SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Certificate of Determination
Exemption from Environmental Review

Case No.:	**2013.1238E**
Project Title:	**1238 Sutter Street**
Zoning:	RC-4 (Residential-Commercial, High Density) Use District Van Ness Automotive Special Use District 130-V Height and Bulk District
Block/Lot:	0670/011
Lot Size:	4,826 square feet
Project Sponsor:	Juancho C. Isidoro Jr., D-Scheme Studio (415) 252-0888
Staff Contact:	Laura Lynch – (415) 575-9045 Laura.lynch@sfgov.org

PROJECT DESCRIPTION:

The project site is located midblock on a regularly shaped through-lot with frontages on Sutter and Fern Streets. The project site is on a block bounded by Fern Street to the north, Sutter Street to the south, Polk Street to the east and Van Ness Avenue to the west, within the Downtown/Civic Center neighborhood. The proposed project would preserve the façade fronting Sutter Street of the existing building and construct a nine-story, 86-foot-tall, 43,943 square-foot (sf) residential and commercial building.

EXEMPT STATUS:

Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332)

REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

Sarah B. Jones
Environmental Review Officer

April 20, 2015
Date

cc: **Juancho C. Isidoro Jr.**, Project Sponsor
Sara Vellve, Current Planner
Gretchen Hilyard, Preservation Planner
Historic Preservation Distribution
Virna Byrd, M.D.F.
Supervisor **David Chiu**, District 3

PROJECT DESCRIPTION (continued):

The project site (block 0670/lot 011) currently contains a one-story, 4,380 sf commercial building built in 1932. The project site has frontages on both Fern and Sutter Streets. Sutter Street consists of a number of mixed-use residential and commercial uses including restaurants and neighborhood and regional retail services. In addition, the project is adjacent to the historic American Pacific Enterprises building located at 1244 Sutter Street. Fern Street is an alley running from Van Ness Avenue to Polk Street that contains on-street parking and access to the existing commercial use.

The proposed mixed-use building would provide up to 37 residential units (33,943 sf) and two retail spaces (4,250 sf). One two-story retail space would front Sutter Street and a smaller ground-floor retail space would front Fern Street. The proposed project would also propose sidewalk improvements along the Fern Street frontage including sidewalk widening and new planters. The building would include a mix of studios and one-to-two-bedroom units. The project would involve approximately 537 cubic yards of soil disturbance. The proposed building would include 51 Class I bicycle parking spaces located at the ground floor and accessible from Fern Street. Two Class II bicycle parking spaces would be added on the Sutter Street sidewalk. No on-site vehicle parking would be provided.

Project Approvals

The proposed project would require the following approvals:

- **Conditional Use Authorization** (*Planning Commission*). The proposed project would require a conditional use authorization pursuant to Planning Code Section 253.2(a) for proposing a building with a height exceeding 50 feet.
- **Variance** (*Zoning Administrator*). The proposed project would require a variance from Planning Code Sections 134 – Rear Yard and 145.1 – Street Frontage and Active Uses,
- **Site Permit** (*Department of Building Inspection)* (DBI). The proposed project would require approval from DBI for a site permit.
- **Demolition Permit** (*Department of Building Inspection)* (DBI). The proposed project would require approval from DBI for a demolition permit.
- **Encroachment Permit** (*Department of Public Works)* (DPW). The proposed project would require approval from DPW for the Class II bicycle parking, street trees and the proposed sidewalk widening along Fern Street.

Approval Action: The proposed project is subject to notification under Section 306.3 of the Planning Code. The Planning Commission Hearing associated with the Conditional Use Application would constitute the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

REMARKS:

California Environmental Quality Act (CEQA) State Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects which meet the following conditions:

a) *The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.*

The *San Francisco General Plan,* which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The proposed project would not conflict with any such policy. The project site is located within the Residential-Commercial, High Density (RC-4) Use District and 130-V Height and Bulk district in the Downtown/Civic Center neighborhood of San Francisco. The proposed project would introduce new retail and residential uses to the site; these uses are principally permitted within the designated RC-4 use district. The project would require Conditional Use Authorization pursuant to Planning Code Section 253.2(a) for proposing a building with a height exceeding 50 feet. The proposed project would require variances from Planning Code Sections 134 – Rear Yard and 145.1 - Street Frontage and Active Uses. Section 305 of the Planning Code allows for certain projects to receive variances from the strict application of quantitative standards of the Planning Code. The granting of these variances and the conditional use authorizations would be determined by the Planning Commission and the Zoning Administrator; approval of these variances and conditional uses would be consistent with all applicable zoning and general plan policies. Thus, the proposed project is consistent with all *General Plan* policies and designations and the applicable zoning designation.

