project site with sensitivity for historical archeological resources are locations that: (1) have historically documented residential or commercial occupation; and (2) did not experience deep excavation or fill during 20th century construction, and therefore may contain subsurface archeological deposits associated with historically documented residences or businesses. The 1869 U.S. Coast Survey map shows two residences on the northern side of the project site. By 1886, the Sanborn Fire Insurance map shows eleven two-story residential buildings on the project site, with a saloon on the corner of Mission and Laskie streets. The 1889 Sanborn map shows the same residential buildings. Following the 1906 earthquake and fire, a two-story residential building with eight flats was constructed on the northern side of the project site (shown on the 1913 Sanborn map). By 1949, a reinforced concrete warehouse building was on the project site that housed a cabinet and metal shop. Research issues relevant to 19th-century domestic and industrial archeological sites would be applicable to the project site, including themes that specifically relate to differences in social and economic class, ethnicity, race, and religious affiliation. Property types relevant to addressing consumer behavior and social status/identity would include refuse features such as artifact-filled privies or wells. Industrial features and artifact deposits associated with the 20th century industry could also be present.

In order to reduce the potential impact to undiscovered archeological resources to a less-than-significant level, monitoring of the site is required to identify any archeological resources potentially present. Therefore, per Mitigation Measure M-CR-2 below, the project sponsor would be required to engage an archeologist from the Department Qualified Archeological Consultants List to develop and implement an

[38] Langan Treadwell Rollo, *Preliminary Geotechnical Investigation, 1270 Mission Street, San Francisco, California*, November 19, 2015.

[39] San Francisco Planning Department, 1127 Market Street Mitigated Negative Declaration, October 24, 2012.

[40] San Francisco Planning Department, DRAFT Preservation Element of the *San Francisco General Plan*, 2009.

archeological resources monitoring plan. Implementation of **Mitigation Measure M-CR-2** below would reduce the impact to a less-than-significant level.

Mitigation Measure M-CR-2: Archeology Resources (Monitoring)

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 Department Qualified Archeological Consultants List (QACL) maintained by the Planning 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 ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

Consultation with Descendant Communities: On discovery of an archeological site[41] associated with descendant Native Americans or the Overseas Chinese an appropriate representative[42] 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 consult with 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 Archeological 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:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the 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;

- 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

[41] By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

[42] 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.

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 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 activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, 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.

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 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.

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

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.

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

Human Remains, 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 archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.

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.

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: California Archeological 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 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.

With implementation of **Mitigation Measure M-CR-2**, the proposed project and Variant 1 would have a less-than-significant impact on archeological resources.

Impact CR-3: The proposed project and Variant 1 would not disturb human remains, including those interred outside formal cemeteries. (Less than Significant with Mitigation)

There are no known human remains, including those interred outside of formal cemeteries, located in the immediate vicinity of the project site. In the event that construction activities disturb unknown human remains within the project site, any inadvertent damage to human remains would be considered a significant impact. With implementation of **Mitigation Measure M-CR-2**, as described above, the proposed project and Variant 1 would have a less-than-significant impact on previously unknown human remains.

Impact CR-4: The proposed project and Variant 1 would not result in a substantial adverse change in the significance of a tribal cultural resource. (Less than Significant with Mitigation)

CEQA Section 21074.2 requires the lead agency to consider the effects of a project on tribal cultural resources. As defined in Section 21074, tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing, on the national, state, or local register of historical resources. Based on discussions with Native American tribal representatives, in San Francisco, prehistoric archeological resources are presumed to be potential tribal cultural resources. A tribal cultural resource is adversely affected when a project causes a substantial adverse change in the resource's significance.

Pursuant to CEQA Section 21080.3.1(d), within 14 days of a determination that an application for a project is complete or a decision by a public agency to undertake a project, the Lead Agency is required to contact the Native American tribes that are culturally or traditionally affiliated with the geographic area in which the project is located. Notified tribes have 30 days to request consultation with the Lead Agency to discuss potential impacts on tribal cultural resources and measures for addressing those impacts. On September 29, 2015 the Planning Department contacted Native American individuals and organizations for the San Francisco area, providing a description of the project and requesting comments on the identification, presence, and significance of tribal cultural resources in the project vicinity.

During the 30-day comment period, no Native American tribal representatives contacted the Planning Department to request consultation. As discussed under Impact CR-2, **Mitigation Measure M-CR-2, Accidental Discovery of Archeological Resources**, would be applicable to the proposed project as it would result in below-grade soil disturbance of 5 feet or greater below ground surface. Unknown archeological resources may be encountered during construction that could be identified as tribal cultural resources at the time of discovery or at a later date. Therefore, the potential adverse effects of the

proposed project on previously unidentified archeological resources, discussed under Impact CR-2, also represent a potentially significant impact on tribal cultural resources. Implementation of **Mitigation Measure M-CR-4, Tribal Cultural Resources Interpretive Program,** would reduce potential adverse effects on tribal cultural resources to a less-than-significant level. **Mitigation Measure M-CR-4** would require either preservation-in-place of the tribal cultural resources, if determined effective and feasible, or an interpretive program regarding the tribal cultural resources developed in consultation with affiliated Native American tribal representatives.

> **Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program**
>
> If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.
>
> If the Environmental Review Officer (ERO), if in consultation with the affiliated Native American tribal representatives and the Project Sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the Project Sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.

In the event that construction activities disturb unknown archeological sites that are considered tribal cultural resources, any inadvertent damage would be considered a significant impact. With implementation of **Mitigation Measures M-CR-2 and M-CR-4,** as described above, the proposed project and Variant 1 would have a less-than-significant impact on previously unknown tribal cultural resources

Impact C-CR: The proposed project and Variant 1 in combination with past, present, and reasonably foreseeable future projects in the vicinity would not result in cumulative impacts to cultural resources. (Less than Significant)

The proposed project and Variant 1 would demolish an existing structure that is not a historical resource. Therefore, demolition of the existing building would have no impact on historical (historic architectural) resources, and could not contribute to any significant cumulative effect on such resources.

Project-related impacts on archeological resources and human remains are site-specific and generally limited to a project's construction area. For these reasons, the proposed project in combination with other past, present, and reasonably foreseeable future projects would not have a significant cumulative impact on archeological resources, tribal cultural resources, or human remains.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
4. TRANSPORTATION AND CIRCULATION — Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	☐
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?	☐	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☒	☐	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	☐

The project is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, Question 4c is not applicable to the project. A transportation study was prepared for the proposed project.[43] The following discussion is based on the information provided in the transportation study.

Setting

The project site is located in San Francisco's SoMa neighborhood, bounded by Mission Street to the south, Ninth Street to the west, and Laskie Street to the east, and abuts a recently completed mixed-use residential building to the north. The project site has frontages on both Mission and Laskie streets. Access

[43] CHS Consulting Group, *1270 Mission Street Mixed-Use Residential Project TIS*, San Francisco, CA. March, 2016.

to the project site by transit, foot, or bicycle is available through existing bus transit service, sidewalks, streets, and crosswalks near the site.

The study area for the transportation analysis is generally bounded by Market Street to the north, Howard Street to the south, Tenth Street to the east, and 7th Street to the west. Mission Street is a two-way street that has two travel lanes in each direction, and on-street parking on both sides of the street that is subject to tow-away regulations. The outer lane is designated as "bus only" in both travel directions. Laskie Street extends from Mission Street to its terminus (dead end) about 300 feet north of Mission Street at the Ava Building's gated open space area. The street includes one travel lane in each direction. There are sidewalks along both sides of the street and on-street parking is only located along the west side of the street.

The project site can be accessed by a number of Muni bus routes, including 6, 7, 7R, 9, 9R, 14, 14R, 19, and 83X, all of which run within one block of the project site. In addition, the project site is one block south of the Muni Metro Civic Center station, which provides access to J, K/T, L, N, and M light rail lines. BART service is also provided at the Civic Center station. Two SamTrans bus routes serve the project area, KX and 292; Golden Gate Transit does not have any stops in proximity to the project site. The nearest Caltrain station is located at 4th Street and King Street (about two miles southeast of the project site).

There is an existing 26-foot-wide curb cut for the driveway entrance and exit at the existing surface parking lot on Laskie Street. The proposed project and Variant 1 would reduce the length of this curb cut by 11 feet for access to the off-street parking garage driveway. There are three existing metered parking spaces and one metered loading space (yellow zone) on the north side of Mission Street, adjacent to the project site.

Vehicle Miles Traveled in San Francisco and the Bay Area

Many factors affect travel behavior. These factors include density, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses located in areas with poor access to non-private vehicular modes of travel generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower vehicle miles traveled (VMT) ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the city have lower VMT ratios than other areas of the city. These areas of the city can be expressed geographically through transportation analysis zones. Transportation analysis zones are used in transportation planning models for transportation analysis and other planning purposes. The zones vary in size from single city blocks in the downtown core, multiple blocks in outer neighborhoods, to even larger zones in historically industrial areas like the Hunters Point Shipyard.

The San Francisco County Transportation Authority (Transportation Authority) uses the San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT by private automobiles and taxis for different land use types. Travel behavior in SF-CHAMP is calibrated based on observed behavior from the California Household Travel Survey 2010–2012, Census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area's actual population, who make simulated travel decisions for a complete day. The Transportation Authority uses tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from a project. For retail uses, the Transportation Authority uses trip-based analysis, which counts VMT from individual trips to and from the project (as opposed to the entire chain of trips). A trip-based approach, as opposed to a tour-based approach, is necessary for retail projects because a tour is likely to consist of trips stopping in multiple locations, and the summarizing of tour VMT to each location would over-estimate VMT.[44,45]

For residential development, the regional average daily VMT per capita is 17.2.[46] For office and retail development, regional average daily work-related VMT per employee are 19.1 and 14.9, respectively. See Table 3, which includes the traffic analysis zone (TAZ) in which the project site is located, TAZ 620.

TABLE 3
DAILY VEHICLE MILES TRAVELED

	Existing			Cumulative 2040		
Land Use	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 620	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 620
Households (Residential)	17.2	14.6	2.1	16.1	13.7	1.9
Employment (Retail)	14.9	12.6	8.3	14.6	12.4	7.9

Vehicle Miles Traveled Impact Analysis Methodology

Vehicle Miles Traveled Analysis

Land use projects may cause substantial additional VMT. The following identifies thresholds of significance and screening criteria used to determine if a land use project would result in significant impacts under the VMT metric.

44 To state another way: a tour-based assessment of VMT at a retail site would consider the VMT for all trips in the tour, for any tour with a stop at the retail site. If a single tour stops at two retail locations, for example, a coffee shop on the way to work and a restaurant on the way back home, both retail locations would be allotted the total tour VMT. A trip- based approach allows us to apportion all retail-related VMT to retail sites without double-counting.

45 San Francisco Planning Department, 2016. Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A. March 3, 2016.

46 Includes the VMT generated by the households in the development.

Residential and Retail (and Similar) Projects

For residential projects, a project would generate substantial additional VMT if it exceeds the regional household VMT per capita minus 15 percent.[47] As documented in the California OPR Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA (proposed transportation impact guidelines), a 15 percent threshold below existing development is "both reasonably ambitious and generally achievable."[48] For retail projects, the Planning Department uses a VMT efficiency metric approach for retail projects: a project would generate substantial additional VMT if it exceeds the regional VMT per retail employee minus 15 percent. This approach is consistent with CEQA Section 21099 and the thresholds of significance for other land uses recommended in OPR's proposed transportation impact guidelines. For mixed-use projects, each proposed land use is evaluated independently, per the significance criteria described previously.

OPR's proposed transportation impact guidelines provide screening criteria to identify types, characteristics, or locations of land use projects that would not exceed these VMT thresholds of significance. OPR recommends that if a project or land use proposed as part of a project meets any of the following screening criteria, VMT impacts are presumed to be less than significant for that land use and a detailed VMT analysis is not required. The screening criteria applicable to the proposed project and how they are applied in San Francisco are described as follows:

- Map-Based Screening for Residential and Retail Projects. OPR recommends mapping areas that exhibit VMT less than the applicable threshold for that land use. Accordingly, the Transportation Authority has developed maps depicting existing VMT levels in San Francisco for residential and retail land uses based on the SF-CHAMP 2012 base-year model run. The Planning Department uses these maps and associated data to determine whether a proposed project is located in an area of the city that is below the VMT threshold.

- Proximity to Transit Stations. OPR recommends that residential and retail projects, as well projects that are a mix of these uses, proposed within 0.5 mile of an existing major transit stop (as defined by CEQA Section 21064.3) or an existing stop along a high-quality transit corridor (as defined by CEQA Section 21155) would not result in a substantial increase in VMT. However, this presumption would not apply if the project would (1) have a floor area ratio of less than 0.75; (2) include more parking for use by residents, customers, or employees of the project than required or allowed, without a conditional use; or (3) is inconsistent with the applicable Sustainable Communities Strategy.[49]

[47] OPR's proposed transportation impact guidelines state that a project would cause substantial additional VMT if it exceeds both the existing City household VMT per capita minus 15 percent and existing regional household VMT per capita minus 15 percent. In San Francisco, the City's average VMT per capita is lower (8.4) than the regional average (17.2). Therefore, the City average is irrelevant for the purposes of the analysis.

[48] This document is available online at: https://www.opr.ca.gov/s_sb743.php, page III: 20.

[49] A project is considered to be inconsistent with the Sustainable Communities Strategy if development is located outside of areas contemplated for development in the Sustainable Communities Strategy.

OPR's proposed transportation impact guidelines do not provide screening criteria or thresholds of significance for other types of land uses, other than those projects that meet the definition of a small project (the proposed project does not meet the small project criterion). Therefore, the Planning Department provides additional screening criteria and thresholds of significance to determine if land uses similar in function to residential and retail would generate a substantial increase in VMT. These screening criteria and thresholds of significance are consistent with CEQA Section 21099 and the screening criteria recommended in OPR's proposed transportation impact guidelines.

The Planning Department applies the Map-Based Screening and Proximity to Transit Station screening criteria to the following land use types:

- Tourist Hotels, Student Housing, Single-Room Occupancy Hotels, and Group Housing. Trips associated with these land uses typically function similarly to residential. Therefore, these land uses are treated as residential for screening and analysis.

- Childcare, K-12 Schools, Medical, Post-Secondary Institutional (non-student housing), and Production, Distribution, and Repair. Trips associated with these land uses typically function similarly to office. While some of these uses may have some visitor/customer trips associated with them (e.g., childcare and school drop-off, patient visits, etc.), those trips are often a side trip within a larger tour. For example, the visitor/customer trips are influenced by the origin (e.g., home) and/or ultimate destination (e.g., work) of those tours. Therefore, these land uses are treated as office for screening and analysis.

- Grocery Stores, Local-Serving Entertainment Venues, Religious Institutions, Parks, and Athletic Clubs. Trips associated with these land uses typically function similar to retail. Therefore, these types of land uses are treated as retail for screening and analysis.

2040 Cumulative Conditions

San Francisco 2040 cumulative conditions were projected using a SF-CHAMP model run, using the same methodology as outlined in the Environmental Setting for existing conditions, but including residential and job growth estimates and reasonably foreseeable transportation investments through 2040. For residential development, the projected 2040 regional average daily VMT per capita is 16.1. For retail development, regional average daily retail VMT per employee is 14.6. Refer to **Table 3**, Daily Vehicle Miles Traveled, which includes the TAZ in which the project site is located (TAZ 620).

Induced Automobile Travel Analysis

Transportation projects may substantially induce additional automobile travel. The following identifies thresholds of significance and screening criteria used to determine if transportation projects would result in significant impacts by inducing substantial additional automobile travel.

Pursuant to OPR's proposed transportation impact guidelines, a transportation project would substantially induce automobile travel if it would generate more than 2,075,220 VMT per year. This

threshold is based on the fair share VMT allocated to transportation projects required to achieve California's long-term greenhouse gas emissions reduction goal of 40 percent below 1990 levels by 2030.

OPR's proposed transportation impact guidelines include a list of transportation project types that would not likely lead to a substantial or measureable increase in VMT. If a project fits within the general types of projects (including combinations of types) described in the following list, it is presumed that VMT impacts would be less than significant and a detailed VMT analysis is not required. Accordingly, the proposed project would not result in a substantial increase in VMT because it would include the following components and features:

- Active Transportation, Rightsizing (a.k.a. Road Diet), and Transit Projects:
    - Infrastructure projects, including safety and accessibility improvements, for people walking or bicycling
    - Installation or reconfiguration of traffic calming devices
- Other Minor Transportation Projects:
    - Rehabilitation, maintenance, replacement and repair projects designed to improve the condition of existing transportation assets (e.g., highways, roadways, bridges, culverts, tunnels, transit systems, and bicycle and pedestrian facilities) and that do not add additional motor vehicle capacity
    - Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority features
    - Timing of signals to optimize vehicle, bicycle, or pedestrian flow on local or collector streets
    - Addition of transportation wayfinding signage
    - Removal of off- or on-street parking spaces
    - Adoption, removal, or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)

Travel Demand

The proposed project and Variant 1 would meet the previously described criterion described for map-based screening of residential and retail projects, proximity to transit stations, and tourist/single room occupancy hotels. As such, potential transportation impacts are determined under the VMT analysis, and would not require an induced automobile travel analysis. Overall, the proposed project would generate approximately 2,780 daily person-trips of which 434 person-trips would occur in the weekday p.m. peak hour. and approximately 104 vehicle trips in the p.m. peak hour. During the weekday p.m. peak hour, the proposed project would generate 126 new person-trips by automobile, 96 new person-trips by transit, 146

new person-trips by walking, and 66 new trips by other modes (including bicycles, motorcycles, and taxis). In addition, the proposed project would generate 104 new vehicle-trips during the weekday p.m. peak hour.

No existing person or vehicle trips generated by the existing pizza restaurant and parking lot off of Laskie Street were subtracted from the project trip generation calculations. Therefore, these trip generation rates represent a "worst-case" scenario of potential project-related traffic impacts by assuming that the estimated vehicle trips to/from the project site are all "new" trips on the adjacent roadway network.

Variant 1 would generate approximately person-trips per day, about 883 daily vehicle trips, and approximately vehicle trips in the p.m. peak hour. Of the 580 p.m. peak hour person trips, would be by auto, by transit, would be pedestrian trips, and would be via "other" modes (including bicycles, motorcycles, and taxis). approximately 3,617 daily person-trips of which 580 person-trips would occur in the weekday p.m. peak hour. During the weekday p.m. peak hour, the proposed project would generate 170 new person-trips by automobile, 132 new person-trips by transit, 186 new person-trips by walking, and 92 new trips by other modes. In addition, Variant 1 would generate 146 new vehicle-trips during the weekday p.m. peak hour.

Impact TR-1: The proposed project and Variant 1 would not cause substantial additional VMT or substantially induce automobile travel. (Less than Significant)

Vehicle Miles Traveled Analysis – Residential and Tourist Hotel

As previously mentioned, existing average daily VMT per capita for residential uses in TAZ 620 is 2.1 miles. This is 87.7 percent below the existing regional average daily VMT per capita of 17.2. Given the project site is located in an area where existing VMT is more than 15 percent below the existing regional average, the proposed project's residential uses would not result in substantial additional VMT and impacts would be less-than-significant. Also, the project site meets the Proximity to Transit Stations screening criterion, which indicates that the proposed project and Variant 1's residential uses would not cause substantial additional VMT.[50]

Vehicle Miles Traveled Analysis – Retail

As mentioned previously, existing average daily VMT per employee for retail uses in TAZ 620 is 8.3 miles. This is 44.2 percent below the existing regional average daily VMT per capita of 14.9. Given the project site is located in an area where existing VMT is more than 15 percent below the existing regional average, the proposed project's restaurant use would meet the Map-Based Screening for Retail and Residential Projects criterion and would not result in substantial additional VMT; impacts would be less than significant. The project site also meets the Proximity to Transit Stations screening criterion, which indicates that the proposed project's residential uses would not cause substantial additional VMT.[51]

[50] San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 1270 Mission Street*, March 18, 2016.

[51] Ibid.

Although the proposed project is not expected to result in a substantial addition of VMT and impacts would be less than significant, the following Improvement Measure could be implemented to further decrease these less-than-significant impacts with regards to automobile traffic in the proposed project vicinity:

Improvement Measure I-TR-1: Implement Transportation Demand Management Strategies to Reduce Single Occupancy Vehicle Trips

The project sponsor and subsequent property owner has agreed to implement a Transportation Demand Management (TDM) Program that seeks to minimize the number of single occupancy vehicle trips (SOV) generated by the proposed project and Variant 1 for the lifetime of the project. The TDM Program targets a reduction in SOV trips by encouraging persons to select other modes of transportation, including: walking, bicycling, transit, car-share, carpooling and/or other modes. The project sponsor has agreed to:

Identify TDM Coordinator

The project sponsor should identify a TDM coordinator for the project site. The TDM Coordinator is responsible for the implementation and ongoing operation of all other TDM measures described below. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMASF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator should be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator should provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.

Transportation and Trip Planning Information

- *Move-in packet:* Provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional mobile- or web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.

Data Collection

- *City Access.* As part of an ongoing effort to quantify the efficacy of TDM measures, City staff may need to access the project site (including the garage) to perform trip counts, and/or intercept surveys and/or other types of data collection. All on-site activities shall be coordinated through the TDM Coordinator. The project sponsor assures future access to the site by City Staff. Providing access to existing developments for data collection purposes is also encouraged.

Bicycle Measures

- *Parking:* Increase the number of on-site secured bicycle parking beyond *Planning Code* requirements and/or provide additional bicycle facilities in the public right-of-way in on public

right-of-way locations adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).

- *Bay Area Bike Share:* The project sponsor shall cooperate with the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow installation of a bike share station in the public right-of-way along the project's frontage.

The proposed project includes 76 vehicle parking spaces. Evidence shows that a reduction in the number of on-site accessory parking spaces associated with a land use development project would result in a reduction of vehicle trips associated with the project.[52] Accordingly, if fewer vehicle parking spaces were included, a portion of the person trips generated by the proposed project would be redistributed to sustainable transportation modes including pedestrian, bicycle and transit trips, which would further reduce the vehicle miles traveled associated with the proposed project.

Induced Automobile Travel Analysis

The proposed project and Variant 1 do not constitute a transportation project. However, the proposed project and Variant 1 would include features that would alter the transportation network. These features would include the conversion of three existing metered on-street parking spaces to an on-street commercial loading zone on the north side of Mission Street (subject to SFMTA approval), the shortening of an existing curb cut from 26 feet to 15 feet for access to the parking garage, increased on-site parking capacity, streetscape improvements on Laskie Street and Mission Street consistent with the *Better Streets Plan*, as well as operational and safety strategies identified in Improvement Measures I-TR-2 and I-TR-7. The proposed project and Variant 1 would also remove an 80-space capacity parking use at the site, and would include 76 new parking spaces, a net decrease in off-street parking. These features fit within the general types of projects identified previously that would not substantially induce automobile travel. Therefore, impacts would be less than significant.

Impact TR-2: The proposed project and Variant 1 would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, nor would it conflict with an applicable congestion management program. (Less than Significant)

Vehicle Queuing Analysis

As noted previously, vehicle access to the parking garage would be provided along the west side of Laskie Street via a 15-foot-wide parking garage ramp. Vehicle queuing conditions were evaluated taking into account this configuration and the anticipated volume of vehicles accessing the parking garage during the p.m. peak hour.

[52] San Francisco Planning Department, *Transportation Demand Management Technical Justification*, June 2016. Available online at http://default.sfplanning.org/plans-and-programs/emerging_issues/tsp/TDM_Technical_Justification_AdminDraft-071416.pdf, accessed August 9, 2016.

Although Variant 1 could result in temporary and momentary vehicle queues along Mission Street or Laskie Street, such traffic impacts would be considered less than significant because Variant 1 would not substantially interfere with vehicle, transit, bicycle or pedestrian access nor would it create hazardous conditions. This determination is based on an evaluation of peak demand for garage parking and the available capacity for queued vehicles on Laskie Street that found that queued vehicles could be accommodated without causing any spillback onto Mission Street.

However, vehicle queues at the proposed project driveway into the public right-of-way would be subject to the Planning Department's vehicle queue abatement Conditions of Approval since any vehicle queues could interfere with bicycle, pedestrian, transit or vehicular movements on Mission and/or Laskie streets. Therefore, the following Improvement Measures have been identified to ensure queues from the parking garage do not back up onto city streets:

Improvement Measure I-TR-2a: Monitoring and Abatement of Queues

As an improvement measure to reduce the potential for queuing of vehicles accessing the project site, it shall be the responsibility of the project sponsor or subsequent property owner to ensure that recurring vehicle queues do not occur adjacent to the site (i.e., along Mission or Laskie Streets).

Because the proposed project would include a new off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces), the project is subject to conditions of approval set forth by the San Francisco Planning Department to address the monitoring and abatement of queues.

It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven

days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

Improvement Measure I-TR-2b: Installation of Roadway/Traffic Devices on Mission Street

As an improvement measure to create a right-in/right-out operation and encourage drivers to abide by these turning restrictions in order to access Laskie Street from Mission Street as well as to exit from Laskie Street to Mission Street, the SFMTA shall consider the following off-site, roadway/traffic treatments:

- Installation of raised delineators (i.e., flexible traffic separator) and road bumps within the double-striped median along Mission Street to serve as a physical barrier and preclude vehicles in the eastbound Mission Street direction from turning left (northbound) to Laskie Street as well as precluding vehicles in the southbound Laskie Street direction from turning left (eastbound) to Mission Street;
- Installation of signage in the eastbound Mission Street direction to notify drivers of "No Left Turn" to reinforce that left-turning movements from eastbound Mission Street to northbound Laskie Street is prohibited;
- Installation of signage in the southbound Laskie Street direction to notify drivers of "No Left Turn" and/or "Right Turn Only" to reinforce that left-turning movements from southbound Laskie Street to eastbound Mission Street is prohibited;
- Installation of a "STOP" sign and bar along the southbound Laskie Street approach at the intersection of Mission Street to notify drivers to come to a complete stop and yield to any passing pedestrians and wait for a proper gap in the westbound Mission Street traffic stream prior to exiting Laskie Street; and
- Installation of a "Keep Clear" roadway marking along the two westbound Mission Street travel lanes at the intersection of Laskie Street. Such markings would restrict vehicles along westbound Mission Street from stopping/queuing at the intersection and allow for increased accessibility for vehicles attempting to turn right (westbound) to Mission Street from Laskie Street.

It is noted that installation of the above-mentioned roadway/traffic treatments require approval and installation by SFMTA, and other feasible treatments may also be considered, as appropriate.

As described above, **Improvement Measure I-TR-2b: Installation of Roadway/Traffic Devices on Mission Street** would create a right-in/right-out turning restrictions for drivers turning onto Laskie Street from Mission Street, and onto Mission Street from Laskie Street. This would simplify the turning movements and reduce queuing that could occur behind drivers waiting to make a left turn, further reducing the potential for vehicle queuing associated with the proposed project. In addition, also as described above, **Improvement Measure I-TR-1: Implement Transportation Demand Management Strategies to Reduce Single Occupancy Vehicle Trips**, would reduce single-occupancy driving to/from the project site which could further reduce any potential vehicle queues.

