



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: December 9, 2010
TO: San Francisco Planning Commission
FROM: Andrea Contreras, Planning Department, MEA
RE: Appeal of Preliminary Mitigated Negative Declaration for
942 Mission Street, Assessor's Block 3704, Lot 015,
Planning Department Case No. 2008.0197E
HEARING DATE: December 16, 2010

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

An appeal has been received concerning a preliminary mitigated negative declaration for the following project:

Case No. 2008.0197E – 942 Mission Street: The proposed project includes the demolition of a 25,000 square foot (sq. ft.), two-story-over-basement, 30-foot-tall building containing approximately 8,000 square feet (sq. ft.) of office space and 17,000 sq. ft. of commercial space; and construction of a 15-story, 152-foot-tall building, with a gross floor area of 79,265 sq. ft. plus 8,000 sq. ft. of building service space at the basement, for a building total of 87,265 sq. ft. The ground floor would contain 3,240 sq. ft. of retail space. The fourteen floors above would include 72,000 sq. ft. of hotel space, containing 172 hotel rooms. Pedestrian access would be on Mission and Jessie Streets. Loading would occur along a proposed 50-foot loading space on Jessie Street. No off-street parking is proposed. The project site located in the South of Market neighborhood on a through-lot between Mission and Jessie Streets, on the north side of Mission Street in the block bound by Market, Fifth, Mission, and Sixth Streets. The site is zoned C-3-G (Downtown General Commercial) District and is in the 160-F Height and Bulk District.

This matter is calendared for public hearing on **December 16, 2010**. Enclosed are the appeal letters, comment letters, staff response, the Amended Mitigated Negative Declaration, and the draft motion.

If you have any questions related to this project's environmental evaluation, please contact me at (415) 575-9044 or Andrea.Contreras@sfgov.org.

Thank you.



SAN FRANCISCO PLANNING DEPARTMENT

Appeal of Preliminary Mitigated Negative Declaration Executive Summary

HEARING DATE: December 16, 2010

Date: December 9, 2010
Case No.: **2008.0197E**
Project Address: **942 Mission Street**
Zoning: C-3-G (Downtown General Commercial) Use District
160-F Height and Bulk District
Block/Lot: 3704/015
Project Sponsor: Mint Development, L.P.
Michael Stanton, FAIA – (415) 865-9600
Staff Contact: Andrea Contreras – (415) 575-9044
Andrea.Contreras@sfgov.org

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PROPOSED COMMISSION ACTION:

Consider whether to uphold staff's decision to prepare a Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA), or whether to overturn that decision and require the preparation of an Environmental Impact Report due to specified potential significant environmental effects of the proposed project.

PROJECT DESCRIPTION:

The proposed project would include the demolition of a vacant two-story-over-basement, 30-foot-tall, approximately 25,000-square-foot (sq. ft.) office and commercial building, and construction of a 15-story, 152-foot-tall, approximately 79,265-sq. ft. hotel. The proposed building would include an 8,000 sq. ft. basement, 3,240 sq. ft. of ground-floor retail space, 4,025 sq. ft. of ground-floor circulation and building service space, and 72,000 square feet of hotel space on floors two through 15, for a gross floor area of 79,265 sq. ft. and a building total of 87,265 sq. ft. The project sponsor would request a 50-foot passenger loading space on Jessie Street. No off-street parking or loading would be provided. The project requires Conditional Use authorization under Planning Code Section 216(b)(i), Hotel, and a Determination of Compliance under Planning Code Section 309 (Permit Review in the C-3 District) with an exception under Section 309(a)(2) from the ground-level wind current requirement. The Planning Department has made an initial determination that 47,000 square feet of the proposed hotel uses would be subject to the requirements of the Planning Code's Housing for Large-Scale Development (Section 413), and Child-Care Requirements for Office and Hotel Development Projects (Section 414). The proposed project would require purchase of transferable development rights (TDR) pursuant to Planning Code Section 128, Transfer of Development Rights in C-3 Districts, and building permits from the Department of Building Inspection. This project lies within the C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.

ISSUES:

The Planning Department published a Preliminary Mitigated Negative Declaration (PMND) on June 3, 2009, and received two appeal letters, one from Ms. Deborah Jackman, General Manager of Nightgallery, Inc., on June 23, 2009; and one letter from Mr. Roger Patel, representing VJR Universal Partners on June 23, 2009. The letters appealed the determination to issue a Mitigated Negative Declaration (MND). Ms. Sue Hestor, representing the Hotel Employees and Restaurant Employees Local Union 2, also filed an appeal on June 23, 2009. Ms. Hestor withdrew the appeal on behalf of Local 2 on July 2, 2010.

The issues raised by the appellants are listed below:

1. The proposed project would create significant traffic impacts that were not addressed in the PMND;
2. The PMND does not adequately address construction noise impacts or noise compatibility of the proposed use with surrounding uses. The PMND does not adequately mitigate potential noise impacts;
3. The document did not adequately analyze potential wind impacts; and
4. The PMND does not disclose potential significant shadow impacts on the adjacent commercial building.

In addition to the appeal letters summarized above, the Planning Department received two additional comment letters, one from Ms. Jill Helffenstein, Board Member of the Mint Collection HOA, dated June 23, 2009, and one from Ms. Katie O'Brien, Board Member of Friends of Mint Plaza, dated June 23, 2009. The comment letters raised the following issues:

1. The proposed project does not provide adequate open space;
2. The PMND does not identify significant aesthetic impacts or mitigation; and
3. The proposed project's potential to cast shadow on open space would create a significant impact that is inconsistent with Proposition M.

Additionally, the comment letters repeat some issues raised in the appeal letters that have been summarized above, including concerns related to traffic congestion, parking, construction noise, wind, and shadow. All appeal concerns are addressed in Exhibit A, Planning Department Response to Appeal Letters. All comments are addressed in the Exhibit B, Planning Department Response to Comment Letters.

All of the issues raised in the appeal letters and comments have been addressed in the attached materials, which include:

1. A draft Motion upholding the decision to issue a Mitigated Negative Declaration;
2. Exhibit A: Appeal Letter from Nightgallery, Inc. (Ms. Jackman) and Appeal Letter from VJR Universal Partners (Mr. Patel); Planning Department Response to the Appeal Letters, including technical memorandum of Potential Section 148 Wind Impacts dated October 25, 2010;
3. Exhibit B: PMND Comment Letter from the Mint Collection HOA (Ms. Helffenstein) and Comment Letter from Friends of Mint Plaza (Ms. O'Brien); and Staff Responses;
4. Exhibit C: MND and Initial Study, as amended, with deletions shown in ~~striketrough~~ and additions shown in double-underlined text. The amendments in the PMND do not change the overall conclusions of the PMND.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the motion to uphold the Preliminary Mitigated Negative Declaration. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of an Environmental Impact Report. By upholding the PMND (as recommended), the Planning Commission would not prejudge or restrict its ability to consider whether the proposed project's uses or design is appropriate for the neighborhood.



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Motion [XXXX]

HEARING DATE: December 16, 2010

Hearing Date: December 16, 2010
Case No.: **2008.0197E**
Project Address: **942 Mission Street**
Zoning: C-3-G (Downtown General Commercial) Use District
160-F Height and Bulk District
Block/Lot: 3704/015
Project Sponsor: Michael Stanton, FAIA, for Mint Development, L.P.
555 De Haro Street, Suite 300
San Francisco, CA 94107
Staff Contact: Andrea Contreras – (415) 575-9044
Andrea.Contreras@sfgov.org

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ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2008.0197E FOR THE PROPOSED DEVELOPMENT (“PROJECT”) AT 942 MISSION 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 February 14, 2008, 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 June 3, 2009, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On June 3, 2009, 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 June 23, 2009, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Ms. Deborah Jackman of Nightgallery, Inc., and Mr. Roger Patel of VJR Universal Partners. Ms. Sue Hestor, representing Hotel Employees and Restaurant Employees Local Union 2, also filed an appeal but chose to withdraw it on July 2, 2010.

Two comment letters were also received on June 23, 2009, from Ms. Jill Helffenstein of the Mint Collection HOA, and from Ms. Katie O'Brien of Friends of Mint Plaza.

5. A staff memorandum, dated December 9, 2010 addresses and responds to all points raised by appellants in the appeal letters and commenters in the comment letters. That memorandum is attached as Exhibit A and Exhibit B, 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 San Francisco Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.
6. On November 29, 2010, amendments were made to the Preliminary Mitigated Negative Declaration, adding text, as presented in full in Exhibit C, to clarify the characterization of building square footage, project approvals, and potential wind impacts. Such amendments do not include new, undisclosed environmental impacts and do not change the conclusions reached in the Preliminary Mitigated Negative Declaration. The changes do not require "substantial revision" of the Preliminary Mitigated Negative Declaration, and therefore recirculation of the Preliminary Mitigated Negative Declaration would not be required.
7. On December 16, 2010, 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.
8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the December 16, 2010, City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
9. After consideration of the points raised by appellants, both in writing and at the December 16, 2010, hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
10. In reviewing the Preliminary Mitigated Negative Declaration issued for the proposed 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.
11. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The City 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 City Planning Commission on December 16, 2010.

Linda Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: [Date]

EXHIBIT A



June 23, 2009

Attention: Bill Wycko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Appeal Preliminary Mitigated Negative Declaration
942 Mission Street Hotel Project

Dear Mr. Wycko:

Nightgallery, LLC would like to Appeal the Preliminary Negative Declaration for 942 Mission Street Hotel Project. After review of the Preliminary Negative Declaration ("Document") of the above referenced project we believe that it has a significant effect on the environment and request that a full Environmental Impact Report be prepared. We feel that the proposed project has a significant impact on the surrounding neighborhood. Our specific substantive concerns are listed below.

Land Use –

There is an impact on the existing character of the vicinity of other buildings in use. Across the street from the proposed project on Jessie Street is an event and entertainment venue, Mezzanine, with both day and night time uses, this creates a potential conflict with hotel operations and hours. For example, the entry and exit to the nightclub, located directly across from the proposed project's passenger loading zone and windows to the hotel rooms, creates a constant flow of patrons during events throughout the day and evening. This will directly affect hotel patron's quiet enjoyment and is a direct conflict of uses. Various acoustical sound mitigating efforts need to be studied and were not addressed in the Document, such as sound mitigating windows, HVAC systems and other noise reduction measures. We believe that the issue of conflicts in land use is a significant impact and requires further study.

N1

Transportation and Circulation – Congestion and Parking

The proposed project would add approximately 453 daily trips according to the Document on page 42. This would provide a significant impact to an already congested area. In addition the project provides no parking and in fact eliminates existing parking on Jessie and Mission Streets. The removal of existing parking will add to the parking challenges of the commercial and residential neighborhood. We feel that the added congestion, safety impacts and noise impact of increased traffic to the building would be a significant impact that requires further study.

TR1

N2

Noise

As stated on pages 48 of the Document, "Construction equipment would generate noise and possible vibrations that could be considered an annoyance by occupants of nearby properties. Piles would be placed into loose to medium dense sand and marsh deposits beneath the existing basement, which could generate potentially substantial noise and vibration during pile placement." Additionally it is noted on page 49 that noise generated by construction exceeds the allowable levels of 80 dBA in accordance with the San Francisco Noise Ordinance. The event and entertainment venue, Mezzanine, located directly across the street from the proposed project

N3

also has day-time uses, as the venue is rented out for corporate lunches and events. This is a significant impact and requires further study.

] N3

Wind

As noted on page 67 of the Document, "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." The proposed project building height is 152 feet. The adjacent buildings are approximately 67-feet. This condition could create wind levels that would not be compliant with Section 148 of the Planning Code. Although the document sites that a wind test was performed on another nearby property, it was not performed for the proposed project. Also the test was performed for a 120-foot height building, not at 152-foot high building. A complete wind test is requested for this project.

] W1

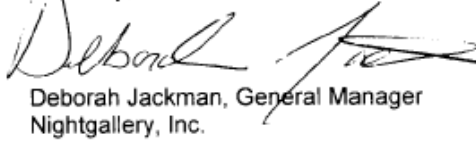
Loading

The proposed passenger loading zone would displace three commercial vehicle loading spaces on Jessie Street and would require that vehicles currently using these spaces find spaces elsewhere on Jessie and Mint Streets. Jessie Street is a one-way commercial service alley that has a high traffic of commercial vehicles that service the PDR businesses and event and entertainment venue, Mezzanine. These loading spaces are integral to our neighborhood businesses and removing these commercial spaces will cause congestion. This is a critical issue that needs further study and would cause significant impact to the area.

] TR2

If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,



Deborah Jackman, General Manager
Nightgallery, Inc.

ROGER PATEL
VJR UNIVERSAL PTRS.
DBA CHRONICLE HOTEL
936 MISSION STREET
SAN FRANCISCO, CA 94103
650 302-4520

ATTN: BILL WYCKO
PLANNING COMMISSION.

REGARDING: PROPOSED 942 MISSION STREET PROJECT.

I, ROGER PATEL, DBA VJR UNIVERSAL CHRONICLE HOTEL
936 MISSION STREET, SAN FRANCISCO, CA 94103 ON BEHALF OF
ALL PARTNERS INCLUDING BABU V. PATEL, SUMITRA B. PATEL,
VALLABH M. PATEL, SHANTABEN V. PATEL AND CHETNA R. PATEL
APPEAL THE DETERMINATION OF NO SIGNIFICANT EFFECT ON THE
ENVIRONMENT TO THE PLANNING COMMISSION BASED ON REVIEWING
THE NEGATIVE DECLARATION, MEETING WITH PROJECT ARCHITECT
MICHAEL STANTON, VIEWING OF PROPOSED MODEL AND EVALUATING
THE EFFECTS OF EXISTING NATURAL LIGHT THROUGH OUR EXISTING
LIGHTWELLS, MAIN CORRIDOR WALKWAYS, AND MAIN STAIRWAYS.
THIS PROPOSED PROJECT WOULD DIMINISH THE EXISTING NATURAL
LIGHT ENTERING 936 MISSION STREET, SAN FRANCISCO, CA 94103
TO THE POINT THAT WOULD CAUSE A SUBSTANTIAL ADVERSE CHANGE
IN THE ENVIRONMENT FOR 936 MISSION STREET, SAN FRANCISCO,
CALIFORNIA, 94103.

SINCERELY,

ROGER PATEL
VJR UNIVERSAL PARTNERS.

SH1

Exhibit A

Planning Department Response to Appeal of Preliminary Mitigation Negative Declaration

CASE NO. 2008.0197E – 942 MISSION STREET HOTEL PROJECT PUBLISHED ON JUNE 3, 2009

BACKGROUND

An environmental evaluation application (Case No. 2008.0197E) was filed by Michael Stanton, FAIA, for Mint Development, L.P. on February 14, 2008, for a proposal to demolish the existing vacant two-story-over-basement building at 942 Mission Street and to construct in its place a 15-story, 172-room hotel. The proposed project would include approximately 72,000 square feet (sq. ft.) of hotel uses, 3,240 sq. ft. of ground-floor retail space and 4,025 sq. ft. of ground-floor circulation and building service space, and 8,000 sq. ft. of building service space in the basement for a gross floor area of 79,265 sq. ft. and a building total of 87,265 sq. ft. The proposed building would have pedestrian access on both Mission Street and Jessie Street. No off-street parking or off-street loading is proposed. The project sponsor would apply for designation of a 50-foot white curb passenger loading zone on Jessie Street.

The project is located in a C-3-G (Downtown General Commercial) Use District and a 160-F Height and Bulk District. The proposed project would comply with the Planning Code use controls but would require Conditional Use authorization under Planning Code Section 216(b)(i), to permit a hotel use at this location, and a Determination of Compliance under Planning Code Section 309 (Permit Review in the C-3 District) with an exception under Section 309(a)(2) from the ground-level wind current requirement. The Planning Department has made an initial determination that 47,000 sq. ft. of the proposed hotel uses would be subject to the requirements of the Housing for Large-Scale Development (Section 413), and Child-Care Requirements for Office and Hotel Development Projects (Section 414). The proposed project would require purchase of transferable development rights (TDR) pursuant to Planning Code Section 128, Transfer of Development Rights in C-3 Districts, and building permits from the Department of Building Inspection. This project lies within the C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.

The Planning Department published a Preliminary Mitigated Negative Declaration (PMND) on June 3, 2009 that determined the proposed project could not have a significant effect on the environment and an environmental impact report (EIR) was, therefore, not required. On June 23, 2009, the Department received three appeal letters: one from Ms. Deborah Jackman, General Manager of Nightgallery, Inc.; one from Mr. Roger Patel, representing VJR Universal Partners; and one from Ms. Sue Hestor, Attorney at Law, representing UNITE HERE Local 2. The letters appealed the determination to issue a Mitigated Negative Declaration (MND). Ms. Hestor withdrew the appeal letter on behalf of UNITE HERE Local 2 on July 2, 2010.

In addition, the Planning Department received two comment letters, which are responded to in Exhibit B.

RESPONSES TO CONCERNS

Concerns raised in the preceding appeal letters, which are attached, are presented below. These concerns are numbered in the order in which the Initial Study Checklist subject appears in the PMND. Each concern is followed by the Planning Department's responses. Each numbered concern is identified in the margin of the attached appeal letters.

Transportation and Circulation

CONCERN TR1

"The proposed project would add approximately 453 daily trips according to the Document on page 42. This would provide a significant impact to an already congested area. In addition the project provides no parking and in fact eliminates existing parking on Jessie and Mission Streets. The removal of existing parking will add to the parking challenges of the commercial and residential neighborhood. We feel that the added congestion, safety impacts and noise impact of increased traffic to the building would be a significant impact that requires further study." (*Deborah Jackman, Nightgallery, Inc.*)

RESPONSE TO CONCERN TR1

The transportation analysis, which begins on page 39 of the PMND, shows the proposed project would generate approximately 1,237 net daily person trips, and net new trips would be distributed among travel modes, including auto, transit, walking, bicycling, and taxi. These net new trips would also be spread throughout the day, with the highest concentration occurring during the p.m. peak hour, when the project would generate an estimated 23 net new vehicle trips, based upon the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*. As stated on page 42 of the PMND, "because of the small number of vehicle trips during the p.m. peak hour and the fact that the trips would include six inbound and 17 outbound trips and would be distributed to nearby streets and intersections, the proposed 23 p.m. peak-hour vehicle trips could result in an increase in the average delay per vehicle at nearby intersections. However, it is not anticipated that the increase would be substantial and it would not be expected to change the existing levels of service". Given the low volume of project-generated traffic generation, the PMND correctly concluded that the incremental increase in vehicle delay at area intersections would not change existing levels of service, and the proposed project would neither directly result in significant delay at surrounding study intersections nor contribute, in a considerable manner, to cumulative traffic effects.

The Appellant subsequently raises two concerns. The first is that the project would provide no off-street parking. The second is that the project would eliminate existing parking on Jessie and Mission Streets. As noted on PMND page 43, *Planning Code* Section 151.1 does not require off-street parking for C-3 Zoning Districts, which is consistent with the City's Transit First policy. In addition to the abundance of transit options in the area, public parking would still be available at

the large public parking at Mission and Fifth Streets, smaller public parking lots in the vicinity, and at on-street parking.

As described on page 43 of the PMND, San Francisco does not consider parking supply as part of the permanent physical environment. 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.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, 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 in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." As mentioned in the PMND, the project site is within walking distance of numerous Muni lines and Powell Street BART and Muni Metro station.

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. Moreover, 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. Hence, any secondary environmental impacts which 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, reasonably addresses potential secondary effects.

The PMND discloses on page 46 that three commercial loading spaces would potentially be eliminated. For clarification, there are two, 30-minute metered commercial parking spaces on Mission Street adjacent to the project site that would remain. As acknowledged on page 46 of the PMND, the displacement of the three unmetered commercial spaces on Jessie Street would require that vehicles currently using these spaces use the metered commercial loading spaces on Mission Street or find parking spaces elsewhere on Jessie or Mint Streets. If all spaces were to be occupied, the PMND assumed some vehicles could temporarily stop within nearby driveways, park partially on the west sidewalk, or double-park on Jessie Street. Since Jessie Street has one travel lane, double-parked vehicles would block traffic flow. Due to the observed turnover in the

30-minute parking spaces on Mission Street and low traffic volumes on Jessie Street, the PMND concluded that the loss of three loading spaces would not result in substantial double-parking activity on Jessie Street, and thus would not cause a significant impact on local traffic.

The proposed project would not result in a substantial increase in hazards due to design features or incompatible uses, and would not result in inadequate emergency access. Thus, the project would result in less-than-significant impacts to safety of adjacent commercial patrons, employees and the general public.

The Appellant's concern regarding potential "noise impact of increased traffic," is addressed on Page A-6, Response to Concern N2.

CONCERN TR2

"The proposed passenger loading zone would displace three commercial vehicle loading spaces on Jessie Street and would require that vehicles currently using these spaces find spaces elsewhere on Jessie and Mint Streets. Jessie Street is a one-way commercial service alley that has a high traffic of commercial vehicles that service the PDR [production, distribution, and repair] businesses and event and entertainment venue, Mezzanine. These loading spaces are integral to our neighborhood businesses and removing these commercial spaces will cause congestion. This is a critical issue that needs further study and would cause significant impact to the area." (*Deborah Jackman, Nightgallery, Inc.*)

RESPONSE TO CONCERN TR2

The project sponsor proposes a 50-foot white curb passenger loading zone that would remove three commercial loading spaces on Jessie Street. An independent consultant conducted field surveys, as well as an assessment of the proposed project's loading demand relative to the supply of commercial loading spaces, as part of the project's environmental review. The consultant included the commercial loading spaces on Mission and Jessie Streets in the field surveys and observed that in the morning, both spaces were unoccupied, while in the afternoon, both spaces were occupied. The three existing commercial spaces adjacent to the project site on Jessie Street, in addition to five additional loading spaces west of the project site along Jessie Street, were actively being used for loading activities, with frequent turnover. These surveys serve as a snap shot in time representative of normal operating conditions.

As noted in the PMND, based on loading demand factors, the proposed retail and hotel uses would generate about seven truck freight and service vehicle trips per day, with the majority of trips generated by the proposed hotel use. The loading demand assessment showed on PMND page 45 that, "the seven truck trips would result in a demand for less than one loading space during the peak and average hour of loading activities. In addition, the hotel use would generate a demand for passenger loading/unloading activities. Since the project would not provide on-site loading facilities, the loading demand would need to be accommodated on-street, at the metered parking spaces on Mission Street, or the commercial vehicle (un-metered) spaces on Jessie Street." As acknowledged in the PMND, the displacement of the three existing commercial loading spaces on Jessie Street would require vehicles currently using the spaces to find parking

elsewhere on Jessie Street or Mint Street, and if all spaces on these streets were occupied, it is possible that drivers would temporarily stop within nearby driveways, park partially on the west sidewalk, or double-park on Jessie Street. With just one travel lane on Jessie Street, double-parked vehicles would block traffic flow. However, given the frequent turnover of the 30-minute commercial parking spaces on Mission Street observed during the field surveys and the low traffic volumes on Jessie Street, it is not anticipated that the loss of three commercial loading spaces would result in substantial double-parking activity on Jessie Street. Absent a substantial amount of double-parking, the commercial loading activities of the project area would not create significant traffic congestion in the area. Under CEQA, the project would have a significant effect on the environment if it would cause major traffic hazards or contribute considerably to cumulative traffic increases that would cause deterioration in levels of service to unacceptable levels. Based on the issues raised by the Appellant and the explanation provided in the response and PMND, the loading demand and traffic generated would not rise to the level of significant adverse effect. The PMND was correctly issued, and an Environmental Impact Report would not be required.

NOISE

CONCERN N1

“There is an impact on the existing character of the vicinity of other buildings in use. Across the street from the proposed project on Jessie Street is an event and entertainment venue, Mezzanine, with both day and night time uses, this creates a potential conflict with hotel operations and hours. For example, the entry and exit to the nightclub, located directly across from the proposed project’s passenger loading zone and windows to the hotel rooms, creates a constant flow of patrons during events throughout the day and evening. This will directly affect hotel patron’s quiet enjoyment and is a direct conflict of uses. Various acoustical sound mitigating efforts need to be studied and were not addressed in the Document, such as sound mitigating windows, HVAC systems and other noise reduction measures. We believe that the issue of conflicts in land use is a significant impact and requires further study.” (*Deborah Jackman, Nightgallery, Inc.*)

RESPONSE TO CONCERN N1

The PMND discusses noise compatibility with neighboring uses on pages 50 and 51. Rather than focusing on individual uses in the area, the analysis is based on the existing noise environment in the project vicinity. In accordance with the Land Use Compatibility Guidelines for Community Noise established in the Environmental Protection Element of the *General Plan*, and consistent with the State guidelines promulgated by the Governor’s Office of Planning and Research, when existing ambient noise levels at a proposed hotel site exceed an average day-night level of 60 dBA Ldn, a detailed analysis is generally required. The purpose of this analysis is to identify adequate noise insulation features for the project to ensure that acceptable interior noise levels would be achieved. As noted in the PMND on page 48, the existing noise level in the project vicinity is generally above 70 dBA as a result of existing traffic noise. Therefore, the project applicant will be required to perform a detailed noise analysis as part of the building permit review process in

order to identify appropriate noise-insulating construction materials, design features, and wall and window assemblies to achieve a less-than-significant noise impact on adjacent land uses.

As described on page 51 of the PMND, Title 24 of the California Code of Regulations establishes noise infiltration standards for residential projects, including hotels. The Department of Building Inspection (DBI) would review the final building plans to ensure that the building wall and floor/ceiling assemblies meet State standards regarding sound transmission. Under CEQA, the proposed project would result in a significant impact if the project were to expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. With State-mandated protections in place, DBI would ensure that guests in the proposed hotel would not be exposed to excessive noise levels, including that from the neighboring land use. Thus, the proposed project would not result in a significant noise impact under CEQA.

CONCERN N2

“We feel that the added congestion, safety impacts and noise impact of increased traffic to the building would be a significant impact that requires further study.” (*Deborah Jackman, Nightgallery, Inc.*)

RESPONSE TO CONCERN N2

The Appellant’s concern about safety impacts are addressed in Response to Concern TR1. Regarding their noise impact concern, as stated on page 51 of the PMND, traffic must generally double in volume to produce a noticeable increase in average noise levels. Based on the transportation analysis prepared, traffic volumes would not double as a result of the proposed project or as a result of expected cumulative traffic growth. Therefore, there would be a less-than-significant impact to ambient noise levels in the project vicinity.

CONCERN N3

“As stated on page 48 of the Document, ‘Construction equipment would generate noise and possible vibrations that could be considered an annoyance by occupants of nearby properties. Piles would be placed into loose to medium dense sand and marsh deposits beneath the existing basement, which could generate potentially substantial noise and vibration during pile placement.’ Additionally it is noted on page 49 that noise generated by construction exceeds the allowable levels of 80 dBA in accordance with the San Francisco Noise Ordinance. The event and entertainment venue, Mezzanine, located directly across the street from the proposed project also has day-time uses, as the venue is rented out for corporate lunches and events. This is a significant impact and requires further study.” (*Deborah Jackman, Nightgallery, Inc.*)

RESPONSE TO CONCERN N3

The PMND adequately discloses the temporary increase in noise as a result of the proposed project’s construction. As described on page 49, the San Francisco Noise Ordinance limits noise levels from individual pieces of construction equipment to 80 dBA at a distance of 100 feet from

the source. However, the decibel limit does not apply to impact tools, such as pile drivers, jackhammers, rammers, and impact wrenches. The Ordinance limits the hours of construction from 7:00 a.m. to 8:00 p.m., and requires impact tools to be equipped with intake and exhaust mufflers that best accomplish maximum noise reduction to the satisfaction of the Director of the Department of Public Works or the Director of the Department of Building Inspection. The project would be required to comply with the regulations set forth in the Noise Ordinance.

As described in the PMND, standard pile driving can generate noise levels in excess of 105 dBA at 50 feet each time the hammer strikes the pile. As stated on pages 48-49 of the PMND, the project sponsor would not drive piles, but rather would install specialty piles per the recommendation of the geotechnical report prepared. The geotechnical report recommends use of tubex piles, torque down piles, or auger cast displacement piles that can be placed with substantially reduced noise and little or no vibration. With the use of these specialty piles, the noise from pile placement would be limited to approximately 79 dBA at 50 feet. Since noise generally attenuates (decreases) at a rate of 6 to 7.5 dBA per doubling of distance, the exterior noise resulting from specialty pile placement would reach approximately 71.5 and 73 dBA at 100 feet. This range is within the noise limit applied to other types of non-impact construction equipment (i.e., 80 dBA at 100 feet per the Noise Ordinance). The noise impact on nearby receptors from pile placement would therefore be less than significant, as concluded in the PMND on page 50. Additionally, because there would be little or no vibration from installation of the specialty piles, the vibration impact would not be significant.

Noise from other construction equipment was calculated in the noise analysis to be no greater than 75 dBA at the nearest residential receptor based on typical noise levels associated with the types of construction equipment, activities and duration of phases of project construction. It is acknowledged that the commercial property referenced in the comment may experience noise levels higher than this at the exterior of the building's frontage, possibly of up to 90dBA. As stated on page 50 of the PMND, closed windows can typically reduce exterior noise by approximately 15 to 20 dBA. With standard window construction, the adjacent entertainment venue would experience interior noise levels of about 70 to 75 dBA during the noisiest construction activity, and as a nightclub, it is assumed that some degree of noise insulation has been incorporated into the building design. Under CEQA, a proposed project would result in a significant impact with respect to noise if it would result in exposure of persons to levels in excess of standards established in the local general plan or noise ordinance, result in exposure of persons to excessive groundborne vibration or groundborne noise levels, result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, or result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity.

The project sponsor has agreed to install specialty piles and the contractor would be required to comply with the City's Noise Ordinance. While the noise from construction may create an annoyance during daytime hours, the increase in noise and vibration in the project area during project construction would be considered less than significant because it would be temporary, intermittent, and restricted in occurrence and level.

Wind and Shadow

CONCERN W1

“As noted on page 67 of the Document, ‘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.’ The proposed project building height is 152 feet. The adjacent buildings are approximately 67-feet. This condition could create wind levels that would not be compliant with Section 148 of the Planning Code. Although the document sites that a wind test was performed on another nearby property, it was not performed for the proposed project. Also the test was performed for a 120-foot height building, not [a] 152-foot high building. A complete wind test is requested for this project.” (*Deborah Jackman, Nightgallery, Inc.*)

RESPONSE TO CONCERN W1

The Appellant is correct in stating that, in general, taller buildings can affect street-level wind conditions. Based on the proposed project’s height, the Appellant has requested that a wind tunnel test be performed. In the past, wind tunnel testing was standard protocol for buildings over 100 feet. However, height is no longer the sole determinant of analysis level. The following factors are also determinants: project site orientation toward prevailing winds; availability of wind data and analysis of nearby locations; the bulk and massing of the proposed building; and prevailing adjacent built patterns surrounding the project site, including project building positions to nearby tall buildings.

It should be noted that the proposed 15-story central tower would be set back from the Jessie Street façade by about 10 feet and from the Mission Street façade by about 40 feet. With these substantial tower setbacks, lower front and rear portions of the proposed building and the adjacent existing buildings would form a platform or podium that would decouple any winds coming down the tower from potentially affecting winds on the sidewalks along Jessie Street and Mission Street or in Mint Plaza.

In response to the above concern, a wind tunnel test for the project was conducted in October 2010.¹ The study and its results confirmed the original conclusions of the wind analysis in the 2009 PMND, which stated the project would not contribute to any individual or cumulatively considerable wind impacts. However, the wind section of the PMND has been revised to include the October 2010 wind test results. These results do not affect the conclusions reached in the PMND and do not result in any new environmental effects not already disclosed in the PMND.

For purposes of CEQA, the project would have a significant impact if it would cause the 26-miles-per-hour (mph) wind hazard criterion to be exceeded for more than one hour per year. Exceedances of seated or pedestrian comfort criteria (7 mph and 11 mph, respectively, for more than 10 percent of the time) do not rise to a level of significant adverse effect.

¹ Charles Bennett, ESA, Technical Memorandum to Stu During, During Associates, *Subject: Potential Section 148 Wind Impacts, 942 Mission Street Development*, October 25, 2010. This document is attached.

Page 67 of the PMND is hereby revised to include the following:

The study used a one-inch:50-foot scale model of the blocks in the project vicinity and wind tunnel testing to simulate wind patterns. A total of 39 test point locations were selected, located along sidewalk areas adjacent to and near the project site as shown in Figure 15A, below. This includes the sidewalks of Mission, Jessie, Fifth, Sixth, Stevenson and Mint Streets, including Mint Plaza. The wind study tested existing, existing-plus-project, and cumulative conditions.

