

File No. 161066

Committee Item No. 3

Board Item No. 30

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date February 13, 2017

Board of Supervisors Meeting

Date 3/7/17

#### Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	Memorandum of Understanding (MOU)
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 - Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Form 700
<input type="checkbox"/>	<input type="checkbox"/>	Vacancy Notice
<input type="checkbox"/>	<input type="checkbox"/>	Information Sheet
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

#### OTHER

(Use back side if additional space is needed)

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CEQA Determination
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Planning Commission Resolution No. 19701
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Planning Commission Motion No. 19700
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	MMRP
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Mitigated Negative Declaration
<input type="checkbox"/>	<input type="checkbox"/>	
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<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Completed by: Alisa Somera

Date February 9, 2017

Completed by: Alisa Somera

689

Date February 17, 2017

1 [Planning, Administrative, and Health Codes - Waiving Fees and Exempting Requirements,  
2 Authorizing Land Dedication ~~or Construction of Off-Site Units~~, Establishing 180 Jones Street  
3 Affordable Housing Fund, Accepting Gifts, Authorizing Payment - 950-974 Market Street  
4 Project]

5 Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section  
6 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning  
7 Code, Section 415 et seq., and the alternative water supply requirements set forth in  
8 Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross  
9 floor area pursuant to Planning Code, Section 124, to allow the additional floor area,  
10 and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce  
11 any required transferable development rights by such amount, for a project located at  
12 950-974 Market Street in San Francisco, in exchange for either ~~(1)~~ the dedication of real  
13 property at 180 Jones Street to the San Francisco Mayor's Office of Housing and  
14 Community Development at no cost and payment of approximately  
15 ~~\$12,800,000~~ 11,250,000 to the 180 Jones Street Affordable Housing Fund, ~~or (2) the~~  
16 ~~construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency~~  
17 ~~rental units at 180 Jones Street~~; establishing the 180 Jones Street Affordable Housing  
18 Fund; accepting a ~~\$2,000,000~~ 2,700,000 gift to the 180 Jones Street Affordable Housing  
19 Fund; accepting a \$300,000 gift to the City, to create the Compton's District  
20 Transgender, Lesbian, Gay and Bisexual (TLGB) Stabilization Fund, to support the  
21 City's efforts to recognize and support historic and present-day TLGB communities in  
22 the Tenderloin neighborhood; authorizing actions in furtherance of this Ordinance;  
23 adopting findings regarding the Final Mitigated Negative Declaration under the  
24 California Environmental Quality Act; making findings of public necessity,  
25 convenience, and welfare under Planning Code, Section 302; and making findings of

1 consistency with the General Plan, and the eight priority policies of Planning Code,  
2 Section 101.1.

3  
4 NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
5 Additions to Codes are in *single-underline italics Times New Roman font*.  
6 Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.  
7 Board amendment additions are in double-underlined Arial font.  
8 Board amendment deletions are in ~~strikethrough Arial font~~.  
9 Asterisks (\* \* \* \*) indicate the omission of unchanged Code  
10 subsections or parts of tables.

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

12 Section 1. Findings.

13 (a) It is the intention of the Board of Supervisors to (1) waive the requirements set forth  
14 in Planning Code Section 413 et seq. to pay the Jobs-Housing Linkage Fee, (2) waive the  
15 requirements set forth in Planning Code Section 415 et seq. to pay the Affordable Housing  
16 Fee or to provide on-site or off-site inclusionary housing units, (3) waive the alternative water  
17 supply requirements set forth in Health Code Article 12C, (4) exempt 26,572 square feet from  
18 the calculation of allowable gross floor area set forth in Planning Code Section 124 to permit  
19 additional floor area on the site, (5) exempt 26,572 square feet from the calculation of  
20 required transferable development rights ("TDR") to reduce the TDR necessary for the project  
21 located at 950-974 Market Street, Assessor's Block No. 0342, Lots No. 001, 002, 004, and  
22 014 ("Project"), (6) authorize Mid-Market Center LLC ("Project Sponsor") to either (A) dedicate  
23 the real property located at 180 Jones Street, Assessor's Block No. 0343, Lot 14 ("Dedicated  
24 Property") to the San Francisco Mayor's Office of Housing and Community Development  
25 ("MOHCD") for \$10 and pay \$46.8 15.4 million, less the acquisition cost of the Dedicated  
Property (estimated to be \$4.15 million), to the 180 Jones Street Affordable Housing Fund  
(the "180 Jones Fund") or (B) construct a minimum of 60 and a maximum of 70 affordable  
studio or efficiency units at the Dedicated Property (the "Off Site Units"), (7) accept a gift of

1 \$2.7 Mmillion to the 180 Jones Fund, and (8) establish the 180 Jones Fund; and (9) accept a  
2 gift of \$300,000 to the City, to support the City's efforts to recognize and support historic and  
3 present-day Transgender, Lesbian, Gay and Bisexual (TLGB) communities in the Tenderloin  
4 neighborhood.

5 (b) The proposed waivers and exemptions, corresponding land dedication and  
6 establishment of and payment to the 180 Jones Fund ~~or construction of Off-Site Units~~ are  
7 necessary to implement construction of the Project and to facilitate potential development on  
8 the Dedicated Property of a 100% affordable residential development. The Project is a multi-  
9 family residential and hotel development project with ground floor retail space located on a  
10 34,262 square foot project site within the Downtown Plan Area and the Downtown/Civic  
11 Center neighborhood and is located within the C-3-G (Downtown General) Zoning and 120-X  
12 Height and Bulk District. The floor area ratio (FAR) limit as defined by Planning Code Section  
13 124 for the C-3-G District is 6.0:1. Under Sections 123 and 128 of the Planning Code, the  
14 FAR can be increased to 9.0 to 1 with the purchase of TDR.

15 (c) The Project would provide approximately 242 dwelling units, a 232-room hotel, and  
16 16,600 gross square feet of ground-floor commercial retail space. The Project applied to  
17 provide 31 for sale on-site inclusionary affordable dwelling units (comprising thirteen percent  
18 (13%) of the total number of units and 26,572 gross square feet of floor area) to comply with  
19 the requirements of Section 415 et seq. The Project sponsor also sought a conditional use  
20 permit to allow the additional square footage for the affordable units pursuant to Planning  
21 Code Section 124(f).

22 (d) The Project now proposes to provide land and funds to the City to construct off-site  
23 affordable housing, equivalent to ~~or to construct~~ a minimum of 60 and ~~a maximum of 70~~ off-  
24 site affordable units, equivalent to not less than 25% of the number of on-site market-rate  
25 units. The proposed Sections 413 and 415 waivers and Sections 123, 124 and 128 floor area



1 exemptions proposed in this ordinance will enable the Project to be constructed without on-  
2 site inclusionary affordable dwelling units, without the need to acquire an additional 26,572  
3 gross square feet of transferable development rights, and without the need to procure a  
4 conditional use permit for the extra square footage as was otherwise required by Planning  
5 Code Section 124(f) for the on-site affordable housing. This ordinance will allow the Project  
6 Sponsor to withdraw the Section 124(f) conditional use application without forfeiting the  
7 Section 124 gross floor area exemption proposed for the 26,572 gross square feet associated  
8 with the prior on-site inclusionary affordable units. As set forth below, dedication to the City of  
9 the Dedicated Property, establishment of the 180 Jones Fund and payment by the Project  
10 Sponsor to the 180 Jones Fund ~~or construction by the Project Sponsor of the Off-Site Units~~  
11 would allow the City to provide a greater number of affordable housing units at a lower median  
12 income level than could otherwise be provided on-site, if a 100% affordable residential  
13 development is approved at the Dedicated Property.

14 (e) The Dedicated Property located at 180 Jones Street is 4,743 square foot in land  
15 area and has ~~an approximate~~ an acquisition cost of \$4.15 million. The Dedicated Property  
16 was previously approved for construction of 37 one- and two-bedroom dwelling units and  
17 ground floor commercial space and can accommodate approximately 30,818 square feet of  
18 above ground development. The conveyance by the Project Sponsor of the Dedicated  
19 Property and payment by the Project Sponsor to the 180 Jones Fund ~~or construction by the~~  
20 ~~Project Sponsor of the Off-Site Units~~ would allow the City to modify the previously approved  
21 plans to instead provide a 100% affordable rental residential housing development of  
22 ~~approximately at minimum 60 to 70 efficiency dwelling unit affordable~~ housing development  
23 ~~for to~~ low income households on the Dedicated Property, if such project is approved at the  
24 Dedicated Property. This would be a significant increase in the City's stock of affordable  
25 housing in the Downtown/Civic Center neighborhood, compared to the previously

1 contemplated 31 for sale on-site inclusionary affordable units affordable to moderate income  
2 households at the Project site.

3 (f) The Project Sponsor has offered a \$300,000 gift to MOHCD, to be paid prior to the  
4 first construction document for the Project, for purposes of creating the Compton's District  
5 TLGB Stabilization Fund, and help recognize and support historic and present-day TLGB  
6 communities in the Tenderloin neighborhood.

7 (f) On November 17, 2016, the Planning Commission conducted a duly noticed public  
8 hearing on the ordinance, including the waiver of fee payments and requirements under  
9 Planning Code Sections 413 et seq. and 415 et seq., waiver of Health Code Article 12C, and  
10 the exemption of 26,572 gross square feet from the calculation of gross floor area as set forth  
11 in Planning Code Section 124 and from the requirements to purchase TDR under Planning  
12 Code Sections 123 and 128. The Planning Commission, in Motion No. 19781, found that the  
13 ordinance is, on balance, consistent with the City's General Plan and the eight priority policies  
14 of Planning Code Section 101.1. A copy of the Planning Commission Motion is on file with  
15 the Clerk of the Board of Supervisors in File No. 161066 and is incorporated herein by  
16 reference. The Board adopts the Planning Commission findings as its own.

17 (g) Pursuant to Planning Code Section 302, this Board finds that this ordinance will  
18 serve the public necessity, convenience, and general welfare for the reasons set forth in  
19 Planning Commission Motion No. 19781 and the Board incorporates such reasons herein by  
20 reference.

21 (h) On November 17, 2016, the Planning Commission finalized, reviewed and  
22 considered the Final Mitigated Negative Declaration (FMND) prepared for the Project located  
23 at 950-974 Market Street and found that the contents of the FMND and the procedures  
24 through which the FMND was prepared, publicized, and reviewed complied with the California  
25 Environmental Quality Act, California Public Resources Code Sections 21000 et seq. (CEQA),

1 Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and  
2 Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning  
3 Commission adopted the FMND, CEQA findings and a Mitigation and Monitoring Reporting  
4 Program (MMRP) in its Motion Nos. 19780 and 19783. The CEQA findings and the MMRP  
5 contained in Planning Commission Motion No. 19783 are incorporated herein by this  
6 reference thereto. The proposed changes contained in this ordinance are not substantial  
7 changes to the Project and there are no substantial changes in Project circumstances that  
8 would require major revisions to the FMND due to the involvement of new significant  
9 environmental effects, nor is there an increase in the severity of previously identified  
10 significant impacts, or any new information of substantial importance that would change the  
11 conclusions set forth in the FMND.

12 (i) This ordinance does not constitute an approval of any new or revised project  
13 located at 180 Jones Street. The Planning Commission adopted a mitigated negative  
14 declaration, CEQA findings and a Mitigation and Monitoring Reporting Program in its Motion  
15 No. 17838 for the previously approved 37-unit project at the Dedicated Property. The CEQA  
16 findings and the MMRP contained in Planning Commission Motion No. 17838 are  
17 incorporated herein by this reference thereto, as applicable to the land dedication ~~or Off-Site~~  
18 ~~Units~~ authorized by this Ordinance. The City is not otherwise approving any changes to the  
19 approved project at 180 Jones Street. If and when any revised project for the Dedicated  
20 Property is undertaken by the City, or is submitted to the City for review, the City will conduct  
21 any additional environmental review required by CEQA for that project.

22  
23 Section 2. Planning Code Fee Waivers, Floor Area and TDR Exemption, and Land  
24 Dedication and Payment to the 180 Jones Fund ~~or Construction of Off-Site Units~~.

1 (a) Waiver of Jobs-Housing Linkage Fee and Inclusionary Affordable Housing  
2 Requirements and Payment to 180 Jones Fund. Notwithstanding the requirement to pay the  
3 Jobs-Housing Linkage Fee pursuant to Planning Code Section 413 et seq. and the Affordable  
4 Housing Fee or provide on-site or off-site inclusionary affordable housing alternatives to the  
5 Affordable Housing Fee pursuant to Planning Code Section 415 et seq. (Inclusionary Housing  
6 Program), the requirements set forth in Planning Code Section 413 et seq. to pay the Jobs-  
7 Housing Linkage Fee associated with the Project's hotel and retail uses and the requirements  
8 set forth in Planning Code Section 415 et seq. to pay to either pay the Affordable Housing Fee  
9 or provide on-site or off-site inclusionary affordable housing alternatives to the Affordable  
10 Housing Fee payment for the Project are hereby waived in their entirety.

11 Instead, the Project Sponsor shall be permitted to either:

12 (1) Dedicate a site to the City to be used for affordable housing and to pay money to  
13 the 180 Jones Fund. In lieu of paying the Jobs-Housing Linkage Fee and the Affordable  
14 Housing Fee or providing on-site or off-site inclusionary affordable housing units, prior to  
15 issuance of the first construction document a site or building permit for the Project, the Project  
16 Sponsor shall convey in fee simple absolute to the City or MOHCD, according to the land  
17 dedication provisions of the City and County of San Francisco Inclusionary Affordable  
18 Housing Program Monitoring Procedures Manual issued by the San Francisco Department of  
19 City Planning ("Procedures Manual"), the real property located at 180 Jones Street, at no cost  
20 to MOHCD. In addition, between issuance of the first construction document and the first  
21 temporary certificate of occupancy for the Project as set forth in more detail below, the Project  
22 Sponsor shall pay ~~\$18.8~~15.4 ~~M~~million, less the acquisition cost of the Dedicated Property, to  
23 the 180 Jones Affordable Housing Fund established by this Ordinance, which real property  
24 and Fund shall be used by MOHCD to facilitate construction of an affordable housing project  
25 of ~~approximately at minimum~~ 60 to 70 efficiency dwelling units at 180 Jones Street affordable

1 to low income households. This ~~\$18.8~~\$15.4 Mmillion, comprised of the acquisition cost of the  
2 Dedicated Land and payments to the 180 Jones Affordable Housing Fund is the equivalent  
3 payment of the Project's Jobs-Housing Linkage Fee and an affordable housing percentage  
4 fee of 25% under Planning Code Sections 415 et seq., the current affordable housing fee  
5 percentage applicable to the Project, plus a gift to the City of approximately \$2.7 Mmillion,  
6 payable at the first temporary certificate of occupancy, as set forth in Section 5. The  
7 conveyance by the Project Sponsor of the Dedicated Land to the City and payments to the  
8 180 Jones Affordable Housing Fund shall occur pursuant to the following schedule:

9 A. (A) Conveyance of Dedicated Land: prior to issuance of the first construction  
10 document ~~a site or building permit~~ for the Project;

11 B. (B) Payment of \$1.5 million: prior to issuance of the first construction  
12 document for the Project, or July 1, 2017, whichever comes first;

13 C. (C) Payment of ~~\$17.3~~13.9 million, less the acquisition cost of the Dedicated  
14 Land, prior to issuance of the Project's first temporary certificate of occupancy; ~~or,~~

15 ~~(2) Construct a minimum of 60 and a maximum of 70 affordable studio or efficiency~~  
16 ~~units at the Dedicated Property, after such project undergoes any required environmental~~  
17 ~~review and if such project is approved by the City. In lieu of paying the Jobs-Housing Linkage~~  
18 ~~Fee and the Affordable Housing Fee or providing on-site or off-site inclusionary affordable~~  
19 ~~housing units, the Project Sponsor shall provide evidence to the City that it has acquired fee~~  
20 ~~simple title to the Dedicated Property prior to issuance of the Project's first construction~~  
21 ~~document. The Project Sponsor shall ensure that the off-site units are constructed, completed,~~  
22 ~~ready for occupancy, and marketed no later than three years after the City approves such~~  
23 ~~project at the Dedicated Property. It is the intent of the Board of Supervisors that the~~  
24 ~~affordable units at the Dedicated Property be comparable in overall quality of construction to~~  
25 ~~the market rate units in the Project, and the interior features in the affordable units be~~

1 consistent with the "Quality Standards for Off Site Affordable Housing Units" found in the  
2 ~~Procedures Manual.~~

3 (b) Exemption From Floor Area Ratio Calculations. Notwithstanding the provisions of  
4 Planning Code Section 124, floor area in the Project equivalent to 26,572 square feet is  
5 hereby exempt from the calculation of gross floor area pursuant to Planning Code Section  
6 124. This Section 124 floor area exemption shall not reduce the Project's development  
7 impact fee obligations by any amount under Article 4 of the Planning Code and the Project  
8 shall pay any applicable development impact fees set forth in Planning Code Article 4 on the  
9 total floor area of the Project.

10 (c) TDR Exemption. Notwithstanding the provisions of Planning Code Sections 123  
11 and 128, the Project shall be exempt from any applicable requirement to purchase TDR solely  
12 for 26,572 square feet of floor area to increase the allowable density on-site. The Project  
13 shall be permitted to increase density on-site by 26,572 square feet of floor area without the  
14 need to purchase TDR for this amount. The Project shall be otherwise required to comply  
15 with Planning Code Sections 123 and 128, and shall purchase TDR for any other necessary  
16 increase in density on-site.

17 (d) These waivers and exemptions are contingent upon the Project Sponsor conveying  
18 the Dedicated Property to the City and paying the agreed-upon payments, as set forth above.

19  
20 Section 3. The Administrative Code Chapter 10, Article XIII is hereby amended by  
21 adding Section 10.100-375, to read as follows:

22 **SEC. 10.100-375. 180 JONES STREET AFFORDABLE HOUSING FUND.**

23 (a) Establishment of Fund. The 180 Jones Street Affordable Housing Fund is established as a  
24 category four fund to receive fee revenue dedicated to affordable housing and other contributions to the  
25 fund. Monies in the fund shall include: The fund receives money from:

1                   (1) A payment of \$1.8-0.4 million in lieu of the Jobs-Housing Linkage Fee  
2 otherwise required under of Planning Code Sections 413 et seq. (Jobs-Housing Linkage Program)  
3 Jobs-Housing Linkage Fee payment that the but waived by Board of Supervisors waived for the  
4 950-974 Market Street project. This payment is addressed in an ordinance concerning the waiver of  
5 the Jobs-Housing Linkage Fee and Inclusionary Housing Requirements, and authorizing other  
6 exemptions as well as a land dedication (the "950-974 Market Street Ordinance"), which is on file with  
7 the Clerk of the Board of Supervisors in File No. 161066.

8                   (2) A payment of \$14.10.85 million in lieu of affordable housing fees otherwise  
9 required under of Planning Code Sections 415 et seq. (Inclusionary Housing Program) affordable  
10 housing fees that the but waived by Board of Supervisors waived for the 950-974 Market Street  
11 project in the 950-974 Market Street Ordinance, on file with the Clerk of the Board of Supervisors in  
12 File No. 161066.

13                   (3) A gift of \$2.7 million gift from from the Project Sponsor of the 950-95774 Market  
14 Street Project, as authorized in the 950-95774 Market Street Ordinance, on file with the Clerk of the  
15 Board of Supervisors in File No. 161066.

16                   (4) Any other monies donated or appropriated to the fund.

17                   (b) Use of Fund. The fund is to be used exclusively by the Mayor's Office of Housing and  
18 Community Development (MOHCD), or its successor, for the purpose of supporting construction of  
19 affordable housing units at 180 Jones Street (Assessor's Block 0343, Lot 14). If, however, the City fails  
20 to approve a revised project at 180 Jones Street after within five years of the last payment to the Fund  
21 authorized by the 950-9724 Market Street Ordinance, the money in this the Fund shall be deposited  
22 into the Citywide Affordable Housing Fund as established in Administrative Code Section 10.100-49,  
23 or its successor fund.

24                   (c) Exceptions to Fund Category. The Director of MOHCD shall approve all expenditures  
25 from the fund.

1        (d) Administration of Fund. The MOHCD shall administer the fund and shall report annually  
2 to the Board of Supervisors on the current status of the fund, the amounts approved for disbursement,  
3 and the number and types of housing units assisted. The MOHCD shall have the authority to prescribe  
4 rules and regulations governing the fund. Except as provided in subsection (b), any Any  
5 unexpended funds remaining after 10 years from the effective date of the ordinance identified in  
6 subsections (a)(1) and (a)(2) shall be deposited into the Citywide Affordable Housing Fund as  
7 established in Administrative Code Section 10.100-49 or its successor fund.

8  
9        Section 4. Health Code Article 12C Waiver.

10        The requirements set forth in Article 12C of the Health Code for projects that obtain a  
11 site or building permit after November 1, 2016, to provide an alternative water source  
12 (graywater) are hereby waived in their entirety for the Project.

13  
14        Section 5. Authorizing Acceptance and Expenditure of Gifts.

15        The Project Sponsor has offered a gift of \$2.7 million to the City, to be paid prior to the  
16 Project's first temporary certificate of occupancy. This gift would be given to the 180 Jones  
17 Fund, to assist in providing affordable housing at 180 Jones Street. The Board of Supervisors  
18 hereby authorizes MOHCD to accept the gift of \$2.7 million from the Project Sponsor, and to  
19 expend it consistent with the purposes, procedures and requirements of the 180 Jones Fund.

20        In addition, the Project Sponsor has offered a gift of \$300,000 to the City, acting  
21 through MOHCD, for purposes of creating the Compton's District TLGB Stabilization Fund, to  
22 help recognize and support historic and present-day TLGB communities in the Tenderloin  
23 neighborhood. This gift is to be paid prior to issuance of the first construction document for  
24 the Project. The Board of Supervisors hereby accepts the \$300,000 gift from the Project  
25 Sponsor. It is the intent of the Board of Supervisors that one third of this gift be used to



1 support the creation of a Compton's TLGB Cultural Heritage District in the Tenderloin and  
2 South of Market neighborhoods; one third be used to support the creation of an transgender-  
3 focused community facility in the Tenderloin neighborhood; and another third by to support  
4 one or more transgender-focused commercial or nonprofit storefront establishments in the  
5 Tenderloin neighborhood. MOHCD shall work with the Supervisor for District 6, members of  
6 the community knowledgeable about transgender issues in the Tenderloin, and the Human  
7 Rights Commission to help set funding priorities. Expenditures for staffing, loans, grants and  
8 property acquisitions and maintenance shall be approved by resolution of the Board of  
9 Supervisors.

10  
11 Section 6. The Mayor, Clerk of the Board of Supervisors, the Property Director of  
12 Property and MOHCD are hereby authorized and directed to take any and all actions which  
13 they or the City Attorney may deem necessary or advisable in order to effectuate the purpose  
14 and intent of this ordinance (including, without limitation, the filing of the ordinance in the  
15 Official Records of the City and County of San Francisco; acceptance of the land dedication;  
16 establishment of the 180 Jones Fund and receipt of payments to the 180 Jones Fund; and  
17 confirmation of satisfaction of the conditions to the effectiveness of the Planning Code  
18 Sections 413 and 415 and Health Code Article 12C waivers and land dedication or Off-Site  
19 Unit construction hereunder; and execution and delivery of any evidence of the same, which  
20 shall be conclusive as to the satisfaction of the conditions upon signature by any such City  
21 official or his or her designee).

22 Section 7. Effective Date. This ordinance shall become effective 30 days after  
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
25 of Supervisors overrides the Mayor's veto of the ordinance.

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

3 By:

4   
ANDREA RUIZ-ESQUIDE  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(2/6/2017, Amended in Committee)

[Planning Code, Administrative Code, Health Code - Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting Gifts, Authorizing Payment - 950-974 Market Street Project.]

**Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$11.25 million to the 180 Jones Street Affordable Housing Fund; accepting a \$2.7 million gift to the 180 Jones Street Affordable Housing Fund; accepting a \$300,000 gift to the City, to create the Compton's District Transgender, Lesbian, Gay and Bisexual (TLGB) Stabilization Fund, to support the City's efforts to recognize and support historic and present-day TLGB communities in the Tenderloin neighborhood; authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.**

**Existing Law**

The City regulates development projects and requires them to meet some requirements, in the form of development standards or, sometimes, development fees. For the proposed project at 950-957 Market Street ("the Project"), some of these requirements, as relevant to this Ordinance, are:

**1. Inclusionary Housing Program.** Under the Inclusionary Housing Program codified in the Charter and in Section 415 et seq. of the Planning Code, the Project would have an on-site affordability requirement of 13% of the total number of units, or would have to pay for an off-site/in lieu requirement equivalent to 25% of the total number of units.

2. Jobs-Housing Linkage Fee. The Project would have to pay a fee Jobs-Housing Linkage Fee, set forth in Section 413 et seq. of the Planning Code, equivalent to approximately \$1.8 million.

3. Land Dedication: In some zoning districts, like the UMU and Mission NCT, Planning Code Section 419.5 allows land dedication as a way to comply with the inclusionary affordable housing requirements. Land dedication is not currently an option for the C-3-S zoning district, where the Project is located.

4. Calculation of Square Footage and Floor Area Ratio Limits: Planning Code Section 124 sets forth the basic floor area ratio limits and methods of calculation and exemption. It provides that additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of affordable housing on the project site. In addition, Planning Code Sections 123, 127 and 128 allow buildings in the C-3 district to exceed the base floor area ratio limits by purchasing transferable development rights ("TDR") for use of the site. Planning Code Section 124(f) also allows buildings in the C-3 district to exceed the base floor area ratio limits by procuring a conditional use permit for the additional square footage dedicated to affordable housing on a site.

5. Alternative Sources of Water. Article 12C of the Health Code requires projects that obtain a site or building permit after November 1, 2016, to provide an alternative water source (graywater).

#### Amendments to Current Law

This Ordinance would waive the payment of the Jobs-Housing Linkage, the Inclusionary Affordable Housing requirements, and the alternative water supply requirements, and would exempt 26,572 square feet from the calculation of gross floor area to allow the additional floor area, and exempt 26,572 square feet from Planning Code Sections 123 and 128, to reduce any required transferable development rights by such amount, for the Project.

The Ordinance would waive the above requirements in exchange for the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development, at no cost to the City, and the payment of approximately \$15.4 million, less the acquisition cost of the property at 180 Jones Street (\$4.15 million) to the 180 Jones Street Affordable Housing Fund.

The Ordinance would establish the 180 Jones Street Affordable Housing Fund, administered by Mayor's Office of Housing and Community Development (MOHCD), or its successor, for the purpose of supporting construction of affordable housing units at 180 Jones Street.

The Ordinance would accept a \$2.7 million gift that the Project Sponsor has offered to the City, to be paid prior to the Project's first temporary certificate of occupancy. This gift would

be given to the 180 Jones Street Affordable Housing Fund, to assist in providing affordable housing at 180 Jones Street.

The Ordinance would also accept a \$300,000 gift that the Project Sponsor has offered to the City, acting through MOHCD, for purposes of creating the Compton's District TLGB Stabilization Fund, to help recognize and support historic and present-day TLGB communities in the Tenderloin neighborhood.

#### Background Information

This Revised Legislative Digest reflects amendments made to the Ordinance by the Land Use Committee, on February 6, 2017.

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Mayor's Office of Housing and Community Development  
City and County of San Francisco



Edwin M. Lee  
Mayor

Olson Lee  
Director

February 13, 2017

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

Re: Supplemental Transmittal Relating to Transmittal of BOS File No: 161066 – 950-974 Market Street and 180 Jones Street / BOS File No. 161066

Dear Ms. Calvillo and Honorable Supervisor Farrell:

At the Board of Supervisors' Land Use Committee meeting of February 6, 2017, Supervisor Farrell asked staff to further analyze the financial implications of the Ordinance in the above-referenced file. This legislation would, among other things, replace the affordable housing obligations of the developer of 950-974 Market Street ("Developer") under Planning Code Section 415 with an obligation to fund affordable housing at 180 Jones Street.

Pursuant to a request from the Planning Commission, staff from the Mayor's Office of Housing and Community Development (MOHCD) and the Planning Department submitted an initial analysis on December 9, 2016, using what information they had regarding the principal project's financing, which found that the Ordinance would benefit the Developer. The Developer responded via a letter to the Board on December 15, 2016, but no additional request for analysis was forthcoming from any City department, commission, or the Board.

Based upon additional information provided by the Developer on February 8, 2017, as well as recent changes to the Ordinance, we have revised our analysis and find that the Developer will not benefit financially as a consequence of implementing the Ordinance. This revision is driven mainly by our acceptance of more modest sales price projections than we originally assumed and the Developer's recent agreement to provide an additional \$1 million in "gift" funding to the City. The narrative below explains the rationale for our revised opinion.

As background, the Developer originally proposed to satisfy Section 415 by building 31 units of on-site affordable condominiums. The community requested, instead, that the Developer acquire 180 Jones Street and provide additional funding to build 68 studio housing units at that site. Supervisor Kim introduced the project's Ordinance to facilitate this request, which included additional elements, such as an exemption of certain square footage values from the calculation of gross floor area; additional funding

supplied by the Developer beyond the Section 415 in-lieu fee obligation; and a waiver of grey water system requirements. Staff catalogued these “credits” and “losses” in its December 9 letter as follows:

Original Analysis Submitted by MOHCD / Planning, December 9, 2016

**TABLE 1: ON-SITE INCLUSIONARY UNITS (31, OWNERSHIP)**

		5.50%
PROJECT COSTS	Construction & Soft Costs	(175,138,000)
	NP Water Fee	(1,750,000)
	Section 415 Fee	-
	Gift Fee	-
	TDR Payment	-
	JHLF	(400,000)
	<b>Total Costs</b>	<b>(177,288,000)</b>
PROJECT REVENUES	Projected BMR Revenue (2019\$)	10,282,461
	Less Sales Costs	(565,535)
	Projected Mkt Rate Revenue (2019\$)	192,916,903
	Less Sales Costs	(10,610,430)
	<b>Total Revenue</b>	<b>192,023,399</b>
	<b>Surplus / (Loss)</b>	<b>14,735,399</b>

**TABLE 2: PROJECT WITH ORDINANCE (68 BMRS at 180 JONES)**

PROJECT COSTS	Construction & Soft Costs	(175,138,000)
	NP Water Fee	(1,750,000)
	Section 415 Fee	(15,002,196)
	TDR Payment	(700,000)
	JHLF	(400,000)
	<b>Total Costs</b>	<b>(192,990,196)</b>
ORDINANCE CREDITS & DEBITS	Non-Potable Water Cost	1,750,000
	TDR Payment	700,000
	Value of Delayed 415 In-Lieu Fee Pmt	800,000
	Gift to City	(2,000,000)
	<b>Total Credit / (Debit)</b>	<b>1,250,000</b>
PROJECT REVENUE	Projected Mkt-Rate Revenue (2019\$)	220,999,838
	Less Sales Costs	(12,154,991)
	<b>Total Revenue</b>	<b>208,844,847</b>
	<b>Surplus / (Loss)</b>	<b>17,104,651</b>

We found there to be a net benefit to the Developer of approximately \$2.37 million.

Now, with additional information available regarding the Developer’s financial carrying costs, sales absorption rate, and reconsidered market data on likely condominium sales pricing, we are revising our analysis as follows below.

**Revised Analysis, Based Upon Additional Project Financing Information, 2/9/17**

<b>TABLE 1: ON-SITE INCLUSIONARY UNITS (31, OWNERSHIP)</b>			<b>Footnote</b>
		5.50%	
PROJECT COSTS	Construction & Soft Costs	(175,138,000)	
	NP Water Fee	(1,750,000)	
	Section 415 Fee	-	
	Gift Fee	-	
	TDR Payment	-	
	JHLF	(400,000)	
	<b>Total Costs</b>	<b>(177,288,000)</b>	
PROJECT REVENUES	Projected BMR Revenue (2019\$)	10,282,461	
	Less Sales Costs	(565,535)	
	Projected Mkt Rate Revenue (2019\$)	181,041,282	1
	Less Sales Costs	(9,957,271)	
	<b>Total Revenue</b>	<b>180,800,937</b>	
	<b>Surplus / (Loss)</b>	<b>3,512,937</b>	

<b>TABLE 2: PROJECT WITH ORDINANCE (68 BMRS at 180 JONES)</b>			
PROJECT COSTS	Construction & Soft Costs	(175,138,000)	
	NP Water Fee	(1,750,000)	
	Section 415 Fee	(15,002,196)	
	TDR Payment	(700,000)	
	JHLF	(400,000)	
	Add'l Financing Cost re: Sec 415 Fee + Gift	(800,000)	2
	<b>Total Costs</b>	<b>(193,790,196)</b>	
ORDINANCE CREDITS AND DEBITS	Non-Potable Water Cost	1,750,000	3
	TDR Payment	700,000	4
	Value of Delayed 415 In-Lieu Fee Pmt	1,600,000	5
	Gift to City	(2,700,000)	6
	<b>Total Credit / (Debit)</b>	<b>1,350,000</b>	
PROJECT REVENUE	Projected Mkt-Rate Revenue (2019\$)	207,400,757	7
	Less Sales Costs	(11,407,042)	
	<b>Total Revenue</b>	<b>195,993,715</b>	
	<b>Surplus / (Loss)</b>	<b>3,553,519</b>	
	<b>Additional TLGBQ Fee</b>	<b>(300,000)</b>	8
	<b>Final Surplus / (Loss)</b>	<b>3,253,519</b>	
	<b>Surplus / (Loss) With On-Site Inclusionary</b>	<b>3,512,937</b>	
	<b>Surplus / (Loss) With Proposed Ordinance</b>	<b>3,253,519</b>	
	<b>Surplus / (Loss) of Ordinance vs. On-Site</b>	<b>(259,418)</b>	
	<b>Less Benefit of Payment at TCO</b>	<b>(1,600,000)</b>	
	<b>Total Surplus / (Loss) of Ordinance vs. On-Site</b>	<b>(1,859,418)</b>	



In sum, while maintaining the application of all previously assumed “credits” and “losses”, the revised analysis shows that the Developer will spend approximately \$260,000 more by fulfilling the terms of the Ordinance than building on-site units. As previously stated, this change is driven largely by the Developer’s payment of \$1 million more in gift funds than they had offered in December, as well as the revised sales price inflation factor. In addition, if the Board accepts as a policy matter the proposition that a “credit” for providing the bulk of the Inclusionary funding at TCO should not apply because the Developer never contemplated accessing the in-lieu option under Section 415 (which requires fee payments at first construction documents), then the Developer will spend approximately \$1.86 million more by fulfilling the terms of the Ordinance rather than building on-site units.

Please find further explanation below for the highlighted line-items in the revised table.

1. **Sales Pricing:** In our original analysis, and citing a financial study completed by Seifel Consulting, we assumed a sales price inflation rate of 3.9% per year. While this rate reflected prior years’ trends in San Francisco’s housing market (since approximately 2010), we agree with the Developer’s counterpoint that 2016 saw stabilizing and even reduced home prices. We therefore accept the Developer’s proposed inflation rate of 1.2% per year to achieve the projected 2019 sales pricing.
2. **Inclusionary Fees Carrying Costs:** The developer will incur additional financing costs in order to pay the Section 415 value + the gift funds to MOHCD at TCO. Since we did not have the developer’s cost of funds, nor their sales absorption rate in our original analysis, we did not previously include this cost. We do agree, however, that it is a real expense. Please note that our estimation of this costs, \$800,000, differs from the value put forth by the developer, \$1.6 million. The discrepancy lies in the developer’s assertion that it must carry the full interest expense for the entirety of the sales absorption period, or 18-20 months. We would expect, however, that as each month of sales proceeds, the residential portion of the construction loan is paid down, so that the interest expense attributable to the fees is prorated over the sales absorption period. Also note that the developer has merged its commercial construction financing (i.e., the hotel), with the residential financing, so a typical residential construction loan take-out is not in play here. Still, we believe that the \$800,000 fairly reflects the carrying cost of the fees if the residential portion of the construction loan is repaid.
3. **Grey Water System:** The Ordinance gives a credit for otherwise-required installation of a grey water reuse system. There is agreement between City staff and the project sponsor about the value of the waiver at approximately \$1,751,000. The developer asserted in their December 15, 2016 letter that the grey water system cost should not be required because “if it weren’t for the delay due to a façade redesign ordered by Planning staff, the [project] would have met the October 31, 2016 deadline to be exempted from the Non-Potable Water System”. Planning staff has rebutted this argument for the following reasons:
  - Design review was not atypical for this scale and complexity of project. Extensive effort was made on the part of both Planning staff and Commissioners to help successfully and efficiently advance the project, resulting in a significantly expedited review given the magnitude and sensitivity of the project.
  - The design issues and their potential impact to the project were not new to the project: Discussions with the team about the likely schedule given the Commission calendar and the need to resolve design issues emerged as early as April 2016. Additionally, design issues were not limited to “façade redesign”, but included other concerns, including

ground-floor activation, lobby and internal circulation, and the design and public accessibility of plaza areas.

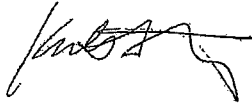
- Given the time necessary to review the project for permitting purposes, there was no likelihood of the project getting through Planning Commission and building permitting in time to meet the procedural thresholds required prior to the greywater provisions taking effect.
- While concerns related to construction timing were raised earlier in the review process, no timing issues related to the greywater ordinance were raised until the negotiation of the benefits package, just prior to the Ordinance taking effect.

We believe it remains a policy decision whether to so-exempt, but should not be based on review process deficiencies as a basis.

4. **TDR Payment:** The Ordinance gives a credit for otherwise-required TDR fees. There is agreement between City staff and the project sponsor about on the value of the waiver at \$700,000. The developer has asserted that this fee should not be assessed because of their willingness to build on-site inclusionary housing. Planning Code Section 124(f) allows an exemption for on-site Below Market Rate Units. Following the introduction of the Ordinance, this floor area (26,576 sq. ft.) was proposed for use as market-rate units, which would not otherwise be permitted. We believe this remains a policy decision. That said, there is agreement by all parties that the cost of this payment, if applied, would be established by the required price of \$25 per square foot as set by Board Resolution Number 16-14.
5. **Value of Delayed Section 415 Payment to TCO:** The issue here is calculating a benefit that might accrue to the Developer by allowing a delay in payment of approximately \$11.3 million due under Section 415 from first construction documents, which is standard, to TCO. We did not have the developer's cost of funds when we initially calculated this benefit, so estimated a very conservative discount rate of 3.5%. Recalculating the savings at the Developer's cost of borrowing, 7.96%, yields a potential benefit of \$1.6 million. However, the developer has asserted that we should not be comparing the Ordinance to typical in-lieu fee requirements under Section 415, because they never proposed to "fee-out". The apt comparison is, instead, on-site inclusionary costs relative to costs incurred under the proposed ordinance. We think this is a legitimate argument.
6. **Gift to City:** This value has increased by \$700,000 since December.
7. **Sales Pricing:** See #1, above. This value assumes annual inflation on sales pricing at 1.2%.
8. **Gift to the City, TLGBQ:** This is a new expense.

Please feel free to contact us if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kate Hartley', with a stylized flourish at the end.

Kate Hartley  
Deputy Director – Housing

cc: Honorable Supervisor Katy Tang  
Honorable Supervisor Aaron Peskin  
Honorable Supervisor Jane Kim  
Olson Lee, Director, Mayor's Office of Housing and Community Development  
AnMarie Rodgers, Senior Policy Advisor, Planning Department

BOARD of SUPERVISORS



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

October 13, 2016

File No. 161066

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. 161066

Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., and the alternative water supply requirements set forth in Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street, in exchange for either (1) the dedication of real property at 180 Jones Street to the Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12,800,000 to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2,000,000 gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this Ordinance; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code, Section 302; 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



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

Attachment

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

Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment. The project proposed at 950-974 Market Street is covered under CEQA with Planning Department Case No. 2013.1049E under a Mitigated Negative Declaration. Subsequent environmental review will be required for the 180 Jones Street project.

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org,  
c=US  
Date: 2016.10.13 16:42:02 -07'00'



## SAN FRANCISCO PLANNING DEPARTMENT

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December 9, 2016

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

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Re: Supplemental Transmittal Relating to Transmittal of BOS File No: 161066 - 950-974 Market Street and 180 Jones Street  
BOS File No. 161066

Dear Ms. Calvillo and Honorable Supervisor Kim:

On December 1, 2016 the Planning Department sent a transmittal regarding the proposed Ordinance related to the development project at 950-974 Market Street and 180 Jones Street. Since that date, Department staff has continued to study the Ordinance with the assistance of the Mayor's Office of Housing and Community Development. Through this subsequent transmittal, we are providing supplemental information for the Board to consider in its deliberations.

While the analysis in our previous transmittal was largely cost information provided by the project sponsor in regards to costs of BMR unit production alone, a broader analysis of both total development costs and revenues provides a better understanding of the impacts of the proposed ordinance on the overall development project. In summary, the "base" project without the Ordinance that contains 31 on-site BMR units would yield a profit of \$14.7 million to the project sponsor. The project enabled by the proposed Ordinance with 68 smaller off-site BMR units would yield a profit of \$17.1 million to the project sponsor.

As stated in the Department's December 1<sup>st</sup> transmittal, the Planning Commission recommended that the staff perform further analysis in order to ensure that any additional value conferred to the project sponsor through the proposed Ordinance be recaptured by the City. This analysis indicates that the additional value conferred to the project sponsor is approximately \$2.4 million, as more fully set forth below.

Sincerely,

A handwritten signature in black ink, appearing to read "AM-Rodgers", followed by a horizontal line.

AnMarie Rodgers  
Senior Policy Advisor

Regarding 180 Jones Street Affordable  
Housing Fund, and 950-974 Market Street

## TOTAL DEVELOPMENT COST ANALYSIS\*

TABLE 1: PROJECT WITHOUT PROPOSED ORDINANCE		
31 On-Site BMR Units (80% AMI, ownership)		
PROJECT COSTS	Construction & Soft Costs	\$ (175,138,000)
	Non-Potable Water System Cost	\$ (1,750,000)
	Section 415 In-Lieu Fee	\$ 0
	TDR Payment	\$ 0
	Jobs Housing Linkage Fee	\$ (400,000)
	<b>Total Costs</b>	<b>\$ (177,288,000)</b>
PROJECT REVENUES	Projected BMR Unit Revenue (2019\$)	\$ 10,282,461
	Sales Costs for BMR Units	\$ (565,535)
	Projected Market-Rate Unit Revenue (2019\$)	\$ 192,916,903
	Sales Costs for Market-Rate Units	\$ (10,610,430)
	<b>Total Revenue</b>	<b>\$ 192,023,399</b>
	<b>Surplus / (Loss)</b>	<b>\$ 14,735,399</b>

Under the above analysis, the surplus after costs and revenues for the residential component of the project total \$14.7 million.

TABLE 2: PROJECT WITH ORDINANCE		
68 BMR Units at 180 Jones (40%-60% AMI – Rental)		
PROJECT COSTS	Construction & Soft Costs	\$ (175,138,000)
	Non-Potable Water System Cost	\$ (1,750,000)
	Section 415 In-Lieu Fee	\$ (15,002,196)
	TDR Payment	\$ (700,000)
	Jobs Housing Linkage Fee	\$ (400,000)
	<b>Total Costs</b>	<b>\$ (192,990,196)</b>
ORDINANCE CREDITS AND DEBITS	Non-Potable Water Cost	\$ 1,750,000
	TDR Payment	\$ 700,000
	Value of Delayed 415 In-Lieu Fee Payment	\$ 800,000
	Gift to City	\$ (2,000,000)
	<b>Total Credit / (Debit)</b>	<b>\$ 1,250,000</b>
	<b>Costs Less Credits</b>	<b>\$ (191,740,196)</b>
PROJECT REVENUE	Projected Market-Rate Unit Revenue (2019\$)	\$ 220,999,838
	Sales Costs for Market-Rate Units	\$ (12,154,991)
	<b>Total Revenue</b>	<b>\$ 208,844,847</b>
	<b>Surplus / (Loss)</b>	<b>\$ 17,104,651</b>

Under the above analysis, the surplus after costs and revenues less credits conferred through the proposed ordinance for the residential component of the project total \$17.1 million.

cc: Deputy City Attorneys Andrea Ruiz-Esquide and Jon Givner  
Alisa Somera, Office of the Clerk of the Board

\*Project costs information provided by the project sponsor.



# SAN FRANCISCO PLANNING DEPARTMENT

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December 1, 2016

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Re: Transmittal of Planning Department Case Number 2013-1049PCA: Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment - 950-974 Market Street

BOS File No: 161066

Planning Commission Recommendation: Approval with Modifications

Dear Ms. Calvillo and Supervisor Kim:

On November 17, 2016 the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance that would exempt the development project at 950 Market Street from a range of Planning Code requirements, including the inclusionary housing requirements of Section 415, and instead authorize the project to participate in one of two alternative affordable housing schemes, both involving the dedication of land to the City. The Ordinance was introduced by Supervisor Kim. At the hearing the Planning Commission (1) adopted a recommendation for approval with modifications and (2) directed the Planning Department to conduct additional analysis of the proposed Ordinance to ensure that any value conferred to the project sponsor through waivers and/or exceptions would be recaptured through increased affordable housing or other public benefits. The additional analysis was to be provided to the Board of Supervisors so that it could consider the additional information in its subsequent deliberations.

The *Commission's proposed modifications* were as follows:

1. The Ordinance should be amended to make the various waivers of Planning Code requirements contingent upon the fee payment, dedication of land, and/or provision of BMR housing.
2. The Ordinance identifies two options to provide affordable housing off-site through land dedication. Regarding the option requiring construction of those off-site units, clear AMI's should be established that are comparable to existing Planning Code requirements. Additionally, a clear timeline should be established within which the off-site project must be entitled and permitted. A contingency should be provided in the event that the off-site project isn't delivered following the construction of the principal project.

In response to this direction, Department staff worked with the Mayor's Office of Housing and Community Development to further evaluate the proposed Ordinance; we have prepared the following tables that illustrate our findings.



**Regarding 180 Jones Street Affordable  
Housing Fund, and 950-974 Market Street**

**DEVELOPER COST OF PROVIDING AFFORDABLE HOUSING**

<b>PROJECT WITHOUT PROPOSED ORDINANCE</b>		<b>PROJECT WITH PROPOSED ORDINANCE<sup>1</sup></b>	
<b>31 On-Site BMR Units</b>		<b>68 Off-Site BMR Units at 180 Jones Street</b>	
<b>90% AMI - Homeownership</b>		<b>40% - 60% AMI - Rental</b>	
Development Cost of BMR units	(\$22,710,446)	Gift	(\$2,000,000)
Sales + Pkg Revenue	\$10,282,461	Section 415 In-Lieu Fee	(\$15,000,000)
Base Housing Cost	(\$12,427,985)	Base Housing Cost	(\$17,000,000)
Jobs Housing Fee	(\$400,000)	Jobs Housing Fee	(\$400,000)
Non-Potable Water Cost	(\$1,750,000) <sup>2</sup>	Non-Potable Water Cost	\$1,750,000 <sup>2</sup>
		Credit for TDR	\$700,000
		Discounted Value of Delayed Payment	\$833,000
<b>Total Developer Cost</b>	<b>(\$14,577,985)</b>	<b>Total Developer Cost</b>	<b>(\$14,117,000)</b>

The two tables above outline the cost to the developer to (1) construct affordable housing on-site at 950 Market, as provided for under current Planning Code provisions, and (2) dedicate land and provide money toward affordable housing construction at 180 Jones under the terms of the proposed Ordinance. This analysis shows that the cost to the developer under the proposed Ordinance is \$460,000 less than the cost of constructing affordable units on-site under current Code.

**COST ANALYSIS OF BUILDING AFFORDABLE HOUSING AT 180 JONES STREET**

<b>180 JONES FUNDING SOURCES</b>		<b>180 JONES FUNDING SOURCES</b>	
<b>Using \$1.8M as JHLF payment</b>		<b>Using \$400,000 as JHLF payment</b>	
Total Building Costs – less land	(\$33,500,000)	Total Building Costs – less land	(\$33,500,000)
Tax Credit Equity	\$15,400,000	Tax Credit Equity	\$15,400,000
Debt, assuming VASH	\$2,750,000	Debt, assuming VASH	\$2,750,000
AHP	\$544,000	AHP	\$544,000
Sections 415/413 (less land)	\$12,800,000	Sections 415/413 (less land)	\$11,400,000
Gift	\$2,000,000	Gift	\$2,000,000
<b>Total Sources</b>	<b>\$33,494,000</b>	<b>Total Sources</b>	<b>\$32,094,000</b>
<b>Surplus / (Deficit)</b>	<b>(\$6,000)</b>	<b>Surplus / (Deficit)</b>	<b>(\$1,406,000)</b>

The two tables above outline funding sources the City would use in order to construct the affordable housing project at 180 Jones, as provided for under the Ordinance.<sup>1</sup> The tables differ in that the first assumes a \$1.8 million Jobs-Housing Linkage Fee payment, while the second assumes a \$400,000

<sup>1</sup> While the Ordinance provides for an option through which the project sponsor could construct the 180 Jones Street affordable housing project in-lieu of certain fee payments, the sponsor has stated that they do not intend to pursue this option.

<sup>2</sup> This figure is based on a written estimate provided by the project sponsor following the Planning Commission hearing on the matter.

Regarding 180 Jones Street Affordable  
Housing Fund, and 950-974 Market Street

payment. While \$400,000 is the correct figure, the proposed Ordinance erroneously represents this figure as \$1.8M. Assuming a fee payment of \$400,000 *and* success in obtaining the federal funding listed above – which is unclear owing to transitions in Washington D.C. – the tables illustrate a funding deficit of \$1.4 million. Assuming a fee payment of \$1.8M along with the same federal funding, the deficit would be \$6,000.

Regardless, Planning Department Staff recommends that the Board clarify the text of the Ordinance relating to fee payment figures.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment. The project proposed at 950-974 Market Street is covered under CEQA with Planning Department Case No. 2013.1049E under a Mitigated Negative Declaration. Subsequent environmental review will be required for the 180 Jones Street project.

Supervisor Kim, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission or in response to the additional information provided in this memorandum at the Commission's request.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers  
Senior Policy Advisor

cc:

Andrea Ruiz-Esquide, Deputy City Attorney  
Jon Givner, Deputy City Attorney  
Alisa Somera, Office of the Clerk of the Board

Attachments:

Planning Commission Resolution No. 19781  
Planning Department Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 19781

Planning Code Amendment  
HEARING DATE: NOVEMBER 17, 2016

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Case No.:* 2013-1049CXVPCA [Board File No. 161066]  
*Initiated by:* Supervisor Kim / Introduced October 4, 2016  
*Project Address:* 950-974 Market Street  
*Zoning:* C-3-G Downtown General  
120-X Height and Bulk District  
*Block/Lot:* 0342/001, 002, 004, and 014  
*Project Sponsor:* Michelle Lin,  
Mid Market Center, LLC  
500 Sansome Street, Suite 750  
San Francisco, CA 94111  
[michelle@groupi.com](mailto:michelle@groupi.com)  
*Staff Contact:* Claudine Asbagh – (415) 575-9165  
[Claudine.Asbagh@sfgov.org](mailto:Claudine.Asbagh@sfgov.org)

RECOMMENDING APPROVAL WITH MODIFICATIONS FOR AN ORDINANCE [BOARD OF SUPERVISORS FILE NO. 161066] WAIVING THE JOBS-HOUSING LINKAGE FEE SET FORTH IN PLANNING CODE SECTION 413 ET SEQ., THE INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS SET FORTH IN PLANNING CODE SECTION 415 ET SEQ., AND THE ALTERNATIVE WATER SUPPLY REQUIREMENTS SET FORTH IN HEALTH CODE ARTICLE 12C; EXEMPTING 26,572 SQUARE FEET FROM THE CALCULATION OF GROSS FLOOR AREA PURSUANT TO PLANNING CODE SECTION 124 TO ALLOW THE ADDITIONAL FLOOR AREA, AND EXEMPTING 26,572 SQUARE FEET FROM PLANNING CODE SECTIONS 123 AND 128 TO REDUCE ANY REQUIRED TRANSFERABLE DEVELOPMENT RIGHTS BY SUCH AMOUNT, FOR A PROJECT LOCATED AT 950-974 MARKET STREET IN SAN FRANCISCO, IN EXCHANGE FOR EITHER (1) THE DEDICATION OF REAL PROPERTY AT 180 JONES STREET TO THE SAN FRANCISCO MAYOR'S OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT AT NO COST AND PAYMENT OF APPROXIMATELY \$12.8 MILLION TO THE 180 JONES STREET AFFORDABLE HOUSING FUND, OR (2) THE CONSTRUCTION OF A MINIMUM OF 60 AND A MAXIMUM OF 70 AFFORDABLE STUDIO OR EFFICIENCY RENTAL UNITS AT 180 JONES STREET; ESTABLISHING THE 180 JONES STREET AFFORDABLE HOUSING FUND; ACCEPTING A \$2 MILLION GIFT TO THE 180 JONES STREET AFFORDABLE HOUSING FUND; AUTHORIZING ACTIONS IN FURTHERANCE OF THIS ORDINANCE; AND ADOPTING FINDINGS REGARDING THE FINAL MITIGATED NEGATIVE DECLARATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS UNDER PLANNING CODE SECTION 302; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

## PREAMBLE

On November 19, 2013, Michelle Lin on behalf of Mid Market Center, LLC ("Project Sponsor"), filed an application (Case No. 2013-1049) with the Planning Department ("Department") for Environmental Review, to allow the demolition of existing structures and associated surface parking lot and to construct a 190-foot-tall, 18-story, approximately 450,000 square-foot, mixed-use building with approximately 316 dwelling units, 310 hotel rooms, approximately 15,000 square feet of retail, 75,000 square feet of arts/educational uses, and 198 off-street parking spaces at 950-974 Market Street ("Project Site") within the C-3-G, Downtown General Commercial Zoning District, and the 120-X Height and Bulk district.