Loading

The proposed project would generate a demand of less than one freight loading space during both the average and peak hour of loading activities (0.20 truck trips average and 0.25 truck trips during the peak hour). Under *Planning Code* Section 152.1, the proposed project would be required to provide one (1) off-street commercial loading space. The proposed project would provide one service vehicle loading space in the garage, which can be substituted for the freight loading space per Section 153(a) and 154(b) of the *Planning Code*, and, therefore, would comply with Section 152.1 of the *Planning Code*.

As shown in Table 3, Variant 1 would generate a demand of less than one freight loading space during both the average and peak hour of loading activities (0.30 truck trips average and 0.37 truck trips during the peak hour). Section 152.1 of the *Planning Code* requires Variant 1 to provide two (2) off-street commercial loading spaces. Variant 1 would provide one freight loading space and two service vehicle loading spaces, the latter of which is allowed per Section 153(a) and 154(b) of the *Planning Code*. Therefore, Variant 1 also would be compliant with Section 152.1 of the *Planning Code*. In addition, the project sponsor would seek approval from SFMTA to convert the three existing metered on-street parking spaces adjacent to the project site on the north side of Mission Street to an approximately 66-foot-long yellow zone, unmetered freight loading space.

The proposed project and Variant 1 would not include any new on-street passenger loading spaces. However, the project sponsor is considering the possibility of designating an on-street loading zone that would accommodate both passenger and commercial loading for the proposed three-space commercial loading zone along the Mission Street project frontage. If this combined passenger and commercial loading zone is not approved, passenger loading activities for residents, visitors, or employees would otherwise be required to occur within an available, nearby on-street parking space along Mission Street (including the one passenger loading space on the north side of Mission Street in front of the Hotel Potter adjacent to Ninth Street) or within the off-street parking garage. The garage entrance would consist of a roll-down vehicle entry door and side pedestrian door for secure access by residents and service vehicle operators.

Commercial deliveries to the proposed restaurant would be accommodated within the existing and/or proposed (if approved by SFMTA) on-street loading spaces along the north side of Mission Street located adjacent to the project site, if approved. Additionally, the proposed project would include one off-street service vehicle space, and Variant 1 would include two off-street service vehicle spaces, which would serve small delivery trucks. Deliveries requiring large trucks (i.e., 18-wheel semi-trucks) would not be accommodated in the off-street loading and service spaces for the proposed project or Variant 1, primarily due to their size and required right-of-way to accommodate necessary turning movements. These trucks would be required to use available metered parking spaces adjacent to the project site. As stated above, the project sponsor is seeking approval from the SFMTA to convert three on-street general metered parking spaces to one 66-foot-long, yellow zone, unmetered freight loading space along the north side of Mission Street. If approved, deliveries requiring larger freight trucks would be able to use this space.

However, in the event that no curbside space is available, the double-parking of large trucks along Mission Street could exacerbate traffic congestion, slow transit vehicles, and/or block travel lanes, which could also

contribute to reduced visibility for pedestrians and cyclists. In order to further reduce the potential for these less-than-significant impacts to occur, **Improvement Measure M-TR-2c: Coordination of Move-In/Move-Out Operations, Large Deliveries, and Garbage Pick-Up Operations,** is included for the proposed project and Variant 1 to enforce appropriate loading procedures to avoid any blockages along Mission or Laskie Streets during loading activities and reduce any potential conflicts between delivery vehicles, movers, and other users of the adjacent roadway including transit vehicles, bicyclists, and pedestrians.

Residential move-in and move-out activities would occur at the existing on-street loading space on the north side of Mission Street, adjacent to the project site, the off-street service vehicle spaces (for smaller vehicles), or within the proposed 66-foot-long on-street loading space on the north side of Mission Street adjacent to the project site (if approved by SFMTA). Movers would access the project site via the residential entrance on Laskie Street, and would then transport items to their dwelling unit(s) by using the elevators provided on the ground floor of the proposed building. It is noted that any curbside parking should be reserved through SFMTA, in coordination with building staff. The proposed project and Variant 1 would not result in any adverse effects to traffic, bicycle, or pedestrian flow along adjacent streets nor would such activities inhibit access to the project site. While impacts associated with residential move-in/move-out activities would not be considered significant, **Improvement Measure M-TR-2c: Coordination of Move-In/Move-Out Operations, Large Deliveries, and Garbage Pick-Up Operations** would further reduce any potential traffic-related impacts and conflicts between delivery operations, movers, and pedestrians walking along adjacent streets.

> **Improvement Measure I-TR-2c: Coordination of Move-in/Move-Out Operations, Large Deliveries, and Garbage Pick-Up Operations**
>
> To reduce the potential for parking of delivery vehicles within the travel lane adjacent to the curb lane on Mission Street or along Laskie Street (in the event that the on- and off-street loading spaces are occupied), residential move-in and move-out activities and larger deliveries shall be scheduled and coordinated through building management. For café/restaurant uses, appropriate delivery times shall be scheduled and shall be restricted to occur before 7:00 a.m., and between the hours of 10:00 a.m. and 4:00 p.m., and no deliveries shall occur after 4:00 p.m. to avoid any conflicts with peak commute period traffic as well as pedestrians and bicyclists on adjacent streets and sidewalk areas.
>
> For the small building option, the project sponsor shall enforce strict truck size regulations for use of the off-street loading space in the proposed freight loading area. Truck lengths exceeding 17 feet shall be prohibited from entering the parking garage and shall utilize existing on-street loading space along Mission Street, adjacent to the project site. All service/freight deliveries for the large building option shall occur on Mission Street. Appropriate signage shall be located at the parking garage entrance to notify drivers of truck size regulations and notify drivers of the on-street loading spaces on Mission Street. The project sponsor shall notify building management and related staff, and retail tenants of imposed truck size limits in the proposed freight loading area.
>
> Building management staff shall notify drivers of large trucks of proper loading procedures. Because large trucks would be required to utilize the existing loading space on the north side of Mission Street (adjacent to the project site), or if approved by SFMTA, the three on-street loading

spaces, building management shall require at least one (1) additional building staff member to safely guide the truck driver and assist in maneuvering the truck within the loading zone. The truck driver and building staff member(s) would be responsible for placing traffic safety cones or related devices along the parking lane on Mission Street to provide an adequate buffer or spacing between the truck and moving vehicles on the street and to avoid large trucks from blocking Laskie Street or other nearby land uses.

Appropriate move-in/move-out and loading procedures shall be enforced to avoid any blockages of any streets adjacent to the project site over an extended period of time and reduce any potential conflicts between other vehicles and users of adjacent streets as well as movers and pedestrians walking along Mission Street or Laskie Street. Curb parking on Mission Street shall be reserved through SFMTA or by directly contacting the local 311 service. It is recommended that residential move-in/move-out activities be scheduled during weekday midday hours between 10:00 a.m. and 4:00 p.m. and/or on weekends to avoid any potential conflicts with peak commute period traffic and all users of adjacent roadways. Large trucks used for residential move-in/move-out operations shall be prohibited from parking along Laskie Street and such activities should occur along the curbside space on the north side of Mission Street, adjacent to the project site. In the event small trucks are utilized for such activities (i.e., trucks less than 17 feet long and less than 8 feet wide), these vehicles shall utilize the off-street parking spaces within the garage or the service/delivery space (only for the small building option), as appropriate.

The project sponsor shall coordinate with Recology and enforce strict garbage pick-up periods. Such pick-up times shall be restricted to occur before 7:00 a.m., and between the hours of 10:00 a.m. and 2:00 p.m., and no garbage pick-up activities shall occur after 3:00 p.m. to avoid any conflicts with vehicle traffic and pedestrians on Mission or Laskie Streets. Specific loading procedures (as described above) shall also be enforced for Recology vehicles during garbage pick-up periods.

Based on the discussion of loading operations above and implementation of **Improvement Measure M-TR-2c: Coordination of Move-In/Move-Out Operations, Large Deliveries, and Garbage Pick-Up Operations**, loading activities would not create potentially hazardous traffic conditions or significant delays affecting traffic, transit, bicycles or pedestrians; therefore, the proposed project and Variant 1 would have a less-than-significant loading impact. The inclusion of **Improvement Measure M-TR-2c: Coordination of Move-In/Move-Out Operations, Large Deliveries, and Garbage Pick-Up Operations** would further reduce these less-than-significant impacts on loading.

Construction Activities

The proposed project would have would have a 22-month construction period, and Variant 1 would have a 24-month construction period. Therefore, similar to the discussion of traffic impacts above, the 24-month construction period for Variant 1 was used to evaluate potential construction-related traffic impacts, as it represents "worst case" conditions. During the 24-month construction period for Variant 1, temporary and intermittent transportation impacts would result from truck movements to and from the project site. Truck movements during periods of peak traffic flow would have greater potential to create conflicts than during non-peak hours because of the greater numbers of vehicles on the streets during the peak hour that would have to maneuver around queued trucks. The affected area of Mission Street is expected to include the sidewalk area and parking lane directly adjacent to the project site; the three metered and

one commercial metered on-street parking spaces would be temporarily eliminated during construction. It is not anticipated that project construction would require any travel lane closures on Mission Street. Although not anticipated, any temporary traffic lane closures would be coordinated with the City in order to minimize the impacts on local traffic. In general, lane and sidewalk closures are subject to review and approval by San Francisco Public Works (Public Works) and the City's Transportation Advisory Staff Committee (TASC) that consists of representatives of City departments including SFMTA, Public Works, Fire, Police, Public Health, Port and the Taxi Commission.

Throughout the construction period, there could be a potential for a temporary reduction to the capacities of local streets due to the slower movement and larger turning radii of construction trucks, which would affect both traffic and transit operations. However, impacts related to an applicable transportation circulation system plan or policy as a result of the proposed project and Variant 1 would be less than significant. The following improvement measures would further reduce less-than-significant construction-related impacts for the proposed project and Variant 1:

Improvement Measure I-TR-2d: Construction Truck Deliveries During Off-Peak Periods

Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow, although it would not be considered a significant impact. Limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by SFMTA) would further minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods.

As required, the project sponsor and construction contractor(s) shall meet with the Sustainable Streets Division of the SFMTA, the Fire Department, Muni, and the Planning Department to determine feasible measures to reduce traffic congestion, including potential transit disruption, and pedestrian circulation impacts during construction of the project. To minimize cumulative traffic impacts due to project construction, the project sponsor shall coordinate with construction contractors for any concurrent nearby projects that are planned for construction or which later become known.

Improvement Measure I-TR-2e: Construction Management Plan

In addition to items required in the Construction Management Plan, the project sponsor shall include the following:

- *Carpool and Transit Access for Construction Workers* – As an improvement measure to minimize parking demand and vehicle trips associated with construction workers, the construction contractor shall include methods to encourage carpooling and transit use to the project site by construction workers in the Construction Management Plan contracts.

Project Construction Updates – As an improvement measure to minimize construction impacts on nearby businesses, the project sponsor shall provide regularly-updated information (typically in the form of website, news articles, on-site posting, etc.) regarding project construction and schedule, as well as contact information for specific construction inquiries or concerns. While construction-related impacts for

the proposed project and Variant 1 would be less than significant, **Improvement Measure I-TR-2d: Construction Truck Deliveries During Off-Peak Periods,** and **Improvement Measure I-TR-2e: Construction Management Plan** would further minimize disruption of the general traffic flow on adjacent streets during weekday commute peak commute periods, require coordination with SFMTA, the Fire Department, Muni, and the Planning Department to determine feasible measures to reduce traffic congestion, minimize construction impacts on nearby businesses, and minimize traffic and parking demand associated with construction workers. Implementation of these improvement measures would not have any additional transportation-related impacts. The project sponsor has agreed to implement these measures.

Impact TR-3: The proposed project and Variant 1 would not result in substantially increased hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. (Less than Significant)

The proposed project and Variant 1 would not include any design features that would substantially increase traffic hazards (e.g., a new sharp curve or dangerous intersections), and would not include any incompatible uses, as discussed in Topic 1, Land Use and Land Use Planning. Therefore, the proposed project and Variant 1 would not cause adverse impacts associated with traffic hazards. As noted above, there is an existing 26-foot-wide curb cut for the driveway entrance and exit at the surface parking lot on Laskie Street. The proposed project and Variant 1 would reduce the width of the existing curb cut and driveway along the project's Laskie Street frontage, which would be used to access the parking garage. As noted previously under the traffic impact discussion, vehicle queuing conditions were evaluated taking into account this configuration and the anticipated volume of vehicles accessing the parking garage during the p.m. peak hour, and it was determined that vehicle queues along Mission Street or Laskie Street may occasionally occur but would be temporary and would not substantially interfere with vehicle, transit, bicycle or pedestrian access, nor would it create hazardous conditions. Based on this analysis, the proposed project and Variant 1 would have a less-than-significant impact related to transportation hazards due to a design feature or resulting from incompatible uses.

Impact TR-4: The proposed project and Variant 1 would not result in inadequate emergency access. (Less than Significant)

The street network currently provides access to the project site for emergency vehicles. Under both the proposed project and Variant 1, emergency vehicles would access the project site as under existing conditions. Also, although the proposed project and Variant 1 would generate additional traffic to the area, this increase in vehicles would not impede or hinder the movement of emergency vehicles in the project area, for example from the neighboring fire stations (Fire Department Fire Station No. 1, Fire Station No. 7, Fire Station No. 3, and Fire Station No. 8).

Any new obstructions or change to the road geometry that decreases the response time and access for emergency vehicles is of critical importance. The existing effective road width to be maintained for emergency vehicle access is a minimum of 14 feet. Neither the proposed project nor Variant 1 would

result in the reduction or expansion of roadway widths along Mission Street. In addition, the proposed streetscape plans would not reduce the overall roadway width of Laskie Street below the 14-foot minimum requirement and would allow for continued access for emergency vehicles. Based on these findings, impacts to emergency vehicle access would be less than significant for both the proposed project and Variant 1.

Impact TR-5: The proposed project and Variant 1 would not conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such features. (Less than Significant)

Transit Conditions

The proposed project would generate an estimated 599 daily and 96 p.m. peak-hour transit trips, which would be distributed among Muni, BART, Golden Gate Transit, and SamTrans lines. Variant 1 would generate an estimated 808 daily and 132 p.m. peak hour transit trips. Similar to the discussion of traffic and construction activity impacts above, transit demand for Variant 1 was used to evaluate potential transit impacts, as it represents "worst case" conditions. The project site is well served by public transit. The additional riders generated by Variant 1 could be accommodated on the multiple Muni lines (6, 7, 7R, 9, 9R, 14, 14R, 19, 83X, J, K/T, L, N, and M lines), BART, and SamTrans lines that operate within close proximity to the project site. These bus and rail lines provide access between the project site and the rest of the city, the East Bay, the North Bay, and the Peninsula.

This analysis of transit impacts focuses on the increase in transit patronage across "screenlines" in the outbound direction during the weekday p.m. peak hour. Four screenlines have been established in San Francisco to analyze potential impacts of projects on Muni service, and three screenlines have been established for regional transit service. Muni has a capacity utilization performance standard of 85 percent. The threshold of significance for identifying regional transit crowding impacts is 100 percent capacity utilization. Bus stops serviced by multiple Muni routes are located within one block of the site. Muni bus stops are located within one block of the project site, and BART and Muni Metro are located one block to the north, at Civic Center Station. The proposed off-street parking would not conflict with bus operations; therefore, no impacts to bus circulation were identified for Variant 1 or proposed project.

All of the screenlines and the majority of sub-corridors (i.e., major transit corridors operating within each screenline) would operate below Muni's standard 85-percent capacity utilization with implementation of Variant 1, with the exception of the Fulton/Hayes sub-corridor along the northwest screenline and the 3rd Street sub-corridor along the southeast screenline. These two sub-corridors currently operate above 85 percent capacity and would continue to operate above capacity with the addition of project-generated transit trips. However, Variant 1 would contribute less than one percent to these sub-corridor ridership levels, including the sub-corridors currently operating at or above the 85-percent utilization standard. Because Variant 1 would not result in a substantial contribution to existing ridership levels, Variant 1 and the proposed project would both result in a less-than-significant impact.

It should be noted that transit-related policies include, but are not limited to: (1) discouragement of commuter automobiles (*Planning Code* Section 101.1, established by Proposition M, the Accountable Planning Initiative); and (2) the City's "Transit First" policy, established in the City's Charter Section 16.102. The proposed project and Variant 1 would not conflict with transit operations as discussed above and also would not conflict with the transit-related policies established by Proposition M or the City's Transit First Policy. Therefore, impacts to the City's transit network as a result of the proposed project and Variant 1 would be considered less than significant.

Pedestrian Conditions

Similar to the discussion of traffic, transit, and construction impacts above, the variant pedestrian demand was used to evaluate potential pedestrian impacts, as it represents "worst case" conditions. Variant 1 would generate 318 pedestrian trips during a typical weekday p.m. peak hour. Of these 318 p.m. peak hour pedestrian trips, 220 trips are associated with the residential use and 98 with the retail/restaurant use. The 318 pedestrian trips average out to approximately 5.3 pedestrian trips per minute during this peak hour. Variant 1 would include multiple pedestrian entrances to accommodate residents, employees, patrons, and other visitors. Pedestrian entrances to the retail/restaurant use would be provided along Mission Street; the residential entrance would be provided on Laskie Street and would include a residential lobby area with elevators to allow residents and their visitors to access the dwelling units. Access to the off-street bicycle parking spaces would be from both Mission Street and Laskie Street via the residential lobby and parking garage.

Laskie Street is approximately 14 feet wide and is currently used primarily for loading activities for the AVA residential building and Holiday Inn Hotel, and also provides access to the existing surface parking lot on the project site and the AVA guest parking lot. The west side of the alleyway includes a nine-foot-wide sidewalk, though street trees within the sidewalk space reduce the effective width to six feet. The east side of Laskie Street includes four-foot-wide sidewalks with intermittent bollards to prevent vehicular encroachment. Laskie Street does not currently accommodate high volumes of pedestrian traffic and the narrow sidewalks and roadbed do not provide much capacity for pedestrians or accommodate standard two-way traffic flow. Vehicles sometimes encroach on the sidewalk to accommodate two-way traffic flow.

The Mission Street sidewalk adjacent to the project site is 15 feet wide, although the presence of street trees reduces the effective width of the sidewalk to about 10 feet. In contrast to Laskie Street, no vehicles encroach onto the sidewalk for loading activities and the sidewalk provides adequate capacity to accommodate current pedestrian traffic levels.

As discussed in Section A, Project Description, the proposed project and Variant 1 are subject to the requirements of the *Better Streets Plan*, as codified in *Planning Code* Section 138.1. The proposed project and Variant 1 would modify the existing streetscape on both Mission and Laskie Streets by removing existing street trees and installing new street trees and landscaping in compliance with the *Better Streets Plan*. The pedestrian right of way on Mission Street would include four new street trees (spaced approximately 20 feet apart) with tree grates, new Class 2 bicycle spaces (16 for the proposed project and 20 for Variant 1), and resurfacing of the sidewalk. Specific improvements along Laskie Street would

include a single-surface "shared street" along the alleyway from Mission Street to immediately north of the project garage driveway. This "shared street" would entail raising the elevation of Laskie Street to meet the elevation of the existing sidewalks; removing and replacing the existing raised concrete sidewalks along both sides of the roadway with a three-foot by three-inch-wide visual/tactile detection strip to delineate pedestrian zones and vehicular zones; removing the existing street trees and planting ten new street trees (five on each side, spaced approximately 20 feet apart) with tree grates; potentially relocating existing light poles; and adding pedestrian lighting along the roadway. In addition, these plans would include a raised crosswalk along Laskie Street at the intersection of Mission Street, which would accommodate east-west pedestrian traffic and serve as a traffic calming device since vehicles would be required to slow down considerably prior to entering or exiting Laskie Street.

The proposed streetscape plan for the proposed project and Variant 1 would ultimately reduce the effective sidewalk width on the west side of Laskie Street from 5.8 feet to 4.0 feet and decrease the roadbed width by about 2.1 feet. As noted above, there is an existing deficiency in pedestrian and vehicle circulation at the intersection of Laskie Street and Mission Street. Moreover, because Variant 1 would generate 93 new inbound vehicle trips and 318 inbound pedestrian trips to the project site during the weekday p.m. peak hour, it is reasonable to assume that Variant 1 would exacerbate these pedestrian-vehicle conflicts and create an unsafe environment for pedestrians walking to/from the project site. However, the proposed streetscape plan in combination with the proposed right-in/right-out turning operation at the Laskie Street/Mission Street intersection (see **Improvement Measure I-TR-2b: Installation of Roadway/Traffic Devices on Mission Street** in the Vehicle Queuing Analysis discussion) would address these existing deficient conditions for pedestrians moving in and around the project site.

As described above, the proposed streetscape plan would meet the minimum requirements of the *Better Streets Plan* and address the inadequate sidewalk space on the west side of Laskie Street. As a result, the streetscape plan for the proposed project and Variant 1 would result in a less-than-significant impact.

While pedestrian impacts would be less than significant, **Improvement Measure I-TR-5: Installation of Traffic Calming Devices at Basement Garage Exiting Lane**, would further reduce potential vehicle-pedestrian conflicts.

> **Improvement Measure I-TR-5: Installation of Traffic Calming Devices at Basement Garage Driveway Lane**
>
> As an improvement measure to reduce potential conflicts between vehicles exiting the basement garage and pedestrians traveling along the west sidewalk of Laskie Street, the project sponsor shall install appropriate traffic calming devices (e.g., speed bump, rumble strips, "slow speed" signage, etc.) at the exiting travel lane along the garage driveway to reduce vehicle speeds of existing vehicles traveling out of the basement parking garage and to further reduce potential vehicle-pedestrian conflicts.

Bicycle Conditions

The proposed project and Variant 1 would provide 200 Class 1 bicycle parking spaces located on the ground level of the garage, along with 16 Class 2 bicycle parking spaces (racks) for the proposed project and 20 Class 2 bicycle parking spaces for Variant 1 on the sidewalk on Mission Street. *Planning Code* Section 155.2 requires one Class 1 bicycle space (bicycle locker or space in a secure room) per dwelling unit for up to 100 dwelling units and one Class 1 bicycle space for every four dwelling units over 100, and a minimum of one Class 2 space per 20 units, in addition to one Class 1 bicycle space for each 7,500 occupied square feet of retail space and one Class 2 space for each 2,500 occupied square feet of retail space. Based on the proposed project's land uses and these *Planning Code* requirements, the proposed project would be required to provide 125 Class 1 and 12 Class 2 bicycle parking spaces, while Variant 1 would be required to provide 154 Class 1 and 16 Class 2 bicycle parking spaces. Based on these calculations, the proposed project and Variant 1 would provide Class 1 and Class 2 bicycle parking in excess of the requirements of the *Planning Code*.

The *San Francisco Bicycle Plan* includes goals and objectives to encourage bicycle use in the city, describes the existing bicycle route network (a series of interconnected streets and pathways on which bicycling is encouraged) and identifies improvements to achieve the established goals and objectives. There are three designated bicycle routes near the project site: Route 30 along Howard and Folsom Streets, Route 23 along Eighth Street, and Route 50 along Market Street.

The proposed project and Variant 1 would provide adequate bicycle access and parking and, therefore, would not conflict with the City's *Bicycle Plan*, or other plan, policy or program related to bicycle use in San Francisco.

Impact C-TR-1: The proposed project and Variant 1, in combination with past, present, and reasonably foreseeable future projects, would not result in a considerable contribution to cumulative regional VMT. (Less than Significant)

VMT, by its very nature, is largely a cumulative impact. The VMT associated with past, present, and future projects contribute to physical secondary environmental impacts. It is likely that no single project by itself would be sufficient in size to prevent the region or state from meeting its VMT reduction goals. Instead, a project's individual VMT contributes to cumulative VMT impacts. The VMT and induced automobile travel project-level thresholds are based on levels at which new projects are not anticipated to conflict with state and regional long-term greenhouse gas emission reduction targets and statewide VMT per capita reduction targets set in 2020. Therefore, because the proposed project and Variant 1 would not exceed the project-level thresholds for VMT and induced automobile travel (Impact TR-1), the proposed project and Variant 1 would not be considered to result in a cumulatively considerable contribution to VMT impacts.

Furthermore, as shown in Table 3, Daily Vehicle Miles Traveled, projected 2040 average daily VMT per capita for residential uses in TAZ 620 is 1.9 miles. This is 88.2 percent below the projected 2040 regional

average daily VMT per capita of 16.1.[53] Projected 2040 average daily VMT per employee for retail uses in TAZ 620 is 7.9 miles. This is 45.9 percent below the projected 2040 regional average daily VMT per employee of 14.6.[54] Given the project site is located in an area where VMT is greater than 15 percent below the projected 2040 regional average, the residential and retail uses for the proposed project and Variant 1 would not result in substantial additional VMT. Therefore, the proposed project and Variant 1's residential and retail uses would not contribute considerably to any substantial cumulative increase in VMT.[55]

Impact C-TR-2: The proposed project and Variant 1 in combination with past, present, and reasonably foreseeable future projects, would not result in substantial cumulative transportation impacts. (Less than Significant)

Cumulative Transit Impacts

The analysis of cumulative transit utilization considers foreseeable changes in local and regional transit service in the future, such as Muni service changes due to the Muni Forward program and the growth in ridership based on future development. Similar to the transit analysis presented under the existing plus project conditions, analysis of transit impacts across the Muni and regional screenlines was conducted to determine the extent to which an increase in transit trips associated with the proposed project and Variant 1 would affect local and regional transit lines under cumulative (Year 2040) conditions. While some screenlines and sub-corridors would operate above Muni's established capacity utilization threshold (85 percent) by 2040, the proposed project and Variant 1 would contribute less than one percent of the transit trips on these sub-corridors and the entire screenline. The increase in regional transit trips generated by the proposed project and Variant 1 would contribute less than one percent to all regional screenlines and ridership levels would continue to be below the 100-percent capacity utilization performance standard. Therefore, the impact to this screenline and sub-corridors would be less than significant for both the proposed project and Variant 1.

Cumulative Bicycle and Pedestrian Impacts

Bicycle and pedestrian impacts are by their nature site-specific and generally do not contribute to cumulative impacts from other development projects. Bicycle trips throughout the city may increase under the cumulative scenario due to general growth. Bicycle trips generated by the proposed project and Variant 1 would include bicycle trips to and from the project site. However, as stated in the project analysis, the proposed project and Variant 1 would provide adequate bicycle access and parking and would therefore not conflict with the City's *Bicycle Plan*, or any other plan, policy or program related to bicycle use in San Francisco. There would be a projected increase in background vehicle traffic between existing plus project and 2040 cumulative conditions. This would result in an increase in the potential for vehicle-pedestrian conflicts at intersections in the study area. As described previously, development on the project site, including the Laskie Street streetscape plan, would address any potentially significant

[53] Ibid.
[54] Ibid.
[55] *San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 1270 Mission Street, Case No. 2014-0926,* March 18, 2016.

pedestrian impacts. Thus, development on the project site in combination with future developments in the area would result in a less-than-significant impact for both the proposed project and Variant 1.