The existing wind conditions in the project vicinity are relatively sheltered. The average wind speed for the 39 sidewalk test point locations is approximately 10.9 miles per hour (mph). The highest wind speed in the vicinity is 16 mph (at test point location #34) and occurs on the south side of Mission Street, across from the project site. Winds at 26 of the 39 sidewalk locations currently meet the *Planning Code's* pedestrian comfort criterion value of 11 mph, as shown in Table 2. Winds at all test point locations in Mint Plaza (test point locations #7, #8, #9, and #10) meet the seating comfort criterion.

Thirteen of the 20 sidewalk test point locations exceed the *Planning Code's* pedestrian comfort value of 11 mph (more than 10 percent of the time) under existing conditions. These exceedances are at the following locations: the northeast corner of Stevenson and Sixth Street (test point location #2), the northwest corner of Stevenson and Fifth Streets (#26), the northwest corner of Jessie and Fifth Streets (#25), the northwest corner of Mission and Sixth Streets (#18), the north side of Mission Street in front of the project site (#19), the northwest corner of Mission and Fifth Streets (#24), the terminus of Jessie Street at Mission Street (#27), the southwest corner of Mission and Sixth Streets (#37), the south side of Mission Street across from the project site (#34), the south side of Mission Street at the terminus of Mary Street (#33), the southwest corner of the Mission and Fifth Streets (#31), the southeast corner of Mission and Fifth Streets (#29), and the intersection of Mary and Minna Streets (#39) (see Figure 15A, below). These exceedances are generally west, southeast, and northeast of the project site.

(See next page for Figure 15A: Wind Test Point Location Map)

Figure 15A: Wind Test Point Location Map



As shown in Table 2, below, with development of the proposed project, the wind speed for all 39 sidewalk test point locations would average about 11.1 mph, a 0.2 mph increase from the existing average of 10.9 mph. The range of wind speeds with development of the project would be similar to existing conditions, with wind speeds in sidewalk pedestrian areas ranging from six mph to 16 mph, compared with a range of five to 16 mph under existing conditions. The project would eliminate one existing exceedance (at test point location #26, the northwest corner of Stevenson and Fifth Streets) and would add two new exceedances of the 11 mph pedestrian use criterion, for a total of 14 exceedances. The new exceedances would occur at test point location #11, the intersection of Jessie and Mint Streets north of the project site, and test point location #12, the north side of Jessie Street across from the project site. With development of the proposed project, winds at all test point locations in Mint Plaza (test point locations #7, #8, #9, and #10) would continue to meet the seating comfort criterion.

TABLE 2: COMFORT CRITERION RESULTS

Location	Criterion (MPH)	Existing		Proposed Project		Cumulative with Proposed Project	
		Velocity (MPH)	% Time Above Criterion	Velocity (MPH)	% Time Above Criterion	Velocity (MPH)	% Time Above Criterion
1	11	9	4	9	5	9	5
2	11	15¹	24	15	24	14	20
3	11	10	5	9	3	8	1
4	11	7	1	7	1	7	1
5	11	9	3	10	6	9	6
6	11	10	8	11	9	11	10
7	11	7	0	8	1	7	0
8	11	8	1	8	1	7	1
9	11	5	0	6	0	5	0
10	11	8	2	9	6	9	2
11	11	10	7	12	14	12	13
12	11	10	4	12	14	13	18
13	11	11	8	10	7	9	4
14	11	11	10	10	5	10	4
15	11	11	11	10	4	11	10
16	11	11	10	11	10	10	7
17	11	10	6	11	9	10	6
18	11	13	18	13	20	12	14
19	11	12	13	13	18	12	16
20	11	10	6	11	11	10	4
21	11	8	1	10	8	8	3
22	11	10	7	10	6	10	7
23	11	10	4	10	5	10	6
24	11	14	22	14	23	14	21
25	11	15	25	15	26	16	25
26	11	12	13	11	12	12	13
27	11	14	17	13	16	13	16
28	11	10	9	10	7	10	5
29	11	12	16	12	12	12	12
30	11	11	10	11	9	11	10
31	11	14	19	14	19	14	20
32	11	11	11	11	9	11	9
33	11	15	23	16	27	15	26
34	11	16	29	16	29	15	29
35	11	11	8	11	9	11	13
36	11	11	9	10	8	11	10
37	11	12	15	12	15	9	4
38	11	8	4	9	5	10	6
39	11	15	24	14	22	14	22
<i>Average Wind Speed</i>		<i>10.9 mph</i>		<i>11.1 mph</i>		<i>10.7 mph</i>	

Source: Charles Bennett, Certified Consulting Meteorologist.

Note: 1. Exceedances are in **boldface**.

Under existing conditions, none of the 39 test point locations exceeds the *Planning Code* wind hazard criterion (speeds reaching or exceeding the hazard level of 26 mph, as averaged for a single full hour of the year). No wind hazard exceedances would occur with development of the proposed project.

Overall, with no wind hazard exceedances, two new pedestrian comfort criterion exceedances, and no public seating area comfort criterion exceedances, the wind impacts associated with the proposed project would be less than significant for purposes of CEQA review.

The analysis of the project's cumulative effects on wind conditions accounts for approved buildings that have not been constructed as well as proposed buildings in the vicinity currently under environmental review. Recently approved projects included in the cumulative conditions model include: 220 Golden Gate Avenue, 55th Ninth Street, 1340-1390 Mission Street, 1169 Market Street, 1455 Market Street, 181 Turk/180 Jones Street, 121 Golden Gate Avenue, 1390 Market Street, 537 Natoma Street, 949 Market Street, 1145 Mission Street, 168 Eddy Street, 474 Natoma Street, 1036-1040 Mission Street, and 1400 Mission Street. Under cumulative conditions, wind speeds in pedestrian areas would decrease by 0.4 mph compared to project conditions due to the shielding of wind by these additional buildings. The average wind speed would decrease from 11.1 to 10.7 mph, and wind speeds in the pedestrian areas would range from five mph to 16 mph, compared to a range of five to 16 mph under existing conditions and six mph to 16 mph with development of only the project (see Table 2, page 69 of the amended MND). Cumulative development would eliminate one existing pedestrian comfort criterion exceedance (at test point location #37, the southwest corner of Sixth and Mission Streets), and would not create any new exceedances. There would be no exceedance of the wind hazard criterion (an hourly averaged wind speed of 26 mph) under cumulative conditions. Likewise, there would be no exceedance of the seating comfort criterion under cumulative conditions.

Overall, the cumulative wind analysis indicates that the proposed project combined with cumulative development would generally reduce comfort criteria exceedances to pre-project levels. No wind hazard criterion exceedances would occur with project or cumulative development. Therefore, the proposed project would not contribute considerably to adverse cumulative wind impacts.

Again, the results of the wind study confirmed the conclusion of the previous wind analysis on page 78 of the amended PMND that there would be no significant and unavoidable wind impacts that could result from the development of the proposed 942 Mission Street project. While there are new exceedances of the pedestrian comfort criterion, this does not rise to a level of significant adverse impact. It would be at the Planning Commission's discretion to allow ground level wind current exceedances under Section 309.

CONCERN SH2

"...This proposed project would diminish the existing natural light entering 936 Mission Street, San Francisco, CA 94103 to the point that would cause a substantial adverse change in the environment for 936 Mission Street, San Francisco, California, 94103." (*Roger Patel, VJR Universal Partners*)

RESPONSE TO CONCERN SH2

As illustrated in the shadow diagrams presented in pages 82 to 93 of the PMND, the proposed project may block some direct light into the 936 Mission Street property during certain times of the day, and to varying degrees depending on the season. Shadows falling on the property would be limited to afternoon hours, and would be more extensive during winter months. However, the proposed building would not increase the total amount of shading in the neighborhood above levels that are common and generally expected in urban areas. For purposes of CEQA, the proposed project would have a significant shadow impact if it were to create new shadow in a manner that would adversely affect the use of any park or open space under the jurisdiction of the Recreation and Park Department, or if it were to substantially affect the usability of other existing publicly accessible open space or outdoor recreation facilities or other public areas. The Appellant's property at 936 Mission is not a publicly accessible open space and any shading onto it would not be considered a significant adverse impact.

As stated on in the PMND, an independent consultant prepared a shadow study evaluating shadows cast by the proposed project during representative times of day for each of the four seasons: the winter solstice (December 21), the summer solstice (June 21), and the spring and fall equinoxes (March 21 and September 21, respectively). The representative times used for the evaluation included 10:00 a.m., 12:00 noon, and 3:00 p.m. With respect to sidewalks, the shadow evaluation found that the project would cast some net new shadow on the sidewalks on the northern side of Jessie Street (and Jessie Street itself) during all four seasons, and on the western sidewalk along the Mint Building (and a small portion of Mint Street east of the Project site) during spring and fall afternoons. Under the CEQA shadow criterion described above, this net new shadow on Jessie Street, along the Mint Building's sidewalk and on Mint Street would not substantially affect the usability or enjoyment of these streets and sidewalks.

The PMND concluded that the project-generated shadows would be minor relative to shadow currently generated by existing buildings in the vicinity. The shadows cast by the project would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. Further discussion regarding shadow on Mint Plaza is presented in Exhibit B, Response to Concern SH1. In sum, the Department's environmental review concluded that the shadows cast by the proposed project on public sidewalks and open spaces would not be considered substantial, and would not rise to the level of significant and unavoidable based on CEQA significance criteria.

Based on the issues raised by the Appellant and the explanation provided in the response and PMND, no shadow issues rise to the level of significant adverse effect. The PMND was correctly issued, and an Environmental Impact Report would not be required.

EXHIBIT B



June 23, 2009

Attention: Bill Wycko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Preliminary Mitigated Negative Declaration
942 Mission Street Hotel Project

Dear Mr. Wycko:

Friends of Mint Plaza would like to recommend several amendments to the Preliminary Negative Declaration ("Document") for 942 Mission Street Hotel Project and request that further study be performed. Our specific concerns in response to the Document are listed below.

Shadow

According to the Shadow Analysis cited in the Document there would be shadows cast on Mint Plaza which is an open space. This would not be consistent with the Priority Policies of Proposition M, protection of open space. This is of great concern and is a significant impact that should be studied further. Public open space is a priority of the General Plan and needed in the downtown area. It is important to protect what open space is in existence today.

} SH1

Recreation – Open Space

The proposed project does not provide open space that meets Section 138 of the Planning Code. It is important that the in lieu fee for this open space requirement be paid out to an existing open space in the surrounding neighborhood.

} APP1

Noise

As stated on pages 48 of the Document, "Construction equipment would generate noise and possible vibrations that could be considered an annoyance by occupants of nearby properties. Piles would be placed into loose to medium dense sand and marsh deposits beneath the existing basement, which could generate potentially substantial noise and vibration during pile placement." Additionally it is noted on page 49 that noise generated by construction exceeds the allowable levels of 80 dBA in accordance with the San Francisco Noise Ordinance. This is of great concern to residents and businesses occupying the buildings surrounding Mint Plaza. Furthermore the outdoor seating area of the restaurants and cafés immediately adjacent to the proposed project would be greatly impacted as business hours of operation are from 7 a.m. to 10 p.m. This is a significant impact and requires further study.

} N1



54 Mint Street 5th Floor San Francisco California 94103

Telephone 415.348.4604 Facsimile 415.442.4811 www.mintplazasf.org



Wind

As noted on page 67 of the Document, "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." The proposed project building height is 152 feet. The adjacent buildings are approximately 67-feet. This condition could create wind levels that would not be compliant with Section 148 of the Planning Code. Although the document sites that a wind test was performed on another nearby property, it was not performed for the proposed project. Also the test was performed for a 120-foot height building, not at 152-foot high building. A complete wind test is requested for this project.

W1

If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Katie O'Brien".

Katie O'Brien, Board Member
Friends of Mint Plaza

Mint Collection HOA
14 Mint Plaza, 5th Floor
San Francisco, CA 94103

June 23, 2009

Attention: Bill Wycko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Preliminary Mitigated Negative Declaration
942 Mission Street Hotel Project

Dear Mr. Wycko:

Mint Collection HOA would like to made recommendations for amending the Preliminary Negative Declaration ("Document") for 942 Mission Street Hotel Project and request that further study be performed. After reviewing the document we have several concerns that will affect our residents.

Aesthetics – Scenic Vistas

The proposed project has a significant impact visually from several public views and vantage points as demonstrated in Figures 12, 13 and 14 of the Document. The difference in height of the proposed project compared to the existing surrounding buildings would create public view obstructions. The current building is approximately 2 stories in height. The proposed project would have an increase to 15-stories. As stated on page 27 of the Document the proposed project would vary between 2 and 14 feet taller than the surrounding buildings. As demonstrated in the Document, this change in height would block scenic vistas from multiple public vantage points and would have a significant impact. Further study on how this impact could be mitigated should be performed.

AES1

Aesthetics – Views from Private Residences

There is a loss of private views for the residences around Mint Plaza as stated on page 27 of the Document; "The reduced private views for some nearby residents and offices would be unavoidable consequence of the proposed project and would be an undesirable change for those individuals whose views the proposed building would block." The loss of private residence views is of great concern to us and would be a significant impact on the environment. The height and massing of this building needs to be studied further to mitigate this impact.

AES2

Transportation and Circulation – Congestion and Parking

The proposed project would add approximately 453 daily trips according to the Document on page 42. This would provide a significant impact to an already congested area. In addition the project provides no parking and in fact eliminates existing parking on Jessie and Mission Streets. The removal of existing parking will add to the parking challenges of the commercial and residential neighborhood. We feel that the added congestion, safety impacts and noise impact of increased traffic to the building would be a significant impact that requires further study.

TR1

Noise

As stated on pages 48 of the Document, "Construction equipment would generate noise and possible vibrations that could be considered an annoyance by occupants of nearby properties. Piles would be placed into loose to medium dense sand and marsh deposits beneath the existing basement, which could generate potentially substantial noise and vibration during pile placement." Additionally it is noted on page 49 that noise generated by construction exceeds the allowable levels of 80 dBA in accordance with the San Francisco Noise Ordinance. This is of great concern to residents and businesses occupying the buildings surrounding Mint Plaza including 2, 4, 6, 8, 10, 12, 14 and 16 Mint Plaza. For residents this would disrupt their quiet enjoyment of their space throughout the day. This is a significant impact and requires further study.

N1

Wind

As noted on page 67 of the Document, "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." The proposed project building height is 152 feet. The adjacent buildings are approximately 67-feet. This condition could create wind levels that would not be compliant with Section 148 of the Planning Code. Although the document sites that a wind test was performed on another nearby property, it was not performed for the proposed project. Also the test was performed for a 120-foot height building, not at 152-foot high building. A complete wind test is requested for this project.

W1

Shadow

According to the Shadow Analysis cited in the Document there would be shadows cast on Mint Plaza which is an open space. This would not be consistent with the Priority Policies of Proposition M, protection of open space. This of great concern and is a significant impact that should be studied further. Public open space is a priority of the General Plan and needed in the downtown area. It is important to protect what open space is in existence today.

SH1

Recreation – Open Space

The proposed project does not provide open space that meets Section 138 of the Planning Code. It is important that the in lieu fee for this open space requirement be paid out to an existing open space in the surrounding neighborhood.

APP1

If you have any questions, please do not hesitate to contact me at (415) 348-4652. Thank you.

Sincerely,



Jill Helffenstein, Board Member
Mint Collection HOA

Exhibit B

Planning Department Response to Comments on Preliminary Mitigation Negative Declaration

CASE NO. 2008.0197E – 942 MISSION STREET HOTEL PROJECT PUBLISHED ON JUNE 3, 2009

BACKGROUND

On June 3, 2009, the Planning Department published a Preliminary Mitigated Negative Declaration (PMND). The Department received three appeal letters (one of which was withdrawn) that were previously discussed in Exhibit A. In addition, the Planning Department received two comment letters, one from Jill Helffenstein, Board Member of the Mint Collection HOA, dated June 23, 2009, and one from Katie O'Brien, Board Member of Friends of Mint Plaza, dated June 23, 2009. All appeal issues are presented and responded to in Exhibit A. Exhibit B includes responses to all comments included in the two comment letters received that are not part of the appeal letters.

RESPONSES TO CONCERNS

Concerns raised in the comment letters are presented below. These concerns are numbered in the order in which the Initial Study Checklist subject appears and are followed by the Planning Department's responses. Each numbered concern is identified in the margin of the attached comment letters.

Approvals Required

CONCERN APP1

"The proposed project does not provide open space that meets Section 138 of the *Planning Code*. It is important that the in lieu fee for this open space requirement be paid out to an existing open space in the surrounding neighborhood." (Katie O'Brien, *Friends of Mint Plaza*)

RESPONSE TO CONCERN APP1

As discussed on page 17 of the Initial Study, Section 138(f) of the San Francisco *Planning Code* allows a project sponsor to pay an in-lieu fee instead of providing the full amount of open space required by Section 138(b) of the *Planning Code*. As noted on page 17 of the Initial Study, the project sponsor would pay an in-lieu fee in accordance with Section 138(f) and would provide open space in the form of private outdoor decks and a landscaped roof on the seventh floor. The Planning Department would ensure compliance with this and other applicable *Planning Code* requirements as part of the project entitlement process, separate from the environmental review

process. The PMND identified no significant impact based on the amount of open space provided.

CONCERN APP2

“The proposed project does not provide open space that meets Section 138 of the *Planning Code*. It is important that the in lieu fee for this open space requirement be paid out to an existing open space in the surrounding neighborhood.” (*Jill Helffenstein, Mint Collection HOA*)

RESPONSE TO CONCERN APP2

Please see Response to Concern APP1, above.

Aesthetics

CONCERN AES1

“The proposed project has a significant impact visually from several public views and vantage points as demonstrated in Figures 12, 13 and 14 of the Document. The difference in height of the proposed project compared to the existing surrounding buildings would create public view obstructions. The current building is approximately 2 stories in height. The proposed project would have an increase to 15 stories. As stated on page 27 of the Document the proposed project would vary between 2 and 14 [stories] taller than the surrounding buildings. As demonstrated in the Document, this change in height would block scenic vistas from multiple public vantage points and would have a significant impact. Further study on how this impact could be mitigated should be performed.” (*Jill Helffenstein, Mint Collection HOA*)

RESPONSE TO CONCERN AES1

As the PMND photosimulations show, the proposed building would introduce a 15-story building on a block primarily characterized by buildings of five stories or less and, as a result, would be visually prominent on the block. The proposed hotel would be about four stories taller than the tallest buildings along Mission Street between Fourth and Fifth Streets, which are 11 stories tall. However, the proposed project would not stand alone. There are tall buildings to within two blocks to the east and west of the project site, including the Yerba Buena Center hotels to the east and the federal building to the west. The Downtown core is directly northeast of the project site. In this respect, the project would be visually compatible with surrounding development to the east, west, and north of the site.

As stated on page 16 of the Initial Study, the 152-foot-tall proposed project would be shorter than the 160-foot height maximum of the 160-F Height and Bulk district. It would conform to the district’s bulk controls with its approximately 108-foot length and 120-foot diagonal, which is less than the district’s maximum allowed plan dimension length of 110 feet and diagonal of 140 feet. The effect of the building’s mass would be substantially reduced by the 40-foot setback from Mission Street along the upper nine stories, making the building appear comparable in height to the adjacent Alkain Hotel and Hotel Chronicle on Mission Street, when viewed from Mission

Street. There would also be a 10-foot setback from Jessie Street along the upper 10 stories, making the building comparable in height to the adjacent buildings to the east and west when viewed from Jessie Street.

Under CEQA, the proposed project would have a significant effect on the environment in terms of aesthetics if it would have a substantial adverse effect on a scenic vista, substantially damage scenic resources, substantially degrade the existing visual character or quality of the site and its surroundings or create a new source of light or glare. The proposed project would result in a visual change, as shown in Figures 12 through 14 of the PMND. While these figures illustrate that the building would rise above the skyline created by the project block, the figures show the only views that would be blocked from public vantage points would be views of open sky, which are not considered a scenic vista under CEQA. There are no scenic resources that exist on the project site or in the immediate vicinity. The General Plan Urban Design element does not identify any scenic vistas at the project site or visible from the project site. Mission Street, at this location, is not characterized as important for its quality of views or as a contributor to the area's visual identity. As identified in the PMND, the proposed project would not substantially degrade the visual character of the site or create a new source of light or glare. Based on the preceding considerations, the PMND correctly concluded that the project would not create a significant impact on scenic visual resources. Therefore, the preparation of an Environmental Impact Report would not be required.

CONCERN AES2

"There is a loss of private views for the residences around Mint Plaza as stated on page 27 of the Document; 'The reduced private views for some nearby residents and offices would be unavoidable consequence of the proposed project and would be an undesirable change for those individuals whose views the proposed building would block.' The loss of private residence views is of great concern to us and would be a significant impact on the environment. The height and massing of this building needs to be studied further to mitigate this impact." (*Jill Helffenstein, Mint Collection HOA*)

RESPONSE TO CONCERN AES2

The loss of views to a few private residences does not rise to the level of a significant impact under CEQA. The alteration or interruption of private residential views is a commonly expected and experienced consequence of new construction within a densely populated urban setting. The changes to private views resulting from the proposed project would not substantially degrade the existing visual character or quality of the environment under CEQA. While it is acknowledged that any reduction in views enjoyed by private individuals would be an undesirable change for those individuals, such changes are an inevitable effect of living in an urban environment. Unless implementation of a proposed project would: (1) have a substantial adverse effect on a scenic vista; (2) substantially damage scenic resources; or (3) cause a substantial degradation of the existing visual character of the project site or its surroundings, its visual impacts would not be considered significant, and no mitigation would be required. Since the proposed project would not exceed any of these significance thresholds, its visual impacts would be less than significant, as determined in the PMND, and there is no necessity under CEQA to explore additional mitigation measures for visual impacts.

Transportation and Circulation

CONCERN TR1

"The proposed project would add approximately 453 daily trips according to the Document on page 42. This would provide a significant impact to an already congested area. In addition the project provides no parking and in fact eliminates existing parking on Jessie and Mission Streets. The removal of existing parking will add to the parking challenges of the commercial and residential neighborhood. We feel that the added congestion, safety impacts and noise impact of increased traffic to the building would be a significant impact that requires further study." (*Jill Helffenstein, Mint Collection HOA*)

RESPONSE TO CONCERN TR1

Please see Exhibit A Response to Concern TR1, page A-2.

Noise

CONCERN N1

"As stated on pages 48 of the Document, 'Construction equipment would generate noise and possible vibrations that could be considered an annoyance by occupants of nearby properties. Piles would be placed into loose to medium dense sand and marsh deposits beneath the existing basement, which could generate potentially substantial noise and vibration during pile placement.' Additionally it is noted on page 49 that noise generated by construction exceeds the allowable levels of 80 dBA in accordance with the San Francisco Noise Ordinance. This is of great concern to residents and businesses occupying the buildings surrounding Mint Plaza. Furthermore the outdoor seating area of the restaurants and cafés immediately adjacent to the proposed project would be greatly impacted as business hours of operation are from 7 a.m. to 10 p.m. This is a significant impact and requires further study." (*Katie O'Brien, Friends of Mint Plaza*)

RESPONSE TO CONCERN N1

As noted in the comment and as stated on page 49 of the PMND, the San Francisco Noise Ordinance limits noise levels from individual pieces of construction equipment to 80 dBA at a distance of 100 feet from the source. However, this restriction does not apply to impact tools, such as pile drivers, jackhammers, rammers, and impact wrenches. The Ordinance requires such tools to be equipped with intake and exhaust mufflers recommended by the manufacturers as best accomplishing maximum noise reduction.

While standard pile driving can generate noise levels of 105 dBA at 50 feet each time the hammer strikes the pile, as stated in the PMND, the project sponsor would not drive piles, but rather would install specialty piles that can be placed with substantially reduced noise and little or no vibration. With the use of these specialty piles, the noise from pile placement would be limited to approximately 79 dBA at 50 feet, which decrease to between 71.5 and 73 dBA at twice the distance (100 feet). The outdoor seating area in Mint Plaza ranges from about 100 to 375 feet from

the project site. The majority of Mint Plaza's seating is between 175 feet to 375 feet from the site. Thus, the noise level from pile placement would be well within the noise limit applied to other types of non-impact construction equipment (i.e., 80 dBA at 100 feet). The noise impact on nearby receptors from pile placement would therefore be less than significant, as concluded in the PMND on page 50. Additionally, because there would be little or no vibration from installation of the specialty piles, the vibration impact would not be significant.

Noise from other construction equipment was calculated in the noise analysis to be less than 75 dBA at the nearest residential receptors, including around Mint Plaza. Noise levels at these residential receptors are therefore representative of the noise levels that would be experienced at the outdoor restaurant seating at Mint Plaza during the noisiest project construction activities. These noise levels do not into account additional attenuation of noise that would be caused by intervening buildings; noise would not travel in a direct line to the outdoor seating areas, but would be reflected off the walls of surrounding buildings.

While the noise from construction may create an annoyance during daytime hours, the project would be required to comply with the provisions of the Noise Ordinance, which limit construction work to the hours of 7:00 a.m. to 8:00 p.m. Construction noise is a temporary impact, and with compliance with the Noise Ordinance, construction noise impacts are considered to be less than significant. For this reason, the proposed project would not result in a significant noise impact under CEQA and preparation of an Environmental Impact Review would not be required.

CONCERN N2

"As stated on pages 48 of the Document, "Construction equipment would generate noise and possible vibrations that could be considered an annoyance by occupants of nearby properties. Piles would be placed into loose to medium dense sand and marsh deposits beneath the existing basement, which could generate potentially substantial noise and vibration during pile placement." Additionally it is noted on page 49 that noise generated by construction exceeds the allowable levels of 80 dBA in accordance with the San Francisco Noise Ordinance. This is of great concern to residents and businesses occupying the buildings surrounding Mint Plaza including 2, 4, 6, 8, 10, 12, 14 and 16 Mint Plaza. For residents this would disrupt their quiet enjoyment of their space throughout the day. This is a significant impact and requires further study." (*Jill Helffenstein, Mint Collection HOA*)

RESPONSE TO CONCERN N2

Please see Response to Concern N1.

Wind and Shadow

CONCERN W1

"As noted on page 67 of the Document, '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.’ The proposed project building height is 152 feet. The adjacent buildings are approximately 67-feet. This condition could create wind levels that would not be compliant with Section 148 of the Planning Code. Although the document [c]ites that a wind test was performed on another nearby property, it was not performed for the proposed project. Also the test was performed for a 120-foot height building, not at 152-foot high building. A complete wind test is requested for this project.” (Katie O’Brien, Friends of Mint Plaza, and Jill Helffenstein, Mint Collection HOA)

RESPONSE TO CONCERN W1

A wind tunnel test was performed in October 2010 for the proposed project. Please see Exhibit A Response to Concern W1, page A-8.

CONCERN SH1

“According to the Shadow Analysis cited in the Document there would be shadows cast on Mint Plaza which is an open space. This would not be consistent with the Priority Policies of Proposition M, protection of open space. This is of great concern and is a significant impact that should be studied further. Public open space is a priority of the General Plan and needed in the downtown area. It is important to protect what open space is in existence today.” (Katie O’Brien, Friends of Mint Plaza, and Jill Helffenstein, Mint Collection HOA)

RESPONSE TO CONCERN SH1

The commenter is correct in stating that the PMND has disclosed shadow cast on Mint Plaza from the proposed project. The PMND summarized a shadow analysis performed by an independent consultant. The project’s shadows were modeled as part of the project’s environmental review, and the results are shown on Figures 16 through 27 of the PMND. The shadow study evaluated project shadows by simulating conditions during representative times of day for each of the four seasons: the winter solstice (December 21), when the sun is at its lowest zenith (high point in the sky above the horizon); the summer solstice (June 21), when the sun is at its highest; and during the spring and fall equinoxes (March 21 and September 21, respectively), when the sun is at its midpoint. The times selected for analysis include 10:00 a.m., 12:00 noon, and 3:00 p.m. The figures presented in the PMND show shadows from existing structures in gray and net new shadows from the proposed project in black.

The shadow analysis found that the majority of the plaza is already shadowed by existing buildings, the Old Mint Building to the south of the plaza in particular. Total shadow cast by the project on Mint Plaza would be present for a maximum of three hours a day (from approximately 11:00 a.m. to 2:00 p.m.) from mid-September to late March, and the greatest amount of shadow would occur during December. No shadow would be cast by the project on Mint Plaza from April through August.

Under CEQA, the proposed project would have a significant shadow impact if it were to create new shadow in a manner that would adversely affect the use of any park or open space under the jurisdiction of the Recreation and Park Department, or if the project were to substantially affect

the usability of other existing publicly accessible open space or outdoor recreation facilities or other public areas. While Mint Plaza is not under the jurisdiction of the Recreation and Park Department, the shadow cast upon it by the proposed project was still assessed for its effects on usability. The area of Mint Plaza that would be shaded by new shadow would be a western portion of the plaza, along a walkway that joins Mint Street to the plaza. This area includes four trees, a 15-minute parking space, motorcycle parking, and space for movable seating. The net new shadow would occur around noon from late September to early March. Around noon, this area is typically used by pedestrians walking between Fifth, Mint, and Jessie Streets. This particular area of Mint Plaza is not frequently used for sitting during this time due to cooler seasonal temperatures. The public plaza movable seating is typically placed north of the Mint Building in an area already shaded by existing buildings. The plaza is most frequently used during the summer months when the proposed project would cast no shadow onto the area. The PMND correctly concluded that the incremental increase in shading of a small area of Mint Plaza would not be considered substantial, and the project's shadow impacts would therefore be less than significant.

The comment also states that "(i)t is important to protect what open space is in existence today." Aside from the minor shadows described above, the proposed project would not encroach upon, eliminate, or otherwise endanger existing open space in the area, including Mint Plaza, and would introduce new private open space (a rooftop garden on the seventh floor) to the project site that would be visible from some of the tall buildings in the project vicinity.

Prior to issuing a permit for any project that requires an Initial Study under CEQA; 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 or legislation is consistent with the Priority Policies, including the policy restricting new shadows on public plazas. The information provided in the PMND provides information to assist the Planning Commission in making findings regarding the consistency of the proposed project with the Priority Policies, a process that occurs separately from the environmental review that is the subject of these comments and responses.

Given the information above, the proposed project would not result in a significant impact under CEQA, as it would not result in a substantial adverse effect on the usability of Mint Plaza. Therefore, preparation of an Environmental Impact Report would not be required.

EXHIBIT C



SAN FRANCISCO PLANNING DEPARTMENT

Mitigated Negative Declaration

PMND Date: June 3, 2009; amended November 29, 2010
(Amendments to the PMND are shown as deletions in ~~striketrough~~; additions in double underline.)

Case No.: **2008.0197E**

Project Title: **942 Mission Street Hotel Project**

BPA Nos.: None filed.

Zoning: C-3-G (Downtown General Commercial) Use District
160-F Height and Bulk District

Assessor Block/Lot: 3704 / 015

Lot Size: 8,000 square feet

Project Sponsor: Michael Stanton, FAIA, for Mint Development, L.P. (415) 865-9600

Lead Agency: San Francisco Planning Department

Staff Contact: Andrea Contreras – (415) 575-9044 ~~Carol Reos – (415) 575-9043~~
Andrea.Contreras@sfgov.org ~~Carol.Reos@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 proposed project would demolish a two-story-over-basement, 30-foot-tall building that contains about 8,000 square feet of office space and 17,000 square feet of former commercial film studio space, for a total of 25,000 square feet of existing space. In its place, the project sponsor proposes to retain the existing basement and construct a 15-story, approximately 152-foot-tall building. The building would contain an 8,000 square foot basement, about 3,240 square feet of ground-floor retail, 4,025 square feet of ground floor circulation and building service space and 72,000 square feet of hotel space above, including 172 hotel rooms, for a gross floor area of total of 79,265 square feet and a building total of 87,265 square feet. Pedestrian access to the hotel would be on Mission and Jessie Streets. No off-street parking or loading would be included in the project. One passenger loading space on Jessie Street is proposed. The project site is located in the South of Market neighborhood just south of the Union Square/Downtown area of the City, on the north side of Mission Street in the block bound by Market, Fifth, Mission, and Sixth Streets, to the north, east, south, and west, respectively. The block includes two east-west alleys, Jessie and Stevenson Streets, and an L-shaped street, Mint Street, which borders Mint Plaza. The project site is a through-lot between Mission and Jessie Streets. The project requires Conditional Use authorization under Planning Code Section 216(b)(i), Hotel, and a Determination of Compliance under Planning Code Section 309 (Permit Review in the C-3 District) with an exception under Section 309(a)(2) from the ground-level wind current requirement. The Planning Department has made an initial determination that 47,000 square feet of the proposed hotel uses would be subject to the requirements of the Housing for Large-Scale Development (Section 413), and Child-Care Requirements for Office and Hotel Development Projects (Section 414). The proposed project would require purchase of transferable development rights (TDR) pursuant to Planning Code Section 128, Transfer of Development Rights in C-3 Districts, and building permits from the Department of Building Inspection. This project lies within the C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See page 121.