On May 28, 2014, the Project Sponsor filed applications with the Department including: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements (Section 155(s)), and off-street tour bus loading requirements (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), to exceed the residential density limit (Section 215(b)), and to exceed the height limit per a proposed Mid-Market Special Use District (SUD); and 3) Variances from planning code requirements.

On September 15, 2015, the Project Sponsor submitted revised applications to the Department that included: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements to allow a 20-foot opening where 15 is permitted (Section 155(s)), and off-street tour bus loading to provide zero spaces where one is required (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), and to exclude affordable units from the FAR calculation (Section 124(f)); and 3) a request for a Variance from off-street loading requirements to allow direct access to loading spaces off of Turk Street. The project proposed the demolition of existing structures and associated surface parking lot and to construct a new 120-foot-tall, 12-story, approximately 408,342 square-foot, mixed-use building with 242 dwelling units, a 232-room hotel, approximately 16,100 square feet of retail use, and 82 off-street parking spaces.

On January 20, 2016, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration ("PMND") for the originally proposed Project and for the proposed Mid-Market Arts and Arts Education Special Use District and Special Height District. The PMND was available for public comment until February 9, 2016.

On February 9, 2016, two appeals of the PMND were filed with the Department.

On February 22, 2016 the Planning Department's Environmental Review Office determined that the PMND should be recirculated because the Department was no longer seeking approval for the Mid-Market Arts and Arts Education SUD and Special Heights District and due to substantial changes in the project.

On July 6, 2016, the Planning Department's Environmental Review Office issued a Notice of Completion, and recirculated the PMND for the Project that superseded the prior January 20, 2016 PMND. The PMND was available for public comment until July 26, 2016.

On July 26, 2016, an appeal of the recirculated PMND was filed with the Department.

On October 4, 2016, the Board of Supervisors introduced an Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set

forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 (the "Ordinance").

On November 17, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Planning Application No. 2013-1049CXVPCA and the Appeal of the Preliminary Mitigated Negative Declaration, No. 2013-1049E.

Also on November 17, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Ordinance.

On November 17, 2016, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On November 17, 2016, the Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and that the summary of comments and responses contained no significant revisions to the Draft IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2013.1049E, 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 heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

The Commission has reviewed the proposed Planning Code Amendment Ordinance; and

**RESOLVED**, that the Planning Commission hereby adopts the findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act issued by Motion No. 19870, based on the findings as stated below.

**FURTHER RESOLVED**, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed ordinance with the following modifications:

- The technical Ordinance language does not tie the various waivers of Planning Code requirements to the payments, dedication of land, and/or provision of BMR units off site. The Ordinance should be amended to make the waivers contingent upon the fund payment, dedication of land, and/or provision of BMR housing.
- With respect to the Ordinance's off-site unit construction option, clear AMI's comparable to existing Planning Code requirements should be included. Additionally, a clear timeline should be established within which the off-site project must be entitled and permitted. A contingency should be provided in the event that the off-site project isn't delivered following the construction of the principal project.

**FURTHER RESOLVED**, that the Planning Commission hereby directs the Planning Department to further assess the proposed Ordinance to ensure that any value conferred to the project through waivers and/or exceptions is recaptured through increased affordable housing or other public benefits. This assessment should be provided to the Board of Supervisors so that it may consider the additional information in its subsequent deliberations.

## 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 MND is adequate, accurate and complete, and reflects the independent judgment and analysis of the Planning Department. The Project, as shown in the analysis of the MND, could not have a significant effect on the environment. The Planning Commission adopted the MND in Resolution No. 19780.
2. The Commission finds the Ordinance, with the recommended modifications, and the associated fee waivers in exchange for either (1) the dedication by the Project Sponsor of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment by the Project Sponsor of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, establishing the 180 Jones Street Affordable Housing Fund and accepting a \$2 million gift from the Project Sponsor to the fund, or (2) the construction by the Project Sponsor of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street

is a benefit to the City by allowing the City to provide a greater number of affordable housing units at a lower median income level in the Downtown/Civic Center neighborhood than could otherwise be provided on-site at the Project site.

3. The Ordinance and this Resolution does not constitute an approval of any new or revised project located at 180 Jones Street. The Planning Commission adopted a mitigated negative declaration, CEQA findings and a Mitigation and Monitoring Reporting Program in its Motion No. 17838 for the previously approved 37-unit project at 180 Jones Street. The CEQA findings and the MMRP contained in Planning Commission Motion No. 17838 are incorporated herein by this reference thereto, as applicable to the land dedication or off-site units authorized by the Ordinance. The Commission is not otherwise approving any changes to the approved project at 180 Jones Street. If and when any revised project at 180 Jones Street is undertaken by the City, or is submitted to the City for review, the City will conduct any additional environmental review required by CEQA for that project.
4. **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 for the Downtown Project Authorization (Motion No. 19783), which are incorporated by reference as though fully set forth herein.
5. **Planning Code Section 101.1(b)** On balance, the Project complies with Planning Code Section 101.1(b), for the reasons set forth in the Downtown Project Authorization (Motion No. 19783), which are incorporated by reference as though fully set forth herein and the following:
  - 1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.  
*The proposed property acceptance will not negatively affect existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses. The new development will, however, provide new affordable housing for residents who may support such businesses in the surrounding area.*
  - 2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.  
*The proposed property acceptance would not displace any existing housing and would provide 60-70 additional affordable housing units and will help preserve the cultural and economic diversity of the neighborhood.*
  - 3) That the City's supply of affordable housing be preserved and enhanced.  
*The proposed property acceptance will increase the stock of permanent affordable housing in the City.*
  - 4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.  
*The proposed property acceptance will not result in commuter traffic impeding Muni's transit service, overburdening the streets or altering current neighborhood parking. The proposed affordable housing project will be transit-oriented given its location near Muni and BART.*
  - 5) 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 residential employment and ownership in these sectors be enhanced.

*The proposed property transfer would not affect the existing economic base in this area.*

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

*The proposed property transfer would not affect the City's preparedness to protect against injury and loss of life in an earthquake.*

- 7) That landmarks and historic buildings be preserved.

*The proposed property transfer will not affect landmarks or historic buildings.*

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

*The proposed property acceptance will not affect City parks or open spaces, or their access to sunlight and vistas.*

6. 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 Downtown Project Authorization (Motion No. 19783), which are incorporated by reference as though fully set forth herein. The project, would contribute to the community by adding 242 dwelling units to the City's housing stock, a 232-room hotel, and approximately 16,100 square feet of ground floor retail. The project would provide publicly accessible open space along Turk Street and create 12,752 square feet of common open space for the new dwelling units. The Ordinance would allow the project to provide more off-site affordable housing units than could be provided on-site through one of two options and thereby be a beneficial project.
7. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed Planning Code waivers in the Ordinance as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on November 17, 2016.



Jonas P. Iorlin  
Commission Secretary

AYES: Hillis, Johnson, Koppel, Melgar, Richards, Fong  
NOES: Moore  
ABSENT: None  
ADOPTED: November 17, 2016





# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Planning Code Amendment / Downtown Project Authorization / Conditional Use / Variance HEARING DATE: NOVEMBER 3, 2016

*Date:* October 20, 2016  
*Project Address:* 950 Market Street  
*Project Proposal:* 1) Planning Code Amendment;  
2) Downtown Project Authorization  
3) Conditional Use; and 4) Variance  
*Case Number:* 2013.1049XCVPCA [Board of Supervisors File Number 161066]  
*Zoning:* C-3-G (Downtown General)  
120-X Height and Bulk District  
*Block/Lot:* 0342/001, 002, 004, and 014  
*Initiated by:* Supervisor Jane Kim on October 4, 2016  
*Project Sponsor:* Michelle Lin,  
Mid Market Center, LLC  
500 Sansome Street, Suite 750  
San Francisco, CA 94111  
*Staff Contact:* Claudine Asbagh – (415) 575-9165  
Claudine.asbagh@sfgov.org  
*Reviewed by:* AnMarie Rodgers, Senior Policy Advisor  
[anmarie.rodgers@sfgov.org](mailto:anmarie.rodgers@sfgov.org), 415-558-6395  
*Recommendation:* PCA – Adopt resolution recommending approval with amendments  
Entitlements – Approval with Conditions

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### BACKGROUND

The development proposal at 950-947 Market Street was originally submitted on November 19, 2013, and was substantially revised on September 15, 2015 to generally reflect the Code-compliant residential, hotel, and retail project now before the Commission for consideration.

On October 4, 2016, the Board of Supervisors introduced an Ordinance, sponsored by Supervisor Jane Kim, that would exempt the project from a range of Planning Code requirements, including the inclusionary affordable housing requirements of Section 415, and instead authorize the project to participate in one of two alternative affordable housing schemes, both involving the dedication of land to the City.

Both the development proposal and the Planning Code Amendment are before the Planning Commission for consideration.

### SITE DESCRIPTION AND PRESENT USE

The 34,262 square-foot, triangular-shaped project site is located on four lots on the north side of Market Street between Mason and Taylor Streets- Block 0342, Lots 001, 002, 004, and 014. The site is occupied by four two- and three-story commercial buildings and a surface parking lot over a below grade parking

structure. The project site has 268 feet of frontage on Market Street, 411 feet of frontage on Turk, and 78 feet of frontage on Taylor Street. The project also fronts onto Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield and Crazy Horse Theaters.

The site is located within the Downtown General Commercial Zoning District (C-3-G), the 120-X Height and Bulk District, and is located within the Downtown Plan Area.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located within the Mid-Market area at the edge of the Downtown/Civic Center neighborhood and adjacent to the South of Market (SoMa) and Tenderloin neighborhoods. Other zoning districts in the vicinity include: the SoMa NCT (Neighborhood Commercial) and C-3-S (Downtown Support) Districts to the south and RC-4 (Residential-Commercial – High Density) Zoning District to the north. The surrounding mixed-use area contains diverse building types and uses and is near the Market Street Theatre and Loft Historic District as well as the Uptown Tenderloin Historic District. The project site is approximately one block west of Hallidie Plaza and directly across Market Street from the currently under construction CityPlace Mall.

Existing development in the area surrounding the Project site is varied in scale and intensity. Buildings along Turk Street are generally lower and range in height from four to seven stories while buildings along Market Street tend to be taller but range in height from two to 15 stories. Surrounding land uses include commercial, hotel, office, retail, residential, and theater uses.

## **PROJECT DESCRIPTION**

### Development Proposal

The proposal would demolish four existing structures and a surface parking lot and construct a 120-foot tall, 12-story-over-basement, approximately 408,000 gross-square-foot building containing 242 dwelling units, a 232-room hotel, and approximately 16,000 square feet of ground floor retail and arts activities. The project includes a residential unit mix of 132 studios (54.5%), 66 one-bedroom units (27.2%), and 44 two-bedroom units (18.2%). Common open space is provided through a 10,400 square-foot roof deck and a publicly accessible, 2,350 square-foot plaza on Turk Street. The proposed project includes 146 Class 1 bicycle parking spaces, 42 Class 2 bicycle parking spaces, and 82 off-street parking spaces located within a below-grade garage accessible from Taylor Street.

The project's hotel component would be located in the northwestern portion of the building primarily along Turk Street, and accessed via a lobby located with openings on both Turk and Market Streets. The residential component of the project would be located in the southeastern portion of the site, and face onto Turk, Mason and Market Streets. The entrances for the residential units would be located on Market Street and Turk Street, separate from the hotel entries. The ground floor would contain multiple retail spaces along all frontages and a private open courtyard located mid-block on Market Street. In addition, the project would provide publicly accessible open space along Turk Street in the form of a 2,352 square foot plaza, and a 2,300 square foot landscaped sidewalk seating area.

### Planning Code Amendment

The proposed Ordinance is an uncodified amendment to the Planning Code and Public Health Code Article 12C. It would do the following:

- **Affordable Housing Fund.** The ordinance would establish the "180 Jones Street Affordable Housing Fund" to receive fee revenue dedicated mainly to affordable housing.
- **Land Dedication/Affordable Housing Requirements.** The ordinance proposes an alternative to providing 13% of the units (31) at the 950 Market Street site as BMR ownership units. The ordinance would authorize the dedication of land located at 180 Jones Street to the Mayor's Office of Housing and Community Development ("MOHCD") at no cost and 1) payment of \$14.8 million through various means to the 180 Jones Street Fund in order to develop a 100% affordable housing project with 60-70 units (equivalent to 25%-29% of the units in the Market Street project), at the 180 Jones site, or 2) the project sponsor would develop the 100% affordable project with 60-70 units at the Jones site and provide a gift of \$2million to the 180 Jones Street Fund.

180 Jones Street is a surface parking lot located at the southeast corner of the intersection of Turk and Jones Streets. Zoned C-3-G, the property is 500 feet from the 950 Market site and was approved by the Commission on September 13, 2012 for a mixed-use project containing 37 dwelling units and 2,700 square feet of retail.

- **Jobs-Housing Linkage Fee.** The ordinance would take the Jobs-Housing Linkage fee for the project and deposit said funds into the 180 Jones Street Fund. It should be noted that the ordinance estimates the fee to be \$1.8 million; however after credits for existing uses, would be \$901,000.
- **Gross Floor Area and Transfer of Development Rights.** The ordinance would exempt 26,576 square feet of gross floor area from the otherwise applicable maximum 9:1 Floor Area Ratio (FAR) limit. Prior to the introduction of the Ordinance, this floor area would have been occupied by on-site BMR units, which, under the provisions of Planning Code Section 124(f), can be exempted from FAR calculations with a Conditional Use Authorization. Following the introduction of the Ordinance, this floor area was proposed for use as market-rate units, which would not otherwise be permitted.

Furthermore, the ordinance would exempt the project from the requirement of purchasing Transferable Development Rights (TDR) for the 26,576 square feet of floor area that exceeds the maximum FAR of 9:1.

- **Non-potable Water Ordinance.** The ordinance would exempt the project at 950-974 Market Street from the requirements of the Non-potable Water Ordinance. Total costs to comply with this requirement for the proposed building are thought to be between \$3.9 and \$5.6 million.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 14, 2016	October 5, 2016	29 days
Posted Notice	20 days	October 14, 2016	October 6, 2016	28 days
Mailed Notice	20 days	October 14, 2016	October 6, 2016	28 days

## PUBLIC COMMENT/COMMUNITY OUTREACH

The Department has been informed that community outreach has included meetings with the Project's neighbors, local businesses, community groups, individual residents, schools, religious organizations, and non-profits, including the Tenderloin Neighborhood Development Corporation, Tenderloin Housing Clinic, Tenderloin Economic Development Project, Central City SRO Collaborative, UC Hastings, Community Housing Partnerships, Urban Solutions, SF Bike Coalition, CounterPulse, St. Francis Foundation / Tenderloin Help Improvement Project, Central Market Community Benefit District, Housing Action Coalition, SPUR, Golden Gate Theatre, Market Street for the Masses, Mid-Market Business Association, as well as project sponsors, property owners, resident coordinators and tenants of neighboring properties.

To date, the Department has received correspondence expressing both support and opposition to the Project. In addition, an appeal of the PMND was filed and is scheduled to be heard on November 3, 2016, along with the development proposal and Planning Code Amendment.

## DEVELOPMENT PROPOSAL – ISSUES AND OTHER CONSIDERATIONS

### Planning Code Exceptions:

The Project does not strictly conform to several aspects of the Planning Code. As part of the Section 309 review process, the Commission may grant exceptions from certain requirements of the Planning Code for projects that meet specified criteria. The project requests exceptions regarding Rear Yard (Section 134), Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148), and Tour Bus Loading Spaces (Section 162). Compliance with the specific criteria for each exception is summarized below, and discussed further in the attached draft Section 309 motion.

- **Rear Yard.** Planning Code Section 134 requires that buildings containing dwelling units provide a rear yard equal to 25 percent of the total lot depth at all residential levels. While the Project does not propose a rear yard and thus does not meet the strict requirements of the Planning Code, it does ensure adequate open space and allows sufficient light and air to reach the residential units. Additionally, the Project would provide a 10,400 square foot roof deck and solarium that would have full, unobstructed access to light and provide protected common open space. An additional 2,352 square foot plaza along Turk Street would further provide open space for the residences.
- **Ground Level Wind Currents.** Per Section 148, when existing ambient wind speeds exceed the comfort levels (7mph for seated areas/11mph for pedestrian areas), new development must be designed to reduce the ambient wind speeds to meet the specified comfort level. An exception to these requirements may be granted if the building cannot be shaped to meet the requirements without creating an ungainly building form and unduly restricting the development potential of the building site.

Wind tunnel tests show that the project would alter comfort exceedances at the test sites: 14 would be increased, one decreased, 11 remain unchanged, and 9 created resulting in a total of 36 comfort exceedances. An exception is justified under the circumstances, because the changes in wind speed and frequency due to the project are slight and unlikely to be noticeable. For the existing configuration in the vicinity of the project site, wind conditions were generally low with wind speeds averaging 11 mph for all 27 measurement locations. For the existing plus project configuration, wind speeds generally remained similar with the average wind speed for all test locations increased slightly from 11 mph to 12 mph. The 11mph criterion was exceeded 16% of

the time, a minor increase when compared to existing conditions on and around the project site. The project would minimally increase winds and there is no reason to believe that modification of the design would improve the existing windy conditions that currently exist.

- **Tour Bus Loading Spaces.** Section 162 sets the requirements for Tour Bus Loading Spaces for Hotel projects within C-3 Districts. Due to the unique combination of uses, the unusual configuration and size of the site, compliance with the tour bus requirements would substantially reduce the amount of retail, pedestrian circulation and open space uses on the site and along the sidewalk within the public realm. Additionally, there is ample loading space located along the Turk Street frontage that would accommodate bus loading without impeding vehicular traffic.

**Conditional Use Authorization:**

- **Floor Area Ratio.** Sections 124(f) and 303 to allow additional square footage above the base floor area ratio for the development of on-site affordable dwelling units. The project would exceed the maximum floor area allowed by 26,575 square feet, which is equivalent to the floor area of the on-site BMR units. Once the floor area of the BMR units is exempted, the FAR of the project would be reduced from an FAR of 9.6:1 to an FAR of 8.8:1, within the allowed maximum of 9:1. The project sponsor has requested that the project moves forward with this Conditional Use Authorization so as to maintain the option of providing on-site units in the event the proposed ordinance is not adopted.
- **Hotel Use.** The project includes a 232-room hotel and therefore requires a Conditional Use Authorization (CUA). In addition to standard findings, the Commission must consider additional criteria related to the impacts of the hotel when granting a Conditional Use Authorization. The hotel would employ an estimated 250 employees, however, it is anticipated that most would come from the local and regional labor pools, and the number of employees moving from outside of the region would be negligible compared to the total population. The Department has been informed that the sponsor has taken measures to work with Tenderloin based community organizations as well as to partner with Unite Here Local 2 to ensure that local residents are employed. As such, the impact of the employees of the hotel on the demand in the City for housing, public transit, child-care, and other social services would be minimal. A demand analysis prepared for the project found that the proposed boutique-style hotel would help alleviate the shortage of hotel rooms within the city and operate at a functional capacity year-round by the year 2019. achieve an 84% occupancy rate by 2019.

**Variance:**

Section 155(d) requires that all off-street freight loading and service vehicle spaces be accessed by means of a private driveway that is completely contained within the structure and Section 155(s)(5)(A) restricts the width of loading dock openings to 15 feet in C-3 Districts. The project does not meet the requirement and is seeking Variances from the Zoning Administrator to allow direct access to loading off of Turk Street and the width of the loading access to exceed 15 feet.

**Downtown Area Plan:**

The project would add 242 dwelling units to the city's housing stock as well as provide 232 hotel rooms in a location that is well served by public transit. The hotel, by virtue of its location, will help meet the demands created by visitors to the city and minimize the negative effects of those visitors on people living and working in the city. The project will provide 16,100 square feet of retail at the ground floor that will serve the hotel and new dwelling units as well as those already living and working in the vicinity.

On balance, the project meets the goals of the plan and would create substantial benefits for the City while minimizing undesirable consequences.

## PROPOSED ORDINANCE – ISSUES AND OTHER CONSIDERATIONS

### Planning Code Exemptions and Affordable Housing Options

#### Land Dedication

The Ordinance includes a land dedication of the property located at 180 Jones Street. Although there is no land dedication option for properties in the C-3 Zoning Districts in the current Planning Code, Planning Code Section 419.5 allows land dedication as a way to comply with the inclusionary housing requirements in some zoning districts, like the UMU and Mission NCT. These districts require a higher percentage of affordability than in C-3 Districts. Per Section 419.5, if this project were located in the UMU District, it would be required to dedicate land that could accommodate 35% of the total number of units as affordable units (equivalent to 85 units). The Jones Street site is slated to accommodate between 60 and 70 units under the proposed Ordinance. The sponsor estimates the cost of acquiring the land at 180 Jones to be approximately \$4 million.

#### GFA and TDR

The Ordinance would exempt 26,575 square feet of floor area from the otherwise applicable maximum 9:1 FAR limit and TDR requirements. The City's TDR program supports the preservation of historic resources; an exemption from the need to purchase 26,575 square feet of TDR diminishes support of that program by approximately \$664,000, assuming a current per TDR price of TDR \$25 per square foot.

#### Jobs-Housing Linkage Fee

The Ordinance would waive the Jobs-Housing Linkage Fee and would instead divert this fee into the 180 Jones Street fund. The Department estimates that (after credits for existing uses) the fee would be approximately \$0.9 million and thus be less than the projected \$1.8 million stated in the Ordinance.

#### Affordable Housing

The proposed Ordinance would waive the requirements of Sections 413 and 415 and authorize affordable housing through one of two land dedication options. If the proposed legislation is not adopted, the sponsor would utilize the existing on-site alternative to satisfy affordable housing requirements and provide 31 ownership units, priced at 80% of AMI.

#### Option 1: Monetary Contribution

- **Value of Contributions.** In addition to the land dedication, the Ordinance would allow the sponsor to pay approximately **\$14.8 million** into the 180 Jones Street Affordable Housing Fund. The total value of the land, payment, and gift amounts to roughly **\$18.8 million** – greater than the face value of either the on-site BMR units at 13% or the in-lieu fee at 25% (\$15 million).
- **Number, Size, and Affordability of Units.** The Ordinance would authorize 60-70 off-site, rental units targeted at an average AMI of 50% (40%-60%).
  - **Existing Requirement.** There is no existing land dedication option in this zoning district, however, if this project were located in the UMU District, it would be required to dedicate land that could accommodate 35% of the total number of units as affordable units (equivalent to 85 units). The existing requirement for on-site units would result in a requirement for 31 on-site units.

- **Number of Units.** The final project at 180 Jones would provide for 15-25 fewer units than would typically be required via land dedication.
  - **Size of Units to Be Provided.** Under both options, the Ordinance would produce smaller, efficiency-type units than what would be required under existing law. The unit mix of the principal project is 54.5% studios, 27.2% one-bedroom units, and 7.4% two-bedroom units.
  - **Affordability.** The proposed ordinance provides housing for residents at lower income levels, consistent with community needs, as identified by Supervisor Kim's office. While the inclusion of on-site BMR units would result in affordable units that are immediately available for residents upon completion of the principal project, the on-site units would be ownership units and therefore, under the Planning Code, would target higher income households (80% AMI).
- **Cost to City.** According to MOHCD, given the proposal to construct efficiency units at 180 Jones that rent to individuals or households earning 40% AMI and 60% AMI, and assuming the City secures State funding to cover the difference in fees paid to the City, this option would meet or exceed the monetary value of current Planning Code affordable housing requirements. While MOHCD reports that requesting State funding is feasible under current conditions, funding in future years – when the off-site project would be ripe for fund allocation – is unclear. **If the City cannot secure State funding, the City will have to pay approximately \$3M to develop the 100% affordable project at 180 Jones.**
  - **Timing of Contributions.** Projects paying the affordable housing fee are required to submit full payment of the fee at the time of issuance of the first construction document. The proposed Ordinance requires the dedication of land prior to issuance of a site permit and \$1.5 million of fees to be paid prior to issuance of the first construction document, or July 1, 2017, whichever is sooner. The remaining \$13.3 million would be due prior to issuance of the project's first temporary certificate of occupancy, likely at least 18-months after issuance of first construction document.
  - **Timing of Approvals and Construction of 180 Jones.** The Ordinance does not restrict the timeframe for MOHCD to secure funding, approvals and to complete construction. Because the project would not provide funding to MOHCD until the Temporary Certificate of Occupancy for the main Project, MOHCD estimates that this process could take four years (approximately 18-24 months for 950 Market project, plus time to entitle and construct 180 Jones).

Option 2: Project Sponsor Constructs Units at 180 Jones

- **Value of Contributions.** Under this option, the sponsor would contribute \$2 million to the Jones Street Fund.
- **Number, Size, and Affordability of Units.** This option would authorize the same unit types and number of units as described above in Option 1. However, under this option, the Ordinance does not specify the household AMI targets for the affordable units.
- **Cost to City.** In this option, the project sponsor would be responsible for delivery of an occupant-ready complete project with no additional cost to the City.

- **Timing of Approvals and Construction of 180 Jones.** The ordinance requires the affordable project to be completed, ready for occupancy, and marketed no less than three years after approval. The project sponsor of the principal project would be responsible for obtaining all required permits and CEQA clearance in the time frame specified by the Ordinance.

#### Non-Potable Water Ordinance

In September 2012, the City adopted the Non-potable Water Ordinance<sup>1</sup> by amending Article 12C of the San Francisco Health Code which requires the collection, treatment, and use of alternate water sources for non-potable applications. In July 2015, the Non-potable Water Ordinance was amended to require that new buildings of 250,000 gross square feet or more located outside the boundaries of San Francisco's designated recycled water use area be constructed, operated, and maintained using available alternate water sources for toilet and urinal flushing and irrigation, beginning November 1, 2016. Specifically, the Ordinance required that no site permit for such a building be issued after that date without full compliance with the Ordinance's non-potable requirements.

Because the project would obtain a site permit after November 1, 2016, the project would be required to comply with this Ordinance. According to the San Francisco Public Utilities Commission, the costs associated with this requirement typically amount to approximately 3-4% of construction cost or \$3.4 - \$4.6 million plus an additional filtration system that would cost approximately \$.5 - \$1 million. The proposed Ordinance exempts the project from complying with this requirement. According to the SFPUC, projects that have been in the process of entitlements for extended periods of time have been working with the SFPUC to satisfy the requirements by alternative means.

#### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must 1) Approve a Downtown Project Authorization pursuant to Planning Code Section 309, granting exceptions to the requirements for "Rear Yard" (Section 134), "Ground Level Wind Currents" (Section 148), and "Tour Bus Loading" (Sections 134); and 2) approve a Conditional Use Authorization pursuant to Planning Code Sections 124(f) and 303 to allow additional square footage above the base floor area ratio for the development of on-site affordable dwelling units within the Project and Section 210.2 to allow for the Hotel.

The proposed Ordinance is before the Commission so that it may recommend that the Board of Supervisors approve or disapprove the proposed ordinance.

#### **RECOMMENDATION**

**Development Proposal.** The Department recommends that the Commission approve the Downtown Project Authorization with requested exceptions and Conditional Use Authorization, with conditions.

**Proposed Ordinance.** The Department recommends that the Commission adopt a resolution recommending that the Board of Supervisors approve the proposed Ordinance with the following modifications:

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<sup>1</sup> Health, Public Works Codes - Mandatory Use of Alternate Water Supplies in New Construction. Board File Number 150350, Ordinance Number 109-15. Introduced on May 19, 2015. Signed by the Mayor on July 2, 2015.



- The Ordinance should be amended to reflect a payment of \$1.8 million to the 180 Street Affordable Housing Fund regardless of the Jobs-Housing Linkage Fee the project would have paid to the city.
- The technical Ordinance language does not tie the various waivers of Planning Code requirements to the payments, dedication of land, and/or provision of BMR units off site. The Ordinance should be amended to make the waivers contingent upon the fund payment, dedication of land, and/or provision of BMR housing.
- The Ordinance should be amended to remove the exemption from the Non-Potable Water Ordinance, and instead the Board should urge that the project sponsor work with the SFPUC to explore satisfying the requirements through alternative means.
- With respect to the Ordinance's off-site unit construction option, clear AMI's comparable to the requirements outlined in the monetary contribution option (option one) should be included. Additionally, a clear timeline should be established within which the off-site project must be entitled and permitted. A contingency should be provided in the event that the off-site project isn't delivered following the construction of the principal project.

#### BASIS FOR RECOMMENDATION

- The **principal project** would provide much-needed housing, create new hotel rooms to support the City's tourism sector and generate additional Hotel Occupancy Tax, provide publicly accessible open space along Turk Street and create ground level retail space that will activate and enliven the abutting sidewalks.
- With respect to **affordable housing** production, the proposed Ordinance would afford two options that, on balance, would provide generally equal benefit to the City. Either option would facilitate the provision of a greater number of affordable units, at sizes more appropriate for the immediate context, and at AMI levels more consistent with the needs of nearby current residents than would otherwise be provided on-site. Assuming the City is able to secure State funding, the monetary value of either option under the Ordinance would meet or exceed the monetary value of current Planning Code requirements. Concerns regarding (1) the delay required to deliver the occupant-ready affordable housing proposed under the Ordinance, (2) the absence of a direct comparability between the unit sizes proposed under the Ordinance versus those otherwise required, (3) the uncertainty of being able to secure State financing should the sponsor select the land-dedication and monetary contribution option, are generally outweighed by the policy priorities that would be addressed by the nature of the housing proposed at 180 Jones Street.
- The **Non-potable Water Ordinance** was adopted in July 2015. California is currently experiencing a historic drought. According to the Department of Water Resources, the period from 2012-2015 encompassed the driest four consecutive water years in California since 1895<sup>2</sup>. Implementation of the Non-potable Water Ordinance is an important step that the City can take towards reducing unnecessary water consumption. Providing greywater systems is identified by

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<sup>2</sup> California Department of Water Resources. "Drought and Water Year 2016". September 2016. Retrieved from [http://water.ca.gov/waterconditions/docs/a3065\\_Drought\\_8page\\_v8\\_FINALsm.pdf](http://water.ca.gov/waterconditions/docs/a3065_Drought_8page_v8_FINALsm.pdf) on October 18, 2016.

the Pacific Institute as a “best practice” for new buildings<sup>3</sup>. For these reasons, the Department recommends that the proposed project comply with the Non-potable Water Ordinance through either the standard or alternative means.

- With respect to the City’s existing **Non-Potable Water Ordinance**, the proposed Ordinance would exempt the project from requirements to install “grey-water” building systems and thus (1) impede implementation of adopted City policy and achievement of sustainability goals and (2) reduce construction costs at the principal project by approximately \$3.9 - \$5.6 million without a clear policy rationale. Existing exemptions in the Non-Potable Water Ordinance apply only to projects that obtain their site permit prior to November 1, 2016. It is unlikely in the extreme that this development project, in any of the multiple proposed iterations, could have obtained a site permit by this date.
- With respect to the proposed waiver of the requirement to acquire 26,575 square feet of TDR, Staff remains concerned regarding the loss of funding to this important preservation component of the Downtown Plan. Nonetheless, the net benefits conferred by both the principal project and the off-site project appear to provide substantial benefits.

**Attachments:**

Property Info (Assessor’s map, Sanborn, etc.)  
Draft Motion, Downtown Project Authorization  
Draft Motion, Conditional Use Authorization  
Draft Resolution for Recommendation of Approval to BOS  
Draft Ordinance – Board File No. 161066  
Project Sponsor Materials  
Project Plans, dated October 7, 2016

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<sup>3</sup> Pacific Institute. “Where We Agree: Building Consensus on Solutions to California’s Urban Water Challenges”. March 2016. Retrieved from: [http://pacinst.org/app/uploads/2016/03/Where We Agree Building Consensus on Solutions to CAs Urban Water Challenges.pdf](http://pacinst.org/app/uploads/2016/03/Where_We_Agree_Building_Consensus_on_Solutions_to_CAs_Urban_Water_Challenges.pdf) on October 18, 2016.



## SAN FRANCISCO PLANNING DEPARTMENT

### Planning Commission Motion No. 19780

HEARING DATE: November 17, 2016

*Case No.:* 2013.1049E  
*Project Address:* 950-974 Market Street  
*Zoning:* C-3-G (Downtown General Commercial) Use District  
120-X Height and Bulk District  
*Block/Lot:* 0342/001, 002, 004, 014  
*Project Sponsor:* Michelle Lin, Mid Market Center, LLC – (415) 394-9018  
[Michelle@groupi.com](mailto:Michelle@groupi.com)  
*Staff Contact:* Melinda Hue – (415) 575-9041  
[Melinda.Hue@sfgov.org](mailto:Melinda.Hue@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

#### ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2013.1049E FOR THE PROPOSED DEVELOPMENT ("PROJECT") AT 950-974 MARKET STREET.

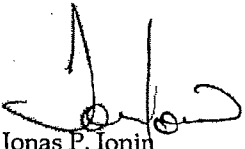
MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On November 19, 2013, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On July 6, 2016, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On July 6, 2016, a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.
4. On July 26, 2016, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Brian Basinger and Rick Galbreath for the Q Foundation ("appellant").
5. A staff memorandum, dated October 27, 2016, addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff's findings as to those points are incorporated by reference herein as the Commission's own findings. Copies of that memorandum have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1660 Mission Street, Suite 500.

6. On November 17, 2016, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
7. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the November 17, 2016 San Francisco Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
8. After consideration of the points raised by appellant, both in writing and at the November 17, 2016 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
9. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.
10. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The San Francisco Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on November 17, 2016.



Jonas P. Ionin  
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel  
NOES: Melgar, Moore, Richards  
ABSENT: None  
ADOPTED: November 17, 2016

## MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
CULTURAL RESOURCES					
Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan	Project Sponsor to retain qualified structural engineer and preservation architect to conduct the assessment.	Prior to issuance of grading or building permits.	Prepare pre-construction assessment and vibration management and continuous monitoring plan.	Planning Department to review pre-construction assessment.	Considered complete upon submittal to ERO of post-construction report on construction monitoring program and effects, if any, on proximate historical resources.
The Project Sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 986-988 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment should determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the Demolition and/or Site Permit Applications.					
The structural engineer and/or preservation architect shall develop, and the Project Sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 986-988 Market Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-					

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
specific assessment made by the structural engineer and/or preservation architect for the project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation Staff prior to issuance of any construction permits.					
Should vibration levels be observed in excess of the standard, or damage is observed to either the Crest/Egyptian Theater at 976-980 Market Street or the Warfield Building at 986-988 Market Street, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices for each historic building during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the pre-construction assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards.	Project Sponsor/ qualified structural engineer/ preservation architect/ contractor.	During construction activities, including project related soil- disturbing activities.	If damage is found, protect buildings from further damage and restore to pre-construction conditions.	Project Sponsor is responsible for contractor compliance.	Considered complete upon submittal to ERO of post- construction report on damage to proximate historical resources, if any, and results of remediation.
<b>Mitigation Measure M-CR-3: Archeological Testing</b>					
Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. 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	Project Sponsor/ archeological consultant at the direction of the ERO.	Prior to issuance of grading or building permits.	Conduct archeological testing program.	Project Sponsor to retain a qualified archeological consultant who shall report to the ERO.	Considered complete after construction activities have ended.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). 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 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 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 Section 15064.5 (a)(c).					
<i>Consultation with Descendant Communities.</i> On discovery of an archeological site <sup>1</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative <sup>2</sup> 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 the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources	Project Sponsor/ archeological consultant at the direction of the ERO.	In the event archeological sites associated with descendant Native Americans, the Overseas Chinese, or other descendant group are found.	Contact representative of descendant group to monitor archeological field investigations, if desired.	Project Sponsor/ archeological consultant to monitor throughout all soil disturbing activities.	Project archeologist to report to ERO on progress of any field investigations monthly, or as required by ERO. Considered complete after Final

<sup>1</sup> The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>2</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission, and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
Report shall be provided to the representative of the descendant group.					Archeological Resources Report is submitted to representative of the descendant group.
<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine, to the extent possible, the presence or absence of archeological resources and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist.</p> <p>If the ERO 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:</p>	Project Sponsor/ archeological consultant at the direction of the ERO.	Prior to any soil- disturbing activities.	Prepare ATP and final written report.	Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed by the ERO prior to any soil-disturbing activities at the site.	Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered complete upon review and approval by ERO of results of Archeological Testing Program.



Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or</p> <ul style="list-style-type: none"> <li>a 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.</li> </ul>					
<p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:</p> <p>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 archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk that these activities pose to potential archeological resources and to their depositional context.</p> <p>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.</p> <p>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 project</p>	<p>Project Sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.</p>	<p>ERO and archeological consultant shall meet prior to commencement of soil-disturbing activity. If the ERO determines that an Archeological Monitoring Program (AMP) is necessary, monitor throughout all soil- disturbing activities.</p>	<p>Prepare AMP, conduct archeological monitoring, prepare and submit final report.</p>	<p>Project Sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall implement the AMP, if required by the ERO.</p>	<p>Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered complete upon review and approval by ERO of results of AMP.</p>

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.</p> <p>The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material, as warranted for analysis.</p> <p>If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities, and equipment until the deposit is evaluated. 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 make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>					
<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. 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</p>	<p>Archeological consultant at the direction of the ERO</p>	<p>If there is a determination that an ADRP program is required</p>	<p>Prepare ADRP, conduct archeological data recovery program.</p>	<p>Project Sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall prepare an ADRP if</p>	<p>Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered</p>

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
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.				required by the ERO.	complete upon review and approval by ERO of results of ADRP.
The scope of the ADRP shall include the following elements:					
<ul style="list-style-type: none"> <li>Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.</li> <li>Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.</li> <li>Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.</li> <li>Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>Final Report. Description of proposed report format and distribution of results.</li> <li>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.</li> </ul>					
<i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated archeological funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws. This shall include	Project Sponsor / consultant in consultation with	In the event human remains and/or	Monitor for human remains and notify	Project Sponsor/ archeological consultant to monitor	Considered complete after construction

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
immediate notification of the Coroner of the City and County of San Francisco and ERO, 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, who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The archeological consultant, Project Sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.	the San Francisco Coroner, NAHC, and MDL.	funerary objects are found.	appropriate parties.	throughout all soil-disturbing activities for human remains and associated or unassociated funerary objects and, if found, contact the San Francisco Coroner/ NAHC/ MDL.	activities have ended.
<i>Final Archeological Resources Report.</i> 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 final report.	Project Sponsor/ archeological consultant at the direction of the ERO.	After completion of the archeological data recovery, inventorying, analysis and interpretation.	Prepare FARR and, after approval, distribute to appropriate parties.	Project Sponsor/ archeological consultant to prepare and distribute report, after ERO approval.	Considered complete upon review and approval by ERO.
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 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 NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.					

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<p><i>Mitigation Measure M-CR-3: Tribal Cultural Resources Interpretive Program</i></p> <p>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.</p> <p>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.</p>	ERO in consultation with Project Sponsor.	In the event that a significant archeological resource constitutes a TCR.	Implementation of interpretive program if the TCR cannot be preserved in place	Project Sponsor to prepare interpretive program produced in consultation with the ERO and affiliated tribal representatives	Considered complete after displays or installation are in place.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<b>NOISE</b> <b>Mitigation Measure M-NO-2: Noise-Control Measures During Pile Driving</b>  Because the proposed project requires pile driving, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies, and any other effective strategies, as feasible: <ul style="list-style-type: none"> <li>• The Project Sponsor shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels.</li> <li>• The Project Sponsor shall require the construction contractor to implement "quiet" pile-driving technology (such as pre-drilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile-driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions.</li> <li>• The Project Sponsor shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurements.</li> <li>• The Project Sponsor shall require that the construction contractor limit pile-driving activity to result in the least disturbance to neighboring uses.</li> </ul>	Project Sponsor/ contractor(s).	Prior to and during construction activities requiring the use of pile-driving equipment.	Erect noise barriers, implement quiet pile-driving technology, take noise measurements, and limit activities, as feasible.	Project Sponsor/ contractor(s).	Considered complete after construction activities have ended.

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		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
AIR QUALITY					
Mitigation Measure M-AQ-2: Construction Air Quality	Project Sponsor/ contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Submit certification statement.	Project Sponsor / contractor(s) and the ERO.	Considered complete on submittal of certification statement.
The Project Sponsor or the Project Sponsor's contractor shall comply with the following:					
A. Engine Requirements					
1. All off-road equipment greater than 25 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.					
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 2 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 2-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.					

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule

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 on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the following 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, 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



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1, the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, the contractor must meet Compliance Alternative 3.					
* Alternative fuels are not a VDECS.					
C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the contractor will meet the requirements of Section A.	Project Sponsor/ contractor(s).	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.	Prepare and submit a Plan.	Project Sponsor/ contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is complete.
1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, 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					

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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 the 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.	Project Sponsor/ contractor(s).	Quarterly.	Submit quarterly reports.	Project Sponsor/ contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is being/was implemented.
<i>Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators</i>	Project Sponsor.	Prior to issuance of permit for backup diesel generator from City agency.	Submittal of plans detailing compliance and documentation of compliance with BAAQMD Regulation 2, Rules 2 and 5.	Project Sponsor and the ERO.	Considered complete approval of plans detailing compliance.
The Project Sponsor shall ensure that the backup diesel generator meets or exceeds 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 an 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.					

#### GEOLOGY AND SOILS

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p><b>Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery</b></p> <p>For construction components that require excavation at depths within the Colma Formation, the following measures shall be undertaken to avoid any significant potential project-related adverse effect on paleontological resources.</p> <ul style="list-style-type: none"> <li>Before the start of any earthmoving activities, the Project Sponsor shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.</li> <li>If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find, and notify the Project Sponsor and the San Francisco Planning Department. The Project Sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines. The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.</li> </ul>	Project Sponsor and contractor, in consultation with the ERO.	Prior to any ground-disturbing activities at the site.	Train construction personnel and prepare a recovery plan, if necessary.	Project Sponsor responsible for training by qualified paleontologist; ERO approval required for recovery plan, if prepared.	<p>Training: Project Sponsor to maintain training records pre- and during construction.</p> <p>Report: Project Sponsor to prepare report, in consultation with ERO, upon indication that a paleontological resource has been encountered during construction.</p>
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
<p><b>Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement</b></p>	Project Sponsor and project	Prior to building demolition.	Survey for and abate any	Project Sponsor and project	Considered complete upon

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
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The Project Sponsor shall ensure that the proposed project area is surveyed for hazardous building materials, including polychlorinated biphenyls (PCB)-containing electrical equipment, fluorescent light ballasts containing PCBs or bis (2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs; if the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs, and shall be handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.	sponsors of any subsequent development project within the SUD and Special Height and Bulk District.		hazardous building materials.	sponsors of any subsequent development, in consultation with the ERO and SF Department of Public Health (DPH).	ERO and DPH review and approval of project sponsor's documentation regarding hazardous building materials, to be submitted prior to building demolition.

#### IMPROVEMENT MEASURES AGREED TO BY PROJECT SPONSOR

##### CULTURAL AND PALEONTOLOGICAL RESOURCES

###### *Improvement Measure I-CR-1a: Interpretive Program*

As part of the project, the Project Sponsor should develop an interpretive program to commemorate the former LGBTQ bars in the buildings on the project site and their association with LGBTQ history of the neighborhood and City. Development of this interpretive program will include outreach to the LGBTQ and Tenderloin communities in order to involve these communities and to create a broader, more authentic interpretive approach for the project site and neighborhood. The interpretive program should result, at minimum, in installation of a permanent on-site interpretive display in a publicly-accessible location, such as a lobby or Market Street or Turk Street frontage, to memorialize the importance of the buildings after they are demolished, but may also develop alternative approaches that address the loss of the existing buildings in the context of the neighborhood. The interpretation program may also inform development of the art program required as part of the

Project  
Sponsor/qualified  
preservation  
consultant.

Prior to issuance of  
the architectural  
addendum to the Site  
Permit; Prior to  
issuance of  
Temporary  
Certificate of  
Occupancy.

Design and  
install an on-  
site display to  
memorialize the  
historical  
importance of  
the building.

Planning  
Department  
staff to approve  
design and final  
installation.

Planning  
Department staff  
to approve design  
prior to  
installation, and  
installation prior  
to issuance of an  
occupancy  
certificate.

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<p>project. The interpretive program should outline the significance of the subject buildings, namely their association with the Old Crow, Pirates Cave, and Silver Rail bars, individually and collectively within the context of LGBTQ history in the Tenderloin and San Francisco</p> <p>Interpretation of the site's history should be supervised by a qualified consultant meeting the Secretary of the Interior's Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in the Page &amp; Turnbull Historic Resources Evaluation for the subject project and in the Citywide LGBTQ Historic Context Statement may be used for content. A proposal prepared by the qualified consultant, with input from the outreach conducted in the LGBTQ and Tenderloin communities, describing the general parameters of the interpretive program should be approved by the San Francisco Planning Department, Preservation staff prior to issuance of the architectural addendum to the Site Permit. The detailed content, media and other characteristics of such interpretive program, and/or any alternative approach to interpretation identified by the project team, should be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.</p>					
<p><b>Improvement Measure I-CR-1b: Construction Best Practices for Historic Resources</b></p> <p>The Project Sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 986-988 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum</p>	Project Sponsor.	During pre-construction and construction activities, including project related soil-disturbing activities.	Incorporate measures to protect damage to the Crest/Egyptian Theater and the Warfield Building into construction specifications.	ERO and, optionally, Planning Department Preservation Technical Specialist, to review construction specifications.	Considered complete after Project Sponsor submittal of construction specifications to ERO.

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feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications will be submitted to the Planning Department along with the Demolition and Site Permit Applications.					
<b>TRANSPORTATION AND CIRCULATION</b>					
<i>Improvement Measure I-TR-1a: Residential Transportation Demand Management Program</i>	Project Sponsor	During Post-construction.	Identify a TDM program and coordinator.	Planning Department to monitor Project Sponsor compliance.	Ongoing.
<p>The Project Sponsor will establish a transportation demand management (TDM) program for building tenants in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building's TDM program:</p> <ul style="list-style-type: none"> <li>TDM Coordinator. The Project Sponsor will identify a TDM Coordinator for the project site. The TDM Coordinator will be responsible for the implementation and ongoing operation of all other TDM measures included in the project. The TDM Coordinator may be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco) or may be an existing staff member (e.g., property manager). The TDM Coordinator will not be required to work full time at the project site; however, they will be the single point of contact for all transportation-related questions from building occupants and City of San Francisco staff. The TDM Coordinator will provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.</li> </ul>					

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
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<ul style="list-style-type: none"><li>Transportation and Trip Planning Information<ul style="list-style-type: none"><li>Move-in packet. The Project Sponsor will 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 can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.</li><li>New-hire packet. The Project Sponsor will provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.</li><li>Current transportation resources. The Project Sponsor will maintain an available supply of Muni maps and San Francisco Bicycle and Pedestrian maps.</li></ul></li></ul>					

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
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<ul style="list-style-type: none"> <li>Bicycle Measure - Bay Area Bike Share. The Project Sponsor will 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.</li> </ul>					
<p><i>Improvement Measure I-TR-1b: Passenger Loading</i></p> <p>It should be the responsibility of the Project Sponsor to ensure that project-generated passenger loading activities along Turk Street are accommodated within designated on-street parking spaces or within the proposed on-street passenger loading zone adjacent to the project site. Specifically, the Project Sponsor should monitor passenger loading activities at the proposed zone along Turk Street to ensure that such activities are in compliance with the following requirements:</p> <ul style="list-style-type: none"> <li>Double parking, queuing, or other project-generated activities do not result in intrusions into the adjacent travel lane along Turk Street. Any project-generated vehicle conducting, or attempting to conduct, passenger pick-up or drop-off activities should not occupy, or obstruct free-flow traffic circulation in, the adjacent travel lane for a consecutive period of more than 30 seconds on a daily basis.</li> <li>Vehicles conducting passenger loading activities are not stopped in the passenger loading zone for an extended period of time. In this context, an "extended period of time" shall be defined as more than 5 consecutive minutes at any time.</li> </ul> <p>Should passenger loading activities at the proposed on-street passenger loading zone along Turk Street not be in compliance</p>	Project Sponsor.	Post-construction.	Identify any pedestrian or vehicle queues or conflicts, and employ abatement methods	Planning Department to monitor Project Sponsor compliance.	Planning Department staff to monitor quarterly until ERO deems monitoring and success of the improvement measure complete.



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<p>with the above requirements, the Project Sponsor should employ abatement methods, as needed, to ensure compliance. Suggested abatement methods may include, but are not limited to, employment or deployment of staff to direct passenger loading activities (e.g., valet); use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking; and/or limiting hours of access to the passenger loading zone. Any new abatement measures should be reviewed and approved by the Planning Department.</p> <p>If the Planning Director, or his or her designee, suspects that project-generated passenger loading activities in the proposed passenger loading zone along Turk Street are not in compliance with the above requirements, the Planning Department shall notify the property owner in writing. The property owner, or his or her designated agent (such as building management), shall hire a qualified transportation consultant to evaluate conditions at the site for no less than 7 total days. The consultant shall submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not project-generated passenger loading activities are in compliance with the above requirements, and shall notify the property owner of the determination in writing.</p> <p>If the Planning Department determines that passenger loading activities are not in compliance with the above requirements, upon notification, the property owner—or his or her designated agent—should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that the property owner or his or designated agent has been unsuccessful at ensuring compliance</p>					

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with the above requirements, use of the on-street passenger loading zone should be restricted during certain time periods or events to ensure compliance. These restrictions should be determined by the Planning Department in coordination with the SFMTA, as deemed appropriate based on the consultant's evaluation of site conditions, and communicated to the property owner in writing. The property owner or his or her designated agent should be responsible for relaying these restrictions to building tenants to ensure compliance.					
<p><i>Improvement Measure I-TR-1c: Loading Dock Safety</i></p> <p>Deploy building management staff at the loading dock when trucks are attempting to service the building to ensure the safety of other roadway users and minimize the disruption to traffic, transit, bicycle, and pedestrian circulation. All regular events requiring use of the loading dock (e.g., retail deliveries, building service needs, etc.) should be coordinated directly with building management to ensure that staff can be made available to receive trucks.</p>	Project Sponsor.	During post-construction activities, as appropriate.	Coordinate loading dock activities with building management.	Planning Department to monitor Project Sponsor compliance.	Ongoing.
<p><i>Improvement Measure I-TR-1d: Loading Schedule</i></p> <p>Schedule and coordinate loading activities through building management to ensure that trucks can be accommodated either in the off-street loading dock or the service vehicle spaces in the building's garage. Trucks should be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along any of the streets immediately adjacent to the building (Market Street, Turk Street, and Taylor Street). Trucks unable to be accommodated in the loading dock or service vehicle spaces shall be directed to use on-street spaces, such as the commercial loading bay along Market Street or the various yellow curb zones in scattered locations surrounding the project site, or return at a time when these facilities are available for use. Alternatively, necessary permits could</p>	Project Sponsor.	During post-construction activities, as appropriate.	Coordinate loading dock activities with building management; obtain necessary permits reserve curb space.	Planning Department to monitor Project Sponsor compliance.	Ongoing.