Cumulative Loading Impacts

Loading impacts are by their nature localized and site-specific; therefore, the loading impact identified for the proposed project and Variant 1 would not contribute to cumulative impacts from other development projects near the project site. As such, since development on the project site would not result in individual loading impacts, both the proposed project and Variant 1, in combination with past, present and reasonably foreseeable developments in San Francisco, would result in less-than-significant cumulative loading impacts.

Cumulative Construction Impacts

Construction on the project site may overlap with the construction of other projects, including but not limited to the nearby planned developments located at 950-974 Market Street, 1028 Market Street, 1055 Market Street, 1066 Market Street, and 1125 Market Street, as well as other planned developments proposed under the Mid-Market SUD proposal (which are to begin construction in 2016).

As a result, construction activities associated with these projects would affect access, traffic, and pedestrians on streets used as access routes to and from the project sites (e.g., Market Street, Mission Street, etc.). Overall, cumulative construction-related transportation impacts could occur due to construction activities associated with other nearby projects that may occur at the same time and on the same roads as the proposed project and Variant 1. The construction manager for each individual project would work with the various departments of the City to develop a detailed and coordinated plan that would address construction vehicle routing, traffic control, and pedestrian movement adjacent to the construction area for the duration of any overlap in construction activity. As noted above, the project sponsor has agreed to implement **Improvement Measure I-TR-2d: Construction Truck Deliveries During Off-Peak Periods** and **Improvement Measure I-TR-2e: Construction Management Plan**, which would further minimize disruption of the general traffic flow on adjacent streets, particularly during weekday peak commute periods, require coordination with SFMTA, the Fire Department, Muni, and the Planning Department to determine feasible measures to reduce traffic congestion, minimize construction impacts on nearby businesses, and minimize traffic and parking demand associated with construction workers. These improvement measures would further reduce the less-than-significant construction impacts related to potential conflicts between construction activities and pedestrians, transit, and autos, including construction truck traffic management, project construction updates for adjacent businesses and residents, and carpool and transit access for construction workers.

In summary, the cumulative impacts of the construction of the proposed project in combination with multiple nearby construction projects would not be considerable, as construction on the project site and other nearby project sites would be temporary. Further, the project sponsor would coordinate with various City departments such as SFMTA and Public Works through the TASC to develop coordinated plans that would address construction-related vehicle routing and pedestrian/ bicycle movements

adjacent to the construction area for the duration of construction overlap. Therefore, project construction, in combination with past, present, and reasonably foreseeable construction in San Francisco, would result in a less-than-significant cumulative construction-related transportation impact for both the proposed project and Variant 1.

As described above, the proposed project and Variant 1, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulatively considerable transportation and circulation impacts.

Based on the above analysis, the proposed project and Variant 1 would result in a less-than-significant impact with regard to transportation, both individually and cumulatively.

Topics:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
5.	**NOISE — Would the project:**					
a)	Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	☐
b)	Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐
c)	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
d)	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
e)	For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☐	☒
f)	For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒
g)	Be substantially affected by existing noise levels?	☐	☐	☒	☐	☐

The project site is not within an airport land use plan area,[56] nor is it in the vicinity of a private airstrip. Therefore, Questions 5e and 5f are not applicable.

[56] City/County Association of Governments (C/CAG) of San Mateo County, *Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*, November, 2012. See also, Alameda County Community Development Agency (ACCDA), *Oakland International Airport, Airport Land Use Compatibility Plan*, December, 2012.

Impact NO-1: The proposed project and Variant 1 would not result in the exposure of persons to or generation of noise levels in excess of established standards, nor would the proposed project or Variant 1 result in a substantial permanent increase in ambient noise levels or otherwise be substantially affected by existing noise. (Less than Significant)

Applicable Noise Standards[57]

The Environmental Protection Element of the *General Plan* contains Land Use Compatibility Guidelines for Community Noise. These guidelines, which are similar to state guidelines promulgated by the Governor's Office of Planning and Research (OPR), indicate maximum acceptable noise levels for various newly developed land uses. The uses for the proposed project and Variant 1 correspond to the "Residential" land use category in the Land Use Compatibility Guidelines.[58] For this land use category, the maximum "satisfactory, with no special insulation requirements" exterior noise levels are approximately 60 dBA (Ldn).[59,60] Where exterior noise levels exceed 60 dBA (Ldn) for a new residential building, it is generally recommended that a detailed analysis of noise reduction requirements be conducted prior to final review and approval of the project, and that the needed noise insulation features be included in the project design.

In addition, Chapter 12 of the *California Building Code* (CBC) (Part 2 of Title 24 of the *California Code of Regulations*), adopted as part of the *San Francisco Building Code*, contains acoustical requirements for interior sound levels in habitable rooms of multi-family developments. In summary, the CBC requires an interior noise level no higher than an Ldn of 45 dB. Projects exposed to an exterior Ldn of 60 dB, or greater, require an acoustical analysis showing that the proposed design would limit interior levels to the prescribed allowable interior level. Additionally, if windows must be in the closed position to meet the interior standard, the design must include a ventilation or air-conditioning system to provide fresh air, which also would be required under Article 38 of the *San Francisco Health Code* (see Topic 6, Air Quality) and, therefore, a habitable interior environment. An Environmental Noise Study was prepared for the proposed project and Variant 1 and is discussed below.[61]

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57 In a decision issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents except where a project or its residents may exacerbate existing environmental hazards (*California Building Industry Association v. Bay Area Air Quality Management District*, December 17, 2015, Case No. S213478. Accordingly, the discussion of exposure of the proposed project's future residents to existing ambient noise is provided for informational purposes only.

58 *San Francisco General Plan*. Environmental Protection Element, Land Use Compatibility Chart for Community Noise. Available online at http://www.sf-planning.org/ftp/general_plan/I6_Environmental_Protection.htm. Accessed on October 22, 2014.

59 The dBA, or A-weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

60 The DNL or Ldn is the Leq, or Energy Equivalent Level, of the A-weighted noise level over a 24-hour period with a 10 dB penalty applied to noise levels between 10:00 p.m. to 7:00 a.m. Leq is the level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.

61 Shem Milsom Wilke., *Environmental Noise Report, 1270 Mission LLC Residential Development San Francisco, California*, November 4, 2015.

Existing Noise in Project Site Vicinity

Ambient noise levels in the project vicinity are typical of noise levels found in San Francisco, which are dominated by vehicular traffic, including, cars, trucks, Muni buses, and emergency vehicles. Mission Street and Ninth Street are both heavily traveled streets, and generate traffic noise in excess of 70 dBA at ground level locations.[62] While land uses in the project site vicinity do not generate a substantial amount of noise, high traffic volumes along the surrounding streets result in a relatively loud noise environment.

One long-term continuous (24-hour) noise monitor measurement was conducted at the project site in order to quantify the existing noise environment in the project vicinity and additional short term monitoring was conducted at two other on-site locations and one off-site location to extrapolate Ldn levels at these alternate locations. The results of the noise measurements are provided in Table 4, below.

TABLE 4
Results of Noise Monitor Measurements in Project Vicinity

Monitor	Location	Calculated Ldn
L1	Eastern building rooftop of the project site at Mission Street and Laskie Street, approximately 20-feet above grade.	69.6 dB
L2	Eastern ground-level street façade of the project site at Mission Street, approximately 5-feet above grade.	74.8 dB
L3	Northeastern ground-level street façade of the project site at Laskie Street, approximately 5-feet above grade.	61.9 dB
L4	Southwestern ground-level (not on project site) at Ninth Street, approximately 5-feet above grade.	74.4 dB

SOURCE: Shen Milsom Wilke, October 2015.

Proposed Project and Variant 1 Noise Exposure

As noted above, the proposed project would include new sensitive receptors in the form of residences. The proposed project would be required to incorporate Title 24 noise insulation features such as double-paned windows and insulated exterior walls as part of its construction, which would reduce indoor noise levels by at least 30 decibels. Given the relatively high exterior noise levels in the project vicinity, the noise study included design recommendations to ensure that interior noise levels are in accordance with Title 24 standards, CALGreen interior noise criteria, and the *San Francisco Building Code*. The noise study recommended that the proposed project include sound rated assemblies at exterior building façades, with window and exterior door assembly Sound Transmissions Class (STC) ratings that meet the City standards. The noise study estimated that exterior windows on residential floors would require an STC rating of 26 to 34, and that exterior walls be designed and constructed to achieve an STC rating of 40.

[62] San Francisco Department of Public Health, Map of Areas Potentially Requiring Noise Insulations, March 2009. Available at: http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Noise.pdf. Reviewed February 8, 2016.

Because windows must be closed to achieve the interior noise criteria 45 dBA, the noise study also noted that an alternate means of providing outside air (e.g., fresh-air exchange units, HVAC, Z-ducts, etc.) to habitable spaces is required for building façades exposed to an exterior Ldn of 60 dB, or greater. The Department of Building Inspection (DBI) would review the final building plans to ensure that the proposed project meets the interior noise requirements of Title 24 and the *San Francisco Building Code*. Therefore, through compliance with applicable codes and standards, the proposed project would not expose persons to noise levels in excess of standards established in the *General Plan*, Noise Ordinance, or *San Francisco Building Code*.

The above analysis also would apply to Variant 1. There are no aspects of Variant 1 that would result in greater noise exposure impacts. Additional residences accommodated by the increase in building height would be located further from existing noise sources and would require similar but likely lesser STC-rated building materials than those described above for the proposed project. Therefore, like the proposed project, the potential environmental impacts resultant from Variant 1 associated with locating residential uses in an area that currently exceeds acceptable ambient noise levels for such uses would be ameliorated through *Building Code* compliance.

Noise from Proposed Project and Variant 1 Operations

Generally, traffic must double in volume to produce a noticeable increase in the ambient noise level in the project vicinity. The proposed project would generate approximately 644 net new daily vehicle trips, with 104 of those trips occurring in the p.m. peak hour.[63] This increase in vehicle trips would not cause traffic volumes to double on nearby streets, and would not have a noticeable effect on ambient noise levels in the project site vicinity. The proposed project would contain ground-floor retail/restaurant uses with residential uses above and would not include features or uses that would generate substantial noise. Therefore, operational noise from the proposed project, including traffic-related noise, would not significantly increase the existing ambient noise levels in the project vicinity.

In addition to vehicle-related noise, building equipment and ventilation are also noise sources. In addition to vehicle-related noise, mechanical equipment, including building heating and ventilation system equipment is also considered to be a potential noise source, once the proposed project is operational Mechanical equipment would be subject to Section 2909 of the Noise Ordinance (Article 29 of the *Police Code*). This section establishes a noise limit from mechanical sources such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line. For noise generated by residential uses, the limit is 5 dBA in excess of ambient noise levels; this limitation would apply to the proposed project. In addition, the Noise Ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night and 55 dBA during the daytime and evening hours.

Compliance with Section 2909 of the Noise Ordinance serves to minimize stationary source noise from building operations. Given that the proposed project's vehicle trips would not cause a doubling of traffic

[63] Trip generation estimate is reported in the *1270 Mission Street Mixed-Use Residential Project Transportation Impact Study*, prepared by CHS Consulting Group, March, 2016.

volumes on nearby streets, thereby not resulting in a noticeable increase in ambient noise levels, and that any proposed mechanical equipment would be required to comply with the Noise Ordinance, the proposed project would not result in a noticeable increase in ambient noise levels. Thus, the proposed project's impact related to project operations would be less than significant and no mitigation measures are necessary.

Variant 1 would generate approximately 883 net new daily vehicle trips, with 146 of those trips occurring in the p.m. peak hour.[64] Like the proposed project, this increase in vehicle trips under Variant 1 would not cause traffic volumes to double on nearby streets, and it would not have a noticeable effect on ambient noise levels in the project site vicinity. Therefore, operational noise from Variant 1, including traffic-related noise, would not substantially increase the existing ambient noise levels in the project vicinity, and Variant 1's impact related to project operations would be less than significant and no mitigation measures are necessary.

Impact NO-2: During construction, the proposed project and Variant 1 would not result in a substantial temporary or periodic increase in ambient noise levels and vibration in the project vicinity above levels existing without the project. (Less than Significant)

Construction Noise from the Proposed Project and Variant 1

Demolition, excavation, and building construction would cause a temporary increase in noise levels within the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. The project sponsor estimates that project construction activities would occur over a period of approximately 22 months. The magnitude of construction-related noise impacts during this period would depend on a number of factors that include the type and size of equipment operated during a given construction phase, the duration of a given construction phase, the distance between the noise source(s) and the affected receptor(s), and the presence (or absence) of barriers. Impacts would generally be limited to demolition and the periods during which new foundations and exterior structural and façade elements would be constructed. Interior construction noise would be substantially reduced by exterior walls. However, there would be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site.

As noted above, construction noise is regulated by the Noise Ordinance (Article 29 of the *Police Code*). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (e.g., jackhammers, hoe rams, impact wrenches) must have manufacturer-recommended and City-approved mufflers for both intake and exhaust. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is

64 Trip generation estimate is reported in the *1270 Mission Street Mixed-Use Residential Project Transportation Impact Study*, prepared by CHS Consulting Group, February 2016.

authorized by the Director of the Department of Public Works or the Director of Building Inspection. The project would be required to comply with regulations set forth in the Noise Ordinance.

The nearest sensitive receptors to the project site are the residential uses at 55 Ninth Street, approximately 20 feet west of the project site and at 81 Ninth Street, approximately 40 feet north of the project site. These uses would experience temporary and intermittent noise associated with site clearance and construction activities as well as the passage of construction trucks in and out of the project site. Site excavation would involve removal of approximately 12,000 cubic yards of soil for a below-grade garage. No pile driving is anticipated as part of the proposed project, as noted in the geotechnical report, which specifies that all soldier piles would be installed either by pre-drilling techniques or forming soil-cement mixed columns.[65]

Construction noise impacts would be temporary in nature and would be limited to the 24-month period of construction. Moreover, the project demolition and construction activities would be required to comply with the Noise Ordinance requirements, which prohibit construction after 8:00 p.m. Although construction-related noise could be annoying at times, it would be temporary, and the noisiest phases of construction are typically of shorter duration. Further, construction noise would not be expected to exceed noise levels commonly experienced in an urban environment. Therefore, construction noise impacts would be less than significant. No mitigation measures are necessary.

The above analysis would also apply to Variant 1. According to the project sponsor, the construction period would last approximately 24 months, two months longer than the proposed project. Other than this marginal increase in duration, there are no aspects of Variant 1 that would result in greater construction noise impacts. Therefore, like the proposed project, construction noise for Variant 1would be temporary and would not be expected to exceed noise levels commonly experienced in an urban environment. Therefore, construction noise impacts would be less than significant. No mitigation measures are necessary.

Impact C-NO: The proposed project and Variant 1 would not make a considerable contribution to any cumulative significant noise impacts. (Less than Significant)

Construction activities in the vicinity of the project site, such as excavation, grading, or construction of other buildings in the area, would occur on a temporary and intermittent basis. In general, compliance with Noise Ordinance requirements would render the noise impacts from project construction at a less-than-significant level. The proposed project and Variant 1 construction-related noise would not substantially increase ambient noise levels at locations greater than a few hundred feet from the project site. Other than renovation projects, there is one development project, the third phase of Trinity Place, that is close enough (within 500 feet) to combine with the noise created during the construction of the proposed project and Variant 1 to result in any cumulative construction noise impact. However, the Trinity Place site is separated from the project site by multiple buildings, including the Holiday Inn hotel and PG&E substation, and would be unlikely to noticeably combine with project construction noise, even if the two were constructed simultaneously. As such, construction noise effects associated with the

[65] Langan Treadwell Rollo, *Geotechnical Investigation 1270 Mission Street San Francisco* California, November 19, 2015.

proposed project and Variant 1 are not anticipated to combine with other proposed and under construction projects located near the project site. Therefore, cumulative construction-related noise impacts from the proposed project and Variant 1 would be less than significant and no mitigation measures are necessary.

Localized traffic noise would increase in conjunction with foreseeable residential and commercial growth in the project vicinity. Analysis of traffic volumes on roadways used to access the project site (Mission Street, Eighth Street, and Ninth Street) indicates the cumulative traffic volumes would increase by no more than 36 percent compared to existing conditions, resulting in a cumulative traffic noise increase of less than 2 dBA, which would not be a perceptible increase.[66] Cumulative traffic noise would not result in a doubling of traffic volumes, which would be necessary to create a perceptible change. Consequently, cumulative noise impacts would be less than significant, and the proposed project and Variant 1's limited number of daily vehicle trips (644 net new daily vehicle trips under the proposed project and 883 under Variant 1) would not contribute considerably to any cumulative traffic-related increases in ambient noise. Therefore, cumulative traffic noise impacts would be less than significant and no mitigation measures are necessary.

Project-related stationary source noise, such as from ventilation equipment would not substantially increase ambient noise levels at locations greater than a few hundred feet from the project site. Trinity Place, Phase III is the only cumulative development project close enough (within 500 feet) to even consider the potential to result in a cumulative operational noise impact. However, as noted above, the Trinity Place site is separated from the project site by multiple buildings and would be unlikely to noticeably combine with project stationary source noise. Consequently, cumulative noise impacts from stationary noise sources would be less than significant. Additionally, the proposed project and Variant 1's mechanical equipment, as well as that used for Trinity Place, would be required to comply with the Noise Ordinance.

In light of the above, the proposed project and Variant 1 would result in less-than-significant cumulative impacts related to noise and no mitigation measures are necessary.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
6. AIR QUALITY — Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐	☐

[66] CHS Consulting Group, *1270 Mission Street Mixed-Use Residential Project Transportation Impacts Study*, March 2016, Figures 5, 12, and 13.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	☐

The Bay Area Air Quality Management District BAAQMD is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Napa Counties, and portions of Sonoma and Solano Counties. The BAAQMD is responsible for attaining and maintaining air quality in the SFBAAB within federal and state air quality standards, as established by the federal Clean Air Act (CAA) and the California Clean Air Act (CCAA), respectively. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the SFBAAB and to develop and implement strategies to attain the applicable federal and state standards. The CAA and the CCAA require plans to be developed for areas that do not meet air quality standards, generally. The most recent air quality plan, the *2010 Clean Air Plan* (CAP), was adopted by the BAAQMD on September 15, 2010.[67] The CAP updates the *Bay Area 2005 Ozone Strategy* in accordance with the requirements of the CCAA to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases in a single, integrated plan; and establish emission control measures to be adopted or implemented. The 2010 CAP contains the following primary goals:

- Attain air quality standards;
- Reduce population exposure and protect public health in the San Francisco Bay Area; and
- Reduce greenhouse gas emissions and protect the climate.

The CAP represents the most current applicable air quality plan for the SFBAAB. Consistency with this plan is the basis for determining whether the proposed project or Variant 1 would conflict with or obstruct implementation of an applicable air quality plan.

Criteria Air Pollutants

In accordance with the state and federal CAAs, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the SFBAAB experiences low concentrations of most pollutants when

[67] An update to the 2010 CAP, the 2016 CAP, is not anticipated to go before the District Board until the end of 2016.

compared to federal or state standards. The SFBAAB is designated as either in attainment[68] or unclassified for most criteria pollutants with the exception of ozone, $PM_{2.5}$, and PM_{10}, for which these pollutants are designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. Table 5 identifies air quality significance thresholds followed by a discussion of each threshold. Projects that would result in criteria air pollutant emissions below these significance thresholds would not violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the SFBAAB.

Table 5
Criteria Air Pollutants Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

SOURCE: BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009

Ozone Precursors. As discussed previously, the SFBAAB is currently designated as non-attainment for ozone. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO_x). The potential for a project to result in a cumulatively considerable net increase in criteria air pollutants, which may contribute to an existing or projected air quality violation, are based on the state and federal Clean Air Act's emissions limits for stationary sources. The federal New Source Review (NSR) program was created by the federal CAA to ensure that stationary sources of air pollution are constructed in a manner that is consistent with attainment of federal health based ambient air quality standards. Similarly, to ensure that new stationary sources do not cause or contribute to a violation of an air quality standard, BAAQMD Regulation 2, Rule 2 requires that any new source that emits criteria air pollutants above a

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

specified emissions limit must offset those emissions. For ozone precursors ROG and NO_x, the offset emissions level is an annual average of 10 tons per year (or 54 pounds (lbs.) per day).[69] These levels represent emissions 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.

Although this regulation applies to new or modified stationary sources, land use development projects result in ROG and NO_x emissions as a result of increases in vehicle trips, architectural coating, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of land use projects, and those projects that result in emissions below these thresholds would not be considered to contribute to an existing or projected air quality violation or result in a considerable net increase in ROG and NO_x emissions. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

Particulate Matter (PM_{10} and $PM_{2.5}$). The BAAQMD has not established an offset limit for $PM_{2.5}$. However, the emissions limit in the federal NSR for stationary sources in nonattainment areas is an appropriate significance threshold. For PM_{10} and $PM_{2.5}$, the emissions limit under NSR is 15 tons per year (82 lbs. per day) and 10 tons per year (54 lbs. per day), respectively. These emissions limits represent levels at which a source is not expected to have an impact on air quality.[70] Similar to ozone precursor thresholds identified above, land use development projects typically result in particulate matter emissions as a result of increases in vehicle trips, space heating and natural gas combustion, landscape maintenance, and construction activities. Therefore, the above thresholds can be applied to the construction and operational phases of a land use project. Again, because construction activities are temporary in nature, only the average daily thresholds are applicable to construction-phase emissions.

Fugitive Dust. Fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices (BMPs) at construction sites significantly control fugitive dust.[71] Individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.[72] The BAAQMD has identified a number of BMPs to control fugitive dust emissions from construction activities.[73] The City's Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) requires a number of measures to control fugitive dust to ensure that construction projects do not result in visible dust. The BMPs employed in compliance with the City's Construction Dust Control Ordinance is an effective strategy for controlling construction-related fugitive dust.

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69 BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance,* October 2009, page 17. Available on the internet at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Revised%20Draft%20CEQA%20Thresholds%20%20Justification%20Report%20Oct%202009.ashx?la=en. Accessed February 9, 2016.

70 BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance,* October 2009, page 16.

71 Western Regional Air Partnership. *2006. WRAP Fugitive Dust Handbook.* September 7, 2006. This document is available online at http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf. Accessed February 9, 2016.

72 BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance,* October 2009, page 27.

73 BAAQMD, *CEQA Air Quality Guidelines,* May 2012. Available on the internet at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en. Accessed February 9, 2016.

Other Criteria Pollutants. Regional concentrations of CO in the Bay Area have not exceeded the state standards in the past 11 years and SO2 concentrations have never exceeded the standards. The primary source of CO emissions from development projects is vehicle traffic. Construction-related SO2 emissions represent a negligible portion of the total basin-wide emissions and construction-related CO emissions represent less than five percent of the Bay Area total basin-wide CO emissions. As discussed previously, the Bay Area is in attainment for both CO and SO2. Furthermore, the BAAQMD has demonstrated, based on modeling, that in order to exceed the California ambient air quality standard of 9.0 ppm (8-hour average) or 20.0 ppm (1-hour average) for CO, project traffic in addition to existing traffic would need to exceed 44,000 vehicles per hour at affected intersections (or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited). Therefore, given the Bay Area's attainment status and the limited CO and SO2 emissions that could result from a development project, the proposed project and Variant 1 would not result in a cumulatively considerable net increase in CO or SO2, and a quantitative analysis is not required.

Local Health Risks and Hazards

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. A TAC is defined in *California Health and Safety Code* Section 39655 as an air pollutant which may cause or contribute to an increase in mortality or serious illness, or which may pose a present or potential hazard to human health. Human health effects of TACs include birth defects, neurological damage, cancer, and death. There are hundreds of different types of TACs with varying degrees of toxicity. Individual TACs vary greatly in the health risk 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 BAAQMD using a risk-based approach. This approach uses a health risk assessment 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.[74]

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 for other land uses. Exposure assessment guidance typically assumes that residences would be exposed to air

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

pollution 24 hours per day, 350 days per year, for 70 years. 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.[75] In addition to $PM_{2.5}$, diesel particulate matter (DPM) is also of concern. The California Air Resources Board (ARB) identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.[76] 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 BAAQMD to inventory and assess 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. Each of the Air Pollutant Exposure Zone criteria is discussed below.

Excess Cancer Risk. The above 100 per one million persons (100 excess cancer risk) criteria is based on United State Environmental Protection Agency (USEPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.[77] As described by the BAAQMD, the USEPA 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 (NESHAP) rulemaking,[78] the USEPA 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 BAAQMD regional modeling.[79]

Fine Particulate Matter. In April 2011, the USEPA published *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards*, "Particulate Matter Policy Assessment." In this

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

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

[77] BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 67. Available on the internet at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Revised%20Draft%20CEQA%20Thresholds%20%20Justification%20Report%20Oct%202009.ashx?la=en. Accessed February 9, 2016.

[78] 54 Federal Register 38044, September 14, 1989.

[79] BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009, page 67. Available on the internet at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Revised%20Draft%20CEQA%20Thresholds%20%20Justification%20Report%20Oct%202009.ashx?la=en. Accessed February 9, 2016.

document, USEPA staff concludes that the 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 $\mu g/m^3$. Air pollution hot spots for San Francisco are based on the health protective $PM_{2.5}$ standard of 11 $\mu g/m^3$, as supported by the USEPA's Particulate Matter Policy Assessment, although lowered to 10 $\mu g/m^3$ to account for error bounds in emissions modeling programs.

Proximity to Freeways. According to the ARB, 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,[80] lots that are within 500 feet of freeways are included in the Air Pollutant Exposure Zone.

Health Vulnerable Locations. Based on the BAAQMD'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 lots in the Air Pollutant Exposure Zone to: (1) an excess cancer risk greater than 90 per one million persons exposed, and/or (2) $PM_{2.5}$ concentrations in excess of 9 $\mu g/m^3$.[81]

The above citywide health risk modeling was also used as the basis in approving a series of amendments to the *San Francisco Building and Health Codes*, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or *Health Code*, Article 38 (Ordinance 224-14, effective December 8, 2014) (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. 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 project site is located within the Air Pollutant Exposure Zone.

Construction Air Quality Impacts

Project-related air quality impacts fall into two categories: short-term impacts due to construction and long-term impacts due to project operation. The following addresses construction-related air quality impacts resulting from the proposed project and Variant 1.

Impact AQ-1: The proposed project and Variant 1's construction activities would generate fugitive dust and criteria air pollutants but would not violate an air quality standard, contribute substantially to an existing or

[80] 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.

[81] 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.

projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)

Construction activities (short-term) typically result in emissions of ozone precursors and PM in the form of dust (fugitive dust) and exhaust (e.g., vehicle tailpipe emissions). Emissions of ozone precursors and PM are primarily a result of the combustion of fuel from on-road and off-road vehicles. However, ROGs are also emitted from activities that involve painting, other types of architectural coatings, or asphalt paving. The proposed project would involve demolition of the existing one-story, 1,200-square-foot, approximately 12-foot-tall commercial building, and construction of a new 120-foot-tall, 13-story, mixed-use building containing approximately 195 dwelling units and about 2,012 square feet of retail/restaurant space. Construction of Variant 1 also would involve demolition of the existing building on the project site, and construction of 200-foot-tall, 21-story, mixed-use building containing 299 dwelling units and about 2,012 square feet of retail/restaurant space. During the proposed project's approximately 22 month construction period and Variant 1's approximately 24 month construction period, construction activities would have the potential to result in emissions of ozone precursors and PM, as discussed below.