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

BILL WYCKO
Environmental Review Officer

Date of Adoption of Final Mitigated
Negative Declaration

cc: Project Sponsor
Rick Crawford, Planning Department
Mark Luellen, Planning Department
Supervisor Chris Daly, District
Tuija Catalano, Reuben & Junius
Master Decision File/Bulletin Board
Distribution List

INITIAL STUDY
942 MISSION STREET HOTEL PROJECT
 PLANNING DEPARTMENT CASE NO. 2008.0197E

TABLE OF CONTENTS

	<i>Page</i>
A. Project Description.....	1
Project Site.....	1
Proposed Project.....	4
B. Project Setting.....	4
C. Compatibility with Existing Zoning and Plans	15
San Francisco Planning Code and Approvals Required.....	16
Plans and Policies.....	18
D. Summary of Environmental Effects	19
E. Evaluation of Environmental Effects.....	20
1. Land Use and Land Use Planning	20
2. Aesthetics	23
3. Population and Housing	29
4. Cultural and Paleontological Resources	31
5. Transportation and Circulation.....	39
6. Noise	48
7. Air Quality	52
8. Wind and Shadow.....	66
9. Recreation.....	95
10. Utilities and Service Systems	96
11. Public Services	99
12. Biological Resources	100
13. Geology and Soils.....	101
14. Hydrology and Water Quality	106
15. Hazards and Hazardous Materials.....	111
16. Mineral and Energy Resources.....	118
17. Agriculture Resources	120
18. Mandatory Findings of Significance.....	120
F. Mitigation Measures.....	121
G. Public Notice and Comment	125
H. Determination.....	127
I. List of Preparers	128

LIST OF FIGURES

Figure 1	Proposed Project Location.....	2
Figure 2	Proposed Site Plan.....	3
Figure 3	Proposed Ground Floor Plan.....	6
Figure 4	Proposed Second to Sixth Floor Plans (Similar).....	7
Figure 5	Proposed Seventh Floor Plan.....	8
Figure 6	Proposed Eighth to Fifteenth Floor Plans (Similar).....	9
Figure 7	Proposed Mission and Jessie Street Elevations	10
Figure 8	Proposed East Project Elevations	11
Figure 9	Proposed North-South Project Section.....	12
Figure 10	Mission Street Project Model	13
Figure 11	Jessie Street Project Model	14
Figure 12	View Looking West on Mission Street Near Fifth Street	24
Figure 13	View Looking East on Jessie Street Near Sixth Street.....	25
Figure 14	View Looking East on Mission Street Near Sixth Street	25
Figure 15	Existing 942 Mission Street Building	33
<u>Figure 15A</u>	<u>Wind Test Point Location Map.....</u>	<u>70</u>
Figure 16	Proposed Project Shadow: December 21, 10AM PST	82
Figure 17	Proposed Project Shadow: December 21, 12 Noon PST	83
Figure 18	Proposed Project Shadow: December 21, 3PM PDT.....	84
Figure 19	Proposed Project Shadow: March 21, 10AM PDT.....	85
Figure 20	Proposed Project Shadow: March 21, 12 Noon PDT	86
Figure 21	Proposed Project Shadow: March 21, 3PM PDT	87
Figure 22	Proposed Project Shadow: June 21, 10AM PDT	88
Figure 23	Proposed Project Shadow: June 21, 12 Noon PDT	89
Figure 24	Proposed Project Shadow: June 21, 3PM PDT.....	90
Figure 25	Proposed Project Shadow: September 21, 10AM PDT	91
Figure 26	Proposed Project Shadow: September 21, 12 Noon PDT	92
Figure 27	Proposed Project Shadow: September 21, 3PM PDT.....	93

LIST OF TABLES

Table 1	Project Characteristics.....	5
<u>Table 2</u>	<u>Wind Comfort Criterion Results</u>	<u>69</u>

INITIAL STUDY

Case No. 2008.0197E – 942 Mission Street Hotel Project

A. PROJECT DESCRIPTION

PROJECT SITE

The project site is located at 942 Mission Street between Fifth and Sixth Streets in the South of Market neighborhood just south of the Union Square/Downtown area of the City. The site is one block south of Market Street; the rear lot line abuts the mid-block Jessie Street (see Figure 1, page 2). The project site consists of Assessor's Block 3704, Lot 015, a rectangular, approximately 8,000-square-foot lot located within the Downtown Plan area of the *San Francisco General Plan*.

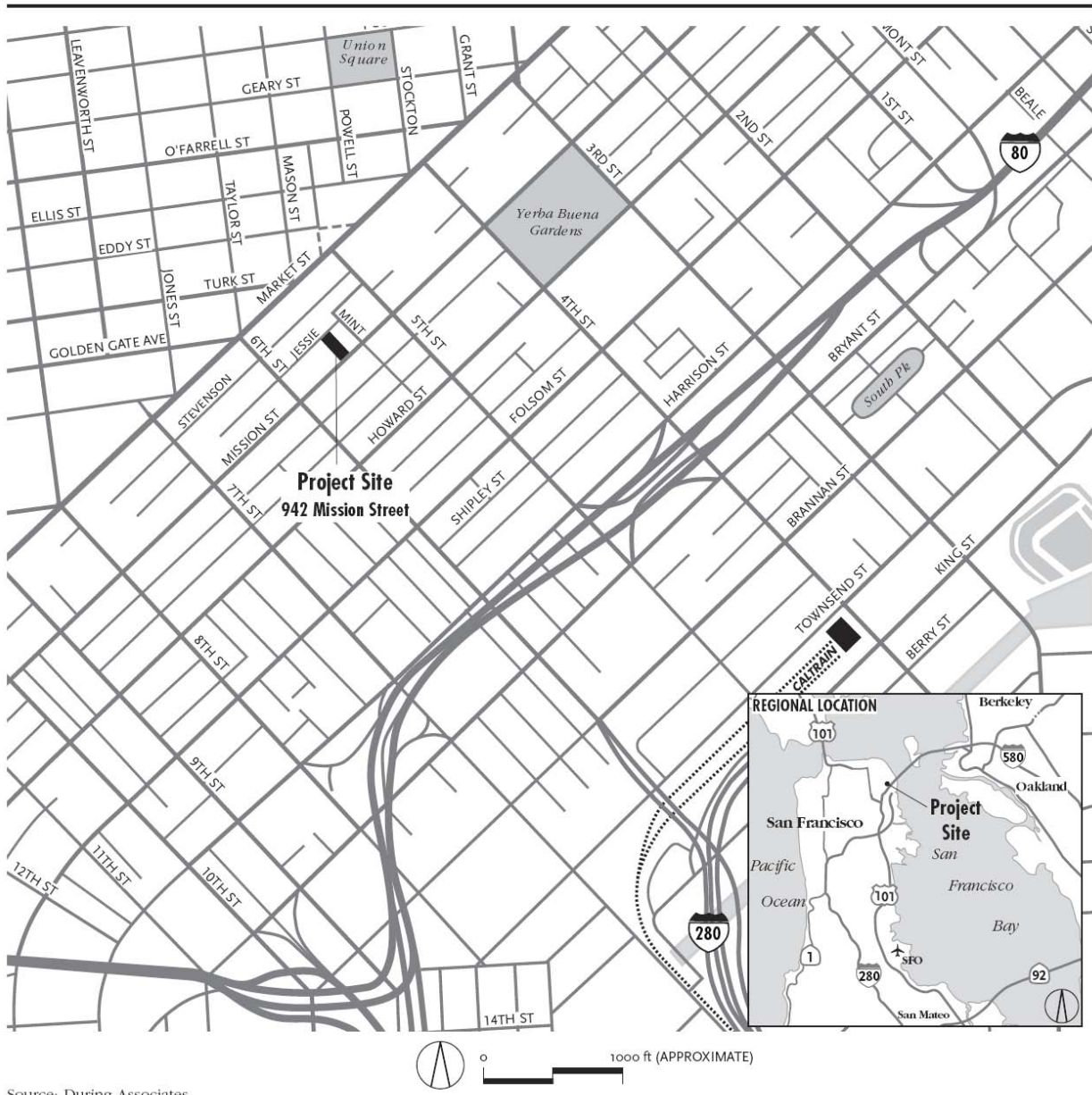
The boundaries of the project block are Jessie Street (north), Fifth Street (east), Mission Street (south), and Sixth Street (west).¹The east-west Jessie Street and the north-south Mint Street, which connects Jessie Street to Mission Street and terminates at Jessie Street and the Mint Plaza, are short mid-block streets (see Figure 2, page 3).

The existing building has a one-level, 9,000-square-foot basement. Assessor's records indicate that the basement level is 1,000 square feet larger than the lot, suggesting that the basement level may extend beneath the sidewalk along Mission and/or Jessie Streets.² Existing lot coverage is 100 percent, and, at two-plus stories, the floor area ratio (FAR) is about 3:1. The project site is located in the C-3-G (Downtown General Commercial) Use district and a 160-F Height and Bulk district. The maximum permitted base FAR in the 160-F Height and Bulk district is 6:1, and the project sponsor would seek to increase the FAR to the maximum allowable 9:1 using the Planning Department's Transferable Development Rights (TDR) program.³ There are no existing off-street parking spaces and no off-street freight-loading spaces. The building fronts Mission Street.

¹ Although Mission Street runs northeast to southwest, it is convention in San Francisco for it to be described east-west.

² Rockridge Geotechnical, Geotechnical Review, 942 Mission Street, San Francisco California, July 24, 2008, p. 1. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Project File No. 2008.0197E.

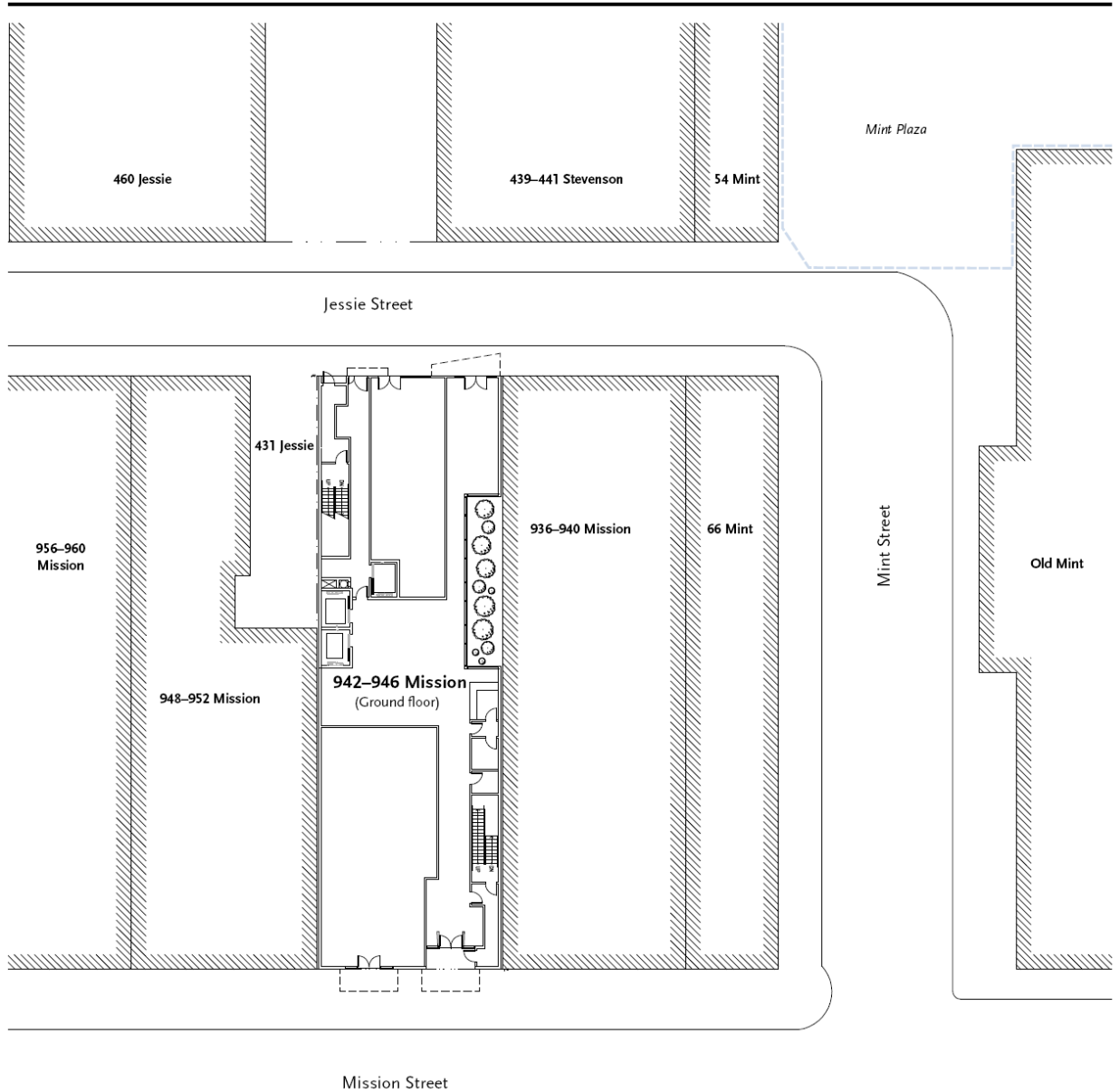
³ *San Francisco Planning Code*, Section 124, Basic Floor Area Ratio, and Section 128, Transfer of Development Rights in C-3 Districts.



Source: During Associates

3-9-09

Proposed Project Location Figure 1



Source: Stanton Architecture

5-18-09

Proposed Site Plan Figure 2

PROPOSED PROJECT

The proposed project includes demolition of the above-grade portion of the existing, two-story-over-basement, approximately 30-foot-tall, 25,000-square-foot commercial building and the construction of a 15-story, approximately 152-foot-tall, ~~79~~ 87,265-square-foot tourist hotel that would include about 72,000 square feet of hotel space, in up to 172 hotel rooms, 3,240 square feet of ground-floor retail space, and 4,025 square feet of ground floor circulation and building support space for a gross floor area of 79,265 (see Table 1, Project Characteristics, page 5). About 8,000 square feet of the existing building's basement would be retained and the remaining 1,000 square feet, which extends underneath the sidewalk, would be filled and abandoned. The proposed project would not provide off-street parking or loading and the project sponsor does not anticipate the use of valet parking. The project sponsor would request that the 50-foot-wide curb frontage on Jessie Street be designated as a passenger loading/unloading zone. Lot coverage would be 100 percent, and the FAR would be 9:1. The lobby would be located in the ground floor, with pedestrian access from both Jessie and Mission Streets. One retail space would front Mission Street while another would front Jessie Street, both accessible to pedestrians. Building service access would be from Jessie Street. Figures 3 through 11, pages 6 to 14, illustrate the proposed project.

The design of the proposed hotel would be contemporary. The upper nine floors of the hotel would be set back approximately 40 feet from the Mission Street property line. These upper floors would overlook a vegetated roof at the seventh floor planted in drought-tolerant California native grasses. Bay windows would extend up to the thirteenth level. The proportions and detailing of the fenestration in the base along Mission Street would be repeated in the windows of the upper floors. The façade of the new hotel on Jessie Street would step back at the sixth and thirteenth levels. An angled metal awning would project over the Jessie Street entrance to the hotel; this entrance would be used for vehicular arrival and pick-up.

Construction of the proposed project would not require excavation, but would require pile placement. The project sponsor is considering pile type options to minimize noise and vibration effects (as discussed under topic 13, Geology and Soils, page 101).

B. PROJECT SETTING

The project site is located in the South of Market neighborhood just south of the Union Square/Downtown area of the City, on the north side of Mission Street in the block bound by Market, Fifth, Mission, and Sixth Streets, to the north, east, south, and west, respectively. The block includes two

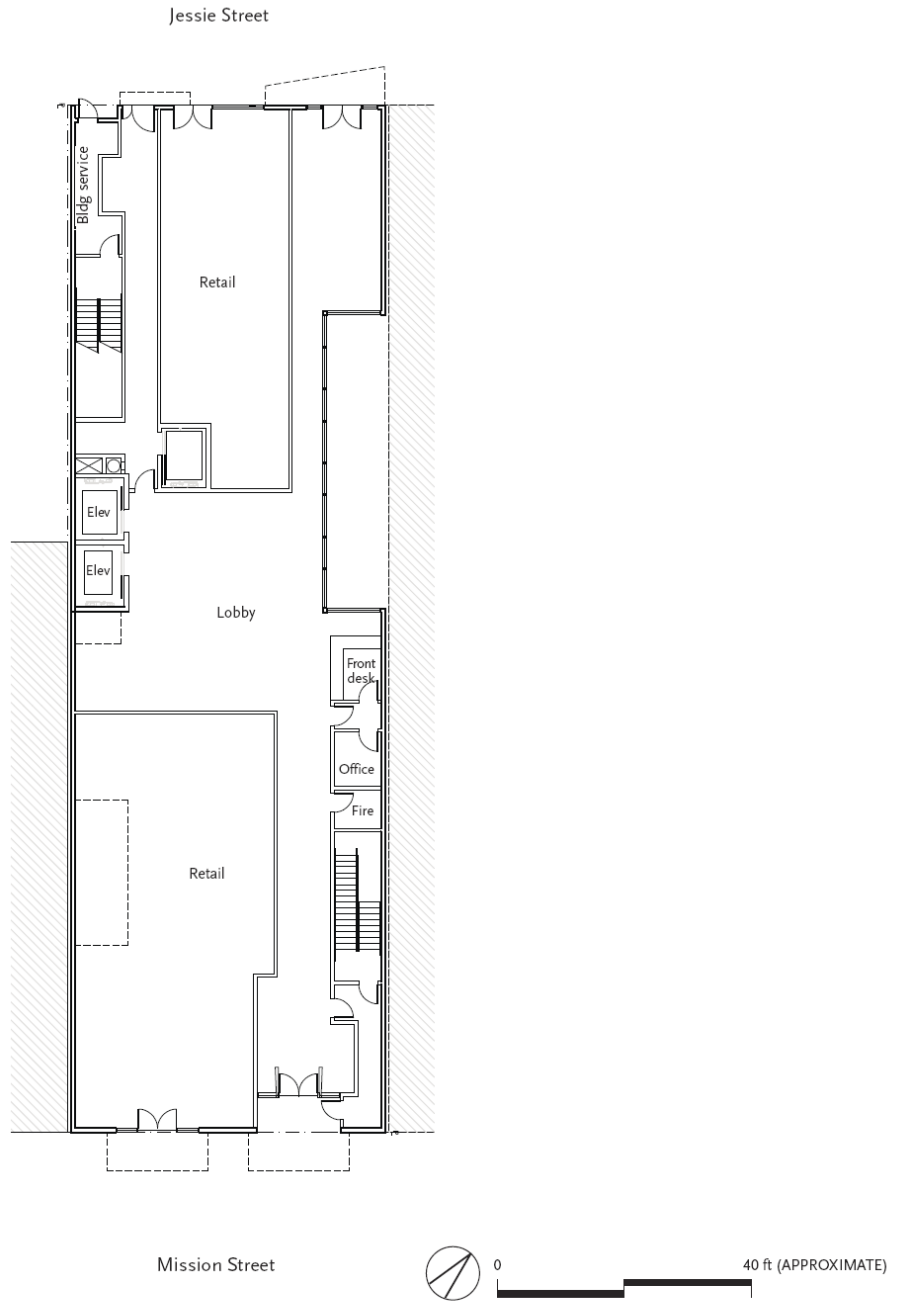
Table 1 Project Characteristics	
Use/Characteristic	Area/Amount
Floor Area	
- Hotel Rooms	72,000 gsf
- Retail	3,240 gsf
- Circulation and Building support space	4,025 gsf
Gross Floor Area	79,265 gsf
<u>Building Services</u>	
- <u>Basement</u>	<u>8,000 sf</u>
<u>Building Total</u>	<u>87,265 sf</u>
Hotel Rooms	172
- Double-doubles	39
- King	115
- Suite	18
Number of buildings	1
Height of building	152 feet
Number of stories	15

Source: During Associates, 200910.

east-west alleys, Jessie and Stevenson Streets, and an L-shaped street, Mint Street, which borders Mint Plaza. The project site is a through-lot between Mission and Jessie Streets, one block south of Market Street. The primary frontage of the site is on Mission Street between Fifth and Sixth Streets. The area around the project site appears flat but slopes slightly to the southeast.

The project block along Mission Street consists of mixed-use, two to five story buildings west and east of the project site. Adjacent to the project site are two hotels and a four-story building on the west, and a five-story structure to the east. The second building to the east from the project site is a two-story masonry bank building on the northwest corner of Mission and Mint Streets. The historic two-story-over-basement Mint Building anchors the northwest corner of Mission and Fifth Streets. Mint Plaza, a publicly accessible open space is at the north end of Mint Street and continues on the north side of the Mint Building to Fifth Street. The north side of Mint Plaza contains residential and office buildings up to 11 stories tall with ground-floor commercial spaces. Across Mission Street south of the project site at the southwest corner of Mission and Fifth Streets is the San Francisco Chronicle building and its adjacent surface parking lot to the west (directly across Mission Street from the project site). The Fifth and Mission

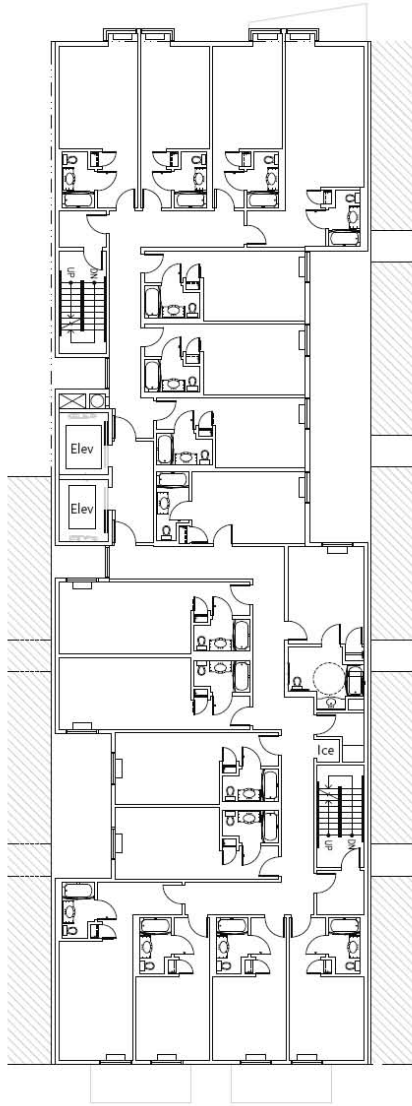
garage occupies the southeast corner of that intersection and extends along Mission Street to Fourth Street. The Hotel Pickwick occupies the northeast corner of Fifth and Mission Streets.



Source: Stanton Architecture

4-16-09

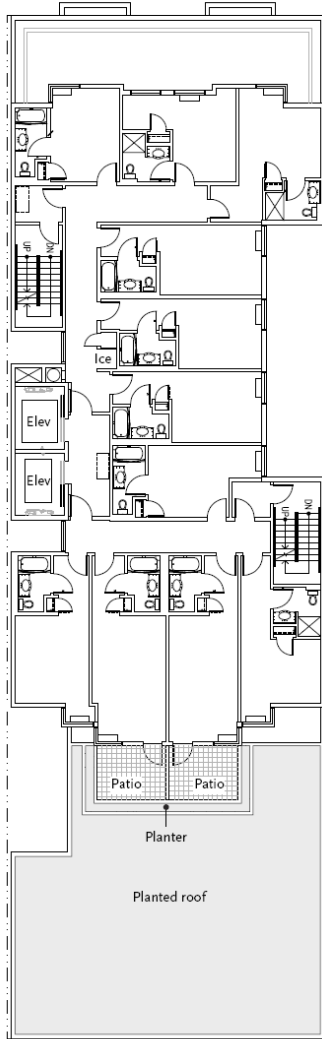
Proposed Ground Floor Plan Figure 3



Source: Stanton Architecture

4-20-09

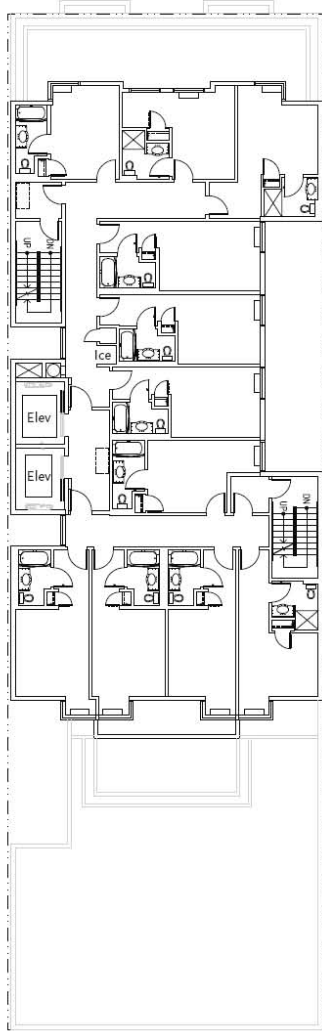
Proposed Second to Sixth Floor Plans (Similar) Figure 4



Source: Stanton Architecture

5-28-09

Proposed Seventh Floor Plan Figure 5



Source: Stanton Architecture

4-20-09

Proposed Eighth to Fifteenth Floor Plans (Similar) Figure 6



Mission Street Elevation



Jessie Street Elevation



Source: Stanton Architecture

4-20-09

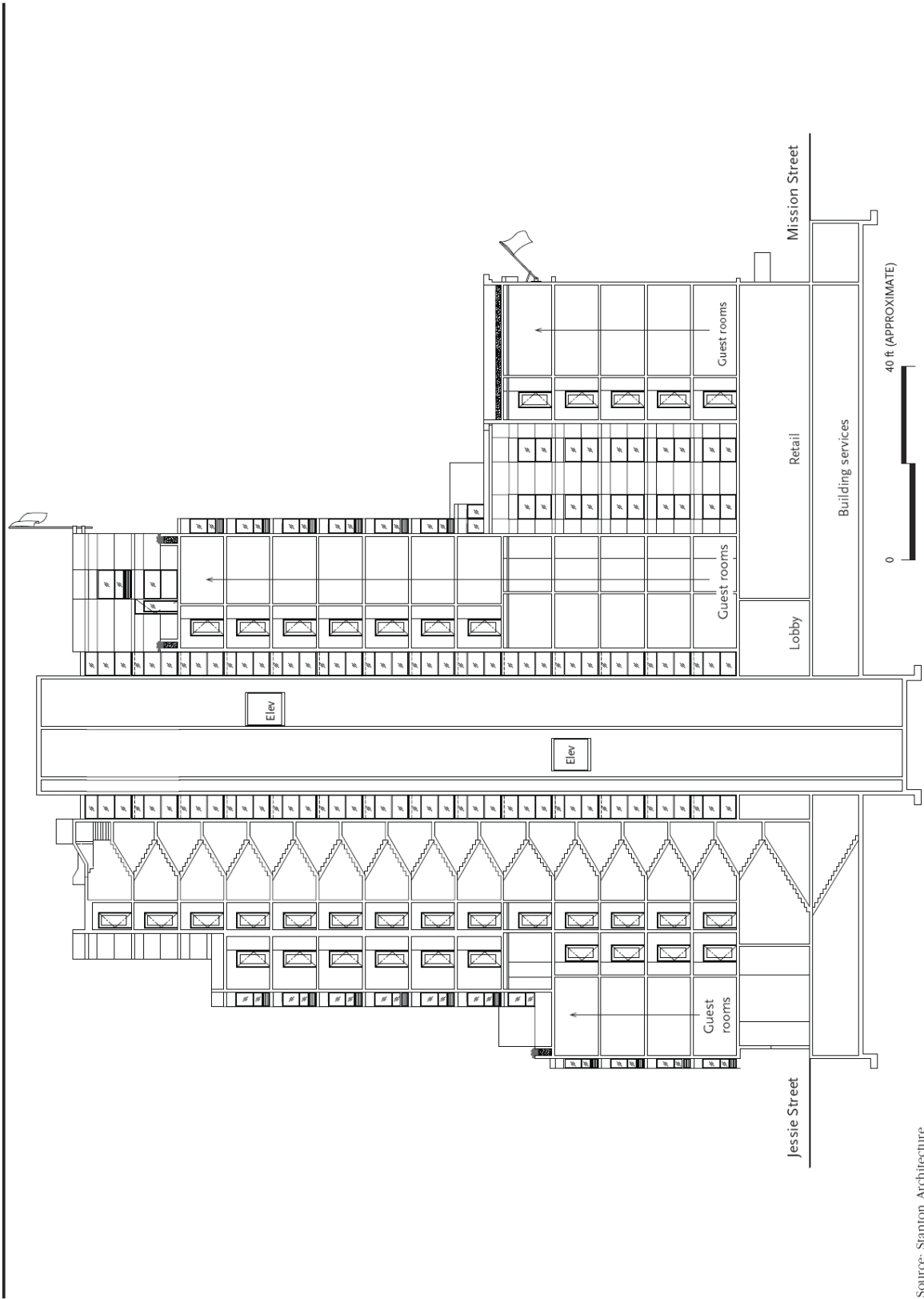
Proposed Mission and Jessie Street Elevations Figure 7



Source: Stanton Architecture

4-20-09

Proposed East Project Elevations Figure 8



Source: Stanton Architecture
4-20-09

Proposed North-South Project Section Figure 9



Source: Stanton Architecture

4-20-09

Mission Street Project Model Figure 10



Source: Stanton Architecture

4-20-09

Jessie Street Project Model Figure 11

Surrounding development on Jessie, Mint, Mission, and Sixth Streets, both on the project block and across those streets from the project site, includes a range of land uses, from residential hotels to ground-floor restaurant, retail, optometry, grocery, clothing, pawnshops, adult businesses, nightclub, professional offices, small manufacturing operations, and surface parking.

The downtown retail core of the city begins less than one block from the project to the northeast where the Westfield San Francisco Centre, a vertical shopping center is located. It is anchored by Nordstrom and Bloomingdale’s and includes movie theaters, gourmet grocery stores and a branch of San Francisco State University. The buildings and land uses in the surrounding area also reflect the varied history and mixed land uses of the downtown commercial and South of Market districts. The Market Street commercial and office corridor is one block to the north of the project site. The Powell Street BART Station and the cable car turnaround are located about one-half block farther northeast along Market Street. The Yerba Buena Center for the Arts, the Museum of Modern Art, Moscone Convention Center, public parking, and a variety of hotels are two blocks east of the project site along Mission and Howard Streets. To the south and west of the project site are the generally lower density, mixed-use, one- to-four-story buildings of the South of Market area, including PDR (production, distribution, and repair), offices, retail, and residential uses.

If approved, by approximately 2012, the proposed Mint Project would revitalize the corner of Mission and Fifth Streets. It would transform the Old Mint Building (1874), a National Historic Landmark, into a mixed-use cultural center, including a history museum, a visitor’s center, and locally focused retail shops. The building would be a place point for tourists and residents to discover and learn about Bay Area history and culture.

C. COMPATIBILITY WITH ZONING, PLANS, AND POLICIES

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

San Francisco Planning Code and Approvals Required

The *San Francisco Planning Code (Planning Code)*, which incorporates the City's Zoning Maps, implements the *San Francisco General Plan (General Plan)* and governs permitted 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) an allowable exception is granted pursuant to provisions of the *Planning Code*, or (3) amendments to the *Planning Code* are included as part of the project. Approval of the proposed project would result in an intensification of development on the project site, the specific impacts of which are discussed below under the relevant topic heading.

Uses. The project site is within the C-3-G (Downtown General Commercial) Use district.⁴ This district encompasses western downtown areas and includes a variety of uses: 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 level here than in the downtown core area. No off-street parking is required for individual commercial buildings, but in portions of this district, automobile parking is a major land use, serving this district and the adjacent office and retail core areas. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by rapid transit. The proposed hotel use is a conditionally permitted use in the C-3-G district. (*Planning Code* Section 216 (b)(i)), and would require Conditional Use authorization from the Planning Commission.