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be obtained to reserve the south curb of Turk Street or east curb of Taylor Street, adjacent to the project site, for these activities.					
<i>Improvement Measure I-TR-1e: Construction Truck Delivery Scheduling</i>	Project Sponsor.	During post-construction activities, as appropriate.	Restrict truck activity to and from the project site during peak hours.	MTA to determine peak hours; Planning Department to monitor Project Sponsor compliance.	Ongoing.
To minimize disruptions to traffic, transit, bicycle, and pedestrian circulation on adjacent streets during the weekday AM and PM peak periods, the contractor shall restrict truck movements and deliveries to, from, and around the project site during peak hours (generally 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) or other times, as determined by San Francisco Municipal Transportation Agency and its Transportation Advisory Staff Committee.					
<i>Improvement Measure I-TR-1f: Construction Traffic Control</i>	Project Sponsor/contractor.	Pre-construction, as part of the traffic control plan.	Incorporate traffic management practices into traffic control plan.	Project Sponsor shall be responsible for contractor compliance.	Considered complete after construction activities have ended.
To reduce potential conflicts between construction activities and traffic, transit, bicycles, and pedestrians at the project site, the contractor shall add certain measures to the required traffic control plan for project construction. In addition to the requirements for the construction traffic control plan, the project shall identify construction traffic management best practices in San Francisco, as well as best practices in other cities, that, although not being implemented in San Francisco, could provide valuable information for the project. Management practices could include, but are not limited to, the following:					
<ul style="list-style-type: none"> <li>Identifying ways to reduce construction worker vehicle trips through transportation demand management programs and methods to manage construction worker parking demands.</li> <li>Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage or temporary walkways.</li> </ul>					

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
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<ul style="list-style-type: none"> <li>Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility.</li> <li>Identifying routes for construction-related trucks to utilize during construction.</li> <li>Requiring consultation with the surrounding community, including business and property owners near the project site, to assist coordination of construction traffic management strategies as they relate to the needs of other users adjacent to the project site.</li> <li>Developing a public information plan to provide adjacent residents and businesses with regularly updated information regarding project construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and other lane closures, and providing a project contact for such construction-related concerns.</li> </ul>					
<p><i>Improvement Measure I-TR-4a: Garage Exit Warning</i></p> <p>Install visible warning devices at the garage entrance to alert pedestrians of outbound vehicles exiting the garage.</p>	Project Sponsor.	During construction and post-construction activities, as appropriate.	Install warning devices at garage entrance.	Planning Department to monitor Project Sponsor compliance.	Project Sponsor to conduct ongoing functionality monitoring.
<p><i>Improvement Measure I-TR-4b: Pedestrian Safety Signage</i></p> <p>Provide on-site signage promoting pedestrian and bicycle safety (e.g., signage at the garage exit reminding motorists to slow down and yield to pedestrians in the sidewalk) and indicating areas of potential conflict between pedestrians in the sidewalk and vehicles entering and exiting the garage.</p>	Project Sponsor.	During construction and post-construction activities, as appropriate.	Install appropriate on-site signage.	Planning Department to monitor Project Sponsor compliance..	Project Sponsor to ensure that signage remains in place.
<p><i>Improvement Measure I-TR-4c: Garage Curb Cut</i></p> <p>Daylight the project's garage curb cut and entrance by designating up to 10 feet of the adjacent curb immediately south of the curb cut</p>	Project Sponsor.	During construction and post-construction	Designate a no-stopping zone	Planning Department to monitor Project	Project Sponsor to ensure that improvements

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
as a red "No Stopping" zone to improve the visibility of pedestrians in the sidewalk along Taylor Street when the yellow zone adjacent to the Warfield Theater is in use by trucks and other large vehicles that may obstruct motorists' field of vision. Implementation of this improvement measure would result in a corresponding reduction (of up to 10 feet) in the length of the existing yellow zone (currently approximately 150 feet), but is not expected to result in any major effect on general accommodation of curbside freight loading and service vehicle activities in the general vicinity of the project, given the magnitude of the overall loss in curb space.		activities, as appropriate.	adjacent to the garage.	Sponsor compliance.	remain in good condition.
<i>Improvement Measure I-TR-4d: Pedestrian Signals</i>	Project Sponsor.	During construction.	Install appropriate pedestrian signals.	Planning Department to monitor Project Sponsor compliance.	Project Sponsor to ensure ongoing functionality.
Install pedestrian signal heads with countdown timers for the east and south crosswalks at Taylor Street and Turk Street.					
<i>Improvement Measure I-TR-4e: Americans with Disabilities Act Standards</i>	Project Sponsor/contractor.	During construction.	Update curb ramps to be ADA compliant.	Planning Department to monitor Project Sponsor compliance.	Project Sponsor to ensure ongoing functionality.
Upgrade, redesign, or reconstruct (as needed) the existing curb ramps at the northwest, southwest, and northeast corners of Taylor Street and Turk Street in compliance with Americans with Disabilities Act (ADA) standards. It is assumed that the proposed sidewalk widening along Turk Street will provide ADA-compliant curb ramps at the southeast corner of the intersection.					
Construct ADA-compliant curb ramps at both ends of the north crosswalk across Taylor Street at Turk Street and Golden Gate Avenue.					
Construct ADA-compliant curb ramps at the northeast corner of the Mason Street and Turk Street intersection.					
<i>Improvement Measure I-TR-4f: Queue Abatement</i>	Project Sponsor.	Post-construction.	Identify any pedestrian or vehicle queues	Planning Department to monitor Project	Planning Department staff to monitor

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<ul style="list-style-type: none"> <li>It should be the responsibility of the Project Sponsor to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Taylor Street, including any portion of any travel lanes. The owner/operator of the parking facility should also ensure that no pedestrian conflict (as defined below) is created at the project driveway.</li> <li>A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors.</li> <li>A pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and/or contact between pedestrians and the vehicle occurs.</li> <li>There is one exception to the definition of a pedestrian conflict. Sometimes, outbound vehicles departing from the project driveway would be able to cross the sidewalk without conflicting with pedestrians, but then would have to stop and wait in order to safely merge into the Taylor Street roadway (due to a lack of gaps in Taylor Street traffic and/or a red indication from the traffic signal at the Taylor/Turk intersection). While waiting to merge, the rear of the vehicle could protrude into the western half of the sidewalk. This protrusion shall not be considered a pedestrian conflict. This is because the obstruction would be along the western edge of the sidewalk, while the pedestrian path of travel would be along the eastern side of the</li> </ul>			or conflicts, and employ abatement methods	Sponsor compliance.	quarterly until ERO deems monitoring and success of the improvement measure complete.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>sidewalk; street trees and other streetscape elements would already impede pedestrian flow along the west side of the sidewalk. Any pedestrians that would be walking along the west side of the sidewalk would be able to divert to the east and maneuver behind the stopped car. This exception only applies to outbound vehicles, and only if pedestrians are observed to walk behind the stopped vehicle. This exception does not apply to any inbound vehicles, and does not apply to outbound vehicles if pedestrians are observed to walk in front of the stopped outbound vehicle.</p> <ul style="list-style-type: none"> <li>If vehicle queues or pedestrian conflicts occur, the Project Sponsor should employ abatement methods, as needed, to abate the queue and/or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or employee shuttles; parking demand management strategies such as time-of-day parking surcharges; and/or limiting hours of access to the project driveway during periods of peak pedestrian traffic. Any new abatement measures shall be reviewed and approved by the Planning Department.</li> <li>If the Planning Director, or his or her designee, suspects that vehicle queues or a pedestrian conflict are present, the Planning Department shall notify the property owner in writing. The facility owner/operator should hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant should submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not queues</li> </ul>					

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>and/or a pedestrian conflict exists, and shall notify the garage owner/operator of the determination in writing.</p> <ul style="list-style-type: none"> <li>If the Planning Department determines that queues or a pedestrian conflict do exist, upon notification, the facility owner/operator should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that vehicle queues and/or a pedestrian conflict are still present or that the facility owner/operator has been unsuccessful at abating the identified vehicle queues or pedestrian conflicts, the hours of inbound and/or outbound access of the project driveway should be limited during peak hours. The hours and directionality of the access limitations shall be determined by the Planning Department, and communicated to the facility owner/operator in writing. The facility owner/operator should be responsible for limiting the hours of project driveway access, as specified by the Planning Department.</li> </ul>					
<p><b>WIND AND SHADOW</b></p> <p><i>Improvement Measure I-WS-1: Wind Reduction on New Rooftop Terraces</i></p> <p>To reduce wind and improve usability on the 950–974 Market Street rooftop terraces, the Project Sponsor should provide wind screens or landscaping along the north and west perimeter of the new rooftop terraces. Suggestions include Planning Code-compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to solid surfaces.</p>	Project Sponsor.	During construction and post-construction activities.	Provide wind screens or landscaping to reduce wind.	Project Sponsor.	Project Sponsor to ensure ongoing functionality.





## SAN FRANCISCO PLANNING DEPARTMENT

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### Mitigated Negative Declaration

*Date:* July 6, 2016; amended on November 17, 2016 (amendments to the Initial Study/Preliminary Mitigated Negative Declaration are shown as deletions in ~~strike through~~ and additions in double underline)

*Case No.:* 2013.1049E

*Project:* 950-974 Market Street Project

*Project Addresses:* 950-974 Market Street

*Zoning:* C-3-G (Downtown General Commercial) Use District  
120-X Height and Bulk District

*Block/Lot:* 0342/001, 002, 004, 014

*Lot Size:* 34,262 square feet

*Project Sponsor:* Michelle Lin, Mid Market Center, LLC – (415) 394-9018  
Michelle@groupi.com

*Staff Contact:* Melinda Hue – (415) 575-9041  
Melinda.Hue@sfgov.org

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION:

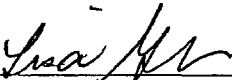
The 34,262-square foot project site, at 950-974 Market Street, is located on the northwest corner of Market and Turk Streets, on the block bound by Market, Mason, Turk, and Taylor Streets in San Francisco's Mid-Market district in the Downtown/Civic Center neighborhood. The project site currently contains a surface parking lot over a below-grade parking structure and four buildings that are either vacant or partially occupied with retail and office uses. The Project Sponsor, Mid Market Center, LLC, proposes to demolish the existing buildings and parking structure, and construct an approximately 406,000-gross-square-foot (gsf) building containing 242 dwelling units, a 232-room hotel, and approximately 16,600 gsf of retail uses, in a 12-story, 120-foot-tall building. The proposed project would include a one-level plus mezzanine below-grade garage containing approximately 82 parking spaces, including two car-share spaces. The proposed project would also include 319 bicycle parking spaces. A new loading zone is proposed along the Turk Street frontage, to accommodate passenger drop-off/pick-up and valet services for hotel guests.

This Mitigated Negative Declaration (MND) supersedes the Preliminary MND (PMND) published on January 20, 2016. The January 20, 2016 PMND analyzed the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District and a project that would utilize the density and height bonuses offered by such districts. The Planning Department has chosen not to seek approvals for the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District, and the Project Sponsor has

submitted a revised project description that does not depend on such districts. Given that the project description had changed substantially, this new PMND was prepared.

**Finding:**

The 950-974 Market Street Project would 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), 15070 (Decision to Prepare a Negative Declaration), and the following reasons, as documented in the Initial Evaluation (Initial Study) for the project, which is attached. Mitigation measures are included in this project to avoid potentially significant effects. See Section F, Mitigation Measures and Improvement Measures.

  
\_\_\_\_\_  
LISA M. GIBSON  
Acting Environmental Review Officer

11/17/16  
\_\_\_\_\_  
Date of Issuance of Final Mitigated  
Negative Declaration

# INITIAL STUDY

## Case No. 2013.1049E

### 950–974 Market Street Project

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## ACRONYMS

2010 Clean Air Plan	Bay Area 2010 Clean Air Plan
ACL	Absolute Cumulative Limits
ADA	Americans with Disabilities Act
ADRP	archeological data recovery plan
ARB	California Air Resources Board
Area Plan	Downtown Area Plan
ARDTP	Archaeological Research Design and Treatment Plan
ATP	archeological testing plan
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
bgs	Below ground surface
Boeddeker Park	Father Alfred E. Boeddeker Park
BMPs	best-management practices
BMR	below market rate
CAA	Clean Air Act
CalEEMod	California Emissions Estimator Model
CAP	2010 Clean Air Plan
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
City	City of San Francisco
CNDDB	California Natural Diversity Database
CO	Carbon monoxide
CRHR	California Register of Historical Resources
dB	Decibels
DBI	Department of Building Inspection
DEHP	Phthalate
DPH	Department of Public Health
DPR	California Department of Parks and Recreation
DPM	Diesel particulate matter
ERO	Environmental Review Officer
F-line	Muni F-line streetcar
FAR	floor area ratio
FARR	Final Archeological Resources Report
General Plan	San Francisco General Plan
GHG	greenhouse gas
GHG Reduction Strategy	Strategies to Address Greenhouse Gas Emissions
gsf	gross square feet
HUD	Housing and Urban Development
HRE	Historical Resources Evaluation
HRER	Historic Resources Evaluation Response
lbs	Pounds
NO <sub>x</sub>	Oxides of nitrogen
MBTA	Migratory Bird Treaty Act
MLD	most likely descendent

mph	miles per hour
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NO <sub>2</sub>	Nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
OPR	California State Office of Planning and Research
OS	Open Space
P	Public
PCB	polychlorinated biphenyls
Planning Code	San Francisco Planning Code
PM	Particulate matter
proposed project	950-974 Market Street Project
PPV	Peak Particle Velocity
QACL	Qualified Archeological Consultants List
ROG	Reactive organic gases
ROSE	Recreation and Open Space Element
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
sf	square feet
SFBAAB	San Francisco Bay Area Air Basin
SFFD	San Francisco Fire Department
SFPD	San Francisco Police Department
SFPUC	San Francisco Public Utilities Commission
SFUSD	San Francisco Unified School District
SO <sub>2</sub>	Sulfur dioxide
SoMa	South of Market Area
SRO	single room occupancy
STC	Sounds Transmission Class
SWPPP	Stormwater Pollution Prevention Plan
TAAS	Theoretically Available Annual Sunlight
TACs	Toxic air contaminants
TAZ	transportation analysis zone
TBACT	Best Available Control Technology for Toxics
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
TNDC	Tenderloin Neighborhood Housing Corporation
USEPA	United States Environmental Protection Agency
VdB	Vibration decibels
VDECS	verified diesel emission control strategy
ZOI	zone of influence

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## A. PROJECT DESCRIPTION

This ~~Preliminary~~ Mitigated Negative Declaration (PMND) supersedes the Preliminary MND (PMND) published on January 20, 2016. The January 20, 2016 PMND analyzed the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District and a project that would utilize the density and height bonuses offered by such districts. The Planning Department has chosen not to seek approvals for the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District, and the Project Sponsor has submitted a revised project description that does not depend on such districts. Given that the project description had changed substantially, a new PMND was prepared.

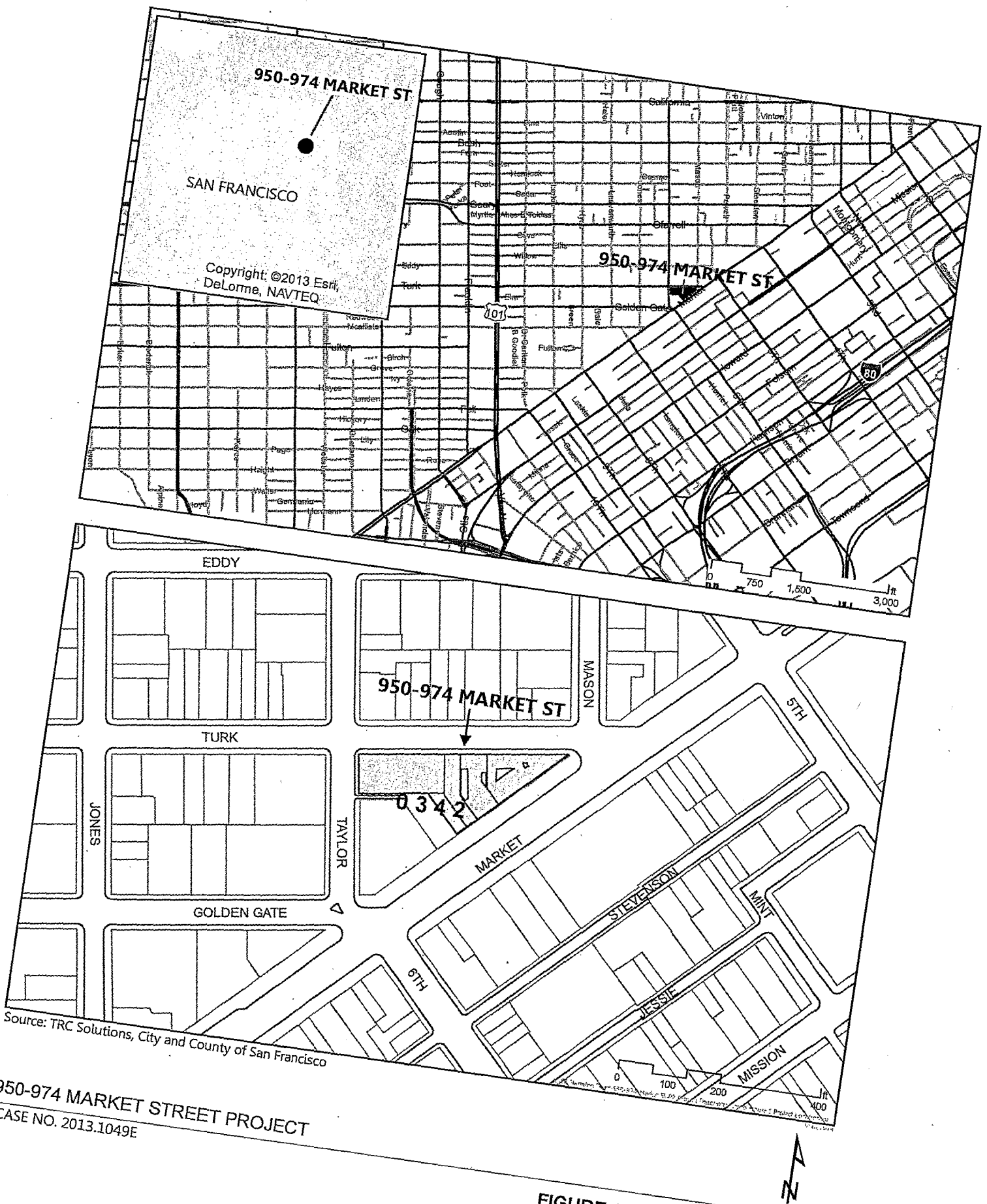
### A.1. PROJECT LOCATION AND SITE CHARACTERISTICS

The triangular-shaped project site is located at 950–974 Market Street and 61–67 Turk Street, in the northeastern portion of the Mid-Market area<sup>1</sup> within the Downtown/Civic Center neighborhood (see Figure 1, Project Location). The Tenderloin neighborhood is immediately north of the project site while the South of Market Area (SoMa) is located south of the project site. The project site consists of four parcels (Block 0342, Lots 001, 002, 004, and 014) on a block bounded by Market, Turk, and Taylor Streets. The project site has frontage on Market, Turk, and Taylor Streets, and on Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield Theater and Crazy Horse Theater.

Land uses in the project area include a mixture of retail, commercial, hotels, residential, and public spaces. The project area surrounding uses include the Civic Center, University of California Hastings College of the Law, the San Francisco Public Library main branch, Asian Art Museum, Federal Office Buildings at 90 7th Street and 50 United Nations Plaza and the Ninth Circuit Federal Courthouse at 95 7th Street, and the Westfield San Francisco Centre shopping center.

Vehicles can access the site vicinity via Turk Street (a one-way street with east-to-west traffic flow), Taylor Street (a one-way street with south-to-north traffic flow), and Market Street, which is two-way. The Market Street frontage has a bus stop and a loading area approximately mid-block, with loading on the western end of the project block and bus loading on the eastern end. Aside from the commercial loading zone near Opal Place on Taylor Street, there is no on-street parking bordering the project site.

<sup>1</sup> The Mid-Market area generally encompasses the properties located along Market and Mission Streets between 5th Street and 11th Street.



Source: TRC Solutions, City and County of San Francisco

950-974 MARKET STREET PROJECT  
CASE NO. 2013.1049E

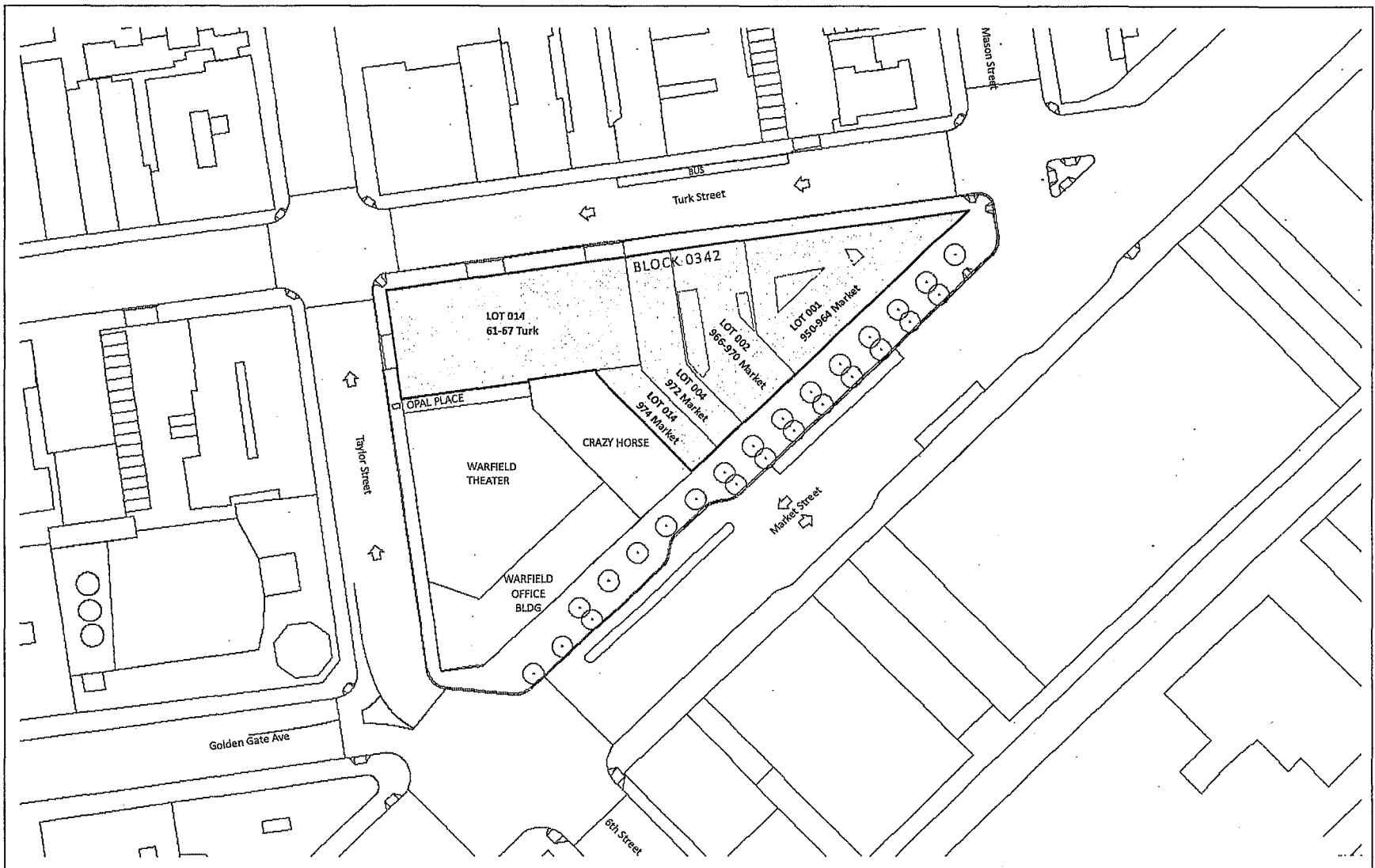
FIGURE 1: PROJECT LOCATION

In particular, parking is prohibited along both sides of Market Street, and on both sides of Turk Street between Mason Street and Taylor Street, with the exception of a blue curb zone (approximately 25 feet in length) for Americans with Disabilities Act (ADA) parking along the north side of the street west of the intersection with Mason Street. An additional ADA zone approximately 50 feet in length is on the proposed project frontage on Taylor Street, approximately at the intersection of Taylor Street, Market Street, and Golden Gate Avenue. Market Street is designated as a Class III bicycle route. No bicycle routes are located on Turk or Taylor Streets.

The closest Muni Metro stations to the project site are at Civic Center Station approximately 0.3 mile southwest, and Powell Station approximately 0.1 mile northeast, both shared with regional rail service operated by Bay Area Rapid Transit (BART). The closest station entrances to the project site are the Hallidie Plaza entrance at the Powell Station, and the Market Street / Seventh Street / Charles J. Brenham Place entrance to the Civic Center Station. These two stations are stops for all six Muni Metro underground lines (Lines N, L, M, K, T, and J), and four BART lines (Pittsburg/Bay Point to/from SFO/Millbrae, Dublin/Pleasanton to/from Daly City, Daly City to/from Fremont, and Richmond to/from Daly City/Millbrae). The project is located within 0.25-mile of nine local Muni bus lines (Lines 5, 9, 14, 19, 27, 30, 31, 38, and 45); three rapid Muni bus lines (Lines 9R, 14R, and 38R); three express Muni bus lines (Lines 8X, 14X, and 16X); three Muni cable car/trolley lines (Lines F, PM, and PH); and two regional bus lines (Golden Gate Transit and San Mateo County Transit District). The San Francisco Ferry Terminal and Caltrain Station are each located approximately 1.25 miles from the project area.

#### ***Existing Buildings and Uses on the Project Site***

The project site is occupied by four mixed-use commercial buildings (950–964 Market Street, 966–970 Market Street, 972 Market Street, and 974 Market Street), and a surface parking lot over a below-grade parking structure (61–67 Turk Street) (see Figure 2, Existing Site). Table 1, Existing Land Uses on the Project Site, presents, by lot, the current land uses on the project site, the current lot dimensions, and the current dimensions of the four existing buildings and the below-grade parking structure.



SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

## 950-974 MARKET STREET PROJECT

CASE No. 2013.1049E

FIGURE 2: EXISTING SITE

TABLE 1: EXISTING LAND USES ON THE 950-974 MARKET PROJECT SITE

Address	Lot	Stories	Lot Area (square feet [sf])	Building Area (sf)	Existing Height (feet)	Ground Floor Existing Use	Upper Floor(s) Existing Use
950-964 Market	001	2+ basement	8,559	31,886	36	Paycheck loan, retail sunglasses, retail clothing, beauty parlor, wig store, cell phone store	Social Services Office
966-970 Market	002	2+ basement	6,290	20,636	38	Vacant	Vacant
972 Market	004	3+ basement	4,205	16,800	44	Vacant	Vacant
974 Market	014	3+ basement	2,267	9,044	39	Vacant/storage	Vacant
61-67 Turk	014	Surface lot + basement	12,941	25,872	0 to 5	Parking lot	N/A
<b>Totals</b>			<b>34,262</b>	<b>104,238</b>			
Source: Mid Market Center, LLC							

The existing buildings and below-grade parking structure measure approximately 104,238 gross square feet (gsf), and current uses include approximately 21,321 gsf of retail, 19,200 gsf of offices, and 25,872 gsf of parking space. The remaining building area is vacant or used for temporary storage. No dwelling units are currently located on the project site. The four buildings range from two to three stories tall with basements, and range from approximately 36 to 44 feet in height. The 950-964 Market Street building (Lot 001) is a 36-foot-tall, two-story building with a basement. The 966-970 Market Street building (Lot 002) is a 38-foot-tall, two-story building. The 972 Market Street building (Lot 004) is a 44-foot-tall, three-story building with a basement. The 974 Market Street building (Lot 014) is a 39-foot-tall, three-story building with a basement. Also on Lot 014, at 61-67 Turk Street, is an at-grade surface parking lot over a below-grade parking structure that is approximately 10 feet below grade. Four existing sidewalk elevators are located along the Turk Street right-of-way.

## A.2. PROJECT CHARACTERISTICS

The Project Sponsor, Mid Market Center, LLC, proposes to demolish the existing buildings and parking structure, and construct an approximately 406,000-gsf building containing 242 dwelling units, a 232-room hotel, and approximately 16,600 gsf of retail uses, in a 12-story, 120-foot-tall building. (proposed project) The proposed project would include a one-level with mezzanine below-grade garage containing approximately 82 parking spaces, including two car-share spaces.

Table 2, Project Summary, presents key project characteristics, including the square footage of the proposed project.

TABLE 2: PROJECT SUMMARY

Project Use/Space	Project Totals
Retail (gsf)	16,600 <sup>1</sup>
Residential (gsf)	204,401
Hotel (gsf)	133,877
Parking and Loading (gsf)	51,230
<b>Total (gsf)</b>	<b>406,101</b>
Open Space (gsf)	27,199
Dwelling units	242
Hotel rooms	232
Parking spaces	82
Loading Spaces	2 trucks and 2 vans
Number of buildings	1
Height of building <sup>2</sup>	120 feet <sup>3</sup>
Number of stories	12 stories
Source: Mid Market Center, LLC	
Notes:	
<sup>1</sup> The retail space for the proposed project includes approximately 3,000 sf located in the basement mezzanine for back-of-house uses.	
<sup>2</sup> Parapet, mechanical penthouses, and other associated rooftop building structures are exempt from overall building height pursuant to Planning Code Section 260(b)(1)(F).	
<sup>3</sup> The mechanical structures/penthouse on the roof would extend the building height to up to approximately 135 feet.	

### Proposed Uses

The basement would contain vehicle and bicycle parking, hotel back-of-house functions, and mechanical and service spaces. The basement mezzanine would contain resident storage space, residential, retail, and hotel back-of-house functions, and mechanical and service spaces for the residential, hotel, and common building uses. The street level would contain retail, residential and hotel lobbies, restaurant space, and public open spaces composed of a publicly accessible outdoor food and beverage garden on Market Street and a public open space on Turk Street that would provide outdoor activity and event space for residents, hotel guests, and the public (see Figure 3, Proposed Street Level Plan). The second through 12th floors would consist of residential and hotel uses. Residential uses would occupy approximately the eastern half of the building, while hotel uses would occupy approximately the western half of the building.

CASE No. 2013.1049E

**FIGURE 3: PROPOSED STREET LEVEL PLAN**

The building would include rooftop terraces above the 12th floor with a solarium containing residential amenities, gardens and recreation areas vegetated with trees and other shrubbery, lounge and deck areas, outdoor event and seating spaces which would provide both separate and shared open spaces for residential and hotel tenants, and an outdoor bar that would be accessible to hotel guests and the public during certain hours of the day, with controlled access (see Figure 4, Roof Terrace Plan).

**Retail Uses.** The Proposed Project would include approximately 16,600 gsf of retail uses at the ground level, with retail shops, community space, and restaurants and bars. Six to eight retail spaces would be along Market and Turk Streets, ranging from approximately 500 square feet to 4,999 square feet each, to potentially house food and beverage establishments or general retail shops serving visitors, and to serve neighborhood residents and workers. In addition, the proposed project would include an outdoor food and beverage garden mid-block on Market Street and a public open space on Turk Street (see Figure 3, Proposed Project Street Level Plan).

**Residential Uses.** The proposed project would include approximately 204,400 gsf of residential uses composed of 242 residential units, residential storage, amenity space, mechanical, electrical, and trash use and lobby areas, covering approximately the eastern half of the building from floor two through floor 12. The residential lobby would be on the ground floor, and back-of-house and mechanical spaces would be placed throughout the residential component of the building for staff, service, and maintenance uses. Of the 242 residential units, 211 residential units would be market rate and 31 residential units would be below market rate (BMR) units (13 percent of total units). The unit mix would be approximately 67 studios, 65 junior one-bedroom, 66 one-bedroom units, and 44 two-bedroom units. Private roof terraces on floor 2 and above floor 12 would provide approximately 14,800 gsf of common open space for residents. An approximately 1,800 gsf solarium would provide amenity space for residents.

**Hotel Uses.** The proposed project would include approximately 133,900 gsf of hotel uses, with 232 guest rooms on floors two through 12 covering approximately the western half of the building. Associated hotel support spaces (including a publicly accessible lobby, and maintenance, laundry, kitchen, and employee areas) would be located on the ground floor, the basement, and basement mezzanine levels. A publicly accessible roof terrace and outdoor bar above the 12th floor would be accessible to hotel guests and the public during certain hours of the day, with controlled access (see Figure 4, Roof Terrace Plan). The exact hours of operation for the roof terrace and outdoor bar have not yet been determined.



CASE No. 2013.1049E

### ***Proposed Parking, Loading, and Bicycle Parking***

The proposed project would include a single-level with mezzanine below-grade garage with approximately 27,000 gsf for 82 residential parking spaces, plus two car-share spaces, and 319 bicycle parking spaces. No on-site parking would be provided for hotel guests. Garage access would be provided via a driveway ramp along the Taylor Street frontage, adjacent to Opal Place. A new, approximately 20-foot-wide curb cut would be installed along the Taylor Street frontage to serve the new driveway ramp, and the existing curb cut would be removed. A portion of the 82 parking spaces would be accommodated by puzzle stackers, a type of mechanical parking lift; no additional below-ground pits would be required to accommodate the stackers. Space for two service vans would be provided in the garage basement for residential loading and unloading (see Figure 5, Basement Level Plan).

The proposed project would propose a new curb loading zone measuring approximately 145 feet, on the Turk Street frontage, to accommodate passenger drop-off and pick-up and valet services for hotel guests. The Turk Street frontage, including the existing curb and sidewalk, would be entirely rebuilt and reconfigured, as described in the Proposed Street and Streetscape Improvements section. A 20-foot curb cut would provide access from Turk Street to two truck-loading bays within the building. An approximately 1,200-gsf off-street loading area with the two 35-foot-long truck-loading bays would be located on the Turk Street frontage near Taylor Street and would serve residential, hotel, and retail uses in the building (see Figure 3, Proposed Street Level Plan).

### ***Proposed Street and Streetscape Improvements***

The proposed project would include additional sidewalk changes. Along Turk Street, the sidewalk would be reconstructed and widened (except at the pedestrian loading area) to remove hazards and existing sidewalk elevators, and to accommodate new sidewalk transformer vaults at the western end of the Turk Street frontage. As part of the proposed project, 14 new street trees would be planted along the Turk Street frontage, where no trees currently exist. In addition, a sidewalk bulb-out on the southeast corner of Turk Street and Taylor Street, and a bulb-out on the southwest corner of Turk Street and Mason Street would be installed. Along Taylor Street, where street trees currently do not exist, no new street trees would be planted in order to maintain the existing 10-foot clear sidewalk width. Along the Market Street frontage, all 17 existing street trees, the brick sidewalk improvements, and the historic Path of Gold lamp posts are proposed to be retained.



### ***Proposed Building Design***

The proposed project would be a 12-story building with a 25-foot setback from the Crazy Horse/Egyptian Theater on Market Street, and would be v-shaped in plan (see Figure 6, Market Street Cross Section, and Figure 7, Turk Street Cross Section, for a cross-section view and floor details). The height of the proposed building would be 120 feet.

Additional building elements, such as parapets, wind screens, planters, mechanical screens, mechanical penthouses, and solarium, which are exempt from height limits, would extend above the 120-foot-high roofline (see Figures 8 Market Street Elevation, 9, Turk Street Elevation, and 10, Taylor Street Elevation). The building would include rooftop terraces above the 12th floor that would provide both separate and common open spaces for residential and hotel tenants. As noted previously, the publicly accessible open space adjoining Market Street would be an outdoor food and beverage garden. The public open space along Turk Street would have additional outdoor activity and event space for residents, hotel guests, and the public (Figure 3, Proposed Street Level Plan).

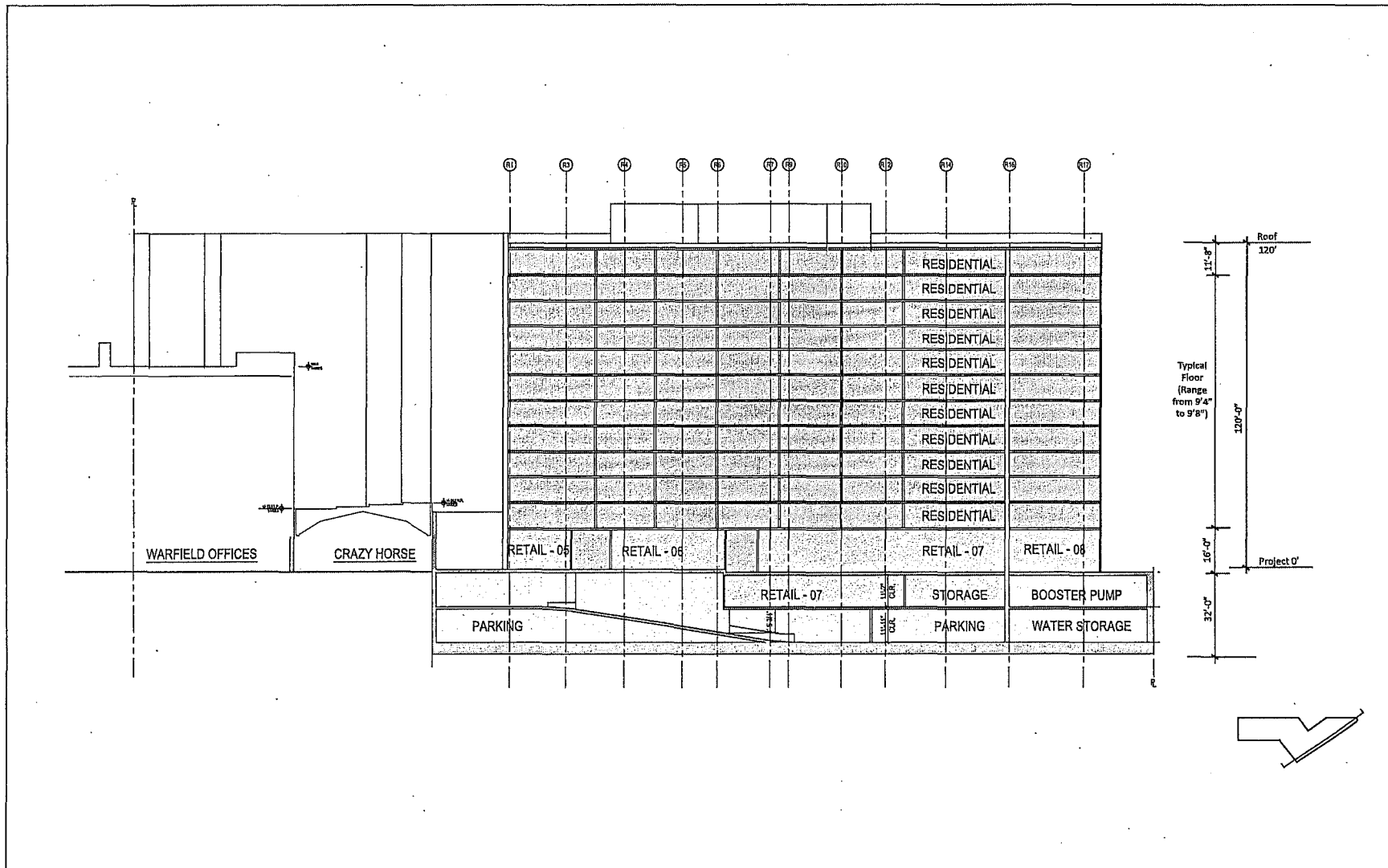
### ***Emergency Generators***

The proposed project would include one diesel-powered emergency electric generator.

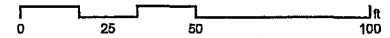
### ***Excavation***

The proposed project would require excavation to a depth of approximately 35 feet below ground surface and estimated excavation of approximately 218,519 cubic yards or 59,000 tons of soil.

The anticipated depth of excavation for the base of the foundation (including basement and slabs) would be approximately 35 feet below the low point of the site, measured from the northeast corner at Market and Turk Streets. The proposed project would likely include one or two rows of caissons, parallel and adjacent to the Market Street property line, at 20- to 29-foot intervals. The depth of the caissons has not yet been determined and would be dependent on detailed engineering design acceptable to BART. The proposed project would also include two elevator pits that would extend approximately 35 feet below ground surface (bgs).



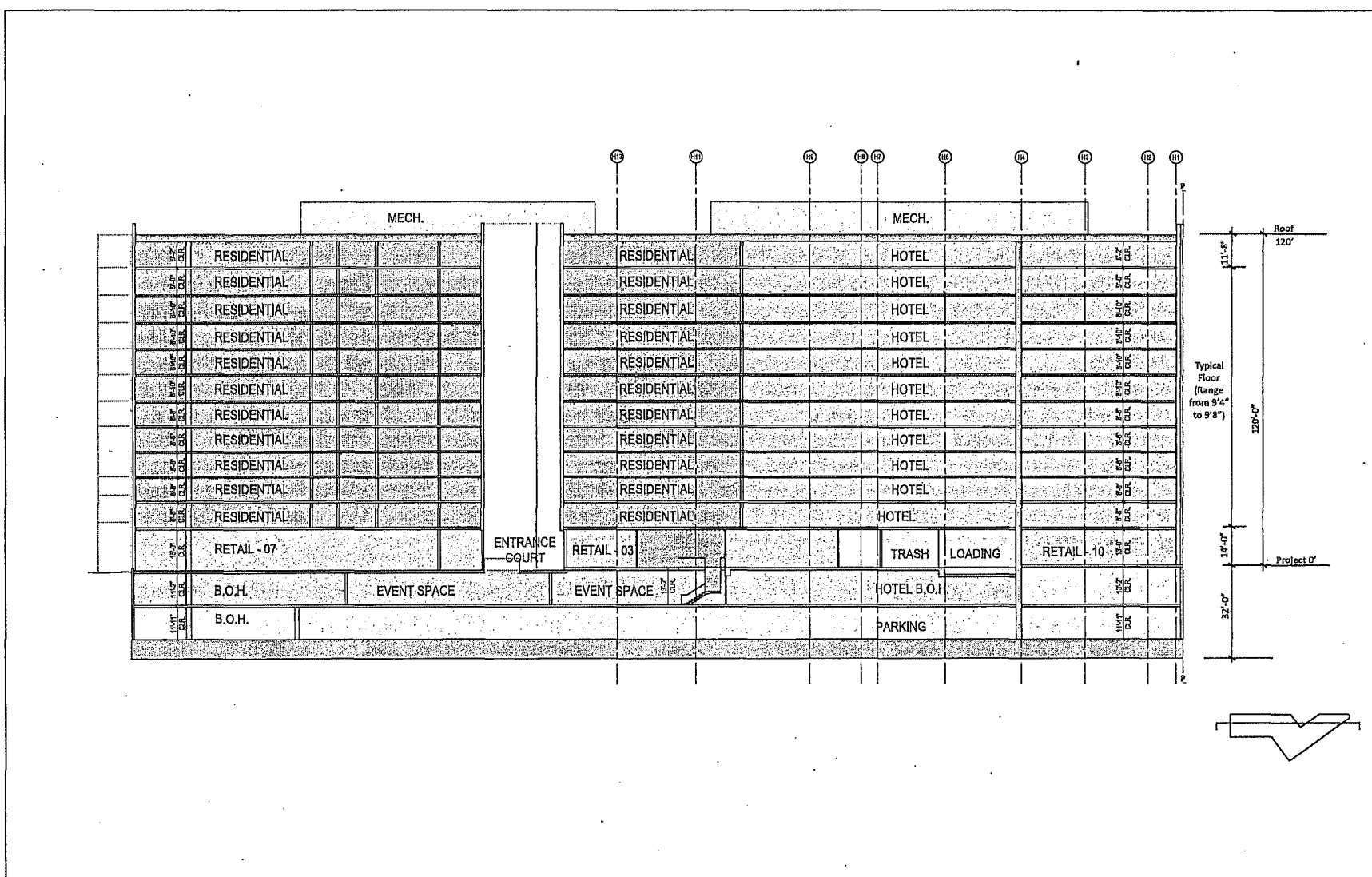
SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC



## 950-974 MARKET STREET PROJECT

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FIGURE 6: MARKET STREET CROSS SECTION

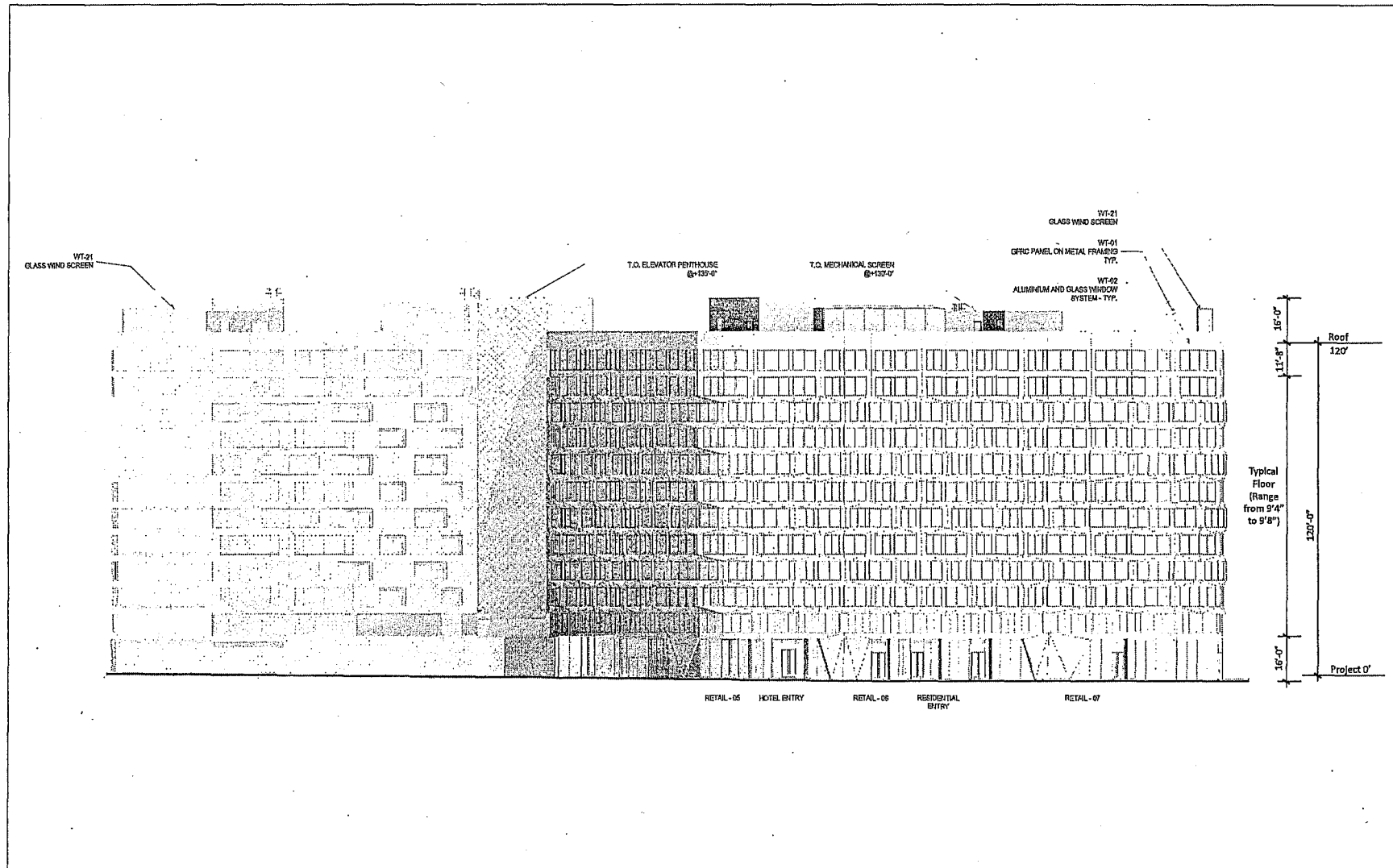


SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

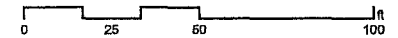
## 950-974 MARKET STREET PROJECT

CASE No 2013.1049E

FIGURE 7: TURK STREET CROSS SECTION



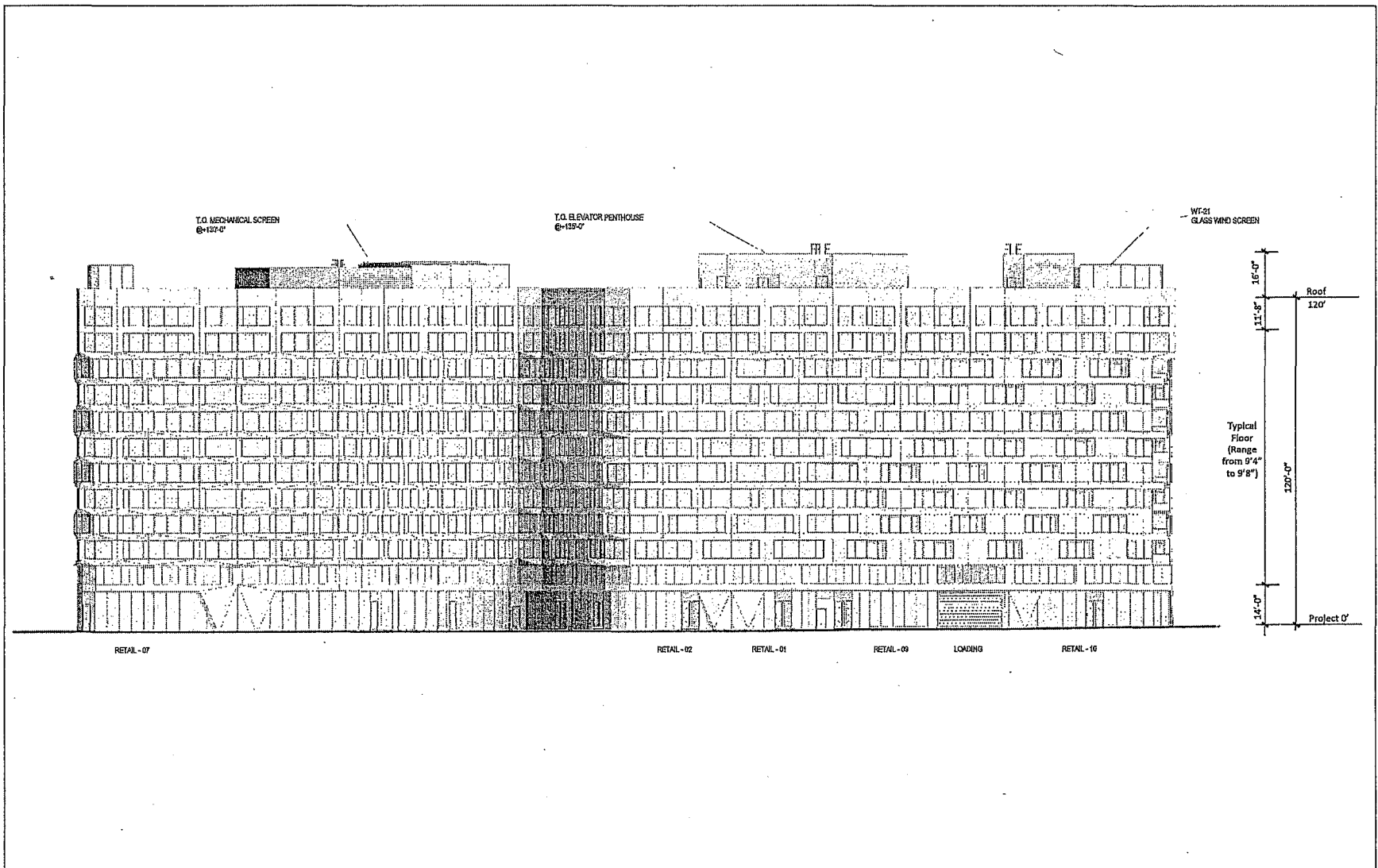
SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC



## 950-974 MARKET STREET PROJECT

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FIGURE 8: MARKET STREET ELEVATION



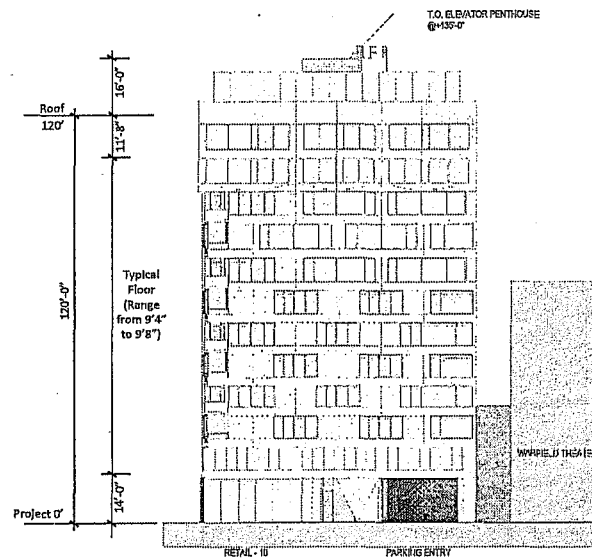
SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

## 950-974 MARKET STREET PROJECT

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FIGURE 9: TURK STREET ELEVATION





SOURCE: HANDEL ARCHITECTS, TRC SOLUTIONS, MID MARKET CENTER LLC

## 950-974 MARKET STREET PROJECT

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FIGURE 10: TAYLOR STREET ELEVATION

### A.3. CONSTRUCTION ACTIVITIES AND SCHEDULE

The Project Sponsor estimates that the demolition, excavation, and construction of the proposed project would take approximately 27 months. As shown in Table 3, Construction Schedule, demolition of the existing buildings and structures at the project site would take approximately 1 month. Excavation and shoring would follow demolition and would take approximately 3 months to complete. Construction of the building would occur over a period of approximately 23 months. Partial sidewalk space on Market Street and full sidewalk space on Turk and Taylor Streets would be required throughout the full 27-month demolition and construction period.