b) *The development occurs within city limits on a site of less than five acres surrounded by urban uses.*

The 0.11-acre (4,826 sf) project site is located within a fully developed area of San Francisco. The surrounding uses are primarily commercial and residential. Therefore, the proposed project would be properly characterized as in-fill development of less than five acres, completely surrounded by urban uses.

c) *The project site has no habitat for endangered, rare or threatened species.*

The project site is located within a fully developed urban area, occupied by an existing commercial building, with no landscaping. No contiguous and substantial habitat for any rare or endangered plant or animal species is located near or on the project site or within the project site vicinity.

d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Traffic. The project site is located on the north side of Sutter Street, on the block bounded by Fern Street to the north, Polk Street to the east and Van Ness Avenue to the west, within the Downtown/Civic Center

neighborhood. As set forth in the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review* (Transportation Guidelines), the Planning Department evaluates traffic conditions for the weekday PM peak period to determine the significance of an adverse environmental impact. Weekday PM peak hour conditions (between the hours of 4 PM to 6 PM) typically represent the worst-case conditions for the local transportation network. Using the Transportation Guidelines, the proposed project at 1238 Sutter Street would generate an estimated 318 average daily person-trips. Of the 318 average daily person-trips generated by the proposed project, there would be approximately 55 PM peak hour person-trips. These PM peak hour person-trips would be distributed among various modes of transportation, including 10 automobile trips, 12 transit trips, 30 walking trips, and three trips by other means, which includes bicycles and motorcycles.[1]

The minimal increase in daily automobile person-trips generated by the proposed project would not substantially contribute to traffic delays at local intersections. Traffic impacts associated with the proposed project during the PM peak hour would not be a substantial increase relative to the existing capacity of the surrounding street system. Therefore, the proposed project would not cause an increase in traffic that could not be accommodated by the existing infrastructure capacity, and thus would not result in significant adverse traffic-related impacts.

Transit. The project site is located in an area well-served by transit. Specifically, the project site is within one-quarter mile of transit stops for Muni routes 1-California, 2-Clement, 3-Jackson, 19-Polk, 27-Bryant, 38-Geary, 38L-Geary Limited, 47- Van Ness, 49 Mission/Van Ness and 76X-Marin Headlands Express. In addition, Golden Gate Transit lines 10, 54, 70, 80, 93, 101 and 101X are within one-quarter mile from the project site. The existing commercial use generates approximately 10 daily PM peak hour transit trips and the proposed project would generate 11 additional PM peak hour transit trips. The proposed project's transit trips would be accommodated by the existing transit network. In addition, the proposed project does not include any off-street vehicular parking and the existing curb cut would be removed; thus, there would be no vehicular conflict with existing transit lines.

Pedestrian. The proposed project would not provide any vehicular access to the proposed project, in addition the existing 10 foot curb cut on Fern Street would be removed and additional streetscape improvements would occur. The existing commercial use produces approximately 21 PM peak hour pedestrian trips, and the proposed project would add approximately 29 PM peak hour pedestrian trips. The minimal increase of 29 PM peak hour pedestrian trips generated by the proposed project would not substantially overcrowd sidewalks in the project vicinity or otherwise interfere with pedestrian accessibility to the site and adjoining areas. Therefore, as a result of the proposed project, pedestrian-related impacts would be less than significant.

Bicycle. Three bicycle routes (#16, #25, and #310) are within a half-mile of the project site. Bicycle Route #16 is located along Sutter Street. The proposed project would comply with *Planning Code* Section 155.2.11 by providing 51 new Class I and two Class II bicycle spaces. The minimal increase in bicycle trips would be accommodated by the existing bicycle network. The project would not add any new curb cuts to streets

[1] Mode split data for the uses were obtained from the Guidelines for Census Tract 120 and for Superdistrict 1, where the project site is located. Please note that these numbers have been rounded to the nearest whole number.

containing an existing bicycle network and would not create potentially hazardous conditions for bicyclists. Therefore, as a result of the proposed project, bicycle impacts would be less than significant.