Height and Bulk. The 152-foot-tall proposed project would be shorter than the 160-foot height maximum of the 160-F Height and Bulk district. It would conform to the district's bulk controls with its approximately 108-foot length and 120-foot diagonal, being shorter than the district's maximum plan dimension length of 110 feet and diagonal of 140 feet.

Floor Area Ratio. The project would also need to acquire Transferable Development Rights (TDR) to augment the base FAR limit of 6:1 permitted for the site (*Planning Code* Sections 124 and 128), which would allow an FAR of 1½ times the basic floor area limit as provided in Section 124 (see Code Section 123), or 9:1 for the site. Existing lot coverage is 100 percent, and, at two-stories plus basement, the existing floor area ratio (FAR) is about 3:1. The gross floor area applicable to the program is 79,265 gsf. The TDR program would add approximately 24,000 square feet of space to the maximum area permitted to be built on this site under the base 6:1 FAR limit.

⁴ *San Francisco Planning Code*, Section 210.3, C-3 Districts: Downtown Commercial.

Open Space. Section 138 of the *Planning Code*, Open Space Requirements in C-3 Districts, requires one square foot of open space for each 50 square feet of qualifying non-residential building area in the C-3-G district, or 1,505 square feet of open space for the proposed project's total building area of ~~79~~ 87,265 square feet. The proposed project would not include such open space and would pay an in lieu fee in accordance with the provisions of Section 138(f) of the *Planning Code*. Some of the hotel rooms would have private outdoor decks, and a green (that is, planted) roof space would be created on the seventh floor.

Parking. The proposed project would not include off-street parking and it would meet the parking requirement of *Planning Code* Section 151.1, which does not require off-street parking for hotel uses in the C-3 Districts.

Loading. Section 152 of the *Planning Code* does not require off-street loading spaces for the project, and the project would not provide loading. The project sponsor would request that the 50-foot-wide curb frontage on Jessie Street be designated as a passenger loading/unloading zone, which would not qualify as an off-street loading space under the *Planning Code*.

Child Care. Section 314 of the *Planning Code* applies to hotel projects above 50,000 square feet. The project sponsor would either arrange with a nonprofit organization to provide a child-care facility at a location within the City, or pay an in-lieu fee to the City Treasurer.

Awnings and Marquees. *Planning Code* Section 136.1 indicates that awnings must be between eight and 16 feet above the sidewalk; the proposed project's awning over the Jessie Street hotel entrance would be approximately ten feet above the sidewalk and would comply with Section 136.1. This Section also requires that the marquees over the Mission Street hotel and retail entrances be between 12 and 16 feet from the sidewalk; the marquees would be about 12 feet above the sidewalk, and would comply with Section 136.1. The final plans for the awning and marquees would be reviewed by the DBI as part of the permit review process.

The project requires Planning Commission review as a project in a C-3 district under Section 309 of the *City Planning Code*. The project would require an exception under Section 309(a)(2) from the ground-level wind current requirement. The Planning Department has made the initial determination that 47,000 square feet of the proposed hotel use would be subject to the requirements of the Housing for Large-Scale Development (Section 413). As noted, the project also requires demolition, building, and site permits

from the Department of Building Inspection (DBI). The proposed project would be consistent with the existing zoning of the project site, and no change in land use controls would be required for project approval.

Plans and Policies

General Plan

In addition to the *Planning Code* and zoning requirements, the project is subject to the *General Plan*. The *General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to environmental issues. The current project would not obviously or substantially conflict with any such policy. Any conflict between the proposed project and policies that relate to physical environmental topics are discussed in Section E, Evaluation of Environmental Effects, by topic. Any potential conflicts not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project. In general, potential conflicts with the *General Plan* are considered by decision-makers independently of the environmental review process as part of the decision to approve or disapprove the proposed project.

Other Plans

Environmental plans and policies are those, like the Bay Area Air Quality Plan, that directly address environmental issues and/or contain targets or standards, which must be met in order to preserve or improve characteristics of the City's physical environment. The current project would not obviously or substantially conflict with any such adopted environmental plan or policy.

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 City *Planning Code* to establish eight Priority Policies. These policies, and the subsections of Section E of this Environmental Evaluation addressing the environmental issues associated with the policies, are as follows: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, b, f, and g, 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); (6) maximization of earthquake preparedness (Questions 13 a-d, Geology, Soils, and Seismicity); (7)

landmark and historic building preservation (Question 4a, 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 CEQA, 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 or legislation is consistent with the Priority Policies. This Evaluation of Environmental Effects provides information for use in the case report for the proposed project. The case report for Conditional Use authorization and/or subsequent motion for the Planning Commission will contain the Planning Department's comprehensive project analysis and findings regarding the consistency of the proposed project with the Priority Policies.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

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," indicating 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 with "No Impact" or "Not Applicable." For all of the items checked "No Impact" or "Not Applicable" without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Department, such as the Department's *Transportation Impact Analysis Guidelines for Environmental Review*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the project both individually and cumulatively. The items checked below were considered potentially to have environmental impacts. As discussed by topic, these items, upon further analysis, have been determined to be "Less than Significant with Mitigation Incorporated."

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

E. EVALUATION OF ENVIRONMENTAL EFFECTS

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
1. LAND USE AND LAND USE PLANNING— Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Land uses in the area are the mix of uses encouraged in the C-3-G Use district (retail, office, hotel, entertainment, clubs and institutions, and high-density residential) and buildings range from one to more than ten stories. Mint Plaza, with paved open space and neighborhood-serving commercial ground-floor uses (primarily restaurant) around the plaza, begins across Jessie Street and about 50 feet to the east from the project site. The historic two-story Mint Building anchors the project block at the southeast corner of Mint and Fifth Streets. Across Mission Street is the San Francisco Chronicle building and its adjacent surface parking lot extending to the west. Development on Mission, Mint, and Jessie Streets within the project block and across Mission Street also includes a one-story nightclub, a two-story office building, a six-story residential building, and an eight-story office building. The residential and office building have ground-floor retail. The Fifth and Mission public City garage occupies the half-block bounded by Mission, Fourth, Minna and Fifth Streets.

The buildings on the project block along the south side of Jessie Street are the rear portions of buildings fronting Mission Street (six two-story buildings containing office, production, and ground-floor banking, retail or restaurant uses; four two-story buildings containing residential hotel rooms and furniture show rooms respectively; and three five-story buildings, of which two are residential and hotel uses and one is office use), except for 431 Jessie Street, a one-story office building behind the vacant, four-story, 948 Mission Street building. Across Jessie Street to the north are an eight-story brick residential hotel at the corner of Sixth Street, a large surface parking lot for more than 140 cars, the one-story San Francisco Energy Center with two tall towers, a one-story security office, and a five-story brick office building at the corner of Mint Street and the western edge of Mint Plaza.

The two-story building on the project block fronting Mint Street, extending from Mission Street to Jessie Street, has vacant office space, with a renovated café on the ground floor with entrances on Mint and Jessie Streets. Across Mint Street to the east is the two-story Mint Building. A variety of buildings, ranging from two to 11 stories and uses front Mint Plaza including ground-floor restaurants and residential and office uses on the upper floors. The five-story brick Chronicle Hotel building adjacent to the project site to the east is vacant. The two-story building on the project site is located at 942-946 Mission Street. The four-story Alkain Hotel building at 948 Mission Street to the west is a residential hotel. Further west, the two-story building at 956 Mission Street is used for garment manufacturing and associated office space. The two-story building at 966 Mission Street is a law office. The two-story building at 968 Mission Street is used for manufacturing. The five-story 972 Mission Street building is used for office and manufacturing. The five-story building at 982-984 Mission Street is a ground-floor retail furniture show room with community services offices on the upper floors. The six-story building at 986 Mission Street is a residential hotel with small restaurants located on the ground floor. The two-story 996 Mission Street building at the corner of Sixth Street has a restaurant and an adult “super store” on the ground floor; uses on the upper floor are not known.

The block face across Mission Street from the project site has a similar mix of buildings and uses. The three-story San Francisco Chronicle building is on the corner of Fifth Street with its adjacent surface parking lot to the west, directly across from the project site. There are three two-story buildings, another three-story building, a six-story building, and a seven-story building on the rest of the block face, which includes a surface parking lot. Upper-floor uses include apartment, residential hotel, and offices. Ground-floor uses include retail clothing, a graphics business, a pawnshop, a produce market, and restaurants.

There are two two-story buildings located on Sixth Street on the project block between Mission and Jessie Streets. The building on the northeast corner of Mission/Sixth Streets (996 Mission Street) has two small take-out restaurants on the ground floor (93 Sixth Street) and the unknown use on the second floor. The two-story building on the corner of Jessie/Mission Streets at 83 Sixth Street has a senior's social club on the second floor, and a pawnshop, fishing tackle shop, optometry shop, and corner market on the ground floor.

Land use impacts would be significant if a proposed project would physically divide an established community; conflict with applicable land use plans, policies, or regulations; or substantially and adversely change the vicinity's existing land use character. The proposed project would not disrupt or divide the physical arrangement of an established community, would be incorporated within the established street plan and would create no impediment to the passage of persons or vehicles.

As described above in Section C, Compatibility with Zoning, Plans, and Policies, the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

The proposed project would not have a significant adverse impact on the land use character of the area. It would introduce a new hotel use to the site, which is a permitted use with a Conditional Use authorization. There are a number of tourist hotels in the greater project area including the 189-room Pickwick Hotel at Fifth and Mission, the 550-room Intercontinental Hotel at Howard and Fifth Streets, and the 1,010-room Park 55 Hotel at Cyril Magnin and Eddy Streets. The proposed hotel use would be more intensive than some surrounding land uses primarily to the west and south, and would be consistent with the level of activity of uses to the north and east. The scale and massing of the 15-story hotel building would make it one of the larger buildings in the area. It would locate another hotel use south of Market Street, near the Moscone Convention Center, as encouraged by the *General Plan*.⁵

Because the proposed project would not physically divide a community, conflict with policies or regulations, and would not substantially and adversely alter the vicinity's existing land use character, its impact on land use would be less than significant under CEQA, for the reasons discussed above.

⁵ San Francisco Planning Department, *Downtown Area Plan-An Element of the San Francisco General Plan*, Policy 4.1: Guide the location of new hotels to minimize their adverse impacts on circulation, existing uses, and scale of development, http://www.sfgov.org/site/planning_index.asp?id=41405.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
2. AESTHETICS— Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Scenic Vistas

The two-story building on the project site is visible from public vantage points along Mission Street from about half a block in each direction, and from about a quarter-block in either direction along Jessie Street (see existing site photos and proposed project photosimulations in Figures 12 through 14, pages 24 to 25). The project would replace the two-story building with a 15-story building that would be prominent and visible from one to two blocks in either direction. The new building would be visible from public vantage points in the immediate vicinity on Jessie Street, across Jessie Street, and from Mint Plaza. The new building would also be visible from the upper floors of surrounding buildings farther away from the project site with a line-of-sight view to the project site.

A proposed project would have a significant effect on scenic vistas if it would substantially degrade public views or vistas, or obstruct scenic views from public areas viewable by a substantial number of people. While private structures in the area may have greater views, there are no public scenic vistas in the project vicinity that could be affected by the project. The proposed increase in height from the existing two stories and approximately 30 feet to 13 stories and about 152 feet would be a noticeable change near the project site. However, the proposed building would be an infill development and within the existing lot lines and would not substantially affect public views along Mission Street, Jessie Street, or Mint Plaza.



Existing View



Proposed View Photo Rendering

Source: Stanton Architecture

5-18-09

View Looking West on Mission Street Near Fifth Street Figure 12



Existing View

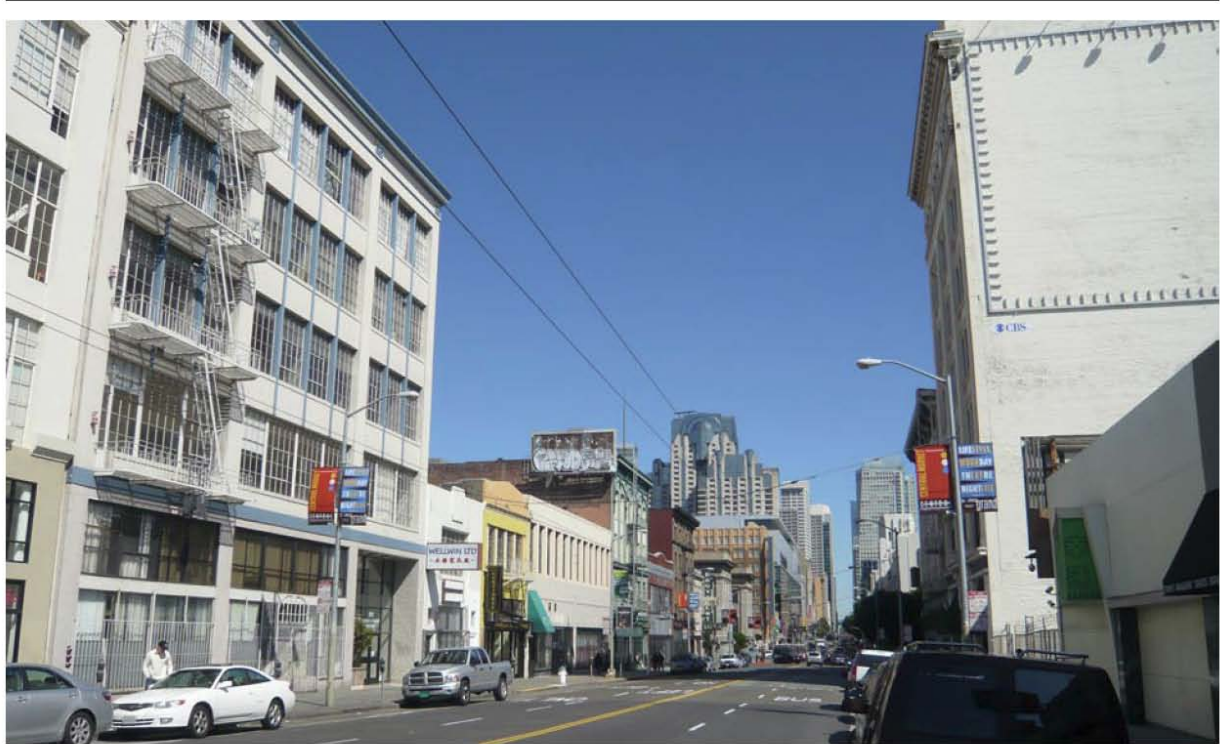


Proposed View Photo Rendering

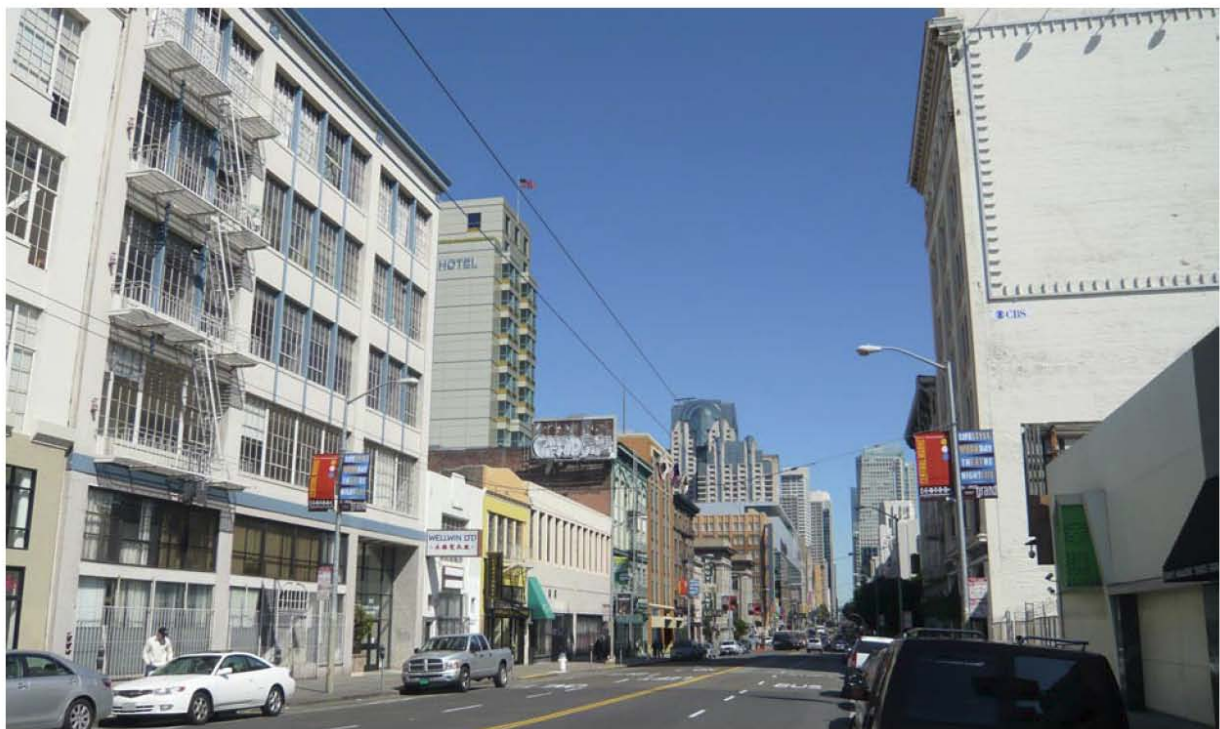
Source: Stanton Architecture

5-18-09

View Looking East on Jessie Street Near Sixth Street Figure 13



Existing View



Proposed View Photo Rendering

Source: Stanton Architecture
5-18-09

View Looking East on Mission Street Near Sixth Street Figure 14

From public vantage points near the project site, portions of existing views of the sky would be affected by the upper floors of the proposed 15-story building. The proposed project would not substantially degrade or obstruct any scenic view or vista observed from public areas and would not create a significant impact on scenic visual resources.

Views from Private Residences

The proposed building would be visible from private residences across Mission Street in the upper four floors of the six-story residential hotel building at 954 Mission Street and from some upper stories of some residences and offices around Mint Plaza. Existing private views are of the two-story building on the site and/or the urban streetscape and sky above the existing building. These private views could be obstructed to some degree by the new 15-story building. The reduced private views for some nearby residents and offices would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals whose views the proposed building would block. Given the dense urban setting of the proposed project, the limited extent of the reduction in private views, and the limited number of private views that would be affected, the proposed project's impact on views would not rise to the level of a potentially significant environmental impact under CEQA.

Scenic Resources

Scenic resources include trees, rock outcroppings, and other features of the built or natural environment that contribute to a scenic public setting. The project site is private property and the existing building covers the entire site. There are no existing landscape features. The proposed project would not damage any scenic resources because none exist on the project site.

Aesthetic Effect

The area's existing visual character is urban mixed-use. Heights vary from one to five stories on the project block and up to eleven stories on the adjacent Mint Plaza, with taller buildings along Market Street one block to the north and further east. There are some newer buildings situated among older buildings on the project block to the west of the project site. Some buildings appear to be vacant. The proposed 15-story hotel building would be two to 14 stories taller than the surrounding one- to 11-story buildings and 10 and 11 stories taller than the adjacent four- and five-story buildings. At 152 feet tall, it would be eight feet shorter than the allowable maximum 160-foot height, and it would conform to the "F" district's bulk controls because its approximately 100-foot length and 104-foot diagonal would be shorter than the district's maximum plan dimension length of 110 feet and diagonal of 140 feet above 80 feet in height.

The design of the proposed hotel would be contemporary. The Mission Street entrances to the hotel and the adjacent retail space would feature cantilevered precast concrete marquees above frameless glass storefronts. There would be a three-foot-high, honed stone base at street level. The design of the six-story base of the hotel facing Mission Street is intended to blend into its immediate context by relating to the scale and features of the façades of the adjacent structures and would be clad in terra cotta. This six-story portion of the hotel would terminate in a manufactured stone cornice. Other details such as a second floor string course and projecting window surrounds at the sixth level—also to be executed in manufactured stone—are intended to harmonize the new structure with its context. The upper nine floors of the hotel would be set back approximately 40 feet from the Mission Street property line. These upper floors would overlook a vegetated roof planted in drought-tolerant California native grasses. The upper portion of the building would be clad in a factory-finished metal curtain wall. Bay windows would extend up to the thirteenth level, to help articulate the massing of the upper portion of the hotel. The proportions and detailing of the fenestration in the base along Mission Street would be repeated in the windows of the upper floors. The façade of the new hotel on Jessie Street would step back at the sixth and thirteenth levels to taper the profile of the building and to reduce its visual impact. Bay windows would be used to articulate the Jessie Street façade. An angled metal awning would project over the Jessie Street entrance to the hotel.

Design and aesthetics are, by definition, subjective and open to interpretation by decision-makers and the public. A proposed project would be considered to have a significant adverse effect on visual quality under CEQA only if it would cause a substantial and demonstrable negative change. As discussed above, the proposed project would be different from the design and heights of the surrounding buildings in terms of scale, proportion, materials, and definition of vertical building elements, but not so different as to be considered incompatible. Its architectural character would be similar to newer buildings located across Jessie and Mint Streets at Mint Plaza. The proposed hotel would be about four stories taller than the tallest buildings along Mission Street between Fourth and Fifth Streets which are 11 stories and shorter. There are taller buildings one and a half to two blocks to the west and east, respectively, along Mission Street, such as the Yerba Buena Center hotels to the east and the federal building to the west. The proposed project would fall within height and bulk requirements of the *Planning Code*, being eight stories shorter than the allowable 160-foot height limit, and with smaller diagonal and long dimensions than allowed. It would fit into the surrounding urbanized area and would not cause a significant aesthetic impact. The Planning Department and Planning Commission would evaluate the proposed project's

architectural design, including materials and articulation, as part of the proposed project’s approval review, a process separate from the environmental review. For these reasons, the project would not have a significant negative aesthetic impact.

Light and Glare

The existing exterior lighting is similar to that of other commercial uses in the vicinity. Commercial storefronts, signs, streetlights, and residences contribute to nighttime light in the area. The proposed hotel building would introduce new outdoor lighting to the site typical of uses in the area. The proposed project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. Lighting fixtures would point downward to minimize visible light on and off the project site. For these reasons, the proposed project would not generate obtrusive light or glare that would substantially affect other properties and thus would have a less-than-significant lighting and glare impact.

Conclusion

As discussed above, the proposed project would not have a substantial, demonstrable, negative effect on a scenic vista, damage scenic resources, degrade the visual character of the project site or surrounding area, or create a new source of obtrusive light and glare. Therefore, the proposed project would have a less-than-significant aesthetic impact.

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

The U.S. Census estimated the year 2000 population of San Francisco at 776,733.⁶ Corresponding year estimates of the San Francisco Planning Department for year 2000 households and employment are 330,000 and 642,500, respectively.⁷ The Planning Department projects that San Francisco households and jobs will be approximately 346,680 and 568,730, respectively, by year 2010, and about 400,700 and 748,100, respectively, by 2030. The Planning Department expects an increase of approximately 54,020 households between 2010 and 2030.⁸

The proposed project's 172 hotel rooms and 3,240 square feet of ground-floor retail would generate 188 jobs on the project site. The project would not add any housing units to San Francisco's housing stock and would not directly increase the resident population. The project site currently contains a commercial building. As a result, the proposed project would not displace any residents or housing units, but could be considered to displace businesses or employees. At 25,000 square feet, the existing building could accommodate up to approximately 91 employees.⁹ The proposed project's 188 jobs would offset these job losses. The proposed project's 188 jobs would increase citywide employment about 0.03 percent over year 2000 figures, and the project may create new San Francisco households and increase demand for housing in the City and Bay Area. Such an increase would not be substantial and would be part of the future growth of approximately 54,020 households that the Planning Department expects in San Francisco between 2010 and 2030. While potentially noticeable to adjacent neighbors, the net increase in jobs and hotel patrons on-site would not substantially change the existing area-wide day and nighttime population. The resulting density would not exceed levels that are permitted, common, and accepted in urban areas such as San Francisco.

While the proposed project would induce visitor population and employment growth at the site through the construction and occupancy of the hotel, the increase would not be substantial compared to existing

⁶ U.S. Census, State and County Quick Facts, <http://quickfacts.census.gov/qfd/states/06/06075.html>.

⁷ San Francisco Planning Dept., Citywide Policy and Analysis, Housing Element Growth Projections, communication Teresa Ojeda, SF Planning Department to Scott Edmondson, During Associates, April 15, 2009. Figures are rounded.

⁸ San Francisco Planning Dept., Housing Element Growth Projections, 2009.

⁹ Although not fully occupied, the existing building on site could accommodate additional businesses and employees (above the existing office use) if the proposed project were not built. An office use factor of one employee per 276 square feet was used as a maximum estimate of the number of possible employees—other use factors would result in fewer employees. San Francisco Planning Dept., *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002, Table C-1.

urban conditions or planned growth. The proposed project would not displace existing housing. As noted above, the proposed project would result in a net increase in employment on the site.

Based on the above analysis, no significant physical environmental effects on housing demand or population would occur due to the project.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
4. CULTURAL RESOURCES – Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the <i>San Francisco Planning Code</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a unique archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Historic Architectural Resources

The following discussion is the result of the San Francisco Planning Department’s Historic Resource Evaluation Response (HRER) including review¹⁰ of a Historical Resource Evaluation supplemental form prepared by an independent consultant,¹¹ and further analysis by the Planning Department of the subject property. This section reports on and summarizes that work.

¹⁰ San Francisco Planning Department, Historic Resource Evaluation Response, 942 Mission Street, Case No. 2008.0197E, March 2, 2009, pp. 1-2. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Project File No. 2008.0197E.

¹¹ McGrew Architecture, Historical Resource Evaluation: Supplemental Information, June 2008. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Project File No. 2008.0197E.

Building Description

The subject building located at 942 Mission Street building was constructed in 1918, based on research of Sanborn Fire Insurance maps (see Figure 15, page 33, for a photo of the subject building). It is a two-story rectangular building with large windows on the Mission Street façade. It is a common and simple building with no outstanding stylistic features. The building features a simple parapet with a triangular element at the center and a modest projecting cornice above a double row of ceramic tiles. The Mission Street façade is divided into three bays; two are of equal width and are placed symmetrically around a narrower center bay. A single pilaster on each side gives visual support to the upper portion of the façade that frames a two-story-high window wall composed of wood sash and glass. Slim wooden colonettes decorate the center columns.

The Mission Street façade is American commercial in style and finished with a low-fire red masonry veneer. Standard masonry detailing is used to give the pilasters a slim profile. A small masonry frame atop each column features a circular decorative disc. The first floor of the window wall features standard wooden storefront detailing, including two large fixed-plate glass display windows with transoms above. The center bay has a pair of wood and glass entrance doors with two transoms above. A spandrel between the two floors, also sub-divided by the three structural bays, appears to be made of wood, with a pattern of three simple moldings each. The glazing for the upper windows features a large fixed center panel, flanked by a pair of one-over-one double-hung windows.

The surrounding setting is typical for a commercial structure of its period. The building is developed to the lot line, without setbacks or other distinctive architectural features. The two taller structures on either side of the project site each received a "1" rating in the 1976 Citywide Architectural Survey ("1" is low and "5" is high). The existing building on the project site was un-rated in that survey.

The subject property has been previously included in two surveys with limited evaluation. The building is not included in the Planning Department's 1976 Citywide Architectural Survey that evaluated over 10,000 of the City's architecturally significant buildings; however, the building is included in the 1978



Source: During Associates
5-18-09

Existing 942 Mission Street Building Figure 15

Downtown Survey with a rating of “C” for contextual importance. Contextually important buildings add visual richness and character to the downtown area’s more important buildings through the distinguished scale, materials, compositional treatment, cornice, and other features of the contextually important buildings. It is an unrated Category V Building in the Downtown Plan, identified as neither significant nor contributory.

A separate evaluation of the property occurred in 1990 during a local survey of Unreinforced Masonry Buildings (UMB) constructed between 1850 and 1940 and the building was given a rating of “7,” or not evaluated for National Register or California Register. Although the subject building is not included in any adopted local register or historic district, and is not included on the National or the California Registers, its recorded date of construction makes it a “Category B” building for the purposes of CEQA, which requires further consultation and review by the Planning Department.

Neighborhood Context

Concentrations of historic post-quake masonry commercial, multi-family residential, and industrial buildings survive along the east-west blocks of Market, Mission, Howard, Stevenson and Jessie Streets, as well as on parts of Fifth and Sixth Streets. Buildings around the project site are of post-earthquake masonry construction, built to the lot line, and two to six stories in height. The architectural style of surrounding older low-rise buildings is either American Commercial or Classical Revival. Design details include strong cornices, enframed fenestration, and tripartite compositions. Architectural ornamentation of commercial buildings is usually quite decorative on the front façades, consisting of rusticated masonry, patterned brickwork, concrete or sheet metal string course moldings, shaped parapets, corbelling and quoins, and occasionally a simple, classically detailed sheet metal cornice. Buildings within three blocks of the project site include a mix of more contemporary high-rise steel and glass buildings, often ten or more stories tall, and low-rise older and more contemporary structures. Retail, restaurant, and professional service uses dominate the streetscape, while office and residential uses occupy the upper floors.

Building Evaluation

A building may be an historical resource if it is associated with any of the California Register criteria which include events (Criterion 1), persons (Criterion 2), architecture (Criterion 3), information potential (Criterion 4), or is determined to contribute to a historic district or context. To be an historical resource for the purposes of CEQA, a property must not only be shown to be significant under the California

Register criteria, but it also retains sufficient integrity from its period of significance, which qualifies the property for listing on the California Register.

942 Mission Street appears to be eligible under Criterion 1 (Events) as a resource that is associated with an event that has made a significant contribution to the broad patterns of local history. As noted above, the subject property was constructed in 1918, in response to the Citywide reconstruction following the 1906 Earthquake and Fire. Reconstruction of the South of Market area began with an initial flurry of building activity occurring between 1906 and 1913, with more construction occurring after the First World War in 1918 and culminating with a major real estate boom in the mid-1920s until the start of the Great Depression in 1929, the second-wave reconstruction period. A comparison of the 1913 and 1919 Sanborn maps covering the area illustrate substantial growth and development of vacant parcels. ¹² This development created a financial and commercial center around Market Street.

942 Mission Street does not appear to be eligible under Criterion 2 (Persons). The building is associated with attorney and real estate investor Warren D. Clarke, Esq., who arranged for it to be built as a speculative property. Research of its initial owner, subsequent owners and numerous tenants over the years, has failed to reveal an intimate association that would justify its inclusion in the California Register under this criterion. The property appears to be eligible under Criterion 3 (Architecture) as embodying distinctive characteristics of a type and period of construction and representative work of a master architect.

The building appears to embody the characteristics of a brick commercial building of the early twentieth century. Built in 1918, the heavily altered two-story, reinforced-masonry building is designed in the American Commercial style by a local Master Architect, Nathaniel Blaisdell.¹³

To qualify for listing on the California Register, the building must retain its integrity, which is the capacity to convey its significance. Several aspects of historical integrity (location, design, setting, materials, workmanship, feeling, and association) must be present for the building to retain its integrity. No building permit history was uncovered prior to 1980, however, a comparison between the building's original drawing of the Mission Street façade and the current physical conditions of the same façade documents a considerable number of alterations not original to the construction. Although the building

¹² San Francisco Planning Department, Historic Resource Evaluation Response, op cit, page 2.

¹³ McGrew Architecture, op cit, p. 3.

at 942 Mission Street retains its location and setting, important portions of its original design, materials, workmanship, and feeling have been lost. The alterations removed character-defining features from the primary facade, such as the decorative tiled cornice, paneled spandrel separating the first and second floors, double-height colonnettes, original windows, and first-floor storefront. While historic photographs were not uncovered during research, a 1976 survey photograph illustrates that alterations currently visible on the primary façade occurred prior to 1976. It is believed the alterations are from the 1960s based on alterations typical of the era; these alterations have not gained significance in their own time.

Limited character-defining features such as the overall form, stepped parapet, patterned brickwork, and the second floor tripartite “Chicago” window pattern are intact; but the building does not retain sufficient integrity to convey its association with the second-wave reconstruction period. Furthermore, the building’s original design, workmanship, materials, and its ability to evoke historical feeling have been jeopardized as a result of removal of significant façade features. There have been substantial changes to the building that would justify a finding that the building lacks the requisite integrity to be eligible for the California Register.

In view of the above, the HREER determined that the property is not a historical resource for the purposes of CEQA; therefore, the proposed project’s demolition of the existing building would not be a significant impact to an on-site historical resource.