TABLE 3: CONSTRUCTION SCHEDULE

Construction Activity	Approximate Schedule
Demolition	1 month
Excavation and Shoring	3 months
Construction	23 months

### A.4. REQUIRED APPROVALS AND PERMITS

The proposed project would require the following approvals from the City and County of San Francisco:

- Downtown Authorization by the Planning Commission pursuant to Planning Code Section 309, with exceptions for rear yard configuration, off-street loading, and off-street tour bus loading
- Conditional Use Authorization by the Planning Commission to exempt the on-site BMR dwelling units from FAR calculations (Planning Code Section 124[f]) and to allow a hotel (Planning Code Section 210.2)
- Variance by the Zoning Administrator for the width and configuration of the off-street loading access
- Department of Building Inspection approval for demolition and building permits
- Lot Merger and Subdivision Map approval by the Department of Public Works to merge and re-subdivide the separate lots that compose the project site
- San Francisco Municipal Transportation Agency approval for all proposed changes to on-street loading zones, and the reconfiguration/removal of existing on-street parking spaces
- Public Utilities Commission approval for the Stormwater Prevention Plan

A. Project Description

The approval of the Downtown Authorization by the Planning Commission pursuant to Planning Code Section 309 constitutes the Approval Action for the proposed project, pursuant to Section 31.04(h)(3) of the San Francisco Administrative Code.

The Approval Action date establishes the start of the 30-day appeal period for this California Environmental Quality Act determination pursuant to Section 31.6(d) of the San Francisco Administrative Code.

## B. PROJECT SETTING

The proposed project site is on the north side of Market Street, between Turk and Taylor Streets in San Francisco's Downtown/Civic Center neighborhood. The project site is composed of four lots that contain a below-grade parking structure and four buildings that are either vacant or partially occupied with retail and office uses. The topography of the project site and surrounding area is relatively flat. The project site is within the block bounded by two-way Market Street, one-way westbound Turk Street, and one-way northbound Taylor Street.

The project site is within a Downtown Commercial General (C-3-G) Use District and a 120-X Height and Bulk District. Most of the properties along Market Street near the project site are within the C-3-G or Downtown Commercial Retail (C-3-R) Use Districts and similar height and bulk districts. Hallidie Plaza (P [Public] Use District and OS [Open Space] Height and Bulk District), is northeast of the proposed project site.

Land uses in the surrounding area include a mixture of retail, entertainment, hotel, residential, and office uses, where many of these uses have citywide or regional function. The Warfield Building and Theater are located directly west of the site. The Market Street Place retail center is under construction southeast and across Market Street from the project site; other existing retail and office space fronts the south side of Market Street. The site is bordered on the north across Turk Street by the Metropolis Hotel, Farmer Brown restaurant, and mixed-use residential and hotel buildings. Uses north of the project site and in a one-block radius include several single room occupancy (SRO) hotels, many of which are run by affordable housing organizations. The closest residential use is the Dalt Hotel, an affordable SRO building located across Turk Street, north of the project site. Other SRO hotels and apartment buildings within one block of 950 Market Street include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel. Parks, open spaces, and recreational facilities located within 1,000 feet of the project site include Father Alfred E. Boeddeker Park, which is northwest of the site on the block bordered by Eddy Street, Jones Street, and Ellis Street, and Hallidie Plaza, which is approximately one block to the east, at Market and Powell Streets.

### B.1. CUMULATIVE PROJECTS

Cumulative development in the project vicinity (generally within a 0.25-mile radius of the project site) includes the following projects that are either under construction or for which the Planning Department has an Environmental Evaluation Application on file:

- **1125 Market Street:** The project would construct a 12-story-over-basement, 120-foot-tall building providing 160 hotel rooms and approximately 8,000 square feet (sf) of public use areas on the ground floor, including restaurant, bar, and hotel lobby uses (environmental review in progress).
- **1028 Market Street:** The project would demolish the existing commercial building and construct a 13-story, 120-foot-tall building containing approximately 186 dwelling units, 9,675 sf of commercial space, and 42 parking spaces in two basement levels (environmental review in progress).
- **1053–1055 Market Street:** The project would demolish the existing approximately 16,000-sf two-story building, and construct a 10-story approximately 74,000-sf mixed-use hotel/retail building with 155 hotel rooms and approximately 4,000 sf of ground floor retail space (environmental review in progress).
- **1066 Market Street:** The project would demolish the existing commercial building and parking lot and construct an approximately 297,950 sf, 14-story, 120-foot-tall building providing approximately 304 dwelling units, 4,540 sf of commercial space, and 112 parking spaces and would involve the land dedication of 101 Hyde Street to the San Francisco Mayor's Office of Housing and Community Development for affordable housing (Planning Commission approval in March 2016 and Board of Supervisors approval in June 2016 of Ordinance enabling land dedication).
- **1075 Market Street:** The project includes construction of a 90-foot-tall, eight-story mixed-use retail/residential building, with approximately 7,500 sf of retail space, 99 dwelling units, and 24 parking spaces (Planning Commission approval in September 2015, construction expected 2016).
- **945 Market Street:** The project includes construction of an approximately 90-foot-tall, five-story retail center. (under construction)
- **1095 Market Street:** The project would convert the existing office building to a hotel and restaurant/nightclub (under construction).
- **1127 Market Street:** The project renovated the existing 12,300 -sf movie theater (Strand Theater) to a 299-seat live theater with support spaces, including a ground-floor restaurant/cafe fronting Market Street (construction completed 2015).
- **1100 Market Street:** The project involves renovation of the existing Renoir Hotel at Market and 7th Streets. Construction is ongoing and the hotel is scheduled to reopen as the San Francisco Proper Hotel (under construction).

- **1036–1040 Mission Street:** The project includes construction of a 90-foot-tall, nine-story residential building, including 83 affordable housing units. The project would include 963 sf of ground-floor retail space and 144 bicycle parking spaces (Planning Commission approval in May 2014).
- **942 Mission Street:** The project constructed a 152-foot-tall, 15-story hotel with 172 hotel rooms, 3,240 sf of ground-floor retail, and 4,098 sf of first-floor circulation space (completed in 2014).
- **996 Mission Street:** The project includes the demolition of the existing building, and the construction of an eight-story, 85-foot-tall mixed use building. The project would include 30 residential hotel rooms on two floors, a total of 75 tourist hotel rooms on five floors, ground floor commercial space, and mezzanines with below grade basement (environmental review in progress).
- **925–967 Mission Street:** The project includes the rehabilitation of two existing buildings, and the demolition and redevelopment of six other existing buildings at the site. The project would result in the construction of five new buildings ranging in height from approximately 50 feet to 400 feet. The project would include approximately 1.85 million sf of new and existing uses, comprising 1,132,200 sf of office uses, 552,800 sf of residential uses, including approximately 748 dwelling units, up to 146,900 sf of ground floor retail/office uses, and 18,200 sf of arts/cultural/educational uses (Planning Commission approval in September 2015).
- **475 Minna Street:** The project would remove the existing surface parking lot, and construct a nine-story, 88-foot-tall, 15,240 sf residential building. The project would include 15 residential dwelling units, with 20 percent of those units being below market rate. The project involves the approval of a conditional use authorization to allow additional square footage above the base floor area ratio, for dwelling units that will be affordable (environmental review in progress).
- **469 Eddy Street:** The project would remove the existing parking garage and construct an eight-story, 29,419 sf mixed-use residential/retail building, with a basement. The building would contain 34 residential units, 2,149 sf of ground floor retail space, and 15 basement parking spaces (environmental review in progress).
- **168 Eddy Street:** The project includes construction of an 88-foot-tall, 130,500-sf mixed-use building, including 103 affordable housing units and 5,500 sf of ground-floor retail space (Planning Commission approval in March 2015).
- **430 Eddy Street:** The project includes construction of an eight-story, mixed-use building with 23 residential condo units above 970 sf of ground-floor commercial uses (Planning Commission approval in March 2016).
- **450 O'Farrell Street:** The project would demolish an existing church with four parking spaces, and a one-story retail building. In their place the project would construct a 12-story, 130-foot-tall mixed use

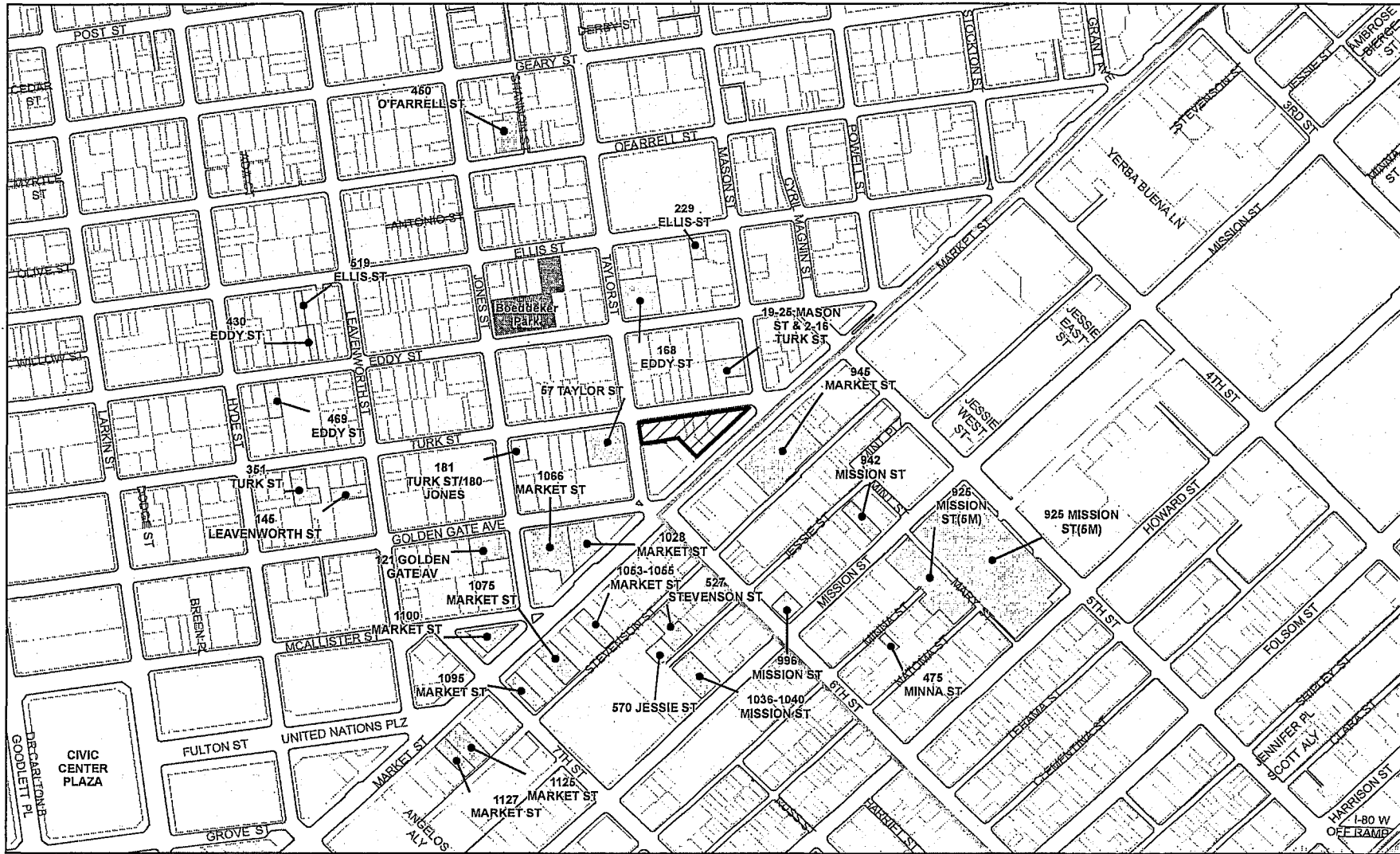
building containing a 10,000 sf church, 6,000 sf of retail space, 97 dwelling units, 74 group housing units, and 100 parking spaces (environmental review in progress).

- **229 Ellis Street:** The project involves interior structural improvement and addition of three stories to an existing three-story building, increasing the building height to 77.5 feet tall, adding 18 residential dwelling units and 5,704 sf retail space (environmental review in progress).
- **519 Ellis Street:** The project includes construction of an eight-story, mixed-use building with 28 residential condo units above ground-floor commercial uses (environmental review in progress).
- **57 Taylor Street:** The existing 18,906 sf lot currently contains a 112-unit residential building, covering approximately 11,004-sf of lot area, with the remaining 7,902 sf occupied by a surface parking lot. The project would subdivide the existing property into two lots; the first lot would be 11,004 sf, and would be entirely occupied by the existing building. The second lot would remove the existing parking lot, as well as a vacant portion of the existing building at the rear, and construct an 11-story, 110-foot-tall mixed-use building with 70 group housing units and 3,379 sf of interior common space (environmental review in progress).
- **181 Turk Street/180 Jones Street:** The project includes construction of an 80-foot-tall, eight-story mixed-use building containing up to 37 residential dwelling units, approximately 2,700 sf of ground-floor retail space, and up to eight off-street parking spaces (Planning Commission approval in September 2012).
- **351 Turk Street/145 Leavenworth Street:** The project includes construction of two new group housing buildings over ground floor retail at 351 Turk and 145 Leavenworth, and the one-for-one replacement of residential hotel rooms at five other mixed-tourist/residential hotels throughout the City (Planning Commission approval in July 2015).
- **19-25 Mason Street/2-16 Turk Street:** The project includes construction of a 120-foot-tall, 12-story mixed-use building with 110 residential dwelling units and ground-floor retail (Planning Commission approval in March 2015).
- **121 Golden Gate Avenue:** The project constructed a 10-story mixed-use affordable housing project, with 102 senior housing units and philanthropic dining facilities on the basement and ground-floor levels (completed in 2014).
- **570 Jessie Street:** The project includes construction of a 92-foot-tall residential building, with 47 dwelling units and 24 parking spaces (currently under construction).




- **527 Stevenson Street:** The project involves the adaptive reuse of an industrial building to residential, with 67 dwelling units, 210 sf of ground-floor commercial space, and nine parking spaces (completed in 2015).
- **Better Market Street:** The project (which is underway) will consider different options for the reconfiguration of sidewalks, bicycle lanes, and transit lanes, and potential automobile restrictions on portions of Market Street from Octavia Boulevard to The Embarcadero (environmental review in progress).
- **Safer Market Street:** The project (which is underway) will extend transit-only lanes and include turn restrictions for private automobiles between 3rd and 8th Streets at Market Street (completion by 2024).
- **Central SoMa Plan:** The Central SoMa Plan (formerly the Central Corridor Plan) establishes a land use and transportation planning framework for the Central SoMa/Yerba Buena areas. The plan area encompasses a 28-block rectangle bounded by Market Street on the north, Townsend Street on the south, 2nd Street on the east, and 6th Street on the west (environmental review in progress).

Refer to Figure 11, Cumulative Projects, for the locations of the previously described projects. The project list provides information on overall development patterns in the Mid-Market area. For analysis of potential cumulative effects, each environmental topic herein briefly identifies the cumulative context relevant to that topic. For example, the context would be nearby projects that could contribute to cumulative shadow effects on open space. In other cases, such as air quality, the context would be citywide or regional growth projects.





Source: TRC Solutions, City and County of San Francisco

-  950-974 Market Street Project
-  Cumulative Projects
-  Central SOMA Plan Area

### 950-974 Market Street Project

Case No. 2013.1049E

FIGURE 11: CUMULATIVE PROJECTS

**C. COMPATIBILITY WITH EXISTING ZONING AND PLANS**

	<u>Applicable</u>	<u>Not Applicable</u>
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or region, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**C.1. SAN FRANCISCO PLANNING CODE**

The Planning Code, which incorporates the City's Zoning Maps, implements the *San Francisco General Plan* (General Plan), and governs permitted land uses, densities, and configuration of buildings within the City.

Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless (1) the proposed project conforms to the Planning Code, (2) allowable exceptions are granted pursuant to provisions of the Planning Code, or (3) amendments to the Planning Code are included as part of the proposed project.

The 950-974 Market Street site is within the C-3-G Use District and is within a 120-X Height and Bulk District. The C-3-G district covers the western portions of downtown and 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 in this district than in the downtown core area. As in the case of other downtown districts, no off-street parking is required for individual commercial or residential buildings. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by rapid transit.

The proposed project would develop approximately 406,000 gsf of hotel, residential, and retail uses on the site, as permitted and consistent with the C-3-G district uses. The 12-story, 120-foot building would meet the existing 120-X Height and Bulk limit. Overall, the proposed project would be consistent with the existing San Francisco Planning Code, and the physical impacts of the proposed project are analyzed in this Initial Study.

### **Section 309 and Conditional Use Review**

The proposed project would seek a Downtown Project Authorization (Section 309 of the Planning Code), including an exception for rear yard (Section 134 of the Planning Code) and a Conditional Use Authorization (Section 303 of the Planning Code) from the Planning Commission. Section 134 requires that any building containing a dwelling unit in a Downtown Commercial General District must provide a rear yard equal to 25 percent of the total lot depth at all residential levels. The proposed project does not provide a rear yard that complies with this requirement, and as such, requires a rear yard exception under Planning Code Section 309. A 309 exception may be granted provided the building location and configuration ensure adequate light and air to windows within the residential units and to the usable open space provided. The Planning Commission may authorize a Conditional Use to allow additional square footage above the base Floor Area Ratio associated with on-site affordable dwelling units and to authorize construction of a hotel.

San Francisco General Plan

The General Plan provides general policies and objectives to guide land use decisions, and contains some policies that relate to physical environmental issues. The General Plan contains 10 elements (Housing, Commerce and Industry, Recreation and Open Space, Transportation, Urban Design, Environmental Protection, Community Facilities, Community Safety, Arts, and Air Quality) that set forth goals, policies, and objectives for the physical development of the City. Any conflict between the proposed project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. Decision-makers will consider the compatibility of the proposed project with General Plan policies that do not relate to physical environmental issues as part of their determination whether to approve or disapprove the proposed project. The General Plan also contains a number of area plans, which provide more specific policy direction for certain neighborhoods, primarily on the east side of the City.

## **C.2. PROPOSITION M – THE ACCOUNTABLE PLANNING INITIATIVE**

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 topics of the evaluation of environmental effects addressing the environmental issues associated with the policies, include the following: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use and Land Use Planning); (3) preservation and enhancement of affordable housing (Question 2b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles

(Questions 4a, b, and f, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use and Land Use Planning); (6) maximization of earthquake preparedness (Questions 13 a–d, Geology and Soils); (7) landmark and historic building preservation (Question 3a, Cultural Resources); and (8) protection of open space (Questions 8a and b, Wind and Shadow, and Questions 9a and c, Recreation).

Prior to issuing a permit for any project that requires an Initial Study under the California Environmental Quality Act; prior to issuing a permit for any demolition, conversion, or change of use; and prior to taking any action that requires a finding of consistency with the General Plan, the City is required to find that the proposed project would be consistent with the Priority Policies.

As noted previously, the compatibility of the proposed project with General Plan objectives and policies that do not relate to physical environmental issues will be considered by decision-makers as part of their determination whether to approve or disapprove the proposed project. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project.

### **C.3. BETTER MARKET STREET PROJECT**

The Better Market Street Project is underway, and is being led by the Planning Department with the participation of other City agencies. The goal of the project is to revitalize Market Street from Octavia Boulevard to The Embarcadero, and reestablish the street as the premier cultural, civic, and economic center of San Francisco and the Bay Area. The Better Market Street Project will consider different options for the reconfiguration of sidewalks, bicycle lanes, and transit lanes, and potential automobile restrictions on portions of Market Street. The project goals are to create a comfortable, universally accessible, sustainable, and enjoyable place that attracts more people on foot, bicycle, and public transit to visit shops, adjacent neighborhoods, and area attractions. As of 2014, public visioning, existing conditions studies, and conceptual planning and design have been completed for the project. Environmental review and preliminary engineering will continue through 2016, and final design and initial construction will be conducted from 2016 to 2018.

The 950–974 Market Street Project site is within the Better Market Street Project area, and would not inherently conflict with the Better Market Street Project goals to enhance conditions in the corridor.

#### C.4. DOWNTOWN AREA PLAN

The 950–974 Market Street Project site is within the *Downtown Area Plan* (Area Plan). The Area Plan states that downtown San Francisco should encompass a compact mix of activities, historical values, and distinctive architecture and urban forms that engender a special excitement reflective of a world city.<sup>2</sup> The Area Plan also contains a transportation component, including a call for improved pedestrian circulation in the downtown area (Objective 22) by providing sufficient space for pedestrian movement, minimizing sidewalk obstructions, ensuring safe and convenient street crossings, and improving the downtown pedestrian network. In addition, Objective 13 in the Area Plan is to create an “Urban Form” for downtown that enhances San Francisco’s stature as one of the world’s most visually attractive cities. This is done through a number of policies, objectives, and actions governing downtown building height and bulk, separation of buildings, sunlight access, wind protection, building appearance, and the relationship of buildings to the street.

The proposed project is within a network of public transportation, spaces, and venues. United Nations Plaza and Hallidie Plaza are major portals for public transit, including Muni and BART, and the Powell Street cable car turn-around is located in the proposed project vicinity.

The 950–974 Market Street Project would be a mixed-use building, with hotel, residential, retail, and public open space. The proposed project would be consistent with the Urban Form policies of the Area Plan and the other policies, objectives, and actions governing downtown building height and bulk, separation of buildings, sunlight access, wind protection, building appearance, and the relationship of buildings to the street that are part of the Area Plan. The proposed project would not conflict with the Area Plan objectives.

#### C.5. REGIONAL PLANS AND POLICIES

The five principal regional planning agencies and their overarching policy and plans to guide planning in the nine-county bay area include the Association of Bay Area Governments’ *Projections 2009*, Bay Area Air Quality Management District’s *Bay Area 2010 Clean Air Plan*, Metropolitan Transportation Commission’s *Regional Transportation Plan – Transportation 2035*, San Francisco Regional Water Quality Control Board’s *San Francisco Basin Plan*, and the San Francisco Bay Conservation and Development Commission’s *San Francisco Bay Plan*. Due to the size and nature of the proposed project, no anticipated conflicts with regional plans would occur.

<sup>2</sup> San Francisco Planning Department. *Downtown Area Plan*. Online: [http://www.sf-planning.org/ftp/general\\_plan/downtown.htm](http://www.sf-planning.org/ftp/general_plan/downtown.htm). Accessed on September 3, 2014.

#### **C.6. REQUIRED APPROVALS BY OTHER AGENCIES**

See page 18 for a list of required approvals.

## D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Land Use                       | <input type="checkbox"/> Greenhouse Gas Emissions      | <input type="checkbox"/> Hydrology and Water Quality                   |
| <input type="checkbox"/> Aesthetics                     | <input type="checkbox"/> Wind and Shadow               | <input checked="" type="checkbox"/> Hazards/Hazardous Materials        |
| <input type="checkbox"/> Population and Housing         | <input type="checkbox"/> Recreation                    | <input type="checkbox"/> Mineral/Energy Resources                      |
| <input checked="" type="checkbox"/> Cultural Resources  | <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Agricultural and Forest Resources             |
| <input type="checkbox"/> Transportation and Circulation | <input type="checkbox"/> Public Services               | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> Noise               | <input type="checkbox"/> Biological Resources          |  |
| <input checked="" type="checkbox"/> Air Quality         | <input checked="" type="checkbox"/> Geology and Soils  |  |

### D.1. APPROACH TO ENVIRONMENTAL REVIEW

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

## D.2. PUBLIC RESOURCES CODE SECTION 21099

### AESTHETICS AND PARKING ANALYSIS

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

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

The proposed project meets each of the previously listed criteria, and thus, this Initial Study does not consider aesthetics and the adequacy of parking in determining the significance of the proposed project impacts under CEQA.<sup>3</sup>

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 may desire that such information be provided as part of the environmental review process.

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.

This Initial Study presents parking demand analysis for informational purposes and considers any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce on-site parking spaces, which affects the public right-of-way), as applicable, in the transportation analysis in Section E.4, Transportation and Circulation.

<sup>3</sup> San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis*, 2013.1049E, June 16, 2016. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.



**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* 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 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 Section E.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.

## E. EVALUATION OF ENVIRONMENTAL EFFECTS

### E.1. LAND USE AND LAND USE PLANNING

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>LAND USE AND LAND USE PLANNING –</b>					
<b>Would the project:</b>					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

The proposed project site is composed of four lots that include four buildings that accommodate retail and office uses with some vacancy, and one below-grade parking structure. The proposed project would include the demolition of the existing structures and the construction of a mixed-use building with residential, hotel, and retail uses on the four lots after their merger. The proposed project would not disrupt or divide the physical arrangement of existing uses adjacent to the project site or impede the passage of persons or vehicles. Those surrounding uses would be expected to continue in operation and relate to each other as they do presently, without disruption from the proposed project. The project site is located at the intersection of the Mid-Market district and Tenderloin neighborhood. The proposed residential, hotel, and retail spaces created would not divide the Tenderloin neighborhood from the Mid-Market Street area. The proposed project would connect these Mid-Market and Tenderloin neighborhoods with plans for a passage through the building at street level. Access to Market Street from Turk and Taylor Streets would also remain unchanged. Therefore, the proposed project would not physically divide an established community and a less-than-significant impact would result.

**Impact LU-2: The proposed project would not conflict with any applicable land use plans, policies, or regulations (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. (Less than Significant)**

Land use impacts would be considered significant if the proposed project would conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Environmental plans and policies are those, like the Bay Area Air Quality Management District (BAAQMD) *Bay Area 2010 Clean Air Plan* (2010 Clean Air Plan), which directly address environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not substantially conflict with any applicable land use plan, policy, or regulation such that an adverse physical change would result (see Section C, Compatibility with Existing Zoning and Plans). Furthermore, the proposed project would not conflict with the *San Francisco General Plan* (General Plan) policies that relate to physical environmental issues. The proposed project would not conflict with any such adopted environmental plan or policy, including the BAAQMD 2010 Clean Air Plan, the *Strategies to Address Greenhouse Gas Emissions* (GHG Reduction Strategy), and the City's Urban Forestry Ordinance, as discussed in Section E.6, Air Quality, E.7, Greenhouse Gas Emissions, and Section E.12, Biological Resources. Therefore, the proposed project would have a less-than-significant impact with regard to conflicts with land use plans, policies, or regulations.

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

The proposed project would be located in a developed urban area of downtown San Francisco. Land uses in the project area include a mixture of retail, commercial, hotels, residential, and public spaces, and includes four mixed-use commercial buildings currently on the proposed project site. The proposed project would involve a new mixed-use building with residential, hotel, and retail uses. These land uses already exist elsewhere in the neighborhood, so the proposed project would be compatible with the existing land use character of the project vicinity. The proposed project would not introduce any land uses, such as industrial uses, that would disrupt or be incompatible with the character of the vicinity. Therefore, the proposed project would have a less-than-significant impact on the existing land use character of the project vicinity.

**Impact C-LU-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would not result in significant cumulative impacts related to land use. (Less than Significant)**

Cumulative developments in the project vicinity (within a 0.25-mile radius of the project site) that are either completed, under construction or for which the Planning Department has an Environmental Evaluation Application on file are listed and discussed in Section B.3, Cumulative Projects. The proposed project, combined with other past, present, and reasonably foreseeable future projects, would result in land use changes in the project vicinity. However, these changes would not create adverse land use impacts, as the land uses that would be allowed or introduced would be compatible with the existing land uses in the project vicinity, and would not result in physical division of the established community. Similar to the 950–974 Market Street Project, some future projects may require modifications, variances, or exceptions to Planning Code requirements; however, any changes to land use plans or policies would not result in cumulative land use impacts that relate to physical environmental issues. The proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact related to land use and planning. The cumulative impact would be less than significant.

## E.2. POPULATION AND HOUSING

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>POPULATION AND HOUSING – Would the project</b>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

The proposed project would directly increase population and employment at the project site and contribute to anticipated population and employment growth in the neighborhood and citywide context.

According to the 2010 U.S. Census, the proposed project is located within Census Tract 125.01, which had a reported population of 5,335 residents. The 2010 U.S. Census reported a population of 805,235 residents in the City and County of San Francisco; and a population of approximately 33,896 residents within the Downtown/Civic Center neighborhood. The proposed project would add approximately 242 new residential units, consisting of a mix of studio, one-bedroom, and two-bedroom residences. Based on the average household size in the City and County of San Francisco of 2.26 people per household, the addition of 242 new residential units would increase the citywide population by approximately 547 residents. This would represent a residential population increase of approximately 0.07 percent citywide, 1.6 percent within the Downtown/Civic Center neighborhood, and 10.3 percent within Census Tract 215.01, and is not considered to be substantial within the neighborhood or citywide context. The addition of retail and hotel space could also indirectly contribute to a population increase as a result of new employees potentially moving to the City and project area from out of the region. The proposed project would generate an estimated 250 employees; however, it is anticipated that most employees would come from the local and regional labor pools, and the number of employees moving from outside of the region would be negligible.

compared to the total population, and would not be a substantial increase in the citywide context. Therefore, direct and indirect population growth due to approval of the proposed project would be less than significant.

**Impact PH-2: The proposed project would not displace existing housing units or substantial numbers of people, or create the demand for additional housing, necessitating the construction of replacement housing elsewhere. (Less than Significant)**

The project site currently contains four buildings that are either vacant or partially occupied by retail and office uses, and a surface parking lot over a below-grade parking structure. Therefore, no residential displacement would occur as a result of proposed project development. A small number of employees would be displaced from retail and office spaces during project construction; however, the addition of new retail and hotel space would provide potential new employment for those displaced.

The creation of approximately 16,600 gsf of retail and a 232-room hotel could result in the need for a small amount of additional housing for employees. However, the proposed project would also include the addition of 211 new market-rate residential units and 31 BMR residential units (13 percent of total units), providing potential housing for any potential new employees. Moreover, the number of such employees new to the region would be negligible compared to the total population and the available housing stock in San Francisco and the Bay Area, and would not necessitate the construction of new housing elsewhere. Therefore, the proposed project would result in less-than-significant impacts related to the displacement of people or creation of demand for additional housing.

Environmental analysis under CEQA is required to focus on the direct and indirect physical changes to the environment that could reasonably result from a proposed project. Accordingly, the displacement issue addressed under CEQA refers specifically to the direct loss of housing units that would result from proposed demolition of existing housing. This is because demolition of existing housing has the potential to result in a number of direct and indirect physical changes to the environment, such as the physical impacts of construction demolition activities and the physical impacts of constructing new housing to replace the housing lost. Here, the proposed project would not remove existing housing. Therefore, there would be no direct physical displacement effects as a result of the proposed project. In addition, because the proposed project includes new market-rate housing, it must comply with the requirements of the City's Inclusionary Affordable Housing program, which would address potential indirect effects resulting from a need to construct new affordable housing. Finally, the possibility that the proposed project would

contribute to rising residential or commercial rents is speculative, and is not a physical environmental effect subject to analysis under CEQA.

**Impact C-PH-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not have a cumulative impact on population and housing. (Less than Significant)**

The approved and proposed projects identified in Section B.1, Cumulative Projects, within Census Tract 125.01—including the proposed project—would add approximately 2,935 new residents within 1,268 dwelling units in the area.<sup>4</sup> This would represent a residential population increase of 55 percent and an occupied dwelling unit increase of 57.5 percent. These proposed projects would be required to pay an affordable housing in-lieu fee or provide a percentage of the total number of units either on site or off site as affordable units, and the physical impacts of the population increase are analyzed in this Initial Study.

Over the last several years, the supply of housing has not met the demand for housing within San Francisco. In July 2013, the Association of Bay Area Governments (ABAG) projected regional housing needs in the *Regional Housing Need Plan for the San Francisco Bay Area: 2014–2022*. The jurisdictional need of 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 units within the low income level (51–80 percent); 5,460 units within the moderate income level (81–120 percent); and 12,536 units within the above moderate income level (120 percent plus).<sup>5</sup> These numbers are consistent with the development pattern for the region's *Plan Bay Area: Sustainable Communities Strategy* (Plan Bay Area), a state-mandated, integrated long-range transportation, land use, and housing plan.<sup>6</sup> As part of the planning process for Plan Bay Area, San Francisco identified Priority Development Areas, which are areas where new development will support the day-to-day needs of residents and workers in a pedestrian-friendly environment served by transit. Census Tract 125.01 was identified within a Priority Development Area. Therefore, although the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would increase the population in the area, it would not induce substantial population growth, as this population growth has been anticipated. Furthermore, the proposed project, in combination with other past, present, and reasonably foreseeable

<sup>4</sup> These figures assume 2.42 persons per household for 1066 Market Street (304 units), 1028 Market Street (186 units), 57 Taylor Street (70 units), 181 Turk Street/180 Jones Street (37 units), 19–25 Mason Street, 2–16 Turk Street (110 units), 229 Ellis Street (14 units), 168 Eddy Street (178 units), and 950–974 Market Street (242 units), and assume 1.00 person per household for 121 Golden Gate Avenue (102 senior dwelling units).

<sup>5</sup> ABAG. 2013. *Regional Housing Need Plan for the San Francisco Bay Area: 2014 – 2022*, July 2013. Online: [http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22\\_RHNA\\_Plan.pdf](http://www.abag.ca.gov/planning/housingneeds/pdfs/2014-22_RHNA_Plan.pdf). Accessed on August 15, 2014.

<sup>6</sup> Metropolitan Transportation Commission and ABAG. *Plan Bay Area*. 2013. Online: <http://onebayarea.org/plan-bay-area/final-plan-bay-area.html>. Accessed on August 15, 2014.

future projects, would not result in the displacement of substantial numbers of housing units or people as the majority of the approved and proposed projects would demolish vacant buildings and/or construct new buildings on surface parking lots. The project at 351 Turk/145 Leavenworth Streets would replace existing residential hotel rooms with two new residential hotel buildings, resulting in an increase in residential units.

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.



## E.3. CULTURAL RESOURCES

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>CULTURAL RESOURCES – Would the project</b>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact CR-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code (Less than Significant with Mitigation)**

The following sections summarize historic architectural resources in the area based on reports completed prior to and for the analysis of potential impacts of the proposed project. These reports include the Historic Resources Evaluation (HRE) report prepared by Page & Turnbull, Inc.,<sup>7</sup> the Historic Resource Evaluation Response (HRER) prepared by the San Francisco Planning Department,<sup>8</sup> and the Citywide Historic Context Statement for Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) History in San Francisco (LGBTQ Historic Context Statement, or HCS).<sup>9</sup>

The Market Street Theater and Loft Historic District, the Kearny-Market-Mason-Sutter Conservation District, and the Uptown Tenderloin Historic District are in the vicinity of the proposed project site. The project site is not located within any of these districts. The Market Street Theater and Loft Historic District boundary is adjacent to the west of the proposed project site. The Kearny-Market-Mason-Sutter

<sup>7</sup> Page & Turnbull, Inc. June 7, 2016. 950-974 Market Street Historic Resource Evaluation. Parts 1&2.

<sup>8</sup> San Francisco Planning Department. June 29, 2016. 950-974 Market Street Historic Resource Evaluation Response.

<sup>9</sup> Graves, Donna J. and Shayne E. Watson. 2015. Citywide Historic Context Statement for LGBTQ History in San Francisco. October.

Conservation District is located to the east of the project area. The Uptown Tenderloin Historic District is adjacent to and north of the proposed project site.

- **Market Street Theater and Loft Historic District.** The Market Street Theater and Loft Historic District, consisting of properties fronting Market Street between 6th and 7th streets, was listed on the National Register of Historic Places (NRHP) in 1985. The district is significant under NRHP Criterion A, association with social history, and Criterion C, association with distinctive architecture. The post-1906 earthquake buildings constructed along this portion of Market Street are characterized by two- to eight-story reinforced concrete or steel-frame construction, with façades primarily clad in terracotta, brick, or stucco, and featuring two- or three-part vertical composition, prominent cornices, and classical ornamentation.
- **Kearny-Market-Mason-Sutter Conservation District.** The Kearny-Market-Mason-Sutter Conservation District—roughly bounded by Kearny, Market, Cyril Magnin, O'Farrell, Taylor, Sutter, Stockton, Bush, and Pine Streets—was designated pursuant to Article 11 of the Planning Code in 1985. The district is significant for its association with the development of San Francisco's downtown retail district and as a unique collection of early 20th century commercial architecture. The pattern of development is one of light-colored buildings predominantly four- to eight-stories in height, with reinforced concrete or steel-frame construction with Classical, Renaissance, Gothic, and Romanesque ornament.
- **Uptown Tenderloin Historic District.** The Uptown Tenderloin Historic District—roughly bounded by Mason, McAllister, Larkin, and Geary Streets, and Golden Gate Avenue—was listed on the NRHP in 2008. The district is significant under NRHP Criterion A, association with social history, and Criterion C, association with distinctive architecture. The district is formed around its predominant building type: a three- to seven-story, multi-unit apartment, hotel, or apartment-hotel constructed of brick or reinforced concrete. Because virtually the entire district was constructed between 1906 and the early 1930s, this is a harmonious group of structures that share a single, classically oriented visual imagery using similar materials and details.

The neighborhood is characterized by mid- to high-rise, mixed-use buildings and the busy pedestrian, public transit, automobile, and bicycle traffic that runs on Market Street. The immediate neighbors on the block are the one-story Crest/Egyptian Theater (976–980 Market Street) and nine-story Warfield Theater and office building (982–988 Market Street), which is a Category I (Significant) building per Article 11 of the Planning Code and contributing resource to the NRHP-listed Market Street Theater and Loft Historic District. On the blocks facing the project site are Renaissance Revival-style buildings that range from four to nine stories and are characterized by tripartite design, vertical expression, punched windows, decorative brickwork, fire escapes, and modillion cornices. The surrounding blocks are characterized by multi-use, masonry buildings with commercial, theater, institutional, and residential uses.

The 950–974 Market Street Project site is on the north side of Market Street, bounded by Market, Turk, and Taylor Streets; Opal Place; and the rear and side property lines of 976–980 Market Street (Crest/Egyptian Theater). The project site is currently occupied by four buildings and a surface parking lot, at 950–964 Market Street, 966–970 Market Street/45 Turk Street, 972 Market Street, and 974 Market Street/67 Turk Street. The following paragraphs contain brief descriptions of each building on the project site.

- **950–964 Market Street.** The 950–964 Market Street (the Dean Building), which was constructed in 1906, is located at the east end of the project site. It is a two-story-over-basement, unreinforced masonry commercial building redesigned in the Art-Moderne style in 1937. The building has a triangular plan, terracotta tile cladding, and flat roof with parapet and stepped cornice. Ground-floor commercial storefronts and the building entrance, which consists of metal and glass storefront system with fluted pilasters clad with terracotta tile, face Market Street. The upper floor, on both façades, is fenestrated by steel-sash windows and is occupied by office space.
- **966–970 Market Street/45 Turk Street.** 966–970 Market Street/45 Turk Street was constructed in 1907 based on the design by J.E. Krafft and Sons. It is a two-story, V-shaped, brick masonry structure, clad with partially removed stucco and exposed structural brick and topped by a flat roof.
- **972 Market Street.** 972 Market Street was constructed in 1912 based on the design by architect Burtell R. Christensen. It is a three-story, V-shaped, reinforced masonry building clad with buff-colored brick and topped by a flat roof.
- **974 Market Street/67 Turk Street.** 974 Market Street/67 Turk Street includes a building fronting on Market Street (974 Market Street) and a surface parking lot that fronts on Turk and Taylor Streets (67 Turk Street). The building was constructed in 1909 based on designs by architect Sylvain Schnaittacher. The façade was remodeled circa 1950 in the Art-Moderne style. It is a two-story, trapezoidal-plan, reinforced concrete building clad with stucco and topped by a flat roof.

Each of the four buildings on the project site were included in the 1977–78 Downtown Survey conducted by San Francisco Architectural Heritage and the 1990 Unreinforced Masonry Structure Survey, and were also previously evaluated in 2007 by Anne Bloomfield in California Department of Parks and Recreation (DPR) 523A and 523B forms, with an update in 2011 by Tim Kelley Consulting. Neither the 2007 survey nor the 2011 survey update findings have been adopted.

In November 2015, the Historic Preservation Commission adopted the LGBTQ Historic Context Statement (LGBTQ HCS, or HCS), prepared by Donna J. Graves and Shayne E. Watson for the Planning Department. This HCS provides a broad overview of the many and complex patterns, events, influences, individuals, and groups that shaped LGBTQ history in the City. It also discusses numerous properties citywide for

potential associations with the development of San Francisco as a center of LGBTQ activity which began in the period immediately following the 1906 earthquake and fire, primarily in the Barbary Coast area (now Chinatown/Jackson Square/North Beach). Beginning in 1914, the City began outlawing certain activities that were deemed “undesirable” and had operated in brothels and bars. This “red light abatement” moved the activities and participants from the Barbary Coast to the Tenderloin area. Buildings on the project site had past uses that are documented in the LGBTQ HCS.

The HRER for the proposed project concurs, in part, with the findings by Tim Kelley Consulting in DPR forms prepared for 966-970 Market Street/45 Turk Street, 972 Market Street, and 974 Market Street/67 Turk Street. In this survey, Tim Kelley Consulting found that these three properties did not appear eligible for any level of designation and assigned a California Register Status Code of “6Z,” or “found ineligible for National Register, California Register, or local designation through survey evaluation.” Further, the Planning Department issued a HRER for 974 Market Street in 2009 (Case No. 2009.0874E) finding that the property did not qualify as a historic resource. The previous surveys and evaluations for these properties generally focused on their architectural history with the result that the determinations did not evaluate potential associations with social or cultural history. The HRER for the proposed project concurs with the analysis of architectural significance, but has also evaluated the other aspects of social or cultural significance in light of the LGBTQ HCS, as presented below. Therefore, the eligibility of these properties under Criterion 3 (Architecture) was not re-evaluated, although architectural integrity was analyzed as it related to other potential areas of significance.

#### **950-964 Market Street**

The HRER indicated that the 950-964 Market Street building appears eligible for listing in the California Register individually under Criterion 1/A for its association with the early development of LGBTQ<sup>10</sup> communities in San Francisco, specifically the Tenderloin (early 20th century to 1960s), specifically with the Old Crow Bar, a gay bar that occupied the commercial unit at 962 Market Street from 1935 or 1936 to 1980. After the Old Crow closed, the space was vacant for an unknown period of time. The commercial space at 962 Market Street is currently occupied by Moonstone Shirts. At some point after 2011 the former Old Crow storefront was removed and replaced with a metal roll-down door.

<sup>10</sup> In general, this document utilizes the same terminology as the HRE and HRER. The acronym “LGBTQ” (Lesbian-Gay-Bisexual-Transgender-Queer) is used to describe the broad community. Narrow terms such as “gay men” or “lesbians” are gender specific and are used to describe specific groups of participants in events or organization. The umbrella term “queer” is used to present an inclusive picture and in cases where participation by specific groups is unknown. When the term ‘gay bar’ is used, this is the term that was used in historical sources, though it did not appear more broadly in published records until the early 1940s.

The HRER determined that 950–964 Market Street does not retain integrity to convey its historic association as the location of a post-Prohibition LGBTQ bar and therefore does not qualify as eligible for the California Register of Historic Resources. Although the main building entrance and second story retain original materials and streamlined terracotta ornament, the storefronts and interiors of all ground floor storefronts have been substantially altered on both the Market and Turk street façades. In particular, the commercial space at 962 Market Street no longer retains any storefront or interior features from the identified period of significance for the former Old Crow tenant. There is nothing but the location and setting of the building that remains to convey its historical significance. Although rare, the former Old Crow, a post-Prohibition gay bar that remained in operation for nearly 45 years in the Tenderloin, does not appear to be such a unique property type that location and setting alone would be sufficient integrity to convey significance even by the evaluation standards for integrity outlined in the LGBTQ HCS. The HRER determined that the 950–964 Market Street building is no longer able to convey its significance, and thus, the building does not retain historic integrity. Due to significant alterations to the former tenant space of the Old Crow, there is no tangible evidence that identifies 950–964 Market Street as the location of this former LGBTQ bar.

The 950–964 Market Street building does not appear eligible for listing on the California Register under Criterion 2. No persons associated with the Dean Building, the Old Crow Bar, or any other tenants have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this criterion. The 950–964 Market Street Building does not appear eligible for listing on the California Register under Criterion 3. The building was originally constructed in 1906, using Classical Revival style ornament. In 1937, the entire building was remodeled into a simple, stripped down version of the Art Moderne style. The building does not display high artistic value nor does it appear to represent the work of a master, as neither the original construction, nor the 1937 remodel, identify an architect or contractor. The building is not a good example of a type, period, or method of construction. 950–964 Market Street is not significant under Criterion 4, which is typically associated with archaeological resources, nor is it an example of a rare construction type.

#### **966–970 Market Street/45 Turk Street**

The HRER determined that 966–970 Market Street/45 Turk Street does not appear eligible for listing in the California Register individually under Criterion 1/A for its association with the early development of LGBTQ communities, specifically the Tenderloin (early 20th century to 1960s), or with the evolution of LGBTQ enclaves and development of new neighborhoods (1960s to 1980s). The Landmark Room, a.k.a. the Landmark or Henry Ho Tavern—a gay bar and nightclub—occupied the commercial unit at 45 Turk Street

from 1958 to 1985, and Leo's Men's Shop—an LGBTQ store (or bar)—occupied the commercial unit at 968 Market Street from 1960 to 1971. After the Landmark closed in 1985, another LGBTQ bar called Peter Pan occupied the space from 1985-1999. While popular, none of the former LGBTQ businesses that occupied this property appear to be historically significant. These LGBTQ businesses relate to several of the themes identified in the Citywide LGBTQ HCS, but they do not appear significant within any particular theme. Therefore, the subject property does not appear to convey a significant association with any theme identified in the Citywide LGBTQ HCS and is not eligible for listing on the California Register under Criterion 1.

The HRER determined that 966-970 Market Street/45 Turk Street does not appear eligible for listing on the California Register under Criterion 2. No persons associated with 966-970 Market Street/45 Turk Street, or the Landmark a.k.a. Harry Ho Tavern, Leo's Men's Shop, or Peter Pan have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this criterion. The HRER determined that, consistent with previous survey findings, the property is not eligible for listing on the California Register under Criterion 3. Although associated with a prolific and masterful San Francisco architect, Julius E. Krafft, the building does not display high artistic value nor does it appear to represent the work of a master architect, due to unsympathetic alterations. The building is not a good example of a type, period, or method of construction, in part due to substantial alterations at the ground floor on both the Market and Turk Street façades and to removal of nearly all ornament on the Market Street façade. 966-970 Market Street/45 Turk Street is not significant under Criterion 4, which is typically associated with archaeological resources, nor is it an example of a rare construction type.

### **972 Market Street**

The HRER found that 972 Market Street appears eligible for listing in the California Register individually under Criterion 1/A (Event) for its association with the early development of LGBTQ communities in the Tenderloin (early 20th century to 1960s), specifically with Pirates Cave, a gay bar that occupied the commercial unit at 972 Market Street from 1933 to 1942. Pirates Cave appears significant for its association with the development of LGBTQ bars in the Tenderloin in the post-Prohibition period. Pirates Cave may have been one of the earliest bars to welcome LGBTQ patrons in the Tenderloin neighborhood during its operation from 1933 to 1942. The period of significance appears to be 1933 to 1942.

The HRER determined that the 972 Market Street building, particularly the former Pirates Cave space at 972 Market Street, does not retain integrity, and therefore, does not qualify as eligible for the California

Register of Historic Resources (in Sanborn maps, it appears that the ground floor was originally one large undivided space and was subsequently subdivided). Although the upper floors retain original materials and design, the storefronts and interiors of the former Pirates Cave space have likely been substantially altered on both the Market and Turk Streets façades due to the number of subsequent commercial tenants and changes in use in the approximately 75 years since the closure of Pirates Cave. The interior space was subdivided in the late 1950s to create a retail space fronting Market Street and a retail space fronting Turk Street. While no original image from the period of significance has been located, a photograph appended to the 1990 survey form by Anne Bloomfield shows the Market Street façade including a storefront with a large projecting solid awning sign band, an off-center recessed entry, and what appears to be a contemporary storefront system. The number of subsequent tenants, the amount of time that has passed, and the circa 1990 photograph indicate that the ground floor commercial space of the building no longer retains any storefront or interior features from the identified period of significance (1933–1942) for the former Pirates Cave tenant. Therefore, there is nothing but the location and setting of the building that remains to convey its historical significance. Although rare, the former Pirates Cave, a post-Prohibition gay bar that remained in operation for approximately 10 years in the Tenderloin, does not appear to be such a rare property type that retention of the aspects of location and setting alone would be sufficient to convey significance even by the evaluation standards for integrity outlined in the LGBTQ HCS. As there appear to be no remaining vestiges of the former gay bar that operated in the building, the building lacks integrity of feeling and association. The building as a whole might be recognizable from the period of significance, due to the intact nature of its design at the upper floors, but lack of physical remnants of the former Pirates Cave severs the building's feeling and association with this previous occupant and use. There is no tangible evidence that identifies 972 Market Street as the location of an early post-Prohibition LGBTQ bar in the Tenderloin.

The HRER determined that 972 Market Street does not appear eligible for listing on the California Register under Criterion 2. No persons associated with 972 Market Street, or the Pirates Cave, have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this criterion. The HRER determined that, consistent with previous survey findings, the subject property does not appear eligible for listing on the California Register under Criterion 3. 972 Market Street is not significant under Criterion 4, which is typically associated with archaeological resources, nor is it an example of a rare construction type.