Loading. The proposed project would not add or eliminate loading zones. *Planning Code* Section 152 would not require any off-street freight loading zones for the proposed project. Based on the Planning Department's Guidelines for residential and commercial use trip rates, the proposed project would have a daily loading demand of 0.07 trucks per hour, and 0.09 trucks during the hours of 10am to 1pm. Given the low loading demand for the proposed project, on-street loading would occur at Fern Street where the traffic volume is less than Sutter Street. Therefore, loading impacts would be less than significant.

Emergency Access. Existing streets or access to public use areas would not be impaired as a result of the proposed project. Therefore, the proposed project would not result in a significant impact related to emergency vehicle access.

Construction Traffic. Construction would last approximately 16 months (64 weeks), assuming work would occur five days per week. Construction impacts would be predominantly limited to the project site, and would be temporary and limited in duration. Construction-related traffic impacts would be less than significant as a result of the proposed project.

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." 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; and

c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria and thus, this determination does not consider the adequacy of parking in determining the significance of project impacts under CEQA.[2] The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this determination presents a parking demand analysis for informational purposes.

Per the requirements of Section 151.1 of the *Planning Code,* nine off-street parking spaces are required. The Transportation Guidelines determined that parking demand for the proposed project would be 46 off-street spaces. The proposed project would not provide any off street vehicle parking and would instead provide bicycle parking. Therefore, the proposed project would have an unmet parking demand of 46 off-street parking spaces. Regardless, the proposed project would not result in a substantial parking deficit

[2] Transit-Oriented Infill Project Eligibility Checklist for 1238 Sutter Street, March 7, 2014. This document is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.1238E.

that would create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians; at this location, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces within a reasonable distance of the project vicinity. Additionally, the project site is well served by public transit and bicycle facilities. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians are created.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. 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. While parking conditions change over time, a substantial deficit in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a deficit in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial deficit in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts cause by congestion), depending on the project and its setting. 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 the City's "Transit First" policy and numerous San Francisco General Plan Polices, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The 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, noise and pedestrian safety analyses, would reasonably address potential secondary effects.

If the project were ultimately approved with no off-street parking spaces, the proposed project would have an unmet demand of 46 spaces. As mentioned above, the unmet parking demand of 46 spaces could be accommodated by existing on-street and off-street parking facilities. Given that the unmet demand could be met by existing facilities and that the proposed project site is well-served by transit and bicycle

facilities, the reduction in off-street parking spaces resulting from the proposed project would not result in significant delays or hazardous conditions.

In summary, the proposed project would not result in a substantial parking deficit such that it would create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians. Therefore, parking impacts would not be significant.

Noise. Ambient noise levels in the vicinity of the project site are typical of neighborhoods in San Francisco, which are dominated by vehicular traffic, including Muni vehicles, trucks, cars, emergency vehicles, and by land use activities, such as commercial businesses or street maintenance. Noises generated by residential uses are common and generally accepted in urban areas. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people (3 decibel [dB] increase).[3] The proposed project would not double traffic volumes because the proposed residential buildings would generate a total of 10 average daily PM peak hour vehicle trips near the Van Ness Avenue/Sutter Street intersection, which according to the California Pacific Medical Center Long Range Development Plan EIR has a PM peak hour volume of 1,444 automobiles. Given the project's relatively small contribution to the traffic volume of a nearby high-traffic volume roadway, the project would not result in increased noise levels related to project-generated traffic. In addition, the proposed project's rooftop operational equipment includes noise attenuation features that would ensure compliance with the *San Francisco Noise Ordinance*. Therefore, the proposed project would result in less-than-significant noise impacts related to a substantial permanent increase in ambient noise levels in the project vicinity.

A noise analysis was prepared for the proposed project by a firm qualified in acoustical analysis, and the results are summarized below.[4] In the vicinity of the project site existing vehicular traffic is the main source of environmental noise.[5] To determine the existing noise exposure levels impacting the site, noise surveys were conducted between January 18th and January 28th, 2014. These measurements were placed along both Sutter and Fern Street. The measured noise level at the Sutter Street façade is approximately 75 dBA L_{dn} and 72 dBA L_{dn} at the Fern Street facade.