The proposed project's potential to affect historic and architectural resources of significance would be limited to its potential effect on adjacent properties. Buildings in the immediate vicinity of the project site were surveyed and the evaluation determined that the proposed project would not have an impact on adjacent off-site historical resources. At a proposed height of 15 stories, the project would be in scale with development previously reviewed, and occurring in the vicinity. One-and-a-half to two blocks west along Mission and Seventh Streets and three beginning one blocks east along Mission Street and extending numerous blocks further eastward are more contemporary high-rise commercial buildings of ten or more stories. The proposed project would create a podium and tower, whereby floors 7-15 would be set back 40 feet from Mission Street and floors 6-15 would be setback 10 feet from Jessie Street. The proposed Mission Street streetwall height would be consistent with the streetwall heights established by adjacent historical resources at 936 Mission Street (“Hotel Chronicle”) and 950 Mission Street (“Alkain Hotel”) immediately adjacent to the subject property, a six-story building at 986 Mission Street on the same block face, and a seven-story building 959-965 Mission Street (“California Casket Company”) directly across the street

from the subject property. The proposed Jessie Street streetwall height would be consistent with both the rear building heights of 936 Mission and 950 Mission Street, and also 54 Mint Street (“Haas Candy Factory”). A 10-story building, 40-48 Fifth Street (“Oakwood Hotel”) is also within the vicinity of the project. Therefore, the proposed building with consideration given to massing, is compatible with the height range currently found in the immediate vicinity. The setbacks also serve to reduce visibility of the overall scale and massing of the proposed building.

The building rhythm would be compatible and the proportions would reflect a modern approach to tripartite composition of a base, shaft, and cornice line. To create a similar proportion to that among the buildings of the block, the proposed building would be further divided into vertical bays. Detailing and ornamentation of a similar shape and placement would be used without directly copying historical elements, yet would be contemporary. As the proposed design is in keeping with the general materials, features, height, scale, proportion, and massing found in the immediate area, there would be less-than-significant impacts on historical architectural resources.

Three potential or designated historic districts are in close proximity to the project site: the Market Street Theatre and Loft (MSTL) District; the Sixth Street Lodginghouse (6SL) District, which appears eligible for the National Register; and the South of Market Extended Preservation (SOMEPE) District 14. The project site is not within the boundaries of any of these historic districts.¹⁴

The MSTL National Register District, which is located along Market Street between Fifth and Seventh Streets, is an architecturally cohesive area with a relatively high concentration of commercial buildings. This area also contains theaters and open-plan office/industrial space that are associated with the City Beautiful Movement during the late 19th century and the early 20th century. The District includes the area between Market Street and Stevenson Street, about one block northwest of the project site. The 6SL District is a potential historic district that appears eligible for listing in the National Register of Historic Places. Located along Sixth Street between Market and Folsom Streets, it is a contiguous group of low-budget residential hotels built from 1906 to 1913. Most of the lodginghouse buildings are unreinforced masonry structures between three and seven stories high with ground-floor retail; they are mostly clad in brick with classical ornamentation. The District is considered eligible for listing at the local level of significance under National Register of Historic Places Criterion A, or for patterns of events. Its

¹⁴ The discussion on historic resources in the project vicinity is based on San Francisco Redevelopment Agency and San Francisco Planning Department, *Mid-Market Redevelopment Plan Environmental Impact Report*, certified September 18, 2003. File No. 2002.0805E, pp. 88-92. Case No. 2007.1464E IS/MND.

significance is due to its status as the last surviving concentration of low-budget, single-room-occupancy residential hotels built south of Market Street after the 1906 Earthquake and Fire that served the relatively large number of single male seasonal-workers. These seasonal workers were an established sector of the local population in the late 19th and early 20th century, and these buildings are a physical remnant of their presence in San Francisco. Third, Fourth, Fifth, and Seventh Streets had similar building types, but most have been demolished, which renders the Sixth Street Lodginghouse corridor historically significant. The project site is ~~adjacent to~~ approximately 350 feet northeast of the proposed ~~western~~ eastern boundary of the Lodginghouse District.

The SOMEPE District, designated under Section 819 of the *Planning Code*, covers an area generally south of Mission Street to Howard Street, between Sixth Street and Tenth Street. Section 819 calls for preservation, appropriate re-use and seismic upgrading of City landmarks and Article 11 listed historic structures in the District. The project site is about one-half block from this District. In addition, the U.S. Post Office and U.S. Court of Appeals building is at Seventh and Mission Streets. Completed in 1905, it is listed on the National Register of Historic Places. The project site is more than one full block from the court building.

The existing 942 Mission Street building is not a contributory building to any nearby or yet-to-be proposed historic district.

Development of the project would not directly affect structures within any of the adjacent or nearby designated or potential historic districts or historic buildings (such as the U.S. Court of Appeals). The project would also not adversely affect the integrity of any of the districts such that their eligibility for the National Register would be compromised.

Archeological Resources¹⁵

Due to the expected project load and its location within a Liquefaction Hazards Zone, the proposed building would probably require support by installation of tubex piles, torque down piles or auger cast displacement piles. All of these techniques would involve deep soils disturbance and physical and chemical alternation to existing soils. It should be noted that the project site has been disturbed to a depth of approximately 11 feet below ground surface (bgs) by the installation of the existing basement. Below

¹⁵ The information in this section is based on Rockridge Geotechnical, op cit, and Randall Dean, MEA, Preliminary Archeological Review: Checklist, 942 Mission Street Project, May 7, 2009. These documents are available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2008.0197E.

the existing basement slab level it is expected that native sand dune deposits are present. As characteristic of much of this part of SoMa, native sand dune deposits rest over relatively shallow marsh deposits below which are dense sediments of the Colma formation.

There are several prehistoric sites documented in the project vicinity. Most of the prehistoric sites are “shellmound” sites which means that they have a complex function and form that changed over time but are generally associated with faunal, artifactual, ecofactual, and human remains. Also, within the project vicinity are documented prehistoric cemetery, lithic- and food-processing sites. These prehistoric sites are generally Late Holocene period sites but vary from approximately from 275 B.C. to 1110 A.D. Although not all of the prehistoric sites were contemporaneous, there is some evidence of social stratification and differential functioning among contemporaneous sites. South of Market Area (SoMa) prehistoric sites in the Bay Area are remarkable for frequently possessing an unique degree of integrity because they have been completely buried Aeolian sand dune deposits, allowing archeologists to study the most recent prehistoric deposits within a shellmound. Characteristically, SoMa midden deposits occur within native sand dune deposits, above or within marsh deposits. The Colma Formation is generally acknowledged as a sort of basement level for the potential of prehistoric deposits but anthropic deposits have been found at the upper interface of the Colma Formation which apparently can date to as late as the Middle Holocene period.

Given the potential presence of archeological resources on the site, a program of pre-construction archeological testing and evaluation is recommended to determine the presence or absence of subsurface archeological resources of significance, as identified in **Mitigation Measure 1, pages 121 to 125.**

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
5. TRANSPORTATION AND CIRCULATION – Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	<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, obstructions to flight, 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) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project is not located within an airport land use plan area or in the vicinity of a private airstrip. Checklist item 5c is not applicable and this issue is not addressed below.

The proposed project does not include design features that would substantially increase traffic hazards (e.g., creating a new sharp curve or dangerous intersections), and would not include incompatible uses, as discussed above in Topic 1, Land Use and Land Use Planning; therefore, checklist item 5d is not addressed below.

Street Network

The project site is located mid-block on the north side of Mission Street between Fifth Street to the east and Sixth Street to the west. Mint Street lies between the project site and Fifth Street, and is a short north-south mid-block street running into Jessie Street, the east-west midblock street that runs along the rear of the project lot.

Mission Street runs in an east-west direction, and is a four-lane road with two traffic lanes in each direction and on-street parking in both directions in the project area. One lane is a bus lane that is in effect between 4:00 and 6:00 p.m. Monday through Friday. In addition, between 4:00 and 6:00 p.m. the west-bound curb parking lane on Mission Street is a Tow-Away-No-Parking-Anytime lane. The *San Francisco General Plan* identifies Mission Street as a Neighborhood Pedestrian Street, and a Transit Preferential Street. Mission Street is part of the Citywide Pedestrian Network.

Adjacent to the project site on Mission Street there are two 30-minute metered yellow commercial loading/unloading spaces (30-minute limit between 9:00 a.m. and 4:00 p.m., Monday through Friday). On the north side of Mission Street, between Mint Street and the project site, there are three metered standard spaces, and between the project site and Sixth Street there are 8 unregulated and 12 metered parking spaces. The existing commercial vehicle loading/unloading spaces adjacent to the project site on Mission Street were observed during a weekday mid-morning and a weekday afternoon. During the morning field surveys, both spaces were unoccupied. During afternoon surveys, both spaces were occupied.¹⁶

On Jessie Street between Sixth Street and Mint Street parking is permitted on the south side of the street. Adjacent to the project site on Jessie Street, there are three commercial vehicle loading/unloading spaces (30 minute commercial vehicle parking between 7:00 a.m. and 6:00 p.m., Monday through Saturday). East of the project site there are about four white passenger loading/unloading spaces that are in effect between 6:00 p.m. and 6:00 a.m., Monday through Sunday (and one-hour general parking spaces during the daytime hours). West of the project site are five commercial loading/unloading spaces (30-minute, between 7:00 a.m. and 6:00 p.m., Monday through Saturday), and to the west of those spaces are one-hour general parking spaces between 7:00 a.m. and 6:00 p.m. During weekday field surveys, the commercial vehicle spaces were actively used for loading/unloading activities, and there was a turnover in the parking spaces.¹⁷

¹⁶ Luba C. Wyznyckyj, LCW Consulting, *Summary of Daily and PM Peak Hour Trip Generation—942 Mission Street Trip Generation* March 6, 2009. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Project File No. 2008.019.

¹⁷ Luba C. Wyznyckyj, LCW Consulting, *942 Mission Street-Loading Assessment* December 2, 2008. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Project File No. 2008.019.

The project site is one block from Market Street, which is identified as a “Major Arterial Street” on Map 7 in the Transportation Element of the *General Plan*.

Traffic

Assuming full office use occupancy, the 942 Mission Street building was estimated to generate approximately 453 daily trips and 38 peak-hour trips. After adjusting for these trips, the proposed project would be expected to generate approximately 1,237 net daily person-trips, which would be distributed among the various modes of transportation, including 467 by private automobile, 213 by public transit, 450 by walking, and 107 by other modes, such as bicycling or taxi.¹⁸ Approximately 126 daily person-trips would be generated during the p.m. peak hour, which would be distributed among the various modes of transportation, including 49 by private automobile, 35 by public transportation, 33 by walking, and 9 by other modes. Using journey-to-work data from the 2000 Census and the Planning Department’s *Transportation Impact Analysis Guidelines for Environmental Review*, the transportation analysis estimates that the proposed project would generate approximately 23 vehicle person-trips during the p.m. peak hour.

The vehicle trips occurring during the p.m. peak hour, both inbound and outbound, would be distributed to nearby streets and intersections in the project vicinity. Because of the small number of vehicle trips during the p.m. peak hour, and the fact that the trips would include six inbound and 17 outbound trips and would be distributed to nearby streets and intersections, the proposed project’s 23 p.m. peak-hour vehicle trips could result in an increase in the average delay per vehicle at nearby intersections. However, it is not anticipated that the increase would be substantial and it would not be expected to change the existing levels of services.

For the reasons discussed above, the proposed project’s impacts on traffic would be less than significant.

Transit

The project site is well served by public transit, with the Municipal Railway and the regional BART providing a number of lines along Market Street, which is one block from the site. Muni provides transit service within the City and County of San Francisco, including bus (both diesel and electric trolley), light rail (Muni Metro), cable car, and electric streetcar lines. The project area is transit-rich including Muni lines 14-Mission, 14L-Mission, and 14X-Mission ~~and 26-Valencia~~ on Mission Street and the 27 Bryant

¹⁸ Ibid.

Street on Fourth Street in the near project vicinity. Numerous transit lines on Market Street serve the project area including BART, Muni Metro, cable cars, and the F-line, as well as a number of trolley bus lines. The project site is within the Downtown Core-Auto Control Area (*San Francisco General Plan Transportation Map 6*).

The estimated 35 p.m. peak-hour project trips utilizing public transit would be distributed among the public transit lines providing service to the vicinity of the project site.. Because of the large number of public transportation modes and lines in the project area, the 35 p.m. peak-hour transit trips would not be expected to create a significant or noticeable impact upon transit services in the project area or to affect transit operations beyond normal daily fluctuations; therefore, the proposed project's transit impacts would be less than significant.

Parking

The project sponsor proposes not to provide off-street parking spaces, consistent with *Planning Code* Section 151.1 for the C-3 districts, which does not require a minimum amount of parking, and consistent with the City's Transit First Policy.¹⁹ It is not currently anticipated that the hotel would provide valet parking services. No changes to the existing metered commercial vehicle parking spaces on Mission Street are proposed. Parking is a notable land use in the nearby area of the surrounding C-3 district, with a large public parking lot located off Mission Street on the full block between Fourth and Fifth Streets. There are also on-street parking and small parking lots in the vicinity.

As noted, no parking is proposed with the project. The project would generate demand (which can differ from the *Planning Code* parking requirement) of about 70 spaces, including 64 long-term spaces and 6 short-term spaces for the proposed uses.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand vary from day to day, and from day to night, from month to month. 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.

¹⁹. "The City's 'Transit First' policy, established in the City's *Charter* 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.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines Section 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, 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 in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." As discussed above, there is an abundance of transit options within walking distance, and parking is available ~~a notable use~~ in the near vicinity of the site, including the nearby public Fifth and Mission garage.

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. Moreover, 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. Hence, any secondary environmental impacts which 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, reasonably address potential secondary effects.

In view of the above discussion, the project would not cause a significant environmental impact related to parking.

Pedestrian

Pedestrian conditions in the vicinity of the project, on both sidewalks and crosswalks, were observed to be operating at acceptable levels of services. The project would generate 35 walk trips in the p.m. peak hour, which would be dispersed throughout the study area, depending on the origin/destination of each trip. The project is not expected to substantially change the existing pedestrian conditions and thus would not result in significant impacts on pedestrian conditions.

Bicycles

In the vicinity of the project site, Mission Street is a designated bicycle route within the Citywide Bicycle Network (Route 50). Bicycle Route 19 runs in both directions on Fifth Street between Market Street and Townsend Street as a signed route only. Bicycle Route 30 runs westbound on Howard Street between The Embarcadero and Eleventh Street, and eastbound on Folsom Street between Fourteenth Street and The Embarcadero as a Class II facility (signed route with bicycle lane) with a bicycle lane on the south side of the street.

These bicycle routes and lanes provide access to and from the project vicinity from locations throughout the city. Although the proposed project would result in an increase in the number of vehicles near the project site, this increase would not be substantial enough to affect bicycle travel in the area. The recently amended (Board of Supervisors Ordinance No. 129-06) *Planning Code* Section 155.4 does not require hotel projects to provide bicycle parking spaces, and none are proposed. The proposed project would not be expected to substantially increase bicycle hazards and would have a less-than-significant impact on bicycle hazard conditions.

Loading

Planning Code Section 152.1 does not require off-street loading spaces for retail under 10,000 square feet or hotel uses of less than 100,000 square feet. The 3,240 square feet of retail space and the 172 hotel rooms (72,000 square feet) would not require any off-street loading facilities, and the proposed project would not provide on-site loading facilities. The project sponsor would request that the 50-foot-wide curb frontage on Jessie Street be designated as a passenger loading/unloading zone.

The new retail and hotel uses would generate about seven truck freight and service vehicle trips per day, with the majority of trips generated by the proposed hotel uses. The seven truck trips would result in a demand for less than one loading space during the peak and average hour of loading activities. In

addition, the hotel use would generate a demand for passenger loading/unloading activities. Since the project would not provide on-site loading facilities, the loading demand would need to be accommodated on-street, at the metered parking spaces on Mission Street, or the commercial vehicle (non-metered) spaces on Jessie Street.

The two existing commercial vehicle spaces on Mission Street are likely to be sufficient to accommodate the loading/unloading demand for the proposed project ground-floor retail uses, as well as other existing uses on the project block. During field surveys, these spaces were not fully occupied throughout the day.²⁰ In addition, the loading demand associated with the recent uses on the project site utilized these spaces, and this demand associated with the recent uses on the site would be eliminated with the proposed project.

As indicated above, the project sponsor would request that the 50-foot-wide curb frontage on Jessie Street be designated as a passenger loading/unloading zone. The passenger zone would remove three existing commercial loading/unloading parking spaces adjacent to the project site. The 50-foot-wide passenger zone would be adequate to accommodate hotel (i.e., taxi) drop-off and pick-ups. The passenger zone would likely be used for deliveries if curb space were not available to the west of the project site. Since the proposed project would not include on-site parking and since valet parking is not currently anticipated, the 50-foot-wide zone would be sufficient to accommodate the project's loading demand.

As noted above, the proposed passenger loading/unloading zone would displace three commercial vehicle loading/unloading spaces. The elimination of the three commercial vehicle spaces to accommodate the proposed passenger loading/unloading zone for the hotel use would require that vehicles currently using these spaces find parking spaces elsewhere on Jessie Street or on Mint Street. If all spaces were to be occupied on Jessie, Mint, or Mission Streets, some vehicles could temporarily stop within nearby driveways, park partially on the west sidewalk, or double-park on Jessie Street. Since Jessie Street has one travel lane, double-parked vehicles would block traffic flow. Due to the turnover in the 30-minute parking spaces and low traffic volumes on Jessie Street, it is not anticipated that the loss of three loading spaces would result in substantial double-parking activity on Jessie Street.

According to the transportation consultant, the potential exists that some hotel drop-off activities may occur at the curb on Mission Street between 4:00 and 6:00 p.m., when on-street parking is prohibited. The

²⁰ Luba C. Wyznyckyj, LCW Consulting, *942 Mission Street-Loading Assessment*, op cit.

peak period prohibition does not provide an additional travel lane, but enhances capacity and improves transit operations by providing additional space for bus travel and eliminating conflicts caused by parking maneuvers. Therefore, limited drop-off activities on Mission Street would not substantially affect transit operations during the p.m. peak period.²¹

Construction Impacts

The project sponsor expects construction of the proposed project to last approximately 18 months, and construction would temporarily affect traffic and parking conditions near the project site. Throughout the construction period, there would be a flow of construction-related trucks to and from the site. The impact of construction traffic would be a temporary lessening of the capacities of local streets due to the slower movement and larger turning radii of trucks, which may affect traffic operations, including transit. Relocation and lane closures are not expected to be required. Sidewalk closures would likely be required and are subject to review and approval by the San Francisco Department of Public Works (DPW) and the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). Materials storage and/or project storage is likely to be required at some point on the sidewalk or adjacent parking spaces, and a revocable encroachment permit would be required. These effects, although a temporary inconvenience to those who live, visit, or work in the area, would not substantially change the capacity of the existing street system nor alter the existing parking conditions. No parking would be provided to construction workers. For reasons discussed above, the proposed project would not create a significant impact from construction-related traffic.

Based on the above, project effects related to transportation and circulation, including intersection operations, transit demand, and impacts on parking, loading, pedestrian and bicycle traffic, and construction traffic impacts would not result in significant environmental impacts.

²¹ Ibid

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
6. NOISE – Would the project:					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<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 type="checkbox"/>	<input checked="" 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 area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<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 within an airport land use plan area, nor is it in the vicinity of a private airstrip. Therefore, topics 6e and 6f are not applicable.

Ambient noise levels in the project vicinity are typical of noise levels in greater San Francisco, which are dominated by vehicular traffic, including, cars, Muni buses and streetcars, and emergency vehicles. Mission Street, a Transit Preferential street in the *General Plan*, is relatively heavily trafficked, including transit vehicles and generates corresponding high levels of traffic noise. The site is mapped within an area of street level noise of 70+ Ldn (dBA). Observation indicates that surrounding land uses do not conduct noticeably noisy operations.

Construction Noise and Vibration

Demolition, excavation, and building construction would temporarily increase noise in the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered

an annoyance by occupants of nearby properties. Piles would be placed into the loose to medium dense sand and marsh deposits beneath the existing basement, which could generate potentially substantial noise and vibration during pile placement. The geotechnical report proposes several specialty pile types that could be installed with less noise and little or no vibration, which would limit the impact of construction noise and vibration on adjacent structures. These specialty piles include tubex piles, torque down piles, or auger cast displacement piles.²² Use of these specialty piles would reduce the potential impact of ground-borne vibrations on adjacent structures to a less-than-significant level. The project sponsor would implement one or more of the specialty pile options, as recommended by a California-licensed geotechnical engineer.

According to the project sponsor, the construction period would last approximately 18 months. Construction noise levels for activities other than pile placement would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Impacts would generally be limited to the period during which new foundations and exterior structural and façade elements would be constructed. Interior construction noise would be substantially reduced by exterior walls.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*),² amended in November 2008. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (jackhammers, hoerammers, impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of DPW or the Director of DBI. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of DPW or the Director of DBI. The project must comply with regulations set forth in the Noise Ordinance.

The closest sensitive noise receptors to the project site that have the potential to be adversely affected by construction noise are the nearby residential uses around Mint Plaza and along Mission and Jessie Streets, in the near project vicinity. Construction activities other than pile placement, which may be employed in project construction, typically generate noise levels no greater than 90 dBA (for instance, for excavation) at 50 feet from the activity, while other activities, such as concrete work, are less noisy. Because noise generally attenuates (decreases) at a rate of 6 to 7.5 dBA per doubling of distance, the exterior noise level

²² Rockridge Geotechnical, op cit, page 7.

at the nearby residential locations would be no greater than about 75 dBA during the noisiest activities other than pile placement, and less during other aspects of construction. At this noise level, closed windows typically can reduce exterior noise by approximately 15 to 20 dBA, which would produce daytime interior noise levels of 55 to 60 dBA.²³ Under Section 2909 of the City's Noise Ordinance, acceptable interior noise levels are approximately 55 dBA between the hours of 7:00 a.m. and 10:00 p.m.²⁴ The *General Plan* indicates that exterior noise levels up to 60 dBA are satisfactory and do not require special insulations requirements.²⁵ Standard pile driving can generate noise levels in excess of 100 dBA at 50 feet each time the hammer strikes the pile. As noted above, the project sponsor would not drive piles, which would limit the noise impact to approximately 79 dBA at 50 feet, compared to standard driven piles, which have noise levels of 105 dBA at 50 feet.²⁶ For nearby sensitive receptors, although construction noise could be annoying at times and interfere with some activities, it would not be considered significant, in view of the above. No other construction projects are in close enough proximity to the project site are known, so cumulative effects related to construction noise would not be anticipated.

Noise Compatibility

The Environmental Protection Element of the *General Plan* contains Land Use Compatibility Guidelines for Community Noise.²⁷ These guidelines, which are similar to but differ somewhat from state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable noise levels for various newly developed land uses. For hotel uses, the maximum "satisfactory" noise level

²³ James P. Cowan James, *Handbook of Environmental Acoustics*, Wiley-Interscience, 1993, p. 97, http://books.google.com/books?id=7EIPZbyak8sC&dq=noise+attenuation+dBA+of+single+pane+windows&source=gb_s_summary_s&cad=0.

²⁴ San Francisco Noise Ordinance, Section 2709, Noise Limits, <http://www.sfdph.org/dph/files/EHSdocs/ehsNoise/NoiseOrd.pdf>. No fixed noise source may cause the noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between the hours of 10 p.m. and 7 a.m. or 55 dBA between the hours of 7 a.m. to 10 p.m. with the windows open, except where the building ventilation is achieved through mechanical systems that allow windows to remain closed. However, if the City issues a permit for an activity that also contains different noise standards, none of the limits of Section 2709 apply.

²⁵ City and County of San Francisco, Planning Department, *San Francisco General Plan*, Environmental Protection Element, Policy 11.1.

²⁶ Appendix N: Wilson, Ihrig, & Associates Acoustical Consultants—Technical Memos [regarding construction noise], The Village at Loch Lomond Marina, San Rafael California. Pile driving noise levels from Table II, page 2, Memo of 12 December 2006. Pile drilling noise levels from pp. 1-2, Memo of January 9, 2007. <http://www.cityofsanrafael.org/Assets/CDD/Loch+Lomond+Project/EIR+Reports/FEIRVolume4/Appendix+N.pdf>.

²⁷ City and County of San Francisco, Planning Department, *San Francisco General Plan*, Environmental Protection Element, Policy 11.1.

without incorporating noise insulation into a project is 60 dBA (Ldn), while the guidelines indicate that hotel development should be discouraged at noise levels above 75 dBA (Ldn).^{28,29} Where noise levels exceed 60 dBA, a detailed analysis of noise reduction requirements will normally be necessary prior to final review and approval, and new construction or development of hotel uses will require that noise insulation features included in the design. Based on modeling of traffic noise volumes conducted by the San Francisco Department of Public Health (DPH),³⁰ the traffic noise level in the project area vicinity is generally above 70 dBA. Therefore, the proposed project would locate new hotel units in an environment with relatively high ambient noise levels. As discussed below, Title 24 of the California Code of Regulations establishes noise infiltration standards for residential projects (including motels and hotels). The Department of Building Inspection would review the final building plans to ensure that the building wall and floor/ceiling assemblies meet State standards regarding sound transmission. The project sponsor has indicated that an acoustical consultant would be part of the project design team and that the recommendation of the consultant would be incorporated into project design and that the recommendations of the consultant would be incorporated into the project design and construction. For the reasons discussed above, the impact of ambient noise on the proposed project would be less than significant.

Compliance with Title 24 standards would avoid a significant impact on project occupants.

Traffic Noise

Generally, traffic must double in volume to produce a noticeable increase in average noise levels. Based on the transportation analysis prepared for the project (see Section 5, above), traffic volumes would not double on area streets as a result of the proposed project or expected cumulative traffic growth; therefore, the proposed project would not cause a noticeable increase in the ambient noise level in the project vicinity, nor would the project contribute to any potential cumulative traffic noise effects.

²⁸ Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. Owing to the variation in sensitivity of the human ear to various frequencies, sound is “weighted” to emphasize frequencies to which the ear is more sensitive, in a method known as A-weighting and expressed in units of A-weighted decibels (dBA).

²⁹ The guidelines are based on maintaining an interior noise level standard of 45 dBA, Ldn, as required by the California Noise Insulation Standards in Title 24, Part 2 of the California Code of Regulations.

³⁰ Traffic noise map presented on DPH website: <http://www.sfdph.org/dph/EH/Noise/default.asp>.

Operational Noise

The project would include mechanical equipment that could produce operational noise, such as heating and ventilation systems. These operations would be subject to Section 2909 of the Noise Ordinance. As amended in November 2008, this section establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line: for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient levels. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential projects (including hotels and motels). DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies meet state standards regarding sound transmission. Compliance with Article 29, Section 2909, and Title 24 would minimize noise from building operations. Therefore, noise effects related to building operation would not be significant, nor would the building contribute a considerable increment to any cumulative noise impacts from mechanical equipment.

In light of the above, noise effects related to the proposed project would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
7. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
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, state, or regional 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Construction Emissions

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 California Air Resources Board, reducing ambient particulate matter from 1998-2000 levels to natural background concentrations in San Francisco would prevent over 200 premature deaths.

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 to add to particulate matter in 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 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 one half-acre that are unlikely to result in any visible wind-blown dust.

The project sponsor and the contractor responsible for construction activities at the project site shall 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. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San Francisco Public Works Code. If not required, reclaimed water should be used whenever possible. Contractors shall provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement). During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

For projects over one half-acre, the Ordinance requires that the project sponsor submit a Dust Control Plan for approval by the San Francisco Health Department. 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 one-half acre in size that will not produce exterior visible dust are exempt from the site-specific Dust Control Plan requirement.

Site-specific Dust Control Plans shall require the project sponsor to: submit of a map to the Director of Health showing all sensitive receptors within 1000 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 to sweep off adjacent streets to reduce particulate emissions. The project sponsor would be required to designate an individual to monitor compliance with dust control requirements.

These regulations and procedures set forth by the *Building Code* would ensure that potential dust-related air quality impacts would be reduced to a level of insignificance.

Traffic Emissions

The BAAQMD has established screening methods to determine whether development projects could exceed significance thresholds for air quality impacts of project operations and thus require a detailed air quality analysis.³¹ The District generally does not recommend a detailed air quality analysis for residential projects with fewer than 320 single-family units, 510 multi-family units, or 2,000 vehicle trips per day. The proposed project would have 172 hotel units and generate approximately 195 vehicle trips per day; therefore, a detailed air quality analysis is not needed, and significant air quality impacts due to vehicular emissions would not be expected from the proposed project.

Greenhouse Gas Emissions

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities that alter the composition of the global atmosphere.

Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases. The principal GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. (Ozone—not directly emitted, but formed from other gases in the troposphere, the lowest level of the earth's atmosphere—also contributes to the retention of heat.) While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are largely emitted from human activities, accelerating the rate at which these compounds occur within Earth's atmosphere. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide-equivalent" measures. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off gassing associated with agricultural practices and landfills. Other GHGs, with much greater heat-absorption potential than carbon dioxide, include hydrofluorocarbons,

³¹ See Bay Area Air Quality Management District, *CEQA Guidelines*, April 1996, revised December 1999, p. 25.

perfluorocarbons, and sulfur hexafluoride and are generated in certain industrial processes. There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.³² Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

The California Energy Commission (CEC) estimated that in 2004, California produced 500 million gross metric tons (about 550 million U.S. tons) of carbon dioxide-equivalent GHG emissions.³³ The CEC found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in state and out of state) at 23 percent and industrial sources at 13 percent.³⁴ In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half the Bay Area's 85 million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about one-fourth of total emissions. Domestic sources (home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions.³⁵

Statewide Actions

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emissions of greenhouse gases (GHG) would be progressively reduced as follows: by 2010,

³² California Air Resources Board (ARB), 2006a, Climate Change website, <http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf>.

³³ 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.

³⁴ California Energy Commission, Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004—Final Staff Report, publication # CEC-600-2006-013-SF, December 22, 2006, and January 23, 2007, update to that report, <http://www.arb.ca.gov/cc/ccei/emsinv/emsinv.htm>.

³⁵ BAAQMD, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2002, November 2006, http://www.baaqmd.gov/pln/ghg_emission_inventory.pdf.

reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.³⁶

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

AB 32 establishes a timetable for the CARB to adopt emission limits, rules, and regulations designed to achieve the intent of the Act. CARB staff is preparing a scoping plan to meet the 2020 greenhouse gas reduction limits outlined in AB 32. In order to meet these goals, California must reduce its greenhouse gases by 30 percent below projected 2020 business as usual emissions levels, or about 10 percent from 2008 levels. In June 2008, CARB released its Draft Scoping Plan, which estimates a reduction of 169 million metric tons of CO₂-eq (MMTCO₂-eq). Approximately one-third of the emissions reductions strategies fall within the transportation sector and include the following: California Light-Duty Vehicle GHG standards, the Low Carbon Fuel Standard, Heavy-Duty Vehicle GHG emission reductions and energy efficiency, and medium and heavy-duty vehicle hybridization, high speed rail, and efficiency improvements in goods movement. These measures are expected to reduce GHG emissions by 60.2 MMTCO₂-eq. Emissions from the electricity sector are expected to reduce another 49.7 MMTCO₂-eq. Reductions from the electricity sector include building and appliance energy efficiency and conservation, increased combined heat and power, solar water heating (AB 1470), the renewable energy portfolio standard (33 percent renewable energy by 2020), and the existing million solar roofs program. Other reductions are expected from industrial sources, agriculture, forestry, recycling and waste, water, and emissions reductions from cap-and-trade programs. Local government actions and regional GHG targets are also expected to yield a reduction of 2 MMTCO₂-eq.³⁷ Measures that could become effective during implementation pertain to construction-related equipment and building and appliance energy efficiency. Some proposed measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under

³⁶ California Air Resources Board (CARB), *Climate Change Draft Scoping Plan: A Framework for Change*, June 2008 Discussion Draft. Available on the internet at: <http://www.climatechange.ca.gov/index.php>. Accessed July 29, 2008.

³⁷ Ibid.

CEQA or the National Environmental Policy Act (NEPA). Applicable measures that are ultimately adopted will become effective during implementation of proposed project and the proposed project could be subject to these requirements, depending on the proposed project's timeline.

Local Actions

San Francisco has a history of environmental protection policies and programs aimed at improving the quality of life for San Francisco's residents and reducing impacts on the environment. The following plans, policies and legislation demonstrate San Francisco's continued commitment to environmental protection.