**974 Market Street/67 Turk Street**

The HRER indicated that 974 Market Street/67 Turk Street (formerly also included addresses at 63 and 65 Turk Street) appears eligible for listing in the California Register individually under Criterion 1/A for its association with the early development of LGBTQ communities in the Tenderloin (early 20th century to 1960s), specifically with the Silver Rail, a gay bar that occupied the commercial unit at 974 Market Street/67 Turk Street from 1942 to 1953. The period of significance appears to be 1942 to 1953. The Silver Rail appears significant for its association with the development of LGBTQ bars in the Tenderloin in the World War II period. Although the Silver Rail does not appear to have been the first or longest-operating LGBTQ bar in the Tenderloin neighborhood during its operation, it still appears significant for these associations.

The HRER determined that 974 Market Street/67 Turk Street does not retain integrity for the period of significance (1943-1953) for the Silver Rail. Subsequent to closure of this bar, all aspects of the original front façade appear to have been removed and the current stripped down Art Deco-style façade installed. In addition, the north half of the building has been demolished and replaced with a surface and partially below-grade parking lot. As 974 Market Street does not retain sufficient physical integrity to convey significance, the building does not qualify as eligible for the California Register of Historical Resources. As a surface parking lot, 67 Turk Street is not eligible for listing on the California Register.

The HRER determined that 974 Market Street/67 Turk Street does not appear eligible for listing on the California Register under Criterion 2. No persons associated with 974 Market Street/67 Turk Street, or the Silver Rail, have been identified that appear to make notable contributions to local or state history such that the building would be individually eligible under this criterion.

The HRER determined that 974 Market Street/67 Turk Street, consistent with previous survey findings, does not appear eligible for listing on the California Register under Criterion 3. The current appearance and footprint of the building dates to sometime after 1950, as the original building footprint is shown in the 1950 Sanborn map. City directories indicate that the ground-floor commercial space was vacant from 1953, after the Silver Rail closed, until 1956. With construction of the existing surface and below grade parking lot occurring around 1956, it appears likely that the alteration of the building, including demolition of the Turk Street portion (with additional address at 63 and 65 Turk Street) and remodel of the Market Street façade, occurred after 1953. 974 Market Street/67 Turk Street is not significant under Criterion 4, which is typically associated with archaeological resources, nor is it an example of a rare construction type.



### *Historic Districts*

The proposed project is not located within and would not cause a substantial adverse impact on the Uptown Tenderloin Historic District, Market Street Theater and Loft Historic District, Kearny-Market-Mason-Sutter Conservation District, or any individual buildings in those districts. The proposed project would alter the setting of these nearby individual buildings and historic districts; but would not affect the overall integrity of those districts and individual resources within the districts.

The HREER determined that based on this history, and the number of LGBTQ-associated resources that appear to have been concentrated in and around the neighborhood from the post-Prohibition period through the present, the Tenderloin appears to be eligible under Criterion 1/A for listing on the CRHR as a historic district for its LGBTQ context. Given the size of the neighborhood and the number of potential resources, identification of exact boundaries for the district is beyond the scope of the proposed project evaluation. With further evaluation, this district would likely encompass all or part of the neighborhood historically known as the Uptown Tenderloin (consistent with the boundaries of the neighborhood defined in the designated NRHP Uptown Tenderloin Historic District), and would extend slightly east and west to include additional properties associated with this context, as identified in the LGBTQ HCS. It would also likely encompass properties fronting Market Street within the boundaries of the National Register-listed Market Street Theater and Loft Historic District.

Within the context of an eligible district, 950–964 Market Street (Old Crow), 966–970 Market Street/45 Turk Street (the Landmark), and 972 Market Street (Pirates Cave) would qualify as contributing resources even with the compromised integrity of the ground floor storefront locations of the former LGBTQ bars at these properties. If the period(s) of significance for the district were narrowed to more closely represent particularly significant periods within the context of LGBTQ history in the neighborhood and City, 966–970 Market Street/45 Turk Street (the Landmark) may not qualify as a contributor, as it does not appear to represent a particularly significant historical period. 974 Market Street/67 Turk Street (Silver Rail) does not appear to qualify as a contributing resource due to its overall lack of integrity from the period when it was occupied by an LGBTQ bar.<sup>11</sup>

Although the exact boundaries of the eligible Tenderloin LGBTQ historic district, and number of contributing resources within the district is not currently known, initial evaluation suggests that the district would contain numerous resources spanning the long period of significance. In this context, the loss of two

<sup>11</sup> Graves, Donna J. and Shayne E. Watson. 2015. Citywide Historic Context Statement for LGBTQ History in San Francisco. October.

or three contributing resources, even at what would likely be the southern edge of the district, would not result in a significant impact to the district. The two or three contributing resources on the project site do not appear to represent the only examples of a period or type within the district and the district would continue to convey its significance without these properties.

### ***Proposed Project***

The proposed project would demolish the existing buildings and surface parking lot on the project site, and construct an approximately 406,000-gsf mixed-use building with residential, hotel, and retail uses. The proposed project would have a less-than-significant impact on historic resources with regard to buildings on the site. Although the proposed project would not have a direct impact on historic resources because the buildings on the project site associated with former LGBTQ bars lack historic integrity, Improvement Measure I-CR-1a, Interpretive Program, would commemorate the former LGBTQ bars in the buildings, including Old Crow Bar formerly located at 962 Market Street, the Landmark formerly located at 45 Turk Street, Pirates Cave formerly located at 972 Market Street, and Silver Rail formerly located at 974 Market Street/67 Turk Street, and their relationship to the LGBTQ history of the Tenderloin and City.

#### **Improvement Measure I-CR-1a: Interpretive Program**

As part of the project, the Project Sponsor should develop an interpretive program to commemorate the former LGBTQ bars in the buildings on the project site and their association with LGBTQ history of the neighborhood and City. Development of this interpretive program will include outreach to the LGBTQ and Tenderloin communities in order to involve these communities and to create a broader, more authentic interpretive approach for the project site and neighborhood. The interpretive program should result, at minimum, in installation of a permanent on-site interpretive display in a publicly-accessible location, such as a lobby or Market Street or Turk Street frontage, to memorialize the importance of the buildings after they are demolished, but may also develop alternative approaches that address the loss of the existing buildings in the context of the neighborhood. The interpretation program may also inform development of the art program required as part of the project. The interpretive program should outline the significance of the subject buildings, namely their association with the Old Crow, Pirates Cave, and Silver Rail bars, individually and collectively within the context of LGBTQ history in the Tenderloin and San Francisco

Interpretation of the site's history should be supervised by a qualified consultant meeting the Secretary of the Interior's Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in the Page & Turnbull Historic Resources Evaluation for the subject project and in the *Citywide LGBTQ Historic Context Statement* may be used for content. A proposal prepared by the qualified consultant, with input from the outreach conducted in the LGBTQ and Tenderloin communities, describing the general parameters of the interpretive program should be approved by the San Francisco Planning Department Preservation staff prior to issuance of the architectural addendum to the Site Permit. The detailed content, media and other characteristics of such interpretive program, and/or any alternative approach to interpretation identified by the project team, should be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.

The proposed project is near several parcels that contain designated or eligible historical buildings. Although the proposed project would alter the setting of the Warfield Building and the Crest/Egyptian Theater, immediately to the west of the project site on the project block, the spatial separation between the two properties, by Opal Place north of the Warfield Building and the Crest Theater Building east of the Warfield Building would allow the Warfield Building to continue to convey its significance. The proposed project would be constructed at the rear of the theater portion of the Warfield Building. That north façade contains no ornamentation and little fenestration. The proposed project would not conceal or obscure any significant design elements, features, or materials of the Warfield Building or Crest/Egyptian Theater.

Due to the adjacency of new and subsurface construction to the historic Warfield Building and Crest/Egyptian Theater, project demolition, excavation, and construction activities have the potential to damage the historic fabric and features of those buildings. In particular, vibration resulting from the use of heavy equipment has the potential to damage adjacent historical resources. To reduce potential vibration-induced damage to a less-than-significant level, the Project Sponsor would be required to implement Mitigation Measure M-CR-1, Vibration Monitoring and Management Plan.

#### **Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan**

The Project Sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the Crest/Egyptian Theater at 976-980

Market Street and the Warfield Building at 986–988 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment should determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the Demolition and/or Site Permit Applications.

The structural engineer and/or preservation architect shall develop, and the Project Sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation staff prior to issuance of any construction permits.

Should vibration levels be observed in excess of the standard, or damage is observed to either the Crest/Egyptian Theater at 976–980 Market Street or the Warfield Building at 986–988 Market Street, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices for each historic building during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the pre-construction assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards.

To further safeguard against damage to adjacent buildings and minimize the potential effects from construction activities, Preservation Planning staff recommends Improvement Measure I-CR-1b, Construction Best Practices for Historic Resources.

**Improvement Measure I-CR-1b: Construction Best Practices for Historic Resources**

The Project Sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications will be submitted to the Planning Department along with the Demolition and Site Permit Applications.

With the implementation of Mitigation Measure M-CR-1, Vibration Monitoring and Management Plan, potential impacts on those historical resources would be reduced to a less-than-significant level. In addition, implementation of Improvement Measures I-CR-1a, Interpretive Program, and I-CR-1b, Construction Best Practices for Historic Resources, would further reduce the project's less-than-significant effects on historic resources.

**Impact C-CR-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would not have a cumulative impact on historic resources. (Less than Significant)**

The geographic scope, or cumulative study area, for cumulative historic architectural resource impacts includes the proposed project site, and surrounding city blocks, which include properties designated as part of the Market Street Theater and Loft Historic District, Uptown Tenderloin Historic District, and Kearny-Market-Mason-Sutter Conservation District. Twenty-seven previous, proposed, and foreseeable projects were identified in the proposed project area. Of these 27 projects, seven appear to be outside the boundaries of any identified historic district(s) and are far enough from the project site as to be unlikely to combine with the subject project or variants to result in a cumulative impact. The remaining projects are discussed by historic district in the following paragraphs.

### UPTOWN TENDERLOIN HISTORIC DISTRICT

Within the Uptown Tenderloin Historic District are 11 recent and foreseeable projects to consider in the context of the current project. Of these identified projects, only the demolition and new construction at 121 Golden Gate Avenue has been evaluated to have significant unavoidable project-specific and cumulative impacts on the surrounding district. The projects at 168 Eddy Street, 430 Eddy Street, 469 Eddy Street, 229 Ellis Street, 19–25 Mason Street/2–16 Turk Street, 181 Turk Street/180 Jones Street, and 351 Turk Street/145 Leavenworth Street have been evaluated and found to result in no project-specific or cumulative impacts. The remaining three projects—at 519 Ellis Street, 57 Taylor Street, and 450 O'Farrell Street—are still undergoing review. The first two of these proposed projects would not demolish existing resources within the district and each will be evaluated for its impact on historic resources per the requirements of CEQA and the procedures for evaluation of historical architectural resources, including (1) whether the project itself would have a direct impact on historic resources, and (2) whether the project would impact the historic context of a particular resources and/or would have an incidental impact on nearby resources. The third of these projects, 450 O'Farrell Street, would demolish three contributing resources within the district and has the potential for project-specific and cumulative impacts on the district.

Although two projects within the cumulative setting—121 Golden Gate Avenue and 450 O'Farrell Street—could result in project-level significant impacts on historic resources, the proposed project would not combine with these projects in such a way that there would be a significant cumulative impact on historic architectural resources. There is a substantial distance between the proposed project site and the sites of these other projects within the district, and the proposed project is located outside of the boundaries of the Uptown Tenderloin Historic District. The proposed project would not combine with any other project to result in a material impairment of the district. For these reasons, along with the findings for the other projects within this historic district, the proposed project would not result in a cumulatively considerable impact on the Uptown Tenderloin Historic District.

### MARKET STREET THEATER AND LOFT HISTORIC DISTRICT

Nine recent and foreseeable projects are within or adjacent to the Market Street Theater and Loft Historic District. Of these projects, only the proposed project at 1028 Market Street, which proposes demolition of a contributing resource to the historic district, would have the potential to significantly impact the district; the 1028 Market Street Project is undergoing review. Six of the nine identified projects have been evaluated and found to result in no project-specific or cumulative impacts on the historic district. The remaining two projects—at 1053-1055 Market Street and 1125 Market Street—are still undergoing review. These two

projects would not demolish existing resources within the district and each will be evaluated for its impact on historic resources per the requirements of CEQA and the procedures for evaluation for historical architectural resources. Additionally, 1125 Market Street is located outside of district boundaries.

Although one project within the cumulative setting, 1028 Market Street, may result in project-level and cumulative significant impacts on historic resources, the proposed project would not combine with this or other projects in such a way that there would be a significant cumulative impact on historic architectural resources. The proposed project site is outside of the boundaries of the district and would not combine with any other project to result in a material impairment of the district.

#### **KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT**

None of the project sites identified in the cumulative study area are located within this conservation district. Although the HREER found that the proposed project would not be compatible with the character of adjacent contributing buildings within this district, there would be no cumulatively considerable impact on the Kearny-Market-Mason-Sutter Conservation District.

For the reasons described previously, along with the findings for the other projects within the nearby historic districts, the proposed project would not result in a cumulatively considerable impact on the Uptown Tenderloin Historic District, Market Street Theater and Loft Historic District, or the Kearny-Market-Mason-Sutter Conservation District.

#### **TENDERLOIN LGBTQ HISTORIC DISTRICT**

As discussed previously, the HREER determined the Tenderloin appears to be eligible under Criterion 1/A for listing on the CRHR as a historic district for its LGBTQ context. Given the size of the neighborhood and the number of potential resources, identification of exact boundaries for the district is beyond the scope of the proposed project evaluation. Pending further evaluation, this district would likely encompass all or part of the neighborhood historically known as the Uptown Tenderloin (consistent with the boundaries of the neighborhood defined in the designated NRHP Uptown Tenderloin Historic District), and would extend slightly east and west to include additional properties associated with this context, as identified in the LGBTQ Historic Context Statement. It would also likely encompass properties fronting on Market Street consistent with the boundaries of the National Register-listed Market Street Theater & Loft Historic District. As the boundaries of the eligible Tenderloin LGBTQ district have not yet been defined, analysis of projects for cumulative impacts to this district is limited to this study area.

Within the potential boundaries of the eligible Tenderloin LGBTQ Historic District are four cumulative projects to consider in the LGBTQ historic context with the current project. The project at 1095 Market Street was evaluated and determined that it would not result in significant project-specific or cumulative impacts to historic resources. The project at 229 Ellis Street would not demolish the existing building and is currently undergoing evaluation for its impact on historic resources per the requirements of CEQA and the procedures for evaluation for historical architectural resources, including: (1) whether the project itself would have a direct impact on historic resources and (2) whether the project would impact the historic context of a particular resources and/or would have an incidental impact on nearby resources.

The under-review projects at 57 Taylor Street (a.k.a. 105 Turk Street) and 1028 Market Street propose demolition of buildings that may qualify as contributing resources for their association with the LGBTQ context and would have the potential for significant project-level and cumulative impacts to the district, although review of these projects has not yet been completed. As previously discussed, initial evaluation suggests that the eligible Tenderloin LGBTQ District would contain numerous resources spanning the long period of significance. The two or three contributing resources on the 950–974 Market Street Project site do not appear to represent the only examples of a period or type within the district. Thus, the loss of the project site's contributing resources would not combine with the 57 Taylor Street and 1028 Market Street projects to result in a material impairment of the Tenderloin LGBTQ district. For these reasons, the proposed project would not result in a cumulatively considerable impact on the eligible Tenderloin LGBTQ district.

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

A preliminary review for potential impacts on archeological resources was conducted for the proposed project.<sup>12</sup> The following analysis relies on the information provided in the preliminary review.

Subsurface construction for the proposed project would require excavation to a depth of approximately 35 feet for basements and the one-level with mezzanine below-grade parking garage. While the project site is generally underlain by fill, which extends to approximately 19 to 23 feet below ground surface (bgs),<sup>13</sup> several prehistoric archeological sites are recorded at a depth of approximately 10.5 to 15.7 feet bgs, south

<sup>12</sup> Allison Vanderslice. July 2, 2014. *Environmental Planning Preliminary Archeological Review: Checklist for 950 Market Street*. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>13</sup> Treadwell & Rollo. June 6, 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.



of Market Street in the vicinity of the proposed project. Based on a review of early 1850s USCS maps, the project area is in a similar terrain as those nearby prehistoric sites. One structure is shown within the project site on the early 1850s USCS maps and a review of USCS maps from the late 1850s showed multiple buildings with the project site by that time. The project site appears to have been filled during the 1860s. Based on the 1887 Sanborn map, the project site appears to be built out primarily with hotels and saloons. Post-1906 earthquake development of the project area resulted in several buildings with basements that have disturbed the project site to an estimated 11 feet bgs. Due to the filling of the site, likely during the 1860s, archeological resources associated with the 1850s development may still exist within the project site below the existing basements.

Therefore, subsurface construction could potentially encounter and result in a change in the significance of an archeological resource, with potential archeological resources anticipated to be prehistoric resources, and the low possibility of disturbing human remains within the native dune sand that occurs at approximately 10 feet bgs. This is considered a potentially significant impact.

Mitigation Measure M-CR-2, Archeological Testing, would apply to any components of the proposed project resulting in below-grade soil disturbance. This measure requires, among other steps, that the Project Sponsor prepare an archeological monitoring plan. With implementation of Mitigation Measure M-CR-2, the proposed project would result in less-than-significant impacts on archeological resources and/or human remains.

#### **Mitigation Measure M-CR-2: Archeological Testing**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. 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 testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). 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 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 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 Section 15064.5 (a)(c).

*Consultation with Descendant Communities.* On discovery of an archeological site<sup>14</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>15</sup> 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 the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

*Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine, to the extent possible, the presence or absence of archeological resources and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO in

<sup>14</sup> The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>15</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission, and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist.

If the ERO 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:

- the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or
- a 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.

*Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, 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 archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk that these activities pose to potential 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 project

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 soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities, and equipment until the deposit is evaluated. 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 make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

*Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. 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 and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and ERO, 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, who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The archeological consultant, Project Sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

*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 final report.

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 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 NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

**Impact CR-3: The proposed project may cause a substantial adverse change in the significance of a tribal cultural resource. (Less than Significant with Mitigation)**

Tribal cultural resources (TCRs) are those resources that meet the definitions in Public Resources Code Section 21074. TCRs are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either (a) included or determined to be eligible for inclusion in the CRHR or (b) included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Based on discussions with Native American tribal representatives, in San Francisco, prehistoric archeological resources are presumed to be potential TCRs. A TCR is adversely affected when a project impacts its significance.

Pursuant to Assembly Bill 52, effective July 1, 2015, 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 TCRs and measures for addressing those impacts.

On August 14, 2015, the Planning Department mailed a "Tribal Notification Regarding Tribal Cultural Resources and CEQA" to the appropriate Native American tribal representatives who have requested notification. 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, Archeological Testing, 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 TCRs 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 TCRs. Implementation of Mitigation Measure M-CR-3, Tribal Cultural Resources Interpretive Program, would reduce potential adverse effects on TCRs to a less-than-significant level. Mitigation Measure M-CR-3 would require either preservation-in-place of the TCRs, if determined effective and feasible, or an interpretive program regarding the TCRs developed in consultation with affiliated Native American tribal representatives.

#### **Mitigation Measure M-CR-3: 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.

Below-grade construction on the proposed project site could potentially encounter and result in a change in the significance of TCRs. However, implementation of Mitigation Measure M-CR-3, Tribal Cultural Resources Interpretive Program, would reduce potential adverse effects on TCRs to a less-than-significant level.

**Impact C-CR-3: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not cause a substantial adverse change in the significance of an archeological or tribal cultural resource nor disturb human remains. (Less than Significant)**

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



## E.4. TRANSPORTATION AND CIRCULATION

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>TRANSPORTATION AND CIRCULATION – Would the project</b>					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not within an airport land use plan area, or in the vicinity of a private airstrip, and would not interfere with air traffic patterns. Therefore, topic 4c is not applicable.

A transportation impact study (TIS) was prepared that analyzed development of up to 501,000 gsf composed of 312 dwelling units, a 292-room hotel, 19,150 gsf of retail uses, and 102 off-street parking spaces. The proposed project would be smaller in size and would result in development of up to 406,101 gsf composed of 242 dwelling units, a 232-room hotel, 16,600 gsf of retail uses, and 82 off-street parking spaces. The discussion herein relies on the information provided in the TIS, which analyzed a larger project, and therefore, presents a conservative analysis of the proposed project.

## PROJECT SETTING

In the project site vicinity, Turk Street runs one-way westbound, with two travel lanes and no parking on either side; Taylor Street runs one-way northbound with three travel lanes and metered parking on both sides; and Market Street acts as the primary, multi-modal arterial. In the project vicinity (between 5th and 8th Streets), Market Street operates as a two-way arterial with two travel lanes in each direction, described as follows:

- The center lanes operate primarily as transit lanes, and accommodate surface rail service and island transit stops in both directions. The eastbound center lane is officially designated as a transit-only lane (buses and taxis only) from 12th Street to 5th Street at all times, and while often used by non-transit traffic, frequent stopping at these island transit stops deters some non-transit traffic from using this lane on a regular basis.
- The curbside lanes operate as shared (general purpose) lanes, and accommodate general vehicular traffic, transit vehicles accessing curbside stops along Market Street, and bicycles.

Market Street accommodates Class 3 bikeway facilities (shared travel lanes) east of 8th Street, with green retro-reflective thermoplastic paint used to increase the visibility of road space designated for bicycle use. Market Street also accommodates an enhanced pedestrian realm, with widened sidewalks, street landscaping features, entrances to Muni Metro light rail and BART stations, and various public open spaces. On-street parking is generally prohibited along Market Street east of Octavia Boulevard, and there are no curb cuts provided east of 12th Street/Franklin Street/Page Street. However, on-street bays in multiple locations accommodate passenger loading (white curb) and commercial loading (yellow curb) activities. Left turns for private vehicles from Market Street are prohibited in the proposed project vicinity, and private vehicles are prohibited from turning onto Market Street between 3rd and 8th Street. Market Street is the only roadway in the project vicinity with designated bikeways.

Pedestrian curb ramps are provided to cross intersections near the project site, except for pedestrians heading south across Turk Street from the west side of Mason Street. An existing surface parking lot in the northwest corner of the project site has access from three existing curb cuts, two along Turk Street and one along Taylor Street. The curb cuts in the northeast corner and center of the of the parking lot along Turk Street are approximately 20 feet wide and 30 feet wide, respectively. The curb cut along Taylor Street is approximately 35 feet wide. An approximately 45-foot-wide commercial loading bay is on the north side of Market Street on the project site frontage. Adjacent to the project site, the existing sidewalk widths (curb

to property line) are approximately 12 feet along Turk Street, 10 feet along Taylor Street, and 28 feet along Market Street (although sidewalk widths vary along Market Street).

The project site is well-served by public transit, with both local and regional service. Muni, BART, and the F-line streetcar (F-Line) systems currently operate along and/or beneath Market Street. The project site is located approximately 400 feet from the Powell Street Muni/BART station, which serves all Muni Metro lines and BART. An approximately 120-foot-long Muni bus stop fronts the north side of Market Street, approximately at the center of the project site, serving Muni lines 5-Fulton; 5L-Fulton Limited; and 21-Hayes. Muni routes 31-Balboa and 16X Noriega Express stop at the 120-foot-long Muni bus stop on the north side of Turk Street near the project site. Five other Muni bus lines and the F-line stop are located within a block of the project site.

#### ***Vehicle Miles Traveled in San Francisco and 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.<sup>16,17</sup>

For residential development, the regional average daily VMT per capita is 17.2.<sup>18</sup> For retail development, regional average daily work-related VMT per employee is 14.9. See Table 4, Daily Vehicle Miles Traveled, which includes the transportation analysis zone (TAZ) in which the project site is located (TAZ 296).

TABLE 4: DAILY VEHICLE MILES TRAVELED

Land Use	Existing			Cumulative 2040		
	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 296	Bay Area Regional Average	Bay Area Regional Average minus 15%	TAZ 296
Households (Residential)	17.2	14.6	2.0	16.1	13.7	1.6
Employment (Retail)	14.9	12.6	7.8	14.6	12.4	7.5

## 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.

<sup>16</sup> 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.

<sup>17</sup> San Francisco Planning Department. 2016., Executive Summary: Resolution Modifying Transportation Impact Analysis, Appendix F, Attachment A. March 3, 2016.

<sup>18</sup> 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.<sup>19</sup> 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.”<sup>20</sup> 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 meet 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

<sup>19</sup> 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.

<sup>20</sup> This document is available online at [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php), page III: 20.

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.<sup>21</sup>

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

<sup>21</sup> 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.

development, regional average daily retail VMT per employee is 14.6. Refer to Table 4, Daily Vehicle Miles Traveled, which includes the TAZ in which the project site is located (TAZ 296).

### ***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 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 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. The proposed project would generate 3,403 daily person-trips. During the PM peak hour, the proposed project would generate an estimated 605 PM peak hour trips, consisting of 165 auto trips, 231 transit trips, 174 walking trips, and 35 other trips. During the PM peak hour, the proposed project would generate 93 vehicle trips.

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

### *Vehicle Miles Traveled Analysis – Residential and Tourist Hotel*

As mentioned previously, existing average daily residential VMT per capita is 2.0 for TAZ 296, in which the project site is located. This is 88 percent below the existing regional average daily residential VMT per capita of 17.2. Given that the project site is in an area where existing residential 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's residential uses would not cause substantial additional VMT.<sup>22</sup>

### *Vehicle Miles Traveled Analysis – Retail*

As mentioned previously, existing average daily employment (retail) VMT per capita is 7.8 for TAZ 296, in which the project site is located. This is 48 percent below the existing regional average daily retail VMT per capita of 14.9. Given that the project site is in an area where existing retail VMT is more than 15 percent below the existing regional average, the proposed project's retail uses 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.<sup>23</sup>

<sup>22</sup> San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 950-974 Market Street, June 16, 2016. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2013.1049E.

<sup>23</sup> Ibid.



While the project's residential, tourist hotel, and retail uses would not result in substantial VMT and impacts would be less than significant, implementation of Project Improvement Measure I-TR-1a, Residential Transportation Demand Management Program, would help further reduce the proposed project's VMT.

#### **Improvement Measure I-TR-1a: Residential Transportation Demand Management Program**

The Project Sponsor will establish a transportation demand management (TDM) program for building tenants in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building's TDM program:

- **TDM Coordinator.** The Project Sponsor will identify a TDM Coordinator for the project site. The TDM Coordinator will be responsible for the implementation and ongoing operation of all other TDM measures included in the project. The TDM Coordinator may be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco) or may be an existing staff member (e.g., property manager). The TDM Coordinator will not be required to work full time at the project site; however, they will be the single point of contact for all transportation-related questions from building occupants and City of San Francisco staff. The TDM Coordinator will 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.** The Project Sponsor will 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 can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.

- New-hire packet. The Project Sponsor will provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.
- Current transportation resources. The Project Sponsor will maintain an available supply of Muni maps and San Francisco Bicycle and Pedestrian maps.
- Bicycle Measure - Bay Area Bike Share. The Project Sponsor will 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.

#### ***Induced Automobile Travel Analysis***

The proposed project is not a transportation project. However, the proposed project would include features that would alter the transportation network. These features would be sidewalk widening, on-street loading zones, and curb cuts, as well as on-street safety strategies including conformance with Americans with Disabilities Act requirements, pedestrian safety signage, and pedestrian intersection signalization identified in Improvement Measures I-TR-4a through I-TR-4f. The proposed project would remove a 99-space capacity parking use at the site, and would include 82 new parking spaces, a net reduction of 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 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)

### ***Circulation***

#### ***Garage Driveway Queuing***

A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors.

The proposed project would provide a curb cut and driveway ramp along Taylor Street to serve a one-level with mezzanine below-grade garage. The garage would provide private parking only and would not be open to the public. As discussed under traffic impacts, the proposed project would generate approximately 69 vehicle-trips during the weekday AM peak hour and approximately 93 vehicle-trips during the weekday PM peak hour. As discussed in the following paragraphs, substantial queuing at the driveway is not expected.

It is anticipated, however, that a portion of those vehicle trips would not access the garage driveway, either because they would choose to use on-street parking or another off-street parking facility, or would involve passenger and/or valet pick-up and drop-off activities at the proposed passenger loading zone along Turk Street. These effects would be reinforced by the on-site parking supply, which is primarily intended to serve the residential uses of the project. In addition, the traffic signal at Market/6th/Taylor/Golden Gate effectively meters northbound traffic onto Taylor Street, and it is anticipated that at least some of the vehicle movements at the driveway would likely occur while traffic is temporarily stopped at the signal, thus allowing any potential queue to dissipate that might have formed while waiting for a break in the traffic flow.

The proximity of the proposed Taylor Street driveway to the Taylor/Turk intersection could cause some “weaving” effects if vehicles exiting the below-grade garage attempt to access the westernmost (far side) lane on Taylor Street to turn left on Turk Street. However, the analysis found that this traffic pattern would not adversely affect the intersection. The Taylor/Turk intersection would operate normally with the project; motorists would also have the option of continuing north along Taylor Street and making a left turn on

Ellis Street to head west. While there may be minor disruptions to traffic flow along Taylor Street as a result of driveway queuing, those effects would be temporary and would dissipate quickly. Therefore, the driveway queuing effects of the proposed project on traffic circulation would be less than significant. The queuing effects of the proposed project on pedestrian facilities are discussed under Impact TR-4, and Improvement Measure I-TR-4f, Queue Abatement, which is related to vehicle queuing and pedestrian facilities, would further minimize the less-than-significant effects of driveway queuing on traffic circulation.

### ***Passenger Loading***

The proposed project would provide a new 145-foot-long passenger loading zone along the south side of Turk Street. While this change would help to accommodate pick-up and drop-off activities generated by the project, particularly for the proposed hotel and retail spaces, such activities could potentially result in substantial disruptions to traffic circulation.

Turk Street, however, generally operates at free-flow conditions on the segment adjacent to the project site, and has sufficient capacity to handle additional traffic, even if pick-up and drop-off activities at the proposed passenger loading zone intrude into portions of the southernmost travel lane. The provision of a passenger loading zone may also help minimize disruptions to traffic circulation as a result of passenger loading activities generated by the project, which would be more likely to intrude into or occupy portions of the adjacent travel lane if a zone were not present.

Hotel uses in C-3 zoning districts are required by Planning Code Section 162 to provide off-street loading spaces for tour buses based on the number of hotel rooms. The proposed project would include 232 hotel rooms, and would be required to provide one off-street tour bus loading space. While the proposed project does not propose any off-street tour bus loading spaces, Planning Code Section 162(b) allows the provision of any required spaces to be waived if space is provided at adjacent curbs or in the immediate vicinity without adverse effect on pedestrian circulation, transit operations, or general traffic circulation. Given the size and nature of the proposed hotel and field observations of tour bus loading activities at other hotels in the area, the demand for tour bus loading spaces for the proposed project would not be expected to exceed more than one space (i.e., one bus) on a regular basis, which would be accommodated in the 145-foot-long passenger loading zone on the south side of Turk Street. The proposed project would not provide a substantial amount of on-site meeting or convention space, and is not expected to host major conferences or other events that would attract unusual amounts of tour bus activity. While conferences and other events

at off-site locations—such as Moscone Center—may provide tour bus or shuttle service to connect hotel guests with event venues, these events would generally be infrequent, and it is unlikely that any more than two tour buses would need to serve the project site at any one time.

Given these considerations, the proposed project would not be expected to result in significant impacts on traffic conditions along Turk Street as a result of the proposed passenger loading zone. Improvement Measure I-TR-1b, Passenger Loading, would further reduce these less-than-significant effects.

#### **Improvement Measure I-TR-1b: Passenger Loading**

It should be the responsibility of the Project Sponsor to ensure that project-generated passenger loading activities along Turk Street are accommodated within designated on-street parking spaces or within the proposed on-street passenger loading zone adjacent to the project site. Specifically, the Project Sponsor should monitor passenger loading activities at the proposed zone along Turk Street to ensure that such activities are in compliance with the following requirements:

- Double parking, queuing, or other project-generated activities do not result in intrusions into the adjacent travel lane along Turk Street. Any project-generated vehicle conducting, or attempting to conduct, passenger pick-up or drop-off activities should not occupy, or obstruct free-flow traffic circulation in, the adjacent travel lane for a consecutive period of more than 30 seconds on a daily basis.
- Vehicles conducting passenger loading activities are not stopped in the passenger loading zone for an extended period of time. In this context, an “extended period of time” shall be defined as more than 5 consecutive minutes at any time.

Should passenger loading activities at the proposed on-street passenger loading zone along Turk Street not be in compliance with the above requirements, the Project Sponsor should employ abatement methods, as needed, to ensure compliance. Suggested abatement methods may include, but are not limited to, employment or deployment of staff to direct passenger loading activities (e.g., valet); use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking; and/or limiting hours of access to the passenger loading zone. Any new abatement measures should be reviewed and approved by the Planning Department.

If the Planning Director, or his or her designee, suspects that project-generated passenger loading activities in the proposed passenger loading zone along Turk Street are not in compliance with the above requirements, the Planning Department shall notify the property owner in writing. The property owner, or his or her designated agent (such as building management), shall hire a qualified transportation consultant to evaluate conditions at the site for no less than 7 total days. The consultant shall submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not project-generated passenger loading activities are in compliance with the above requirements, and shall notify the property owner of the determination in writing.

If the Planning Department determines that passenger loading activities are not in compliance with the above requirements, upon notification, the property owner—or his or her designated agent—should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that the property owner or his or designated agent has been unsuccessful at ensuring compliance with the above requirements, use of the on-street passenger loading zone should be restricted during certain time periods or events to ensure compliance. These restrictions should be determined by the Planning Department in coordination with the SFMTA, as deemed appropriate based on the consultant's evaluation of site conditions, and communicated to the property owner in writing. The property owner or his or her designated agent should be responsible for relaying these restrictions to building tenants to ensure compliance.

### ***Freight/Service Loading***

Pursuant to Planning Code Section 152.1, the proposed project would be required to provide a total of three off-street freight loading spaces in a C-3-G zoning district. Furthermore, as described in Planning Code Section 153(a)(6), substitution of two service vehicle spaces for each required off-street freight loading space is permitted in the C-3 zoning district. The proposed project would provide an off-street freight loading dock along Turk Street with two freight loading spaces, and two service vehicle spaces in the one-level plus mezzanine, below-grade parking garage accessed from Taylor Street. Freight and service loading access would comply with required dimensions in Planning Code Section 155(f). Off-street freight loading spaces would each be 12 feet wide and 35 feet long, with a minimum vertical clearance—including entry and exit—of 14 feet or more. The proposed service vehicle spaces would be 8 feet wide and 20 feet long, with a minimum vertical clearance of 7 feet. The proposed project would generate a peak-hour freight loading/service vehicle demand of approximately two spaces, and therefore, would meet the requirements

established in Planning Code Section 154(b). A portion of the passenger loading zone would overlap with the proposed 20-foot curb cut accommodating loading dock access. This portion of the curb loading zone could not be used during truck loading dock ingress and egress movements. This shared arrangement for curb space would partially reduce the usability of this portion of the passenger loading zone. While trucks attempting to enter the loading dock may need to temporarily wait for any vehicles obstructing the dock's curb cut to vacate this section of the passenger loading zone, there is sufficient clearance to the nearest travel lane on Turk Street to minimize disruptions to traffic, transit, or bicycle circulation along Turk Street. Loading zone operations would have a less-than-significant impact on circulation conditions.

For residential move-in and move-out activities, it is anticipated that residents would consult building management to reserve space in the building's loading dock or parking garage, or use available on-street commercial loading space. No significant traffic, transit, bicycle, or pedestrian impacts are expected to result from proposed project freight loading and service vehicle activities, and therefore, impacts would be less than significant. However, the following proposed improvement measures would minimize any freight and service loading-related effects.

**Improvement Measure I-TR-1c: Loading Dock Safety**

Deploy building management staff at the loading dock when trucks are attempting to service the building to ensure the safety of other roadway users and minimize the disruption to traffic, transit, bicycle, and pedestrian circulation. All regular events requiring use of the loading dock (e.g., retail deliveries, building service needs, etc.) should be coordinated directly with building management to ensure that staff can be made available to receive trucks.

**Improvement Measure I-TR-1d: Loading Schedule**

Schedule and coordinate loading activities through building management to ensure that trucks can be accommodated either in the off-street loading dock or the service vehicle spaces in the building's garage. Trucks should be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along any of the streets immediately adjacent to the building (Market Street, Turk Street, and Taylor Street). Trucks unable to be accommodated in the loading dock or service vehicle spaces shall be directed to use on-street spaces, such as the commercial loading bay along Market Street or the various yellow curb zones in scattered locations surrounding the project site, or return at a time when these facilities are available for use. Alternatively, necessary permits could

be obtained to reserve the south curb of Turk Street or east curb of Taylor Street, adjacent to the project site, for these activities.

### **Construction**

Construction of the proposed project would last approximately 27 months, and would consist of three phases (demolition, excavation and shoring, and construction). During this period, temporary and intermittent transportation impacts would result from additional vehicle trips to the project site from workers and equipment deliveries, but these activities would be limited in duration. Construction staging would occur primarily within the confines of the project site and any closures along Taylor Street or Turk Street would likely require the temporary closure of the adjacent parking lane and one traffic lane, but would likely otherwise have little effect on roadway capacity. Some minor disruptions to pedestrian flow could occur, including diversion of pedestrian traffic to the north side of Turk Street, but would not otherwise impede or inhibit pedestrian circulation or degrade pedestrian safety. Construction vehicle trips during peak traffic flow would have a greater potential to create conflicts than during non-peak hours; however, given the temporary and intermittent nature of the construction activities, the proposed project's construction-related activities would not result in significant transportation impacts. Although construction-related impacts would be temporary and less than significant, the following proposed improvement measures would further minimize any effects.

#### **Improvement Measure I-TR-1e: Construction Truck Delivery Scheduling**

To minimize disruptions to traffic, transit, bicycle, and pedestrian circulation on adjacent streets during the weekday AM and PM peak periods, the contractor shall restrict truck movements and deliveries to, from, and around the project site during peak hours (generally 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) or other times, as determined by San Francisco Municipal Transportation Agency and its Transportation Advisory Staff Committee.

#### **Improvement Measure I-TR-1f: Construction Traffic Control**

To reduce potential conflicts between construction activities and traffic, transit, bicycles, and pedestrians at the project site, the contractor shall add certain measures to the required traffic control plan for project construction. In addition to the requirements for the construction traffic control plan, the project shall identify construction traffic management best practices in San Francisco, as well as best practices in other cities, that, although not being implemented in San



Francisco, could provide valuable information for the project. Management practices could include, but are not limited to, the following:

- Identifying ways to reduce construction worker vehicle trips through transportation demand management programs and methods to manage construction worker parking demands.
- Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage or temporary walkways.
- Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility.
- Identifying routes for construction-related trucks to utilize during construction.
- Requiring consultation with the surrounding community, including business and property owners near the project site, to assist coordination of construction traffic management strategies as they relate to the needs of other users adjacent to the project site.
- Developing a public information plan to provide adjacent residents and businesses with regularly updated information regarding project construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and other lane closures, and providing a project contact for such construction-related concerns.

### **Parking**

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” The proposed project meets each of the three criteria, and therefore, this analysis presents a parking demand, supply, and requirements analysis for informational purposes.

Parking conditions are not static, as parking supply and demand varies. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles, or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to

other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking) would be in keeping with San Francisco's "Transit First" policy and numerous General Plan policies, including those in the Transportation Element.

This transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus, choose to reach their destination by other modes (i.e., walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis—as well as in the associated air quality and noise analyses—would reasonably address potential secondary effects.

The proposed project's supply of off-street vehicle parking was compared to the requirements established in the Planning Code, as well as the anticipated weekday midday and evening vehicle parking demand. The proposed project would generate a vehicle parking demand of 329 spaces during the weekday midday period and 411 spaces during the weekday evening period. The proposed project would provide 82 private residential vehicle parking spaces, plus two car-share spaces, and would result in a shortfall of approximately 247 spaces during the weekday midday period and 329 spaces during the weekday evening period. However, there are at least 20 off-street parking facilities within walking distance of the project site. Those facilities currently operate at approximately 57 percent occupancy during the weekday midday period and 38 percent occupancy during the weekday evening period. Furthermore, even with the removal of the surface parking lot at the corner of Turk and Taylor Streets, the previously described facilities would have the capacity to handle the extra demand, as the existing parking lot is only open during the weekday midday period. Therefore, during the daytime and evening time, off-street vehicular parking could be found by project residents, visitors, and patrons. Although the unmet parking demand would cause a slight increase in competition for on-street and off-street parking spaces in the proposed project vicinity, the area is well served by public transit and bicycle facilities. Moreover, the project site is not required to provide any off-street vehicular parking per Planning Code C-3 requirements.

It should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought. The

Planning Commission may not support the parking ratio proposed. In some cases, particularly when the proposed project is in a transit-rich area, the Planning Commission may not support the provision of any off-street parking spaces.

If the proposed project were ultimately approved with no off-street parking spaces, the project would have an unmet demand of 329 spaces during the weekday midday period and 411 spaces during the weekday evening period. As mentioned previously, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces nearby and through alternative modes, such as public transit and bicycle facilities. Therefore, the proposed project would not create any hazardous conditions due to parking-related factors, and Improvement Measure I-TR-1a, Residential Transportation Demand Management Program, and Improvement Measure I-TR-4f, Queue Abatement, would further reduce any potential parking-related impacts.

**Impact TR-2: The proposed project would not substantially increase traffic hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. (Less than Significant)**

No project design features are proposed that would substantially increase traffic-related hazards. In addition, as discussed in Section E.1, Land Use and Land Use Planning, the proposed project would not include incompatible uses. Therefore, traffic hazard impacts due to a design feature or resulting from incompatible uses from the proposed project would be less than significant. The queuing effects of the proposed driveway along Turk Street on pedestrian facilities are discussed under Impact TR-1.

**Impact TR-3: The proposed project would not result in inadequate emergency access. (Less than Significant)**

Emergency vehicle access is currently provided along all three streets that front the project site (Market Street, Taylor Street, and Turk Street). Emergency access would remain unchanged from existing conditions. The proposed parking garage and loading dock and associated curb cuts, and the proposed passenger loading zone along the south side of Turk Street are expected to have a negligible effect on emergency vehicle access. The proposed project would not close off any existing streets or entrances to public uses. Therefore, the proposed project would have a less-than-significant impact on emergency access.

**Impact TR-4: The proposed project 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 facilities. (Less than Significant)**

### ***Transit Facilities***

The project site is well served by local and regional public transit. Overall, the proposed project would increase ridership on the Downtown corridors and screenlines, but would not directly cause any of them to exceed the 85 percent capacity utilization threshold. However, several screenlines and corridors currently exceed the 85 percent capacity utilization threshold under Existing Conditions, and would continue to do so under Existing plus Project Conditions. The following screenlines and corridors currently exceed the 85 percent capacity utilization threshold; the proposed project would not represent a considerable contribution to ridership on any of these Muni screenlines or corridors:

- In the Northwest Screenline, Fulton/Hayes corridor (5 Fulton and 21 Hayes), the project would contribute 0.2 percent to the total ridership during the weekday PM peak hour under Existing plus Project Conditions.
- In the Southeast Screenline, 3rd Street corridor (T Third Street), the proposed project would contribute 0.4 percent to the total ridership during the weekday PM peak hour under Existing plus Project Conditions.
- In the Southwest Screenline (K Ingleside, L Taraval, M Ocean View, and N Judah; 6 Parnassus, 71 Haight–Noriega/71L Haight–Noriega Limited, 16X Noriega Express, and NX Judah Express; and F Market & Wharves), the project would contribute 0.2 percent to the total ridership during the weekday AM peak hour under Existing plus Project Conditions.

As a result, the proposed project would not result in significant impacts to capacity utilization on Muni's Downtown screenlines.

The proposed project would result in similar ridership on regional transit screenlines and operators. Overall, the proposed project would increase ridership on regional transit screenlines and operators, but would not directly cause any of them to exceed the 100 percent capacity utilization threshold. All regional transit screenlines and operators would continue to operate below 100 percent capacity utilization under Existing plus Project Conditions. As a result, the proposed project is not expected to result in significant impacts related to capacity utilization on the regional transit screenlines.

The proposed project would provide a new passenger loading zone and service loading dock on the south side of Turk Street. Vehicles using the passenger loading area and service vehicles entering or leaving the

loading dock would use the southernmost lane of one-way westbound Turk Street. The Muni bus stop serving the 16X Noriega Express and 31 Balboa lines is on the north side of Turk Street. Therefore, the effects of proposed project passenger and service loading activities on transit operations is generally expected to be negligible and proposed project impacts on transit would be less than significant.

### ***Bicycle Facilities***

The project vicinity is well served by existing bicycle routes, most notably route 50 along Market Street. The proposed project would not interfere with accessibility to that route. The proposed project would be required to provide a total of 145 Class 1 spaces and 28 Class 2 spaces per Planning Code Section 155.2. As such, the proposed project would provide a minimum total of 145 Class 1 spaces and 28 Class 2 spaces, meeting or exceeding Planning Code requirements. The project passenger and service loading zones along Turk Street could potentially affect bicycle circulation and safety; however, bicycle activity is anticipated to be minimal as this is not a designated bikeway, and bicyclists generally would use Market Street. While the project would increase the amount of bicycle traffic along Market Street and other streets in the vicinity of the project site, the expected magnitude of this increase would not be substantial enough to affect overall bicycle circulation or the operations of bicycle facilities, and therefore, impacts would be less than significant.

### ***Pedestrian Facilities***

Pedestrian trips generated by the proposed project would generally consist of people walking to and from the site. Overall, the proposed project would generate a maximum of approximately 112 walk-only person-trips during the weekday AM peak hour and 174 walk-only person-trips during the weekday PM peak hour. The new pedestrian trips generated by the project could be accommodated on the adjacent facilities and would not substantially affect pedestrian operations on nearby sidewalks or crosswalks, particularly given the existing sidewalk widths along Market Street, which is expected to be the primary pedestrian corridor to and from the project site.

The proposed project would also include several streetscape improvements to pedestrian facilities, including widening the sidewalk along Turk Street adjacent to the project site by approximately 10 feet (except at the pedestrian loading area), installing enhancements such as street trees along the Turk Street frontage, eliminating and consolidating existing curb cuts, and incorporating setbacks at street-level entrances to provide plaza space. Furthermore, sidewalks around the project site are observed to be underutilized. The increased pedestrian activity generated by the project, in combination with the

proposed streetscape improvements, would be expected to enhance the overall pedestrian conditions in the area.

Vehicle movements at the garage driveway along Taylor Street would involve vehicles crossing the sidewalk on the east side of Taylor Street, adjacent to the project site. While not a high-volume pedestrian corridor in and of itself, Taylor Street provides a key pedestrian connection between the neighborhood commercial corridor along 6th Street and high-density mixed-use residential/commercial uses in the Tenderloin. In terms of net new travel demand, the proposed project would generate approximately 27 inbound vehicle trips and 42 outbound vehicle trips during the weekday AM peak hour, and approximately 43 inbound vehicle trips and 50 outbound vehicle trips during the weekday PM peak hour.

However, it is anticipated that some portion of the project-generated vehicle trips would not access the garage driveway, either because vehicles would choose to use on-street parking or another off-street parking facility, or would involve pick-up and drop-off of passengers at the proposed passenger loading zone along Turk Street. These effects would be reinforced by the on-site parking supply, which is primarily intended to serve the proposed residential uses; at least some of the employees and visitors of the project's other uses—including the proposed retail, and hotel uses—would be likely to choose these alternative options for vehicle access and parking.

In addition, there is already some level of existing conflict generated by the existing curb cuts that serve the off-street surface parking lot on the project site (located at 67 Turk Street), which currently provides parking for approximately 80 vehicles. The project would provide approximately 82 off-street spaces for vehicle parking within a one-level with mezzanine below-grade garage, which would effectively be a one-to-one replacement of the existing surface lot. As such, the net increase in vehicle-pedestrian conflict at curb cuts serving the project site is expected to be minimal. Given these considerations, project-generated vehicle traffic would not be expected to result in significant impacts on pedestrian conditions.

However, recognizing the existing deficiencies and safety issues related to pedestrian conditions in the immediate vicinity of the project site, improvement measures are proposed to minimize the less-than-significant effects arising from project-generated vehicle traffic. Improvement Measures I-TR-1b, Passenger Loading, I-TR-4a, Garage Exit Warning, I-TR-4b, Pedestrian Safety Signage, I-TR-4c, Garage Curb Cut, I-TR-4d, Pedestrian Signals, I-TR-4e, Americans with Disabilities Act Standards, and I-TR-4f, Queue Abatement, would further reduce the less-than-significant effects.

**Improvement Measure I-TR-4a: Garage Exit Warning**

Install visible warning devices at the garage entrance to alert pedestrians of outbound vehicles exiting the garage.

**Improvement Measure I-TR-4b: Pedestrian Safety Signage**

Provide on-site signage promoting pedestrian and bicycle safety (e.g., signage at the garage exit reminding motorists to slow down and yield to pedestrians in the sidewalk) and indicating areas of potential conflict between pedestrians in the sidewalk and vehicles entering and exiting the garage.

**Improvement Measure I-TR-4c: Garage Curb Cut**

Daylight the project's garage curb cut and entrance by designating up to 10 feet of the adjacent curb immediately south of the curb cut as a red "No Stopping" zone to improve the visibility of pedestrians in the sidewalk along Taylor Street when the yellow zone adjacent to the Warfield Theater is in use by trucks and other large vehicles that may obstruct motorists' field of vision. Implementation of this improvement measure would result in a corresponding reduction (of up to 10 feet) in the length of the existing yellow zone (currently approximately 150 feet), but is not expected to result in any major effect on general accommodation of curbside freight loading and service vehicle activities in the general vicinity of the project, given the magnitude of the overall loss in curb space.

**Improvement Measure I-TR-4d: Pedestrian Signals**

Install pedestrian signal heads with countdown timers for the east and south crosswalks at Taylor Street and Turk Street.

**Improvement Measure I-TR-4e: Americans with Disabilities Act Standards**

Upgrade, redesign, or reconstruct (as needed) the existing curb ramps at the northwest, southwest, and northeast corners of Taylor Street and Turk Street in compliance with Americans with Disabilities Act (ADA) standards. It is assumed that the proposed sidewalk widening along Turk Street will provide ADA-compliant curb ramps at the southeast corner of the intersection.

Construct ADA-compliant curb ramps at both ends of the north crosswalk across Taylor Street at Turk Street and Golden Gate Avenue.

Construct ADA-compliant curb ramps at the northeast corner of the Mason Street and Turk Street intersection.

#### **Improvement Measure I-TR-4f: Queue Abatement**

- It should be the responsibility of the Project Sponsor to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Taylor Street, including any portion of any travel lanes. The owner/operator of the parking facility should also ensure that no pedestrian conflict (as defined below) is created at the project driveway.
- A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors.
- A pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and/or contact between pedestrians and the vehicle occurs.
- There is one exception to the definition of a pedestrian conflict. Sometimes, outbound vehicles departing from the project driveway would be able to cross the sidewalk without conflicting with pedestrians, but then would have to stop and wait in order to safely merge into the Taylor Street roadway (due to a lack of gaps in Taylor Street traffic and/or a red indication from the traffic signal at the Taylor/Turk intersection). While waiting to merge, the rear of the vehicle could protrude into the western half of the sidewalk. This protrusion shall not be considered a pedestrian conflict. This is because the obstruction would be along the western edge of the sidewalk, while the pedestrian path of travel would be along the eastern side of the sidewalk; street trees and other streetscape elements would already impede pedestrian flow along the west side of the sidewalk. Any pedestrians that would be walking along the west side of the sidewalk would be able to divert to the east and maneuver behind the stopped car. This exception only applies to outbound vehicles, and only if pedestrians are observed to walk



behind the stopped vehicle. This exception does not apply to any inbound vehicles, and does not apply to outbound vehicles if pedestrians are observed to walk in front of the stopped outbound vehicle.