The noise analysis provides design recommendations to achieve interior habitable spaces to not exceed 45 dBA from exterior noise sources. These recommendations include, but are not limited to, using sound-rated full window assemblies (windows and frames) at the exterior building façade and using concrete shear walls or heavy gauge metal studs along the property line walls. Since windows and doors must be closed to achieve the interior noise level criteria of 45 dBA, an alternate means of providing air to habitable spaces (e.g., heating, ventilation and air conditioning [HVAC] with fresh-air intake, etc.) would

[3] A decibel is a unit of measurement describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

[4] Walsh Norris Associates, Inc., *Exterior Noise Evaluation, 1238 Sutter Street*, San Francisco, California, February 3, 2014. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File 2013.1238E.

be required for the proposed project. The proposed project would be subject to noise requirements in Title 24 of the *California Code of Regulations*. For the reasons above, the proposed project would not expose sensitive receptors to significant noise levels.

Construction Noise. During project construction, all diesel and gasoline-powered engines would be equipped with noise-arresting mufflers. Delivery truck trips and construction equipment would generate noise that may be considered an annoyance by occupants of nearby properties. Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the City Police Code). Section 2907 of the Police Code requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (such as jackhammers and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Police Code prohibits construction work between 8:00 p.m. and 7:00 a.m. if the construction noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of Public Works. Construction noise impacts related to the project would be temporary and intermittent in nature. Considering the above, the proposed project would not result in a significant impact with respect to noise.

As discussed above, the proposed project would not result in significant noise impacts related to generating excessive noise levels or exposing noise-sensitive receptors to excessive interior noise levels.

Air Quality. In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO_2), sulfur dioxide (SO_2) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine if projects would 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 San Francisco Bay Area Air Basin. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project would not exceed criteria air pollutant screening levels for operation or construction.[6]

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. In response to growing concerns of TACs and their human health effects, the San Francisco Board of Supervisors approved 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

[6] Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014)(Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

The proposed project is not within an Air Pollutant Exposure Zone. Therefore, the proposed project would not result in a significant impact with respect to siting new sensitive receptors in areas with substantial levels of air pollution. The proposed project would require construction activities for the approximate 16-week construction phase. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes,[8] which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction period TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

In conclusion, the proposed project would not result in significant air quality impacts.

Water Quality. The proposed project would not involve 5,000 square feet or more of the ground surface disturbance; thus the project would not require a Stormwater Control Plan. The project would not generate wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply.

The project site is completely covered with impervious surfaces and natural groundwater flow would continue under and around the site. Construction of the proposed project would not increase impervious surface coverage on the site nor reduce infiltration and groundwater recharge. Project-related wastewater and stormwater would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. Therefore, the proposed project would not substantially alter existing groundwater quality or surface flow conditions, and would not result in significant water quality impacts.

e) The site can be adequately served by all required utilities and public services.

The project site is located in a dense urban area where all public services and utilities are available. The proposed project would be connected with the City's water, electric, and wastewater services. Prior to receiving a building permit, the project would be reviewed by the City to ensure compliance with City and State fire and building code regulations concerning building standards and fire protection. The

[8] California Code of Regulations, Title 13, Division 3, § 2485. This regulation applies to on-road heavy duty vehicles and not off-road equipment.

proposed project would not result in a substantial increase in intensity of use or demand for utilities or public services that would necessitate any expansion of public utilities or public service facilities.

Other Environmental Concerns

Historic Architectural Resources. In evaluating whether the proposed project would be exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department must first determine whether the building at 1238 Sutter Street is a historical resource as defined by CEQA. A property may be considered a historic resource if it meets any of the California Register of Historical Resources criteria related to (1) Events, (2) Persons, (3) Architecture, or (4) Information Potential or if it is within an eligible historic district.