Transit First Policy. In 1973 San Francisco instituted the Transit First Policy which added Section 16.102 to the City Charter with the goal of reducing the City's reliance on freeways and meeting transportation needs by emphasizing mass transportation. The Transit First Policy gives priority to public transit investments; adopts street capacity and parking policies to discourage increased automobile traffic; and encourages the use of transit, bicycling and walking rather than use of single-occupant vehicles.

San Francisco Sustainability Plan. In July 1997 the Board of Supervisors approved the Sustainability Plan for the City of San Francisco establishing sustainable development as a fundamental goal of municipal public policy.

The Electricity Resource Plan (Revised December 2002). San Francisco adopted the Electricity Resource Plan to help address growing environmental health concerns in San Francisco's southeast community, home of two power plants. The plan presents a framework for assuring a reliable, affordable, and renewable source of energy for the future of San Francisco.

The Climate Action Plan for San Francisco. In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution (Number 158-02) committing the City and County of San Francisco to a GHG emissions reduction goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco Department of the Environment and the Public Utilities Commission published the Climate Action Plan for San Francisco: Local Actions to Reduce Greenhouse Gas Emissions.³⁸ The Climate Action Plan provides the context of climate change in San Francisco and

³⁸ San Francisco Department of the Environment and San Francisco Public Utilities Commission, *Climate Action Plan for San Francisco*, Local Actions to Reduce Greenhouse Emissions, September 2004.

examines strategies to meet the 20 percent greenhouse gas reduction target. Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, the Plan serves as a blueprint for GHG emission reductions, and several actions have been implemented or are now in progress.

San Francisco Municipal Transportation Agency's Zero Emissions 2020 Plan. The SFMTA's Zero Emissions 2020 plan focuses on the purchase of cleaner transit buses including hybrid diesel-electric buses. Under this plan hybrid buses will replace the oldest diesel buses, some dating back to 1988. The hybrid buses emit 95 percent less particle matter (PM, or soot) than the buses they replace, they produce 40 percent less oxides of nitrogen (NOx), and they reduce greenhouse gases by 30 percent.

LEED® Silver for Municipal Buildings. In 2004, the City amended Chapter 7 of the Environment code, requiring all new municipal construction and major renovation projects to achieve LEED® Silver Certification from the US Green Building Council.

Zero Waste. In 2004, the City of San Francisco committed to a goal of diverting 75 percent of its waste from landfills by 2010, with the ultimate goal of zero waste by 2020. San Francisco currently recovers 69 percent of discarded material.

Construction and Demolition Debris Recovery Ordinance. In 2006 the City of San Francisco adopted Ordinance No. 27-06, requiring all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65 percent of the material from landfills. This ordinance applies to all construction, demolition and remodeling projects within the City.

Greenhouse Gas Reduction Ordinance. In May 2008, the City of San Francisco adopted an ordinance amending the San Francisco Environment Code to establish City greenhouse gas emission targets and departmental action plans, to authorize the Department of the Environment to coordinate efforts to meet these targets, and to make environmental findings. The ordinance establishes the following greenhouse gas emission reduction limits for San Francisco and the target dates to achieve them:

- Determine 1990 City greenhouse gas emissions by 2008, the baseline level with reference to which target reductions are set;
- Reduce greenhouse gas emissions by 25 percent below 1990 levels by 2017;
- Reduce greenhouse gas emissions by 40 percent below 1990 levels by 2025; and
- Reduce greenhouse gas emissions by 80 percent below 1990 levels by 2050.

The ordinance also specifies requirements for City departments to prepare departmental Climate Action Plans that assess, and report to the Department of the Environment, GHG emissions associated with their department's activities and activities regulated by them, and prepare recommendations to reduce emissions. As part of this, the San Francisco Planning Department is required to: (1) update and amend the City's applicable *General Plan* elements to include the emissions reduction limits set forth in this ordinance and policies to achieve those targets; (2) consider a project's impact on the City's GHG reduction limits specified in this ordinance as part of its review under CEQA; and (3) work with other City departments to enhance the "transit first" policy to encourage a shift to sustainable modes of transportation thereby reducing emissions and helping to achieve the targets set forth by this ordinance.

Go Solar SF. On July 1, 2008, the San Francisco Public Utilities Commission (SFPUC) launched its "GoSolarSF" program to San Francisco's businesses and residents, offering incentives in the form of a rebate program that could pay for approximately half the cost of installation of a solar power system, and more to those qualifying as low-income residents.

City of San Francisco's Green Building Ordinance. On August 4, 2008, Mayor Gavin Newsom signed into law San Francisco's Green Building Ordinance for newly constructed residential and commercial buildings and renovations to existing buildings. The ordinance specifically requires newly constructed commercial buildings over 5,000 square feet, residential buildings over 75 feet in height, and renovations on buildings over 25,000 square feet to be subject to an unprecedented level of LEED® and green building certifications, which makes San Francisco the city with the most stringent green building requirements in the nation. Cumulative benefits of this ordinance include reducing CO₂ emissions by 60,000 tons, saving 220,000 megawatt hours of power, saving 100 million gallons of drinking water, reducing waste and storm water by 90 million gallons of water, reducing construction and demolition waste by 700 million pounds, increasing the valuations of recycled materials by \$200 million, reducing automobile trips by 540,000, and increasing green power generation by 37,000 megawatt hours.³⁹

The Green Building Ordinance also continues San Francisco's efforts to reduce the City's greenhouse gas emissions to 20 percent below 1990 levels by the year 2012, a goal outlined in the City's 2004 Climate Action Plan. In addition, by reducing San Francisco's emissions, this ordinance also furthers the State's

³⁹ These findings are contained within the final Green Building Ordinance, signed by the Mayor August 4, 2008.

efforts to reduce greenhouse gas emissions statewide as mandated by the California Global Warming Solutions Act of 2006.

The City has also passed ordinances to reduce waste from retail and commercial operations. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/compostable or recyclable food service ware by restaurants, retail food vendors, City Departments and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

The San Francisco Planning Department and DBI have also developed a streamlining process for Solar Photovoltaic (PV) Permits and priority permitting mechanisms for projects pursuing LEED® Gold Certification.

The City's *Planning Code* reflects the latest smart growth policies and includes: electric vehicle refueling stations in city parking garages, bicycle storage facilities for commercial and office buildings, and zoning that is supportive of high density mixed-use infill development. The City's more recent area plans, such as Rincon Hill and the Market and Octavia Area Plan, provide transit-oriented development policies. At the same time there is also a community-wide focus on ensuring San Francisco's neighborhoods as "livable" neighborhoods, including the Better Streets Plan that would improve streetscape policies throughout the City, the Transit Effectiveness Plan, that aims to improve transit service, and the Bicycle Plan, all of which promote alternative transportation options. The City also provides incentives to City employees to use alternative commute modes and the City recently introduced legislation that would require almost all employers to have comparable programs.

Each of the policies and ordinances discussed above include measures that would decrease the amount of greenhouse gases emitted into the atmosphere and decrease San Francisco's overall contribution to climate change.

Impacts

Although neither the BAAQMD or any other agency has adopted significance criteria for evaluating a project's contribution to climate change, the Office of Planning and Research (OPR) has asked the California Air Resources Board to "recommend a method for setting thresholds of significance to encourage consistency and uniformity in the CEQA analysis of GHG emissions" throughout the state

because OPR has recognized that “the global nature of climate change warrants investigation of a statewide threshold for GHG emissions.”⁴⁰ In the interim, on June 19, 2008 OPR released a Technical Advisory for addressing climate change through CEQA review. OPR’s technical advisory offers informal guidance on the steps that lead agencies should take to address climate changes in their CEQA documents, in the absence of statewide thresholds. OPR will develop, and the California Resources Agency will certify and adopt amendments to the CEQA Guidelines on or before January 1, 2010, pursuant to Senate Bill 97.

The informal guidelines in OPR’s technical advisory provide the basis for determining proposed project’s contribution of greenhouse gas emissions and the project’s contribution to global climate change. In the absence of adopted statewide thresholds, OPR recommends the following approach for analyzing greenhouse gas emissions:

- 1) Identify and quantify the project’s greenhouse gas emissions;
- 2) Assess the significance of the impact on climate change; and
- 3) If the impact is found to be significant, identify alternatives and/ or mitigation measures that would reduce the impact to less than significant levels.

The following analysis is based on OPR’s recommended approach for determining a project’s contribution to and impact on climate change.

Identifying and quantifying a project’s greenhouse gas emissions. OPR’s technical advisory states that “the most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide.” State law defines GHG to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project, however, the GHG calculation does include emissions from CO₂, N₂O, and CH₄, as recommended by OPR. The informal guidelines also advise that lead agencies should calculate, or estimate, emissions from vehicular traffic, energy consumption, water usage and construction activities. The calculation presented below includes construction emissions in terms of CO₂.

⁴⁰ Governor’s Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change to the California Environmental Quality Act (CEQA) Review*. June 19, 2008. This document is available online at the Office of Planning and Research’s website at: www.opr.gov. Accessed 07/24/2008.

eq,⁴¹ and annual CO₂-eq GHG emissions from increased vehicular traffic, energy consumption, as well as estimated GHG emissions from solid waste disposal. While San Francisco's population and businesses are expected to increase, overall projected water demand for San Francisco in 2030 is expected to decrease from current water demand due to improvements in plumbing code requirements and additional water conservation measures implemented by the San Francisco Public Utilities Commission (SFPUC).⁴² Given the anticipated degree of water conservation, GHG emissions associated with the transport and treatment of water usage would similarly decrease through 2030, and therefore increased GHG emissions from water usage is not expected.

The proposed project would increase the activity on-site by construction 172 hotel rooms and 3,240 square feet of retail space on a site containing an approximately 25,000-square-foot office building. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of traffic increases (mobile sources) and residential and commercial operations associated with heating, energy use, water usage and wastewater treatment, and solid waste disposal (area sources). Construction of the proposed project would emit 304 tons CO₂-eq.⁴³ Direct project emissions of carbon dioxide equivalents (CO₂-eq) (including CO₂, NO_x, and CH₄ emissions) include 157 tons of CO₂-eq/year from transportation, and 248 tons of CO₂-eq /year from heating, for a total of 405 tons of CO₂-eq/year of project-emitted GHGs. The project would also indirectly result in GHG emissions from off-site electricity generation at power plants (approximately 113 tons of CO₂-eq/year) and from anaerobic decomposition of solid waste disposal at landfills, mostly in the form of methane (approximately 36 tons of CO₂-eq/year),

⁴¹ Construction emissions of carbon dioxide (CO₂) were calculated based on URBEMIS 2007 9.2.4 software. Attachment 2 of the Office of Planning and Research's *Technical Advisory- CEQA and Climate Change: Addressing Climate Change to the California Environmental Quality Act (CEQA) Review*, (June 19, 2008) lists and describes modeling tools used to calculate greenhouse gas emissions. URBEMIS is currently the only tool identified that has the capacity to calculate a project's CO₂ emissions from construction activities. It does not, however, calculate emissions from N₂O or CH₄, nor does any other modeling tool currently available. However, one can estimate the CO₂-eq using emissions factors from Table B of the BAAQMD, Source Inventory of Bay Area Greenhouse Gas Emissions.

⁴² The San Francisco Public Utilities Commission's (SFPUC) *City and County of San Francisco Retail Water Demands and Conservation Potential*, November 2004, documents the current and projected water demand given population and housing projections from Citywide Planning. This document is available at the SFPUC's website at: http://sfwater.org/detail.cfm/MC_ID/13/MSD_ID/165/C_ID/2281. Accessed July 28, 2008. The analysis provides projections of future (2030) water demand given anticipated water conservation measures from plumbing code changes, measures the SFPUC currently implements, and other measures the SFPUC anticipates on implementing. Conservation measures the SFPUC currently implements results in an overall reduction of 0.64 million gallons of water per day (mgd).

⁴³ Construction emissions and annual emissions are not intended to be additive as they occur at different points in the project's lifecycle. Construction emissions are one-time emissions that occur prior to building occupancy. Annual emissions are incurred only after construction of the proposed project and are expected to occur annually for the life of the project.

for a GHG emissions total of approximately 554 tons of CO₂-eq/year. Construction emissions represent approximately 0.0004 percent of Bay Area GHGs emitted in 2002, and annual emissions represent approximately 0.0006 percent of total Bay Area GHGs emitted in 2002.⁴⁴

Assessing the significance of the impact on climate change. The project's incremental increases in GHG emissions associated with construction, traffic increases and hotel/commercial heating, electricity use, and solid waste disposal would contribute to regional and global increases in GHG emissions and associated climate change effects.

OPR encourages public agencies to adopt thresholds of significance, but notes that public agencies are not required to do so. Until a statewide threshold has been adopted, the Department analyzes a proposed project's contribution to climate change against the following significance criteria:

- 1) Does the project conflict with the state goal of reducing GHG emissions in California to 1990 levels by 2020, as set forth by the timetable established in AB 32 (California Global Warming Solutions Act of 2006), such that the project's GHG emissions would result in a substantial contribution to global climate change. **AND**
- 2) Does the proposed project conflict with San Francisco's Climate Action Plan such that it would impede implementation of the local greenhouse gas reduction goals established by San Francisco's Greenhouse Gas Reduction Ordinance.

The 2020 GHG emissions limit for California, as adopted by CARB in December of 2007 is approximately 427 MMTCO₂-eq. The proposed project's annual contribution would be 0.0001 percent of this total 2020 emissions limit, and therefore the proposed project would not generate sufficient emissions of GHGs to contribute considerably to the cumulative effects of GHG emissions such that it would impair the state's ability to implement AB32, nor would the proposed project conflict with San Francisco's local actions to reduce GHG emissions.

OPR's guidance states that, "Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as

⁴⁴ The Bay Area Air Quality Management District reported regional Bay Area GHGs emissions in 2002 at approximately 85 million CO₂-eq tons. Bay Area 2002 GHG emissions are used as the baseline for determining whether a project's contributions are significant as these are the most recent emissions inventory for the bay area.

a means to avoid or substantially reduce the cumulative impact of a project.” And, “In determining whether a proposed project’s emissions are cumulatively considerable, the lead agency must consider the impact of the project when viewed in connection with the effects of “past, current and probable future projects.”

As discussed previously, San Francisco has been actively pursuing cleaner energy, transportation and solid waste policies. In an independent review of San Francisco’s community wide emissions it was reported that San Francisco has achieved a 5 percent reduction in communitywide greenhouse gas emissions below the Kyoto Protocol 1990 baseline levels. The 1997 Kyoto Protocol sets a greenhouse gas reduction target of 7 percent below 1990 levels by 2012. The “community-wide inventory” includes greenhouse gas emissions generated by San Francisco by residents, businesses, and commuters, as well as municipal operations. The inventory also includes emissions from both transportation sources and from building energy sources.

Probable future greenhouse gas reductions will be realized by implementation of San Francisco’s recently approved Green Building Ordinance. Additionally, the recommendations outlined in the Draft AB 32 Scoping Plan will likely realize major reductions in vehicle emissions.

Further, the State of California Attorney General’s office has compiled a list of greenhouse gas reduction measures that could be applied to a diverse range of projects.⁴⁵ The proposed project would meet the intent of many of the greenhouse gas reduction measures identified by the Attorney General’s office: (1) As infill development, the project would be constructed in an urban area with good transit access, reducing vehicle trips and vehicle miles traveled, and therefore the project’s transportation-related GHG emissions would tend to be less relative to the same amount of population and employment growth elsewhere in the Bay Area, where transit service is generally less available than in the central city of San Francisco;⁴⁶ (2) As new construction, the proposed project would be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, helping to reduce future energy demand as well as reduce the project’s contribution to cumulative regional GHG emissions; and (3) the

⁴⁵ State of California, Department of Justice, “The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level.” Updated 3/11/08. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf. Accessed April 11, 2008.

⁴⁶ The California Air Pollution Control Officer’s, *CEQA and Climate Change* (January 2008) white paper identifies infill development as yielding a “high” emissions reduction score (between 3-30 percent). This paper is available online at: <http://www.capcoa.org/ceqa/CAPCOA%20White%20Paper%20-%20CEQA%20and%20Climate%20Change.pdf>. Accessed April 15, 2008.

proposed project would also be required to comply with the Construction Demolition and Debris Recovery Ordinance (Ordinance No. 27-06), requiring at least 65 percent of all construction and demolition material to be diverted from landfills.

Given that: (1) the proposed project would not contribute significantly to global climate change such that it would impede the State’s ability to meet its greenhouse gas reduction targets under AB 32, or impede San Francisco’s ability to meet its greenhouse gas reduction targets under the Greenhouse Gas Reduction Ordinance; (2) San Francisco has implemented programs to reduce greenhouse gas emissions specific to new construction and renovations of residential and commercial developments; (3) San Francisco’s sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels, and (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project’s contribution to climate change, the proposed project would not contribute significantly, either individually or cumulatively, to global climate change.

Odors

The proposed project would not result in a perceptible increase in odors on the project site or near the proposed project, as it would not include uses prone to generation of odors and, therefore, would not adversely affect project occupants.

Conclusion

As discussed above, the proposed project would not conflict with applicable air quality plans, would not create significant operational or cumulative air emissions, and would not create or expose residents or workers to objectionable odors. Therefore, proposed project’s air quality impacts would be considered less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
8. WIND AND SHADOW – Would the project:					
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"/>

Wind

In order to provide a comfortable wind environment for people in San Francisco, the City established specific comfort criteria to be used in the evaluation of wind generation associated with large buildings in certain areas of the City. Large structures can affect street-level wind conditions. Such effects can occur when a new massive building extends above neighboring buildings, or contributes to the creation of a large wall facing into prevailing winds. Such potential impacts can be reduced or avoided by building articulation, such that winds are not diverted to the street by a large, flat building façade. Prevailing winds in the City in this case are from the west and northwest.

The *Planning Code* establishes wind criteria for C-3 Districts under Section 148. Section 148 sets comfort levels of seven miles per hour (mph) equivalent wind speed for public seating areas and 11 mph equivalent wind speed for areas of substantial pedestrian use, each not to be exceeded more than 10 percent of the time from 7:00 a.m. to 6:00 p.m. In addition to the comfort criteria, the *Planning Code* establishes a wind hazard criterion. The hazard criterion is set at an hourly averaged wind speed of 26 mph, which is not to be exceeded for a single hour of the year. Exceedance of the wind hazard criterion would constitute a significant impact. Exceedance of the seating or pedestrian comfort criteria would not rise to the level of significant adverse impact.

To assess the proposed project's wind impacts, a wind study was completed in August 2010.⁴⁷ The study used a one-inch:50-foot scale model of the blocks in the project vicinity and wind tunnel testing to simulate wind patterns. A total of 39 test point locations were selected, located along sidewalk areas adjacent to and near the project site as shown in Figure 15A, below. This includes the sidewalks of Mission, Jessie, Fifth, Sixth, Stevenson and Mint Streets, including Mint Plaza. The wind study tested existing⁴⁸, existing-plus-project, and cumulative conditions.⁴⁹

⁴⁷ Charles Bennett, ESA, Technical Memorandum to Stu During, During Associates, *Potential Section 148 Wind Impacts, 942 Mission Street Development*, October 25, 2010. These documents are available for public review by appointment as part of Project File No. 2008.0197E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco.

⁴⁸ The existing setting represents the site and vicinity as it presently exists, excluding approved development that has not begun construction. The following criteria were used to characterize approved projects: 1) if site demolition has not occurred, the existing building was modeled in the existing conditions setting; 2) if the site has been cleared of buildings, the site is modeled as vacant with no structures; and, 3) if the new building shell is substantially complete, the new project building was modeled in the existing conditions setting for purposes of the wind test.

⁴⁹ The protocol for this test differs from the protocol used for most prior wind tests. In most prior tests, all approved buildings, under construction or not, were treated as part of the existing conditions, while only projects

Comfort Criterion. The existing wind conditions in the project vicinity are relatively sheltered. As shown in Table 2, below, the average wind speed for the 39 sidewalk test point locations is approximately 10.9 mph. The highest wind speed in the vicinity is 16 mph (at test point location #34) and occurs on the south side of Mission Street, across from the project site. Winds at 26 of the 39 sidewalk locations currently meet the *Planning Code's* pedestrian comfort criterion value of 11 mph, as shown in Table 2. Winds at all test point locations in Mint Plaza (test point locations #7, #8, #9, and #10) meet the seating comfort criterion.

Thirteen of the 20 sidewalk test point locations exceed the *Planning Code's* pedestrian comfort value of 11 mph (more than 10 percent of the time) under existing conditions. These exceedances are at the following locations: the northeast corner of Stevenson and Sixth Street (test point location #2), the northwest corner of Stevenson and Fifth Streets (#26), the northwest corner of Jessie and Fifth Streets (#25), the northwest corner of Mission and Sixth Streets (#18), the north side of Mission Street in front of the project site (#19), the northwest corner of Mission and Fifth Streets (#24), the terminus of Jessie Street at Mission Street (#27), the southwest corner of Mission and Sixth Streets (#37), the south side of Mission Street across from the project site (#34), the south side of Mission Street at the terminus of Mary Street (#33), the southwest corner of the Mission and Fifth Streets (#31), the southeast corner of Mission and Fifth Streets (#29), and the intersection of Mary and Minna Streets (#39) (see Figure 15A, page 70). These exceedances are generally west, southeast, and northeast of the project site.

As shown in Table 2, below, with development of the proposed project, the wind speed for all 39 sidewalk test point locations would average about 11.1 mph, a 0.2 mph increase from the existing average of 10.9 mph. The range of wind speeds with development of the project would be similar to existing conditions, with wind speeds in sidewalk pedestrian areas ranging from six mph to 16 mph, compared with a range of five to 16 mph under existing conditions. The project would eliminate one existing exceedance (at test point location #26) and would add two new exceedances of the 11 mph pedestrian use criterion, for a total of 14 exceedances. The new exceedances would occur at test point location #11, the intersection of Jessie and Mint Streets north of the project site, and test point location #12, the north side

under City review were "cumulative". Under the direction of the Environmental Review Officer, the wind testing protocol includes only built structure in the existing conditions, since not all approved projects are constructed. This difference is important for approved building projects that have not been constructed, because in the current test they are "cumulative" rather than "existing" buildings. For the cumulative development scenario, approved buildings that are not yet built as well as proposed buildings in the vicinity are all modeled and included as though they were fully constructed. This results in a more conservative wind tunnel test since fewer buildings are included in the existing conditions.

of Jessie Street across from the project site. With development of the proposed project, winds at all test point locations in Mint Plaza (test point locations #7, #8, #9, and #10) would continue to meet the seating comfort criterion.

(See next page for Table 2: Comfort Criterion Results)

TABLE 2: COMFORT CRITERION RESULTS

Location	Criterion (MPH)	Existing		Proposed Project		Cumulative with Proposed Project	
		Velocity (MPH)	% Time Above Criterion	Velocity (MPH)	% Time Above Criterion	Velocity (MPH)	% Time Above Criterion
1	11	9	4	9	5	9	5
2	11	15 ¹	24	15	24	14	20
3	11	10	5	9	3	8	1
4	11	7	1	7	1	7	1
5	11	9	3	10	6	9	6
6	11	10	8	11	9	11	10
7	11	7	0	8	1	7	0
8	11	8	1	8	1	7	1
9	11	5	0	6	0	5	0
10	11	8	2	9	6	9	2
11	11	10	7	12	14	12	13
12	11	10	4	12	14	13	18
13	11	11	8	10	7	9	4
14	11	11	10	10	5	10	4
15	11	11	11	10	4	11	10
16	11	11	10	11	10	10	7
17	11	10	6	11	9	10	6
18	11	13	18	13	20	12	14
19	11	12	13	13	18	12	16
20	11	10	6	11	11	10	4
21	11	8	1	10	8	8	3
22	11	10	7	10	6	10	7
23	11	10	4	10	5	10	6
24	11	14	22	14	23	14	21
25	11	15	25	15	26	16	25
26	11	12	13	11	12	12	13
27	11	14	17	13	16	13	16
28	11	10	9	10	7	10	5
29	11	12	16	12	12	12	12
30	11	11	10	11	9	11	10
31	11	14	19	14	19	14	20
32	11	11	11	11	9	11	9
33	11	15	23	16	27	15	26
34	11	16	29	16	29	15	29
35	11	11	8	11	9	11	13
36	11	11	9	10	8	11	10
37	11	12	15	12	15	9	4
38	11	8	4	9	5	10	6
39	11	15	24	14	22	14	22
<i>Average Wind Speed</i>		<i>10.9 mph</i>		<i>11.1 mph</i>		<i>10.7 mph</i>	

Source: Charles Bennett, Certified Consulting Meteorologist.

Note:

1. Exceedances are in **boldface**.

Wind Hazard Criterion. Under existing conditions, none of the 39 test point locations exceed the Planning Code wind hazard criterion (speeds reaching or exceeding the hazard level of 26 mph, as averaged for a single full hour of the year). No wind hazard exceedances would occur with development of the proposed project.

Overall, with no wind hazard exceedances, two new pedestrian comfort criterion exceedances, and no public seating area comfort criterion exceedances, the wind impacts associated with the proposed project would be less than significant for purposes of CEQA review.

Figure 15A Wind Test Point Location Map



Cumulative Wind Impacts. The analysis of the project’s cumulative effects on wind conditions accounts for approved buildings that have not been constructed as well as proposed buildings in the vicinity currently under environmental review. Recently approved projects included in the cumulative conditions

model include: 220 Golden Gate Avenue, 55th Ninth Street, 1340-1390 Mission Street, 1169 Market Street, 1455 Market Street, 181 Turk/180 Jones Street, 121 Golden Gate Avenue, 1390 Market Street, 537 Natoma Street, 949 Market Street, 1145 Mission Street, 168 Eddy Street, 474 Natoma Street, 1036-1040 Mission Street, and 1400 Mission Street. Under cumulative conditions, wind speeds in pedestrian areas would decrease by 0.4 mph compared to project conditions due to the shielding of wind by these additional buildings. . The average wind speed would decrease from 11.1 to 10.7 mph, and wind speeds in the pedestrian areas would range from five mph to 16 mph, compared to a range of five to 16 mph under existing conditions and six mph to 16 mph with development of only the project (see Table 2). Cumulative development would eliminate one existing pedestrian comfort criterion exceedance (at test point location #37, the southwest corner of Sixth and Mission Streets, shown in Table 2 and Figure 15A), and would not create any new exceedances. There would be no exceedance of the wind hazard criterion (an hourly averaged wind speed of 26 mph) under cumulative conditions. Likewise, there would be no exceedance of the seating comfort criterion under cumulative conditions.

Overall, the cumulative wind analysis indicates that the proposed project combined with cumulative development would generally reduce comfort criteria exceedances to pre-project levels. No wind hazard criterion exceedances would occur with project or cumulative development. Therefore, the proposed project would not contribute considerably to adverse cumulative wind impacts.

An independent wind consultant prepared a wind impact evaluation for the proposed project, the results of which are presented below.⁵⁰

The project site currently is occupied by an existing two story, 30 foot high building. The main entrance to the new building would be on Mission Street and a secondary entrance would be on Jessie Street.

Background

Average wind speeds in San Francisco are the highest in the summer and lowest in winter. However, the strongest peak winds occur in winter. The highest average wind speeds occur in mid afternoon and the lowest in the early morning. Westerly to northwesterly winds are the most frequent and strongest winds

Charles Bennett, ESA, Technical Memorandum to Stu During, During Associates, Subject: Potential Section 148 Wind Impacts, 942 Mission Street Development, April 8, 2009. This document is available for public review by appointment as part of Project File No. 2008.0197E at the Planning Department, 1660 Mission Street, Suite 500, San Francisco.

during all seasons. Of the 16 primary wind directions, four have the greatest frequency of occurrence; these are the northwest (NW), west northwest (WNW), west (W) and west southwest (WSW). Over 90 percent of measured winds over 13 mph blows from these directions, which are used to assess the compliance of a project with *Planning Code* Section 148.

Wind Effects from Buildings

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 and 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. In addition to the localized effects from individual buildings, larger groups of buildings interact with and tend to slow the approaching winds, due to the friction and drag created by the many individual structures. This slowing is typically greatest near ground level.

San Francisco Wind Ordinance and CEQA

Planning Code Section 148, *Reduction of Ground Level Wind Currents in C-3 Districts*, requires buildings to be shaped so as not to cause ground level wind currents to exceed, more than 10 percent of the time, 11 mph in substantial pedestrian use areas, and 7 mph in public seating areas. Similarly, the Code requires that buildings not cause equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single full hour of the year. The wind ordinance comfort criteria are defined in terms of equivalent wind speed, which is an average wind speed (mean velocity), adjusted to include the level of gustiness and turbulence.⁵¹ In this context, unless otherwise stated, use of the term "wind speeds" refers to equivalent wind speeds that are exceeded 10 percent of the time. Other sections of the *Planning Code* apply the same conditions of Section 148 to other Districts of San Francisco. Furthermore, Section 148 conditions are used by the Planning Department to evaluate the CEQA compliance of projects under environmental review.

⁵¹ *Equivalent wind speed* is defined as the mean wind velocity, multiplied by the quantity (one plus three times the turbulence intensity), divided by 1.45. This calculation magnifies the reported wind speed when turbulence intensity is greater than 15 percent.

Therefore, project compliance with the wind comfort and wind hazard criteria of Section 148 are used as significance criteria to determine the potential environmental impact of the project.

Determining Compliance with Code Section 148

For the purpose of determining compliance with the *Planning Code*, buildings with a height of more than 100 feet above ground usually are evaluated by wind tunnel testing, according to a standard wind testing protocol. On the other hand, buildings with a height of 100 feet or less usually have little or no effect on the pedestrian wind environment. As the proposed building would be 162 feet high to the roof, it is possible that the building could have an adverse effect on pedestrian winds. This analysis considers the bases for determining project compliance with the comfort and hazard criteria of Section 148, and determines that the effect of the project on ground level winds would be less than significant.

Project Setting

In the upwind directions from the project site lies Nob Hill to the northwest, and the Civic Center to the west. The local topographic gradient slopes upward to the northwest, toward Lafayette Park. Along the project block, Mission Street, Jessie and Mint Streets, as well as to the south, the topography is nearly flat and level. The vicinity is characterized by a combination of many low, mid, and high rise buildings that extend upwind (to the west and northwest) for a considerable distance from the site. The tallest structures in the effective upwind of the project site are the Hilton Hotel, the Phillip Burton Federal Building and the Hiram Johnson State Office Building Complex. To the northwest is the Hilton Hotel, which occupies the entire block bounded by O'Farrell, Ellis, Taylor and Mason Streets. The Federal Building, located west of the project site at 450 Golden Gate Avenue, is 312 feet high. The State Office Building complex (comprised of two interconnected structures with towers of 180 and 80 feet in height), is located across the street from the Federal Building at 455 Golden Gate Avenue. The bulk and spacing of these two buildings affect west winds that reach the project site.

In terms of local wind conditions, the more important structures in the area surrounding the project site include the taller of the buildings on the project block that face Market Street, the similarly sized buildings along Golden Gate Avenue and Turk Street, as well as the taller buildings within three blocks to the northwest and to the west of the project site. Although the State Office complex and the Phillip Burton building are known to contribute to wind accelerations and wind turbulence north of Market Street, they may be too far away to affect this site.

Wind Conditions in the Project Vicinity

~~A wind test was performed for a nearby site on Assessor's Block 3704, in the year 2000. That project, not constructed, was a 120-foot high, lot line building proposed to be located at 949 Market Street, on the south side of Market Street, between Fifth and Sixth Streets.⁵²~~

~~Another wind test, performed for the now constructed high rise building at 888 Howard Street,⁵³ establishes the wind conditions along Fifth Street, between Mission and Howard Streets, which is important to consideration of potential downwind effects.~~

~~Only one of the prior tests includes measurement points on either Mission Street or Jessie Street near the project site. However, data from these wind tunnel tests were sufficient to provide information about wind speeds along nearby streets, both north and south of Market Street, to inform and support this analysis. Of particular help is the 888 Howard Street wind test, which established existing wind conditions along Fifth Street, between Mission and Howard Streets, an area important to consideration of potential downwind effects of the proposed project.~~

~~Data from the year 2000 wind tests exhibit a range of wind speeds at north of Market Street locations that are consistent and quite similar. The tests involving measurements south of Market Street are also consistent. Furthermore, the 949 Market Street test provided measurement data for locations both north and south of Market Street, establishing the relationships between them. Therefore, these wind tests appear to provide a solid basis for estimating the wind conditions at the project site.~~

~~The existing conditions for the upwind north of Market Street locations nearest the project site are considered moderate to windy. The average of the wind speeds exceeded 10 percent of the time is approximately 13 mph, with speeds of 14 mph or more occur at about half of the measurement locations, and wind speeds of 11 mph or less (meeting the *Planning Code's* pedestrian comfort criterion value) at about one quarter of the locations. The highest wind speed (17 mph) measured in the north of Market area occurred at the southwest corner of Jones Street and Golden Gate Avenue. The Code's wind hazard criterion was met at all measurement locations north of Market Street.~~

⁵² Environmental Science Associates, *Potential Wind Conditions, Proposed 949 Market Street Building, San Francisco, California*. Technical Memorandum ESA 200605, December 19, 2000. Other wind tunnel testing was performed in the year 2000 for a project on Golden Gate Avenue and for another project north of Market Street (at the corner of Turk and Taylor Streets).