Fugitive Dust

The proposed project-related and Variant 1-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Although there are federal standards for air pollutants and implementation of state and regional air quality control plans, air pollutants continue to have impacts on human health throughout the country. California has found that particulate matter exposure can cause health effects at lower levels than national standards. The current health burden of particulate matter demands that, where possible, public agencies take feasible available actions to reduce sources of particulate matter exposure. According to the ARB, reducing particulate matter $PM_{2.5}$ concentrations to state and federal standards of 12 $\mu g/m^3$ in the San Francisco Bay Area would prevent between 200 and 1,300 premature deaths.[82]

Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading, and other construction activities can cause wind-blown dust that adds particulate matter to the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil.

In response, the San Francisco Board of Supervisors approved a series of amendments to the *San Francisco Building and Health Codes* generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the DBI.

[82] ARB, *Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California*, Staff Report, Table 4c, October 24, 2008.

The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

In compliance with the Construction Dust Control Ordinance, the project sponsor and the contractor responsible for construction activities at the project site would be required to use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director of DBI. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated material, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 mil (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques. The City and County of San Francisco Ordinance 175-91 restricts the use of potable water for soil compaction and dust control activities undertaken in conjunction with any construction or demolition project occurring within the boundaries of San Francisco, unless permission is obtained from the San Francisco Public Utilities Commission (SFPUC). Non-potable water must be used for soil compaction and dust control activities during project construction and demolition. The SFPUC operates a recycled water truck-fill station at the Southeast Water Pollution Control Plant that provides recycled water for these activities at no charge. The proposed project site is less than one half-acre and the sponsor would not be required to prepare a site-specific Dust Control Plan pursuant to the Dust Control Ordinance. The project sponsor would be required to designate an individual to monitor compliance with these dust control requirements. Compliance with the regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that potential dust-related air quality impacts would be reduced to a less-than-significant level. Therefore, no mitigation measures are necessary.

Construction-Related Criteria Air Pollutants

As discussed above, construction activities would result in emissions of criteria air pollutants from the use of off- and on-road vehicles and equipment. To evaluate construction emissions of criteria pollutants, a quantitative analysis was conducted. Construction-related criteria air pollutants generated by the proposed project and Variant 1 were quantified using the California Emissions Estimator Model (CalEEMod) and provided within an Air Quality Memorandum.[83] The model was developed, including default data (e.g., emission factors, meteorology, etc.), in collaboration with California air districts' staff. Default assumptions were used where project-specific information was unknown.

[83] Environmental Science Associates, *Air Quality Memorandum, 1270 Mission Street*, March 2, 2016..

Construction of the proposed project would occur over an approximately 22 month period with construction activity occurring five days a week. Emissions were converted from tons/year to lbs./day using the estimated construction duration of 477 working days. As shown in **Table 6**, the unmitigated project construction emissions would be below the threshold of significance for NOx, PM_{10}, and $PM_{2.5}$; therefore, the construction-related air quality impacts of the proposed project with respect to criteria air pollutants would be less than significant and no mitigation measures are necessary.

TABLE 6
DAILY PROJECT CONSTRUCTION EMISSIONS OF THE PROPOSED PROJECT

	Proposed Project Pollutant Emissions (Average Pounds per Day)			
	ROG	NOx	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Unmitigated Project Emissions	7.95	14.74	0.82	0.76
Significance Threshold	54.0	54.0	82.0	54.0

Emissions over threshold levels are in bold.
SOURCE: BAAQMD, 2011; ESA, 2016

The above analysis would also apply to Variant 1. According to the project sponsor, the construction period would last approximately 24 months, two months longer than the proposed project. Other than this marginal increase in duration, there are no aspects of Variant 1 that would result in greater construction air quality impacts.

Construction of Variant 1 would occur over an approximately 24 month period with construction activity occurring five days a week. Emissions were converted from tons/year to lbs./day using the estimated construction duration of 520 working days. As shown in **Table 7**, the unmitigated Variant 1 construction emissions would be below the threshold of significance for NOx, PM_{10}, and $PM_{2.5}$; therefore, the construction-related air quality impacts of Variant 1 with respect to criteria air pollutants would be less than significant and no mitigation measures are necessary.

TABLE 7
DAILY PROJECT CONSTRUCTION EMISSIONS OF VARIANT 1

	Variant 1 Pollutant Emissions (Average Pounds per Day)			
	ROG	NOx	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Unmitigated Project Emissions	11.67	16.98	0.90	0.83
Significance Threshold	54.0	54.0	82.0	54.0

Emissions over threshold levels are in bold.
SOURCE: BAAQMD, 2011; ESA, 2016

Impact AQ-2: The proposed project and Variant 1's construction activities would generate toxic air contaminants, including diesel particulate matter, but would not expose sensitive receptors to substantial pollutant concentrations. (Less than Significant with Mitigation)

The project site is located within the Air Pollutant Exposure Zone, as described above. The nearest sensitive receptors to the project site are the residential uses at 55 Ninth Street, approximately 20 feet west of the project site and at 81 Ninth Street, approximately 40 feet north of the project site. Additionally, both the proposed project and Variant 1 include new residential uses, which would be considered sensitive receptors, although these uses would not be occupied until construction would be completed.

With regards to construction emissions, off-road equipment (which includes construction-related equipment) is a large contributor to diesel particulate matter (DPM) emissions in the State of California, although since 2007, the ARB has found the emissions to be substantially lower than previously expected.[84] Newer and more refined emission inventories have substantially lowered the estimates of DPM emissions from off-road equipment.[85] This reduction in emissions is due, in part, to refined emissions estimation methodologies. For example, revised PM emission estimates for the year 2010, which DPM is a major component of total PM, have decreased by 83 percent from previous 2010 emissions estimates for the SFBAAB.[86]

Additionally, a number of federal and state regulations are requiring cleaner off-road equipment. Specifically, both the USEPA and the State of California have set emissions standards for new off-road equipment engines, ranging from Tier 1 to Tier 4. Tier 1 emission standards were phased in between 1996 and 2000 and Tier 4 Interim and Final emission standards for all new engines were phased in between 2008 and 2015. To meet the Tier 4 emission standards, engine manufacturers will be required to produce new engines with advanced emission-control technologies. Although the full benefits of these regulations will not be realized for several years, the USEPA estimates that by implementing the federal Tier 4 standards, NO_x and PM emissions will be reduced by more than 90 percent.[87]

In addition, construction activities do not lend themselves to analysis of long-term health risks because of their temporary and variable nature. As explained in the BAAQMD's *CEQA Air Quality Guidelines*:

> Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet .... In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and

84 ARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, p.1 and p. 13 (Figure 4), October 2010.

85 ARB, *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements*, October 2010.

86 ARB, "In-Use Off-Road Equipment, 2011 Inventory Model," Query accessed online, April 2, 2012, http://www.arb.ca.gov/msei/categories.htm#inuse_or_category.

87 USEPA, "Clean Air Nonroad Diesel Rule: Fact Sheet," May 2004.

70 years, which do not correlate well with the temporary and highly variable nature of construction activities. This results in difficulties with producing accurate estimates of health risk.[88]

Therefore, project-level analyses of construction activities have a tendency to produce overestimated assessments of long-term health risks. However, within the Air Pollutant Exposure Zone, as discussed above, additional construction activity may adversely affect populations that are already at a higher risk for adverse long-term health risks from existing sources of air pollution.

The proposed project would require construction activities for an approximate 22-month construction period and Variant 1 for an approximate 24-month construction period. The proposed project and Variant 1 construction activities would result in short-term emissions of DPM and other TACs. The project site is located in an area that already experiences poor air quality and project construction activities would generate additional air pollution, affecting nearby sensitive receptors and resulting in a significant impact. Implementation of **Mitigation Measure M-AQ-2, Construction Air Quality,** would reduce the magnitude of this impact to a less-than-significant level. While emission reductions from limiting idling, educating workers and the public and properly maintaining equipment are difficult to quantify, other measures, specifically the requirement for equipment with Tier 2 engines and Level 3 Verified Diesel Emission Control Strategy (VDECS) can reduce construction emissions by 89 to 94 percent compared to equipment with engines meeting no emission standards and without a VDECS.[89] Emissions reductions from the combination of Tier 2 equipment with level 3 VDECS is almost equivalent to requiring only equipment with Tier 4 Final engines, which is not yet available for engine sizes subject to the mitigation. Therefore, compliance with **Mitigation Measure M-AQ-2** would reduce construction emissions impacts on nearby sensitive receptors to a less-than-significant level for both the proposed project and Variant 1.

Mitigation Measure M-AQ-2: Construction Air Quality

The project sponsor or the project sponsor's Contractor shall comply with the following for construction of either the proposed project or Variant 1:

A. *Engine Requirements.*

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall 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

[88] BAAQMD, CEQA Air Quality Guidelines, May 2012, page 8-6.

[89] PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.

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 or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).

2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of 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
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

** Alternative fuels are not a VDECS.

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.

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, 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 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.

Operational Air Quality Impacts

Land use projects typically result in emissions of criteria air pollutants and toxic air contaminants primarily from an increase in motor vehicle trips. However, land use projects may also result in criteria air pollutants and toxic air contaminants from combustion of natural gas, landscape maintenance, use of consumer products, and architectural coating. The following addresses air quality impacts resulting from operation of the proposed project and Variant 1.

Impact AQ-3: During project operations, the proposed project and Variant 1 would result in emissions of criteria air pollutants, but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. (Less than Significant)

Operational Criteria Air Pollutants

The proposed project would involve demolition of the existing one-story commercial building and surface parking lot, and construction of a new 120-foot-tall, 13-story mixed-use building containing approximately 195 dwelling units and about 2,012 square feet of retail/restaurant space, which does not

exceed BAAQMD's operational screening criteria. In general, emission modeling shows that a project must generate more than 5,000 daily vehicle trips to result in an exceedance of the significance criteria for criteria air pollutants from project operations. As described in Topic 4, Transportation and Circulation, the proposed project would generate approximately 644 net new daily vehicle trips.[90] Thus, quantification of project-generated criteria air pollutant emissions is not required, and the proposed project would not exceed any of the significance thresholds for criteria air pollutants, and would result in less than significant impact with respect to criteria air pollutants. No mitigation measures are necessary.

Variant 1 also would involve demolition of the existing commercial building and surface parking lot, and construction of a new 200-foot-tall, 21-story mixed-use building containing approximately 299 dwelling units and about 2,012 square feet of retail/restaurant space, which also does not exceed BAAQMD's operational screening criteria. As noted above, emission modeling shows that a project must generate more than 5,000 daily vehicle trips to result in an exceedance of the significance criteria for criteria air pollutants from project operations. As described in Topic 4, Transportation and Circulation, Variant 1 would generate approximately 883 net new daily vehicle trips.[91] Thus, quantification of Variant 1 - generated criteria air pollutant emissions is not required, and Variant 1 would not exceed any of the significance thresholds for criteria air pollutants, and would result in less than significant impact with respect to operational criteria air pollutants. No mitigation measures are necessary.

Impact AQ-4: The proposed project and Variant 1 would generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. (Less than Significant with Mitigation)

As discussed above, the project site is within an Air Pollutant Exposure Zone. The nearest sensitive receptors to the project site are the residential uses at 55 Ninth Street, approximately 20 feet west of the project site and at 81 Ninth Street, approximately 40 feet north of the project site. Additionally, both the proposed project and Variant 1 include new residential uses, which would be considered sensitive receptors, although these uses would not be occupied until construction would be completed.

Sources of Toxic Air Contaminants

Vehicle Trips. Individual projects result in emissions of toxic air contaminants primarily as a result of an increase in vehicle trips. The BAAQMD considers roads with less than 10,000 vehicles per day "minor, low-impact" sources that do not pose a significant health impact even in combination with other nearby sources and recommends that these sources be excluded from the environmental analysis. The proposed project's 644 vehicle trips and Variant 1's 883 vehicle trips [would be well below this level and would be distributed among the local roadway network; therefore, an assessment of project-generated TACs resulting from vehicle trips is not required and the proposed project and Variant 1 would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors.

[90] Trip generation estimate is reported in the *1270 Mission Street Mixed-Use Residential Project Transportation Impact Study*, prepared by CHS Consulting Group, February 2016.

[91] Trip generation estimate is reported in the *1270 Mission Street Mixed-Use Residential Project Transportation Impact Study* prepared by CHS Consulting Group, February 2016.

On-Site Diesel Generator. The proposed project and Variant 1 also would include a backup emergency generator. Emergency generators are regulated by the BAAQMD through their New Source Review (Regulation 2, Rule 5) permitting process. The project applicant would be required to obtain applicable permits to operate an emergency generator for the proposed project and Variant 1 from the BAAQMD. Although emergency generators are intended only to be used in periods of power outages, monthly testing of the generator would be required. The BAAQMD limit testing to no more than 50 hours per year. Additionally, as part of the permitting process, the BAAQMD would limit the excess cancer risk from any facility to no more than ten per one million population and requires any source that would result in an excess cancer risk greater than one per one million population to install Toxic Best Available Control Technology (T-BACT). However, because the project site is located in an area that already experiences poor air quality, the emergency back-up generator for the proposed project and Variant 1 has the potential to expose sensitive receptors to substantial concentrations of diesel particulate emissions, a known TAC, resulting in a significant air quality impact. Implementation of **Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators,** would reduce the magnitude of this impact to a less-than-significant level by reducing emissions by 89 to 94 percent compared to equipment with engines that do not meet any emission standards and without a VDECS. Therefore, although the proposed project and Variant 1 would add a new source of TACs within an area that already experiences poor air quality, implementation of **Mitigation Measure M-AQ-4** would reduce this impact to a less-than-significant level.

> **Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators**
>
> The project sponsor shall ensure that the backup diesel generator meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The project sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.

Siting Sensitive Land Uses

The proposed project and Variant 1 would include development of 195 and 299 dwelling units, respectively, which would be considered a sensitive land use for the purposes of air quality evaluation. For sensitive use projects within the Air Pollutant Exposure Zone as defined by Article 38, such as the proposed project and Variant 1, Article 38 requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the 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 MERV filtration. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with Article 38, the project sponsor has submitted an initial application to DPH.[92] The regulations and procedures set forth by Article 38 would ensure that exposure to sensitive receptors would not be significant. Therefore, impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

Impact AQ-5: The proposed project and Variant 1 would not conflict with, or obstruct implementation of the *2010 Clean Air Plan*. (Less than Significant)

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

The primary goals of the CAP are to: (1) reduce emissions and decrease concentrations of harmful pollutants, (2) safeguard the public health by reducing exposure to air pollutants that pose the greatest health risk, and (3) reduce greenhouse gas emissions. To meet the primary goals, the CAP recommends specific control measures and actions. These control measures are grouped into various categories and include stationary and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. The CAP recognizes that to a great extent, community design dictates individual travel mode, and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and greenhouse gases from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand, and people have a range of viable transportation options. To this end, the CAP includes 55 control measures aimed at reducing air pollution in the SFBAAB.

The measures most applicable to the proposed project and Variant 1 are transportation control measures and energy and climate control measures. The proposed project and Variant 1's impact with respect to greenhouse gas emissions is discussed in Topic 7, Greenhouse Gas Emissions, which demonstrates that the proposed project and Variant 1 would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy.

The compact development of the proposed project and Variant 1 and high availability of viable transportation options would ensure that residents could bicycle, walk, and ride transit to and from the project site instead of taking trips via private automobile. These features ensure that the proposed project and Variant 1 would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project's anticipated 644 net new vehicle trips and Variant 1's anticipated 883 net new vehicle trips would result in a negligible increase in air pollutant emissions. Furthermore, the proposed project and Variant 1 would be generally consistent with the *General Plan*, as discussed in Section C, *Compatibility*

[92] San Francisco Planning Department, *Application for Article 38Compliance Checklist - 1270 Mission Street*, April 30, 2015.

with Existing Zoning and Plans. Transportation control measures that are identified in the CAP are implemented by the *General Plan* and the *Planning Code*, through the City's Transit First Policy, bicycle parking requirements, and transportation sustainability fees. Compliance with these policies, requirements, and fees would ensure the proposed project and Variant 1 include relevant transportation control measures specified in the CAP. Therefore, the proposed project and Variant 1 would include applicable control measures identified in the CAP to the meet the CAP's primary goals.

Examples of a project that could cause the disruption or delay of CAP control measures are projects that would preclude the extension of a transit line or bike path, or projects that propose excessive parking beyond parking requirements. The proposed project would demolish the existing one-story commercial building on the site and construct a new 13-story, mixed-use building containing 195 dwelling units and about 2,012 square feet of retail/restaurant space, while Variant 1 would demolish the existing one-story commercial building and construct a new 21-story, mixed-use building containing 299 dwelling units and about 2,012 square feet of retail/restaurant space. Both the proposed project and Variant 1 would be located within a dense, walkable urban area near a concentration of regional and local transit service. The proposed project and Variant 1 would not preclude the extension of a transit line or a bike path or any other transit improvement, and thus would not disrupt or hinder implementation of control measures identified in the CAP.

For the reasons described above, the proposed project and Variant 1 would not interfere with implementation of the CAP, and because the proposed project and Variant 1 would be consistent with the applicable air quality plan that demonstrates how the region will improve ambient air quality and achieve the state and federal ambient air quality standards, the impact would be less than significant and no mitigation measures are necessary.

Impact AQ-6: The proposed project and Variant 1 would not create objectionable odors that would affect a substantial number of people. (Less than Significant)

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities. During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. Observation indicates that the project site is not substantially affected by sources of odors.[93] Additionally, the proposed project and Variant 1 include residential and retail/restaurant uses, which would not be a significant sources of new odors. Therefore, odor impacts from the proposed project and Variant 1 would be less than significant and no mitigation measures are necessary.

[93] Reconnaissance of project site and environs was conducted by ESA staff of February 23, 2016.

Impact C-AQ: The proposed project and Variant 1, in combination with past, present, and reasonably foreseeable future development in the project area would contribute to cumulative air quality impacts. (Less than Significant with Mitigation)

As discussed above, regional air pollution is by its very nature largely a cumulative impact. Emissions from past, present, and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative adverse air quality impacts. The project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Therefore, because the proposed project and Variant 1's construction (Impact AQ-1) and operational (Impact AQ-3) emissions would not exceed the project-level thresholds for criteria air pollutants, the proposed project and Variant 1 would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

As discussed above, the project site is located in an area that already experiences poor air quality. The proposed project and Variant 1 would add construction-related DPM emissions and emissions from maintenance operations of standby diesel generators within an area identified as an Air Pollutant Exposure Zone, resulting in a considerable contribution to cumulative health risk impacts on nearby sensitive receptors. This would constitute a significant cumulative impact. The proposed project would be required to implement **Mitigation Measure M-AQ-2, Construction Air Quality,** as noted above, which will reduce construction period emissions by as much as 94 percent, and **Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators,** also noted above, which requires best available control technology to limit emissions from the proposed project and Variant 1's emergency back-up generator. Furthermore, compliance with Article 38 would ensure that new sensitive receptors are not exposed to cumulatively significant levels of air pollution. Implementation of these mitigation measures and adherence to Article 38 would reduce the proposed project's and Variant 1's contribution to cumulative air quality impacts to a less-than-significant level.

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

Greenhouse gas (GHG) emissions and global climate change represent cumulative impacts. GHG emissions cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects have contributed and will continue to contribute to global climate change and its associated environmental impacts.

The Bay Area Air Quality Management District (BAAQMD) has prepared guidelines and methodologies for analyzing GHGs. These guidelines are consistent with CEQA Guidelines Sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project's GHG emissions. CEQA Guidelines Section 15064.4 allows lead agencies to rely on a qualitative analysis to describe GHG emissions resulting from a project. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs and describes the required contents of such a plan. Accordingly, San Francisco has prepared *Strategies to Address Greenhouse Gas Emissions*,[94] which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's qualified GHG reduction strategy in compliance with the CEQA guidelines. These GHG reduction actions have resulted in a 23.3 percent reduction in GHG emissions in 2012 compared to 1990 levels,[95] exceeding the year 2020 reduction goals outlined in the BAAQMD's *Bay Area 2010 Clean Air Plan*, Executive Order (EO) S-3- 05, and Assembly Bill (AB) 32 (also known as the Global Warming Solutions Act).[96]

Given that the City has met the State and region's 2020 GHG reduction targets and San Francisco's GHG reduction goals are consistent with, or more aggressive than, the long-term goals established under EO S-3-05[97] and EO B-30-15,[98,99] the City's GHG reduction goals are consistent with EO S-3-05, EO B-30-15, AB 32, and the *Bay Area 2010 Clean Air Plan*. Therefore, proposed projects that are consistent with the City's GHG reduction strategy would be consistent with the aforementioned GHG reduction goals, would not conflict with these plans or result in significant GHG emissions, and would therefore not exceed San Francisco's applicable GHG threshold of significance.

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94 San Francisco Planning Department, *Strategies to Address Greenhouse Gas Emissions in San Francisco*, 2010. This document is available online at: http://www.sf-planning.org/index.aspx?page=2627.

95 ICF International, *Technical Review of the 2012 Community-wide Inventory for the City and County of San Francisco*, January 21, 2015.

96 Executive Order S-3-05, Assembly Bill 32, and the *Bay Area 2010 Clean Air Plan* set a target of reducing GHG emissions to below 1990 levels by year 2020.

97 Executive Order S-3-05, sets forth a series of target dates by which statewide emissions of GHGs need to be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels (approximately 457 million metric tons of carbon dioxide equivalents ($MTCO_2E$)); by 2020, reduce emissions to 1990 levels (approximately 427 million $MTCO_2E$); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million $MTCO_2E$). Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

98 Office of the Governor, *Executive Order B-30-15, April 29, 2015*. Available at https://www.gov.ca.gov/news.php?id=18938, accessed March 3, 2016. Executive Order B-30-15, issued on April 29, 2015, sets forth a target of reducing GHG emissions to 40 percent below 1990 levels by 2030 (estimated at 2.9 million $MTCO_2E$).

99 San Francisco's GHG reduction goals are codified in Section 902 of the *Environment Code* and include: (i) by 2008, determine City GHG emissions for year 1990; (ii) by 2017, reduce GHG emissions by 25 percent below 1990 levels; (iii) by 2025, reduce GHG emissions by 40 percent below 1990 levels; and by 2050, reduce GHG emissions by 80 percent below 1990 levels.

The following analysis of the proposed project and Variant 1's impact on climate change focuses on the project's contribution to cumulatively significant GHG emissions. Because no individual project could emit GHGs at a level that could result in a significant impact on the global climate, this analysis is in a cumulative context, and this section does not include an individual project-specific impact statement.

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

Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers; energy required to pump, treat, and convey water; and emissions associated with waste removal, disposal, and landfill operations.

The proposed project and Variant 1 would increase the intensity of use of the site by introducing new residential and retail/restaurant uses on the site. Therefore, the proposed project and Variant 1 would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and residential and commercial operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project and Variant 1 would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed below, compliance with the applicable regulations would reduce the proposed project and Variant 1's GHG emissions related to transportation, energy use, waste disposal, wood burning, and use of refrigerants.

Compliance with the City's Commuter Benefits Program, Emergency Ride Home Program, transportation management programs, Transportation Sustainability Fee, Jobs-Housing Linkage Program, bicycle parking requirements, low-emission car parking requirements, and car sharing requirements would reduce the proposed project and Variant 1's transportation-related emissions. These regulations reduce GHG emissions from single-occupancy vehicles by promoting the use of alternative transportation modes with zero or lower GHG emissions on a per capita basis.

The proposed project and Variant 1 would be required to comply with the energy efficiency requirements of the City's *Green Building Code*, Stormwater Management Ordinance, Water Conservation and Irrigation ordinances, and Energy Conservation Ordinance, which would promote energy and water efficiency, thereby reducing the proposed project and Variant 1's energy-related GHG emissions.[100] Additionally, the proposed project and Variant 1 would be required to meet the renewable energy criteria of the *Green Building Code*, further reducing the proposed project and Variant 1's energy-related GHG emissions.

[100] Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump and treat water required for the project.

The proposed project and Variant 1's waste-related emissions would be reduced through compliance with the City's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, and *Green Building Code* requirements. These regulations reduce the amount of materials sent to a landfill, reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy[101] and reducing the energy required to produce new materials.

Compliance with the City's Street Tree Planting requirements would serve to increase carbon sequestration. Other regulations, including those limiting refrigerant emissions and the Wood Burning Fireplace Ordinance would reduce emissions of GHGs and black carbon, respectively. Regulations requiring low-emitting finishes would reduce volatile organic compounds (VOCs).[102] Thus, the proposed project and Variant 1 were determined to be consistent with San Francisco's GHG reduction strategy.[103]

The project sponsor is required to comply with these regulations, which have proven effective as San Francisco's GHG emissions have measurably decreased when compared to 1990 emissions levels, demonstrating that the City has met and exceeded EO S-3-05, AB 32, and the *Bay Area 2010 Clean Air Plan* GHG reduction goals for the year 2020. Other existing regulations, such as those implemented through AB 32, will continue to reduce a proposed project and Variant 1's contribution to climate change. In addition, San Francisco's local GHG reduction targets are consistent with the long-term GHG reduction goals of EO S-3-05, EO B-30-15, AB 32, and the *Bay Area 2010 Clean Air Plan*. Therefore, because the proposed project and Variant 1 are consistent with the City's GHG reduction strategy, they would also be consistent with the GHG reduction goals of EO S-3-05, EO B-30-15, AB 32 and the *Bay Area 2010 Clean Air Plan*, would not conflict with these plans, and would therefore not exceed San Francisco's applicable GHG threshold of significance. As such, the proposed project and Variant 1 would result in a less-than-significant impact with respect to GHG emissions. No mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
8. WIND AND SHADOW — Would the project:					
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☒	☐	☐
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☐	☐	☒	☐	☐

[101] Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site.

[102] While not a GHG, VOCs are precursor pollutants that form ground level ozone. Increased ground level ozone is an anticipated effect of future global warming that would result in added health effects locally. Reducing VOC emissions would reduce the anticipated local effects of global warming.

[103] San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 1270 Mission Street*, August 12, 2015.

Impact WS-1: The proposed project and Variant 1 would not alter wind in a manner that substantially affects public areas. (Less than Significant)

Average wind speeds in San Francisco are the highest in the summer and lowest in winter. However, the strongest peak winds occur in winter, under storm conditions. Throughout the year the highest typical wind speeds occur in mid-afternoon and the lowest in the early morning. Of the primary wind directions, four have the greatest frequency of occurrence and also make up the majority of the strong winds that occur. These winds include the northwest, west-northwest, west and west-southwest (referred to as prevailing winds).