- If vehicle queues or pedestrian conflicts occur, the Project Sponsor should employ abatement methods, as needed, to abate the queue and/or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or employee shuttles; parking demand management strategies such as time-of-day parking surcharges; and/or limiting hours of access to the project driveway during periods of peak pedestrian traffic. Any new abatement measures shall be reviewed and approved by the Planning Department.
- If the Planning Director, or his or her designee, suspects that vehicle queues or a pedestrian conflict are present, the Planning Department shall notify the property owner in writing. The facility owner/operator should hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant should submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not queues and/or a pedestrian conflict exists, and shall notify the garage owner/operator of the determination in writing.
- If the Planning Department determines that queues or a pedestrian conflict do exist, upon notification, the facility owner/operator should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that vehicle queues and/or a pedestrian conflict are still present or that the facility owner/operator has been unsuccessful at abating the identified vehicle queues or pedestrian conflicts, the hours of inbound and/or outbound access of the project driveway should be limited during peak hours. The hours and directionality of the access limitations shall be determined by the Planning Department, and communicated to the facility owner/operator in writing. The facility owner/operator should be responsible for limiting the hours of project driveway access, as specified by the Planning Department.

**Impact C-TR-1: The proposed project, in combination of 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 contributes 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 would not exceed the project-level thresholds for VMT and induced automobile travel (Impact TR-1), the proposed project would not be considered to result in a cumulatively considerable contribution to VMT impacts.

Furthermore, as shown in Table 4, Daily Vehicle Miles Traveled, for TAZ 296, in which the proposed project is located, projected 2040 average daily residential VMT per capita is 1.6, and projected average daily retail VMT per capita is 7.5. This is approximately 90 percent and 49 percent below the projected 2040 regional average daily VMT per capita of 16.1 and 14.6 for residential and retail uses, respectively. Therefore, the proposed project's residential and retail uses would not contribute considerably to any substantial cumulative increase in VMT.

**Impact C-TR-2: The proposed project, in combination of past, present, and reasonably foreseeable future projects, would not have a cumulative impact on transportation. (Less than Significant)**

### ***Transit***

Future year 2040 cumulative transit conditions were developed for the 501,000 gsf, with 312 dwelling units and a 292-room hotel in the TIS. Based on adjustments made to the estimates of net new travel demand, the larger project in the TIS would generate a maximum of approximately 273 inbound transit person-trips and 208 outbound transit person-trips during the weekday AM peak hour, and approximately 338 inbound transit person-trips and 263 outbound transit person-trips during the weekday PM peak hour, depending on the programs assumed for the respective sites. As with the traffic volume forecast, these cumulative conditions analyze a development scenario that would generate more transit trips than would be the case with the proposed project. Several Muni screenlines and corridors would operate at or above the 85 percent threshold under cumulative conditions. The proposed project would not represent a cumulatively

considerable contribution to ridership on any of the following Muni corridors, which currently exceed the 85 percent capacity utilization threshold:

- In the California corridor (1 California, 1AX California "A" Express, and 1BX California "B" Express), the proposed project would contribute 0.1 percent to total ridership during each of the weekday AM and PM peak hours under Cumulative Conditions.
- In the Sutter/Clement corridor (2 Clement and 3 Jackson), the proposed project would contribute 0.3 percent to total ridership during the weekday PM peak hour under Cumulative Conditions.
- In the Fulton/Hayes corridor (5 Fulton and 21 Hayes), the proposed project would contribute 0.2 percent and 0.3 percent, respectively, to total ridership during the weekday AM and PM peak hours under Cumulative Conditions.
- In the Northwest Screenline (38 Geary, 38L Geary Limited, 38AX Geary "A" Express, and 38BX Geary "B" Express; 1 California, 1AX California "A" Express, and 1BX California "B" Express; 2 Clement and 3 Jackson; 5 Fulton and 21 Hayes; and 31 Balboa, 31 Balboa "A" Express, and 31BX Balboa "B" Express), the proposed project would contribute 0.3 percent to the total ridership during the weekday PM peak hour under Cumulative Conditions.
- In the Mission corridor (14 Mission, 14L Mission Limited, 14X Mission Express, and 49 Van Ness-Mission), the proposed project would contribute 0.3 percent to the total ridership during each of the weekday AM and PM peak hours under Cumulative Conditions.
- In the San Bruno/Bayshore corridor (8X Bayshore Express, 8AX Bayshore "A" Express, 8BX Bayshore "B" Express, 9 San Bruno, and 9L San Bruno Limited), the proposed project would contribute 0.3 percent to the total ridership during each of the weekday AM and PM peak hours under Cumulative Conditions.
- On other lines in the Southeast Screenline (J Church, 10 Townsend, 12 Folsom-Pacific, 19 Polk, and 27 Bryant), the proposed project would contribute 0.3 percent to the total ridership during the weekday AM peak hour under Cumulative Conditions.
- On the Haight/Noriega corridor (6 Parnassus, 71 Haight-Noriega/71L Haight-Noriega Limited, 16X Noriega Express, and NX Judah Express), the proposed project would contribute 0.5 percent to the total ridership during the weekday AM peak hour under Cumulative Conditions.
- In the Southwest Screenline (K Ingleside, L Taraval, M Ocean View, and N Judah; 6 Parnassus, 71 Haight-Noriega / 71L Haight-Noriega Limited, 16X Noriega Express, and NX Judah Express; and F Market & Wharves), the proposed project would contribute 0.5 percent to the total ridership during the weekday AM peak hour under Cumulative Conditions.

As a result, the proposed project would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to capacity utilization on Muni's Downtown screenlines.

None of the regional transit operators and screenlines would operate at or above their capacity utilization thresholds under Cumulative Conditions. The proposed project would not contribute to any regional transit operators and screenlines exceeding their capacity utilization thresholds. As a result, the proposed project would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to capacity utilization on the regional transit screenlines.

In addition to the transit-related improvements being implemented by the roadway changes described previously, several transit-specific projects in the area will add improvements to the existing transit network. While some projects would not physically affect service in the immediate vicinity of the proposed project, they would affect routes currently serving the area. Transit improvement projects include the Transit Effectiveness Project; Central Subway Project; F Market and Wharves Extension to Fort Mason Project; M Ocean View Undergrounding and Parkmerced Realignment Project; Light Rail Vehicle Seating Pilot Project; and Treasure Island Express Bus Service Project.

#### ***Other Future Roadway Changes***

Nearly all of the proposed future roadway changes identified in the Mid-Market area would have minor effects on traffic generated by the proposed project. However, two projects—the 6th Street Improvement Project and the Better Market Street Project—could result in cumulative implications for traffic, circulation, and vehicular access to and from the project site. The 6th Street Improvement Project would reduce travel lanes and the overall capacity of 6th Street, which could have corresponding impacts with the project's vehicular access points, including the garage entry/exit and the proposed passenger loading zone along Turk Street. However, with the implementation of traffic-division measures, impacts would be intermittent and minimal, and no new significant impacts would be expected.

Immediately adjacent to the project site, the preliminary concept for private automobile restrictions under the Better Market Street Project would convert the segment of Turk Street between Mason Street and Taylor Street from a one-way configuration to a two-way configuration to facilitate local circulation, resulting in the reduction of one travel lane in the westbound direction along the project frontage. Pick-up and drop-off activities along the proposed on-street passenger loading zone on Turk Street may result in intermittent and short-term disruptions to traffic circulation (including transit vehicles and bicycles) due to activities such as double parking or queuing. Overall, however, these effects would be temporary in duration and

minor in magnitude, and no new significant impacts would be expected. Therefore, the proposed project would not constitute a cumulatively considerable contribution to any significant cumulative impacts related to future roadway changes.

For the previously described reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulatively considerable transportation and circulation impacts.

**E.5. NOISE**

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

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip.

Therefore, topics 5e and 5f are not applicable to the proposed project.

**Impact NO-1: The proposed project would not result a substantial permanent increase in ambient noise levels, expose persons to or generate levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and would not be substantially affected by existing noise levels. (Less than Significant)**

The project site is located in a highly urbanized area, with ambient noise levels typical of those in San Francisco neighborhoods. As previously stated, ambient noise in San Francisco is largely generated by traffic-related sources. As Figures V.G-2 and V.G-3 of the San Francisco 2004 and 2009 Housing Element

EIR show, many roadways in the proposed project vicinity experience traffic noise levels exceeding 60 L<sub>dn</sub> or 75 L<sub>dn</sub>.<sup>24</sup>

The United States Department of Housing and Urban Development (HUD) has developed minimum national noise standards for land use compatibility. The HUD considers noise levels below 65 decibels as generally “acceptable,” between 65 dB and 75 dB as “normally unacceptable,” and in excess of 75 dB as “considered unacceptable” for residential land uses.<sup>25</sup> The California State Office of Planning and Research has developed similar statewide guidelines,<sup>26</sup> which have largely been incorporated into the Environmental Protection Element of the San Francisco General Plan.<sup>27</sup> In addition, the California Building Code and Title 24 of the California Code of Regulations include regulations that limit building interior noise levels to 45 dBA L<sub>dn</sub>.<sup>28,29</sup>

The proposed project would include residential uses that would place sensitive receptors in the vicinity of a noisy environment, thus potentially exposing people to noise levels in excess of established standards. In accordance with Mitigation Measure M-NO-1 of the Housing Element,<sup>30</sup> a noise analysis was prepared, including ambient noise measurements conducted at nearby noise-sensitive locations and an evaluation of potential noise related to increased vehicular traffic and construction equipment associated with the proposed project.<sup>31</sup> Noise level measurements were taken at short-term intervals (15 minutes at each location) at noise-sensitive locations near the site, and for a continuous 24-hour period at the project site itself. Short-term measurements were taken at a height of approximately 5 feet above ground level, and the continuous measurement was taken at a height of approximately 25 feet, with the instrument mounted on the top of an existing building at the project site.

Land uses in the surrounding area that contribute to ambient noise include a mixture of retail, entertainment, hotel, residential, and office uses. However, the primary noise source in the area is related to transportation. The Warfield Building and Theater and the Crazy Horse Theater are located directly west

<sup>24</sup> San Francisco Planning Department. 2011. 2004 and 2009 Housing Element Final EIR. Certified on March 24, 2011.

<sup>25</sup> Code of Federal Regulations, Title 24, Part 51, Section 51.100 – 51.105.

<sup>26</sup> Office of Planning and Research. 2003. State of California General Plan Guidelines. October.

<sup>27</sup> San Francisco General Plan. Environmental Protection Element, Policy 11.1.

<sup>28</sup> L<sub>dn</sub> refers to the equivalent 24-hour noise level with a 10 dB penalty added to sounds which occur between the hours of 10 PM and 7AM. dBA refers to a logarithmic scale for measuring noise expressed in decibels (dB). The A-weighting scale was developed and has been shown to provide a good correlation with the human response to sound.

<sup>29</sup> dBA refers to the sound level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

<sup>30</sup> San Francisco Planning Department. 2011. 2004 and 2009 Housing Element Final EIR. Certified on March 24, 2011.

<sup>31</sup> TRC Solutions, Inc. 2015. 950-974 Market Street Noise Assessment Report. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E. July.

of the project site. The Market Street Place retail center is under construction southeast and across the street from the proposed site; other existing retail and office space fronts the south side of Market Street. The proposed site is bordered directly on the north across Turk Street by the Metropolis Hotel, Farmer Brown restaurant, and mixed-use residential and office space. Uses north of the project site and in a one-block radius include several single-room occupancy (SRO) hotels (residential hotels), many of which are run by affordable housing organizations. The closest residential use is the Dalt Hotel, an affordable SRO building located across Turk Street, north of the project site. Other SRO hotels and apartment buildings within one block of the proposed project include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel.

The measured maximum noise level for continuous monitoring at the site was 58.9  $L_{eq}$ , which is a single value of sound that includes all of the varying sound energy in a given duration. However, measured continuous sound levels were substantially lower than the short-term sound level measurements at the ground level, due to the fact that the continuous meter was placed two stories (25 feet) above street level. The greater distance from traffic sounds created lower sound levels at the continuous meter. Calculated  $L_{dn}$  sound levels reached noise levels between 75.6 dBA and 78.0 dBA at the street level.

Typical residential building construction will generally provide exterior-to-interior noise level reduction performance of no less than 25 dB when exterior windows and doors are closed. In this case, exterior noise exposure would need to exceed 70 dBA  $L_{dn}$  to produce interior noise levels in excess of the City's and Title 24's interior noise criterion of 45 dBA  $L_{dn}$ . Due to calculated exterior levels in excess of 75 dBA  $L_{dn}$ , the noise analysis provided recommendations to achieve interior noise attenuation in compliance with noise criteria, including constructing exterior windows and doors with sound transmission class (STC)-rated materials up to STC31 to STC33. With implementation of the required STC-rated materials, interior noise levels would be further attenuated to acceptable levels.

Operation of the proposed project would create noise from HVAC systems, generators, and boilers that would be installed on site, as well as noise from activities at rooftop common areas such as the outdoor bar. Mechanical equipment would be subject to Section 2909 of the Noise Ordinance (Article 29 of the Police Code). Most of the mechanical equipment would be located in enclosed spaces within the building, in areas that would be as far as possible from residential and hotel areas, and would be in enclosed rooms



constructed to dampen sound levels in such a way that any indoor residential areas of the proposed project would experience noise levels less than 45 dBA  $L_{dn}$ , in accordance with the Noise Ordinance.

The proposed project could also potentially contribute to an increase in ambient traffic noise in the project vicinity. However, the noise analysis for the project determined that the greatest calculated noise increase in the project vicinity would be 2.2 dBA during the peak hour, with the remaining time periods having increases of less than 2 dBA. Increases of less than 3 dBA are considered barely perceptible, and thus, would not contribute to a substantial increase in traffic-related noise.

For the previously described reasons, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity, expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or be substantially affected by existing noise levels, and the impact would be less than significant.

**Impact NO-2: The proposed project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. (Less than Significant with Mitigation)**

The proposed project's construction activities would last approximately 27 months, and would be conducted in three phases—demolition, excavation and shoring, and construction. Construction noise and vibration have the potential to be felt by nearby receptors and uses. However, construction noise and vibration would be intermittent and limited to the period of construction. The closest sensitive receptors to construction activities would be the residential units located approximately 65 feet north of the proposed project, across Turk Street.

The greatest construction-related noise- and vibration-generating activities would generally be limited to the first and second phases during excavation, new foundation construction (including pile driving), and exterior and façade element construction. While the Project Sponsor would be required to comply with measures required for construction equipment in Section 2907 of the Noise Ordinance, there is still the potential to expose sensitive receptors to temporary increases in noise levels substantially in excess of ambient levels, resulting in a potentially significant groundborne noise impact. Implementation of Mitigation Measure M-NO-2, Noise-Control Measures During Pile Driving, would reduce adverse impacts on sensitive receptors from pile-driving noise to a less-than-significant level.

### Mitigation Measure M-NO-2: Noise-Control Measures During Pile Driving

Because the proposed project requires pile driving, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies, and any other effective strategies, as feasible:

- The Project Sponsor shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels.
- The Project Sponsor shall require the construction contractor to implement “quiet” pile-driving technology (such as pre-drilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile-driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions.
- The Project Sponsor shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurements.
- The Project Sponsor shall require that the construction contractor limit pile-driving activity to result in the least disturbance to neighboring uses.

The noise analysis completed for the proposed project determined that vibration source levels for construction equipment would create vibration levels at a maximum of 0.031 peak particle velocity (PPV) with use of a drilling rig for caisson drilling activities, which would be below the barely perceptible response of 0.035 PPV level when measured at 50 feet,<sup>32</sup> and would be well below the distinctly perceptible response level of 0.24 PPV. Therefore, the proposed project would have a less-than-significant impact related to the exposure of people to and generation of excessive groundborne vibration.

The main sources contributing intermittent groundborne vibration are those located along and/or beneath Market Street, including Muni Metro light rail, BART, and the Muni F-Line. The proposed project would place residential uses approximately 50 feet north of the F-Line. Muni Metro and BART operate at depths

<sup>32</sup> TRC Solutions, Inc. 2015. *950-974 Market Street Noise Assessment Report*. July. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

of more than 32 feet bgs and 50 feet bgs, respectively.<sup>33</sup> Vibration generated by these rail systems dissipates rapidly with distance from the source rail.

The noise analysis completed for the proposed project determined that the F-Line streetcar would contribute the largest amount of groundborne vibration impacting the proposed building.<sup>34</sup> A survey conducted in 2006 determined that a maximum level of 81 VdB at 25 feet<sup>35</sup> occur along straightaway segments of the rail line, such as those along Market Street adjacent to the proposed project. However, vehicle base design and isolation offered by building design and foundation coupling would reduce vibration levels to 66 VdB, which would be less than the 72-VdB impact criterion suggested by the 2006 *FTA Transit Noise and Vibration Impact Assessment* for residences and buildings where people normally sleep.<sup>36</sup>

Analysis for the Central Subway Project Final SEIS/SEIR anticipates grade-surface vibration within concrete and steel buildings where trains operate at a depth of 20 feet bgs to be 62 VdB at a distance of 25 feet from the track centerline. At a distance of 50 feet from the track centerline, which is representative of the distance of Muni from the project site along Market Street, vibration would be diminished to 57 VdB.<sup>37</sup> BART operates at a depth of more than 40 feet bgs, and vibration impacts would be expected to be similar to or less than those of Muni. However, both rail systems would contribute vibration levels well below the 72-VdB impact criterion, and thus, would not expose people to excessive groundborne vibration.

For the previously described reasons, the proposed project would not expose people to excessive groundborne vibration or noise, and would have a less-than-significant impact with mitigation incorporated.

**Impact NO-3: The proposed project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. (Less than Significant)**

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact

<sup>33</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950-974 Market Street, San Francisco, California*. June 6. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>34</sup> TRC Solutions, Inc. 2015. *950-974 Market Street Noise Assessment Report*. July. This document is available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>35</sup> Wilson Ihrig & Associates. 2009. *Noise and Vibration Setting Report Historic Streetcar Service to Fort Mason*. April.

<sup>36</sup> FTA. 2006. *Transit Noise and Vibration Impact Assessment*. May.

<sup>37</sup> City and County of San Francisco FTA. 2008. *Supplemental Environmental Impact Report/Environmental Impact Statement for Central Subway Project*.

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 Noise Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of 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. Demolition, excavation, and building construction would cause a temporary increase in noise levels in the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. According to the Project Sponsor, the construction period would last approximately 27 months. Construction noise levels would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and affected receptor, 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 are 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 previously, construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). The nearest sensitive receptors to the project site are the residential uses approximately 65 feet north of the project site. These uses would experience temporary and intermittent noise associated with site clearance and construction activities. Noise impacts would be temporary in nature and would be limited to the 27-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. or before 7:00 a.m. Although construction noise could be annoying at times, it would not be expected to exceed noise levels commonly experienced in this urban environment, and would not be considered significant. Pile driving is discussed under Impact NO-2.

The proposed hotel portion of the project would include an outdoor bar above floor 12. The bar and terraces would be outdoor, and may include amplified music. The closest sensitive receptors to the rooftop would be the residential units located approximately 65 feet north of the proposed project, across Turk Street. Due to the height of the building themselves, it is expected that at least a 10-dBA noise reduction would occur from generated rooftop and terrace noises to the street level. The rooftop area would also have parapet walls, further reducing noise levels. Additionally, the proposed project would be subject to Noise

Ordinance limits of 8-dBA increases over ambient levels for commercial uses. Therefore, the noise associated with rooftop terrace uses is not anticipated to result in a substantial temporary and intermittent increase in ambient noise levels in the project vicinity above existing conditions without rooftop terrace uses.

For the previously described reasons, the proposed project would have less-than-significant impacts on ambient noise levels in the project area.

**Impact C-NO-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in cumulative impacts related to noise. (Less than Significant with Mitigation)**

The 950-974 Market Street Project would be required to comply with the San Francisco Noise Ordinance. Construction of the proposed project would involve pile-driving activities, and thus, Mitigation Measure M-NO-2, Noise-Control Measures During Pile Driving, would be applicable to the proposed project. Construction activities in the vicinity of the project site would occur on a temporary and intermittent basis. As a primary traffic corridor in downtown San Francisco, generation of intermittent construction noise would not contribute to excessive noise levels along Market Street. As with the proposed project, construction and operation of the cumulative projects would be subject to the San Francisco Noise Ordinances, and therefore, these activities are not anticipated to create significant cumulative construction-related noise impacts.

Noises in the area are generated by a mixture of retail, entertainment, hotel, residential, and office uses; however, noise sources in the area are primarily a result of vehicular traffic and pedestrian sounds, and are typical of noise levels found in San Francisco urban environments.

The 950-974 Market Street Project would include hotel, retail, and residential uses, and would not include any uses uncommon to the area and would not contribute to a substantial permanent noise increase in the project area. The proposed project would be subject to the requirements of the San Francisco Noise Ordinance. Therefore, it is not anticipated that the proposed project would contribute to any significant cumulative increases in ambient noise.

The proposed project, along with the other cumulative projects in the vicinity, are not anticipated to result in a doubling of traffic volumes along nearby streets. Therefore, the proposed project would not contribute considerably to any cumulative traffic-related increases in ambient noise.

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

## E.6. AIR QUALITY

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>AIR QUALITY – Would the project</b>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## SETTING

## Overview

The 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. The 2010 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 2010 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 would conflict with or obstruct implementation of air quality plans.

### ***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<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), 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 compared to federal or state standards. The SFBAAB is designated as either in attainment<sup>38</sup> or unclassified for most criteria pollutants with the exception of ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, 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.<sup>39</sup>

Land use projects may contribute to regional criteria air pollutants during the construction and operational phases of a project. Table 5, Criteria Air Pollutant Significance Thresholds, 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.

<sup>38</sup> "Attainment" status refers to those regions that are meeting federal and/or state standards for a specified criteria pollutant. "Non-attainment" refers to regions that do not meet federal and/or state standards for a specified criteria pollutant. "Unclassified" refers to regions where there is not enough data to determine the region's attainment status for a specified criteria air pollutant.

<sup>39</sup> BAAQMD. 2011. California Environmental Quality Act Air Quality Guidelines, page 2-1. May.



TABLE 5: CRITERIA AIR POLLUTANT SIGNIFICANCE THRESHOLDS

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82 (exhaust)	82	15
PM <sub>2.5</sub>	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	

### Ozone Precursors

As discussed previously, the SFBAAB is currently designated as non-attainment for ozone and particulate matter. 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<sub>x</sub>). 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 Acts emissions limits for stationary sources. 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 specified emissions limit must offset those emissions. For ozone precursors ROG and NO<sub>x</sub>, the offset emissions level is an annual average of 10 tons per year (or 54 pounds (lbs.) per day).<sup>40</sup> These levels represent emissions below which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants.

Although this regulation applies to new or modified stationary sources, land use development projects result in ROG and NO<sub>x</sub> 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<sub>x</sub> emissions. Due to the temporary nature of construction activities, only the average daily thresholds are applicable to construction phase emissions.

<sup>40</sup> BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 17. October.

### *Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)*<sup>41</sup>

The BAAQMD has not established an offset limit for PM<sub>2.5</sub>. However, the emissions limit in the federal NSR for stationary sources in nonattainment areas is an appropriate significance threshold. For PM<sub>10</sub> and PM<sub>2.5</sub>, 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 below which a source is not expected to have an impact on air quality.<sup>42</sup> 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<sup>43</sup> and individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent.<sup>44</sup> The BAAQMD has identified a number of BMPs to control fugitive dust emissions from construction activities.<sup>45</sup> The City's Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) requires a number of measures to control fugitive dust and the BMPs employed in compliance with the City's Construction Dust Control Ordinance is an effective strategy for controlling construction-related fugitive dust.

### *Other Criteria Pollutants*

Regional concentrations of CO in the Bay Area have not exceeded the state standards in the past 11 years and SO<sub>2</sub> concentrations have never exceeded the standards. The primary source of CO emissions from development projects is vehicle traffic. Construction-related SO<sub>2</sub> emissions represent a negligible portion of the total basin-wide emissions and construction-related CO emissions represent less than 5 percent of the Bay Area total basin-wide CO emissions. As discussed previously, the Bay Area is in attainment for both CO and SO<sub>2</sub>. Furthermore, the BAAQMD has demonstrated, based on modeling, that in order to

<sup>41</sup> PM<sub>10</sub> is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or smaller. PM<sub>2.5</sub>, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

<sup>42</sup> BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 16. October.

<sup>43</sup> Western Regional Air Partnership. 2006. WRAP Fugitive Dust Handbook. September 7, 2006. Online: [http://www.wrapair.org/forums/dejtf/fdh/content/FDHandbook\\_Rev\\_06.pdf](http://www.wrapair.org/forums/dejtf/fdh/content/FDHandbook_Rev_06.pdf). Accessed on July 16, 2015.

<sup>44</sup> BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 27. October.

<sup>45</sup> BAAQMD. 2011. CEQA Air Quality Guidelines. May.

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 SO<sub>2</sub> emissions that could result from a development projects, development projects would not result in a cumulatively considerable net increase in CO or SO<sub>2</sub>, and 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 short-term) adverse effects to human health, including carcinogenic effects. Human health effects of TACs include birth defects, neurological damage, cancer, and mortality. There are hundreds of different types of TACs with varying degrees of toxicity. Individual TACs vary greatly in the health 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 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.<sup>46</sup>

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than that for other land uses. Therefore, these groups are referred to as sensitive receptors. Exposure assessment guidance typically assumes that residences would be exposed to air pollution 24 hours per day, 350 days

<sup>46</sup> 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.

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<sub>2.5</sub>) are strongly associated with mortality, respiratory diseases, and lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.<sup>47</sup> In addition to PM<sub>2.5</sub>, 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.<sup>48</sup> 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 conduct a citywide health risk assessment based on an inventory and assessment of air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the "Air Pollutant Exposure Zone," were identified based on health-protective criteria that considers 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 States Environmental Protection Agency (USEPA) guidance for conducting air toxic analyses and making risk management decisions at the facility and community-scale level.<sup>49</sup> 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,<sup>50</sup> 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

<sup>47</sup> SFDPH. 2008. *Assessment and Mitigation of Air Pollutant Health Effects from Intra-Urban Roadways: Guidance for Land Use Planning and Environmental Review*. May.

<sup>48</sup> ARB. 1998. Fact Sheet, "The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-fueled Engines." October.

<sup>49</sup> BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 67. October.

<sup>50</sup> 54 Federal Register 38044, September 14, 1989.

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.<sup>51</sup>

#### *Fine Particulate Matter*

In April 2011, the United States Environmental Protection Agency (USEPA) published *Policy Assessment for the Particulate Matter Review of the National Ambient Air Quality Standards* (Particulate Matter Policy Assessment). In this document, USEPA staff concludes that the then current federal annual PM<sub>2.5</sub> standard of 15 µg/m<sup>3</sup> should be revised to a level within the range of 13 to 11 µg/m<sup>3</sup>, with evidence strongly supporting a standard within the range of 12 to 11 µg/m<sup>3</sup>. The Air Pollutant Exposure Zone for San Francisco is based on the health protective PM<sub>2.5</sub> standard of 11 µg/m<sup>3</sup>, as supported by the USEPA’s Particulate Matter Policy Assessment, although lowered to 10 µg/m<sup>3</sup> to account for uncertainty in accurately predicting air pollutant concentrations using emissions modeling programs.

#### *Proximity to Freeways*

According to the California 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,<sup>52</sup> 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<sub>2.5</sub> concentrations in excess of 9 µg/m<sup>3</sup>.<sup>53</sup>

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

<sup>51</sup> BAAQMD. 2009. *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, page 67. October.

<sup>52</sup> ARB. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. April. Online: <http://www.arb.ca.gov/ch/landuse.htm>.

<sup>53</sup> San Francisco Planning Department and San Francisco Department of Public Health. 2014. *2014 Air Pollutant Exposure Zone Map (Memo and Map)*, April 9. These documents are part of San Francisco Board of Supervisors File No. 14806, Ordinance No. 224-14 Amendment to Health Code Article 38.

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.

### **CONSTRUCTION AIR QUALITY IMPACTS**

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

**Impact AQ-1: Proposed project construction activities would generate fugitive dust and criteria air pollutants, but would not violate an air quality standard, contribute substantially to an existing or 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 include demolition of the four existing buildings and below-grade parking structure, and construction of a new, approximately 406,000-gsf building containing 242 dwelling units, a 232-room hotel, and approximately 16,600 gsf of retail uses. The project would also include a single-level with mezzanine below-grade garage containing approximately 82 parking spaces, including two car-share spaces. During the project's approximately 27-month construction period, construction activities would have the potential to result in emissions of ozone precursors and PM, as discussed in the following paragraphs.

#### ***Fugitive Dust***

Project-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<sub>2.5</sub> concentrations to state and federal standards of 12 µg/m<sup>3</sup> in the San Francisco Bay Area would prevent between 200 and 1,300 premature deaths.<sup>54</sup>

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 on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI).

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 0.5 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. 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

<sup>54</sup> ARB. 2008. *Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California*, Staff Report, Table 4c. October 24.

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. CCSF 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.

For projects over 0.5 acre, such as the proposed project, the Dust Control Ordinance requires that the Project Sponsor submit a Dust Control Plan for approval by the San Francisco DPH. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has a site-specific Dust Control Plan, unless the Director waives the requirement. Interior-only tenant improvement projects that are over 0.5 acre in size that will not produce exterior visible dust are exempt from the site-specific Dust Control Plan requirement.

The site-specific Dust Control Plan would require the Project Sponsor to: submit a map to the Director of Public Health showing all sensitive receptors within 1,000 feet of the site; wet down areas of soil at least three times per day; provide an analysis of wind direction and install upwind and downwind particulate dust monitors; record particulate monitoring results; hire an independent, third-party to conduct inspections and keep a record of those inspections; establish shut-down conditions based on wind, soil migration, etc.; establish a hotline for surrounding community members who may be potentially affected by project-related dust; limit the area subject to construction activities at any one time; install dust curtains and windbreaks on the property lines, as necessary; limit the amount of soil in hauling trucks to the size of the truck bed and securing with a tarpaulin; enforce a 15 mph speed limit for vehicles entering and exiting construction areas; sweep affected streets with water sweepers at the end of the day; install and utilize wheel washers to clean truck tires; terminate construction activities when winds exceed 25 miles per hour; apply soil stabilizers to inactive areas; and sweep off adjacent streets to reduce particulate emissions. 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.

### **Criteria Air Pollutants**

As discussed previously, construction activities would result in emissions of criteria air pollutants from the use of off- and on-road vehicles and equipment. The *CEQA Air Quality Guidelines* note that the screening levels are generally representative of new development on greenfield sites<sup>55</sup> without any form of mitigation measures taken into consideration. In addition, the previously described screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions.

The proposed project exceeds the criteria air pollutant screening criteria; therefore, a quantitative analysis was conducted. Construction-related criteria air pollutants were quantified for a building development up to 501,000 gsf, with 312 dwelling units and a 292-room hotel using the California Emissions Estimator Model (CalEEMod) and provided in the Technical Memorandum, *CEQA Air Quality Analysis 950-974 Market Street, San Francisco*.<sup>56</sup> However, the currently proposed project would be approximately 406,000 gsf, with 242 dwelling units and a 232-room hotel, and would generate diminished construction air quality impacts than those determined in the Air Quality Analysis. 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. The model run assumes compliance with the Clean Construction Ordinance. For projects located within the Air Pollutant Exposure Zone, like the proposed project, the Clean Construction Ordinance requires equipment to meet or exceed Tier 2 standards for off-road engines and operate with the most effective ARB verified diesel emission control strategy (VDECS). Construction of the proposed project would occur over approximately 27 months. Demolition of the existing buildings and structures at the project site would take approximately 1 month. Excavation and shoring would follow demolition and would take approximately 3 months. Construction of the project would occur concurrently over a period of approximately 23 months. Emissions were converted from tons/year to lbs/day using the estimated construction duration of approximately 1,116 working days. As shown in Table 6, Daily Project Construction Emissions, unmitigated project construction

<sup>55</sup> A greenfield site refers to agricultural or forest land or an undeveloped site, earmarked for commercial, residential, or industrial projects.

<sup>56</sup> TRC Solutions, Inc. 2015. *Technical Memorandum, CEQA Air Quality Analysis 950-974 Market Street, San Francisco*. May 2015. This document is on file and is available for public review at the San Francisco Planning Department as part of Case File No. 2013.1761E.

emissions would be below the threshold of significance for all criteria air pollutants. Therefore, construction-related emissions of those pollutants would not violate air quality standards or contribute significantly to an existing or projected air quality violation.

TABLE 6: DAILY PROJECT CONSTRUCTION EMISSIONS

	Pollutant Emissions (Average Pounds per Day) <sup>1</sup>			
	ROG	NOx	Exhaust PM <sub>10</sub>	Exhaust PM <sub>2.5</sub>
Unmitigated Project Emissions	10.75	30.92	1.05	0.97
Significance Threshold	54.0	54.0	82.0	54.0
<sup>1</sup> Based on analysis of an approximately 501,000-gsf development. The proposed project would be an approximately 406,000-gsf building and would generate reduced construction emissions compared to the emissions presented in this table. Source: BAAQMD 2011; TRC Solutions, Inc. 2015				

**Impact AQ-2: Proposed project construction activities would generate toxic air contaminants, including diesel particulate matter, which would expose sensitive receptors to substantial pollutant concentrations. (Less than Significant with Mitigation)**

With regards to construction emissions, off-road equipment (which includes construction-related equipment) is a large contributor to DPM emissions in California, although since 2007, the ARB has found the emissions to be substantially lower than previously expected.<sup>57</sup> Newer and more refined emission inventories have substantially lowered the estimates of DPM emissions from off-road equipment such that off-road equipment is now considered the sixth largest source of DPM emissions in California.<sup>58</sup> 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.<sup>59</sup> Approximately half of the reduction in emissions can be attributed to the economic recession and half to updated methodologies used to better assess construction emissions.<sup>60</sup>

Additionally, a number of federal and state regulations are requiring cleaner off-road equipment. Specifically, both the USEPA and 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

<sup>57</sup> ARB. 2010. *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.

<sup>58</sup> Ibid.

<sup>59</sup> ARB. 2015. In-Use Off-Road Equipment, 2011 Inventory Model. Online: [http://www.arb.ca.gov/msei/categories.htm#inuse\\_or\\_category](http://www.arb.ca.gov/msei/categories.htm#inuse_or_category). Accessed on July 16, 2015.

<sup>60</sup> ARB. 2010. *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.

and Tier 4 Interim and Final emission standards for all new engines would be 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<sub>x</sub> and PM emissions will be reduced by more than 90 percent.<sup>61</sup>

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 (ARB 2005). In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 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."<sup>62</sup>

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 site is located within an area that already experiences poor air quality and construction activities would generate additional air pollution. There are sensitive land uses in proximity to the project site. The nearest residential sensitive receptor is the Dalt Hotel, located across Turk Street, approximately 65 feet north of the project site. Other residential hotels within one block of the project site include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel. The

<sup>61</sup> USEPA. 2004. Clean Air Nonroad Diesel Rule: Fact Sheet. May.

<sup>62</sup> BAAQMD. 2011. CEQA Air Quality Guidelines, pages 8-6. May.

proposed project would require construction activities for the approximate 27-month construction period, resulting in short-term emissions of DPM and other TACs, 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 to have Tier 2 engines and operate with Level 3 VDECS—can reduce construction emissions by 89 to 94 percent compared to equipment with engines that do not meet emission standards or operate with VDECS.<sup>63</sup> Emissions reductions from the combination of Tier 2 equipment and Level 3 VDECS are almost equivalent to requiring equipment to have Tier 4 Final engines, which are not yet available for engine sizes subject to the mitigation. Therefore, compliance with Mitigation Measure M-AQ-2 would reduce construction-related emissions impacts on nearby sensitive receptors to a less-than-significant level.

#### Mitigation Measure M-AQ-2: Construction Air Quality

The Project Sponsor or the Project Sponsor's contractor shall comply with the following:

##### A. Engine Requirements

1. All off-road equipment greater than 25 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.

<sup>63</sup> 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).

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 2 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 2-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 on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the following 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, 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, the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, 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, 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 the 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 operation-related air quality impacts.

**Impact AQ-3: The proposed project 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)**

As discussed previously in Impact AQ-1, the BAAQMD, in its *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, the Lead Agency or applicant do not need to perform a detailed air quality assessment.

The proposed project would generate criteria pollutant emissions associated with vehicle traffic (mobile sources), on-site area sources (i.e., natural gas combustion for space and water heating, and combustion of other fuels by building and grounds maintenance equipment), energy usage, and testing of up to two backup diesel generators. Operational-related criteria air pollutants generated by the proposed project were also quantified using CalEEMod and provided within the Technical Memorandum, *CEQA Air Quality Analysis 950-974 Market Street, San Francisco*. Default assumptions were used where project-specific information was unknown.

This operational emissions modeling was conducted for a building envelop encompassing an approximately 501,000-gsf development, with 312 dwelling units, a 292 room hotel, 19,000-gsf of retail space, and a 104-stall single-level with mezzanine parking garage. The daily and annual emissions associated with operation of the modeled development are shown in Table 7, Summary of Operational Criteria Air Pollutant Emissions. Table 7 also includes the thresholds of significance that the City utilizes. Subsequently, the proposed project would develop a building approximately 406,000 gsf in size, with 242 dwelling units, a 232-room hotel, 16,600 gsf of retail space, and 82 off-street parking spaces. As shown in Table 7, the modeled development would not exceed any of the significance thresholds for criteria air

pollutants, and therefore, the proposed project would also not exceed the significance thresholds, and would result in a less-than-significant impact with respect to criteria air pollutants.

TABLE 7: SUMMARY OF OPERATIONAL CRITERIA AIR POLLUTANT EMISSIONS

	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Project Average Daily Emissions (lbs/day)*	22.51	25.12	0.58	0.56
Significance Threshold (lbs/day)	54	54	82	54
Project Maximum Annual Emissions (tpy)*	4.11	4.58	0.11	0.10
Significance Threshold (tpy)	10.0	10.0	10.0	10.0
lbs/day = pounds per day tpy = tons per year * Based on analysis of an approximately 501,000-gsf development. The proposed project would be an approximately 406,000-gsf building and would generate reduced operational emissions compared to the emissions presented in this table. Source: BAAQMD 2011; TRC Solutions, Inc. 2015.				

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

The proposed project site is located within the Air Pollutant Exposure Zone, as described previously. The proposed project includes sensitive uses, and sensitive land uses are located in proximity to the project. The nearest residential sensitive receptor is the Dalt Hotel, which is located across Turk Street, approximately 65 feet north of the project site. Other SRO hotels within one block of the proposed project include the Ambassador Hotel, West Hotel, Winston Arms Apartments, Warfield Hotel, Dahlia Hotel, San Cristina, Antonia Manor, Boston Hotel, Helen Hotel, Aspen Tenderloin Apartments, and Bristol Hotel.

*Sources of Toxic Air Contaminants.* 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 162 net daily 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 would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors.

The proposed project would install one diesel-powered backup emergency generator for use during power outages. 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 from the BAAQMD to operate an emergency generator. Although emergency generators are intended only to be used during power outages, monthly testing of the generator would be required. The BAAQMD limits 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 10 per 1 million population, and require any source that would result in an excess cancer risk greater than one per 1 million population to install Best Available Control Technology for Toxics (TBACT). Because the proposed project is located in an area that already experiences poor air quality, the proposed emergency backup generator has the potential to expose sensitive receptors to substantial concentrations of diesel 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.

#### **Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators**

The Project Sponsor shall ensure that the backup diesel generator meets or exceeds 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 an 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 would include development of residential space, which is considered a sensitive land use for 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—Article 38 requires the Project Sponsor to submit an Enhanced Ventilation Proposal, which achieves protection from PM<sub>2.5</sub> equivalent to that associated with a Minimum Efficiency Reporting Value 13 MERV filtration, for approval by the DPH. 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 the DPH.<sup>64</sup> 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 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 2010 Clean Air Plan (CAP). The 2010 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 2010 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 2010 CAP includes 55 control measures aimed at reducing air pollution in the SFBAAB.

<sup>64</sup> Mid Market Center LLC. 2015. Application for Article 38 Compliance Assessment. August 3. This document is available for review at the San Francisco Planning Department, as part of Case File No 2013.1049E.

The measures most applicable to the proposed project are transportation control measures and energy and climate control measures. The proposed project's impact with respect to GHGs are discussed in Section E.7, Greenhouse Gas Emissions, which demonstrates that the proposed project would comply with the applicable provisions of the City's Greenhouse Gas Reduction Strategy.

The compact development of the proposed project and high availability of viable transportation options 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 project would avoid substantial growth in automobile trips and vehicle miles traveled. The proposed project's anticipated 162 net new vehicle trips (each weekday) would result in a negligible increase in air pollutant emissions. Furthermore, the proposed project would be generally consistent with the General Plan, as discussed in Section E.4, Transportation and Circulation. Transportation control measures that are identified in the 2010 CAP are implemented by the General Plan and the Planning Code (for example, through the City's Transit First Policy, bicycle parking requirements, and transit impact development fees). Compliance with these requirements would ensure the project includes relevant transportation control measures specified in the 2010 CAP. Therefore, the proposed project would include applicable control measures identified in the CAP to meet the CAP's primary goals.

Examples of a project that could cause the disruption or delay of 2010 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 consist of an approximately 406,000-gsf mixed-use building containing residential, hotel, and retail space in a dense, walkable urban area near a concentration of regional and local transit service. It 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 previously, the proposed project would not interfere with implementation of the 2010 CAP, and because the proposed project 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, this impact would be less than significant.

**Impact AQ-6: The proposed project 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.<sup>65</sup> The proposed project would include residential, hotel, and retail uses, which are not anticipated to create significant sources of new odors. Therefore, odor-related impacts would be less than significant.

**Impact C-AQ-1: The proposed project, 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 previously, 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.<sup>66</sup> 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. The proposed project's construction (Impact AQ-1) and operational (Impact AQ-3) emissions would not exceed the project-level thresholds for criteria air pollutants; therefore, the proposed project would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

As discussed previously, the 950–974 Market Street Project site is located in an area that already experiences poor air quality. The proposed project would add new vehicle trips and stationary sources within an area already adversely affected by air quality, resulting in a considerable contribution to cumulative health risk impacts on nearby sensitive receptors. This would be a significant cumulative impact. The proposed project would be required to implement Mitigation Measure M-AQ-2, Construction Air Quality, which could

<sup>65</sup> Observations based on TRC staff site visit, April 18, 2014.

<sup>66</sup> BAAQMD. 2011. *CEQA Air Quality Guidelines*, page 2-1. May.

reduce construction period emissions by as much as 94 percent, and Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators, which requires best available control technology to limit emissions from the project's emergency backup 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 contribution of the proposed project's cumulative air quality impacts to a less-than-significant level.

## E.7. GREENHOUSE GAS EMISSIONS

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>GREENHOUSE GAS EMISSIONS – Would the project</b>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 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*,<sup>67</sup> 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,<sup>68</sup> exceeding the year 2020 reduction goals outlined in the BAAQMD's *Bay Area 2010 Clean Air Plan*,

<sup>67</sup> 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>.

<sup>68</sup> ICF International, *Technical Review of the 2012 Community-wide GHG Inventory for the City and County of San Francisco*, January 21, 2015. Available at [http://sfenvironment.org/sites/default/files/fliers/files/icf\\_verificationmemo\\_2012sfecommunityinventory\\_2015-01-21.pdf](http://sfenvironment.org/sites/default/files/fliers/files/icf_verificationmemo_2012sfecommunityinventory_2015-01-21.pdf), accessed March 16, 2015.

Executive Order (EO) S-3-05, and Assembly Bill (AB) 32 (also known as the Global Warming Solutions Act),<sup>69</sup>

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<sup>70</sup> and EO B-30-15,<sup>71,72</sup> 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.

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

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

<sup>69</sup> 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.

<sup>70</sup> Office of the Governor, Executive Order S-3-05, June 1, 2005. Available at <http://www.pcl.org/projects/2008symposium/proceedings/Coatsworth12.pdf>, accessed March 16, 2016. 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<sub>2</sub>E)); by 2020, reduce emissions to 1990 levels (approximately 427 million MTCO<sub>2</sub>E); and by 2050 reduce emissions to 80 percent below 1990 levels (approximately 85 million MTCO<sub>2</sub>E). 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.

<sup>71</sup> 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<sub>2</sub>E).

<sup>72</sup> 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.

from electricity providers; energy required to pump, treat, and convey water; and emissions associated with waste removal, disposal, and landfill operations.

The proposed project would increase the intensity of use of the site by demolishing four existing buildings and a below-grade parking structure, and developing the site. Therefore, the proposed project 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, and wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the GHG reduction strategy. As discussed in the following paragraphs, compliance with the applicable regulations would reduce the project'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'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 would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, and Water Conservation and Irrigation ordinances, which would promote energy and water efficiency, thereby reducing the proposed project's energy-related GHG emissions.<sup>73</sup> Additionally, the project would be required to meet the renewable energy criteria of the Green Building Code, further reducing the project's energy-related GHG emissions.

The proposed project's waste-related emissions would be reduced through compliance with the City's Recycling and Compositing Ordinance, Construction and Demolition Debris Recovery Ordinance, and Green Building Code requirements. These regulations reduce the amount of materials sent to a landfill,

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<sup>73</sup> Compliance with water conservation measures reduce the energy (and GHG emissions) required to convey, pump, and treat water required for the project.



reducing GHGs emitted by landfill operations. These regulations also promote reuse of materials, conserving their embodied energy<sup>74</sup> 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).<sup>75</sup> Thus, the proposed project was determined to be consistent with San Francisco's GHG reduction strategy.<sup>76</sup>

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'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 projects is consistent with the City's GHG reduction strategy, it is also 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 would result in a less-than-significant impact with respect to GHG emissions. No mitigation measures are necessary.

<sup>74</sup> Embodied energy is the total energy required for the extraction, processing, manufacture, and delivery of building materials to the building site.

<sup>75</sup> 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.

<sup>76</sup> San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for 950-974 Market Street*, July 15, 2015.

**E.8. WIND AND SHADOW**

<i>Topics:</i> _____	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Incorporated</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
	<u>Impact</u>	<u>Incorporated</u>	<u>Impact</u>	<u>Impact</u>	<u>Impact</u>
<b>WIND AND SHADOW – Would the project:</b>					
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact WS-1: The proposed project 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. Throughout the year, the highest wind speeds occur in mid-afternoon and the lowest in the early morning. West-northwest, west, northwest, and west-southwest are the most frequent and strongest of primary wind directions during all seasons (referred to as prevailing winds).

Tall buildings and exposed structures can strongly affect the wind environment for pedestrians. A building that stands alone or is much taller than the surrounding buildings can intercept and redirect winds that might otherwise flow overhead and bring them down the vertical face of the building to ground level, where they create ground-level wind and turbulence. These redirected winds can be relatively strong, turbulent, and incompatible with the intended uses of nearby ground-level spaces. A building with a height that is similar to the heights of surrounding buildings typically would cause little or no additional ground-level wind acceleration and turbulence. Thus, wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. In general, new buildings less than approximately 80 feet in height are unlikely to result in substantial adverse effects on ground-level winds such that pedestrians would be uncomfortable. Such winds may exist under existing conditions, but shorter buildings typically do not cause substantial changes in ground-level winds.

San Francisco Planning Code Section 148, Reduction of Ground-level Wind Currents in C-3 Districts, outlines wind reduction criteria for projects in C-3 districts. The 950–974 Market Street site is located within a C-3 district and is subject to these criteria. The Planning Code sets criteria for comfort and hazards, and

requires buildings to be shaped so as not to cause ground-level wind currents to exceed these criteria. However, for the purposes of evaluating impacts under CEQA, the analysis uses the hazard criterion to determine whether the proposed project would alter wind in a manner that substantially affects public areas.

The Planning Code pedestrian comfort criterion of 11 miles per hour (mph) is based on wind speeds measured and averaged over a period of 1 minute. In contrast, the Planning Code wind hazard criterion of 26 mph is defined by a wind speed that is measured and averaged over a period of 1 hour. When stated on the same time basis as the comfort criterion wind speed, the hazard criterion wind speed (26 mph averaged over 1 hour) is equivalent to a 1-minute average of 36 mph, which is a speed where wind gusts can blow people over, and therefore, are hazardous. As stated previously, the analysis uses the hazard criterion to determine significant effects under CEQA. The project's effects related to the comfort criterion are presented for informational purposes.

A wind study was prepared for the proposed project.<sup>77</sup> The following discussion relies on the information provided in that report.

The wind tunnel testing followed San Francisco Planning Department protocols. Wind tunnel testing was conducted at 73 wind speed sensor locations under existing conditions, within a 1,125-foot radius of the project site, at a pedestrian height of approximately 5 feet. The results of the wind tunnel testing indicate that no sensor locations exceed the hazard criterion under existing conditions.

The results of the wind tunnel testing indicate that 27 of the 73 sensor locations exceed the Planning Code's 11 mph pedestrian comfort criterion under existing conditions. Wind speeds of 10 percent exceedance (i.e., the wind speed exceeded 10 percent of time) are 11 mph on average over the 73 sensor locations. The nearest comfort criterion exceedances to the project site are at the southwest corner of Turk and Market; mid-block on the Market Street sidewalk adjacent to the site; and on the east sidewalk of Taylor Street, north of Golden Gate Avenue. In addition, other sensor locations along Market Street exceed the comfort criterion, with the highest wind speeds modeled along the south side of Market Street, between 5th and 6th Streets.

Wind tunnel testing conducted for existing plus project conditions evaluated an approximately 501,000-gsf building consisting of two towers reaching a maximum of 200 feet in height, with a building footprint

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<sup>77</sup> RWDI. 2014. 950 Market Street, San Francisco, CA, Pedestrian Wind Conditions Consultation - Wind Tunnel Tests, RWDI #140087. October 14. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

covering the site (with an additional four wind-speed sensor locations at the proposed new street entrances and 12 sensor locations on rooftop terraces). The testing results indicated a development of that size and design would not cause street-level locations to exceed the hazard criterion. The currently proposed project would be a single-tower, 120-foot building totaling approximately 406,000 gsf, including second floor and rooftop terraces. Considering the similar footprint and reduced height, the proposed project would have a similar or a marginally reduced effect on pedestrian-level wind speeds in the area.<sup>78</sup> The proposed project would, therefore, not generate pedestrian-level wind speeds that would exceed the wind hazard criterion in Planning Code Section 148. Therefore, the proposed project would not alter wind in a manner that would substantially affect public areas, and would have less than significant impacts on wind conditions.

The results of the wind tunnel testing indicate that 36 of the 77 street-level sensor locations would exceed the Planning Code's 11 mph pedestrian comfort criterion under existing plus project conditions (for the larger building development analyzed), an increase of nine sensor locations. Wind speeds of 10 percent exceedance would be average 12 mph over the 89 sensor locations, approximately 1 mph higher than existing conditions. Nine sensor locations adjacent to the project site would exceed the comfort criterion, compared to three locations with existing conditions.

Additional wind comfort criterion exceedances compared to existing conditions would occur along the sidewalks on the proposed project block fronting Market Street, Turk Street, and Taylor Street. The greatest increases, from 12 mph to 17 mph, would occur at the Turk and Market Streets corner. As noted previously, the proposed project would have a similar or a marginally reduced effect on pedestrian-level wind speeds in the area. Therefore, the proposed project would have less than significant wind impacts.

Outdoor rooftop terraces would not be subject to the Planning Code wind comfort or wind hazard criteria. The wind tunnel analysis reviewed conditions at the rooftop terraces for the larger development; 11 of the 12 sensor locations would exceed the comfort criterion, with wind speeds exceeded 10 percent of time, ranging from 12 to 23 mph. The proposed project would include second-floor terraces on the south side of the building, as well as rooftop terraces. These terraces could be exposed to strong winds similar to study conditions.

For informational purposes, the wind tunnel testing found that, while wind hazard impacts for the larger development would be less than significant, five locations on the terraces would exceed the hazard criterion

<sup>78</sup> RWDI. 2015. *Pedestrian Wind Conditions - 120-Foot Variant Memorandum 950 -974 Market Street, San Francisco, CA*. April 15, 2015. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

with existing plus project conditions. Similar impacts could result with the proposed project terraces. However, implementation of the following improvement measure would improve usability of the new rooftop terraces by reducing wind exposure.