⁵³ Environmental Science Associates, *Potential Wind Conditions, Proposed 888 Howard Street Project, San Francisco, California*, Technical Memorandum ESA 201198, April 17, 2001.

The existing wind conditions for south of Market Street locations near the project site vary substantially, but are more moderate than windy. Along Market Street, wind speeds exceeded 10 percent of the time range from 11 to 14 mph, with generally higher speeds on the (downwind) south side of the street and lower speeds on the north. This effect also occurs on Mission and Howard Streets, although with generally lower speeds, 9 to 13 mph. Winds along Stevenson Street were measured in the range of 7 to 9 mph; winds on Jessie Street at the project site should be similar, if not lower. South of Market Street, winds along Sixth Street, at 14 and 16 mph, are stronger than the 11 to 12 mph winds along Fifth Street, likely because winds flowing along Golden Gate Avenue and Taylor Street are directed onto Sixth Street, while Fifth Street has no such exposure. Both Fifth and Sixth Streets generally tend to have higher speeds on the (downwind) east side of the street and lower speeds on the west.

The 949 Market Street testing found a wind hazard condition at the northeast corner of Stevenson and Sixth Streets under the existing conditions; however that hazard would have been eliminated under project test conditions and under project plus cumulative test conditions. This indicates that the added upwind development, such as the few 120 foot high buildings studied in the north of Market area, would provide sufficient added drag to reduce peak wind speeds to less than the hazard criterion at Stevenson and Sixth Streets while not creating other hazards closer to the individual project sites.

Based on the above information, the existing wind speeds exceeded 10 percent of the time along Mission Street at the project site are estimated to be in the range of 10 to 13 mph. It is quite possible that the Pedestrian Comfort Criterion could be met at approximately half the street locations on the north side of Mission Street near the site. Wind speeds exceeded 10 percent of the time along Jessie Street at the project site should be in the range of 7 to 9 mph, and are expected to meet the Pedestrian Comfort Criterion.

The existing wind hazard condition at the northeast corner of Stevenson and Sixth Streets, found in prior wind tests, may still exist.

Wind Conditions Expected from the Project

The project building, the tower of which would be set back from Mission and Jessie Streets, would generally match the height of the adjacent buildings along the Mission and Jessie Streets frontages, being 67 feet high at Mission Street and 56 feet high at Jessie Street. The 15 story central tower would be set back from Jessie Street by about 10 feet and from Mission Street by about 40 feet. These substantial tower setbacks, lower front and rear portions of the building and the existing buildings to the east and west of

the project would help form a platform or podium that would decouple winds coming down the tower from potentially affecting winds on the sidewalks along Jessie Street and Mission Street.

With respect to specific effects for each individual wind direction that would result at pedestrian level along the street frontages:

- The Jessie Street frontage of the project would have minimal increased exposure to northwest winds, which would otherwise strike that frontage at roughly a 90-degree angle, because the existing buildings on Market Street already block this exposure. The tower setback would prevent winds that come down the tower from reaching the Jessie Street sidewalk. There should be little net wind increase at street level from northwest winds.
- There would be some new exposure to west-northwest winds, because those winds would not be fully blocked by the existing buildings along Market Street or between Jessie and Stevenson Streets. West-northwest winds would strike the project façade at nearly a 67-degree angle. Because the 15-story central tower would be set back from Jessie Street, the wind effect at the sidewalk due to the tower should be minimal.
- The largest new exposure at Jessie Street would be to west winds, which would strike both the Jessie Street frontage and the exposed side of the building at a 45-degree angle. Winds striking the frontage would be redirected along Jessie, while winds striking the exposed side of the building would form a turbulent eddy there. Although this could otherwise be a problem, the limited new vertical exposure, at 56 feet, and the sheltering provided by the existing upwind building across Jessie Street should limit the magnitude of this effect to levels that are similar to the existing wind conditions. Winds that strike the tower would be divided and flow around the tower; what downwash there is would be intercepted and redirected at roof level, so that it should not affect the Mission Street sidewalks. There should be no net wind increase at street level caused by west winds.
- Southwest winds would strike the side of the central tower at a 90-degree angle. The southwest wind would approach the lower floors of the building parallel to the Mission and Jessie Street frontages, with no change in effect. Because the lower floors of the building would be protected by existing buildings, only the central tower would be exposed to the southwest wind. The substantial tower setbacks would decouple the tower downwash winds by redirecting them horizontally and preventing them from reaching the sidewalks along Jessie Street and Mission Street. There should be no net wind increase at street level caused by southwest winds.

Wind conditions with the project in place are expected to change by showing increases and decreases of 1 to 2 mph exceeded 10 percent of the time at sidewalk locations near the proposed building. It can

~~be expected that there would be wind speed increases close to the building and related wind speed decreases in nearby downwind locations. Overall, if there is any increase in the average of these wind speeds at sidewalk locations in the vicinity of the project, it should be anticipated to be approximately 1 mph or less.~~

~~Based on this information, the existing wind speeds exceeded 10 percent of the time along Mission Street at the project site are estimated to remain in the range of 10 to 13 mph. Since winds at some nearby locations along Mission Street now appear to be close to 11 mph, an increase or a decrease of 1 to 2 mph at any given location actually may change its compliance status with respect to the *Planning Code's* pedestrian comfort criterion. Wind speeds exceeded 10 percent of the time along Jessie Street at the project site may be increased by 1 mph, but are expected to continue to meet the Pedestrian Comfort Criterion.~~

~~Previous wind testing found that the *Planning Code's* wind hazard criterion was exceeded at the intersection of Stevenson and Sixth Streets under the existing test conditions. The proposed project building is not anticipated to affect this existing hazard in any way.~~

Conclusion

~~There appear to be no adverse effects on the wind environment that could result from the development of the proposed 942 Mission Street project. The ability of this project to have an adverse effect on the wind environment appears to be small, and there is no reason to conclude that modification of the design of the project would improve the existing wind conditions that now occur in the vicinity of the site. Therefore, the proposed project would not result in a significant adverse environmental wind impact. According to the consultant, the conclusions of this evaluation are well founded and conclude that individual wind tunnel testing of this project is unwarranted.~~

Shadow

Shadows in San Francisco are regulated through Section 295 of the *Planning Code*, the "Sunlight Ordinance," adopted through voter approval of Proposition K in November 1984 to protect certain public open spaces from shadowing by new structures, and by *Planning Code* Section 146 (preserving sunlight access to public sidewalks in C-3 districts) and Section 147 (reductions of shadows on public open space). Section 295 prohibits the issuance of building permits for structures or additions to structures greater than 40 feet in height that would shade property under the jurisdiction of, or designated to be acquired

by, the Recreation and Park Commission, during the period from one hour after sunrise to one hour before sunset, unless the Planning Commission, following review and comment by the general manager of the Recreation and Park Department and in consultation with the Recreation and Park Commission, determines that such shade would have an insignificant impact on the use of such property. A project would have a significant environmental impact if it would create substantial new shadow on outdoor public recreation facilities or other public areas.

To determine whether this proposed project would conform to Section 295, a preliminary shadow fan analysis was prepared by Planning Department staff.⁵⁴ The analysis indicated that the proposed project would not cast new shadows on any properties under the Recreation and Park Commission's jurisdiction protected by Section 295, and the proposed project's shadow impact would be less than significant.

The nearest public open space in the project vicinity is Mint Plaza, across Jessie Street to the northeast of the project site. The Plaza is in the former Jessie Street right-of-way and it will remain public open space. As part of a development agreement, the Martin Building Company donated the finished Plaza improvements to the City and County of San Francisco. The Friends of Mint Plaza, a non-profit organization, is responsible for the full costs of maintenance. Yerba Buena Gardens is 1.5 blocks and about one-fifth of a mile to the east along Mission Street. The South of Market Recreation Center is on Sixth Street between Howard and Folsom Streets, about two blocks or one-seventh of a mile to the southwest. Mint Plaza is not under the jurisdiction of the San Francisco Recreation and Park Commission, whereas the Yerba Buena Gardens and the South of Market Recreation Center are under its jurisdiction.

Planning Code Section 146(a) includes sunlight access criteria to allow direct sunlight to reach sidewalk areas of designated streets during critical hours of the day (considered the hours around noon) in the C-3 (Downtown) districts. The *Planning Code* designates two streets within the project area as subject to Section 146(a): (1) Market Street, from Tenth to Second Street (one block or 300 feet north of the project site), and (2) Market Street, from South Van Ness to Twelfth Street (six blocks or three-quarters of a mile to the west). New development that would abut the south side of Market Street must avoid penetration into the sun access plane defined by a 50-degree angle sloping away from the street above 119 feet at the property line abutting the street. Individual new development projects within the project area must

⁵⁴ San Francisco Planning Department, Kevin Guy, 942 Mission Street, Shadow Analysis (Case No. 2008.0197K), April 8, 2009. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2008.0197E.

comply with Section 146(a) requirements, or obtain an allowable exception under Section 309 of the *Planning Code*.

Planning Code Section 146(c) includes sunlight access criteria to reduce substantial shadow impacts on public sidewalks in the C-3 Districts other than those protected by Section 146(a). New buildings and additions to existing structures must minimize any substantial shadow impacts in the C-3 (Downtown) districts not protected under Subsection (a), as long as this can be accomplished without the creation of unattractive building design and the undue restriction of development potential.

Planning Code Section 147 requires that new buildings and additions to buildings in C-3 Districts where building height would exceed 50 feet shall be shaped within the dictates of good design and without unduly restricting site development to reduce substantial shadow impacts on public plazas other than those protected under Section 295.

To determine whether this proposed project would affect other publicly accessible open spaces not subject to Section 295, a shadow study was prepared by an independent consultant.⁵⁵ The study evaluated project shadows by simulating conditions during representative times of day for each of the four seasons: the winter solstice (December 21), when the sun is at its lowest zenith (high point in the sky above the horizon); the summer solstice (June 21), when the sun is at its highest; and during the spring and fall equinoxes (March 21 and September 21, respectively), when the sun is at its midpoint (Figures 16 through 27, pages 82 through 93). The times selected for analysis include 10:00 a.m., 12:00 noon, and 3:00 p.m. The following figures show shadows from existing structures in gray and net new shadows from the proposed project in black.

For the times evaluated, the proposed project would cast net new shadow on four areas: (1) a western portion of Mint Plaza to the northeast of the project site at noon in the winter, (2) on Jessie Street and its sidewalks to the north during all four seasons, (3) on the private side yard parking and work area of 460 Jessie Street to the north (the SF Energy Center) during the winter, spring, and fall, and (4) on the western sidewalk along the Mint Building and a small portion of Mint Street east of the project site during spring and fall afternoons, as summarized in the discussion below.

⁵⁵ CADP, *Shadow Diagrams for Proposed 942 Mission Street Hotel Project, April 2009. Mixed use Development*, February 2, 2007. These figures are on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and are available for public review, by appointment, as part of the project file No. 2008.0197E.

Figures 16 through 18, pages 82 to 84, show shadows cast by the proposed project on December 21. At 10 a.m., the proposed project would cast a net new shadow on a small area of the side yard parking and work area of 360 Jessie Street, north of the project site. At noon, the proposed project would cast a net new shadow on a western portion of Mint Plaza. At 3:00 p.m., the proposed project's shadow would pass Mint Plaza and would extend across the roof of the Mint Building, causing no net new shadow.

Figures 19 through 21, pages 85 to 87, show shadows cast by the proposed project on March 21. At 10:00 a.m., the proposed project would shade a small triangular area in front of the 360 Jessie Street building and a triangular area occupying about half its side yard. At noon, the proposed project would cast a thin triangular shadow on a small portion of the side yard and a rectangular shadow along a small section of the northern Jessie Street sidewalk. At 3:00 p.m., the project would shade a portion of the west sidewalk along Mint Street alongside the Old Mint Building.



Source: CADP
5-18-09

Proposed Project Shadow: December 21, 10AM PST Figure 16



Source: CADP
5-18-09

Proposed Project Shadow: December 21, 12 Noon PST Figure 17



Source: CADP
5-18-09

Proposed Project Shadow: December 21, 3PM PST Figure 18



Source: CADP
5-18-09

Proposed Project Shadow: March 21, 10AM PDT Figure 19



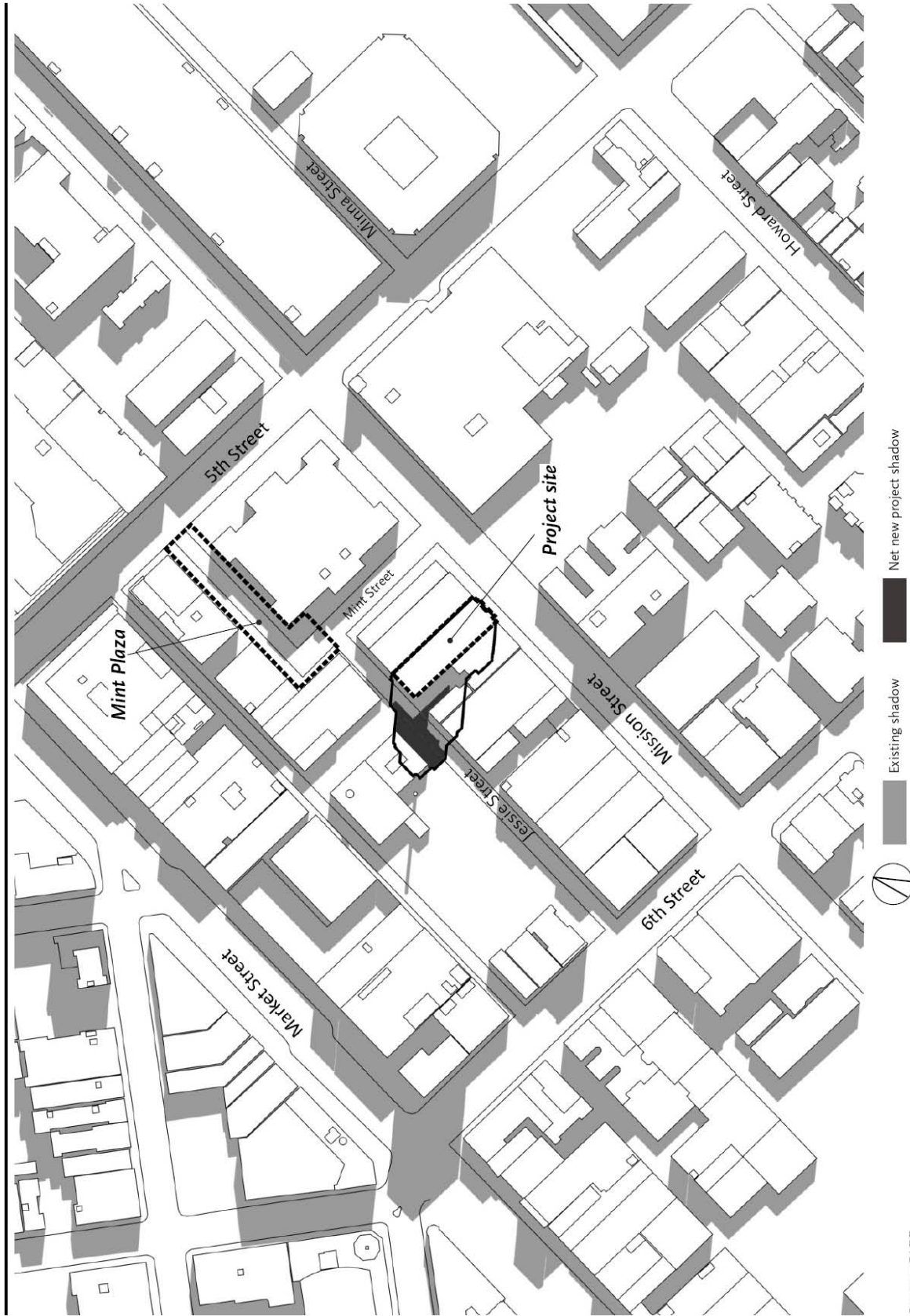
Source: CADP
5/19/09

Proposed Project Shadow: March 21, 12 Noon PDT Figure 20



Source: CADP
5-18-09

Proposed Project Shadow: March 21, 3PM PDT Figure 21



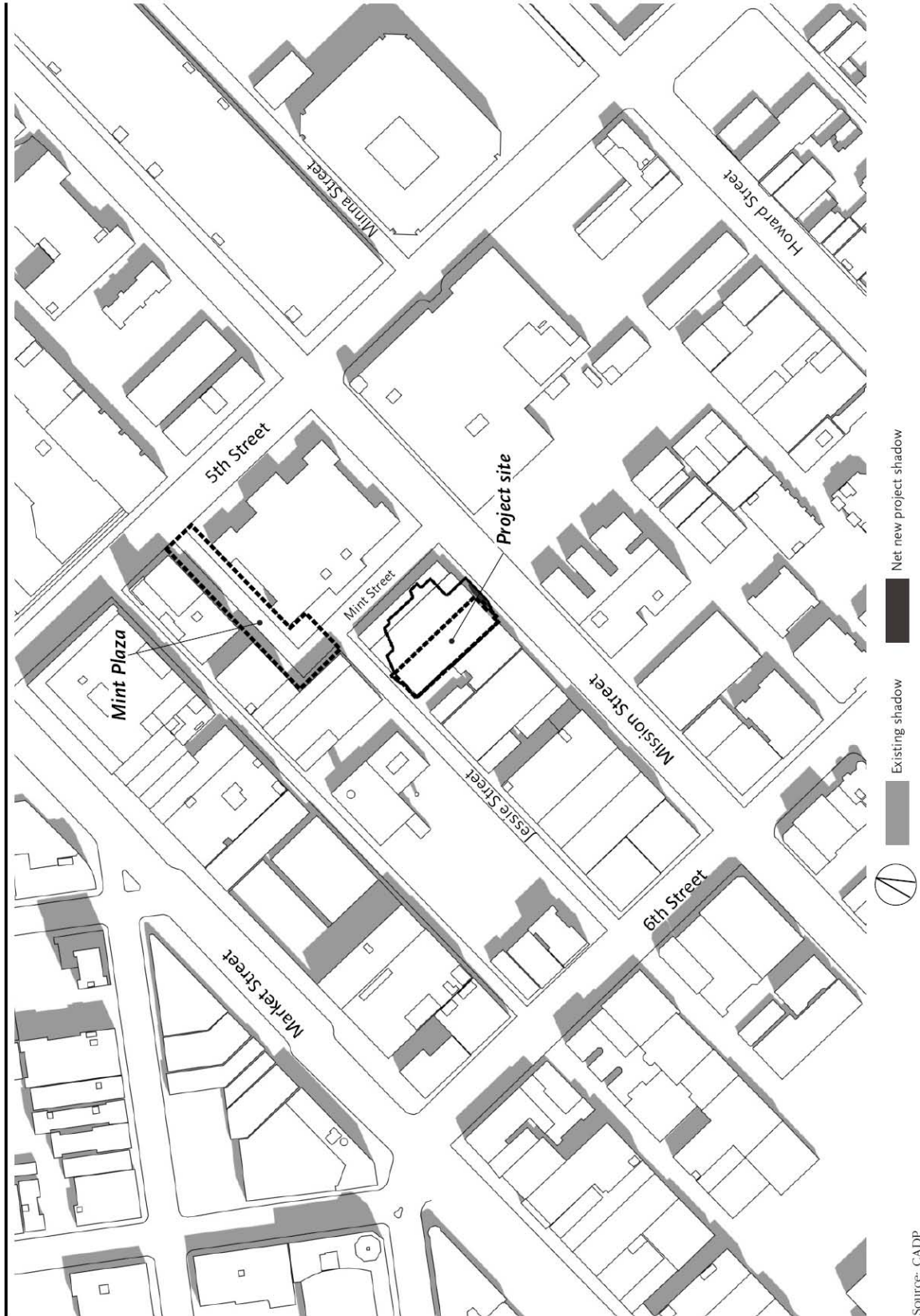
Source: CADP
5-18-09

Proposed Project Shadow: June 21, 10AM PDT Figure 22



Source: CADP
5-18-09

Proposed Project Shadow: June 21, 12 Noon PDT Figure 23



Source: CADP
5-18-09

Proposed Project Shadow: June 21, 3PM PDT Figure 24



Source: CADD
5-18-09

Proposed Project Shadow: September 21, 10AM PDT Figure 25



Source: CADP
5-19-09

Proposed Project Shadow: September 21, 12 Noon PDT Figure 26



Source: CADP
5/18/09

Proposed Project Shadow: September 21, 3PM PDT Figure 27

Figures 22 through 24, pages 88 to 90, show shadows cast by the proposed project on June 21. At 10:00 a.m., the project would shade a small triangular portion of the side yard parking and work area of 360 Jessie Street, north of the project, the sidewalk north of Jessie Street, and a portion of the driveway adjacent to the project site at 431 Jessie Street. At noon, the proposed project would cast a rectangular shadow across Jessie Street and its sidewalks extending out directly from the rear of the proposed building. The shadow would not reach either building on the north side of Jessie Street across from the project site. At 3:00 p.m., there would be a narrow sliver of net new shadow on the Mission Street sidewalk south of the project site.

Figures 25 through 27, pages 91 to 93, show shadows cast by the proposed project on September 21, similar to those it would cast on March 21. At 10:00 a.m., the proposed project would shade a small triangular area in front of the 360 Jessie Street building and a triangular area representing about half its side yard. At noon, the proposed project would cast a small thin triangular shadow on the side yard and a rectangular shadow along a small section of the northern Jessie Street sidewalk. At 3:00 p.m., as in March, the proposed project would newly shade the a portion of west sidewalk of Mint Street alongside the Old Mint Building.

As discussed above, the proposed project would cast a shadow west of the middle portion of Mint Plaza on December 21 at noon. Mint Plaza is a public open space, it is not under the jurisdiction of the Recreation and Park Commission and therefore not subject to *Planning Code* Section 295. The available sunlight on Mint Plaza would be reduced by approximately 1.45 percent annually by the new project shadow.⁵⁶ Shadows cast by the project on Mint Plaza would be present for a maximum of three hours in a single day from approximately 11:00 a.m. to 2:00 p.m. from mid-September to late March. The greatest amount of shadow would occur during December. No shadow would be cast by the project on Mint Plaza from April through August.

As described, the project would cast net new shadows on limited areas of Jesse Street, its sidewalks, Mint Street and its sidewalks, and the side yard of the 360 Jessie Street building. Project-generated shadows would be minor relative to shadow currently generated by existing buildings in the project vicinity. Although the new building would shade some adjacent properties, streets, and sidewalks, it would not

⁵⁶ CADP, *Shadow Analysis on Mint Plaza cast by 942 Mission Street Mixed-Use Development*, May 18, 2009. These calculations are on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and are available for public review, by appointment, as part of the project file No. 2008.0197E

increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. As illustrated in the preceding Figures 16 through 19, the proposed project would not affect either area subject to *Planning Code* Section 146(a) discussed above. *Planning Code* Section 146(c) (reducing substantial shadow impacts on public sidewalks) is applicable to the project site by virtue of its location in a C-3-G District. In addition, *Planning Code* Section 147 limiting substantial shadow impacts on public plazas is applicable to the proposed project. Although the proposed project would shade small areas of Mint Plaza, Jesse and Mint Streets and associated sidewalks, the amount of shading would not be considered substantial.

The shadow impacts of future development projects will be assessed on a project-by-project basis and would not be expected to have a significant cumulative impact because of the policy-level land use controls contained in *Planning Code* Sections 295, 146, and 147.

Conclusion

In view of the above, impacts related to wind and shadow would not be significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
9. RECREATION—Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<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 that 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The nearest Recreation and Park Commission property is the South of Market Recreation Center located about two blocks (about 1,250 feet) to the southwest, mid-block on Sixth Street between Howard and Folsom Streets. The Yerba Buena Gardens and the Moscone Center are about two blocks (about 1,250 feet) to the east, encompassing two full blocks bordered by Mission Street on the north, Third Street on the east, Folsom Street on the south, and Fourth Street on the west. Other facilities nearby include, Howard

Langton Community Garden between Seventh and Eighth Streets, and Victoria Manalo Draves Park located off the east side of Seventh Street extending from Folsom to Harrison Streets and about 5,250 feet from the project site.

Guests and employees of the proposed hotel project may use the City’s nearby recreational facilities. Their use would not be expected to increase use to the point that would cause substantial physical deterioration of the facilities. The increase in visitor hotel capacity and related employment that would result from the proposed project would not require the construction of new recreational facilities or the expansion of existing facilities.

In view of the above assessment, the impacts on recreation would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
10. UTILITIES AND SERVICE SYSTEMS – Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<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 that would serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<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"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is within an urban area that is served by utilities and service systems, including water, wastewater and storm-water collection and treatment, solid waste collection and disposal, gas, and electricity. The proposed project would add new hotel and retail uses to the site that would increase the demand for, and use of, public services and utilities on the site, but not in excess of amounts expected and provided for in the project area.

Sewer and Wastewater

The San Francisco Public Utilities Commission (SFPUC) provides both water and wastewater service in San Francisco. San Francisco’s combined sewer and wastewater treatment system which handles both sewage treatment and stormwater runoff serves the project site. The Southeast Water Pollution Control Plant (Southeast Plant) provides wastewater and stormwater treatment and management for the east side of the City, including the project site. The proposed project would need to meet the wastewater pre-treatment standards of the SFPUC that comply with the requirements of the San Francisco Industrial Waste Ordinance and the Regional Water Quality Control Board.⁵⁷ No new stormwater or wastewater collection and treatment facilities would be required to serve the proposed project.

Water Supply Facilities

The proposed project’s 172 hotel rooms and 3,240 square feet of retail space would consume an estimated 29,550 gallons of water per day.⁵⁸ Although the proposed project would incrementally increase the demand for water in San Francisco, the estimated increase could be accommodated within anticipated

⁵⁷ City and County of San Francisco, Ordinance No. 19-92, San Francisco Municipal Code (Public Works), Article 4.1 (amended), January 13, 1992.

⁵⁸ Based on standard water use estimation factors from San Francisco Planning Department, the Mission Bay Final Environmental Impact Report, Appendix L. Community Services and Utilities, Table L.3, page L.9. Using water demand factors of 170 gallons per day (gpd) per hotel room (172 rooms) and 95 gallons per 1,000 square feet of retail space (3,240) yields an estimate for the proposed project of 29,547 gpd, or 28,550 gpd rounded.

water use and supply for San Francisco.⁵⁹ Additionally, the new construction would be designed to incorporate water-conserving measures, such as low-flush toilets and urinals, as required by the *California State Building Code* Section 402.0(c). As discussed under Air Quality, during project construction, the project sponsor and project building contractor must comply with Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, which requires that non-potable water be used for dust-control activities. Since project water demand could be accommodated by the existing and planned supply anticipated under the SFPUC's *2005 Urban Water Management Plan for the City and County of San Francisco* and would use best-practice water conservation devices, it would not result in a substantial increase in water use on the project site that could not be accommodated by existing water supply entitlements and resources. Therefore, the proposed project would result in less-than-significant project-specific and cumulative water impacts.

Solid Waste⁶⁰

Through its expanding recycling and composting programs, the City increased its annual landfill diversion from less than 400,000 tons in 1995 to approximately 1.37 million tons in 2005, or 69 percent. San Francisco generated about 5,420 tons of solid waste daily and approximately 1.98 tons in 2005.⁶¹ City-based collection companies transport approximately 82 percent of non-diverted material to the Altamont Landfill, located 62 miles away in Alameda County, while the rest goes to other landfills in the region.

The San Francisco Board of Supervisors and Commission on the Environment set the City's landfill diversion goals at 75 percent by 2010 and 100 percent (zero waste) by 2020 (Resolutions 679-02 and 002-03-COE). In order for the City to reach its 75 percent diversion goal, it must divert over 100,000 additional tons per year from the residential, commercial, and City government sectors.

⁵⁹ SFPUC, *2005 Urban Water Management Plan (UWMP)*. The Plan uses the San Francisco Planning Department's current long-range growth projections—*Land Use Allocation 2002*— an estimate of total growth expected in the City and County of San Francisco from 2000–2025. These projections have similar employment growth and approximately 15,000 higher household growth than ABAG *Projections 2002*.

⁶⁰ Robert Haley, Zero Waste Manager, San Francisco Environment, City and County of San Francisco, E-mail communication to Scott Edmondson, December 6, 2007. Also, San Francisco Environment Grant Program 2006-07, Environmental Justice and Zero Waste Grant Announcement, [www.sfgov.org/site/uploadedfiles/FINALEJandRecyclingRFP0607\(122106\).doc](http://www.sfgov.org/site/uploadedfiles/FINALEJandRecyclingRFP0607(122106).doc). Also, "SF Achieves 69% Recycling," Press Release, April 25, 2007, http://www.sfenvironment.org/our_sfenvironment/press_releases.html?topic=details&ni=151.

⁶¹ Rounded from 1,978,748 tons annually.

A substantial expansion of the Altamont landfill was approved in 1997, although San Francisco’s current contract is projected to expire between 2012 and 2015. San Francisco has a long-term agreement with the Altamont Landfill, allowing for 15 million tons of disposal. The City is developing a timeline and disposal options for San Francisco beyond the current agreement.⁶²

The solid waste associated with project construction and operation is an assumed part of the projected annual waste stream that San Francisco manages. It would not substantially affect the projected life of the Altamont Landfill or the City’s current disposal agreement, and this impact would be less than significant. The size and types of the proposed project’s land uses would not be expected to exceed published national, state, or local standards relating to solid waste or litter control.

Conclusion

For the reasons discussed above, the proposed project would not adversely affect utilities and service systems and would not have a significant utilities and service systems impact.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
11. PUBLIC SERVICES—Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is within an urban area that is served by public services, including fire, police, schools, and parks. Fire stations located nearby are Station 8, at 36 Bluxome Street, approximately 0.85 mile south of the project site off Fourth Street between Brannan and Townsend Streets, and Station 36, at 109 Oak Street at Franklin Street, approximately one mile west of the site. The San Francisco Police Department’s

⁶² City and County of San Francisco, San Francisco Environment, *Our City Programs – Landfill Alternatives*. http://www.sfenvironment.org/our_programs/interests.html?ssi=3&ti=7&ii=128.

Southern Station, at 850 Bryant Street, between Sixth and Seventh Street, serves the vicinity of the project site and is approximately 0.8 mile from the site.

The incremental growth that would result from the proposed project would not necessitate the need for new or physically altered governmental facilities. In light of the above, public services would not be adversely affected by the proposed project, and no significant effect would occur.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
12. BIOLOGICAL RESOURCES –					
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Game 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 project site is not located near any riparian habitat, sensitive natural community, federally protected wetlands or adopted conservation plan. Therefore, checklist items 12.b), c) and f) are not applicable.

The project site is currently occupied by an existing building with full lot coverage. The project site does not provide habitat for any rare or endangered plant or animal species, and the proposed project would not substantially diminish or interfere with any plant or animal habitats or animal migrations. There are no adopted habitat conservation plans applicable to the project site. The project site contains no vegetation.

The San Francisco Board of Supervisors recently adopted legislation that amended the City’s Urban Forestry Ordinance, Public Works Code Sections 801 et seq., to require a permit from DPW to remove any protected trees.⁶³ Protected trees include landmark trees, significant trees, or street trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco. There are no trees on the project site or in the sidewalks on Mission or Jessie Streets.

Based on the conditions discussed above, the project site and its surroundings provide no important biological habitats. Since the proposed project would not have a significant impact on rare, threatened, or endangered species or their habitats, or resident or migratory species or their habitats, and would not conflict with the new Board of Supervisors legislation regarding significant tree removal, project biological resource impacts would be less than significant.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
13. GEOLOGY AND SOILS— Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					

⁶³ Board of Supervisors, Ordinance No. 17-06, amending Public Works Code Sections 801, et seq.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or 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"/>

The project site is in an area served by the City's sewer system; therefore, the issue of the site's soil capacity to support the use of septic tanks or alternative wastewater disposal systems will not be discussed.