The project site is in an area that is subject to *Planning Code* Section 148, Reduction of Ground-level Wind Currents in C-3 Districts. The *Planning Code* outlines wind reduction criteria for projects in C-3 Districts, sets wind speed criteria for both pedestrian comfort and hazardous winds, and requires buildings to be shaped so as not to cause ground-level wind currents to exceed these criteria. The *Planning Code* specifies that new buildings and building additions be shaped so as not to cause ground-level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour (mph) in substantial pedestrian use areas, and 7 mph in public seating areas. When a project would result in exceedances of a comfort criterion, an exception may be approved, pursuant to Section 309, if the building or addition cannot be designed to meet the criteria. Section 148 also establishes a hazard criterion, which is an equivalent wind speed of 26 mph as averaged for a single full hour of the year.[104] Under Section 148, new buildings and additions may not cause wind speeds that meet or exceed this hazard criterion and no exception may be granted for buildings that result in winds that exceed the hazard criterion.

A building taller than its immediate surrounding buildings will intercept winds and deflect them down to the ground level, causing wind flow accelerations around building corners. When the gap between two buildings is aligned with the prevailing winds, high wind activity is expected along the gap. The project site is currently occupied by an approximately 12-foot-tall building flanked by a two-story and four-story building with an 11-story building located west of the site and a 17-story buildings located north of the site. As a result, some of the prevailing winds are channeled through the gap over the existing building and between the taller buildings on either side.

To evaluate the potential for wind effects on surrounding sidewalks, wind tunnel testing, using a three-dimensional model of the proposed project and Variant 1, was conducted.[105] The wind tunnel testing modeled wind speeds at 41 wind speed sensor locations, at a pedestrian height of approximately five feet under existing conditions, existing plus project conditions, and cumulative conditions. The model included all development within an approximately 1,500 foot radius of the project site. For the purposes

[104] The wind hazard criterion is derived from the 26 mph hourly average wind speed that would generate a 3-second gust of wind at 20 meters per second, a commonly used guideline for wind safety. Because the original wind data on which the testing is based was collected at one-minute averages (i.e., a measurement of sustained wind speed for one minute, collected once per hour), the 26 mph hourly average is converted to a one-minute average of 36 mph, which is used to determine compliance with the 26 mph one-hour hazard criterion in the *Planning Code*. (Arens, E. *et al.*, "Developing the San Francisco Wind Ordinance and its Guidelines for Compliance," Building and Environment, Vol. 24, No. 4, p. 297-303, 1989.)

[105] RWDI, *1270 Mission Street Pedestrian Wind Study*, May 13, 2016.

of evaluating impacts under CEQA, the analysis uses the hazard criterion to determine whether the proposed project and Variant 1 would alter wind in a manner that substantially affects public areas. The proposed project and Variant 1's effects related to the comfort criterion are presented below for informational purposes (and are also used in the Planning Department's separate determination of compliance with Section 148).

The results of the wind tunnel testing indicate that one sensor location would exceed the hazard criterion under existing and existing plus project conditions for both the proposed project and Variant 1. The exceedance occurs on the west side of Ninth Street just north of Jessie Street. However, with the addition of the proposed project building, wind conditions would slightly improve under the existing plus project conditions, as the number of hours per year that the wind would exceed the hazard criterion would be reduced from 7 hours per year under existing conditions to 4 hours per year with the addition of the proposed project. Similarly, wind conditions would slightly improve under existing plus Variant 1 conditions, as the number of hours per year that the wind would exceed the hazard criterion would be reduced from 7 hours per year under existing conditions to 6 hours per year with the addition of Variant 1.

Because the proposed project and Variant 1would not result in any new increases of the wind hazard criterion or exceedances of the wind hazard criterion at new test point locations, and because the number of hours that the wind hazard criterion is exceeded would decrease under existing plus proposed project conditions and existing plus Variant 1 conditions, the proposed project and Variant 1 would not alter wind in a manner that substantially affects public areas; therefore, the proposed project and Variant 1's wind impacts would be less than significant.

In terms of the comfort criteria, 41 of the test points were located on sidewalks and, accordingly, are considered areas of substantial pedestrian use. The results of the wind tunnel testing for the project site indicate that 9 of the 41 sensor locations exceed the *Planning Code's* 11 mph pedestrian comfort criterion under existing conditions. Wind speeds exceeded 10 percent of the time average 10 mph. Comfort criterion exceedances occur north of the project site on the west side of Laskie Street, on the east and west sides of Ninth Street north of Mission Street, and on the east and west corners of Mission and Eighth Streets. The highest wind speeds measured occurred on the east and west sides of Ninth Street north of Jessie Street.

According to the wind tunnel test results, the proposed project would eliminate one pedestrian comfort criterion exceedance on the east side of Ninth Street between Mission and Jessie Streets. The proposed project also would introduce two new pedestrian comfort criterion exceedances, on the northeast corner of Ninth and Mission Streets and on the northeast corner of Ninth and Minna Streets. Under existing plus project conditions, pedestrian conditions would not substantially change given that one new pedestrian comfort criterion exceedance would be introduced and one would be eliminated. In addition, the average of wind speeds exceeded 10 percent of the time would remain 10 mph under existing plus project conditions, and thus would not change from existing conditions. Overall, wind conditions around the project site would somewhat improve with the proposed project given that wind speeds at seven

locations adjacent to the project site along Mission and Laskie streets would be lowered from the 8-11 mph range in existing conditions to the 1-7 mph under existing plus project conditions. As with existing conditions, the highest wind speeds measured occurred on the east and west sides of Ninth Street north of Jessie Street.

Similar to the proposed project, Variant 1 would eliminate one pedestrian comfort criterion exceedance on the east side of Ninth Street between Mission and Jessie Streets. Variant 1 also would introduce two new pedestrian comfort criterion exceedances, on the northeast corner of Ninth and Mission Streets and on the northeast corner of Ninth and Minna Streets. Under existing plus Variant 1 conditions, pedestrian conditions would not substantially change since only two new pedestrian comfort criterion exceedances would be introduced and one would be eliminated. In addition, the average of wind speeds exceeded 10 percent of the time would remain 10 mph under existing plus Variant 1 conditions, and thus would not change from existing conditions. Overall, wind conditions around the project site would somewhat improve with Variant 1 given that wind speeds at five locations adjacent to the project site along Mission and Laskie streets would be lowered from the 8-11 mph range in existing conditions to the 1-7 mph range under existing plus Variant 1 Conditions. As with existing conditions and existing plus project conditions, the highest wind speeds measured occurred on the east and west sides of Ninth Street north of Jessie Street.

In light of the above, the proposed project and Variant 1 would result in less-than-significant impacts on wind conditions in public areas and no mitigation measures are necessary.

Impact WS-2: The proposed project and Variant 1 would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. (Less than Significant)

Planning Code Section 295, which was adopted in response to Proposition K (passed November 1984), mandates that new structures above 40 feet in height that would cast additional shadows on properties under the jurisdiction of, or designated to be acquired by, the Recreation and Parks Department (RPD) cannot be approved by the Planning Commission (based on recommendation from the Recreation and Parks Commission) if the shadow "will have any adverse impact on the use" of the park, unless the impact is determined to be insignificant. The height of the proposed project would be 120 feet; therefore, a preliminary shadow fan analysis was conducted by the Planning Department. The shadow fan analysis shows that, at its greatest extent, the project's shadow would extend east to roughly halfway between Eighth and Ninth Streets, south to Tehama Street, west to just past Tenth Street, and north to Grove Street. According to the shadow fan, shadow generated as a result of the proposed project would not reach any parks protected by Section 295. It is noted that the Planning Department's preliminary shadow fan does not consider existing buildings or their shadow; rather, it merely illustrates the maximum extent of potential shadow from a proposed project, and is therefore conservative.

The height of Variant 1 would be 200 feet, with a 20-foot-tall elevator penthouse located on the southern portion of the roof closer to Mission Street. Therefore, a detailed shadow analysis was conducted to determine if Variant 1 would cast net new shadow on the Howard & Langton Mini-Park located

approximately two blocks southeast of the project site and/or Civic Center Plaza, located approximately two blocks north of the project site, both of which are RPD properties subject to Section 295 of the *Planning Code*.[106]

The shadow analysis demonstrates that Variant 1 would add no net new shadow to either Civic Center Plaza or the Howard & Langton Mini-Park because intervening buildings preclude Variant 1shadow from reaching both parks. In the case of Civic Center Plaza, when the solar elevation (relative height of the sun in the sky) and solar azimuth (horizontal angle of the sun relative to Variant 1) is such that Variant 1shadow would be long enough to reach Civic Center Plaza, that shadow falls instead on the approximately 70-foot-tall Bill Graham Civic Auditorium, which already casts shadow on Civic Center Plaza during the early morning hours. Since the auditorium is closer to Civic Center Plaza (approximately 200 feet) than the project site (approximately 960 feet), the Civic Auditorium will always cast longer shadow on Civic Center Plaza than Variant 1at the same sun angles.

In the case of the Howard & Langton Mini-Park, Variant 1 shadow is generally prevented from reaching the mini-park by intervening buildings, including the five-story buildings at 670 Natoma Street and 1180 Howard Street, and, in the case of the longest Variant 1 shadows, by two-story buildings farther east along Howard Street. The longest shadows cast by Variant 1 towards the Howard & Langton Mini-Park fall on the roof of these intervening buildings and do not reach the mini-park. Therefore, based on the detailed shadow analysis, Variant 1would not cast net new shadow on either Civic Center Plaza or the Howard & Langton Mini-Park, and would comply with *Planning Code* Section 295.

While the proposed project and Variant 1 may reduce sunlight on properties and residences near the project site, this effect would generally not be considered a significant impact under CEQA.

Therefore, the proposed project and Variant 1would not result in new shadow that would substantially affect outdoor recreation facilities or other public areas, and this impact would be less than significant. No mitigation measures are necessary.

Impact C-WS: The proposed project and Variant 1, in combination with other past, present, and reasonably foreseeable projects, would not result in cumulatively considerable impacts related to wind and shadow. (Less than Significant)

As described above, neither the proposed project nor Variant 1 would cast any net new shadow on any park protected by *Planning Code* Section 295, nor would it add net new shadow to any publicly-accessible open space. Accordingly, the proposed project and Variant 1 could not contribute considerably to any cumulative shadow effects that would result from the combination of the proposed project and Variant 1 and other projects; therefore, the cumulative effect with respect to shadow would be less than significant.

Wind tunnel testing was conducted for cumulative conditions (which includes the proposed project and Variant 1, as well as reasonably foreseeable development within the wind-tunnel test area boundary,

[106] Environmental Science Associates (ESA), *Shadow Analysis of Proposed 1270 Mission Street Project*, March 11, 2016.

including proposed projects nearby such as Fox Plaza at 1390 Market Street, 150 Van Ness Avenue, 30 Van Ness Avenue, 1500 Mission Street, 1298 Howard Street at Ninth Street, and 1125 Market Street) at the same 41 sensor locations as under existing, existing plus proposed project conditions, and existing plus Variant 1 conditions.[107,108] The results of the wind tunnel testing for the proposed project indicate that 8 of the 41 sensor locations would exceed the *Planning Code's* 11 mph pedestrian comfort criterion under cumulative conditions, a decrease of two locations compared to those under existing conditions. The results of the wind tunnel testing for Variant 1 indicate that 9 of the 41 sensor locations would exceed the *Planning Code's* 11 mph pedestrian comfort criterion under cumulative conditions, a decrease of one location compared to existing conditions.

Wind test results further indicate that the addition of cumulative development in the project area would not introduce any new exceedances of the wind hazard criterion. The results of the wind tunnel testing indicate that one sensor location would exceed the hazard criterion under existing and existing plus project plus cumulative conditions for both the proposed project and Variant 1. The exceedance occurs on the west side of Ninth Street just north of Jessie Street. However, with the addition of the cumulative projects, wind conditions would improve, compared to existing plus project conditions, as the number of hours per year that the wind would exceed the hazard criterion would be reduced from 4 hours per year under existing plus project conditions to 3 hours per year under cumulative conditions. Similarly, wind conditions would slightly improve under cumulative conditions with Variant 1, as the number of hours per year that the wind would exceed the hazard criterion also would be reduced from 6 hours per year under existing plus Variant 1 conditions to 3 hours per year under cumulative conditions for Variant 1. Therefore, project-related wind impacts are considered less than significant and would not result in a considerable contribution to any cumulative effect.

Under cumulative conditions with the proposed project, an additional pedestrian comfort criterion exceedance that occurs under existing and existing plus project conditions would be eliminated, on the east side of Ninth Street between Mission and Jessie Streets. Additionally, the new pedestrian comfort criterion exceedance that occurs under existing plus project conditions at Ninth and Minna Streets would be eliminated. Conditions would be similar under cumulative conditions with Variant 1, except that the pedestrian comfort criterion exceedance occurring on the east side of Ninth Street under existing and existing plus project conditions would not be eliminated. Therefore, under cumulative conditions with the proposed project, there would be eight exceedances of the pedestrian comfort criterion, one fewer than under existing conditions and two fewer than under existing plus project conditions. Under cumulative conditions with Variant 1, there would be nine exceedances of the pedestrian comfort criterion, the same as under existing conditions and one fewer than under existing plus project conditions. Average wind speeds exceeded 10 percent of the time would be 10 mph under the proposed project, which is the same under existing conditions. However, average wind speeds exceeded 10 percent

[107] Two proposed projects within the test area that are too far downwind of the project site and/or too small to be relevant were not considered in the cumulative scenario: 1228 Folsom Street (six-story, 24-unit residential-over-retail building) and 1125 Mission Street (interior conversion from auto repair to office, with no change to building envelope).

[108] Existing Conditions includes projects under construction, such as Trinity Place at 8th, Market, and Mission streets.

of the time would be 9 mph under Variant 1, a decrease of 1 mph compared to existing conditions, which constitutes a slight improvement in pedestrian wind conditions around the project site.

As noted above, test results indicate that the addition of cumulative development in the project area would not introduce any new exceedances of the wind hazard criterion as a result of the proposed project or Variant 1. Therefore, cumulative wind impacts are considered less than significant for the proposed project and Variant 1 and neither the proposed project nor Variant 1 would result in a considerable contribution to any cumulative effect.

Based on the discussion above, the proposed project and Variant 1 would not result in cumulatively considerable impacts related to wind and shadow. Thus, the proposed project and Variant 1 cumulative wind and shadow impacts would be less than significant and no mitigation measures are necessary.

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

The proposed project and Variant 1would develop approximately 2,012 square feet of retail/restaurant uses and 195 residential units, and 299 residential units, respectively, on a parcel that currently contains a parking lot and one-story commercial building. The new residents of the proposed project and Variant 1 would be served by the San Francisco Recreation and Parks Department (SFRPD), which administers more than 220 parks, playgrounds, and open spaces throughout the city, as well as recreational facilities including recreation centers, swimming pools, golf courses, and athletic fields, tennis courts, and basketball courts.[109] The project site is located in a densely developed urban neighborhood that does not contain large regional park facilities, but does include a number of neighborhood parks and open spaces, as well as other recreational facilities. The *General Plan's* Recreation and Open Space Element, revised and updated in April 2014, identifies the project site area as a high needs open space area.

[109] San Francisco Planning Department, *Recreation and Open Space Element* (ROSE), April 2014. Available online at http://www.sf-planning.org/ftp/General_Plan/Recreation_OpenSpace_Element_ADOPTED.pdf, accessed February 22, 2016.

Impact RE-1: The proposed project and Variant 1 would not result in a substantial increase in the use of existing parks and recreational facilities, the deterioration of such facilities, include recreation facilities, or require the expansion of recreational facilities, or physically degrade existing recreational resources. (Less than Significant)

There are several facilities managed by the SFRPD near the project site:

- Father Alfred E. Boeddeker Park (at the intersection of Eddy and Jones Streets): An approximately 0.97-acre park containing basketball half-court, swings, slide and play structures as well as a community clubhouse, located about four 0.51 miles northeast of the project site.
- U.N. Plaza: An approximately 3.03-acre open space containing fountains and seating areas, located approximately 0.21 miles northeast of the project site.
- Gene Friend Recreation Center (at the intersection of 6th and Folsom Streets): An approximately 1.3-acre park and recreation center containing playgrounds, indoor and outdoor basketball courts, and seating areas, located approximately 0.44 miles southeast of the project site.
- Civic Center Plaza (at the intersection of Grove and Larkin Streets): An approximately 5.9-acre public open space containing lawn areas and two tot lots, located adjacent to the City Hall, approximately 0.19 miles north of the project site.
- Howard & Langton Mini Park (at the intersection of Howard and Langton Streets): An approximately 0.2-acre mini park and community garden, located approximately 0.24 miles southeast of the project site.
- Victoria Manalo Draves Park (at Folsom and Columbia Square Street): An approximately 2.52-acre park containing a softball field, basketball court, dual-level playground, picnic area, community garden and large grass field, located approximately 0.42 miles southeast of the project site.

As noted above, the ROSE identifies portions of Van Ness Avenue as a "high needs area" of the city. The ROSE defines a "high needs area" of the city as an area "with high population densities, high concentrations of seniors and youth, and lower income populations that are located outside of existing park service areas."[110] As shown on Maps 4a through 4c of the ROSE, the project site is located within the ½-mile service area of "Active Use/Sports Fields" and "Passive Use/Tranquil Spaces" and the ¼-mile service area of "Playgrounds." As shown on Maps 5a, 5c, and 5d of the ROSE, the project site is also within an area of the city that exhibits higher population densities and seniors relative to the city as a whole, although it is not within an area with higher percentages of children and youth. The project site also is within an area with a lower percentage of low-income households relative to the city as a whole (Map 5b) and an area designated to absorb future population growth (Map 6 of the ROSE). Based on these variables, a composite map was generated to identify areas of the city that receive priority when opportunities to acquire land for

[110] San Francisco Planning Department, ROSE, April 2014, p. 13. Available online at http://www.sf-planning.org/ftp/General_Plan/Recreation_OpenSpace_Element_ADOPTED.pdf, accessed May 23, 2016.

development of new parks arise and when funding decisions for the renovation of existing parks are made (Map 7 of the ROSE).[111] As shown on Map 7, the project site is not located within a "high needs area."

The proposed project would involve demolition of an existing building and construction of a new residential building with ground-floor retail. As described in Topic 2, Population and Housing, the proposed project would add 333 permanent residents on the project site, while Variant 1 would add 511 residents, which would increase the demand for parks and recreational services in the project vicinity. The proposed project and Variant 1 would provide passive recreational uses for the residents, onsite, including a rooftop open space and second-floor open space that would be accessible to building residents only. In addition, Variant 1 would include a terrace on the 10th floor. The proposed project would include an approximately 10,025-square-foot rooftop terrace and an approximately 2,683-square-foot terrace on the second floor. Variant 1 would include an approximately 8,380-square-foot rooftop terrace, an approximately 2,501-square-foot terrace on the second floor, and an approximately 1,380-square-foot terrace on the 10th floor. In addition, residents of the proposed project and Variant 1 would be within walking distance of the above-noted open spaces.

The project site is not located within a high needs area of the city, as designated by SFRPD. With the availability of open space on and in the immediate vicinity of the project site, and given that the population growth due to the proposed project and Variant 1 would be incremental, project-generated demand could be accommodated by the existing local and regional recreational resources, such as Father Alfred E. Boeddeker Park, U.N. Plaza, Gene Friend Recreation Center, Civic Center Plaza, Howard & Langton Mini Park, Victoria Manalo Draves Park, and Golden Gate Park. Overall, the proposed project and Variant 1 would not create a substantial increase in the use of existing neighborhood or regional recreational facilities such that physical deterioration or degradation of existing facilities would occur, nor would it result in the need for the expansion or construction of recreational facilities. Therefore, the proposed project and Variant 1 would have a less-than-significant impact on existing recreational facilities, and no mitigation measures are necessary.

Impact C-RE: The proposed project and Variant 1, in combination with other past, present, or reasonably foreseeable projects would result in less-than-significant impacts to recreational resources. (Less than Significant)

Past, present, and reasonably foreseeable future projects located within the vicinity of the project site are identified in Table 2 and mapped on Figure 12. As discussed in Topic 2, Population and Housing, these projects would add approximately 11,041 new residents within 4,759 dwelling units in the project vicinity. Overall, these approved and proposed projects, when combined with the proposed project and Variant 1, would add 11,374 and 11,552 new residents in the project vicinity, respectively, which would represent a residential population increase of 49 percent. Recreational facility use in the project area would most likely increase with the development of the proposed project and Variant 1, as well as the past, present, and reasonably foreseeable future projects identified in Table 2. Although introduction of approximately

[111] ROSE, April 2014, Maps 4 through 7. Available online at http://www.sf-planning.org/ftp/General_Plan/Recreation_OpenSpace_Element_ADOPTED.pdf, accessed May 23, 2016.

11,374 or 11,552 residents in the project vicinity as a result of the proposed project and Variant 1, as well as other past, present, and reasonably foreseeable future projects would result in a 49 percent increase in the residential population in the area, it is not anticipated that this added population would increase the use of existing neighborhood and regional parks or other recreational facilities to such an extent that substantial physical deterioration of those facilities would occur.

Moreover, the added residential population as a result of development of the proposed project or Variant 1 and cumulative projects also would not require the construction or expansion of recreational facilities, nor would it physically degrade existing recreational resources. Each project identified in Table 2 would be subject to compliance with the City's open space requirements, as defined in Section 135 of the *Planning Code*, regarding provision of public and/or private open space to partially meet the demand for recreational resources from future residents of those projects. Also, in June 2016, San Francisco voters approved Proposition B, which extends until 2046 funding set-aside in the City budget for SFRDP and also provides for annual increases through 2026-2027 in General Fund monies provided to SFRPD. Thus, going forward, SFRPD will have additional funding for programming and park maintenance.[112] For these reasons, when considered in combination with other past, present, or reasonably foreseeable future projects, the proposed project and Variant 1 would not result in a cumulatively considerable contribution to impacts on recreation, and the impact would be less than significant. No mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
10. UTILITIES AND SERVICE SYSTEMS — Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	☐	☐	☒	☐	☐

[112] Unofficial election results from the San Francisco Registrar of Voters website, reviewed June 11, 2016: http://www.sfelections.org/results/20160607/.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐

The project site is within an urban area that is served by utility service systems, including water, wastewater and storm water collection and treatment, and solid waste collection and disposal. The proposed project and Variant 1 would add new daytime and nighttime population to the site that would increase the demand for utilities and service systems on the site. However, as discussed in Topic2, Population and Housing, the growth associated with the proposed project would not be in excess of growth planned for the project area.

Impact UT-1: The proposed project and Variant 1 would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, would not exceed the capacity of the wastewater treatment provider serving the project site, or require construction of new stormwater drainage facilities, wastewater treatment facilities, or expansion of existing facilities. (Less than Significant)

The project site is served by San Francisco's combined sewer system, which handles both sewage and stormwater runoff. The Southeast Water Pollution Control Plant (Southeast Plant) provides wastewater and stormwater treatment and management for the east side of the city, including the project site. As described in Impact PH-1 in Topic 2, Population and Housing, the proposed project and Variant 1 would add 333 or 511 residents to the project site, respectively, and 14 employees, which would increase the amount of wastewater generated at the project site by approximately 18,022 gallons per day for the proposed project and 27,238 gallons per day for Variant 1.[113] This increase would represent only a 0.03 percent increase in the Southeast Plant's average daily treatment capacity of 60,000,000 gallons per day for the proposed project and a 0.04 percent increase for Variant 1.[114] In addition, the proposed project and Variant 1 would incorporate water-efficient fixtures, as required by Title 24 of the *California Code of Regulations* and the San Francisco Green Building Ordinance. Compliance with these regulations would reduce wastewater flows and the amount of potable water used for building functions. The incorporation of water-efficient fixtures into new development is also accounted for by the SFPUC, because widespread

[113] The 95 percent of water use (see Impact UT-2) assumed to be discharged to the combined sewer system is consistent with the SFPUC's standard assumption for multi-family residential buildings (SFPUC, "Wastewater Service Charge Appeal" webpage: http://www.sfwater.org/index.aspx?page=132; reviewed May 20, 2016). The SFPUC assumes that non-residential (and single-family residential) uses discharge 90 percent of water used to the combined sewer. The 95 percent figure is used here for purposes of a conservative assessment of combined sewer system demand.

[114] SFPUC, San Francisco's Wastewater Treatment Facilities, June, 2014. Available online at: http://sfwater.org/modules/showdocument.aspx?documentid=5801, accessed May 30, 2016.

adoption can lead to more efficient use of existing capacity. Additionally, the proposed project and Variant 1 would meet the wastewater pre-treatment requirements of the SFPUC, as required by the San Francisco Industrial Waste Ordinance in order to meet Regional Water Quality Control Board requirements (see discussion under Impact HYD-1, in Topic 14, for additional stormwater management requirements).[115] Although the proposed project and Variant 1 would add new residents and employees to the project site, this additional population is within the growth projections included in long range plans and the wastewater generated by the proposed project would not exceed the capacity of the wastewater treatment provider. Therefore, the incremental increase in the demand for wastewater would not require construction of new wastewater treatment facilities or expansion of existing facilities.

The project site is currently covered with impervious surfaces and the proposed project and Variant 1 would not create any additional impervious surfaces; therefore, the proposed project and Variant 1 would not result in an increase in stormwater runoff. Compliance with the City's Stormwater Management Ordinance (Ordinance No. 83-10), adopted in 2010 and amended in 2016, and the 2016 Stormwater Management Requirements and Design Guidelines would require the proposed project and Variant 1 to reduce or eliminate the existing volume and rate of stormwater runoff discharged from the project site. Since the proposed project or Variant 1 would be located on a site that has more than 50 percent impervious surface at present, the proposed project would create or replace more than 5,000 square feet of impervious surface, and the project site is served by the combined sewer system, the stormwater management approach must reduce the existing runoff flow rate and volume by 25 percent for a two-year 24-hour design storm. The Stormwater Management Requirements set forth a hierarchy of BMPs meet the stormwater runoff requirements. First priority BMPs involve reduction in stormwater runoff through approaches such as rainwater harvesting and reuse (e.g., for toilets and urinals and/or irrigation); infiltration through a rain garden, swale, trench, or basin; or through the use of permeable pavement or a green roof. Second priority BMPs include biotreatment approaches such as the use of flow-through planters or, for large sites, constructed wetlands. Third priority BMPs, only permitted under special circumstances, involve use of a filter to treat stormwater.

To achieve compliance with the Stormwater Management Requirement, the proposed project and Variant 1 would implement and install appropriate stormwater management systems, such as Low Impact Design approaches, rainwater reuse, green roof, or other systems or approaches that would manage stormwater on-site and limit demand on both collection system and wastewater facilities resulting from stormwater discharges. A Stormwater Control Plan, required per the City's Stormwater Management Ordinance (Ordinance No. 83-10), would be designed for review and approval by the SFPUC because the proposed project and Variant 1 would result in ground disturbance of an area greater than 5,000 sf. The Stormwater Control Plan would also include a maintenance agreement that must be signed by the project sponsor to ensure proper care of the necessary stormwater controls. Therefore, the proposed project and Variant 1 would not substantially increase the amount of stormwater runoff to the extent that existing

[115] City and County of San Francisco, Ordinance No. 19-92, *San Francisco Municipal Code* (Public Works), Part II, Chapter X, Article 4.1 (amended), January 13, 1992.

facilities would need to be expanded or new facilities would need to be constructed; as such, the impacts would be less than significant and no mitigation measures are necessary.