According the Planning Department files, the subject property at 1238 Sutter Street was previously identified as a contributory building in the Van Ness Area Plan in 1995. The project site was constructed in 1932, by P.F. Reilly and John Grace. The Planning Department preservation staff has re-evaluated the project based on a consultant prepared Historic Resource Evaluation (HRE)[9]. The HRE concluded that the subject property is not eligible for listing in the California Register under any criteria. No known historic events occurred at the property (Criteria 1), none of the owners or occupants have been identified as important to history (Criteria 2), and the building is not architecturally distinct (Criterion 3) such that it would qualify for listing in the California Register. In addition although the adjacent property at 1244 Sutter Street is a known historic resource, the surrounding block exhibits a variety of architectural styles, periods and building types and is not representative of a potential or eligible historic district. The Planning Department's preservation staff concurs with the HRE that the subject building has been significantly altered from its original appearance and therefore the proposed project would not cause a significant adverse impact upon historic resources as defined by CEQA.

Shadow. Section 295 of the *Planning Code* was adopted in response to Proposition K (passed November 1984). Planning Code Section 295 mandates that new structures above 40 feet in height that would cast additional shadows on properties under the jurisdiction of, or designated to be acquired by, the Recreation and Parks Department (RPD) can only be approved by the Planning Commission (based on recommendation from the Recreation and Park Commission) if the shadow is determined to be insignificant or not adverse to the use of the park. The proposed project would include the construction of an 86-foot-tall residential/commercial building. Therefore, a preliminary shadow fan analysis for the proposed project was prepared in compliance with Section 295 of the Planning Code. [10] The preliminary shadow fan analysis found that no parks would receive new shadow as a result of the proposed project.

The proposed 86-foot-tall residential/commercial building would potentially result in increased shadows on the adjacent properties and their open spaces. However, reduction in the amount of lighting into a

[9] 1238 Sutter Street Historical Resource Report, Left Coast Architectural History, March 21, 2014. This document is available for review as part of the case number 2013.1238E at the San Francisco Planning Department, Suite 400, 1650 Mission Street, San Francisco, CA.

[10] Christine Lamorena, Current Planner, *Preliminary Shadow Fan Analysis for 1238 Sutter Street*, San Francisco, California, October 18, 2013. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File 2013.1238E.

private parcel resulting from development on an adjacent parcel would not be considered a significant physical environment impact under CEQA. The proposed building would also shade portions of nearby streets and sidewalks at times within the project vicinity. These new shadows would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA.

Wind. Section 148 of the San Francisco Planning Code establishes wind criteria to determine impacts for the purposes of environmental review in C-3 districts, which the proposed project at 1238 Sutter Street is not located. Nonetheless, Section 148 can be applied to assess wind impacts resulting for the proposed 86-foot-tall residential/commercial building. Section 148 identifies comfort levels of 7 mph equivalent wind speed for public seating areas, and 11 mph equivalent wind speed for areas of substantial pedestrian use. These comfort levels are not to be exceeded more than ten percent of the time between the hours of 7:00 am and 6:00 pm. In addition Section 148 establishes a hazard criterion, which is a 26 mph equivalent wind speed for a single full hour of the year.

Due to the proposed building height of 86 feet, a wind assessment was prepared for the proposed project analyzing potential wind impacts and compliance with Section 148 of the San Francisco Planning Code.[11] The wind analysis concluded that compliance with Section 148, wind criteria can only be ascertained through wind tunnel testing. Previous wind tunnel tests conducted on other nearby proposed developments provide information on whether the comfort or hazard criteria are met in the project vicinity. Wind tunnel tests conducted for the 1285 Sutter Street project, west and across Sutter Street from the project site, provide information about existing winds near the 1238 Sutter project site. The 1285 Sutter wind tests included sidewalk measurement points directly in front of the 1238 Sutter project site on both sides of Sutter Street. Winds at the locations directly in front of 1238 Sutter Street were found to be in compliance with the Section 148 comfort and hazard criteria both before and after construction of the 1285 Sutter Street development. That project's design was found to not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the site.

The wind assessment concludes that the project's exposure to prevailing winds is limited by the shelter from existing buildings and its small dimensions. In addition, based on the exposure, massing and orientation of the proposed project, there is no potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the site. Thus, Section 148 wind criteria are currently met at the project site and the project should not cause the criteria to be exceeded.