**Improvement Measure I-WS-1: Wind Reduction on New Rooftop Terraces**

To reduce wind and improve usability on the 950–974 Market Street rooftop terraces, the Project Sponsor should provide wind screens or landscaping along the north and west perimeter of the new rooftop terraces. Suggestions include Planning Code-compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to solid surfaces.

**Impact WS-2: The proposed project would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. (Less than Significant)**

Section 295 of the Planning Code was adopted to protect certain public open spaces under the jurisdiction of the Recreation and Park Department from shadowing by new and altered structures during the period between 1 hour after sunrise and 1 hour before sunset, year round. Section 295 restricts new shadow upon public open spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet in height, unless the Planning Commission finds that any adverse impact on use of the open space caused by the shadow would be insignificant. In 1989, to implement Section 295 and Proposition K, the Planning Commission and Recreation and Park Commission jointly adopted a memorandum (1989 Memorandum) establishing qualitative criteria for evaluating shadow impacts as well as Absolute Cumulative Limits (ACL) for certain parks. ACLs are “shadow” budgets that establish absolute cumulative limits for additional shadows, expressed as a percentage of Theoretically Available Annual Sunlight (TAAS) on a park with no adjacent structures present. An ACL standard has not been adopted for parks less than 2 acres having less than 20 percent existing shadow. To date, ACL standards have been established for 14 downtown parks.

The 1989 Memorandum sets forth qualitative criteria to determine when a shadow would be significant as well as information on how to quantitatively measure shadow impact. Qualitatively, shadow impacts are evaluated based on (1) existing shadow profiles, (2) important times of day, (3) important seasons in the year, (4) location of the new shadow, (5) size and duration of new shadows, and (6) public good served by buildings casting a new shadow. Quantitatively, new shadows are to be measured by the additional annual amount of shadow-square foot-hours as a percent of TAAS. Where an ACL has not been adopted for a

park, the Planning Commission's decision on whether a structure has a significant impact on property under the jurisdiction of the Recreation and Park Department is based on a review of qualitative and quantitative factors

Planning Code Section 147 also applies in C-3 districts, and requires that new buildings and additions to existing buildings where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.

The proposed project would remove the existing buildings and parking, and construct a new building reaching 120 feet in height.

The nearest public open spaces to project site are Boeddeker Park, located approximately 0.2 mile northwest of the project site; Hallidie Plaza, located approximately 200 feet east of the project site; and Mint Plaza, located approximately 0.1 mile southeast of the project site. Of those public open spaces, only Boeddeker Park is protected by Section 295.

Boeddeker Park is in the Tenderloin neighborhood. According to the San Francisco Property Information Map, Boeddeker Park has a parcel area of approximately 0.97 acre or 42,281.25 sf. The park is located on the northeast corner of Eddy and Jones Streets, with a portion of the park extending midblock north to Ellis Street. The portion on the corner of Eddy and Jones Streets is bounded by Eddy Street to the south; Jones Street to the west; residential uses and the extension of the park to the north; and residential to the east. The part of the park extending north midblock to Ellis Street is bounded by residential uses and the extension to the rest of the park to the south; residential to the west; Ellis Street to the north; and residential uses to the east. The properties surrounding Boeddeker Park have an 80-foot height limit.

Opened in 1985, Boeddeker Park was developed to serve nearby residents, including many seniors and low-income households. A major renovation of the park facilities and the clubhouse began in March 2012, and the park reopened in December 2014.

Boeddeker Park, which is less than 1 acre in area, does not have an ACL for shadow increases under the 1989 Memorandum. Shadow effects on the park have been reviewed in the past under the criteria in Section 295 and the 1989 Memorandum.

The preliminary shadow fan prepared by the Planning Department found that the proposed project's shadow could potentially shade Boeddeker Park, Hallidie Plaza, and Mint Plaza.<sup>79</sup> However, the preliminary shadow fan assumes that no other buildings are present and does not take topography into account. Therefore, a more detailed shadow study that includes intervening buildings was conducted.<sup>80</sup> Based on a maximum building envelope up to 120 feet in height, plus a 15-foot-tall mechanical space allowance, the shadow study found that the proposed project would not shade Hallidie Plaza or Mint Plaza, nor would it add new shade to Boeddeker Park, during the period between one hour after sunrise and one hour before sunset, year round.

Planning Code Section 147 requires new buildings in C-3 districts where the building height exceeds 50 feet to be shaped "consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295."

The proposed project would cast net new shadow on nearby sidewalks—including those along Taylor Street, Turk Street, and Market Street—at certain times of day throughout the year. Many of the sidewalks in this part of San Francisco are already shadowed for much of the day by densely developed, multi-story buildings, and additional project-related shadow would be temporary in nature and would not substantially affect the use of sidewalks.

At times the proposed project could also shade portions of nearby private property. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

For the previously discussed reasons, the proposed project would not create new shadow that would substantially affect outdoor recreation facilities or other public areas, and impacts would be considered less than significant.

<sup>79</sup> San Francisco Planning Department. 2014. *950-974 Market Street – Variant Shadow Fan*. December 9. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049U.

<sup>80</sup> CADP. 2015. *950-974 Market Street: 120-Foot Variant Shadow Analysis*. July 21. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

**Impact C-WS-1: The proposed project, in combination with other past, present, or reasonably foreseeable future projects, would not result in significant cumulative impacts related to wind. (Less than Significant)**

The wind study found that under the project plus cumulative conditions, wind speeds would continue averaging 12 mph for all 89 measurement locations.<sup>81</sup> Winds at 33 street-level locations and 11 rooftop terrace locations would exceed the comfort criterion. The project plus cumulative scenario identified one location that would exceed the pedestrian hazard criterion at the northeast corner of Eddy and Taylor Streets; however, the exceedance would not be influenced by the 950–974 Market Street Project.<sup>82 83</sup> As previously discussed, the wind study analyzed a larger building massing and height greater than the currently proposed project. As noted for the larger project, the proposed project would not influence hazard criterion exceedance at the northeast corner of Eddy and Taylor streets under cumulative conditions. Therefore, the proposed project plus cumulative conditions would not alter wind in a manner that substantially affects public areas, and cumulative impacts are considered less than significant. For informational purposes, the wind tunnel testing found that, with project plus cumulative conditions, two locations on the building terraces would exceed the hazard criterion. The wind study stated that this decrease would occur due to the sheltering effect of upwind cumulative development.

**Impact C-WS-2: The proposed project, in combination with other past, present, or reasonably foreseeable future projects, would not have a cumulative impact related to shadow. (Less than Significant)**

The 950–974 Market Street Project would not result in net new shadow to Boeddeker Park during the period between one hour after sunrise and one hour before sunset, year round, and therefore, would not contribute to significant cumulative effects on shadow conditions.

Other development could affect shading of Boeddeker Park. The 168–186 Eddy Street project—a 153-unit affordable housing development sponsored by the Tenderloin Neighborhood Housing Corporation (TNDC)—was approved in 2009, but is not yet under construction. In approving that project, the Planning Commission found that project’s shadow on Boeddeker Park would not have an adverse impact on the use

<sup>81</sup> Cumulative conditions added two under-construction projects and 11 under review or approved projects in a 1,125-foot radius of the existing plus project conditions.

<sup>82</sup> RWDL 2015. *Pedestrian Wind Conditions - 120-Foot Variant Memorandum 950 -974 Market Street, San Francisco, CA*. April 15, 2015. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>83</sup> RWDL 2016. *Pedestrian wind conditions – Impact of Additional Cumulative Buildings 950-947 Market Street, San Francisco, CA*. May 18, 2016. This document is on file and available for public review at the San Francisco Planning Department as part of Case File 2013.1049E.



of the park.<sup>84</sup> The TNDC project would add approximately 369,409 square foot hours of shadow to the park, or .39 percent of the TAAS. The shade would occur before 9:15 a.m., from about mid-January to late November.

The approved 5M project would be a mixed-use development of office, retail, residential, cultural, educational, and open space uses on an approximately 4-acre site in the southwestern quadrant of 5th and Mission Streets. Per the 5M Final EIR, implementation of the 5M project would result in a very small (about 0.004 percent) increase in shadow cast on Boeddeker Park. Because the net new shadow would cover an area of the park that would be used primarily for entering and existing the park, and because the net new shadow would occur during the early morning hours during a time of year when park use tends to diminish, the shadow would not adversely affect the use of Boeddeker Park.<sup>85</sup>

Therefore, other approved or reasonably foreseeable projects that would add shade to Boeddeker Park would have a less-than-significant effect on the use of the park. The 950–974 Market Street Project would not add shade to Boeddeker Park during the period between 1 hour after sunrise and 1 hour before sunset, year round. Thus, the proposed project, in combination with other past, present, and reasonably foreseeable future projects proposed in the vicinity, would not result in a cumulatively considerable shadow impact.

<sup>84</sup> Planning Commission Motion No. 17849, Case No. 2007.1342CK (168-186 Eddy Street). p. 10-12. Approved March 26, 2009.

<sup>85</sup> San Francisco Planning Department. 2015. *Final Environmental Impact Report 5M Project (925 Mission Street and Various Parcels)*. Certified September 17, 2015. This document is available for public review at the San Francisco Planning Department as part of Case File 2011.0409E.

**E.9. RECREATION**

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less-than- Significant Impact with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>RECREATION – Would the project:</b>					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact RE-1: The proposed project would not substantially increase the use of existing neighborhood parks or other recreational facilities, including recreation facilities, or require the expansion of recreational facilities, or physically degrade existing recreational resources. (Less than Significant)**

The San Francisco General Plan Recreation and Open Space Element (ROSE) identifies areas throughout the City that are identified as having a “High Need” for open space. High Need areas are defined as those with high population densities, high concentrations of seniors and youth, and lower income populations that are located outside of existing parking service areas.<sup>86</sup> Although neighboring areas, such as the Tenderloin, are classified as High Need areas, the proposed project is located within parcels classified as having a lesser need for open space. Neighborhood parks near the proposed project include Boeddeker Park, which is an approximately 1-acre community park on the block bordered by Eddy, Jones, and Ellis Streets, and the Turk and Hyde Mini Park, which is a 0.1-acre park primarily for preschoolers. Other public open spaces in the vicinity of the proposed project include United Nations Plaza, on Market Street near Leavenworth Street, and Civic Center Plaza—with two children’s playgrounds at its eastern end—north of Market and bounded by Grove, Polk, McAllister, and Polk Streets. East and south of Market Street, Yerba Buena Gardens is a large public park that contains the Sister Cities Garden, the Martin Luther King, Jr. Memorial, Yerba Buena Center for the Arts Galleries and Forum Building, and the Yerba Buena Center for the Arts Theater. The block south of Howard Street includes the Yerba Buena Bowling and Ice Skating

<sup>86</sup> San Francisco Planning Department. 2014. *General Plan Recreation and Open Space Element (ROSE) Update*. March 27, 2014. This document is available for public review at the San Francisco Planning Department as part of Case File 2010.0641E., Map 7.

Center, the Children's Creativity Museum, the Child Development Center, the Children's Garden, and the restored 1905 Carousel.

The proposed project would provide approximately 27,200 gsf of common and private open space for visitors and project residents. The private open space would provide passive recreational opportunities for residents, while the common open space would be accessible to the public for passive recreational use. In addition, residents at the project site would be within walking distance to Boeddeker Park and Turk and Hyde Mini Park. Other recreation and open space would be available at the Civic Center and Yerba Buena Gardens.

Although the proposed project would introduce a new permanent population (approximately 545 residents) to the project site, the number of new residents projected would not be large enough to substantially increase demand for or use of the previously described neighborhood parks and recreational facilities, or citywide facilities, such as Golden Gate Park, such that substantial physical deterioration would be expected. The permanent residential population at the site and the incremental on-site temporary hotel visitor and daytime population growth that would result from hotel and retail uses would not require the construction of new recreational facilities or the expansion of existing facilities.

For the previously described reasons, the proposed project would have a less-than-significant impact on recreational facilities and resources.

**Impact C-RE-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not have a cumulative impact on recreation. (Less than Significant)**

The use of recreational facilities in the area is not expected to noticeably increase as a result of the proposed project. The provision of the Planning Code-required open space would partially offset the demand for recreational resources and the potential for the deterioration and/or degradation of existing recreational resources in the project area. As with the proposed project, residential or residential mixed-use cumulative projects would also include Planning Code-required private and common open spaces to partially meet the demand for recreational resources from residents. Furthermore, the San Francisco General Plan ROSE recognizes the need for preserving and renovating existing public recreation space, as well as prioritizing acquisitions of potential new recreation spaces throughout the City, and specifically in "high need areas."<sup>87</sup>

<sup>87</sup> San Francisco Planning Department. 2014. *General Plan Recreation and Open Space Element (ROSE) Update*. March 27, 2014. This document is available for public review at the San Francisco Planning Department as part of Case File 2010.0641E.

The ROSE provides a neighborhood specific framework for implementation of the General Plan goals for improvement and acquisition of recreation and open space resources; implementation of the policies included in the ROSE would address long-term needs associated with population increase in the project vicinity. Additionally, some cumulative projects, such as 5M, would increase public open space in the project vicinity and improve access to existing open spaces in the project vicinity. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable recreation impact.

**E.10. UTILITIES AND SERVICE SYSTEMS**

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>Utilities and Service Systems – Would the project:</b>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact UT-1: Approval of the proposed project would not exceed wastewater treatment requirements, exceed the capacity of the wastewater treatment provider serving the project site, or result in the construction of new or expansion of existing wastewater treatment or stormwater drainage facilities. (Less than Significant)**

The proposed project site is served by San Francisco's combined sewer system. The sewer system is designed to collect and treat both sanitary sewage and rainwater runoff in the same sewer and treatment plants. Wastewater treatment for the east side of the City is provided primarily by the Southeast Water Pollution Control Plant. Project-related wastewater and stormwater would be treated according to standards contained in the City's NPDES permit for the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. The NPDES standards are set and regulated by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB). The proposed project would meet the wastewater pre-treatment requirements of the SFPUC, as required by the San Francisco Industrial Waste Ordinance, to

meet RWQCB requirements. Therefore, the proposed project would not conflict with RWQCB requirements.

The proposed project would add residential, hotel, and retail, uses to the project site, which would incrementally increase the demand for wastewater and stormwater treatment services, but not in excess of amounts expected and provided for in the project area. As required by the City's Commercial Water Conservation Ordinance, Title 24 of the California Code of Regulations, and the City's Green Building Ordinance, the proposed project would install high-efficiency water fixtures, which could lead to more efficient use of existing wastewater capacity. The potential increase in demand from the proposed project would not require expansion of wastewater treatment facilities.

The proposed project could require dewatering during construction, increasing groundwater discharge. This groundwater discharge would enter the City sewer system, and would require a Batch Wastewater Discharge permit pursuant to San Francisco Public Works Code Article 4.1. The City's requirements usually consist of a Stormwater Pollution Prevention Plan (SWPPP), including an Erosion and Sediment Control Plan, and a review of the plan by SFPUC. The use of BMPs would also be required during construction and operation of the proposed project. This groundwater discharge would be temporary, and would not generate so much wastewater that new or expanded wastewater facilities would be required.

The proposed project would not substantially increase the amount of impervious surfaces at the project site. Low-impact design features are proposed to capture stormwater runoff. The proposed project would be required to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance (Ordinance No. 83-10) requiring a project to maintain, reduce, or eliminate the existing volume and rate of stormwater runoff discharged from a project site, and would be designed to meet the San Francisco *2010 Stormwater Design Guidelines*, which would reduce the total stormwater runoff volume and peak stormwater runoff rate through the use of low-impact design approaches and BMPs, including landscape solutions designed to capture rainwater, such as vegetated roof areas. The Project Sponsor would be required to submit a Stormwater Control Plan for SFPUC approval; the plan must comply with the stormwater design guidelines, and implementation of the plan would ensure that the project meets SFPUC performance measures related to stormwater runoff rate and volume. Because the proposed project would not substantially increase the amount of impervious surfaces, it would not create a substantial amount of additional runoff water.

Therefore, while the 950–974 Market Street Project may incrementally increase stormwater and wastewater flows, no expansion of existing facilities or construction of new facilities would be warranted, and the impact would be less than significant.

**Impact UT-2: The SFPUC has sufficient water supply and entitlements to serve the proposed project, and approval of the proposed project would not require expansion or construction of new water supply or treatment facilities. (Less than Significant)**

Under Senate Bill 610 and Senate Bill 221.45, all large-scale projects in California subject to CEQA are required to obtain an assessment from a regional or local jurisdiction water agency to determine the availability of a long-term water supply sufficient to satisfy project-generated water demand. Under Senate Bill 610, a water supply assessment is required if a proposed project is subject to CEQA, requiring an Environmental Impact Report or Negative Declaration, and includes any of the following: (1) a residential development of more than 500 dwelling units; (2) a shopping center or business employing more than 1,000 persons or having more than 500,000 square feet of floor space; (3) a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space; (4) a hotel or motel with more than 500 rooms; (5) an industrial or manufacturing establishment housing more than 1,000 persons or having more than 650,000 sf or 40 acres; (6) a mixed-use project containing any of the foregoing; or (7) any other project that would have water demand at least equal to a 500-dwelling unit project.

The SFPUC can meet the current and future water demand in years of average or above-average precipitation. It can also meet future water demand in single-dry-year and multiple-dry-year events. With the Water Shortage Allocation Plan in place, and the addition of local supplies developed under the SFPUC Water System Improvement Program, the SFPUC concluded that it has sufficient water available to serve existing customers and planned future uses.<sup>88</sup>

CEQA Guidelines Section 15155 and Sections 10910 through 10915 of the California Water Code require the preparation of a water assessment for certain large projects that meet the definition of a water-demand project to determine whether projected water supplies will be sufficient to satisfy the demands of the project in addition to existing and planned future water use. As the water supplier for the City and County of San Francisco, to comply with CEQA and the California Water Code, the SFPUC is required to prepare

<sup>88</sup> SFPUC. 2013. *2013 Water Availability Study for the City and County of San Francisco*.

and adopt such a water assessment. The SFPUC's Urban Water Management Plan may be used to support a water assessment, but does not substitute for one.

The SFPUC Commission adopted a water supply assessment for a project consisting of approximately 501,000 gsf, with 312 dwelling units, a 292-room hotel, and approximately 19,000 gsf of retail space.<sup>89</sup> The assessment determined that the projected water supply would be sufficient to satisfy the demands of a project of that size. The proposed project would be smaller in size at approximately 406,000 gsf, with 242 dwelling units, a 232-room hotel, and 16,600 gsf of retail space, and therefore, would have a reduced water demand. This is consistent with the SFPUC's conclusion that it has sufficient water available to serve existing customers and planned future uses, as discussed previously. Therefore, the proposed project would not require new water delivery facilities or systems, the SFPUC water supply is sufficient to meet demands, and the impact would be considered less than significant.

**Impact UT-3: The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and would follow all applicable statutes and regulations related to solid waste. (Less than Significant)**

In September 2015, the City approved an Agreement with Recology, Inc. for the transport and disposal of the City's municipal solid waste at the Recology Hay Road Landfill in Solano County. The City began disposing its municipal solid waste at Recology Hay Road Landfill in January 2016, and that practice is anticipated to continue for approximately nine years, with an option to renew the Agreement thereafter for an additional six years. San Francisco had a goal of 75 percent solid waste diversion by 2010, which it exceeded at 80 percent diversion, and has a goal of 100 percent solid waste diversion or "zero waste" to landfill or incineration by 2020. San Francisco Ordinance No. 27-06 requires mixed construction and demolition debris be transported by a Registered Transporter and taken to a Registered Facility that must recover for reuse or recycling and divert from landfill at least 65 percent of all received construction and demolition debris. 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 percent of all demolition debris. San Francisco's Mandatory Recycling and Composting Ordinance No. 100-09 requires all properties and everyone in the City to separate their recyclables, compostables, and landfill trash.

<sup>89</sup> SFPUC. 2015. *Water Supply Assessment for the 950-974 Market Street Project*. November 10.



The proposed project would incrementally increase total waste generation from the City; however, the proposed project would be required to comply with San Francisco Ordinance No. 27-06 and 100-09, as described previously. Due to the existing and anticipated increase of solid waste recycling in the City and the Agreement with Recology for diversion of solid waste to the Hay Road Landfill, any increase in solid waste resulting from the proposed project would be accommodated by the existing landfills. Thus, the proposed project would have less-than-significant impacts related to solid waste.

**Impact C-UT-1: In combination with past, present, and reasonably foreseeable future development in the project site vicinity, the proposed project would not have a cumulative impact on utilities and service systems. (Less than Significant)**

The proposed project would not substantially impact utility supply or service. Nearby development would not contribute to a cumulatively substantial effect on the utility infrastructure of downtown San Francisco. Furthermore, existing service management plans address anticipated growth in the surrounding area and the region. Therefore, the proposed project and its variants, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable utilities and service systems impact.

**E.11. PUBLIC SERVICES**

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less-than- Significant Impact with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>PUBLIC SERVICES – Would the project:</b>					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For a discussion of impacts on parks, refer to Section E.9, Recreation.

**Impact PS-1:** The proposed project would increase demand for police protection, fire protection, and other government services, but not to an extent that would require new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. (Less than Significant)

The San Francisco Fire Department (SFFD) and the Southern District (Tenderloin District) of the San Francisco Police Department (SFPD) operate in the proposed project area. The proposed project site currently receives emergency services from SFFD Station 1 at 935 Folsom at 5th Street, which is 0.4 mile southeast of the project site, and SFPD Tenderloin Station at 301 Eddy Street, which is 650 feet northwest of the project site.<sup>90</sup> The project site is located near and is already served by existing police and fire protection services. Proposed new structures would comply with applicable state and City building and fire codes. The proposed project would incrementally increase service population in the project area; this increase would not be substantial in light of the existing demand for police and fire protection in the City. Approval of the proposed project would not necessitate the construction of new fire or police stations or require the alteration or expansion of existing stations to maintain service ratios. The proposed project would also incrementally increase the demand for other governmental services and facilities, such as libraries. However, this incremental increase would not be to the extent that new or physically altered

<sup>90</sup> SFFD. Online: <http://www.sf-fire.org/>. Accessed on September 16, 2014.

facilities would be required. Therefore, impacts on police, fire, and other governmental services would be less than significant.

**Impact PS-2: The proposed project would not substantially increase the population of school-aged children and would not require new or physically altered school facilities. (Less than Significant)**

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 has increased from approximately 55,000 in 2007–2008 to nearly 57,650 in the 2013–2014 school year. According to a 2010 SFUSD enrollment study, new market-rate condominium units in San Francisco generate very few public school students. In projecting enrollment through 2035, the study used a mix of enrollment factors; for the Market and Octavia and Transbay areas combined, the overall weighted student generation rate was 0.19 Kindergarten through 12th grade students per unit.<sup>91</sup>

The Tenderloin Community Elementary School, at 627 Turk Street (approximately 0.5 mile west of the project site), Bessie Carmichael Elementary School, at 375 7th Street (approximately 0.5 mile south of the project site), and Daniel Webster School, at 465 Missouri Street (approximately 2 miles south of the project site), are the nearest public elementary schools to the project site. The closest middle schools are Everett, approximately 1.75 miles southwest, and Francisco, about 1.8 miles north. Mission, O'Connell, Galileo, and Independent Studies Academy High Schools are all within approximately 2 miles of the site. Nearby private schools include De Marillac Academy, at 175 Golden Gate Avenue (just over two blocks west of the project site), and the San Francisco City Academy, at 230 Jones Street (just over two blocks northwest of the project site).

The proposed project would include 242 residential units. Applying the student generation rate of 0.19 to the 242 residential units would result in an anticipated enrollment increase of approximately 46 students. As discussed previously, several schools are located near the project site, and this increase would not exceed the student capacities that are projected and accommodated by the SFUSD, as well as private schools in the project area. Therefore, the proposed project would not necessitate the need for new or physically altered schools.

<sup>91</sup> California Department of Education, Data Reporting Office, San Francisco Unified School District, K-12 Public School Enrollment, Time Series, 1996-2014. Online: <http://dq.cde.ca.gov/dataquest/DQ/EnrTimeRpt.aspx?Level=District&cYear=2013-14&cname=San%20Francisco%20Unified&cCode=3868478>. Accessed on January 7, 2016.

In addition, the proposed project would be subject to a citywide development impact fee, which requires a payment of \$2.24 per square foot of assessable space for residential development constructed within the SFUSD to be paid to the district.<sup>92</sup>

In summary, the proposed project would not increase the population of school-aged children to the extent that new school facilities would be required, and would have a less-than-significant impact on schools.

**Impact C-PS-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not result in a cumulatively considerable impact on public services. (Less than Significant)**

The geographic scope for potential cumulative public services impacts encompasses public service providers in the vicinity of the proposed project. Public services include services provided by the SFPD, SFFD, SFUSD, and City and County of San Francisco. As with the proposed project, other past, present, and future projects within the vicinity would use services provided by these agencies.

Cumulative development in the vicinity could incrementally increase demand for public services, which could result in the need for new or altered government facilities. However, increases in employment, visitor, and resident population associated with the proposed project would not be cumulatively considerable because the increase in demand would not be beyond levels already anticipated and planned for in the vicinity.

For these reasons, the proposed project would not result in a considerable contribution to cumulative public service impacts, and this impact would be less than significant. For a discussion of impacts on parks, refer to Section E.9, Recreation.

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<sup>92</sup> Ibid.

**E.12. BIOLOGICAL RESOURCES**

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>BIOLOGICAL RESOURCES –</b>					
<b>Would the project</b>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The 950–974 Market Street Project site are not located within an adopted Habitat Conservation Plan; Natural Community Conservation Plan; other approved local, regional, or state habitat conservation plan; or within federally protected wetlands, as defined by Section 404 of the Clean Water Act. The project area does not contain riparian habitat or other sensitive natural communities or a federally protected wetland. Therefore, topics 12b, 12c, and 12f are not applicable to the proposed project, and will not be discussed further in this section.

**Impact BI-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any special-status species. (Less than Significant)**

The proposed project area is located in an urban environment with high levels of human activity, and only common bird species are likely to nest in the area. The project site is covered by buildings or paved with impervious surfaces, and thus, any special-status species have been extirpated from this area. The project site does not provide habitat for any rare or endangered plant or wildlife species or diminish habitats. With the exception of trees, the project site does not support or provide habitat for any known rare or endangered species. Seventeen street trees currently exist along the Market Street project frontage, which would all be retained and protected during project construction. Additionally, 14 new street trees would be planted along the Turk Street frontage, where no trees currently exist. A California Natural Diversity Database (CNDDB) search of the project area revealed no occurrences of special-status species within the project area.<sup>93</sup> All development would also be required to comply with the California Fish and Game Code and the Migratory Bird Treaty Act (MBTA), which protect special-status bird species. Therefore, the proposed project would have a less-than-significant impact on special-status species.

**Impact BI-2: The proposed project would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors. (Less than Significant)**

Structures in an urban setting may present risks for migratory birds. The City has adopted guidelines to describe the issue and provide regulations for bird-safe design within the City.<sup>94</sup> The regulations establish bird-safe standards for new building construction, additions to existing buildings, and replacement façades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be “bird hazards.” The two circumstances regulated are (1) location-related hazards, where the siting of a structure creates increased risk to birds (defined as inside or within 300 feet of open spaces 2 acres and larger that are dominated by vegetation or open water) and (2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located. Standards for location-related hazards for new building construction include façade requirements consisting of no more than 10 percent untreated glazing, and the use of minimal lighting. Lighting that is used shall be shielded, without any uplighting. Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and

<sup>93</sup> California Natural Diversity Database. June 23, 2015.

<sup>94</sup> San Francisco Planning Department. 2011. Standards for Bird-Safe Buildings. Adopted by the Planning Commission on July 14, 2011. Ordinance No: 199-11, adopted by the Board of Supervisors on October 7, 2011. Online: <http://www.sf-planning.org/index.aspx?page=2506>. Accessed on September 18, 2013.

greenhouses on rooftops that have unbroken glazed segments 24 sf and larger in size. Any structure that contains these elements shall treat 100 percent of the glazing.

The proposed project could contain feature-related hazards, which may create increased risk to birds regardless of where the structure is located. The proposed project would comply with Planning Code Section 139, as well as the California Fish and Game Codes and the MBTA, which protect special-status bird species. Therefore, impacts of the proposed project related to bird strikes would be considered less than significant, and no mitigation measures are necessary. The proposed project would not interfere with the movement of any native resident or wildlife species or with established native resident or migratory wildlife corridors. Therefore, the proposed project would result in a less-than-significant impact on migratory species movement.

**Impact BI-3: The proposed project would not conflict with local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance. (Less than Significant)**

The San Francisco Planning Department, Department of Building Inspection (DBI), and Department of Public Works (DPW) have established guidelines to ensure that legislation adopted by the Board of Supervisors governing the protection of trees is implemented. DPW Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees, collectively referred to as "protected trees," located on private and public property. The San Francisco Board of Supervisors adopted legislation that amended the City's Urban Forestry Ordinance, Public Works Code Section 801 et seq., to require a permit from the DPW to remove any protected trees.<sup>95</sup> If any activity is to occur within the dripline, prior to building permit issuance, a tree protection plan prepared by an International Society of Arborists-certified arborist is to be submitted to the Planning Department for review and approval. All permit applications for projects that could potentially impact a protected tree must include a Planning Department "Tree Disclosure Statement." Article 16 of the San Francisco Public Works Code, the Urban Forestry Ordinance, provides for the protection of landmark, significant, and street trees. Landmark trees are designated by the Board of Supervisors upon the recommendation of the Urban Forestry Council, which determines whether a nominated tree meets the qualification for landmark designations by using established criteria (Section 810). Significant trees are those trees within the jurisdiction of the DPW or trees on private property within 10 feet of the public right-of-way that meet any of three size criteria. The size criteria for significant trees are a diameter at breast height in excess of 12 inches, or a height in excess of 20

<sup>95</sup> San Francisco Planning Department. Required Checklist for Tree Planting and Protection. Online: <http://www.sf-planning.org/modules/showdocument.aspx?documentid=8321>. Accessed on September 12, 2014.

feet, or a canopy in excess of 15 feet (Section 810[A])[a]). A street tree is any tree growing within the public right-of-way, including unimproved public streets and sidewalks, and any tree growing on land under the jurisdiction of the DPW (Section 802[w]). If a project would result in tree removal subject to the Urban Forestry Ordinance and the DPW would grant a permit, the DPW shall require that replacement trees be planted (at a one-to-one ratio) by the Project Sponsor or that an in-lieu fee be paid by the Project Sponsor (Section 806[b]).

In accordance with Planning Code Section 138.1, Streetscape and Pedestrian Improvements, and Public Works Code Section 801 et seq., which require that street trees be planted with construction of a new building in any district, the proposed project would include 14 new street trees along Turk Street. The 17 existing street trees along the Market Street frontage would be retained. If any construction activity would occur within the dripline of any protected tree, an International Society of Arboriculture-certified arborist must prepare a tree protection plan, and the plan must be submitted to the Planning Department for review and approval before a building permit is issued. Significant trees are those trees within the jurisdiction of the DPW or trees on private property within 10 feet of the public right-of-way that are greater than 20 feet in height or meet the other previously described criteria. Therefore, the proposed project would not conflict with any local policy or ordinance protecting biological resources, and no impact would occur.

**Impact C-BI-1: The proposed project, in combination with other past, present, or reasonably foreseeable projects, would not result in a considerable contribution to cumulative impacts on biological resources. (Less than Significant)**

As stated previously, the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, or interfere with the movement of native resident or wildlife species. Similar to the proposed project, cumulative developments in the project area would be required to comply with the City's Urban Forestry Ordinance, Public Works Code Section 801 et seq. and apply for a tree removal permit with the DPW (including requirements for tree replacement or in-lieu fees) if those projects propose tree removal. In the event any cumulative projects would have biological impacts, the proposed project would not contribute in a cumulatively considerable way that would affect a rare or endangered species or habitat, or conflict with any local, regional or state habitat conservation plan or ordinance. For these reasons, the proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant biological resources impacts.



**E.13. GEOLOGY AND SOILS**

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>GEOLOGY AND SOILS – Would the project:</b>					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography of any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would connect to the combined sewer system, which is the wastewater conveyance system for San Francisco, and would not use septic tanks or other on-site land disposal systems for sanitary sewage. Therefore, topic 13e is not applicable to the proposed project.

**Impact GE-1: The proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic groundshaking, seismically induced ground failure, or landslides. (Less than Significant)**

Treadwell & Rollo conducted a geotechnical investigation for the project site.<sup>96</sup> The following discussion relies on information provided in the geotechnical investigation.

One geotechnical boring to a depth of approximately 8 feet below the slab of the existing parking structure basement and one cone penetrometer test to a depth of 27 feet below the top of the slab were completed at the project site. The results of the boring, cone penetration test, and investigation indicate that the site is generally underlain by fill, which extends approximately 19 to 23 feet below adjacent sidewalk grade. The fill consists of very loose to medium dense sand. The fill is generally underlain by loose to medium dense sand, typically referred to as dune sand. The dune Sand is underlain by approximately 3 feet of a marsh deposit, generally consisting of soft to medium stiff clay and silty clay. In other locations in the site vicinity, the marsh deposit is up to 7 feet thick, and includes loose to medium dense silty and clayey sand. The marsh deposit and/or dune Sand is underlain by stiff to very stiff clays and silts with varying amounts of medium dense sand, clayey sand, and silty sand. Dense to very dense sand and silty sand is present approximately 25 to 39 feet below adjacent street grade.

Groundwater has been measured at and adjacent to the project site at depths ranging from approximately 25 feet below adjacent sidewalk grade in 1964 (prior to construction of BART) to 34 feet below grade in 2013.<sup>97</sup> It is understood that since construction of the BART tunnel, the site vicinity has been dewatered; therefore, the groundwater is presently lower than was measured in 1964.

The project site does not lie within an Alquist-Priolo Earthquake Fault Zone, and no active or potentially active faults exist on or in the immediate vicinity of the site. The nearest mapped active fault is the N. San Andreas Peninsula Fault, which is located approximately 7.5 miles to the west.<sup>98</sup>

During a major earthquake located on a nearby fault, strong to very strong groundshaking is expected to occur at the project site. However, the project would not expose people or structures to substantial adverse

<sup>96</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>97</sup> SFD, or San Francisco City Datum, establishes the City's zero point for surveying purposes at approximately 8.6 feet above the mean sea level (MSL) established by 1929 U.S. Geological Survey datum, and approximately 11.3 feet above the current 1988 North American Vertical Datum. Because tides are measured from mean lower low water, which is about 3.1 feet below MSL, an elevation of 0 SFD, is approximately 8.2 feet above MSL.

<sup>98</sup> State of California Department of Conservation. Alquist-Priolo Regulatory Maps. Online: <http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm>. Accessed on September 12, 2014.

effects due to this groundshaking because the project would be designed and constructed in accordance with the most current San Francisco Building Code. The San Francisco Building Code also incorporates California Building Code requirements. The California Building Code defines various seismic sources, as well as calculations used to determine force exerted on structures during groundshaking events. The Preliminary Geotechnical Investigation for the site concluded that for a design in accordance with the San Francisco Building Code, a site class D-level design should be used. The investigation determined that the primary foundation concern is the presence of the MUNI and BART tunnels, and that a mat foundation would be appropriate for foundation support.<sup>99</sup>

The project site lies within an area that has liquefaction potential, identified by the California Department of Conservation under the Seismic Hazards Mapping Act of 1990,<sup>100</sup> and could experience the effects of liquefaction. According to the Preliminary Geotechnical Investigation for the site, approximately 1.5 inches of liquefaction-induced total settlement may occur in the isolated areas of the site. Differential settlements equivalent to total settlements may occur over short distances. However, the Preliminary Geotechnical Investigation completed for the site determined that while potentially liquefiable soil was encountered in a previous boring taken from the site, it is anticipated that the soil is only present in isolated areas within the vicinity of the site, and should not adversely affect overall site response during an earthquake event. Foundation considerations previously discussed would therefore be sufficient to alleviate the adverse effects of liquefaction.

According to the geotechnical investigation, the potential for lateral spreading on the project site is classified as low. Furthermore, it is not located in a mapped area of earthquake-induced landslide susceptibility, as identified by the California Department of Conservation under the Seismic Hazards Mapping Act of 1990.<sup>101</sup>

Therefore, the proposed project would not result in exposure of people and structures to potential substantial adverse effects. Impacts from seismic events or geologic hazards would be considered less than significant.

<sup>99</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950-974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>100</sup> California Department of Conservation, Division of Mines and Geology. 2000. *State of California Seismic Hazard Zones, City and County of San Francisco, Official Map*. November 17,

<sup>101</sup> *Ibid.*

**Impact GE-2: The proposed project would not result in substantial erosion or loss of topsoil, nor would they change substantially the topography of any unique geologic or physical features of the site. (Less than Significant)**

The proposed project site is built out and covered with impervious surfaces, including various buildings, streets, and sidewalks. Therefore, the proposed project would not result in the loss of topsoil. Construction of the proposed project would require excavation to a depth of approximately 35 feet bgs. Site preparation and excavation activities could create the potential for wind- and water-borne soil erosion. However, the project site is flat, and the proposed project would affect only relatively small areas where site soils would be exposed; therefore, substantial erosion and loss of soil would not be expected to occur. Furthermore, the Project Sponsor would be required to implement an Erosion and Sediment Control Plan during construction activities, in accordance with Article 4.1 of the San Francisco Public Works Code (discussed in E.14, Hydrology and Water Quality), to reduce the impact of runoff from the construction site. The SFPUC must review and approve the Erosion and Sediment Control Plan prior to implementation, and would conduct periodic inspections to ensure compliance with the plan. As the site is generally flat, minor grading activities would not change the site topography or remove any unique geological features. Therefore, impacts of the proposed project related to soil erosion and loss of topsoil would be less than significant.

**Impact GE-3: The proposed project site would not be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the project. (Less than Significant)**

Ground settlement could result from excavation for construction and from construction dewatering. The preliminary geotechnical evaluation conducted at the site recommends support of the sides of the excavation, adjacent buildings, streets, and utilities during construction of the basement level to address potential impacts of excavation and dewatering. The San Francisco DBI would review the detailed geotechnical report to ensure that the potential settlement and subsidence impacts of excavation and dewatering are appropriately addressed in accordance with Section 1704.15 of the *San Francisco Building Code*. DBI would also require that the report include a determination as to whether a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets during construction. If a monitoring survey were recommended, DBI would require that a Special Inspector be retained by the Project Sponsor to perform this monitoring. Groundwater observation wells could be required to monitor potential settlement and subsidence during dewatering. If, in the judgment of the Special Inspector, unacceptable movement were to occur during construction, corrective actions would be used to halt this settlement. Groundwater recharge could be used to halt settlement due

to dewatering. Further, the final building plans would be reviewed by DBI, which would determine if additional site-specific reports would be required. Therefore, impacts related to unstable soils at the project site would be less than significant.

**Impact GE-4: The proposed project would not create substantial risks to life or property as a result of being located on expansive soil. (Less than Significant)**

Soils located beneath urban built-out areas are generally not highly susceptible to the effects of expansive soils. Because the artificial fill and dune sand found beneath the project site do not contain high proportions of clay particles that can shrink or swell with changes in moisture content, expansive soils are not anticipated to be found within the project site. In addition, urban built-out areas are generally not as susceptible to the effects of expansive soils.

BART and Muni rail tunnels underlie Market Street adjacent to the project site. The location of these tunnels in relation to the excavation and foundation installation for the proposed project would be taken into consideration during the foundation construction design. The Preliminary Geotechnical Investigation conducted for the site determined that foundation piles should extend approximately 40 to 65 feet, as measured from the basement slab.<sup>102</sup> BART has developed the following guidelines for construction which would be consulted prior to the design phase.<sup>103</sup>

1. The BART Zone of Influence (ZOI) is defined as the area above a line from the critical point of the substructure at a slope of 1.5 horizontal to 1 vertical.
2. Soil redistribution caused by temporary shoring or permanent foundation systems shall be analyzed.
3. Shoring shall be required to maintain soil's at-rest condition; shoring structure shall be monitored for movement.
4. Minimum predrilled depth for piles shall be approximately 10 feet below the line of influence.
5. Vibration monitoring of piling operations closest to the subway will be required; piles to be driven in a sequence away from the subway structure.
6. Tunnels, where affected, shall be monitored for movement and deformation due to adjacent construction activities as to ensure structural and operation safety.

<sup>102</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950-974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

<sup>103</sup> BART. 2003. *General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures*. July 23.

7. Dewatering shall be monitored for changes in groundwater level; recharge program will be required if existing groundwater level is expected to drop more than 2 feet.
8. Where basements are excavated, the amount of loading (on subway) can be increased to the extent it is balanced by the weight of the removed material; however, the effect of soil rebound in such cases shall be fully analyzed.
9. All structures shall be designed so as not to impose any temporary or permanent adverse effects, including unbalanced loading and seismic loading, on the adjacent BART subways.<sup>104</sup>

It is anticipated that the BART ZOI partially extends into the project site, and the previously described BART guidelines must be considered. Also, a plan review is necessary for any construction on, or adjacent to, the BART right-of-way prior to construction, and the geotechnical investigation, as well as the structural plans and calculations for the project, would be reviewed by BART and SFMTA during the final design phase. Additionally, the Project Sponsor would submit engineering calculations to demonstrate that the proposed project would not adversely affect the BART and Muni stations or tunnels.

Therefore, the proposed project would not create substantial risk to life or property related to the presence of the BART and Muni tunnels adjacent to the site, and the impact would be less than significant.

**Impact GE-5: The proposed project could result in damage to, or destruction of, an as-yet unknown unique paleontological resource or site or unique geologic feature. (Less than Significant with Mitigation)**

Paleontological resources include fossilized remains or traces of animals, plants, and invertebrates, including their imprints, from a previous geological period. Collecting localities and the geological formations containing those localities are also considered paleontological resources; they represent a limited, nonrenewable, and impact-sensitive scientific and educational resource. No unique geologic features exist at the project site.

<sup>104</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950–974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

Previous projects reviewed in the vicinity, including the Mason and Turk Residential Mixed-Use Project<sup>105</sup> and the 5M project,<sup>106</sup> concluded that the Colma Formation is present at various depths ranging from approximately 22 feet bgs to 35 feet bgs, and is known to potentially contain paleontological resources.

Subsurface construction for the proposed project would require excavation to a depth of approximately 35 feet for basements and the single-level with mezzanine below-grade parking garage. The project site is generally underlain by fill, which extends to approximately 19 to 23 feet bgs. The fill is then underlain by Dune Sand, which is subsequently underlain by marsh deposits and clays. There is also potential to encounter the Colma Formation as described previously. While the Preliminary Geotechnical Investigation for the project site did not conclude that the Colma Formation was present underlying the site, it has been identified at other project sites in the vicinity. Therefore, paleontological remains could be encountered during excavation associated with the proposed project. This is considered a potentially significant impact. However, Mitigation Measure M-GE-5, Paleontological Resource Accidental Discovery, would apply to any components of the project resulting in soil disturbance below the ground surface. This measure requires, among other things, that the Project Sponsor hire a qualified paleontologist to train construction personnel regarding the possibility of encountering fossils and the steps that shall occur if fossils are encountered. With implementation of Mitigation Measure M-GE-5, the proposed project would result in less-than-significant impacts on paleontological resources.

#### **Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery**

For construction components that require excavation at depths within the Colma Formation, the following measures shall be undertaken to avoid any significant potential project-related adverse effect on paleontological resources.

- Before the start of any earthmoving activities, the Project Sponsor shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.

<sup>105</sup> San Francisco Planning Department. 2015. *Final Mitigated Negative Declaration. Mason and Turk Residential Mixed-Use Project*. March 25, 2015. This document is available for public review at the San Francisco Planning Department as part of Case File 2012.0678E.

<sup>106</sup> San Francisco Planning Department. 2015. *Final Environmental Impact Report 5M Project (925 Mission Street and Various Parcels)*. Certified September 17, 2015. This document is available for public review at the San Francisco Planning Department as part of Case File 2011.0409E.

- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find, and notify the Project Sponsor and the San Francisco Planning Department. The Project Sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines.<sup>107</sup> The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

**Impact C-GE-1: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a considerable contribution to cumulative impacts related to geologic hazards. (Less than Significant)**

Geologic impacts are usually site-specific, and the 950–974 Market Street Project would have no potential of cumulative effects with other projects. Cumulative development would be subject to the same standards, requirements, and design reviews as the proposed project. These measures would reduce the geologic effects of cumulative projects to less-than-significant-levels.

For these reasons, the proposed project, in conjunction with other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant geology and soils impacts.

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<sup>107</sup> Society of Vertebrate Paleontology. 1996. *Conditions of Receivership for Paleontologic Salvage Collections (final draft)*. Society of Vertebrate Paleontology News Bulletin 166:31-32.



**E.14. HYDROLOGY AND WATER QUALITY**

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>HYDROLOGY AND WATER QUALITY –</b>					
<b>Would the project:</b>					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project site is not located within a 100-year Flood Hazard Zone,<sup>108</sup> a dam failure area,<sup>109</sup> or a tsunami hazard area.<sup>110</sup> No mudslide hazards exist on the proposed project site because this part of the City is not located near any landslide-prone areas.<sup>111</sup> A seiche is an oscillation of a waterbody, such as a bay, that may cause local flooding. A seiche could occur in the San Francisco Bay due to seismic or atmospheric activity. However, the proposed project site is located approximately 1.2 miles from San Francisco Bay, and thus, would not be subject to a seiche. Therefore, topics 14g, 14h, 14i, and 14j are not applicable to the proposed project.

**Impact HY-1: The proposed project would not violate any water quality standards or waste discharge requirements, substantially degrade water quality, or 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. (Less than Significant)**

Wastewater resulting from the proposed project would flow to the City's combined stormwater and sewer system, which is designed to collect and treat both sanitary sewage and rainwater runoff. Wastewater would be treated to standards contained in the City's NPDES Permit for the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. The NPDES standards are set and regulated by the San Francisco Bay Area RWQCB, and therefore, the proposed project would not conflict with RWQCB requirements.

Proposed project construction could have the potential to result in runoff of surface water containing sediments and other pollutants from the site, which could drain into the combined sewer and stormwater system, necessitating treatment at the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. However, to minimize the potential for sediments and other pollutants to enter the combined system, a SWPPP—which includes an Erosion and Sediment Control Plan and BMPs—would be prepared by the Project Sponsor to reduce impacts from construction-related activities to a less-than-significant level. In addition, the proposed project would be required to comply with the Maher Ordinance, which has further site management and reporting requirements for potential hazardous soils.

The existing project site is completely covered with a surface parking lot over a below-grade parking structure, and four buildings that are either vacant or partially occupied with retail and office uses. The proposed project footprint would also completely cover the project site; thus, no substantial increase in

<sup>108</sup> Federal Emergency Management Agency. 2007. *Draft Special Flood Hazard Areas (San Francisco)*. September 21.

<sup>109</sup> City of San Francisco. 2012. *General Plan*. Community Safety Element, October 2012, Map 6.

<sup>110</sup> Ibid, Map 5.

<sup>111</sup> Ibid, Map 4.

impervious surfaces would occur. Furthermore, the proposed project would be designed to meet the standards for stormwater management identified in the San Francisco Stormwater Management Ordinance (Ordinance No. 83-10), requiring development to maintain, reduce, or eliminate the existing volume and rate of stormwater runoff discharged from the project site. To achieve this the proposed project would implement the use of low-impact design features, including landscape solutions, designed to capture stormwater runoff, such as vegetated roof areas. Therefore, while the proposed project may incrementally increase stormwater runoff, it would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and would have a less-than-significant impact.

**Impact HY-2: The proposed project would not 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. (Less than Significant)**

The existing project site is completely covered with four buildings and a surface parking lot over a below-grade parking structure, greatly limiting the amount of surface that water could infiltrate to the groundwater. The proposed project would not result in an increase in impervious surface. Groundwater could potentially be encountered, as excavation would occur to depths of approximately 35 feet bgs, and groundwater was previously observed at a depth of 34 feet bgs in 2013.<sup>112</sup> However, the area was dewatered during the previous construction of the BART tunnel, lowering the depth of shallow groundwater. Furthermore, the proposed project would be required to comply with all applicable regulations, including the San Francisco Stormwater Management Ordinance. The proposed project would not result in the use of groundwater; if groundwater were to be encountered, construction dewatering would be implemented. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, and impacts would be less than significant.

<sup>112</sup> Treadwell & Rollo. 2013. *Preliminary Geotechnical Investigation, 950-974 Market Street, San Francisco, California*. June 6. This document is on file and available for review at the San Francisco Planning Department as part of Case File 2013.1049E.

**Impact HY-3:** The proposed project would not result in alterations to the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-site or off-site, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site. (Less than Significant)

The project site is located in downtown San Francisco, and thus, no streams or rivers exist at the project site. Therefore, the proposed project would not alter the course of a stream or river, or substantially alter the existing drainage pattern of the project site or area.

Construction activities would create the potential for erosion and transportation of soil particles off site through excavation and grading activities. However, as discussed previously in Impact HY-1, the Project Sponsor would be required to develop and implement a SWPPP to minimize the potential for on- or off-site erosion or siltation, reducing impacts from construction related-activities to a less-than-significant level. Furthermore, the proposed project would not result in a substantial increase in impervious surfaces, and therefore, would not substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding beyond current conditions. The proposed project would also include low-impact design features, such as a landscaped roof, designed to capture and minimize stormwater runoff. Therefore, impacts related to erosion and surface runoff resulting in flooding would be less than significant.

**Impact C-HY-1:** The proposed project, in combination with the past, present, and reasonably foreseeable future projects in the site vicinity, would not have a cumulative impact on hydrology and water quality. (Less than Significant)

Cumulative development within the vicinity of the proposed project would result in intensified uses and a cumulative increase in wastewater generation. However, the SFPUC has accounted for such growth in its service projections. Any development in the vicinity would be required to implement an Erosion and Sediment Control Plan—including BMPs—to minimize stormwater runoff, and comply with the City's Stormwater Management Ordinance and all other applicable water quality regulations. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulatively considerable hydrology and water quality impacts.

**E.15. HAZARDS AND HAZARDOUS MATERIALS**

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less-than- Significant Impact with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>HAZARDS AND HAZARDOUS MATERIALS –</b>					
<b>Would the project:</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The 950–974 Market Street Project site is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, topics 15e and 15f are not applicable to the proposed project.

**Impact HZ-1: The proposed project would not create a significant hazard through routine transport, use, or disposal of hazardous materials. (Less than Significant)**

The proposed project would be in the C-3-G Downtown General Commercial and C-3-R Downtown Retail Use Districts. As described in Section A, Project Description, the C-3 districts are composed of a variety of uses, and would not change with approval of the proposed project. The primary use of hazardous materials

for the proposed project would most likely be for building maintenance, particularly cleaning. These materials would be properly labeled, to inform the user of potential risks as well as handling procedures. The majority of these hazardous materials would be consumed upon use, and would produce very little waste. Any hazardous wastes that are produced would continue to be managed in accordance with Article 22 of the San Francisco Health Code. In addition, transportation of hazardous materials would be regulated by the California Highway Patrol and the California Department of Transportation. These hazardous materials are not expected to cause any substantial health or safety hazards. Therefore, potential impacts related to the routine use, transport, and disposal of hazardous materials would be less than significant.

**Impact HZ-2: The proposed project would not create a potentially significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, including within 0.25 mile of a school. (Less than Significant with Mitigation)**

The proposed project would result in demolition of existing buildings and subsequent construction. Demolition and construction activities would follow all appropriate standards and regulations for hazardous materials, including the California Health and Safety Code. The nearest schools to the project site are two private schools, including De Marillac Academy, at 175 Golden Gate Avenue (just over two blocks west of the project site), and the San Francisco City Academy, at 230 Jones Street (approximately two blocks northwest of the project site), both within 0.25 miles of the project site. Other nearby schools include Tenderloin Community Elementary School, which is located approximately 0.5 mile to the west, and Bessie Carmichael School, which is approximately 0.5 mile to the south.