Overall, while the proposed project and Variant 1 would add to wastewater flows in the area, it would not cause collection treatment capacity of the sewer system in the city to be exceeded. The proposed project and Variant 1 also would not exceed wastewater treatment requirements of the Regional Water Quality Control Board, and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. Therefore, since the proposed project and Variant 1 would not require the construction of new or expanded wastewater or stormwater collection, conveyance, or treatment facilities that could have a significant impact on the environment, the impact would be less than significant. No mitigation measures are necessary.

Impact UT-2: The SFPUC has sufficient water supply available to serve the project from existing entitlements and resources, and the proposed project and Variant 1 would not require expansion or construction of new water supply resources or facilities. (Less than Significant)

As noted above, the proposed project and Variant 1 would add residential and retail/restaurant uses to the project site, which would increase the demand for water on the site, but not in excess of amounts planned and provided for in the project area. The SFPUC currently provides an average of approximately 219 million gallons of water to 2.6 million users in Tuolumne, Alameda, Santa Clara, San Mateo, and San Francisco counties.[116] The proposed project's 333 new residents and Variant 1's 511 new residents and the 14 employees would use an estimated 18,971 and 28,672 gallons of water per day, respectively.[117] The SFPUC's 2010 *Urban Water Management Plan* and 2013 *Water Availability Study for the City and County of San Francisco* uses 2035 growth projections that were prepared by the Planning Department and ABAG to estimate future water demand.[118] The SFPUC estimates an additional 500,000 million gallons of water per day will be needed to meet future demand.[119] The population generated by the proposed project would account for 3.8 percent of this additional demand, while the Variant 1 population would account for 5.7 percent. Therefore, while the proposed project and Variant 1 would incrementally increase the demand for water in San Francisco, the estimated increase in demand could be accommodated within anticipated water use and supply. As such, the proposed project and Variant 1 could be served by existing mains and no new or larger mains would be required.

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[116] SFPUC, *2013 Water Availability Study for the City and County of San Francisco*, May 2013, p. 2. Available online at http://www.sfwater.org/modules/showdocument.aspx?documentid=4168, accessed May 28, 2016

[117] SFPUC, *2010 Urban Water Management Plan for the City and County of San Francisco*, June 2011, p. 34 and Appendix D. The current consumption rate for residents in San Francisco is 50 gallons of water per capita. The consumption rate for retail employees is 53.9 gallons per day. The anticipated new residential population for the proposed project of 333 residents x 50 gallons per day yields 16,650 gallons per day; the 14 employees x 53.9 gallons per day yields 755 gallons per day. A 9 percent water loss factor is also included in the total water usage. Therefore, anticipated total gallons per day usage for the proposed project would be 16,650 + 755 + 1,566 (9 percent of 17,405) = 18,971 gallons per day. The anticipated new residential population for Variant 1 of 511 residents x 50 gallons per day yields 25,550 gallons per day; the 14 employees x 53.9 gallons per day yields 755 gallons per day. Therefore, anticipated total gallons per day usage for the proposed project would be 25,550 + 755 + 2,367 (9 percent of 26,305) = 28,672 gallons per day.

[118] SFPUC, *2013 Water Availability Study for the City and County of San Francisco*, May 2013, p. 16. Available online at http://www.sfwater.org/modules/showdocument.aspx?documentid=4168, accessed May 28, 2016.

[119] Ibid., p.17.

The proposed project and Variant 1 would also be designed to incorporate water-conserving measures, such as low-flush toilets and urinals, as required by the San Francisco Green Building Ordinance. The project site is not located within a designated recycled water use area, as defined in the Recycled Water Ordinance 390-91 and 393-94; however, pursuant to the Non-potable Water Ordinance (Ordinance 109-15, approved July 2, 2015), if the proposed project or Variant 1's site permit is issued after November 1, 2016, it will be required to install a recycled water system and to use non-potable water (Rainwater, Graywater, Foundation Drainage, and/or treated Blackwater) for toilet and urinal flushing.[120] . Since the proposed project and Variant 1's water demand could be accommodated by the existing and planned supply and conveyance infrastructure, no expansion or construction of new water supply resources or facilities would be required and the proposed project and Variant 1 would result in less-than-significant water supply impacts. No mitigation measures are necessary.

Impact UT-3: The proposed project and Variant 1 would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. (Less than Significant)

In September 2015, the City entered into a landfill disposal agreement with Recology, Inc. for disposal of all solid waste collected in San Francisco at the Recology Hay Road Landfill in Solano County for nine years or until 3.4 million tons have been disposed, whichever occurs first. The City would have an option to renew the agreement for a period of six years or until an additional 1.6 million tons have been disposed, whichever occurs first.[121] The Recology Hay Road Landfill is permitted to accept up to 2,400 tons per day of solid waste, at that maximum rate the landfill would have capacity to accommodate solid waste until approximately 2034. At present, the landfill receives an average of approximately 1,850 tons per day from all sources, with approximately 1,200 tons per day from San Francisco; at this rate landfill closure would occur in 2041.[122] The City's contract with the Recology Hay Road Landfill is set to terminate in 2031 or when 5 million tons have been disposed, whichever occurs first. At that point, the City will either further extend the Recology Hay Road Landfill contract or find and entitle another landfill site. Therefore, the proposed project and Variant 1 would be served by landfills with sufficient permitted capacity to accommodate its solid waste disposal needs, and would not have a significant impact related to solid waste disposal. No mitigation measures are necessary.

Impact UT-4: The construction and operation of the proposed project and Variant 1would comply with all applicable statutes and regulations related to solid waste. (No Impact)

The California Integrated Waste Management Act of 1989 requires municipalities to adopt an Integrated Waste Management Plan (IWMP) to establish objectives, policies, and programs relative to waste

[120] Graywater wastewater from bathtubs, showers, bathroom sinks, lavatories, clothes washing machines, laundry tubs, and the like. Blackwater is wastewater containing bodily or other biological wastes, such as from toilets, dishwashers, kitchen sinks, and utility sinks.

[121] San Francisco Planning Department, *Agreement for Disposal of San Francisco Municipal Solid Waste at Recology Hay Road Landfill in Solano County* Final Negative Declaration, *Planning Department* Case No. 2014.0653, May 21, 2015. Available online at: http://sfmea.sfplanning.org/2014.0653E_Revised_FND.pdf, accessed May 27, 2016.

[122] San Francisco Planning Department, *Agreement for Disposal of San Francisco Municipal Solid Waste at Recology Hay Road Landfill in Solano County* Final Negative Declaration, *Planning Department* Case No. 2014.0653, May 21, 2015. Available online at: http://sfmea.sfplanning.org/2014.0653E_Revised_FND.pdf, accessed May 27, 2016.

disposal, management, source reduction, and recycling. Reports filed by the San Francisco Department of the Environment (DOE) showed the City generated approximately 872,000 tons of waste material in 2000. By 2010, that figure decreased to approximately 455,000 tons. Waste diverted from landfills is defined as recycled or composted. San Francisco has a goal of 75 percent landfill diversion by 2010 and 100 percent by 2020. As of 2009, 78 percent of San Francisco's solid waste was being diverted from landfills, having met the 2010 diversion target.

San Francisco Ordinance No. 27-06 requires a minimum of 65 percent of all construction and demolition debris to be recycled and diverted from landfills. The *San Francisco Green Building Code* also requires certain projects to submit a recovery plan to the Department of the Environment demonstrating recovery or diversion of at least 75% of all demolition debris. Furthermore, the project would be required to comply with City's Ordinance 100-09, the Mandatory Recycling and Composting Ordinance, which requires everyone in San Francisco to separate their refuse into recyclables, compostables, and trash. The Recology Hay Road landfill is required to meet federal, state, and local solid waste regulations. The proposed project and Variant 1 would comply with the solid waste disposal policies and regulations identified above. Therefore, the proposed project and Variant 1 would have no adverse impact with respect to solid waste statutes and regulations and no mitigation measures are necessary.

Impact C-UT: The proposed project and Variant 1would not make a considerable contribution to any cumulative significant effects related to utilities or service systems. (Less than Significant)

The cumulative development projects identified in Table 2 would incrementally increase demand on citywide utilities and service systems, such as water consumption, water and wastewater conveyance and treatment facilities and solid waste services. As noted above, the SFPUC has accounted for such growth in its water demand and wastewater service projections, as noted in their 2010 *Urban Water Management Plan* and 2013 *Water Availability Study for the City and County of San Francisco.* The SFPUC is also currently implementing a $7 billion, 20-year capital program called the Sewer System Improvement Program (SSIP) to address system-wide needs and update the aging combined sewer system.[123] Regarding solid waste, the City has implemented various programs to achieve 100 percent landfill diversion by 2020. As with the proposed project and Variant 1, nearby cumulative development projects would be subject to water conservation, wastewater discharge, recycling and composting, and construction demolition and debris ordinances. Compliance with these ordinances would reduce the effects of cumulative development Moreover, the cumulative development projects in the project vicinity also would not result in a growth in population or employment in excess of planned growth for the project vicinity, the city, or the region. For these reasons, no cumulative impact on utilities or service systems would occur, and the proposed project and Variant 1 would not contribute to a cumulatively considerable impact.

[123] SFPUC, Sewer System Improvement Program (SSIP). Available online at http://www.sfwater.org/index.aspx?page=116, accessed June 8, 2016.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
11. PUBLIC SERVICES — Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	☐	☐	☐	☒	☐

The proposed project and Variant 1's impacts to parks and open spaces are discussed under Topic 9, Recreation. Impacts on other public services are discussed below.

Impact PS-1: The proposed project and Variant 1 would not result in an increase in demand for police protection, fire protection, schools, or other services to an extent that would result in substantial adverse physical impacts associated with the construction or alteration of governmental facilities. (No Impact)

Police Protection

The proposed project and Variant 1 would result in a more intensive use of the project site than currently exists with the addition of residential units, and thus would likely incrementally increase the number of police service calls in the project area. Police protection for the project site is provided by the Tenderloin Task Force Police Station located at 301 Eddy Street (between Jones and Leavenworth Streets), approximately 0.48 miles north of the project site). Although the proposed project and Variant 1 would likely increase the number of calls received from the area, the incremental increase in responsibilities would not be substantial in light of the existing demand for police protection services. The Tenderloin Task Force Station would be able to provide the necessary police services and crime prevention in the area.[124] Meeting this additional service demand would not require the construction of new police facilities that could cause significant environmental impacts. Hence, the proposed project and Variant 1 would have no impact related to the provision of police services and no mitigation measures are necessary.

Fire Protection

The proposed project and Variant 1 would result in more intensive use of the project site than currently exists, and thus, as with police service calls, would likely incrementally increase fire service calls in the project area. The project site receives fire protection services from the San Francisco Fire Department (SFFD). Fire stations located nearby include Station 3, at 1067 Post Street (near the corner of Post and Polk Streets, approximately 0.73 miles north of the project site), Station 1, at 935 Folsom Street (at Falmouth Street approximately 0.59 miles southeast of the project site), and Station 36, at 109 Oak Street (at Franklin Street, approximately 0.39 miles northwest of the project site). Although the proposed project and Variant

[124] San Francisco Police Department, *2014 Annual Report*, p. 118. Available online at http://sanfranciscopolice.org/annual-reports, accessed May 28, 2016.

1 would likely increase the number of calls received from the area, the increase in responsibilities would not be substantial in light of existing demand for fire protection services.

Furthermore, the proposed project and Variant 1would be required to comply with all applicable building and fire code requirements, which identify specific fire protection systems, including, but not limited to, the provision of state-mandated smoke alarms, fire alarm and sprinkler systems, fire extinguishers, required number and location of egress with appropriate distance separation, and emergency response notification systems. Compliance with all applicable building and fire codes, would further reduce the demand for Fire Department service and oversight.

Given that the prosed project and Variant 1 would not result in a fire service demand beyond the projected growth for the area or the city, the proposed project and Variant 1 would not result in the need for new fire protection facilities, and would have no adverse impact on the physical environment related to the construction of new or physically altered fire protection facilities and no mitigation measures are necessary.

Schools

A decade-long decline in San Francisco Unified School District (SFUSD) enrollment ended in the 2008-2009 school year, and total enrollment in the SFUSD is currently 53,095 for the 2014-2015 school year.[125] According to a 2015 SFUSD enrollment study, new market-rate units in San Francisco generate very few new public school students. In projecting future enrollment, the study used a mix of enrollment factors, and the student generation rate was 0.25 Kindergarten through 12th grade students per unit for inclusionary housing and 0.10 students per unit for market rate housing.[126] Applying those rates to the proposed project's 195 dwelling units would result in an enrollment increase in the SFUSD of approximately 24 students.[127] Applying those rates to Variant 1's 299 dwelling units would result in an enrollment increase in the SFUSD of approximately 39 students.[128]

The Tenderloin Community School, at 627 Turk Street (about 0.47 miles north of the project site), the Bessie Carmichael School, at 375 Seventh Street (about 0.43 miles southeast of the project site), and the Market Street Elementary School, at 5555 Market Street (about 0.10 miles north of the project site) are the nearest public elementary schools to the project site. The closest middle schools are Everett, about one mile west, and Francisco, about 1.9 miles north. Mission, O'Connell, Galileo, and Independent Studies

[125] California Department of Education, Data Reporting Office, San Francisco Unified School District, K-12 Public School Enrollment, Most Current Enrollment. Available on the internet at: http://www.sfusd.edu/en/assets/sfusd-staff/about-SFUSD/files/demographic-analyses-enrollment-forecast.pdf. Reviewed February 22, 2016.

[126] Lapkoff & Goblat Demographic Research, Inc., *Demographic Analyses and Enrollment Forecasts for the San Francisco Unified School District*, November 23, 2015, page 33. Available online at http://www.sfusd.edu/en/assets/sfusd-staff/about-SFUSD/files/demographic-analyses-enrollment-forecast.pdf. Accessed March 1, 2016.

[127] The analysis assumes the proposed project would provide 13.5 percent of the total number of units as inclusionary units, which would result in 26 inclusionary units and 169 market rate units. Applying the 0.25 generation rate for the inclusionary units (26 x 0.25 = 7) and the 0.10 generation rate for the market rate units (169 x 0.10 = 17) would yield a total of 24 students.

[128] The analysis assumes Variant 1would provide 20 percent of the total number of units as inclusionary units, which would result in 60 inclusionary units and 239 market rate units. Applying the 0.25 generation rate for the inclusionary units (60 x 0.25 = 15) and the 0.10 generation rate for the market rate units (239 x 0.10 = 24) would yield a total of 39 students. As noted, Variant 1's percentage of affordable units would be determined by the Board of Supervisors.

Academy high schools are all within about 2 miles of the site. Nearby private schools include the following: DeMarillac Academy, at 175 Golden Gate Avenue (about 0.35 miles north of the project site), and the San Francisco City Academy, at 230 Jones Street (about 0.46 miles north of the project site). The proposed project, a mix of commercial and residential uses, would incrementally increase the number of school-aged children that would attend public schools in the project area, by a total of about 24 students, as noted above. Variant 1, also a mix of commercial and residential uses, would incrementally increase the number of school-aged children that would attend public schools in the project area, by a total of about 39 students. However, this increase would not exceed the projected student capacities that are expected and provided for by the SFUSD and private schools in the project area. Therefore, the implementation of the proposed project and Variant 1would not necessitate the need for new or physically altered schools.

Since the proposed project and Variant 1 would not result in a substantially increased demand for school facilities, and would not require new or expanded school facilities the proposed project and Variant 1 would thus have no adverse impact related to the construction of new or physically altered school facilities and no mitigation measures are necessary.

Other Government Services

The proposed project and Variant 1 would incrementally increase demand for governmental services and facilities such as public libraries; however, the proposed project and Variant 1 would not be of such a magnitude that the demand could not be accommodated by facilities. Therefore, the proposed project and Variant 1 would have no adverse impact related to the construction or physical alteration of governmental service facilities and no mitigation measures are necessary.

Impact C-PS: The proposed project and Variant 1, combined with past, present, and reasonably foreseeable future projects in the vicinity, would not result in significant physical impacts on the environment associated with the construction or alteration of public services facilities. (Less than Significant)

Development of the proposed project and Variant 1 in conjunction with the cumulative projects identified in the vicinity of the project site in Table 2 and projected population growth in the project area and within the city would increase overall demand for police protection, fire protection, schools, and other government services, such as public libraries; however, this increase would not be considerable since this growth would not exceed growth projections for the area or the region, as discussed in Topic 2, Population and Housing, and the San Francisco Police Department, SFFD, the SFUSD, and other agencies have accounted and planned for such growth in order to continue to provide public services to San Francisco residents.

Further, the proposed project and Variant 1 would contribute to an increased demand for police services provided by the Tenderloin Station and for fire services provided by Fire Stations 1, 3, and 36, but increased demand would not require the construction of new facilities or the expansion of existing facilities. Similarly, the proposed or Variant 1 with cumulative projects in the vicinity would increase demand for schools and other government services, such as libraries, but again, this increase would not require the

construction of new facilities or the expansion of existing facilities.. For these reasons, the proposed project and Variant 1 would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to create a considerable cumulative impact on public services such that new or expanded facilities would be required, and this impact would be less than significant. No mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
12. BIOLOGICAL RESOURCES — Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒

The proposed project is located within a built urban environment. As such, the project area does not include riparian habitat or other sensitive natural communities as defined by the California Department of Fish and Wildlife and the United States Fish and Wildlife Service; therefore, Question 12b is not applicable to the proposed project or Variant 1. In addition, the project area does not contain any wetlands as defined by Section 404 of the Clean Water Act; therefore Question 12c is not applicable to the proposed project or Variant 1. Moreover, the proposed project and Variant 1 do not fall within any local, regional or state habitat conservation plans; therefore, Question 12f is also not applicable to the proposed project and Variant 1.

Impact BI-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species, riparian habitat or sensitive natural communities, and would not interfere substantially with any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant)

The project site is fully developed and located within a built urban environment. Currently, the project site is entirely covered with impervious surfaces and does not provide habitat for any rare or endangered plant or animal species. Thus, the proposed project and Variant 1would not affect any sensitive plant or wildlife species or habitats; nor would it interfere with any resident or migratory species; affect any rare, threatened or endangered species, or interfere with species movement or migratory corridors.

Migrating birds do pass through San Francisco. Nesting birds, their nests, and eggs are fully protected by *California Fish and Game Code* (Sections 3503, 3503.5) and the federal Migratory Bird Treaty Act (MBTA). Although the proposed project and Variant 1would be subject to the MBTA, the site does not contain habitat supporting migratory birds.

The location, height, and material, particularly transparent or reflective glass, may present risks for birds as they travel along their migratory paths. The City has adopted guidelines to address this issue and provided regulations for bird-safe design within the city. *Planning Code*, Section 139, Standards for Bird-Safe Buildings, establishes building design standards to reduce avian mortality rates associated with bird strikes.[129] The project site also is not located in an Urban Bird Refuge, so the standards concerning location-related hazards are not applicable to the proposed project.[130] The proposed project would comply with the building feature-related hazards standards of Section 139 by using bird-safe glazing treatment on 100 percent of any building feature-related hazards

Overall, the proposed project would be subject to and would comply with City-adopted regulations for bird-safe buildings and federal and State migratory bird regulations; therefore, the proposed project would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors, and the impact would be less than significant. No mitigation measures are necessary.

Impact BI-2: The proposed project and Variant 1would not conflict with the City's local tree ordinance. (Less than Significant)

The City's Urban Forestry Ordinance, *Public Works Code* Sections 801 et. seq., requires a permit from Public Works to remove any protected trees. Protected trees include landmark trees, significant trees, or street trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco. The designations are defined as follows:

[129] San Francisco Planning Department, *Standards for Bird-Safe Buildings*, July 14, 2001. Available online at http://208.121.200.84/ftp/files/publications_reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%2011-30-11.pdf, accessed on May 28, 2016.

[130] San Francisco Planning Department, *Urban Bird Refuge Map*. Available online at http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Urban_Bird_Refuge_Poster.pdf, accessed May 28, 2016.

- A landmark tree is designated by the Board of Supervisors following nomination of a tree by the Urban Forestry Council based on a written request from a property owner or the director of any City agency, or by the Board of Supervisors, Planning Commission, or Landmarks Preservation Advisory Board. The Urban Forestry Council determines whether a nominated tree meets the qualification for landmark designation by using established criteria set forth in Section 810(f)(4)(A)-(E) of the *Public Works Code*. Special permits are required to remove a landmark tree on private property or on City- owned property.

- A significant tree is defined either on property under the jurisdiction of the Public Works, or on privately-owned property with any portion of its trunk within 10 feet of the public right-of-way and that satisfies at least one of the following criteria: a) diameter at breast height (DBH) in excess of twelve (12) inches, (b) a height in excess of twenty (20) feet, or (c) a canopy in excess of fifteen (15) feet.[131] The removal of significant trees on privately-owned property is subject to the requirements for the removal of street trees. The Director of Public Works may authorize removal of a significant tree after only after factors such as size, age, species, visual and aesthetic characteristics, cultural and historic characteristics, or ecological characteristics have been considered (Section 810A (c)).

- Street trees are trees within the public right-of-way or on land within the jurisdiction of the Public Works. Their removal by abutting property owners requires a permit (Section 806(b)(3)).

Four existing trees are located on Mission Street in front of the existing building and parking lot, and four existing trees are located on Laskie Street. As part of the proposed project and Variant 1 all of these trees would be removed. Although none of the trees located on the project site are landmark trees, removal of street trees or significant trees would require a permit per Section 806(b)(3) of the *Public Works Code*.

Tree removal activities could potentially disturb nesting birds that are protected under the *California Fish and Game Code* or the MBTA.[132] For the purposes of CEQA, a project that has the potential to substantially reduce the habitat, restrict the range, or cause a population of a native bird species to drop below self-sustaining levels could be considered a potentially significant biological resource impact requiring mitigation. Although removal of trees on the project site could have an adverse impact on nesting birds, compliance with the requirements of the *Fish and Game Code* and the MBTA would ensure that there would be no loss of active nests or bird mortality. The requirements include one or more of the following:

- Tree removal and pruning activities would be conducted outside bird nesting season (January 15–August 15) to the extent feasible;

- If tree removal activities are proposed during the breeding season (March through August), preconstruction surveys would be conducted by a qualified biologist within 15 days prior to the start of work from March through May, or 30 days prior to the start of work from June through August, to determine if any birds are nesting in or in the vicinity of any vegetation that is to be removed for the construction to be undertaken. If active nests are located during the preconstruction bird nesting survey, the project sponsor would contact the California Department of Fish and Wildlife for guidance on avoiding any adverse impacts on the nesting birds, such as

[131] *Public Works Code*, Section 810A (a).
[132] *California Fish and Game Code* Section 3503; California Code of Regulations, Section 681, Title 14.

- establishing a construction-free buffer zone that would be maintained until the nestlings have fledged.

In addition, Section 806(d)(2) requires that for every 20 feet of property frontage along each street, one 24-inch box tree be planted, with any remaining fraction of 10 feet or more of frontage requiring an additional tree, which would require 13 street trees be planted for the proposed project and Variant 1. As part of the proposed project and Variant 1, all eight street trees on Mission and Laskie streets would be removed and four new trees would be planted on Mission Street, and ten new trees would be planted on both the north and south sides of Laskie Street, in accordance with *Public Works Code* Section 806. Because the proposed project and Variant 1 would not conflict with the City's local tree ordinance, this impact would be less than significant and no mitigation measures are necessary.

Impact C-BI: The proposed project and Variant 1 in combination with other past, present or reasonably foreseeable projects, would not result in significant impacts to biological resources. (Less than Significant)

The cumulative development projects noted in Table 2, coupled with projected local and regional growth, would result in an overall intensification of land uses within a dense urban environment, as is typical with of infill development. San Francisco does not currently support any candidate, sensitive, or special-status species, any riparian habitat, or any other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

The proposed project or Variant 1, and other nearby development projects could add a number of tall buildings which could, in the event of a bird-strike collision(s) potentially injure or kill birds.

In addition, nearby cumulative development projects would, likely, result in the removal of existing street trees and/or other vegetation. However, as with the proposed project and Variant 1, nearby cumulative development projects would be subject to the MBTA, which protects special-status bird species, the *California Fish and Game Code*, and the bird-safe building and urban forestry ordinances. As with the proposed project and Variant 1, compliance with these ordinances would reduce the effects of other development projects to less-than-significant levels.

In summary, as noted above, implementation of the proposed project and Variant 1 combined with other past, present, and reasonably foreseeable projects would not modify natural habitat and would have no impact on any candidate, sensitive, or special-status species, any riparian habitat, or other sensitive natural community; and/or would not conflict with any local policy or ordinance protecting biological resources or an approved conservation plan. For these reasons, the proposed project and Variant 1 would not combine with past, present, and reasonably foreseeable future projects in the project vicinity to result in a significant cumulative impact related to biological resources.

Therefore, cumulative impacts to biological resources would be less than significant.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
13. GEOLOGY AND SOILS — Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☐
iv) Landslides?	☐	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☐
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐	☒
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒	☐
g) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐	☐

The project site would be connected to the existing sewer system and would not require use of septic systems. Therefore, Question 13e would not be applicable to the project site.

A geotechnical investigation was conducted for the project site. In general, the subsurface conditions at the site consist of fill, dune sand, marsh deposits, and interbedded sands.[133] Subsurface conditions are described in more detail, as follows:

[133] Langan Treadwell Rollo, *Preliminary Geotechnical Investigation, 1270 Mission Street, San Francisco, California,* November 19, 2015.

Fill: The site is blanketed by approximately 7.5 to 8.5 feet of fill; however, in one boring, the fill was found to extend to a depth of 18 feet. The fill generally consists of medium dense sand with variable gravel content and brick and debris.

Dune Sand: The fill is underlain by loose to very dense sand and sand with silt, locally referred to as dune sand. The dune sand typically increases in density with depth, becoming dense at a depth of about 18 to 20 feet below ground surface (bgs).

Marsh Deposit: A marsh deposit is present beneath the dune sand. This marsh deposit generally consists of sand, sand with silt, and organic silt. The sand is medium dense to dense and the organic silt is stiff. This marsh deposit was generally encountered approximately 24.5 to 30 feet bgs, but was not encountered near the northwestern corner of the site. Elsewhere, the marsh deposit ranges from 3 to 5 feet thick.

Sand: The upper marsh deposit is underlain by a dense sand layer consisting of sand and sand with silt. This material is dense to very dense and ranges in thickness from about 22 to 32.5 feet.

Lower Marsh Deposit: Beneath the dense sand layer is a lower marsh deposit, consisting of sand with varying amounts of silt and clay and organic silt. The sand is loose to medium dense and the organic silt is very stiff. The lower marsh deposit was encountered in all exploratory locations across the site at depths between 55 and 72 feet bgs and ranges in thickness from 5.5 to 11 feet.

Interbedded Sand: The lower marsh deposit is underlain by interbedded sands with varying amounts of silt and sand. The sand is dense to very dense to the maximum depth explored of 111.5 feet.