A geotechnical review prepared by an independent California-licensed geotechnical engineer evaluated subsurface conditions at the site and developed preliminary conclusions and recommendations for the proposed project.⁶⁴ A subsurface exploration was not performed for the study and preliminary conclusions and recommendations were developed from reviewing available geotechnical data of the surrounding area. The results are summarized below.

⁶⁴ Rockridge Geotechnical, op cit, p. 3.

The project site is in an area of San Francisco that is underlain by six layers of soil material: (a) 8 to 12 feet of fill; (b) 30 to 35 feet of native dune and beach sand; (c) 5 to 13 feet of marsh deposits consisting of loose to medium-density clayey and silty sand; (d) the Colma Formation (dense to very dense sand with varying amounts of clay) at depths of between 40 to 50 feet; (e) a marine clay layer of Old Bay Clay; and (f) the bedrock of the Franciscan Formation approximately 200 feet below existing street grade.⁶⁵ The groundwater level is estimated at between 20 and 30 feet below existing grade, and varies several feet seasonally with rainfall.

Seismically Induced Hazards

It is likely that the project site would experience periodic minor earthquakes, and possibly a major earthquake (moment magnitude⁶⁶ [Mw] greater than 7) on one or more of the nearby faults during the life of the proposed development. The project site is located approximately seven miles from the San Andreas Fault, the closest mapped active fault in the project vicinity. The U.S. Geological Survey's 2007 Working Group on California Earthquake Probabilities estimates a 63 percent chance of having one or more magnitude 6.7 or larger earthquakes in the San Francisco Bay Area over the next 30 years (2007–2036).⁶⁷

The project site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known fault or potentially active fault exists on the project site. In a seismically active area, such as the San Francisco Bay Area, the remote possibility exists for future faulting in areas where no faults previously existed. The geotechnical study found no evidence of active faulting on the project site and concluded that the risk of surface faulting at the project site is low. However, during an earthquake, the ground at the proposed project site would experience very strong shaking. Strong

⁶⁵ Ibid, p. 3.

⁶⁶ Moment magnitude is an energy-based scale and provides a physically meaningful measure of the size of a faulting event. Moment magnitude is directly related to average slip and fault rupture area.

⁶⁷ Field, Edward H., Milner, Kevin R., and the 2007 Working Group on California Earthquake Probabilities, 2008, *Forecasting California's earthquakes; What can we expect in the next 30 years?*: U.S. Geological Survey, Fact Sheet 2008-3027, p. 4. Initial release online at <http://pubs.usgs.gov/fs/2008/3027/>. Also, Rockridge Geotechnical, pp. 4-5.

shaking during an earthquake can result in ground failure associated with soil liquefaction,⁶⁸ lateral spreading,⁶⁹ and cyclic densification.⁷⁰

The project site is within a Special Geologic Study Area as shown in the Community Safety Element of the *General Plan* (Map 4), and it is in an area of liquefaction potential, as reflected by the State of California Hazardous Areas Map.⁷¹ The results of the geotechnical evaluation indicate that loose to medium-density sand is likely present both above and below the natural groundwater table in the site vicinity.⁷² Loose sand above the groundwater table may densify (cyclic densification) and loose to medium-density sand below the groundwater table may liquefy during strong ground shaking due to a seismic event on a nearby fault. For any development proposal located in an area of liquefaction potential, DBI would require the project sponsor to prepare a geotechnical report pursuant to the State Seismic Hazards Mapping Act as part of its review of the building permit application. The report would assess the nature and severity of the hazard(s) on the site and recommend project design and construction features that would reduce the hazard(s).

Seismic Hazard Zone

This parcel has been identified as being within a Seismic Hazard Zone. Any new construction is subject to a mandatory Interdepartmental Project Review. Projects identified as such must request and participate in an interdepartmental project review prior to any application that requires a public hearing before the Planning Commission or new construction building permit.

Preliminary foundation conclusions and recommendations of the geotechnical report include the following: (1) the most appropriate foundation type for the proposed building would consist of a deep foundation system that gains support through a combination of friction and end bearing within the

⁶⁸ Liquefaction is a phenomenon in which saturated, cohesionless soil experiences a temporary loss of strength due to the buildup of excess pore water pressure, especially during cyclic loading such as that induced by earthquakes. Soil most susceptible to liquefaction is loose, clean, saturated, uniformly graded, fine-grained sand and silt of low plasticity that is relatively free of clay.

⁶⁹ Lateral spreading is a phenomenon in which surficial soil displaces along a shear zone that has formed within an underlying liquefied layer. Upon reaching mobilization, the surficial blocks are transported downslope or in the direction of a free face by earthquake and gravitational forces.

⁷⁰ Cyclic densification is a phenomenon in which non-saturated, cohesionless soil is densified by earthquake vibrations, causing settlement.

⁷¹ Rockridge Geotechnical, op cit, p. 5. The site is within a designated liquefaction hazard zone as shown on the California Geological Survey (CGS) seismic hazard zone map for the area titled State of California Seismic Hazard Zones, City and County of San Francisco, Official Map, dated November 17, 2001.

⁷² Ibid, p. 5.

Colma formation; (2) drilled cast-in-place concrete piers are suitable for the proposed hotel but are significantly more costly than piles installed through driving or other means as follows; (3) specialty piles that can be installed with little or no vibration would be more appropriate than driven piles to limit construction noise and vibration impacts on adjacent structures (tubex piles, torque down piles, or auger cast displacement piles); (4) conduct a test pile program to finalize installation procedures and check design capacities;; (5) use a structurally supported floor slab; (6) if it is necessary that the existing basement walls be removed, shoring and underpinning to prevent damage to adjacent streets, foundations, surface improvements, and building floor slabs as well as underpinning of adjacent shallow foundation will be required; (7) design basement walls to resist lateral pressures associated with the retained soil, foundations of adjacent structures, vehicles, and seismic forces.

The report concludes that a site-specific geotechnical investigation should be performed to further evaluate subsurface conditions and provide final conclusions and recommendations regarding the geotechnical aspects of the project.

The final building plans would be reviewed by the DBI. In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards and assesses requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco, as well as the building inspector's working knowledge of areas of special geologic concern. The DBI would require that additional site-specific geotechnical and soils report(s) be prepared in conjunction with permit applications.

To ensure compliance with all *Building Code* provisions regarding structural safety, when the DBI reviews the building plans for a proposed project, it determines necessary engineering and design features for the project to reduce potential damage to structures from groundshaking and other seismic hazards, and soil expansion and contraction. Therefore, potential damage to structures from geologic hazards on a project site would be mitigated as a result of the DBI review of the building permit application pursuant to its implementation of the *Building Code*. For all the above reasons, the proposed project would not result in a significant impact related to geology and soils.

The project site is not in an area subject to landslide, tsunami run-up, or reservoir inundation hazards (Maps 5, 6, and 7 in the Community Safety Element).⁷³ The proposed project would not increase the less-than-significant risk of landslide, tsunami run-up, or reservoir inundation hazards of the project site.

There are no unique geologic or physical features on the site, and the proposed project would not significantly change the topography of the site.

Excavation

Construction of the proposed project would not require excavation except for foundation preparation and poured-in-place predrilled piles.

Conclusion

As discussed above, a site-specific geotechnical analysis will be prepared for the proposed project and reviewed by the San Francisco DBI. Potential damage to structures from geologic hazards would be reduced to a less-than-significant level through DBI’s review of the building permit application and implementation of the *Building Code*. For all of the above reasons, the proposed project would not result in significant impacts related to geology, topography, or seismic or soil hazards, either individually or cumulatively.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
14. HYDROLOGY AND WATER QUALITY—					
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁷³ City and County of San Francisco, Community Safety Element, *San Francisco General Plan*, April 1997.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 that would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 authoritative 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 that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

Stormwater Drainage

The project site is currently covered with impervious surfaces and the proposed project would not create any additional impervious surfaces, resulting in little effect on the total storm water volume discharged through the combined sewer system. While the proposed project would add to sewage flows in the area, it would not cause collection treatment capacity of the sewer system in the City to be exceeded. In light of the above, the proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. Therefore, the proposed project would result in a less-than-significant wastewater impact.

Water Quality

All wastewater from the proposed building and stormwater runoff from the project site would flow into the City's combined sewer system, to be treated at the Southeast Water Pollution Control Plant prior to discharge into the San Francisco Bay. Treatment would be provided pursuant to the effluent discharge limitations set by the plant's National Pollutant Discharge Elimination System (NPDES) permit. During operations, the proposed project would comply with all local wastewater discharge requirements, and therefore the proposed project would cause no degradation or contamination of groundwater supplies.

Groundwater Resources

Currently, there is no recharge of groundwater at the project site because the existing building fully covers the project site. The proposed project would not change existing conditions. In addition, groundwater recharged in the vicinity of the project site does not contribute to an aquifer resource for drinking water supply. The Hetch Hetchy Reservoir supplies San Francisco with drinking water.

The groundwater level is estimated at between 20 and 30 feet below existing grades, and varies several feet seasonally with rainfall.⁷⁴ The proposed project would involve relatively minor excavation for pre-drilled foundation piles and thus, would not be expected to encounter groundwater.

Some soil may be exposed during site preparation. If so, requirements of the *Building Code* Chapter 33, Excavation and Grading, would be implemented to ensure that no siltation of the sewer system would occur.

Flooding Potential

Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. The proposed project falls within an area in the City prone to flooding during storms, especially where ground stories are located below an elevation of 0.0 City Datum or, more importantly, below the hydraulic grade line or water level of the sewer.

As required, the sponsor for the proposed project would coordinate a review with SFPUC in order to determine if the project would result in ground-level flooding during storms and will incorporate any

⁷⁴ Rockridge Geotechnical, op cit, p. 4.

required design measures, as applicable. Therefore, the project would result in less-than-significant impact on wastewater systems.

Flood Hazards

Flood risk assessment and some flood protection projects are conducted by federal agencies including the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers (Corps). The flood management agencies and cities implement the National Flood Insurance Program (NFIP) under the jurisdiction of FEMA and its Flood Insurance Administration. Currently, the City of San Francisco does not participate in the NFIP and no flood maps are published for the City. However, FEMA is preparing Flood Insurance Rate Maps (FIRMs) for the City and County of San Francisco for the first time. FIRMs identify areas that are subject to inundation during a flood having a 1 percent chance of occurrence in a given year (also known as a “base flood” or “100-year flood”). FEMA refers to the flood plain that is at risk from a flood of this magnitude as a special flood hazard area (“SFHA”).

Because FEMA has not previously published a FIRM for the City and County of San Francisco, there are no identified SFHAs within San Francisco's geographic boundaries. FEMA has completed the initial phases of a study of the San Francisco Bay. On September 21, 2007, FEMA issued a preliminary FIRM of San Francisco for review and comment by the City. The City has submitted comments on the preliminary FIRM to FEMA. FEMA anticipates publishing a revised preliminary FIRM in 2009, after completing the more detailed analysis that Port and City staff requested in 2007. After reviewing comments and appeals related to the revised preliminary FIRM, FEMA will finalize the FIRM and publish it for flood insurance and floodplain management purposes.

FEMA has tentatively identified SFHAs along the City's shoreline in and along the San Francisco Bay consisting of Zone A (in areas subject to inundation by tidal surge) and Zone V (areas of coastal flooding subject to wave hazards).⁷⁵ On June 10, 2008, legislation was introduced at the San Francisco Board of Supervisors to enact a floodplain management ordinance to govern new construction and substantial improvements in flood prone areas of San Francisco, and to authorize the City's participation in NFIP upon passage of the ordinance. Specifically, the proposed floodplain management ordinance includes a requirement that any new construction or substantial improvement of structures in a designated flood zone must meet the flood damage minimization requirements in the ordinance. The NFIP regulations

⁷⁵ City and County of San Francisco, Office of the City Administrator, National Flood Insurance Program Flood Sheet, http://www.sfgov.org/site/uploadedfiles/risk_management/factsheet.pdf, accessed July 31, 2008

allow a local jurisdiction to issue variances to its floodplain management ordinance under certain narrow circumstances, without jeopardizing the local jurisdiction's eligibility in the NFIP. However, the particular projects that are granted variances by the local jurisdiction may be deemed ineligible for federally-backed flood insurance by FEMA.

Once the Board of Supervisors adopts the Floodplain Management Ordinance, the Department of Public Works will publish flood maps for the City, and applicable City departments and agencies may begin implementation for new construction and substantial improvements in areas shown on the Interim Floodplain Map.

According to the preliminary map, the Project Site is not located within a flood zone designated on the City's interim floodplain map. Therefore, the project would result in less than significant impacts related to placement of [commercial/residential building] within a 100-year flood zone.

In addition, there are no natural waterways within or near the project site that could cause stream-related flooding. The project site is not located within an area that would be flooded as the result of levee or dam failure.⁷⁶ It is not located in an area identified for potential inundation in the event of a tsunami along the San Francisco coast, based on a 20-foot water level rise at the Golden Gate.⁷⁷ It is not in an area subject to landslides and mudflow.⁷⁸

Conclusion

Based on the information presented above, the proposed project would not have significant impacts on water quality, groundwater, flooding, or erosion, nor would it be at risk from dam or levee failure or from seiche, tsunami, or mudflow inundation.

⁷⁶ Association of Bay Area Governments (ABAG), <http://www.abag.ca.gov/cgi-bin/pickdamx.pl>.

⁷⁷ San Francisco Planning Department, *Community Safety Element of the General Plan*, Map 6.

⁷⁸ San Francisco Planning Department, *Community Safety Element of the General Plan*, Map 5.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
15. HAZARDS AND HAZARDOUS MATERIALS— Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 project site is not located within an airport's land use plan or near a private airstrip, nor within a quarter mile of a school; these topics will not be discussed further.

An independent consultant prepared a Phase I Environmental Site Assessment (ESA) for the project site.⁷⁹ An ESA assesses potential environmental concerns related to on-site or nearby chemical use, storage,

⁷⁹ AEI Consultants, *Phase I Environmental Site Assessment, 942-946 Mission Street, San Francisco, California, 94103*, October 9, 2007. This document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Project File No. 2008.0197E.

handling, spillage, and/or on-site disposal, with particular focus on potential degradation of soil or groundwater quality. The ESA consists of archival search of a number of government databases and the land use history of the project site and operating practices at or near the site to assess potential hazards from reported chemical releases on nearby properties and the potential migration of toxic chemicals and contaminants onto the project site that could affect soil or groundwater. A Phase I does not include testing and includes conclusions as to whether or not site testing is recommended. The Phase I report is summarized here.

Project Site

According to original construction permits at the San Francisco Department of Building Inspection, the property was developed in 1918 with the current improvements. Early Sanborn Fire Insurance Maps were reviewed for the years 1899, 1913, and 1950. The 1899 Sanborn Map indicates that the project site and immediately surrounding properties on all sides were developed with residential dwellings. The 1913 Sanborn Map shows the project site and immediately surrounding properties to the north, beyond Jessie Street, and to the east, as undeveloped; the map shows the properties to the south, beyond Mission Street, and to the west, developed with retail stores. The 1950 Sanborn Map shows the current building on the project site labeled as a restaurant equipment and repair shop. The addresses associated with the property are 942-946 Mission Street and 415-421 Jessie Street. The immediately surrounding properties to the north beyond Jessie Street developed as a parking lot; the PG&E Company Station "T"; and a building occupied by Wobber's Inc., a printing and engraving operation. The properties to the south beyond Mission Street and to the west are shown developed with retail stores and the adjacent property to the east developed as the existing Chronicle Hotel.

According to the building permit history, the existing building was occupied by a restaurant equipment supplier and a dry goods wholesaler from the time of construction until the early 1970s. During the 1970s, the building was occupied by sales and auctioneering operations. From the mid-1980s until the early 2000s, the building was occupied by Walker Reprographics, a commercial printing operation, and various garment factories. The building was occupied by a digital film production and editing company up to early 2008 and is currently rented as office space.

A search of records from the San Francisco Bureau of Environmental Health (SFBEH), the San Francisco Fire Department (SFFD), DBI, and the San Francisco Planning Department (SFPD), did not reveal any current or previous reports of hazardous materials use, storage, and/or unauthorized releases that might

have impacted the subject property. None of these local or state agencies had information on the project site in their files that identified instances of hazardous materials storage, use, or release.

An earlier Phase I ESA was prepared on the project site at the time that Walker Reprographics (basement and first floor) and Shirley Fashion garment factory (second floor) used the building in 2000.⁸⁰ That consultant observed (1) an above ground storage tank containing anhydrous ammonia and several small containers of developers, toners, fixers and ink used by Walker Reprographics, (2) spent chemicals stored in 55-gallon drums and smaller containers in the eastern part of the site, (3) staining on the concrete surfaces surrounding the chemical storage areas, and (4) a potential sump in the basement that was filled with concrete. Analysis of two soil samples in the southeast corner of the site revealed no volatile organic compounds (VOCs) and concentrations of California Administrative Manual 17 (CAM 17) metals were below regulatory action levels and consistent with regional background levels. The ESA found no obvious evidence of recognized environmental conditions that could potentially affect the subject property and recommended no further investigation.

Federal, state, and local government records and databases list potential sources of hazardous substances on a project site or in the surrounding area, some of which may affect the soil and/or groundwater quality at a project site. These records include regulatory lists of properties where an unauthorized release is a potential hazard and properties where hazardous materials are generated or stored whether or not there has been an unauthorized release. The Phase I review of government records and databases did not identify the subject property as listed in these regulatory agency databases. Two properties to the north beyond Jessie Street—the PG&E Station “T” / San Francisco Thermal site and the Olympian Graphics, Inc. site—were listed. However, the storage, use, treatment, disposal, and/or generation of hazardous materials at these sites are not a significant environmental concern based on the lack of a documented release and regulatory compliance. In addition, Walker Reprographics, the commercial printing operation that formerly operated at the project site from approximately 1985 until 2000, is listed in the EPA’s database as a point-source emitter of airborne ammonia from on-site operations. No violations or threats to land or water quality were reported for this operation. According to the Phase I report, based on the physical nature of ammonia emissions, this former operation is not expected to represent a significant environmental concern.

⁸⁰ Ibid, p. 13.

The site reconnaissance did not identify evidence of current or past hazardous materials use or contamination. At the time of the reconnaissance on October 2, 2007, Cybernet Entertainment, LLC occupied the site. Its digital film production and editing activities did not use hazardous materials or petroleum products. There is a hydraulic passenger elevator and an overhead traction freight elevator that both have the potential to contain hazardous fluids, such as toxic polychlorinated biphenyls (PCBs). The manufacture, process, or distribution in commerce or use of any PCBs in any manner other than in a totally enclosed manner has been prohibited since January 1, 1977. The hydraulic equipment for the passenger elevator was in a locked basement room and appeared to be relatively new and in good condition. The motor for the freight elevator was in a locked room accessible from the roof. No evidence of stains or leaks was observed at the base of the equipment during the site inspection. Based on the good condition and regular maintenance of the elevator equipment, the elevators are not expected to represent a significant environmental concern.

The ESA investigation found no on-site existing or historically recognized environmental conditions indicating the presence or likely presence of any hazardous substances or petroleum products under conditions related to an existing release, a past release, or material threat of a release into structures on the property or into the ground, groundwater, or surface water of the property.

Once the building is constructed, residents and employees would likely use common types of hazardous materials such as paints, cleaners, toners, solvents, and disinfectants. All these products are labeled to inform users of risks and to instruct them in proper disposal methods. Most of these materials are consumed or neutralized through use, resulting in little hazardous waste. Businesses are required by law to ensure employee safety by identifying hazardous materials and adequately training workers. For these reasons, hazardous materials use by the proposed project's residents and employees would not pose a substantial public health or safety hazard.

Hazardous Building Materials

Asbestos

Because of the age of the existing building (constructed prior to 1980), it may have asbestos-containing building materials (ACBM). Asbestos can be present in building and heating system installation, vinyl sheet flooring and tile, exterior stucco, paint, window putty, roofing material and other building materials. The California Department of Toxic Substances Control (DTSC) considers these materials hazardous and their removal is required. Certain ACBMs can remain in place unless directly affected by

the proposed construction project, such as roofing paint and coating material, mirror and ceiling tile coating material, and some vinyl floor tile. However, prior to demolition, building renovation, or construction activity, all potentially friable (subject to crumbling) ACBMs must be removed in accordance with local and state regulations, BAAQMD, California Occupational Safety and Health Administration (CAL OSHA), and California Department of Health Services (DHS) requirements. This may include non-friable ACBMs that could be disturbed by the proposed demolition and construction activities.

Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The California legislature vests the BAAQMD with the authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and the BAAQMND is to be notified ten days in advance of any proposed demolition or abatement work. The notification must include the names and addresses of the operations and the names and addresses of persons responsible; location and description of the structure to be demolished/alterd, including size, age, and prior use of the structure, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or asbestos abatement work; nature of the planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD will inspect any removal operation about which a complaint has been received. Any ACBM disturbance at the project site would be subject to the requirements of BAAQMD Regulation 11, Rule 2: Hazardous Materials—Asbestos Demolition, Renovation, and Manufacturing.

The local office of the State Occupational Safety and Health Administration (CAL OSHA) must also be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow State regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos related work involving 100 gsf or more of asbestos containing material. Asbestos removal contractors must be certified by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of it. Pursuant to California law, DBI would not issue the required permit until the applicant has complied with the notice requirements described above.

These regulations and procedures already established as part of the permit review process would ensure that any potential impacts due to asbestos would be reduced to a less-than-significant level.

Lead-Based Paint

The age of the building indicates that both interior and exterior paints could contain lead. Work that could result in disturbance of lead paint must comply with Section 3423 of the *Building Code*, Work Practices for Exterior Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building, or the interior of occupied buildings (E3, R1, or R3 occupancy classifications) built prior to or on December 31, 1978, Section 3407 requires specific notification and work standards and identifies prohibited work methods and penalties.

Section 3423 applies to buildings or steel structures on which original construction was completed prior to 1979, which are assumed to have lead-based paint on their surfaces unless a certified lead inspector/assessor tests those surfaces for lead and determines it is not present according to the definitions of Section 3407. The Ordinance also applies to the criterion of residential buildings, hotels and childcare centers. The ordinance contains performance standards at least as effective at protecting human health and the environment as those in the Department of Housing and Urban Development (HUD) Guidelines,⁸¹ and identifies prohibited practices that may not be used in disturbance or removal of lead paint. Any person performing work subject to the ordinance shall, to the maximum extent possible, protect the ground from contamination during exterior work, protect floors and other horizontal surfaces from work debris during interior work, and make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work. Clean-up standards require the removal of visible work debris, including the use of a High Efficiency Particulate Air Filter (HEPA) vacuum following interior work.

The Ordinance also includes notification requirements, contents of notice, and requirements for project site signs. Prior to commencement of exterior work that disturbs or removes 100 or more gsf or 100 or more linear feet of lead-based paint in total, the responsible party must provide the Director of the Department of Building Inspection (DBI) with a written notice that describes the following aspects of the work to be performed: (1) address and location of the proposed project; (2) the scope and specific location of the work; (3) whether the responsible party has reason to know or presume that lead-based paint is present; (4) the methods and tools for paint disturbance and/or removal; (5) the approximate age of the

⁸¹ The most recent *Guidelines for Evaluation and Control of Lead-Based Paint Hazards*.

structure; (6) anticipated job start and completion dates for the work; (7) whether the building is residential or nonresidential; (8) whether it is owner-occupied or rental property; (9) the approximate number of dwelling units, if any; (10) the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and (10) the name, address, telephone number, and pager number of the party who will perform the work. Further notice requirements include the following: (1) a Post Sign notifying the public of restricted access to work area, (2) a Notice to Residential Occupants, (3) availability of pamphlet related to protection from lead in the home, and Early Commencement of Work [by Owner, Requested by Tenant], and (4) Notice of Lead Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures, already established as part of the review process for building permits, would ensure that potential impacts of the proposed project due to the presence of lead-based paint would be reduced to a less-than-significant level.

Other Potential Hazardous Building Materials

In addition to asbestos containing building materials and lead-based paint, buildings can contain other potentially hazardous building materials, including the potential presence of polychlorinated biphenyl (PCBs) in fluorescent light fixtures. Newer light fixtures would not contain PCB ballasts; however, confirmation would require individual inspection of each fixture, or accurate replacement records to determine their age. Fluorescent light bulbs are also regulated (for their disposal) because of their mercury content.

Inadvertent release of such materials during renovation could expose construction workers, occupants, or visitors to these substances and could result in various adverse health effects if exposure were of sufficient quantity. Abatement or notification programs described above for asbestos and lead-based paint have not been adopted for PCB and mercury testing and cleanup; however, items containing other lead-containing or otherwise hazardous building materials or other toxic substances that are intended for disposal must be managed as hazardous waste and handled in accordance with OSHA worker protection requirements. Nonetheless, potential impacts associated with encountering PCBs, mercury, lead, or other hazardous substances in building materials would be considered a potentially significant impact. Hazardous building materials sampling and abatement pursuant to existing federal, state, and local laws and regulations prior to renovation work, as described in **Mitigation Measure 2 page 125**, would reduce

potential impacts associated with PCBs, mercury, lead, and other toxic building substances in structures to a less-than-significant level.

Emergency Response Plans

The proposed project would not interfere with emergency response or evacuation plans. Occupants of the proposed building would contribute to congestion if an emergency evacuation of the South of Market area were required. The proposed project sponsor would develop an evacuation and emergency response plan as required by, and to be reviewed by, the local Office of Emergency Services, to ensure coordination between citywide and site-specific emergency planning.

Fire Hazards

San Francisco ensures fire safety primarily through provisions of the *SF Building and Fire Codes* and requires that new buildings and additions meet these standards. The San Francisco Fire Department and DBI would review the proposed project to ensure conformance with these provisions, including emergency exit requirements, the development of an emergency procedure manual and an exit drill plan. With these requirements, potential fire hazards would not be considered a significant impact.

Conclusion

Regulations and procedures already established as part of the review process for building permits and/or specified mitigation measures would reduce to a less-than-significant level potential public health and safety hazards. Those specified mitigation measures include **Mitigation Measure 2, page 125**.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
16. MINERAL AND ENERGY RESOURCES— Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<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"/>

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No mineral resources are located on or near the project site; thus 16.a and 16.b are not applicable to the project. All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975 (CDMG, Open File Report 96-03 and Special Report 146 Parts I and II). This designation indicates that there is inadequate information available for assignment to any other MRZ, and thus the site is not a designated area of significant mineral deposits. Since the project site is already developed, future evaluation or designation of the site would not affect or be affected by the proposed project. There are no operational mineral resource recovery sites in the project area whose operations or accessibility would be affected by the construction or operation of the proposed project.

The proposed project's hotel uses would not consume large amounts of fuel, water, or energy. Electricity generation would consume additional natural gas and coal fuel. New buildings in San Francisco are required to conform to current state and local energy conservation standards, including Title 24 of the California Code of Regulations. DBI enforces Title 24 compliance, and documentation demonstrating compliance with these standards is submitted with the application for the building permit. As a result, neither the proposed project nor other reasonably foreseeable development projects would cause a wasteful use of energy or other non-renewable natural resources, and they would not cause significant project or cumulative impacts.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
17. AGRICULTURE 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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<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) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is developed and is in an urban area that does not include any agricultural uses or agricultural zoning. The California Department of Conservation’s Farmland Mapping and Monitoring Program identifies the site as “Urban and Built-up Land.”* Because the site does not contain agricultural uses and is not zoned for such uses, the proposed project would not convert any prime farmland, unique farmland, or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with existing zoning for agricultural land use or a Williamson Act contract, nor would it involve any changes to the environment that could result in the conversion of farmland.

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
18. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>Topics:</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
b) Have impacts that would be individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This Initial Study incorporates Mitigation Measures 1 and 2 contained in Section F below into the proposed project to reduce potential cultural resource impacts and hazardous materials impacts, respectively, to less-than-significant levels.

F. MITIGATION MEASURES

The following measures are necessary to avoid potentially significant effects of the proposed project and the project sponsor agrees to them.

MITIGATION MEASURE 1

Archeological Resources

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 a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. 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 four weeks. At the

direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Section 15064.5.

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 to 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. 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:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) 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 soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation,

foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context;

- The archeological consultant shall 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 soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. 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 soils 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 in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, 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, Sec. 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 (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest 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 2

Hazards (PCBs and Mercury)

The project sponsor would ensure that building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, and fluorescent lights are performed prior to the start of demolition. Any hazardous materials so discovered would be abated according to federal, state, and local laws and regulations.

G. PUBLIC NOTICE AND COMMENT

On February 12, 2009 the Planning Department mailed a Notice of Project Receiving Environmental Review (Neighborhood Notice) to property owners within 300 feet of the project site, adjacent tenants, and other potentially interested parties. The Department received two comments in response to the Neighborhood Notice. Concerns and issues raised in the public comment regarding the environmental review are discussed in the corresponding topical sections of this Initial Study. No significant adverse environmental impacts associated with issues of concern have been identified. Comments that do not pertain to physical environmental issues and comments regarding the merits of the proposed project were not addressed and would be more appropriately directed to the decision-makers. The decision to approve or disapprove a proposed project is independent of the environmental review process. While local concerns or other planning considerations may be grounds for modification or denial of 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.

The following is a consolidated list of the comments made in the one response to the Neighborhood Notice. Reference to the corresponding topic in this Initial Study follows in parentheses.

- **Project Height, Shadows, Wind Effects:** The proposed building would be the tallest building on the block and the shadow and wind effects should be evaluated. (See Wind and Shadow, beginning on page 66).
- **Freight Loading, Tour Bus Loading/Unloading, Mode Split, Parking Demand:** The proposed on-street loading/unloading zone would displace three commercial vehicle loading spaces that would increase demand for commercial parking elsewhere. Not all hotel guests will use public transit, therefore demand for parking demand and traffic congestion would increase and should be evaluated. Tour bus loading/unloading is also of concern. (See Transportation and associated subsections on Transit, Loading and Parking, beginning on page 39).
- **Construction Impacts, including Noise,** must be examined thoroughly. Residents live across the street and adjacent to the project site. How will construction noise affect the surrounding area and how will it be mitigated. (See the construction subsections in Transportation, beginning on pages 47, and Noise, beginning on page 48). Noises from outside dining, entertainment activities and the nightclub across the street will all likely create hardships on the hotel guests. Hotel guests may, in turn, attempt to limit or terminate the existing neighborhood uses. (As discussed on page 16, the proposed use is allowable with Conditional use. The existing uses in the vicinity are described under Land Use and Land Use Planning beginning on page 20. Noise is discussed beginning on page 48).
- **Conditional Use.** Under the conditional use section 303 of the *Planning Code*, review impacts of the hotel on the demand for housing, public transit, childcare and other social services. In particular, how will the City ensure that City residents are hired so that the increase in demand for regional transportation will be minimized? (See Population and Housing, beginning on page 29, Transportation—Transit, beginning on page 42, and Public Services, beginning on page 99).

In addition, there were public comments on issues that are not relevant to environmental analysis under CEQA. These comments included the hotel's impact on working conditions, the broader hospitality market, quality of life for workers, neighbors, and other residents, social services for future hotel employees. Non-environmental issues related to the merits of the proposed project are not relevant to the environmental review process under CEQA but may be taken into account by decision-makers during the project approval process.

H. DETERMINATION

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

Date

Bill Wycko
Environmental Review Officer
For John Rahaim, Director of Planning

I. LIST OF PREPARERS

Authors

Planning Department, City and County of San Francisco
Major Environmental Analysis
1650 Mission Street, Suite 400
San Francisco, CA 94103

Environmental Review Officer: Bill Wycko
Environmental Supervisor: Nannie Turrell
Environmental Planner: Carol Roos
Historic Preservation Technical Specialist: Angela Threadgill

Consultants

During Associates

120 Montgomery Street, Suite 2290
San Francisco, CA 94104
Stu During, Project Manager
Scott Edmondson
Morgan Gillespie
Sue Smith

Clement Designs (Graphics Design)

358 Third Avenue, Suite 100
San Francisco, CA 94118
Kathy Clement

LCW Consulting (Transportation)

3990 20th Street
San Francisco, CA 94114
Luba Wyznyckyj

McGrew Architecture (Historic Resources)

674 South Grenfall Road
Palm Springs, CA 92264
Patrick McGrew

Environmental Science Associates (Wind)

225 Bush Street, Suite 1700
San Francisco, CA 94104
Charles Bennett

Rockridge Geotechnical

4319 Piedmont Avenue, Suite 204
Oakland, CA 94611
Craig Shields

AEI Consultants (Environmental Site Assessment)

674 South Grenfall Road
Palm Springs, CA 92264
Patrick McGrew