Harris & Lee Environmental Sciences, LLC conducted two Phase I Environmental Site Assessments (ESAs) at the project site—one for 950–964 Market Street<sup>113</sup> and one for 966–974 Market Street.<sup>114</sup> The Phase I ESAs were conducted to provide a record of conditions at the subject property and to evaluate what, if any, environmental issues exist at the project site. The Phase I ESAs assessed the potential for adverse environmental impacts from the current and historical practices on the site and the surrounding area. The Phase I ESAs recognized no environmental conditions, including any known hazardous materials releases or hazardous conditions in connection with past and present uses for the project site.

<sup>113</sup> Harris & Lee Environmental Sciences, LLC. 2013. *All Appropriate Inquiry-Phase 1 Environmental Site Assessment, 950-964 Market Street, San Francisco, CA, 94102*. September 5. This document is on file and available for review at the San Francisco Planning Department as part of Case No. 2013.1049E.

<sup>114</sup> Harris & Lee Environmental Sciences, LLC. 2013. *All Appropriate Inquiry-Phase 1 Environmental Site Assessment, 966-974 Market Street, San Francisco, CA, APN 0342-002, -004, and -014*. May 30. This document is on file and available for review at the San Francisco Planning Department as part of Case No. 2013.1049E.

Currently, Section 19827.5 of the California Health and Safety Code 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. Although the Phase I ESAs recognized no environmental conditions for the project site, the site assessment did not include evaluation of asbestos or lead-based paint in its scope, as signs of these substances were not observed. Should these substances be found during soil sampling, project construction, and/or demolition, all appropriate procedures would be followed. Other hazardous building materials that could be present within the proposed project area, but were not identified in the Phase I ESAs, include electrical transformers containing polychlorinated biphenyls (PCBs), fluorescent light ballasts containing PCBs or bis (2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. Disruption of these materials could pose health concerns for construction workers if not properly handled or disposed of. However, implementation of Mitigation Measure M-HZ-2, Hazardous Building Materials Abatement, would require that the presence of such materials be evaluated prior to demolition or renovation. If such materials are found present, Mitigation Measure M-HZ-2 requires that these materials be properly handled and disposed of. With implementation of Mitigation Measure M-HZ-2, potential impacts resulting from exposure to hazardous building materials would be reduced to a less-than-significant level.

#### **Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement**

The Project Sponsor shall ensure that the proposed project area is surveyed for hazardous building materials, including polychlorinated biphenyls (PCB)-containing electrical equipment, fluorescent light ballasts containing PCBs or bis (2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs; if the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs, and shall be handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.

**Impact HZ-3: The proposed project would not be constructed on a site identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (Less than Significant)**

The proposed project would not be on sites identified as hazardous material sites pursuant to Government Code Section 65962.5. According to the RWQCB's GeoTracker online database, no sites that give any indication of significant environmental impacts are present within the proposed project boundaries. Sites previously identified as Leaking Underground Storage Tank cleanup sites are present in surrounding areas; however, those sites have since been designated as completed-case closed, and have been remediated to the satisfaction of the applicable regulatory authority (SWRQCB or DTSC).<sup>115</sup> As previously mentioned, the Phase I ESAs prepared for the project site identified no evidence of recognized environmental conditions.<sup>116</sup> From the 1880s through early 1900s, the project site was developed with commercial structures, including hotels, salons, beer halls, stores, and offices (see Table 8, Historical Land Uses). The current structures at the project site were built between 1907 and 1929. From 1948 through the present, the project site has been occupied by multiple stores.

**TABLE 8: HISTORICAL LAND USES**

Address	Ground Floor			Upper Floor(s)		
	Original Use	Subsequent Uses	Current Use	Original Use	Subsequent Uses	Current Use
950-964 Market Street	6 Retail Stores	Restaurants Bar (Old Crow) Retail	Paycheck Loan Retail Sunglass Beauty Parlor Wig Store Cell Phones	Offices	Dental Offices	Social Services
966-970 Market	Unknown	Retail/Bar	Vacant	Unknown	Unknown	Vacant
972 Market	Restaurant	Artist Studios General Store Pacific Theatre Jewelry/Pawn	Vacant	Apartments	Avery Hotel Carson Hotel	Vacant
974 Market	Unknown	Unknown	Vacant/Storage	Unknown	Unknown	Vacant
61-67 Turk	Retail	Parking Garage	Parking Garage	The Porter Hotel	N/A	N/A
Source: EEA Supplemental Information, Mid Market Center, LLC						

<sup>115</sup> California State Water Resources Control Board. GeoTracker. Online: <http://geotracker.waterboards.ca.gov>. Accessed on September 18, 2014.

<sup>116</sup> Harris & Lee Environmental Sciences, LLC. 2013. *All Appropriate Inquiry-Phase 1 Environmental Site Assessment, 950-964 Market Street, San Francisco, CA, 94102*. September 5. This document is on file and available for review at the San Francisco Planning Department as part of Case No. 2013.1049E.



The SFDPH has jurisdiction over areas likely to contain 1906 earthquake rubble (historical landfill) under Article 22A of the San Francisco Health Code (also known as the Maher Ordinance). Historical landfill typically contains a high lead concentration due to lead-based paint, and SFDPH requires soil sampling if a project requires excavation. The project site is located near historical landfill areas; a large area of known fill is directly across the street. Because the proposed project would necessitate excavation, the project would be subject to the Maher Ordinance, and soil sampling and/or soil remediation may be required.<sup>117</sup>

To enable SFDPH to determine if soil sampling is required, the Project Sponsor has submitted a Maher Application to the SFDPH in accordance with Article 22A. SFDPH review of the application and associated documents, including the Phase I ESAs, Limited Environmental Site Characterization, and Preliminary Geotechnical Investigation, determined that some of the fill material contains elevated soluble lead at concentrations exceeding State of California hazardous waste levels, and requires additional investigation. The SFDPH requests that a complete Phase II Site Characterization and Work Plan be submitted once on-site buildings have been demolished. The Project Sponsor would also be required to submit a site mitigation plan (SMP) to SFDPH or other appropriate state or federal agencies, and to remediate any site contamination in accordance with an approved SMP prior to the issuance of the building permit. The proposed project would be required to remediate potential contamination in accordance with Article 22A. Because the aforementioned documents would be prepared, and remediation activities would be conducted at the site, the proposed project would not result in a significant hazard to the public or environment from site contamination, and the impact would be less than significant.

**Impact HZ-4: Approval of the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires. (Less than Significant)**

San Francisco ensures fire safety through provisions of the Building and Fire Codes. The additional residents, employees, and visitors could contribute to congestion if an emergency evacuation of the greater downtown area were required. However, Section 12.202(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (defined as taller than 75 feet), such as the proposed project, "establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." Additionally, construction would conform to the provisions of the Building Code and Fire Code, which require additional life-safety protections for high-rise buildings. Final building plans would be reviewed by the San Francisco Fire Department and DBI to

<sup>117</sup> Ibid.

ensure conformance with the applicable life-safety provisions, including development of an emergency procedure manual and an exit drill plan. Furthermore, the proposed project is not within a fire hazard severity zone.<sup>118</sup> Therefore, the proposed project would not obstruct implementation of the City's Emergency Response Plan, and potential emergency response and fire hazard impacts would be less than significant.

**Impact C-HZ-1: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would not result in a considerable contribution to cumulative impacts related to hazardous materials. (Less than Significant)**

Impacts from hazards are generally site-specific, and typically do not result in cumulative impacts. The proposed project would not have a significant impact on hazardous material conditions at the project site or in the vicinity. Although the 950–974 Market Street Project could result in potential impacts related to the use of hazardous materials, conducting construction activities within potentially contaminated soil, and demolition of structures that contain hazardous building materials, implementation of Mitigation Measure M-HZ-2, Hazardous Building Materials Abatement, and conformance to applicable regulatory requirements would reduce those impacts to less-than-significant levels. Furthermore, any potential impacts would be primarily restricted to the project site and the immediate vicinity. No other developments in the proposed project vicinity would contribute considerably to cumulative effects. For these reasons, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable hazards and hazardous materials impact.

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<sup>118</sup> California Department of Forestry and Fire Protection. 2007. Draft Fire Hazard Severity Areas in LRA, San Francisco (Map). September 17.

**E.16. MINERAL AND ENERGY RESOURCES**

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>MINERAL AND ENERGY RESOURCES –</b>					
<b>Would the project:</b>					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The 950–974 Market Street Project site are designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology under the Surface Mining and Reclamation Act of 1975.<sup>119</sup> This designation indicates that there is insufficient information available to designate as any other MRZ, and therefore, it is assumed that no significant mineral deposits exist. Furthermore, according to the *San Francisco General Plan*, no significant mineral resources exist in all of San Francisco.

Therefore, topics 17a and 17b are not applicable to the proposed project.

**Impact ME-1: The proposed project would not encourage activities that 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 would be in downtown San Francisco, where there are existing buildings and infrastructure, and would be served by the existing utilities. As stated in the analysis in Section E.10, Utilities and Service Systems, adequate water supplies exist to serve the proposed project. In addition, the proposed project is located in a developed urban area that is served by multiple transit systems. Use of these transit systems by residents, visitors, and employees would reduce the amount of fuel expended in private automobiles. The proposed project's energy demand would be typical for a development of this scope and nature, and would comply with current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by DBL. The proposed project would also

<sup>119</sup> California Division of Mines and Geology. Open File Report 96-03 and Special Report 146 Parts I and II.

be required to comply with the City's Green Building Ordinance, as outlined in Chapter 7 of the Environment Code. Therefore, the energy demand associated with the proposed project would not result in a significant impact.

**Impact C-ME-1: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative mineral and energy impacts. (Less than Significant)**

The geographic scope for potential cumulative impacts on energy resources impacts encompasses the SFPUC water and power supply system. SFPUC supplies the City and County of San Francisco, as well as others in the region, with water and power. Similar to the proposed project, projects within the vicinity or the region would require the use of fuel, water, or energy.

Cumulative projects in the area would be required to comply with the City's Green Building Ordinance and Title 24 of the California Code of Regulations, enforced by DBI. Because these building codes encourage sustainable construction practices related to planning and design, energy efficiency, and water efficiency and conservation, energy consumption would be expected to be reduced compared to conditions without such regulations. Therefore, the proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable impact related to mineral and energy resources.

**E.17. AGRICULTURE AND FOREST RESOURCES**

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less-than- Significant Impact with Mitigation Incorporated</u>	<u>Less-than- Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
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**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 (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526),   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed project are within an urbanized area in the City and County of San Francisco that does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; forest land; or land under Williamson Act contract. The area is not zoned for any agricultural uses. Therefore, topics 17a, b, c, d, and e are not applicable to the proposed project.

**E.18. MANDATORY FINDINGS OF SIGNIFICANCE**

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less-than- Significant Impact with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>MANDATORY FINDINGS OF SIGNIFICANCE –</b>					
<b>Would the project:</b>					
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, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As discussed in the previous sections, the proposed project is anticipated to have only less-than-significant impacts in the areas discussed. The foregoing analysis identifies potentially significant impacts related to cultural resources, noise, air quality, geology and soils, and hazardous materials, which would be mitigated through implementation of mitigation measures, as described in the following paragraphs and in more detail in Section F, Mitigation Measures and Improvement Measures.

As described in Section E.3, Cultural Resources, the proposed project could result in a substantial adverse change on historic and archeological resources. In addition, the proposed project could disturb human remains. Implementation of Mitigation Measures M-CR-1, Vibration Monitoring and Management Plan, M-CR-2, Archeological Testing, and M-CR-3, Tribal Cultural Resources Interpretive Program, would reduce the impacts to less-than-significant levels. Therefore, the proposed project would not result in a significant impact through the elimination of important examples of major periods of California history or prehistory.

As described in Section E.5, Noise, construction noise impacts could have potentially significant impacts on nearby sensitive receptors. Because the proposed project would require pile driving, Mitigation Measure

M-NO-2 would reduce adverse impacts on sensitive receptors from pile-driving noise to a less-than-significant level.

As described in Section E.8, Air Quality, the proposed project could result in construction emissions impacts on nearby sensitive receptors and introduce a new source of toxic air contaminants within the project vicinity. Implementation of Mitigation Measure M-AQ-2, Construction Air Quality, and Mitigation Measure M-AQ-4, Best Available Control Technology for Diesel Generators, would reduce the impacts to less-than-significant levels.

As described in Section E.13, Geology and Soils, proposed project development could potentially encounter and damage or destroy unknown unique paleontological resources and/or unique geologic features. Implementation of Mitigation Measure M-GE-5, Paleontological Resource Accidental Discovery, would require, among other things, that the Project Sponsor hire a qualified paleontologist to train construction personnel regarding the possibility of encountering fossils and the steps that shall occur if fossils are encountered. Implementation of this measure would ensure that potential impacts related to paleontological resources would be reduced to a less-than-significant level.

As described in Section E.15, Hazards and Hazardous Materials, potential development could create a potentially significant hazard involving the release of hazardous materials into the environment. Implementation of Mitigation Measure M-HZ-2, Hazardous Building Materials Abatement, would ensure that potential impacts resulting from exposure to hazardous building materials would be reduced to a less-than-significant level.

Both long-term and short-term environmental effects—including substantial adverse effects on human beings—associated with the proposed project would be less than significant, as discussed under each environmental topic. Each environmental topic area includes an analysis of cumulative impacts based on land use projects; compliance with adopted plans, statutes, and ordinances; and currently proposed projects.

## F. MITIGATION MEASURES AND IMPROVEMENT MEASURES

### F.1. MITIGATION MEASURES

The following mitigation measures have been adopted by the Project Sponsor and are necessary to avoid potentially significant impacts of the proposed project:

#### **Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan**

The Project Sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 986-988 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment should determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the Demolition and/or Site Permit Applications.

The structural engineer and/or preservation architect shall develop, and the Project Sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Crest/Egyptian Theater at 976-980 Market Street and the Warfield Building at 986-988 Market Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation staff prior to issuance of any construction permits.



Should vibration levels be observed in excess of the standard, or damage is observed to either the Crest/Egyptian Theater at 976–980 Market Street or the Warfield Building at 986–988 Market Street, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices for each historic building during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the pre-construction assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards.

#### **Mitigation Measure M-CR-2: Archeological Testing**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. 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 testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). 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 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 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 Section 15064.5 (a)(c).

*Consultation with Descendant Communities.* On discovery of an archeological site<sup>120</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>121</sup> 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 the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

*Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine, to the extent possible, the presence or absence of archeological resources and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist.

<sup>120</sup> The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>121</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission, and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

If the ERO 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:

- the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or
- a 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.

*Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, 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 archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk that these activities pose to potential 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 project 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 soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities, and equipment until the deposit is evaluated. 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 make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

*Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. 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 and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and ERO, 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, who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The archeological consultant, Project Sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

*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 final report.

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 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 NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

#### **Mitigation Measure M-CR-3: 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-NO-2: Noise-Control Measures During Pile Driving**

Because the proposed project requires pile driving, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation

measures shall include as many of the following control strategies, and any other effective strategies, as feasible:

- The Project Sponsor shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels.
- The Project Sponsor shall require the construction contractor to implement “quiet” pile-driving technology (such as pre-drilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile-driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions.
- The Project Sponsor shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurements.
- The Project Sponsor shall require that the construction contractor limit pile-driving activity to result in the least disturbance to neighboring uses.

#### Mitigation Measure M-AQ-2: Construction Air Quality

The Project Sponsor or the Project Sponsor’s contractor shall comply with the following:

##### A. Engine Requirements

1. All off-road equipment greater than 25 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.
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 2 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 2-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 on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the following 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, 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, the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, 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, 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 the 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 meets or exceeds 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 an 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.

#### **Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery**

For construction components that require excavation at depths within the Colma Formation, the following measures shall be undertaken to avoid any significant potential project-related adverse effect on paleontological resources.

- Before the start of any earthmoving activities, the Project Sponsor shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.
- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find, and notify the Project Sponsor and the San Francisco Planning Department. The Project Sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines.<sup>122</sup> The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

#### **Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement**

The Project Sponsor shall ensure that the proposed project area is surveyed for hazardous building materials, including polychlorinated biphenyls (PCB)-containing electrical equipment, fluorescent light

<sup>122</sup> Society of Vertebrate Paleontology. 1996. *Conditions of Receivership for Paleontologic Salvage Collections (final draft)*. Society of Vertebrate Paleontology News Bulletin 166:31-32.

ballasts containing PCBs or bis (2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs; if the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs, and shall be handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.

## F.2. IMPROVEMENT MEASURES

Additionally, the Project Sponsor has agreed to implement the following improvement measures:

### Improvement Measure I-CR-1a: Interpretive Program

As part of the project, the Project Sponsor should develop an interpretive program to commemorate the former LGBTQ bars in the buildings on the project site and their association with LGBTQ history of the neighborhood and City. Development of this interpretive program will include outreach to the LGBTQ and Tenderloin communities in order to involve these communities and to create a broader, more authentic interpretive approach for the project site and neighborhood. The interpretive program should result, at minimum, in installation of a permanent on-site interpretive display in a publicly-accessible location, such as a lobby or Market Street or Turk Street frontage, to memorialize the importance of the buildings after they are demolished, but may also develop alternative approaches that address the loss of the existing buildings in the context of the neighborhood. The interpretation program may also inform development of the art program required as part of the project. The interpretive program should outline the significance of the subject buildings, namely their association with the Old Crow, Pirates Cave, and Silver Rail bars, individually and collectively within the context of LGBTQ history in the Tenderloin and San Francisco

Interpretation of the site's history should be supervised by a qualified consultant meeting the Secretary of the Interior's Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in the Page & Turnbull Historic Resources Evaluation for the subject project and in the *Citywide LGBTQ Historic*

*Context Statement* may be used for content. A proposal prepared by the qualified consultant, with input from the outreach conducted in the LGBTQ and Tenderloin communities, describing the general parameters of the interpretive program should be approved by the San Francisco Planning Department, Preservation staff prior to issuance of a the architectural addendum to the Site Permit. The detailed content, media and other characteristics of such interpretive program, and/or any alternative approach to interpretation identified by the project team, should be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.

#### **Improvement Measure I-CR-1b: Construction Best Practices for Historic Resources**

The Project Sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications will be submitted to the Planning Department along with the Demolition and Site Permit Applications.

#### **Improvement Measure I-TR-1a: Residential Transportation Demand Management Program**

The Project Sponsor will establish a transportation demand management (TDM) program for building tenants in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building's TDM program:

- **TDM Coordinator.** The Project Sponsor will identify a TDM Coordinator for the project site. The TDM Coordinator will be responsible for the implementation and ongoing operation of all other TDM measures included in the project. The TDM Coordinator may be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco) or may be an existing staff member (e.g., property manager). The TDM Coordinator will not be required to work full time at the project site; however, they will be the single point of contact for all transportation-related questions from

building occupants and City of San Francisco staff. The TDM Coordinator will 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. The Project Sponsor will 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 can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.
  - New-hire packet. The Project Sponsor will provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.
  - Current transportation resources. The Project Sponsor will maintain an available supply of Muni maps and San Francisco Bicycle and Pedestrian maps.
  - Bicycle Measure - Bay Area Bike Share. The Project Sponsor will 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-1b: Passenger Loading**

It should be the responsibility of the Project Sponsor to ensure that project-generated passenger loading activities along Turk Street are accommodated within designated on-street parking spaces or within the proposed on-street passenger loading zone adjacent to the project site. Specifically, the Project Sponsor should monitor passenger loading activities at the proposed zone along Turk Street to ensure that such activities are in compliance with the following requirements:

- Double parking, queuing, or other project-generated activities do not result in intrusions into the adjacent travel lane along Turk Street. Any project-generated vehicle conducting, or attempting to conduct, passenger pick-up or drop-off activities should not occupy, or obstruct free-flow traffic circulation in, the adjacent travel lane for a consecutive period of more than 30 seconds on a daily basis.
- Vehicles conducting passenger loading activities are not stopped in the passenger loading zone for an extended period of time. In this context, an “extended period of time” shall be defined as more than 5 consecutive minutes at any time.

Should passenger loading activities at the proposed on-street passenger loading zone along Turk Street not be in compliance with the above requirements, the Project Sponsor should employ abatement methods, as needed, to ensure compliance. Suggested abatement methods may include, but are not limited to, employment or deployment of staff to direct passenger loading activities (e.g., valet); use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking; and/or limiting hours of access to the passenger loading zone. Any new abatement measures should be reviewed and approved by the Planning Department.

If the Planning Director, or his or her designee, suspects that project-generated passenger loading activities in the proposed passenger loading zone along Turk Street are not in compliance with the above requirements, the Planning Department shall notify the property owner in writing. The property owner, or his or her designated agent (such as building management), shall hire a qualified transportation consultant to evaluate conditions at the site for no less than 7 total days. The consultant shall submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not project-generated

passenger loading activities are in compliance with the above requirements, and shall notify the property owner of the determination in writing.

If the Planning Department determines that passenger loading activities are not in compliance with the above requirements, upon notification, the property owner—or his or her designated agent—should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that the property owner or his or designated agent has been unsuccessful at ensuring compliance with the above requirements, use of the on-street passenger loading zone should be restricted during certain time periods or events to ensure compliance. These restrictions should be determined by the Planning Department in coordination with the SFMTA, as deemed appropriate based on the consultant's evaluation of site conditions, and communicated to the property owner in writing. The property owner or his or her designated agent should be responsible for relaying these restrictions to building tenants to ensure compliance.

#### **Improvement Measure I-TR-1c: Loading Dock Safety**

Deploy building management staff at the loading dock when trucks are attempting to service the building to ensure the safety of other roadway users and minimize the disruption to traffic, transit, bicycle, and pedestrian circulation. All regular events requiring use of the loading dock (e.g., retail deliveries, building service needs, etc.) should be coordinated directly with building management to ensure that staff can be made available to receive trucks.

#### **Improvement Measure I-TR-1d: Loading Schedule**

Schedule and coordinate loading activities through building management to ensure that trucks can be accommodated either in the off-street loading dock or the service vehicle spaces in the building's garage. Trucks should be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along any of the streets immediately adjacent to the building (Market Street, Turk Street, and Taylor Street). Trucks unable to be accommodated in the loading dock or service vehicle spaces shall be directed to use on-street spaces, such as the commercial loading bay along Market Street or the various yellow curb zones in scattered locations surrounding the project site, or return at a time when these facilities are available for use. Alternatively, necessary permits could be obtained to reserve the south curb of Turk Street or east curb of Taylor Street, adjacent to the project site, for these activities.

**Improvement Measure I-TR-1e: Construction Truck Delivery Scheduling**

To minimize disruptions to traffic, transit, bicycle, and pedestrian circulation on adjacent streets during the weekday AM and PM peak periods, the contractor shall restrict truck movements and deliveries to, from, and around the project site during peak hours (generally 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) or other times, as determined by San Francisco Municipal Transportation Agency and its Transportation Advisory Staff Committee.

**Improvement Measure I-TR-1f: Construction Traffic Control**

To reduce potential conflicts between construction activities and traffic, transit, bicycles, and pedestrians at the project site, the contractor shall add certain measures to the required traffic control plan for project construction. In addition to the requirements for the construction traffic control plan, the project shall identify construction traffic management best practices in San Francisco, as well as best practices in other cities, that, although not being implemented in San Francisco, could provide valuable information for the project. Management practices could include, but are not limited to, the following:

- Identifying ways to reduce construction worker vehicle trips through transportation demand management programs and methods to manage construction worker parking demands.
- Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage or temporary walkways.
- Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility.
- Identifying routes for construction-related trucks to utilize during construction.
- Requiring consultation with the surrounding community, including business and property owners near the project site, to assist coordination of construction traffic management strategies as they relate to the needs of other users adjacent to the project site.
- Developing a public information plan to provide adjacent residents and businesses with regularly updated information regarding project construction activities, peak construction



vehicle activities (e.g., concrete pours), travel lane closures, and other lane closures, and providing a project contact for such construction-related concerns.

#### **Improvement Measure I-TR-4a: Garage Exit Warning**

Install visible warning devices at the garage entrance to alert pedestrians of outbound vehicles exiting the garage.

#### **Improvement Measure I-TR-4b: Pedestrian Safety Signage**

Provide on-site signage promoting pedestrian and bicycle safety (e.g., signage at the garage exit reminding motorists to slow down and yield to pedestrians in the sidewalk) and indicating areas of potential conflict between pedestrians in the sidewalk and vehicles entering and exiting the garage.

#### **Improvement Measure I-TR-4c: Garage Curb Cut**

Daylight the project's garage curb cut and entrance by designating up to 10 feet of the adjacent curb immediately south of the curb cut as a red "No Stopping" zone to improve the visibility of pedestrians in the sidewalk along Taylor Street when the yellow zone adjacent to the Warfield Theater is in use by trucks and other large vehicles that may obstruct motorists' field of vision. Implementation of this improvement measure would result in a corresponding reduction (of up to 10 feet) in the length of the existing yellow zone (currently approximately 150 feet), but is not expected to result in any major effect on general accommodation of curbside freight loading and service vehicle activities in the general vicinity of the project, given the magnitude of the overall loss in curb space.

#### **Improvement Measure I-TR-4d: Pedestrian Signals**

Install pedestrian signal heads with countdown timers for the east and south crosswalks at Taylor Street and Turk Street.

#### **Improvement Measure I-TR-4e: Americans with Disabilities Act Standards**

Upgrade, redesign, or reconstruct (as needed) the existing curb ramps at the northwest, southwest, and northeast corners of Taylor Street and Turk Street in compliance with Americans with Disabilities Act (ADA) standards. It is assumed that the proposed sidewalk widening along Turk Street will provide ADA-compliant curb ramps at the southeast corner of the intersection.

Construct ADA-compliant curb ramps at both ends of the north crosswalk across Taylor Street at Turk Street and Golden Gate Avenue.

Construct ADA-compliant curb ramps at the northeast corner of the Mason Street and Turk Street intersection.

#### **Improvement Measure I-TR-4f: Queue Abatement**

- It should be the responsibility of the Project Sponsor to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Taylor Street, including any portion of any travel lanes. The owner/operator of the parking facility should also ensure that no pedestrian conflict (as defined below) is created at the project driveway.
- A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors.
- A pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and/or contact between pedestrians and the vehicle occurs.
- There is one exception to the definition of a pedestrian conflict. Sometimes, outbound vehicles departing from the project driveway would be able to cross the sidewalk without conflicting with pedestrians, but then would have to stop and wait in order to safely merge into the Taylor Street roadway (due to a lack of gaps in Taylor Street traffic and/or a red indication from the traffic signal at the Taylor/Turk intersection). While waiting to merge, the rear of the vehicle could protrude into the western half of the sidewalk. This protrusion shall not be considered a pedestrian conflict. This is because the obstruction would be along the western edge of the sidewalk, while the pedestrian path of travel would be along the eastern side of the sidewalk; street trees and other streetscape elements would already impede pedestrian flow along the

west side of the sidewalk. Any pedestrians that would be walking along the west side of the sidewalk would be able to divert to the east and maneuver behind the stopped car. This exception only applies to outbound vehicles, and only if pedestrians are observed to walk behind the stopped vehicle. This exception does not apply to any inbound vehicles, and does not apply to outbound vehicles if pedestrians are observed to walk in front of the stopped outbound vehicle.

- If vehicle queues or pedestrian conflicts occur, the Project Sponsor should employ abatement methods, as needed, to abate the queue and/or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or employee shuttles; parking demand management strategies such as time-of-day parking surcharges; and/or limiting hours of access to the project driveway during periods of peak pedestrian traffic. Any new abatement measures shall be reviewed and approved by the Planning Department.
- If the Planning Director, or his or her designee, suspects that vehicle queues or a pedestrian conflict are present, the Planning Department shall notify the property owner in writing. The facility owner/operator should hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant should submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not queues and/or a pedestrian conflict exists, and shall notify the garage owner/operator of the determination in writing.
- If the Planning Department determines that queues or a pedestrian conflict do exist, upon notification, the facility owner/operator should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that vehicle queues and/or a pedestrian conflict are still present or that the facility owner/operator has been unsuccessful at abating the identified vehicle queues or pedestrian conflicts, the hours of inbound and/or outbound access of the project driveway should be limited during peak hours. The hours and directionality of the access limitations shall be

determined by the Planning Department, and communicated to the facility owner/operator in writing. The facility owner/operator should be responsible for limiting the hours of project driveway access, as specified by the Planning Department.

**Improvement Measure I-WS-1: Wind Reduction on New Rooftop Terraces**

To reduce wind and improve usability on the 950–974 Market Street rooftop terraces, the Project Sponsor should provide wind screens or landscaping along the north and west perimeter of the new rooftop terraces. Suggestions include Planning Code-compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to solid surfaces.

## G. PUBLIC NOTICE AND COMMENT

### COMMENTS RECEIVED IN RESPONSE TO NOTIFICATION OF PROJECT RECEIVING ENVIRONMENTAL REVIEW

This ~~Preliminary~~ Mitigated Negative Declaration (PMND) supersedes the Preliminary MND (PMND) published on January 20, 2016. The January 20, 2016 PMND analyzed the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District and a project that would utilize the density and height bonuses offered by such districts. A "Notification of Project Receiving Environmental Review" was mailed on August 26, 2014, for the previous iteration of the project; the comments received regarding physical environmental effects that may still be relevant to the project, as described in the project description, are presented below.

The Planning Department has chosen not to seek approvals for the Mid-Market Arts and Arts Education Special Use and Special Height and Bulk District, and the Project Sponsor has submitted a revised project description that does not depend on such districts. Given that the project description changed substantially, this new PMND was prepared. A new "Notification of Project Receiving Environmental Review" for the updated project description was mailed on March 30, 2016, to community organizations, tenants of the affected property and adjacent properties, and owners of property within 300 feet of the project site. Comments received regarding physical environmental effects related to the proposed project are also presented below.

- Request for the evaluation of the buildings at 950–974 Market Street in light of new information provided in the recently adopted LGBTQ Historic Context Statement.
- Examination of project design and impacts from employee/delivery entrances and passenger loading/unloading on pedestrian traffic flow.
- Impacts on public transit, housing, childcare, etc., regarding Section 303(g) (Hotels and Motels).
- Request for information regarding the relationship between the proposed Central SOMA Area Plan and the proposed project.
- Request for specific information on how shadows will be cast and their effect on residences, parks, and open spaces in the area.
- Request for analysis of what effect the 950–974 Market Street Project would have on strong winds in the project area.

- Request for analysis of conflicts with passenger loading/unloading area and Market Street restrictions.
- Request for a supplemented cumulative projects list from the 1125 Market Street Project.

To the extent that these comments relate to the physical effects of the environment, they are addressed under Sections E.1, Land Use and Land Use Planning, E.3, Population and Housing, E.4 Cultural Resources, E.5, Transportation and Circulation, and E.9, Wind and Shadow.

## **H COMMENTS RECEIVED IN RESPONSE TO THE PMND**

During the Preliminary Mitigated Negative Declaration (PMND) appeal period, the Planning Department received three comment letters regarding the PMND from Tenderloin Neighborhood Development (July 26, 2016); Central City SRO Collaborative (July 16, 2016); and De Marillac Academy (July 26, 2016). Concerns related to physical environmental effects including construction impacts and aesthetics impacts. The PMND found that construction effects related to noise, air quality, cultural resources, paleontological resources, and hazardous materials would be less than significant or would be less than significant with mitigation measures that would be required of the proposed project. Construction impacts would be mitigated by Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan, Mitigation Measure M-CR-2: Archeological Testing, Mitigation Measure M-CR-3: Tribal Cultural Resources Interpretive Program, Mitigation Measure M-NO-2: Noise-Control Measures During Pile Driving, Mitigation Measure M-AO-2: Construction Air Quality, Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery, and Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement.

In regards to potential aesthetic impacts or impacts of the project on the character of the vicinity, pursuant to Public Resources Code 21099(d), aesthetic impacts are not to be considered significant CEQA impacts for mixed-use residential development projects on in-fill sites in a transit priority area. The proposed project meets these criteria, as discussed on page 32 of the MND.

Comments related to topics outside the scope of CEQA were also received. These comments concerned socioeconomic issues such as displacement of existing low-income residents and the rise in housing costs due to increased development of market-rate housing. Environmental analysis under CEQA is required to focus on the direct and indirect physical changes to the environment that could reasonably result from a proposed project. Economic or social effects of a project are not considered significant environmental impacts, unless they lead to physical changes in the environment (CEQA Guidelines 15131). Accordingly, the displacement issue addressed under CEQA refers specifically to the direct loss of housing units that would result from proposed demolition of existing housing and the foreseeable construction of replacement housing elsewhere. This is because demolition of existing housing has the potential to result in displacement of substantial numbers of people and would necessitate the construction of replacement housing elsewhere. This would in turn result in a number of direct and indirect physical changes to the environment associated with demolition and construction activities and new operational impacts. As discussed under the population and housing section of the MND, the project site does not contain any

existing residential units and the proposed project would not result in any direct displacement of low-income residents. The possibility that the proposed project would contribute to rising housing costs is speculative with regard to potential physical changes that would result, and therefore is not a physical environmental effect subject to analysis under CEQA.

Additional comments received questioned the community benefits package being provided as part of the project and design compatibility with the existing neighborhood. Those comments on the merits of the project that are not related to environmental analyses topics were considered by the Planning Commission in their review of approval actions for the proposed project.

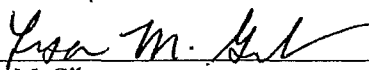
An appeal of the PMND was filed on July 26, 2016. On November 17, 2016 the San Francisco Planning Commission adopted the motion to uphold the PMND.



## HJ DETERMINATION

- ☐ 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.

Date 11/17/16

  
Lisa M. Gibson  
Acting Environmental Review Officer  
for  
John Rahaim  
Director of Planning

## **IJ INITIAL STUDY PREPARERS**

Planning Department, City and County of San Francisco

Environmental Planning Division

1650 Mission Street, Suite 400

San Francisco, CA 94103

Environmental Review Officer: Sarah B. Jones

Senior Environmental Planner: Joy Navarrete

Environmental Planner: Melinda Hue

Archeologist: Allison Vanderslice

Transportation and Air Quality: Wade Wietgreffe

## **GJ.1 INITIAL STUDY CONSULTANTS**

TRC

505 Sansome Street, Suite 1600

San Francisco, CA 94111

Project Advisor: Michael Rice

Project Director: Gretchen Taylor

Project Manager: Pete Choi

AECOM (Transportation)

2101 Webster Street, 19th Floor

Oakland, CA 94612

Anthony Mangonon

Page & Turnbull (Historic Architecture)

1000 Sansome Street

San Francisco, CA 94105

Christina Dikas

CADP (Shadow)  
34 Corte Madera Avenue  
Mill Valley, CA 94941  
Adam Noble

RWDI (Wind)  
650 Woodlawn Road West  
Guelph, Ontario, Canada  
Bill Smeaton

## **GJ.2 PROJECT SPONSOR**

Mid Market Center, LLC  
Group I  
500 Sansome Street, Suite 750  
San Francisco, CA 94111  
Project Manager: Michelle Lin

*Project Attorney*  
Farella Braun + Martel LLP  
235 Montgomery Street, 17th Floor  
San Francisco, CA 94104  
Steve Vettel

**GROUP i**

500 Sansome Street  
Suite 750  
San Francisco CA 94111

OFFICE  
415 394 7027

FAX  
415 394 6095  
www.groupi.com

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BOS-11, Land use  
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161066

December 15, 2016

Ms. Angela Calvillo, Clerk of the Board  
Hon. Supervisor Jane Kim  
Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: BOS File No. 161066: 950-974 Market Street and 180 Jones

Dear Ms. Calvillo and Supervisor Kim:

Group i is in receipt of the supplemental transmittal that was forwarded to you by AnMarie Rodgers of the Planning Department on December 9, 2016. That transmittal contained a comparative analysis of development costs, projected revenues and profit for the "base" project providing 31 on-site BMR units at 950-974 Market Street, and the project as enabled by the File No. 151066 ordinance introduced by Supervisor Kim with 68 off-site BMR units at 180 Jones Street. The Planning Department's analysis concludes the base project would yield a profit of \$14.7 million, while the off-site BMR project would yield a profit of \$17.1 million. We believe this analysis was based on figures derived from an analysis that Seifel Consulting conducted for Tenderloin Neighborhood Development Corporation. This is the report which led TNDC to be supportive of the off-site BMR option. Our comments below are based on additional information from the September 2016 report.

We respectfully disagree with the Planning Department's analysis. Our own pro forma analysis, as shown in Table 1 and Table 2 (on page 3), concludes that the base project would yield a profit of \$3.5 million, while the off-site BMR project would yield a profit of \$2.4 million. The Ordinance enabled project costs \$1,079,418 more than the project without ordinance. The reasons for this difference are explained below.

1) The Planning Department used the highest end of the price appreciation range indicated by Seifel Consulting, shown in the table to the right that reflects an average market rate price of \$1,438 per square foot. Seifel states this is a 10% increase from current levels, which reflects a 4% annual growth rate through Q1/Q2 2019. This is a very aggressive scenario, and we do not believe this growth rate and condo pricing is likely to be achievable due to several factors.

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Seifel Consulting analysis commissioned by TNDC and completed in September 2016

950-974 Market Street Summary Comparison of Results	A	B	C	D	E	F
	2016 Unit Pricing and Parking Price at MOHCD Parking Cost of \$40,000/Space	2016 Unit Pricing and Market Pricing for Parking	No Increase in Market Pricing, 2019 Estimated Affordable Sales Price and Market Pricing for	Pro Forma Future Unit Pricing, 2019 Estimated Affordable Sales Price and Market Pricing for	Higher Future Unit Pricing, Estimated Affordable Sales Price and Market Pricing for Parking	Sensitivity Test
Pricing Year:	(2016\$)	(2016\$)	(2019\$)	(2019\$)	(2019\$)	TBD
<b>Sensitivity Analysis Assumptions</b>						
Residential Market Sales Prices	100%	100%	100%	106%	110%	110%
Average Market Rate Price/SF	\$1,307	\$1,307	\$1,307	\$1,386	\$1,438	\$1,438
Parking Market Sales Prices	100%	100%	250%	250%	250%	250%
Price Per Space	\$40,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Scenario 1: Onsite Inclusionary Housing	\$171,118,818	\$175,257,918	\$175,991,310	\$185,610,564	\$192,023,399	\$192,023,399
Scenario 2: All Market Rate Development	\$186,346,988	\$190,486,088	\$190,486,088	\$201,501,343	\$208,844,847	\$208,844,847
Difference	\$15,228,170	\$15,228,170	\$14,494,778	\$15,890,780	\$16,821,448	\$16,821,448
Potential Discount to 2016 \$ at:	7%					
2019	N/A	N/A	\$14,494,778	\$15,890,780	\$16,821,448	\$16,821,448
2018	N/A	N/A	\$13,546,521	\$14,851,196	\$15,720,979	\$15,720,979
2017	N/A	N/A	\$12,660,300	\$13,879,622	\$14,692,504	\$14,692,504
2016	\$15,228,170	\$15,228,170	\$11,832,056	\$12,971,610	\$13,731,312	\$13,731,312

Recent market reports indicate that condo pricing for new construction has stabilized in San Francisco and projects 0% growth to a slight decline on a year-to-year basis. The Federal Reserve raised interest rates by 25 basis points on December 14, 2016, and signaled a steeper path for borrowing costs in 2017. Higher home mortgage interest rates are expected to dampen demand for home purchases, likely resulting in lower pricing for both market-rate and BMR condo products. Furthermore, studies have shown rising interest rates disproportionately impact overheated housing markets such as San Francisco<sup>1</sup>. We conclude that the probable annual condo price growth rate ranges from 0.50% to 2% at best. The project's profit, with and without the ordinance, based on this range of condo price growth rate is shown in Table 3. Our development cost analysis in Table 1 and Table 2 is based on the 1.2% annual growth rate (middle of the probable range) that yields an average market rate price of \$1,347 per square foot.

2) The value of the delayed Section 415 In-Lieu Fee Payment is overstated by the Planning Department's analysis dated December 9, 2016, as it fails to account for the \$4,136,397 land acquisition cost for 180 Jones that has already been paid by the developer, in good-faith, well in advance of the required in-lieu fee due date. The pre-paid amount represents 27.6% of the in-lieu fee. The estimated benefit for deferral of the remaining payments should be reduced to \$580,000 (\$800,000 x 72.4%).

3) The Planning Department's analysis also fails to account for costs to finance the additional \$17 million expenditures incurred under the Ordinance enabled project (\$15 million in-lieu fee + \$2 million gift). Based on current construction loan interest rates of 7.96% and loan fees of 1.5%, we estimate additional financing costs of approximately \$1.6 million in construction loan interest and loan fees resulting from the Ordinance enabled project.

Section 415 In-Lieu Fee	15,002,196
Gift to the City	2,000,000
Additional Project Cost	\$17,002,196
Additional Construction Loan at 70% loan-to-cost	11,901,537
Annual Construction interest @ (1)	7.960%
Additional construction loan interest (2)	\$1,421,044
Add: Construction loan fees @ 1.5%	178,523
<b>Additional project cost to finance \$17 million expenditure</b>	<b>\$1,600,000</b>

(1) Assumed at Libor +650 to Libor+750. Libor rate is 0.96% as of 12/15/16

(2) Assumed 36-month of construction loan outstanding and 50% duration

<sup>1</sup> <http://www.cnbc.com/2015/09/11/if-mortgage-rates-go-to-6-heres-what-happens-to-housing.html>

## GROUP I

Based on the aforementioned three factors, our pro forma analysis concludes that the base project would yield a profit of \$3.5 million (Table 1), while the off-site BMR project would yield a profit of \$2.4 million (Table 2). Ordinance enabled project costs \$1,079,418 more than the project without ordinance.

Equivalent Annual Condo Price Growth	1.2%
Residential Market Sales Prices	103%
Average Market Rate Price/SF	\$1,347

Table 1: PROJECT WITHOUT PROPOSED ORDINANCE	
31 On-Site BMR Units	
PROJECT COSTS	Construction & Soft Costs (175,138,000)
	Non-Potable Water System Cost (1,750,000)
	Section 415 In-Lieu Fee -
	TDR Payment -
	Jobs Housing Linkage Fee (400,000)
	Total Cost (177,288,000)
PROJECT REVENUES	Projected BMR Unit Revenue (2019\$) 10,282,461
	Sales Costs for BMR Units (565,535)
	Projected Market-Rate Unit Revenue (2019\$) 181,041,282
	Sales Costs for Market-Rate Units (9,957,271)
	Total Revenue 180,800,937
	Surplus/(Loss) 3,512,937

Table 2: PROJECT WITH ORDINANCE	
68 BMR Units at 180 Jones	
PROJECT COSTS	Construction & Soft Costs (175,138,000)
	Non-Potable Water System Cost (1,750,000)
	Section 415 In-Lieu Fee (15,002,196)
	TDR Payment (700,000)
	Jobs Housing Linkage Fee * (400,000)
	Additional Construction Loan Cost (1,600,000)
	Total Cost (194,590,196)
ORDINANCE CREDITS AND DEBITS	Non-Potable Water System Cost 1,750,000
	TDR Payment 700,000
	Value of Delayed 415 In-Lieu Fee Payment 580,000
	Gift to City (2,000,000)
	Total Credit/(Debit) 1,030,000
	Costs Less Credits (193,560,196)
PROJECT REVENUES	Projected Market-Rate Unit Revenue (2019\$) 207,400,757
	Sales Costs for Market-Rate Units (11,407,042)
	Total Revenue 195,993,716
	Surplus/(Loss) 2,433,520

\* JHLF is incorrectly estimated at \$1.8M in the current Ordinance and had subsequently been confirmed by Planning Department to be approximately \$400k

## GROUP i

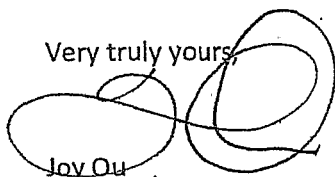
Finally, we also like to point out that Non-Potable Water System Cost should not be part of the base project equation. The reason is that if it weren't for the delay due to a façade redesign ordered by Planning staff, the 950-974 Market Project would have met the October 31, 2016 deadline to be exempted from the Non-Potable Water System. See below for timeline:

- We originally had a planning commission hearing scheduled for August 11, 2016. We submitted the site permit in February 2016 and paid for the expedited review fee so that the site permit can be ready for issuance before 10/31/16.
- On June 24<sup>th</sup>, Planning informed Group i of their desire for a drastic change in the proposed façade design. As such, Group i worked with Planning on multiple rounds of façade design with the goal of August 11 planning commission hearing date.
- On July 19<sup>th</sup>, staff informed Group i that the hearing was to be rescheduled from August 11 to October 13 as the revised façade was not satisfactory.
- After multiple meetings throughout the month of August and most of September, staff informed Group i on September 20<sup>th</sup> that planning commission hearing date was rescheduled from October 13 to October 27, 2016.
- On October 4<sup>th</sup>, Supervisor Kim introduced the project ordinance.
- On October 5<sup>th</sup>, staff informed Group i that the October 27 planning commission hearing date was rescheduled to November 3, 2016.
- On October 27<sup>th</sup>, staff informed Group i of a noticing error by the staff, and hence the planning commission hearing date was again delayed to November 17<sup>th</sup>.
- At the November 17<sup>th</sup> hearing, the Planning Commission directed the Planning staff to approve the façade design Group i had proposed back in June 2016 in anticipation of the August 11<sup>th</sup> hearing.

As such, due to these continued delays beyond the control of Group i, the 950-974 Market project was not able to meet the October 31<sup>st</sup> exemption date for the Non-Potable Water System.

Thank you for reviewing this corrected analysis in your consideration of the 180 Jones off-site ordinance.

Very truly yours,



Joy Ou

President, Group i

Project Sponsor for 950-974 Market Street

cc: Deputy City Attorneys Andrea Ruiz-Esquide and Jon Giyner  
Alisa Somera, Office of the Clerk of the Board  
AnMarie Rodgers, Planning Department  
Kate Hartley, Mayor's Office of Housing and Community Development

GROUP I

Table 3: Development Cost Analysis

		0.0%	0.4%	0.8%	1.2%	1.6%	2.0%	3.9%
Equivalent Annual Condo Price Growth								
Residential Market Sales Prices		100%	101%	102%	103%	104%	105%	110%
Average Market Rate Price/SF		\$1,307	\$1,320	\$1,334	\$1,347	\$1,360	\$1,373	\$1,438
<b>TABLE 3-1 PROJECT WITHOUT PROPOSED ORDINANCE</b>								
<b>310n-Site BMR Units</b>								
PROJECT COSTS	Construction & Soft Costs	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)
	Non-Potable Water System Cost	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)
	Section 415 In-Lieu Fee	-	-	-	-	-	-	-
	TDR Payment	-	-	-	-	-	-	-
	Jobs Housing Linkage Fee	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)
	Total Cost	(177,288,000)	(177,288,000)	(177,288,000)	(177,288,000)	(177,288,000)	(177,288,000)	(177,288,000)
PROJECT REVENUES	Projected BMR Unit Revenue (2019\$)	10,282,461	10,282,461	10,282,461	10,282,461	10,282,461	10,282,461	10,282,461
	Sales Costs for BMR Units	(565,535)	(565,535)	(565,535)	(565,535)	(565,535)	(565,535)	(565,535)
	Projected Market-Rate Unit Revenue (2019\$)	175,951,730	177,648,247	179,344,765	181,041,282	182,737,799	184,434,317	192,916,903
	Sales Costs for Market-Rate Units	(9,677,345)	(9,770,654)	(9,863,962)	(9,957,271)	(10,050,579)	(10,143,887)	(10,610,430)
	Total Revenue	175,991,311	177,594,520	179,197,729	180,800,937	182,404,146	184,007,355	192,023,399
	Surplus / (Loss)	(1,296,689)	(306,520)	(1,909,729)	(3,512,937)	(5,116,146)	(6,719,355)	(14,735,399)
<b>TABLE 3-2 PROJECT WITH ORDINANCE</b>								
<b>68 BMR Units &amp; 180 Units</b>								
PROJECT COSTS	Construction & Soft Costs	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)
	Non-Potable Water System Cost	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)
	Section 415 In-Lieu Fee	(15,002,196)	(15,002,196)	(15,002,196)	(15,002,196)	(15,002,196)	(15,002,196)	(15,002,196)
	TDR Payment	(700,000)	(700,000)	(700,000)	(700,000)	(700,000)	(700,000)	(700,000)
	Jobs Housing Linkage Fee *	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)
	Additional Construction Loan Cost	(1,600,000)	(1,600,000)	(1,600,000)	(1,600,000)	(1,600,000)	(1,600,000)	(1,600,000)
	Total Cost	(194,590,196)	(194,590,196)	(194,590,196)	(194,590,196)	(194,590,196)	(194,590,196)	(194,590,196)
ORDINANCE CREDITS AND DEBITS	Non-Potable Water System Cost	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000
	TDR Payment	700,000	700,000	700,000	700,000	700,000	700,000	700,000
	Value of Delayed 415 In-Lieu Fee Payment	580,000	580,000	580,000	580,000	580,000	580,000	580,000
	Gift to City	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
	Total Credit / (Debit)	1,030,000	1,030,000	1,030,000	1,030,000	1,030,000	1,030,000	1,030,000
	Costs Less Credits	(193,560,196)	(193,560,196)	(193,560,196)	(193,560,196)	(193,560,196)	(193,560,196)	(193,560,196)
PROJECT REVENUES	Projected Market-Rate Unit Revenue (2019\$)	201,572,580	203,515,306	205,458,032	207,400,757	209,343,483	211,286,209	220,999,838
	Sales Costs for Market-Rate Units	(11,086,492)	(11,193,342)	(11,300,192)	(11,407,042)	(11,513,892)	(11,620,741)	(12,154,991)
	Total Revenue	190,486,088	192,321,964	194,157,840	195,993,715	197,829,592	199,665,468	208,844,847
	Surplus / (Loss)	(3,074,108)	(1,238,232)	(59,644)	(2,433,520)	(4,269,396)	(6,105,272)	(15,284,651)
Surplus / (Loss) Difference; "With Ordinance" less "Without Ordinance"		(1,777,419)	(1,544,752)	(1,312,085)	(1,079,418)	(846,751)	(614,084)	549,252

\* JHLF is incorrectly estimated at \$1.8M in the current Ordinance and had subsequently been confirmed by Planning Department to be approximately \$400k



BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing and Community Development

FROM: *ll for* Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee

DATE: October 13, 2016

SUBJECT: LEGISLATION INTRODUCED

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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. 161066**

Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., and the alternative water supply requirements set forth in Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street, in exchange for either (1) the dedication of real property at 180 Jones Street to the Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12,800,000 to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2,000,000 gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this Ordinance; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code, Section 302; 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](mailto: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

BOARD of SUPERVISORS



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San Francisco 94102-4689  
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TDD/TTY No. 554-5227

October 13, 2016

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

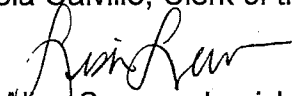
On October 4, 2016, Supervisor Kim introduced the following legislation:

**File No. 161066**

**Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., and the alternative water supply requirements set forth in Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street, in exchange for either (1) the dedication of real property at 180 Jones Street to the Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12,800,000 to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2,000,000 gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this Ordinance; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code, Section 302; 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: Aisa 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

BOARD of SUPERVISORS



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San Francisco 94102-4689  
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TDD/TTY No. 554-5227

October 13, 2016

File No. 161066

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. 161066**

**Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., and the alternative water supply requirements set forth in Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street, in exchange for either (1) the dedication of real property at 180 Jones Street to the Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12,800,000 to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2,000,000 gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this Ordinance; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code, Section 302; 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

A handwritten signature in black ink, appearing to read "Alisa Somera", is written over the printed name.

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

Attachment

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

10/4/16 @ 6:30pm

CA

Time stamp  
or meeting date

# 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. [MAY 17]
- ☐ 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):**


Supervisor Jane Kim

**Subject:**

Planning Code - Waiving Jobs-Housing Linkage Fee, Inclusionary Housing Requirements and Alternative Water Supply Requirements, Exempting Certain Floor Area from the Calculation of Gross Floor Area and Transferable Development Rights Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing the 180 Jones Street Affordable Housing Fund, Accepting a Gift, and authorizing Payment to Such Fund for the Project Located at 950-974 Market Street

**The text is listed below or attached:**

See attached.

Signature of Sponsoring Supervisor: **For Clerk's Use Only:**