Groundwater: Groundwater was estimated at about 26 feet bgs during this time of extreme drought. Previous groundwater measurements in the site vicinity indicate that the groundwater table has ranged from about 23 to 28 feet bgs. Groundwater is expected to fluctuate several feet due to seasonal rainfall.

Impact GE-1: The proposed project and Variant 1 would not result in exposure of people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic ground-shaking, liquefaction, lateral spreading, or landslides. (Less than Significant)

With respect to potential rupture of a known earthquake fault, published data indicate that no known active faults nor extensions of active faults exist beneath the project site or immediate vicinity. Therefore, the potential of surface rupture occurring at the site is very low and impacts are considered less than significant. No mitigation measures are necessary.

With respect to seismic ground shaking, the site is located within a 40-mile radius of several major active faults, including the San Andreas (7 miles), San Gregorio (11 miles), and Hayward (11 miles) fault lines. According to a U.S. Geological Survey, the overall probability of moment magnitude 6.7 or greater

earthquake to occur in the San Francisco Bay Region during the next thirty years is 72 percent. Therefore, there is potential that a strong to very strong earthquake would affect the project during its lifetime.

ABAG has classified the Modified Mercalli Intensity Shaking Severity Level of ground shaking in the proposed project vicinity due to an earthquake on the North San Andreas Fault as "VIII-Very Strong."[134] Very strong shaking would result in damage to some masonry buildings, fall of stucco and some masonry walls, fall of chimneys and elevated tanks, and shifting of unbolted wood frame structures off their foundations. In accordance with the *San Francisco Building Code e* requirement, the design-level Geotechnical Investigation analyzed the potential for strong seismic shaking and recommended that the proposed project seismic design be in accordance with the provisions of the 2013 *California Building Code*. With implementation of these recommendations, as required by the *San Francisco Building Code*, the impacts to the proposed project and Variant 1due to strong seismic ground shaking would be less than significant and no mitigation measures are necessary.[135]

Liquefaction and lateral spreading of soils can occur when ground shaking causes saturated soils to lose strength due to an increase in pore pressure. In terms of seismic-related ground failure, including liquefaction, the site is within a designated liquefaction hazard zone as shown on the California Geological Survey (CGS) seismic hazard zone map for the area titled State of California Seismic Hazard Zones, City and County of San Francisco, Official Map, dated November 17, 2000.[136] CGS provided recommendations for the content of site investigation reports and appropriate mitigations within seismic hazard zones that are contained within Special Publication 117A, which recommends that at least one exploration point extend to a depth of at least 50 feet to evaluate liquefaction potential.

According to the geotechnical report, the data collected indicated that loose to medium dense sand is present at the site with a potential for liquefaction. There is a dense sand layer between what would be the bottom of the foundation and the liquefiable layer, but nonetheless some settlement from liquefaction during a major earthquake may occur.[137] The potentially liquefiable sand layers ranged from 3 to 7.5 feet thick and were encountered about 10 to 55 feet below the proposed foundation level. Overall, the investigation concluded that the potential for lateral spreading is low given that the liquefiable layer beneath the site is relatively dense. As noted above, the geotechnical report recommended that the proposed project seismic design be in accordance with the provisions of the 2013 *California Building Code* and meet the standards for identifying and addressing liquefaction potential within Special Publication 117A. Prior to issuance of a building permit, the DBI would verify that all plans comply with Special Publication 117A and the *San Francisco Building Code* which incorporates the *California Building Code* along with local amendments. Implementation of these recommendations, as required by the *San Francisco Building Code*, would reduce any potential impacts of seismic-related ground failure, including

[134] Association of Bay Area Governments. Earthquake Hazard Map for San Francisco Scenario: Entire San Andreas Fault System, http://www.abag.ca.gov/cgi-bin/pickmapx.pl. Accessed on February 5, 2016.
[135] Langan Treadwell Rollo, *Preliminary Geotechnical Investigation, 1270 Mission Street, San Francisco, California*, November 19, 2015.
[136] California Geologic Survey, *Seismic Hazard Zones, City and County of San Francisco, Official Map*, November 17, 2000.
[137] Langan Treadwell Rollo, *Preliminary Geotechnical Investigation, 1270 Mission Street, San Francisco, California*, November 19, 2015.

liquefaction, to a less-than-significant level for both the proposed project and Variant 1 and no mitigation measures are necessary.

The project site is relatively level and is not located within a mapped landslide zone.[138] The site is also not within a designated earthquake-induced landslide zone as shown on the CGS seismic hazard zone map for the area. Therefore, the proposed project and Variant 1would have no impact with respect to potential for landslides.

Impact GE-2: The proposed project and Variant 1 would not result in substantial loss of topsoil or erosion. (Less than Significant)

The project site is generally flat and is currently largely covered with impervious surfaces. The proposed project and Variant 1would not substantially change the general topography of the project site or any unique geologic or physical features of the site. The proposed project and Variant 1would require excavation for the construction of the subterranean level and removal of approximately 12,000 cubic yards of soil. The project site size of 16,220 square feet (0.37 acres) would be under the one-acre threshold for a National Pollutant Discharge Elimination System (NPDES) General Construction Permit. Nonetheless, the project sponsor and its contractor would still be required to implement BMPs that include erosion and sedimentation control measures, as required by the City and/or resources agencies, which would reduce short-term construction-related erosion impacts to less-than-significant levels. Once developed, the threat of erosion or loss of topsoil would be removed. Therefore, no mitigation measures are necessary.

Impact GE-3: The proposed project and Variant 1 would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (Less than Significant)

The project site is underlain by approximately 7.5 to 8.5 of artificial fill over loose to very dense dune sand. If not engineered appropriately, the proposed structure could become subject to damage from instability. The project site is relatively level and the surrounding area does not include any substantive grades or cut slopes likely to be subject to landslide. Proposed project improvements include a one-story basement below grade, which would require excavation to a maximum of approximately 20 feet bgs. In general, artificial fill is often unsuitable for adequately supporting new structures or often is compacted to older specifications that do not meet current standards. The excavation for the subterranean level would likely remove the majority of the fill.

As noted above, groundwater was estimated at about 26 feet bgs during the geotechnical investigation and has ranged from about 23 to 28 feet bgs in the past. According to the geotechnical report, the foundation floor would likely be above the design groundwater level, although waterproofing may be incorporated into the design. Lateral spreading and liquefaction hazards would be addressed through

[138] *San Francisco General Plan*, Community Safety Element, Map 4. Available online at: *http://www.sf-planning.org/ftp/General_Plan/Community_Safety_Element_2012.pdf*. Accessed on February 9, 2016.

compliance with Special Publication 117A and the *San Francisco Building Code* as confirmed by DBI review.

During construction, excavation of the fill materials and dune sand would be necessary to construct the proposed basement level of the structure. The geotechnical investigation includes specific recommendations to be implemented during construction in order to prevent the dune sands from caving and to protect neighboring structures. Excavation activities would require the use of shoring and underpinning in accordance with the recommendations of the geotechnical report and *San Francisco Building Code* requirements.

The proposed project and Variant 1 are required to comply with the *San Francisco Building Code* which includes seismic safety standards for all new construction in San Francisco. The DBI will review the project-specific geotechnical report during its review of the building permit application for the proposed project. In addition, the DBI may require additional site-specific soils report(s) as needed. Implementation of the recommendations in the geotechnical report, in combination with the requirement for a geotechnical report and the review of the building permit application pursuant to the DBI's implementation of the *Building Code*, would minimize the risk of loss, injury, or death due to seismic or other geologic hazards.

Therefore, impacts would be less than significant and no mitigation measures are necessary.

Impact GE-4: The proposed project and Variant 1 could be located on expansive soil, as defined in the *California Building Code*, creating substantial risks to life or property. (Less than Significant)

Expansive soils expand and contract in response to changes in soil moisture, most notably when near surface soils change from saturated to a low-moisture content condition, and back again. The presence of expansive soils is typically determined on site specific data. As noted above, the site is likely underlain by approximately 7.5 to 8.5 feet of fill. Anticipated excavation of the basement garage and foundation is expected to remove the majority of existing fill materials at the site, leaving mostly the underlying dune sands. Due to the low clay content within the dune sands, there would be a low likelihood for expansion. However, areas not excavated, including sidewalks, utility trenches and other adjacent improvements, may be affected by expansive soils, if present. Due to the *San Francisco Building Code* requirement that the project applicant include analysis of the potential for soil expansion impacts as part of the design-level geotechnical investigation prepared for the proposed project and Variant 1, potential impacts related to expansive soils would be less than significant and no mitigation measures are necessary.

Impact GE-5: The proposed project and Variant 1 would not indirectly destroy a unique paleontological resource or site or unique geologic feature. (Less than Significant)

Paleontological resources include fossilized remains or traces of animals, plants, and invertebrates, including their imprints, from a previous geological period. Collecting localities and the geologic formations containing those localities are also considered paleontological resources as they represent a limited, non-renewable resource and once destroyed, cannot be replaced.

Paleontological resources are lithologically dependent; that is, deposition and preservation of paleontological resources are related to the lithologic unit in which they occur. If the rock types representing a deposition environment conducive to deposition and preservation of fossils are not favorable, fossils will not be present. Lithological units that may be fossiliferous include sedimentary formations.

The project site is underlain by fill and dune sands to depths of approximately 25 to 30 feet bgs.[139] Artificial fills do not contain paleontological resources and dune sands are originally derived from rocks, but have been altered, weathered, or reworked to such a degree that the discovery of intact fossils would be nearly impossible. The proposed project would entail excavation to a depth of approximately 20 feet to accommodate the below-grade parking level and foundation, with a small area of an additional four feet of excavation to accommodate the proposed elevator pit. Excavation would therefore not extend below the artificial fills and dune sands. The likelihood of accidental discovery of paleontological resources or unique geological features in artificial fills and dune sands is low. Therefore, the potential accidental discovery of paleontological resources or unique geologic features during construction of the proposed project and Variant 1would be unlikely and would be considered a less-than-significant impact, and no mitigation measures are necessary.

Impact C-GE: The proposed project and Variant 1 would not make a considerable contribution to any cumulative significant effects related to geology or soils. (Less than Significant)

Given that the proposed project and Variant 1 would not result in a large degree of excavation and that there are no other foreseeable projects in the project vicinity that would combine with the proposed project's impacts in a considerable manner, the proposed project and Variant 1's impacts related to geology and soils, both individually and cumulatively, would be less than significant and no mitigation measures are necessary.

Topics:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Not Applicable*
14. HYDROLOGY AND WATER QUALITY — Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	☐

[139] Langan Treadwell Rollo, *Preliminary Geotechnical Investigation, 1270 Mission Street, San Francisco, California*, November 19, 2015.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
14. HYDROLOGY AND WATER QUALITY — Would the project:					
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	☐	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒

The project site is approximately 1.5 miles from the Bay shoreline and not within an area identified as susceptible to seiche or potential inundation in the event of a levee or dam failure, or tsunami along the San Francisco coast (Maps 5, 6, and 7 of the Community Safety Element of the *General Plan*). In addition, the project site is relatively level and would not be subject to mudflow. Thus, Question 14j does not apply. The project site is not located within a 100-year flood hazard area designated on the City's interim floodplain map, and would not place housing or structures within a 100-year flood hazard area that would impede or redirect flood flows.[140] Therefore, Questions 14g and 14h are not applicable.

Impact HY-1: The proposed project and Variant 1 would not violate any water quality standards or waste discharge requirements and would result in less-than-significant impacts to water quality. (No Impact)

As discussed in Topic 10, Utilities and Services, wastewater and stormwater from the project site would continue to flow into the City's combined stormwater and sewer system and would be treated to the standards contained within the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant, prior to discharge into the San Francisco Bay. Treatment would be provided pursuant to the effluent discharge standards included within the City's NPDES permit for the plant. Additionally, as new construction, the proposed project and Variant 1would be

[140] FEMA Preliminary Flood Insurance Rate Map, November 12, 2015. Available online at http://sfgsa.org/sites/default/files/Document/SF_NE.pdf, accessed May 30, 2016.

required to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance and meet the SFPUC stormwater management requirements per the 2016 Stormwater Management Requirements and Design Guidelines.

The project sponsor would be required to submit and have approved by the SFPUC a Stormwater Control Plan that complies with the City's 2016 Stormwater Management Requirements and Design Guidelines using a variety of BMPs. As described in Topic 10, Utilities and Service Systems, for the proposed project and Variant 1, the stormwater management approach must reduce the existing runoff flow rate and volume by 25 percent for a two-year 24-hour design storm through employment of a hierarchy of BMPs set forth in the Stormwater Management Requirements. Therefore, the proposed project and Variant 1would not substantially degrade water quality and water quality standards and waste discharge requirements would not be violated. Thus, the proposed project and Variant 1would have a less-than-significant impact on water quality and no mitigation measures are necessary.

Impact HY-2: The proposed project and Variant 1 would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table. (No Impact)

The project site is currently largely covered with impervious surfaces; the proposed project and Variant 1 would not increase the amount of impervious surface on the site. Therefore, the proposed project and Variant 1 would not result in any substantial change in infiltration or runoff. As noted above, excavation for the subterranean garage and foundation would be required to a depth of approximately 20 feet below ground surface (bgs), and groundwater is expected to be encountered at about 26 feet bgs, so the proposed basement slab would likely be above the existing groundwater table. However, if groundwater were encountered during on-site excavation, dewatering activities would be necessary.

The Bureau of Systems Planning, Environment, and Compliance of the SFPUC must be notified regarding projects that necessitate dewatering. In this case, the SFPUC may require water analysis prior to discharge to the stormwater/sewer system. If dewatering is necessary, the proposed project and Variant 1 would be required to obtain a Batch Wastewater Discharge Permit from the SFPUC Wastewater Enterprise Collection System Division prior to commencement of any dewatering activities.

Groundwater encountered during construction of the proposed project and Variant 1 would be subject to the requirements of Article 4.1 of the *Public Works Code*, Industrial Waste, requiring that groundwater meet specified water quality standards before it may be discharged into the stormwater/sewer system. As a result, pumped water may require treatment prior to discharge in order to meet water quality standards. If necessary, any dewatering activities would be temporary and have no lasting effects on groundwater supplies. These standards would ensure protection of water quality during construction of the proposed project and Variant 1. Once constructed, as noted above, the proposed project and Variant 1 would be required to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance and meet the SFPUC stormwater management requirements per the Stormwater Design Guidelines. Therefore, groundwater resources would not be substantially degraded

or depleted, and the proposed project and Variant 1 would not substantially interfere with groundwater recharge. Thus, the proposed project and Variant 1 would have a less-than-significant impact related to groundwater supplies and no mitigation measures are necessary.

Impact HY-3: The proposed project and Variant 1 would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation, or flooding on- or off-site. (No Impact)

The project site is currently covered with impervious surfaces, and no streams or creeks are present on the project site. The proposed project and Variant 1 would be designed to incrementally reduce the amount of impervious surface currently located on the project site through implementation of Low Impact Design measures and other measures identified in the Stormwater Management Ordinance, which also requires a decrease in the amount of stormwater runoff associated with the proposed project and Variant 1 per the City's drainage control requirement. Therefore, although the proposed project is expected to result in a slight decrease in the amount of impervious surface on the project site; overall, impervious surfaces on the site would not substantially change as part of the proposed project or Variant 1 and drainage patterns would generally remain the same. As such, the proposed project and Variant 1 would not be expected to result in substantial erosion or flooding associated with changes in drainage patterns, and potential to result in erosion or flooding would have no impact. No mitigation measures are necessary.

Impact HY-4: The proposed project and Variant 1 would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (Less than Significant)

During construction and operation of the proposed project and Variant 1, all wastewater and stormwater runoff from the project site would be treated at the Southeast Water Pollution Control Plant. As noted above, treatment would be provided pursuant to the effluent discharge standards contained in the City's NPDES permit for the plant. During construction and operation, the proposed project and Variant 1 would be required to comply with all local wastewater discharge, stormwater runoff, and water quality requirements, including the 2016 San Francisco Stormwater Management Requirements and Design Guidelines, described above under Impact HY-1 and the Stormwater Management Ordinance (Ordinance No. 83-10). Compliance with the Stormwater Management Requirements and Design Guidelines would ensure that all stormwater generated by the proposed project and Variant 1 would be managed on-site to reduce the existing runoff flow rate and volume by 25 percent for a two-year 24-hour design storm, such that the proposed project and Variant 1 would not contribute additional volumes of polluted runoff to the City's stormwater infrastructure. Compliance with the Stormwater Management Ordinance would ensure that the design of the proposed project and Variant 1 would include installation of appropriate stormwater management systems that retain runoff on site, promote stormwater reuse, and limit (or eliminate altogether) discharges from the site from entering the City's combined stormwater/sewer system. Therefore, the proposed project and Variant 1 would not exceed the capacity of existing or

planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and this impact would be less than significant and no mitigation measures are necessary.

Impact HY-5: The proposed project and Variant 1 would not exacerbate flooding conditions such that people or structures would be exposed to a significant risk from future flooding. (No Impact)

The City and County of San Francisco is a participant in the National Flood Insurance Program (NFIP). As a condition of participating in the NFIP, the City has adopted and enforces a Floodplain Management Ordinance intended to reduce the risk of damage from flooding in the city. The Floodplain Management Ordinance governs construction in flood-prone areas and designates the City Administrator's Office as the City's Floodplain Administrator.[141] The ground surface elevation at the site ranges from approximately 39 to 41 feet San Francisco City Datum.[142] The project site is not located within a Special Flood Hazard Area identified on San Francisco's Interim Floodplain Map, nor is it adjacent to a shoreline that could be affected by sea level rise.[143,144]

The Planning Department considers whether projects located in areas prone to flooding – under existing conditions or future conditions with projected sea-level rise – would expose people or structures to significant risks due to flooding. However, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court determined that CEQA does not *generally* require lead agencies to consider how existing hazards or conditions might impact a project's users or residents, except where the project would exacerbate an existing environmental hazard.[145] Accordingly, hazards resulting from a project that places development in an existing or future flood hazard area are not considered impacts under CEQA unless the project would exacerbate the flood hazard.

The project site is within the South of Market Flood Zone—an area that SFPUC has specifically identified as being prone to flooding hazards as a result of the depth of sewer lines relative to the ground surface elevation of the properties they serve.[146] However, during the building permit review process, the SFPUC would require design features necessary to minimize the potential of a sewer backup during storm events and minimize the potential of street storm flow from entering the property.

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[141] San Francisco *Administrative Code*, Article XX, Section 2A.280 through 2A.285. Available online at http://library.amlegal.com/nxt/gateway.dll/California/planning/planningcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1, accessed May 30, 2016.

[142] San Francisco City Datum (SFD) establishes the City's zero point for surveying purposes at approximately 11.3 feet above the current 1988 North American Vertical Datum. Because tides are measured from mean lower low water (about 3.1 feet below mean sea level [MSL]), an elevation of 0 SFD is approximately 8.2 feet above MSL.

[143] FEMA Preliminary Flood Insurance Rate Map, November 12, 2015. Available online at http://sfgsa.org/sites/default/files/Document/SF_NE.pdf, accessed May 30, 2016.

[144] SFPUC, Climate Stressors and Impact: Bayside Sea Level Rise Mapping, Final Technical Memorandum. Prepared for SFPUC by the Sewer System Improvement Program, Prepared by Program Management Consultant AECOM Contract CS-165, June 2014.

[145] *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.

[146] San Francisco Planning Department, *Planning Director Bulletin No. 4: Review of Projects in Areas Prone to Flooding, April 2007*. Available online at http://www.sf-planning.org/ftp/files/publications_reports/DB_04_Flood_Zones.pdf, accessed May 30, 2016.

Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. As described in Topic 13, Geology and Soils, the project site is underlain by approximately 7.5 to 8.5 feet of artificial fill but would receive geotechnical site preparations to improve soil stability. The SFPUC, as part of the building permit review process, reviews project plans and makes recommendations about how to prevent future flooding of individual properties. Requirements may include provision of a pump station for the sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters. The project sponsor would therefore be required to provide to SFPUC a hydrologic determination as to whether the proposed project and Variant 1 would result in ground-level flooding during storms. If so, the sponsor would be required to comply with SFPUC post-construction stormwater design guidelines as part of the permit approval process. These measures could also include raising the elevation of entryways, providing special sidewalk construction, and constructing deep gutters, among others. Implementation of SFPUC requirements for projects in flood-prone zones as part of the permit approval process would ensure that the proposed project and Variant 1 would not result in flood hazards that would endanger people or result in structural damage. Therefore, there would be no adverse impacts related to exacerbation of flooding conditions such that people or structures would be exposed to a significant risk from future flooding as a result of the proposed project or Variant 1, and no mitigation measures are necessary

Impact C-HY: The proposed project and Variant 1, in combination with other past, present, or reasonably foreseeable projects, would result in less-than-significant cumulative impacts to hydrology and water quality. (Less than Significant)

As stated above, the proposed project and Variant 1 would result in no adverse impacts or less-than-significant impacts related to water quality, groundwater levels, alteration of drainage patterns, capacity of drainage infrastructure, 100-year flood zones, failure of dams or levees, and/or seiche, tsunami, and/or mudflow hazards. The proposed project and Variant 1 would adhere to the same water quality and drainage control requirements that apply to all land use development projects in San Francisco. Since all development projects would be required to follow the same dewatering and water quality regulations, as the proposed project and Variant 1, peak stormwater drainage rates and volumes for a two-year 24-hour design storm would gradually decrease over time with the implementation of new, conforming, development projects, meaning that no substantial adverse cumulative effects with respect to drainage patterns, water quality, stormwater runoff, or stormwater capacity of the combined sewer system would occur.

Further, the limited use of groundwater in San Francisco would preclude any significant adverse cumulative effects to groundwater levels, and the proposed project and Variant 1 would not contribute to any cumulative effects with respect to groundwater. There are no dams or levees in San Francisco, and thus failure of dams or levees would not occur. In general, hazards related to 100-year flood zones, seiche, tsunami, and/or mudflows are extremely unusual in San Francisco and are thus typically not considered to be substantive issues such that any cumulative significant impacts would be anticipated. Since cumulative impacts are not anticipated, the proposed project and Variant 1 would not contribute to

cumulative effects. Therefore, the proposed project and Variant 1 would not combine with other cumulative projects to create any significant cumulative impacts. Cumulative impacts related to hydrology, water quality, and flooding would be less than significant, and no mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
15. HAZARDS AND HAZARDOUS MATERIALS—Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☒	☐	☐

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, Questions 15e and 15f are not applicable.

Impact HZ-1: The proposed project and Variant 1 would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Less than Significant)

Construction activities would require the use of limited quantities of hazardous materials such as fuels, oils, solvents, paints, and other common construction materials. The City would require the project sponsor and

its contractor to implement Best Management Practices (BMPs) as part of their grading permit requirements, including hazardous materials management measures, which would reduce the hazards associated with short-term construction-related transport, and use and disposal of hazardous materials to less-than-significant levels. In addition, the handling and use of hazardous materials is governed by federal, state, and local laws.[147]

Once constructed, the proposed project and Variant 1would likely result in the use of common types of hazardous materials typically associated with retail/restaurant and residential uses, such as cleaning products and disinfectants. These products are labeled to inform users of their potential risks and to instruct them in appropriate handling and disposal procedures. However, most of these materials are consumed through use, resulting in relatively little waste. Businesses are required by law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers who handle hazardous materials, and adequately training workers. For these reasons, hazardous materials used during project operation would not pose any substantial public health or safety hazards resulting from hazardous materials. Thus, the proposed project and Variant 1would result in less-than-significant impacts related to the use of hazardous materials and no mitigation measures are necessary.

Impact HZ-2: The proposed project and Variant 1 would not create a significant hazard to the public or the environment through reasonably foreseeable conditions involving the release of hazardous materials into the environment. (Less than Significant)

The project site is located just outside of the area of San Francisco governed by Article 22A of the *San Francisco Health Code*, also known as the Maher Ordinance, which is administered and overseen by the San Francisco Department of Public Health.[148] The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) in order to assess the potential for encountering subsurface contamination at the site. Although the project site is not subject to the requirements of the Maher Ordinance, a Phase I was prepared.

The Phase I ESA included: (1) a reconnaissance-level site visit to look for evidence of the release(s) of hazardous materials and petroleum products; (2) inquiry by telephone, visit, online databases, and /or written correspondence to regulatory agencies regarding building or environmental permits, environmental violations, incidents and/or status of enforcement actions at the project site; (3) review of local, state, and federal records pertinent to a Phase I ESA; (4) review of relevant documents and maps regarding local geologic and hydrogeologic conditions; and (5) review of historical documents including aerial photographs and topographical maps.

[147] Many federal, state, and local laws govern the handling and usage of hazardous materials, including but not limited to: 40 CFR 355; 40 CFR 370; *Health and Safety Code*, Section 25531 through 25543.4; and the *San Francisco Health Code*, Article 21.

[148] San. Francisco Planning Department, "Expanded Maher Area" Map, March 2015. Available on the internet at: http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf.

According to historic sources, the project site was occupied by upholstery, cabinet, and metal shops as of 1949.[149] By 1974, the project site appears to have been vacant. The 1984 Sanborn map shows the project site was still vacant with the exception of one small building located in the southeast corner. The project site remains in this configuration in the 1988, 1990, and 1999 Sanborn maps.

No observed evidence of any significant staining, spillage, and/or ponded liquids or unconfined solids was discovered on the project site during site reconnaissance. No recognized environmental conditions associated with the storage of hazardous materials at the project site were observed. No potential underground storage tanks (USTs), fill ports, or groundwater monitoring wells were noted at adjacent properties. No apparent signs of chemical releases or leaks were noted at any of the nearby facilities.

As noted in the Phase I ESA, a regulatory agency database report indicates that facilities of environmental concern in the vicinity of the project site had no violations, were closed by the regulatory agency, were hydrologically cross-gradient or down-gradient, or were determined to be a significant distance (greater than a ¼-mile) from the project site. As a result, these listings are not expected to pose an environmental risk to the project site and are not discussed. The project site, itself, was not listed on any of the regulatory databases.[150]

Asbestos-Containing Materials and Lead-Based Paint

The project site is occupied by a building that was constructed in 1975. Buildings of this era commonly contain asbestos-containing materials (ACMs) within building materials such as ducting insulation, ceiling tiles, floor tiles, and others. The California Department of Toxic Substance Control considers asbestos hazardous and removal of ACMs required prior to demolition or construction activities that could result in disturbance of these materials.. Asbestos-containing materials must be removed in accordance with local and state regulations, BAAQMD, the California Occupational Safety and Health Administration (CAL OSHA), and California Department of Health Services requirements. Specifically, Section 19827.5 of the *California Health and Safety Code*, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The California legislature vests the BAAQMD with the authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and the BAAQMD is to be notified ten days in advance of any proposed demolition or abatement work. Any asbestos-containing material disturbance at the project site would be subject to the requirements of BAAQMD Regulation 11, Rule 2: Hazardous Materials—Asbestos Demolition, Renovation, and Manufacturing. The local office of CAL OSHA must also be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in Title 8 of *California Code of Regulations* Section 1529 and Sections 341.6 through 341.14, where there is asbestos related work involving 100 gsf or more of asbestos-containing material. The owner of the property where abatement is to occur must have a Hazardous

[149] Langan Treadwell Rollo, *Phase I Environmental Site Assessment, 1270 Mission Street, San Francisco, California*, September 9, 2014.