Hazardous Materials. The proposed project would develop a property that is currently used as a paint store and historically used as a lighting warehouse. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I determines the potential for site contamination and level of exposure risk associated with the project. The project sponsor has provided a

[11] Donald Ballanti, Consulting Meteorologist. *Wind and Comfort Analysis of the Proposed 1238 Sutter Street Project, San Francisco, California,* February 7, 2014. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File 2013.1238E.

Phase 1[12] noting that the project can be classified as having a "Low Environmental Risk" and "Low Cleanup Risk" but may require asbestos sampling prior to demolition. In addition, based on DPH's review of the Phase 1, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to DPH or other appropriate state or federal agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to issuance of any building permit. The project applicant has submitted a Maher Application to DPH and would be required to remediate potential soil and/or groundwater contamination in accordance with Article 22A of the Health Code. Thus, the proposed project would not result in a significant hazard to the public or the environment through the release of hazardous materials.

PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on April 9, 2014 to owners of properties within 300 feet of the project site and to adjacent occupants.

The Planning Department received one comment in response to the notice. There were no concerns raised in the public comment regarding the environmental review of this project. No significant, adverse environmental impacts from issues of concern have been identified. Comments that do not pertain to physical environmental issues and comments on the merits of the proposed project will be considered in the context of project approval or disapproval, independent of the environmental review process. While local concerns or other planning considerations may be grounds for modifying or denying the proposal, in the independent judgment of the Planning Department, there is no substantial evidence that the proposed project could have a significant effect on the environment.

EXEMPT STATUS:

CEQA State Guidelines Section 15332, or Class 32, allows for an exemption of an in-fill development meeting various conditions. As described above, the proposed project is an in-fill development that would have no significant adverse environmental effects and would meet all the various conditions prescribed by Class 32. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15332.

CONCLUSION:

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited

[12] *Environmental Site Assessment 1238 Sutter Street San Francisco, California, 94109,* AEI Environmental Consultants, December 2, 2013. This document can be reviewed under Case Number 2013.1238E at the San Francisco Planning Department reception, 1650 Mission Street, San Francisco, CA

classification. For the above reasons, the proposed project is appropriately exempt from environmental review.

SAN FRANCISCO
PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:		**Date of Form Completion**	5/2/2014

PROJECT INFORMATION:		
Planner:	**Address:**	
Gretchen Hilyard	1238 Sutter Street	
Block/Lot:	**Cross Streets:**	
0670/011	Van Ness Avenue and Polk Street	
CEQA Category:	**Art. 10/11:**	**BPA/Case No.:**
A	n/a	2013.1238E

PURPOSE OF REVIEW:			**PROJECT DESCRIPTION:**	
(•) CEQA	( ) Article 10/11	( ) Preliminary/PIC	( ) Alteration	(•) Demo/New Construction

DATE OF PLANS UNDER REVIEW:	10/12/2013

PROJECT ISSUES:

- ☒ Is the subject Property an eligible historic resource?
- ☒ If so, are the proposed changes a significant impact?

Additional Notes:

Submitted: Historic Resource Evaluation for 11238 Sutter Street prepared by Left Coast Architectural History, dated March 21, 2014.

Proposed project: Demolition of existing building and construction of a new 35,150 square foot, 9-story building.

PRESERVATION TEAM REVIEW:

Historic Resource Present	( ) Yes	(•) No *	( ) N/A

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: ( ) Yes (•) No	Criterion 1 - Event: ( ) Yes (•) No
Criterion 2 -Persons: ( ) Yes (•) No	Criterion 2 -Persons: ( ) Yes (•) No
Criterion 3 - Architecture: ( ) Yes (•) No	Criterion 3 - Architecture: ( ) Yes (•) No
Criterion 4 - Info. Potential: ( ) Yes (•) No	Criterion 4 - Info. Potential: ( ) Yes (•) No
Period of Significance:	Period of Significance:
	( ) Contributor ( ) Non-Contributor

Complies with the Secretary's Standards/Art 10/Art 11:	○ Yes	○ No	◉ N/A
CEQA Material Impairment:	○ Yes	◉ No	
Needs More Information:	○ Yes	◉ No	
Requires Design Revisions:	○ Yes	◉ No	
Defer to Residential Design Team:	◉ Yes	○ No	

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS:

According to Planning Department files, the subject property at 1238 Sutter Street was previously identified as a "contributory" building in the Van Ness Area Plan in 1995 and is flagged as a historic resource in the Planning Information Map. According to the detailed analysis provided in the Historic Resource Evaluation (HRE) prepared by Left Coast Architectural History (dated March 21, 2014) the property does not appear to be significant under any criteria and should be reclassified to Category C (Not a Historic Resource) due to lack of significance as outlined below.

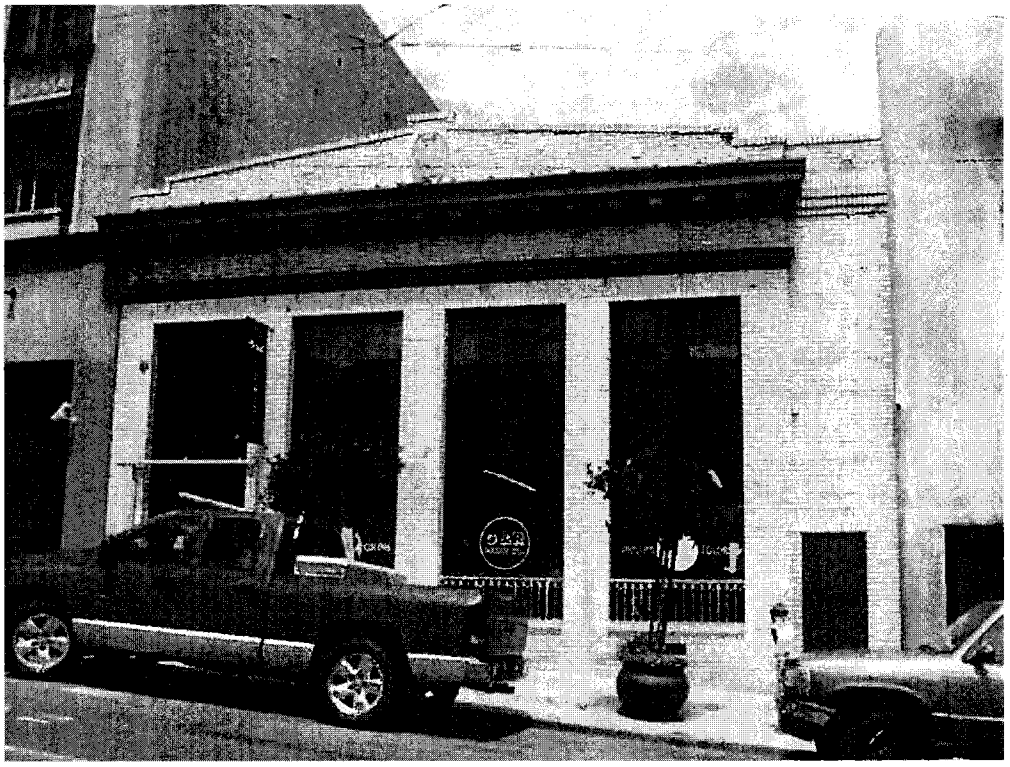
The subject property contains a single-story, early-twentieth century commercial building with some Classical Revival ornamentation, originally designed as a post office in 1932 and built by contractors P.F. Reilly and John Grace. The building is a common example of an early twentieth-century commercial building and does not display a specific era of standardized post office design in the United States. The building lacks design features that would have distinguished it as a post office and in its current state is not recognizable as a post office.

The Department concurs with the findings of the HRE that the subject property is not eligible for listing in the California Register under any criteria, specifically: No known historic events occurred at the property (Criterion 1), none of the owners or occupants have been identified as important to history (Criterion 2), and the building is not architecturally distinct (Criterion 3) such that it would qualify for listing in the California Register. The subject block exhibits a wide variety of architectural styles, periods and building types and is not cohesive in a manner that would suggest a historic district is present in the area. Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

The Department agrees with the findings of the HRE that the existing building has been significantly altered from its original appearance. The proposed project therefore does not directly or indirectly involve any historic resources and will not cause a significant adverse impact upon a historic resource as defined by CEQA.

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
Jonathan	5-2-2014

1238 Sutter ca. 1982. Source: San Francisco Heritage Field Survey, 1982.



1238 Sutter Street in 2014. Source: Tim Kelley Consulting, 2014.