[150] State Water Resources Control Board, Geotracker Database, http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=1270+Mission%2C+San+Francisco+CA. Accessed February 10, 2016.

Waste Generator Number assigned by and registered with the Office of the California Department of Health Services. The contractor and hauler of the material are required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of it. Pursuant to California law, DBI would not issue the required permit until the applicant has complied with the requirements described above.

These regulations and procedures already established as part of the building permit review process would ensure that any potential impacts due to asbestos would be reduced to a less-than-significant level. Therefore, no mitigation measures are necessary.

Lead-Based Paint

Similar to ACMs, lead-based paint was identified through earlier renovations and may still be present in areas that have not been renovated.[151] Work that could result in disturbance of lead paint must comply with Section 3426 of the *San Francisco Building Code*, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to 1979, Section 3426 requires specific notification and work standards, and identifies prohibited work methods and penalties. (The reader may be familiar with notices commonly placed on residential and other buildings in San Francisco that are undergoing re-painting. These notices are generally affixed to a drape that covers all or portions of a building and are a required part of the Section 3426 notification procedure.)

Section 3426 applies to the exterior of all buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces, unless demonstrated otherwise through laboratory analysis), and to the interior of residential buildings, hotels, and child care centers. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the U.S. Department of Housing and Urban Development Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbances or removal of lead-based paint. Any person performing work subject to the ordinance shall, to the maximum extent possible, protect the ground from contamination during exterior work; protect floors and other horizontal surfaces from work debris during interior work; and make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work. Clean-up standards require the removal of visible work debris, including the use of a High Efficiency Particulate Air Filter (HEPA) vacuum following interior work.

The ordinance also includes notification requirements and requirements for signs. Prior to the commencement of work, the responsible party must provide written notice to the Director of DBI, of the address and location of the project; the scope of work, including specific location within the site; methods and tools to be used; the approximate age of the structure; anticipated job start and completion dates for the work; whether the building is residential or nonresidential, owner-occupied or rental property; the

[151] Ibid.

dates by which the responsible party has fulfilled or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. Further notice requirements include a Posted Sign notifying the public of restricted access to the work area, a Notice to Residential Occupants, Availability of Pamphlet related to protection from lead in the home, and Notice of Early Commencement of Work (by Owner, Requested by Tenant), and Notice of Lead Contaminated Dust or Soil, if applicable. Section 3426 contains provisions regarding inspection and sampling for compliance by DBI, as well as enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

Demolition would also be subject to the Cal OSHA Lead in Construction Standard (8 CCR Section 1532.1). This standard requires development and implementation of a lead compliance plan when materials containing lead would be disturbed during construction. The plan must describe activities that could emit lead, methods that will be used to comply with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. Cal/OSHA would require 24-hour notification if more than 100 square feet of materials containing lead would be disturbed.

Implementation of procedures required by Section 3426 of the *San Francisco Building Code* and the Lead in Construction Standard would ensure that potential impacts of demolition or renovation of structures with lead-based paint would be less than significant. Therefore, no mitigation measures are necessary.

Construction

Use of hazardous materials during construction activities would adhere to the City's grading permit requirements, as stated above under Topic 13, Geology and Soils, which require the project sponsor and its contractor to implement BMPs as part of construction specifications. These BMPs would include hazardous materials use, storage, and disposal measures that would limit the potential for upset and accident conditions in order to protect water quality. As a result, the potential for accidental releases during construction would be minimized.

Based on mandatory compliance with existing regulatory requirements and the information and conclusions from the Phase I ESA and the regulatory requirements of construction and operation, the proposed project and Variant 1would not result in a significant hazard to the public or environment from contaminated soil and/or groundwater, asbestos, or lead-based paint and the proposed project would result in a less-than-significant impact with respect to these hazards. Therefore, the proposed project and Variant 1would result in a less-than-significant impact on the public and environment.

Impact HZ-3: The proposed project and Variant 1 would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school. (Less than Significant)

Several schools are located within a quarter-mile of the project site, including the following: Judith Baker Child Development Center, at 685 Natoma Street, about 0.15 miles east of the project site; Market Street Elementary School, at 5555 Market Street, about 0.10 miles north of the project site; Love & Learn Nursery

School, at 1419 Howard Street, about 0.2 miles south of the project site; Kids By The Bay Preschool, at 90 7th Street, about 0.16 miles east of the project site; and the Presidio Knolls School, at 250 Tenth Street, about 0.23 miles south of the project site.

The proposed project and Variant 1 would not result in the storage, handling, or disposal of significant quantities of hazardous materials and would not otherwise include any uses that would result in the substantive emissions of hazardous substances. Any hazardous materials currently on the site, such as asbestos or lead-based paint, PCBs, and DEHP, would be removed during or prior to demolition of the existing building and prior to project construction, and would be handled in compliance with applicable laws and regulations, as described above. With adherence to these regulations, there would be no potential for such materials to affect the nearest school. Thus, the proposed project and Variant 1 would have a less-than-significant impact related to hazardous emissions or the handling of hazardous materials within a quarter mile of a school and no mitigation measures are necessary.

Impact HZ-4: The proposed project and Variant 1 is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (No Impact)

The project site is not on any available environmental databases as compiled by the California Department of Toxic Substances Control or the State Water Resources Control Board pursuant to *Government Code* Section 65962.5. The project site is not listed in database reports from state and federal regulatory agencies that identify businesses and properties that handle or have released hazardous materials and/or waste.[152] Therefore, the proposed project and Variant 1would have no impact related to this criterion and no mitigation measures are necessary.

Impact HZ-5: The proposed project and Variant 1 would not expose people or structures to a significant risk of loss, injury or death involving fires, nor interfere with the implementation of an emergency response plan. (Less than Significant)

San Francisco ensures fire safety primarily through provisions of the *Building* and *Fire Codes*. Final building plans are reviewed by the San Francisco Fire Department (as well as the DBI), to ensure conformance with these provisions. In this way, potential fire hazards, including those associated with hydrant water pressures and emergency access, would be addressed through the permit review process. Compliance with fire safety regulations would ensure that the proposed project and Variant 1 would not impair implementation of, or physically interfere with an adopted emergency response or emergency evacuation plan or expose people or structures to a significant risk of loss, injury or death involving fires. This impact would be less than significant, and no mitigation measures are necessary.

[152] Langan Treadwell Rollo, *Phase I Environmental Site Assessment, 1270 Mission Street, San Francisco, California*, September 9, 2014.

Impact C-HZ: The proposed project and Variant 1 would not make a considerable contribution to any cumulative significant effects related to hazardous materials. (Less than Significant)

Impacts from hazardous materials are generally site-specific and typically do not result in cumulative impacts because incidents tend to be infrequent and isolated. Any potential hazards occurring at nearby sites would be subject to the same safety or remediation requirements discussed for the proposed project and Variant 1above, which would reduce any hazardous effects to less-than-significant levels. As such, no cumulative impacts would occur, and the proposed project and Variant 1's impact related to hazards and hazardous materials, both individually and cumulatively, would be less than significant and no mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
16. MINERAL AND ENERGY RESOURCES — Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☒
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☒	☐	☐

All land in the City of San Francisco, including the project site, is designated by the CGS as Mineral Resource Zone Four (MRZ-4) under the Surface Mining and Reclamation Act of 1975. The MRZ-4 designation indicates that adequate information does not exist to assign the area to any other MRZ; thus, the area is not designated to have significant mineral deposits.[153] The project site has previously been developed, and future evaluations of the presence of minerals at this site would therefore not be affected by the proposed project and Variant 1. Further, the development and operation of the proposed project and Variant 1would not have an impact on any off-site operational mineral resource recovery sites. Therefore, Topics 16a and 16b are not applicable to the proposed project or Variant 1.

[153] California Department of Conservation, Division of Mines and Geology, *Special Report 146, Parts I and II (1986)* and *DMG Open File Report 96 03 (1996)*. Available online at http://www.conservation.ca.gov/cgs/minerals/mlc/Pages/index.aspx, accessed May 30, 2016.

Impact ME-1: The proposed project and Variant 1 would not encourage activities that would result in the use of large amounts of fuel, water, or energy, or use these resources in a wasteful manner. (Less than Significant)

The proposed project and Variant 1 would add new retail/restaurant and residential uses, and an increased intensity of use to the project site, although not to an extent that exceeds anticipated growth in the area. As a new building in San Francisco, the proposed project and Variant 1 would be subject to the energy conservation standards included in the San Francisco Green Building Ordinance that would require the proposed project and Variant 1 to meet a number of conservation standards, including installation of water efficient fixtures and energy efficient appliances, as well as the provision of features that encourage alternative modes of transportation, such as bicycle racks and car-share parking spaces. Documentation showing compliance with the San Francisco Green Building Ordinance would be submitted with the application for the project's building permit, and would be enforced by the DBI.

In addition, the proposed project and Variant 1 would be required to comply with Title 24 of the *California Code of Regulations*, which regulates energy consumption for the heating, cooling, ventilation, and lighting of residential and nonresidential buildings; it is enforced by the DBI. Compliance with Title 24 and the San Francisco Green Building Ordinance would ensure reduction in the use of fuel, water, and energy by the proposed project.

Therefore, the proposed project and Variant 1 would not result in the use of large amounts of fuel, water, or energy, or result in the use of these resources in a wasteful manner, and effects related to the use of these resources would be less than significant, and no mitigation measures are necessary.

Impact C-ME: The proposed project and Variant 1, in combination with other past, present or reasonably foreseeable projects, would not result in less-than-significant cumulative impacts on mineral and energy resources. (Less than Significant)

No known minerals exist in the project site or in the vicinity, as all of San Francisco falls within MRZ-4, as described above; therefore, no cumulative impacts would occur with respect to mineral resources and the proposed project and Variant 1 would not contribute to any cumulative impact on mineral resources. In addition, the cumulative development projects identified in **Table 2**, and all land use development projects in the city would be required by the DBI to conform with Title 24 and the *San Francisco Green Building Code* regarding minimizing the use of large amounts of fuel, water, or energy by, for instance, installing energy efficient appliances and water efficient fixtures, which would preclude cumulative significant impacts on fuel, water, or energy. While statewide efforts are being made to increase power supply and to encourage energy conservation, the demand for energy created by the proposed project and Variant 1 would be insubstantial in the context of the total demand within San Francisco and the state, and would not require a major expansion of power facilities. The City also plans to reduce GHG emissions to 25 percent below 1990 levels by 2017, and ultimately reduce GHG emissions to 80 percent below 1990 levels by 2050, which would be achieved through a number of different strategies, including energy efficiency. Thus, the energy demand that would be created by the proposed project and

Variant 1 would not contribute to a cumulative impact. As such, the proposed project and Variant 1, in combination with other past, present or reasonably foreseeable projects would result in less-than-significant impacts on fuel, water, and energy resources and no mitigation measures are necessary.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
17. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. — **Would the project**					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	☐	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	☐	☐	☐	☐	☒

The project site is located within an urbanized area of San Francisco. No land in San Francisco County has been designated by the California Department of Conservation's Farmland Mapping and Monitoring Program as agricultural land. Because the project site does not contain agricultural uses and is not zoned for such uses, the proposed project and Variant 1would not require the conversion of any land designated as prime farmland, unique farmland, or Farmland of Statewide Importance to non-agricultural use. The proposed project and Variant 1would not conflict with any existing agricultural zoning or Williamson Act contracts.[154] No land in San Francisco is designated as forest land or timberland by the *California Public Resources Code*. Therefore, the proposed project and Variant 1would not conflict with zoning for forest land, cause a loss of forest land, or convert forest land to a different use. For these reasons, Topics 17a, 17b, 17c, 17d, and 17e are not applicable to the proposed project.

[154] San Francisco is identified as "Urban and Built-Up Land" on the California Department of Conservation Important Farmland in California Map, 2008. Available online at *www.consrv.ca.gov*. Accessed on January 23, 2016.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
18. MANDATORY FINDINGS OF SIGNIFICANCE — Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	☐
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	☐

The foregoing analysis identifies potentially significant impacts related to archaeological resources and construction air quality, which would all be mitigated through implementation of mitigation measures identified below and described within Section E.

a) As discussed in the various topics in this Initial Study, the proposed project and Variant 1 are anticipated to have less-than-significant impacts on the environmental topics discussed. The proposed project and Variant 1, however, could have potentially significant impacts resulting from disturbance to archeological resources, tribal cultural resources, and construction air quality. These impacts would be mitigated through implementation of Mitigation Measures M-CR-2, M-CR-3, M-AQ-2, and M-AQ-4 to less-than-significant levels, as described within Section E.

b) The proposed project in combination with the past, present and foreseeable projects as described in Section E, would not result in cumulative impacts to land use, aesthetics, population and housing, transportation and circulation, noise, air quality, GHG emissions, wind and shadow, recreation, utilities and service systems, public services, biological resources, geology and soils, hydrology and water quality, hazards and hazardous materials, mineral and energy resources, and agricultural and forest resources.

c) The proposed project, as discussed in Section C (Compatibility with Existing Zoning and Plans) and Section E, Topic 1 (Land Use and Land Use Planning) would be generally consistent with local and zoning requirements. Mitigation Measures M-CR-2, M-CR-3, M-AQ-2, and M-AQ-4 would address cultural resources and air quality impacts. Implementation of these mitigation measures would reduce any impact to eliminate important examples of the major periods of California history or prehistory and construction-related air quality issues to less-than-significant levels.

F. MITIGATION MEASURES AND IMPROVEMENT MEASURES

The following mitigation measures have been identified to reduce potentially significant impacts resulting from the proposed project to less-than-significant levels. Improvement measures recommended to reduce or avoid less-than-significant impacts are also identified below. Accordingly, the project sponsor has agreed to implement all mitigation and improvement measures described below.

Mitigation Measures

Mitigation Measure M-CR-2: Archeology Resources (Monitoring)

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 Department Qualified Archeological Consultants List (QACL) maintained by the Planning 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 ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

Consultation with Descendant Communities: On discovery of an archeological site[155] associated with descendant Native Americans or the Overseas Chinese an appropriate representative[156] 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 consult with 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 Archeological 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:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition,

[155] By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

[156] 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.

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;

- 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 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 activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, 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.

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 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.

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

The scope of the ADRP shall include the following elements:

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

Human Remains, 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 archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.

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.

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: California Archeological 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 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.

Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program

If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.

If the Environmental Review Officer (ERO), if in consultation with the affiliated Native American tribal representatives and the Project Sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the Project Sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.

Mitigation Measure M-AQ-2: Construction Air Quality

The project sponsor or the project sponsor's Contractor shall comply with the following for construction of either the proposed project or Variant 1:

A. *Engine Requirements.*

5. 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.

6. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.

7. 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.

8. 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.*

3. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).

4. 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
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

** Alternative fuels are not a VDECS.

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.

4. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS

installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

5. 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.

6. 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 ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators

The project sponsor shall ensure that the backup diesel generator meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The project sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.

Improvement Measures

Improvement Measure I-TR-1: Implement Transportation Demand Management Strategies to Reduce Single Occupancy Vehicle Trips

The project sponsor and subsequent property owner has agreed to implement a Transportation Demand Management (TDM) Program that seeks to minimize the number of single occupancy vehicle trips (SOV) generated by the proposed project and Variant 1 for the lifetime of the project. The TDM Program targets a reduction in SOV trips by encouraging persons to select other modes of transportation, including: walking, bicycling, transit, car-share, carpooling and/or other modes.

Identify TDM Coordinator

The project sponsor should identify a TDM coordinator for the project site. The TDM Coordinator is responsible for the implementation and ongoing operation of all other TDM measures described

below. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMASF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator should be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator should provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.

Transportation and Trip Planning Information

- *Move-in packet:* Provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional mobile- or web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.

Data Collection

- *City Access.* As part of an ongoing effort to quantify the efficacy of TDM measures, City staff may need to access the project site (including the garage) to perform trip counts, and/or intercept surveys and/or other types of data collection. All on-site activities shall be coordinated through the TDM Coordinator. The project sponsor assures future access to the site by City Staff. Providing access to existing developments for data collection purposes is also encouraged.

Bicycle Measures

- *Parking:* Increase the number of on-site secured bicycle parking beyond *Planning Code* requirements and/or provide additional bicycle facilities in the public right-of-way in on public right-of-way locations adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).

- *Bay Area Bike Share:* The project sponsor shall cooperate with the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow installation of a bike share station in the public right-of-way along the project's frontage.

Improvement Measure I-TR-2a: Monitoring and Abatement of Queues

As an improvement measure to reduce the potential for queuing of vehicles accessing the project site, it shall be the responsibility of the project sponsor or subsequent property owner to ensure that recurring vehicle queues do not occur adjacent to the site (i.e., along Mission or Laskie Streets).

Because the proposed project would include a new off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces), the project is subject to conditions of approval set forth by the San Francisco Planning Department to address the monitoring and abatement of queues.

It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

Improvement Measure I-TR-2b: Installation of Roadway/Traffic Devices on Mission Street

As an improvement measure to create a right-in/right-out operation and encourage drivers to abide by these turning restrictions in order to access Laskie Street from Mission Street as well as to exit from Laskie Street to Mission Street, the SFMTA shall consider the following off-site, roadway/traffic treatments:

- Installation of raised delineators (i.e., flexible traffic separator) and road bumps within the double-striped median along Mission Street to serve as a physical barrier and preclude vehicles in the eastbound Mission Street direction from turning left (northbound) to Laskie Street as well as precluding vehicles in the southbound Laskie Street direction from turning left (eastbound) to Mission Street;
- Installation of signage in the eastbound Mission Street direction to notify drivers of "No Left Turn" to reinforce that left-turning movements from eastbound Mission Street to northbound Laskie Street is prohibited;
- Installation of signage in the southbound Laskie Street direction to notify drivers of "No Left Turn" and/or "Right Turn Only" to reinforce that left-turning movements from southbound Laskie Street to eastbound Mission Street is prohibited;

- Installation of a "STOP" sign and bar along the southbound Laskie Street approach at the intersection of Mission Street to notify drivers to come to a complete stop and yield to any passing pedestrians and wait for a proper gap in the westbound Mission Street traffic stream prior to exiting Laskie Street; and
- Installation of a "Keep Clear" roadway marking along the two westbound Mission Street travel lanes at the intersection of Laskie Street. Such markings would restrict vehicles along westbound Mission Street from stopping/queuing at the intersection and allow for increased accessibility for vehicles attempting to turn right (westbound) to Mission Street from Laskie Street.

It is noted that installation of the above-mentioned roadway/traffic treatments require approval and installation by SFMTA, and other feasible treatments may also be considered, as appropriate.

Improvement Measure I-TR-2c: Coordination of Move-in/Move-Out Operations, Large Deliveries, and Garbage Pick-Up Operations

To reduce the potential for parking of delivery vehicles within the travel lane adjacent to the curb lane on Mission Street or along Laskie Street (in the event that the on- and off-street loading spaces are occupied), residential move-in and move-out activities and larger deliveries shall be scheduled and coordinated through building management. For café/restaurant uses, appropriate delivery times shall be scheduled and shall be restricted to occur before 7:00 a.m., and between the hours of 10:00 a.m. and 4:00 p.m., and no deliveries shall occur after 4:00 p.m. to avoid any conflicts with peak commute period traffic as well as pedestrians and bicyclists on adjacent streets and sidewalk areas.

For the small building option, the project sponsor shall enforce strict truck size regulations for use of the off-street loading space in the proposed freight loading area. Truck lengths exceeding 17 feet shall be prohibited from entering the parking garage and shall utilize existing on-street loading space along Mission Street, adjacent to the project site. All service/freight deliveries for the large building option shall occur on Mission Street. Appropriate signage shall be located at the parking garage entrance to notify drivers of truck size regulations and notify drivers of the on-street loading spaces on Mission Street. The project sponsor shall notify building management and related staff, and retail tenants of imposed truck size limits in the proposed freight loading area.

Building management staff shall notify drivers of large trucks of proper loading procedures. Because large trucks would be required to utilize the existing loading space on the north side of Mission Street (adjacent to the project site), or if approved by SFMTA, the three on-street loading spaces, building management shall require at least one (1) additional building staff member to safely guide the truck driver and assist in maneuvering the truck within the loading zone. The truck driver and building staff member(s) would be responsible for placing traffic safety cones or related devices along the parking lane on Mission Street to provide an adequate buffer or spacing between the truck and moving vehicles on the street and to avoid large trucks from blocking Laskie Street or other nearby land uses.

Appropriate move-in/move-out and loading procedures shall be enforced to avoid any blockages of any streets adjacent to the project site over an extended period of time and reduce any potential conflicts between other vehicles and users of adjacent streets as well as movers and pedestrians walking along Mission Street or Laskie Street. Curb parking on Mission Street shall be reserved

through SFMTA or by directly contacting the local 311 service. It is recommended that residential move-in/move-out activities be scheduled during weekday midday hours between 10:00 a.m. and 4:00 p.m. and/or on weekends to avoid any potential conflicts with peak commute period traffic and all users of adjacent roadways. Large trucks used for residential move-in/move-out operations shall be prohibited from parking along Laskie Street and such activities should occur along the curbside space on the north side of Mission Street, adjacent to the project site. In the event small trucks are utilized for such activities (i.e., trucks less than 17 feet long and less than 8 feet wide), these vehicles shall utilize the off-street parking spaces within the garage or the service/delivery space (only for the small building option), as appropriate.

The project sponsor shall coordinate with Recology and enforce strict garbage pick-up periods. Such pick-up times shall be restricted to occur before 7:00 a.m., and between the hours of 10:00 a.m. and 2:00 p.m., and no garbage pick-up activities shall occur after 3:00 p.m. to avoid any conflicts with vehicle traffic and pedestrians on Mission or Laskie Streets. Specific loading procedures (as described above) shall also be enforced for Recology vehicles during garbage pick-up periods.

Improvement Measure I-TR-2d: Construction Truck Deliveries During Off-Peak Periods

Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow, although it would not be considered a significant impact. Limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by SFMTA) would further minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods.

As required, the project sponsor and construction contractor(s) shall meet with the Sustainable Streets Division of the SFMTA, the Fire Department, Muni, and the Planning Department to determine feasible measures to reduce traffic congestion, including potential transit disruption, and pedestrian circulation impacts during construction of the project. To minimize cumulative traffic impacts due to project construction, the project sponsor shall coordinate with construction contractors for any concurrent nearby projects that are planned for construction or which later become known.

Improvement Measure I-TR-2e: Construction Management Plan

In addition to items required in the Construction Management Plan, the project sponsor shall include the following:

- *Carpool and Transit Access for Construction Workers* – As an improvement measure to minimize parking demand and vehicle trips associated with construction workers, the construction contractor shall include methods to encourage carpooling and transit use to the project site by construction workers in the Construction Management Plan contracts.

- *Project Construction Updates* – As an improvement measure to minimize construction impacts on nearby businesses, the project sponsor shall provide regularly-updated information (typically in the form of website, news articles, on-site posting, etc.) regarding project construction and schedule, as well as contact information for specific construction inquiries or concerns.

Improvement Measure I-TR-5: Installation of Traffic Calming Devices at Basement Garage Driveway Lane

As an improvement measure to reduce potential conflicts between vehicles exiting the basement garage and pedestrians traveling along the west sidewalk of Laskie Street, the project sponsor shall install appropriate traffic calming devices (e.g., speed bump, rumble strips, "slow speed" signage, etc.) at the exiting travel lane along the garage driveway to reduce vehicle speeds of existing vehicles traveling out of the basement parking garage and to further reduce potential vehicle-pedestrian conflicts.

G. PUBLIC NOTICE AND COMMENT

On February 25, 2016, the Planning Department mailed a Notice of Project Receiving Environmental Review to property owners within 300 feet of the project site, adjacent tenants, and other potentially interested parties. Comments were received in regard to the project design and height, proximity to the AVA building at 55 Ninth Street, and noise and air quality concerns during the construction period. These comments have been taken into account in the preparation of this Initial Study.

H. DETERMINATION

On the basis of this Initial Study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

for Lisa M. Gibson
Acting Environmental Review Officer
for
John Rahaim
Director of Planning

DATE:

I. INITIAL STUDY PREPARERS

San Francisco Planning Department

Environmental Planning Division
1650 Mission Street, Suite 400
San Francisco, CA 94103

Acting Environmental Review Officer: Lisa M. Gibson
Environmental Planner: Rachel Schuett
Archeologist: Randall Dean

Environmental Consultant

Environmental Science Associates (ESA)
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Eryn Brennan, Project Manager
Chris Sanchez
Eric Schniewind
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Shadde Rosenblum
Ron Teitel

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Brian Baker

Project Architect

Architecture International, Ltd.
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Mill Valley, CA 94941

William Higgins, FAIA

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
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Fax No. 554-5163
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NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Monday, November 14, 2016**

Time: **1:30 p.m.**

Location: **Legislative Chamber, Room 250, located at City Hall**
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: **File No. 161067.** Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Thursday, November 10, 2016.

Angela Calvillo
Clerk of the Board

DATED: November 2, 2016
PUBLISHED/POSTED: November 4, 2016

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Alisa Somera
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

EXM# 2943424

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description AS - 11.14.16 Land Use - 161067

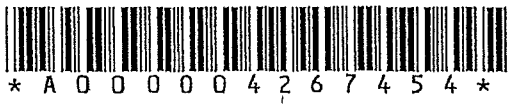
To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

11/04/2016

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO
LAND USE AND TRANSPORTATION COMMITTEE
MONDAY, NOVEMBER 14, 2016 - 1:30 PM
LEGISLATIVE CHAMBER, ROOM 250, CITY HALL
1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: **File No. 161067.** Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Thursday, November 10, 2016. - Angela Calvillo, Clerk of the Board



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MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing and Community Development

FROM: Alisa Somera, Legislative Deputy Director
for Land Use and Transportation Committee

DATE: October 13, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Kim on October 4, 2016:

File No. 161067

Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Eugene Flannery, Mayor's Office of Housing and Community Development
Sophie Hayward, Mayor's Office of Housing and Community Development

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San Francisco 94102-4689
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Fax No. 554-5163
TDD/TTY No. 554-5227

October 13, 2016

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On October 4, 2016, Supervisor Kim introduced the following legislation:

File No. 161067

Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

for By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs

Scott Sanchez, Zoning Administrator
Lisa Gibson, Acting Environmental Review Officer
AnMarie Rodgers, Senior Policy Advisor
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

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October 13, 2016

File No. 161067

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 4, 2016, Supervisor Kim introduced the following proposed legislation:

File No. 161067

Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction (select only one):

☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)

☐ 2. Request for next printed agenda Without Reference to Committee.

☐ 3. Request for hearing on a subject matter at Committee.

☐ 4. Request for letter beginning "Supervisor [ ] inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. [ ] from Committee.

☐ 7. Budget Analyst request (attach written motion).

☐ 8. Substitute Legislation File No. [ ]

☐ 9. Reactivate File No. [ ]

☐ 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisors Kim and Peskin

Subject:

Planning Code, Zoning Map - Mission and 9th Street Special Use District

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor:

For Clerk's Use Only: